

L. W. Parkinson ————— *H. G. Bask*

EAST AFRICA PROTECTORATE.

1105th C 302



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.

ELECTRIC POWER ORDINANCE, 1919.

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151. Report to the Legislative Council each year on applications and proceedings under the Ordinance.
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SCHEDULE.

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



East Africa Protectorate.

IN THE NINTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.
MAJOR-GENERAL SIR EDWARD NORTHEY,
K.C.M.G., C.B.
Governor.

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.

1919.] Date of Assent and Commencement.

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

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

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

"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 thereof.

"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.

"Deposit Map" means the map of the area of supply deposited with the Governor by the Licensee together with the License 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 License.

"Distributing License" means a License 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 License 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 "License" 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 License.

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

"Local authority" means any municipal local authority constituted under the provisions of the Municipal Ordinance, 1900 or any Ordinance amending the same.

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

"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 or 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 Licensee or Prior Licensee.

Application of Ordinance.

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

Prior Licensee.

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

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

Area or privileges of Prior Licensee cannot be extended.

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

Existing works of Prior Licensee subject to Ordinance and Regulations.

(b) The Prior Licensee and all his works for the purposes of his Prior Licensee 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.

New works of Prior Licensee subject to this Ordinance.

(c) All the works of the Prior Licensee for any of the purposes of his Prior Licensee being or which may be constructed, erected, installed or executed, at the time of or after the enactment of this Ordinance shall be subject in all respects

to the provisions of this Ordinance and to any 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 Licensee or Distributing Licensees, as may be required, for the area of supply named or defined by his Prior Licensee, and for a Local Generating Licensee for any generating station of such Prior Licensee from which the electrical energy for the purposes of his Prior Licensee 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 Licensee or Licensees as in (d) of this sub-section provided for or where the Governor-in-Council refuses such application the Governor-in-Council may by any Licensee or Licensees granted authorize any Licensee named therein forthwith to acquire compulsorily the works of the Prior Licensee under his Prior Licensee.

(f) In any case where the Governor-in-Council so authorizes a Licensee forthwith to acquire compulsorily the works of a Prior Licensee the price to be paid by the Licensee in respect of such works or of any part thereof shall be determined in the manner described in section 4 of section 34, as if the Licensee were an authorized Bulk Supply Licensee, and the Licensee so authorized to acquire compulsorily the works of the Prior Licensee shall be deemed to be a Bulk Supply Licensee, and shall be deemed to be subject to the provisions of (c) of the said 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, or supplying electrical energy shall be valued as to their contribution for the purposes of the Prior Licensee 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 Licensee under this Ordinance to a Prior Licensee in respect of any area or any part of any area named in a Prior Licensee, all the duties, obligations, liabilities, powers and privileges of whatsoever nature imposed or conferred by such Prior Licensee shall absolutely cease and determine, and such Licensee shall be held to be operating solely under the provisions of this Ordinance.

(8) 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 Licensee shall be held to include Prior Licensee.

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.

Licensee to apply for License within 6 months of enactment.

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

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

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

Restrictions as to generation supply and use of energy.

Licensee 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 License.

Authorized Distributor only may receive Bulk Supply.

Exemption for locomotives and vehicles and portable lighting.

Applications to be made in the manner hereafter prescribed.

Applications of public or local authority to have precedence over others.

Provision for application for Licenses within limits of economical transmission from existing works.

Not to restrict power of Governor-in-Council to grant additional Licenses in any area.

Bulk Supply Licenses may obtain other Licenses.

Prior License may not be transferred.

License may be transferred only if authorized in the License.

Grant of Bulk Supply License.

Period of Bulk Supply License.

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.

5. Application for a License, or for any authority consent or approval under this Ordinance, and every objection to the grant of any such License, 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.

6. Where two or more applicants make applications to the Governor-in-Council for Licenses 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.

7. No License shall be granted for any area which may be within the limits of economical transmission from any existing or authorized works for the generation of electrical energy until the License for such works shall have been given to opportunity for objection to the grant of such License, and for applications for extended powers for the supply of the area in question from existing or authorized works aforesaid; whereupon the Governor-in-Council, after enquiry as hereafter provided, may deal with such application or applications as he sees fit, provided that notwithstanding the purpose and intention in this Ordinance as expressed in this section nothing contained in this Ordinance or in any License or Prior License 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 Licenses under this Ordinance, in respect of the area (if any) or any part of the area (if any) named or defined in any such License or Prior License.

8. Nothing in this Ordinance shall prevent a Licensee applying for and subject to this Ordinance obtaining other Licenses for the generation, supply, or distribution of electrical energy in any area.

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 8 or the termination of his Prior License otherwise divest himself of any of the powers, rights, or obligations conferred or imposed upon him by his Prior License 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 License otherwise than under and in accordance with a provision contained in the License authorizing such a divestiture.

(2) Where any License 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 License shall not exceed the amount of his reasonable expenses in obtaining the License as may be decided by the Governor-in-Council.

(3) Where any License 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 License 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 License 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 License.

(2) A Bulk Supply License 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 License for its termination, make application to the Governor-in-Council for a renewal of such Bulk Supply License, provided that such application shall be made not less than three years before the date named for the termination of the License.

(5) 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.

(4) A Bulk Supply License 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 be included within the jurisdiction for other purposes of any such public or any such local authority.

(6) A Bulk Supply License 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 License, 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.

(8) 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.

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 License or as may be authorized by the Governor-in-Council as provided for by section 12B, shall lay, erect and install, 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 accessories 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.

Renewal of Bulk Supply License.

Local Authorities may operate Bulk Supply Licenses outside their districts.

Bulk Supply only to Authorized Distributors.

Matters to be considered in defining Bulk Supply area.

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

(3) Where such a notice is signed 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 arbitrator's 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 such for amount as will in the aggregate at the rates of charge therein 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 by 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.

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.

12. 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 public or local authority, or from a Bulk Supply Licensee, and after investigation it is considered to be impossible or inexpedient to provide for the necessary works as herein specified in that behalf, the Governor-in-Council, with the assent and consent of the Legislative Council, may undertake to

whole or in part the provision of any such works or of the funds necessary to defray the charges thereon or may guarantee such payments, upon such terms and conditions as the Governor-in-Council may consider necessary or expedient.

15. The Bulk Supply Licensee shall be wholly responsible for the proper maintenance, repair, and safe condition of all electric supply lines, apparatus and equipments 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.

19. 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 License of the Bulk Supply Licensee, or
- (b) In such other manner as the Governor-in-Council may approve

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, discontinuance, or interruption of the supply as aforesaid.

The payment of such damages by the Bulk Supply Licensee shall not indemnify him against the imposition 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.

18. (1) The Governor-in-Council may grant a Distributing License 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.

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

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

19. Where any Authorized Distributor is authorized by a Distributing License 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:—

Bulk Supply Licensee responsible for supply lines

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

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

Distributing License for local areas.

Authorized Distributor entitled to receive Bulk Supply.

Distributing License; period.

Provision of works of Authorized Distributor by local authority.

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

Guarantee.

Provision enabling Governor to provide electric supply lines and guarantee charges for same in loan or grant.

Local authority may apply for Licence.

(c) 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.

Application shall be granted in certain cases.

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

Application may be granted in certain cases.

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

Application entailing the division of an area of supply.

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

Objection by Authorized Distributor to division of 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.

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

(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.

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

(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.

Consumers to be in no way prejudiced.

(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.

Where local authority's application is granted, Authorized Distributor shall sell to them.

(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 works suitable 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.

(j) Subject to the provisions of (k) 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 of the application of the local authority the following provisions shall apply as to the works under the Local Generating Licence—

If Authorized Distributor holds a Local Generating Licence, local authority may purchase works.

(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 Licence 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 Licence may apply for the revocation of the Local Generating Licence and purchase the works of the Local Generating Licence, the Bulk Supply Licence 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 Distributor subject to the provisions in that 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 (j) (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 Licencees agree 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 Licence referred to in (j) (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 (j) (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 Licencees 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 Licencees 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.

20. Notwithstanding anything in the last preceding section or in section 184 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.

Power to vary terms of sale contained in last section.

Compulsory mains. Electric supply mains in distributing or local areas.

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), (a), (b), (c), 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 provisions shall have effect:-

Mains, &c. to be laid down in streets specified in Licence and in remainder of area of supply.

(a) The Authorized Distributor shall, within a period of years or such other period as may be stated in the Distributing Licence as to 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.

As to provision of mains required but not specified in Licence.

(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 in or along which he is not authorized to erect and construct works of an overhead system, he shall (unless the repairing authority consents to the breaking up thereof if necessary) forthwith apply to the Governor-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.

As to laying of electric lines under special agreement.

22. Where a public or local authority is not the Authorized Distributor the Authorized Distributor shall, 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, agree upon the local authority, and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric supply line so to be laid, a notice stating that the Authorized Distributor intends to lay the electric supply line, and setting forth the effect of this section, and if within that period any two or more of those owners or occupiers require that a supply shall be given to their premises, the necessary distributing main shall be laid by the Authorized Distributor at the same time as the electric supply line intended for the particular consumer.

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

23. (1) If the Authorized Distributor, not being a public or local authority, makes default in laying down or erecting any distributing mains in accordance with the provisions of the Distributing Licence within the periods prescribed in that behalf respectively, he shall be liable for each day during which the default continues, and if the Governor-in-Council is of opinion in any case that the default is willful 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.

(2) If a public or local authority is the Authorized Distributor, and 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, 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.

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.

Manner in which requisition is to be made.

(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.

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 same 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.

Provisions on requisition by owners or occupiers

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 the 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 until, 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 he has, after the expiration of fourteen days or such other period as the Governor-in-Council may approve after the delivery of the notice to the Authorized Distributor, 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 after the service of the requisition upon the Council may approve of such other period as the Governor-in-Council may approve of after the service of the requisition upon him, appeal to the Governor-in-Council and the Governor-in-Council, after such inquiry (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 requisition or 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 streets or parts of a street in respect of which the requisition is made, and to 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 sixty yards from any distributing main of the Authorized Distributor in which he is, for the time being, required to maintain or to maintain a supply of electrical energy for the purpose of supply to the premises, give a supply of electrical energy to those premises in accordance with the provisions of the Distributing Licence and of the 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 sixty feet from any distributing main of the Authorized Distributor, although not on that property, shall if the Authorized Distributor so requires, be defrayed by that owner or occupier.

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

(a) Serve a notice upon the Authorized Distributor specifying the premises in respect of which the supply is required, and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of the notice) upon which the supply is required to commence; and

Provision on requisition by a public or local authority.

Authorized Distributors to furnish sufficient supply of electrical energy to consumers of premises.

required by the Authorized Distributor, enter into a contract with him to continue to receive and pay for a supply of electrical energy for a period of at least two years amounting to the payment to be made for the supply of charge for the time being charged by the Authorized Distributor for a supply of electrical energy to consumers within the area of supply, shall not be less than the sum payable per annum on the outlay incurred by the Authorized Distributor in providing any electric supply required under this section to be provided by him for the purpose of the supply and, if required by the Authorized Distributor, shall give to him security for the payment to him of all moneys which may become due to him by the owner or occupier in respect of any electric supply lines to be furnished by the Authorized Distributor.

(c) In any case where any electric supply line required under this section to be provided by the Authorized Distributor has been laid or erected, or is to be laid or erected, by the Authorized Distributor and not by the owner or occupier, the owner or occupier shall not be entitled to demand that the meter or apparatus shall be placed at the premises requiring a supply of electrical energy, subject to the provisions of this section, and to the provisions of the Distributing Licence and of the Regulations, and the provisions of this Ordinance enter into a contract with the Authorized Distributor, it required by him to do so, and to the conditions of and the price to be paid for the supply of electrical energy to be made.

(d) Notwithstanding anything in the above mentioned provisions substituted in the owner or occupier of any premises requiring a supply of electrical energy from any other source, he shall be bound or to continue to be bound to receive a supply of electrical energy from an Authorized Distributor, and to pay to the Authorized Distributor a minimum amount, to be determined by the Authorized Distributor, for a reasonable return on the cost of the supply of electrical energy, and to pay to the Authorized Distributor a reasonable maximum amount, to be determined by the Authorized Distributor, for the cost of the supply of electrical energy, and that if the owner or occupier of any premises uses any form of apparatus, lamp, or other electrical energy supplied to him by the Authorized Distributor for any purpose, or deals with it in any manner, which is unduly or improperly with the efficiency of the supply of electrical energy to any other body or person by the Authorized Distributor, the Authorized Distributor may, if he thinks fit, require the owner or occupier of those premises to pay to the Authorized Distributor, or to the owner or occupier of those premises, a sum as the apparatus, lamp, or burner is so used, or the electrical energy is so used, dealt with.

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

(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 Authorized Distributor to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except upon one month's notice to the Authorized Distributor, and any expenses reasonably incurred by the Authorized Distributor in respect of the service lines by which electrical energy is supplied to the premises of that consumer, or of any fittings or apparatus of the Authorized Distributor upon those premises, consequent upon the alteration, shall be paid by him to the Authorized Distributor, and may be recovered 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.

Notice to be given to Licensee before removing.

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

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

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

Supply of energy to public lamps.

30. Where a public or local authority is not the Authorized Distributor, the Authorized Distributor shall, upon receiving reasonable notice from a public or local authority requiring him to supply electrical energy to any public lamps within the distance of seventy five yards from any distributing main of the Authorized Distributor in which he is for the time being required to maintain a supply of electrical energy for the purposes of supply under the Distributing Licence, or the Regulations, give and continue to give a supply of electrical energy to these lamps in such quantities as the public or local authority may require to be supplied.

Price for supply 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 mains, if any, which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district.

Penalty for failure to supply.

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.

(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 default is in 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.

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

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 to the area 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 Licence, 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.

(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.

Local Generating Licence.

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

May refuse Licence to generate if Bulk Supply is cheaper.

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 Supply 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.

(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:

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

- (c) (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 behalf from the Governor-in-Council to make a representation to the Governor-in-Council stating his objection to 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 notice 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 184.

(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 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 circumstances 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 License or 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 License or under the Distributing License.

- (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) 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 due to or has been caused only in part by 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 so due as aforesaid, award such sum of 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 circumstances as to whether they are in a condition as to be ready for immediate working and to the quantity of the same for the purposes under the Local Generating License, and the sum or valuation of such works or any of them 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 License a reasonable profit on the capital expended on the works under the Local Generating License 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 any claim relating to any such profits or in respect of any other profits which might have been made on the works under the Local Generating License, 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 License and that the failure to obtain such reasonable profit was or is due to or has been caused only in part by 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 so due as aforesaid, award such sum in respect of such claim as he thinks fit, provided that any sum so awarded shall not exceed the amount which when added to the total of the 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 License 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 License in lieu of the supply generated by him under his Local Generating License 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 License 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 License, 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 as aforesaid and notwithstanding any statement made in any statements of accounts under the Local Generating License or the Distributing License 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 License or to the works for the supply of electrical energy under the Distributing License, and to any matters relating to the accounts or to the disposal of moneys received by the Licensee under the Local Generating License or the Distributing License and to any matter relating to the supply of electrical energy under the Local Generating License or the Distributing License and to the price or prices charged for any such supply and to any method of sale 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 License 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 License 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 License or may disapprove of such price or prices and may state in lieu thereof such other price 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 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 or such shorter period as may be approved by the Governor-in-Council or not exceeding the next succeeding period when the price or prices charged by the Bulk Supply Licensee shall be altered under the provision of section 69 whenever shall first occur.
- Nothing contained in this sub-section shall preclude the Authorized Distributor from the benefits to which he may be entitled under the provisions of section (3) of section 71 or if any price payable by the Authorized Distributor to the Bulk Supply Licensee for each supply of electrical energy by the Licensee for 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 supply, the demand and supply referred to in the sub-section (2) of section 71 shall be deemed to be different, and the price payable by the Bulk Supply Licensee for the supply of electrical energy to the Authorized Distributor shall be determined by the Governor-in-Council or not exceeding the next succeeding period when the price or prices charged by the Bulk Supply Licensee shall be altered under the provision of section 69 whenever shall first occur.
- (viii) 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 a notice 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 License 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, or, 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 authorised by the Governor-in-Council to do so.

Licensee 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 in cases where the Licensee is not a public or local authority:—

Security for execution of works.

(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 show 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 Licensee, 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.

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.

Provision as to separate accounts, for each undertaking

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 to be in prescribed form.

(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.

Accounts of Licensees operating at passing of this Ordinance.

43. The following provisions shall apply as to the audit of accounts where the Licensee is not a public or local authority:—

Audit of Licensees' accounts.

(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, unless 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 audits shall be made and conducted, or otherwise for the purposes 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.

43. 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 Licensee, 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 Licensee, 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, really 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 not used 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 this sub-section.

- (b) In payment of the interest or dividend on any mortgage, stock, or other securities granted and issued by the Licensee in respect of money borrowed for the purposes of the Licensee.
- (c) In providing any instalments or sinking fund required by the Licensee to be provided in respect of capital moneys borrowed for the purposes of the Licensee.
- (d) In payment of all their other expenses of executing the the Licensee, 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 by the Licensee, and investing the money, and the resulting income thereof in British or Colonial Government securities, or in any other securities in which trust is laid by law for the time being authorized to invest or in 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 Licensee to one-third, and in the case of a Distributing Licensee to one-tenth, of the aggregate capital expenditure on the undertaking.

Application of money received by public or local authorities as Licensees.

(f) The reserve fund shall be applicable to answer any deficiency at any time happening in the income of the Licensee from the undertaking, but so that if that fund is at any time reduced it shall thereafter be again restored to the prescribed limit, and so on as often as the reduction happens.

(g) The reserve fund, in the case of a Bulk Supply Licensee, may be used and employed subject to the provisions of sub-section (f) of section 43.

(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 Licensee.

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 surplus available for the charge for the supply of electrical energy as shall reduce the surplus to a rate of profit equal to two and a half per centum.

(3) All moneys arising from the disposal of lands acquired by the Licensee for the purposes of the Licensee 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 Licensee.

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 formation of the price of the shares, shall have effect:—

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

(1) During the initial period of construction and during other periods of construction of extensions or transmitting works, interest on the amount of the paid up capital, as may be separately and from time to time authorized by the Governor-in-Council, may be paid out of such capital and

(2) Any interest so allowed to be paid out of capital may be in the case of debenture shares, mortgages, or bonds, at the rate specified 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 three 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 Licensee.

(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 shown 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 after the remaining, may be paid to the credit of the net revenue as profit, to be available for further distribution.

(6) When payment shall have been made, or made of all expenses in respect of the undertaking, (not including 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

- (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.

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

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 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.

Penalty on default by company or person.

(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, then 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.

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

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 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 may impose, and such consent shall not be unreasonably withheld.

(2) Where such consent is refused or withheld the Licensee may apply to the Governor-in-Council as hereinafter 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.

Governor may authorize Licensees to erect and maintain telephones or signalling lines for operation of supply system.

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.

(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 80 days' notice with such particulars as the Governor may approve of his intention to make such application.

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

(4) Where any authority has been so granted any person 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. Penalty to abuse of powers.

(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.

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 thing being, be included in the area of supply and be upon land dedicated to public use. Powers for the execution of 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 Licensee, 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. Overhead lines, streets, railways, tramways, rivers, canals, and harbours on which Licensee is authorized by Licence to construct works.

(2) Nothing in the Licence shall authorize or empower the Licensee to break up or interfere with any street or part of a street or construct works in, over, under or upon any railway, tramway, river, canal or harbour (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 Licensee; without the consent of the authority, body, or person by whom that street is repaired, 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. Authority for above works to be obtained if not authorized in Licence.

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. Street boxes.

(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 License, 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 connected 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.

Overhead works.
Notice to be given by Licensee.

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 purposes 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:—

(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 showing the proposed routes and locations of all electric supply lines and sub-stations;
- (iii) a drawing showing 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 License 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 such 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 this License and this Ordinance.

(f) Provided that where the Licensee is authorized to erect and install 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 add to under the provisions of the License 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 apply 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 shewing the mode and position in which the works are intended to be executed, and the manner in which it is intended that the street or bridge, or any sewer, drain or tunnel, therein or thereunder, is to be interfered with; and shall upon being required to do so by the repairing authority, give such further information in relation thereto as desired.

(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 notices by the Licensee, the repairing authority shall be deemed to have approved the works, plan, and specification.

(e) Notwithstanding anything in the Licensee 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 Licensee 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 Licensee 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.

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:

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

(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 Licensee 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 Licensee 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 so 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 License 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 License or this Ordinance) make full compensation to the owner affected thereby for any loss or damage which he may incur by reason thereof, and in addition thereto he shall be liable for each default to a penalty not exceeding one hundred and fifty rupees 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.

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

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 License, 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.

(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 License 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.

(3) If the giver of the notice 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 receive 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 License 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.

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 License; 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 Government 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

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

alterations, together with a plan and specification showing 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 Licensee, 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 manner in which the alterations are required to be commenced.

(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 require any operator, not being a public or local authority, to be held responsible for the safety of any person employed by him in executing the works mentioned, and where any operator, not being a public or local authority, gives security, he shall not be entitled to require any person employed by him to undertake, nor to serve any person with any work, until such security has been duly given, or in the amount of security to be given is referred to and settled as hereafter provided.

(k) If the operator makes default in complying with the requirements or restrictions of this section, in addition to any other compensation or damages which he may be liable to make under the provisions of the Ordinance, he shall be liable to make full compensation to the owner for any loss, damage or penalty 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 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.

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

(m) 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.

(n) 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.

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

(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 twenty-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, syphon, 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.

For protection of railway and canal authorities of municipalities.

62. In the exercise of any of the powers of the Licensee 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 telegraphic and telephone wires.

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

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

supply line, and the manner in which the electric supply line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to, and manner in, which (if at all), earth returns are proposed to be used; and any owner entitled to receive that notice may serve a requisition on the Licensee requiring him to adopt such precautions as may be therein specified in regard to the laying, erecting, placing, or use of the electric supply line for the purpose of preventing injurious affection; and the Licensee shall conform with such reasonable requirements as may be made by the owner for the purpose of preventing the communication through the wire or line from being injuriously affected as aforesaid.

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

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

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

64. (1) Where in any case any electric supply line or other work may have been laid down or erected in, over, along, across, or under any street, for the purpose of supplying electrical energy, or may have been laid down or erected in any other position for such purpose in such a manner as not to be entirely enclosed within any building or buildings, or where any electric supply line or work so laid down or erected may be used for such purpose otherwise than under and subject to the provisions of a Licence, the Governor-in-Council if he thinks fit, may, by notice in writing to be served upon the body or person owning or using such electric supply line or work, require that such electric supply line or work shall be maintained and used only in accordance with such conditions and subject to such Regulations for the protection of the public safety and of the electric lines and works of the Postmaster General, and of other electric lines and works lawfully placed in any position and used for telegraphic, telephonic or signalling communication, as the Governor-in-Council may by or in pursuance of such notice prescribe; and in case of non-compliance with the said Regulations the Governor-in-Council may require such body or person to remove such electric supply line or work.

Restrictions as to placing of electric lines, &c.

(2) If any body or person fails to comply with the requirements of any notice which may be served upon them or him under this section, such body or person shall be liable to a penalty not exceeding three hundred rupees for every such offence, to be recovered summarily, and any Court of competent jurisdiction, on complaint made, may make an order directing and authorising the removal of any electric line or work specified in such notice by such person and upon such terms as the Court may think fit.

65. (1) At all times during the progress of any works, constructions, or excavations in or under any street or part of any street, the Licensee, operator, or owner, as the case may be, carrying out or executing such works shall provide such fences,

Fencing and lighting excavations, works, &c.

guards and lights as may be reasonably necessary in the opinion of the authority having control or management of the street or part of the street for protecting the public from any danger arising or likely to arise from such works, shall on completion of such works, constructions, or excavations remove all debris or rubbish then remaining and shall for three months after the date of the reinstatement by him of any part of any street maintain the surface of such part in an efficient state of repair and for twelve months after such date maintain any such part of any street as regards subsidence, all to the reasonable satisfaction of the said authority.

Penalty for delay in reinstating streets, &c.

(2) If the Licensee, operator, or owner, as the case may be, opens or breaks up any street or bridge, or any sewer, drain, tunnel, place or work and makes any delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain, tunnel, place or work so opened or broken up, or in carrying away the rubbish occasioned thereby, or if he neglects to cause the place where such road or pavement, sewer, drain, tunnel, place or work has been opened or broken up to be fenced, guarded, and lighted, or neglects to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, he shall forfeit to the authority or person having the control or management of the street, bridge, sewer, drain, tunnel, place or work in respect of which such default is made, a sum not exceeding seventy-five rupees for every such offence, and he shall forfeit an additional sum of seventy-five rupees for each day during which any such delay as aforesaid shall continue after he shall have received notice thereof.

In case of delay, other parties may retaliate and recover the expenses.

(3) If any such delay or omission as aforesaid takes place, the authority or person having the control or management of the street, bridge, sewer, drain, tunnel, place or work in respect of which such delay or omission shall take place, may cause the work, so delayed or omitted, to be executed, and the expense of executing the same shall be repaid to such authority or person by the Licensee, operator, or owner, as the case may be, and such sum or expense may be recovered summarily as a civil debt.

Licensee to be responsible for all damages.

66. The Licensee, operator, or owner, as the case may be, shall be answerable for all accidents, damages, and injuries happening through his act or default, or that of any person in his employment, by reason of or in consequence of any of his works, and shall adequately protect all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants, from all damages and costs in respect of these accidents, damages, and injuries.

Licensees not exempted from proceedings for nuisance.

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

Methods of charging.

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

- (a) By the actual amount of electrical energy so supplied; or
- (b) By the electrical quantity contained in the supply; or
- (c) By such other method as may for the time being be approved by the Governor-in-Council.

(2) Provided that where the Licensee charges by any method so approved by the Governor-in-Council any consumer who objects to that method may, by one month's notice in writing require the Licensee to charge him at his option by the actual amount of electrical energy supplied to him, or by the electrical quantity contained in the supply, and thereafter the Licensee shall not, except with the consumer's consent, charge him by any other method.

69. (1) The prices to be charged by the Licensee for electrical energy supplied by him shall not exceed those stated in that behalf in the Licence, or in the case of a method of charge approved by the Governor-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) as 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 rights 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, the 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.

(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.

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

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.

Supply may be cut off on failure to pay charges.

Provided that where any company, person, or body of persons has given to the Licensee a deposit as security for payment for a supply of electrical energy, the Licensee shall not be entitled to discontinue such supply until the sum due to him for that supply shall equal 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 payments be due to the Licensee in respect of supply to the premises in respect of which such supply is demanded or in respect of other premises.

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.

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

(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 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.

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.

Power to refuse to supply electrical energy in certain cases.

Appointment of Electric Inspector.

Duties of Electric Inspectors.

Notice of accidents and enquiries by Governor.

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 points other than those at which the Licensee has reserved for himself access to the said electric supply lines or mains: Provided that the Licensee shall not be held responsible for any interruption of 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 mains.

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.

Testing of works and supply on consumer's premises.

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 with the discharging mains, and supply electrical energy thereto for the purpose of the testing.

Authorized Distributor to establish testing stations.

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.

Licensee to keep instruments on their premises.

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.

Reading of instruments to be taken.

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

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

Electric Inspector may test Licensee's instruments.

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.

Representation of Licensee at testing.

Provided that where any company, person, or body of persons has given to the Licensee a deposit as security for payment for a supply of electrical energy, the Licensee shall not be entitled to discontinue such supply until the sum due to him for that supply shall equal 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 payments be due to the Licensee in respect of supply to the premises in respect of which such supply is demanded or in respect of other premises.

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.

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

(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.

Notice of accidents and enquiries by Governor.

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.

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.

Power to refuse to supply electrical energy in certain cases.

Appointment of Electric Inspectors.

Duties of Electric Inspectors.

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 points other than those at which the Licensee has reserved for himself access to the said electric supply lines or mains: Provided that the Licensee shall not be held responsible for any interference with 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.

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.

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

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

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

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

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

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

Testing of mains.

Testing of works and supply on consumer's premises.

Authorized Distributor to establish testing stations.

Licensee to keep instruments on their premises.

Reading of instruments to be taken.

Electric Inspector may test Licensee's instruments.

Representative of Licensee at testing.

Licenses to give facilities for testing.

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.

Report of Electric Inspector for testing.

86. (1) Every Electric Inspector shall immediately following that one meter is completed by him under this Ordinance, submit a report of the results of his testing to the person by whom he was required to make the same to the Licensee, and that report shall be receivable in evidence.

(2) If the Licensee or any such authority or person is dissatisfied with any report of any Electric Inspector, appeal may be made to the Governor-in-Council against the report, and thereupon the Governor-in-Council shall enquire into and decide upon the merits of the appeal, and his decision shall be final and conclusive.

Expenses of Electric Inspector.

87. 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 Governor-in-Council as the case may be, and shall be recovered summarily as a civil debt.

88. Where the report of an Electric Inspector, made to the Governor-in-Council, shows that the consumer was guilty of any default or negligence, the expenses shall, on being ascertained as aforesaid, be paid by the party guilty of default or negligence to the Governor-in-Council, by whom the fees are ascertained, having regard to the report or decision, direct, and shall be recovered as a civil debt, summarily.

89. Provided also, that in any proceedings for penalties under this Ordinance, the fees and expenses of an Electric Inspector in connection with the proceedings shall be payable by the plaintiff or defendant as the Court may direct.

Meters by act.

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

Certification of meters.

89. A meter shall be considered to be duly certified under the provisions of this Ordinance and of the Licensee 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 hereinafter 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.

90. 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 application 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 it is entitled to be so certified.

91. Where the value of the supply is under the provisions of this Ordinance to be ascertained by means of an appropriate meter or meters, the Licensee shall supply such meter or meters, or it or them upon suitable premises and connect the same therewith, and if so required, cause the meter or meters to be duly certified under the provisions of this Ordinance; and these purposes he may authorize and empower any 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 provisionally supplying any 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 declines 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.

92. (1) In any case where the maximum demand of any consumer equals or exceeds two hundred kilo-volt-amperes, 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, and one of such meters shall be the property of the consumer, 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.

(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 mean 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 followed for the determination of the accuracy of the meters, as set forth above. In case of dispute, the matter shall be referred by either party to an Electric Inspector, as provided in section 93.

93. The Licensee shall not, without the consent of any consumer, connect or disconnect any meter to be used for ascertaining the value of the supply with or from any electrical energy is supplied to the Licensee, unless the consumer has given to the other not less than forty-eight hours' notice.

Meters not to be connected without notice.

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

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

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 Licensee, 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 supply lines, and works, let on hire, though fixed to premises, to remain property of Licensee.

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 in a conspicuous place thereof, or a distinguishing brand or other mark conspicuously impressed or made thereon, sufficiently indicating the Licensee as the actual owner thereof.

(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.

Where any person contracts to supply electricity to any premises, he shall not be liable for any damage to the premises or to any property therein, unless such damage is caused by his negligence or want of skill.

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.

When damage to works or extinguishing of lights. Penalty.

106. (1) Any person who shall wilfully extinguish or cause to be extinguished any public lights or lamps, or waste or improperly use any of the electrical energy supplied by the Licensee, shall for each such offence forfeit to the Licensee any sum not exceeding seventy-five rupees, in addition to the amount of the damage done.

Careless or accidental damage to works. Licensee.

(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.

107. Any person who wilfully, fraudulently or by culpable negligence injures or permits to be injured any works of the Licensee, or alters the index of any meter for ascertaining the value of the supply, or prevents any such meter from duly registering the value of the supply, or fraudulently abstracts, counterfeits, 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, or 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 entitled to forfeit and damages for injury to works, together with meter or transformer use of energy.

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.

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

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

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

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.

Standardisation.

(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 License 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.

(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 Licensee 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.

Map of area of supply to be made.

Notices, etc., may be printed or written.

112. (1) Any notice, order, or document required or Service of notices, &c. authorised 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 Licensee 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 Licensee or other body in the area named in the Prior Licensee 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 Licensee or the Prior Licensee, 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.

(3) A notice, order, or document required or authorized by this Ordinance or the Electric Supply Line Ordinance, 1914, or the Licensee, 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 Licensee, 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 Licensee 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 Licensee 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 Licensee, has reason to believe that the Licensee has made any default in executing works or supplying electrical energy in accordance with the provisions of this Ordinance, 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 Licensee, the Governor-in-Council may after such enquiry as he may think necessary, revoke that Licensee.

Revocation of License where Licensee are insolvent.

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

114. If in any case where a public or local authority is not the Licensee, the Licensee at any time after the commencement of the Licence represents to the Governor-in-Council that 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 where public or local authority are Licensees and works are not executed.

115. If in any case where a public or local authority is the Licensee, the Governor-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 of Licence with consent.

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.

If Licensee discontinues the supply Government may operate same.

117. (1) If at any time any Licensee shall, without the authority of the Governor being first had and obtained in writing, discontinues, or make default in, the supply of electrical energy 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.

(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 Licensee 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 consumer, 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 incumbent on 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.

Revocations not to entitle Licensee from liability for damages and penalties.

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.

(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.

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 have effect:—

Provisions where Licensee revoked.

(a) The Governor shall serve a notice of the revocation of the Licence, 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.

Notice of revocation.

(b) Within two months after the service of the notice by the Licensee, and 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 may apply for a Licence.

(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.

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

(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.

(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.

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

(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 purchase 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).

Conditions as to purchase.

(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

Removal of Licensee's works where no sale is effected.

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.

(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 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 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.

120. (1) If the Governor-in-Council, in a case where a public or local authority is the Licensee, at any time revokes the Licensee 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.

(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

- (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 not in accordance with the provisions

(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 may, revoke the Licensee on such terms as he thinks fit.

122. Where any security, other than the security required by section 40, is given by the Licensee under the provisions of section 40, required under this Ordinance to be given to or by the Licensee, such security may be by way of deposit or otherwise; and of such security as may be agreed upon between the parties, or as in court as may be determined, on the application of either party, by the Governor or by a Court of competent jurisdiction. The Governor or that Court may also order by which the costs of the proceedings before them shall be borne, and the decision of the Governor or of the Court shall be final and binding on all parties.

Nature and amount of security.

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 delegated by the Governor-in-Council to the Power Board provided for by section 147 and all things required or authorized by these enactments or a Licensee to be done by, to or before the Governor-in-Council or the Governor, may in respect of the powers so delegated, be done by, to or before the Power Board.

Proceedings upon reference to the Governor or his Deputy.

(2) Any of the powers under this Ordinance or under the Electric Supply Line Ordinance, 1914, vested in the Governor may be delegated 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 Licensee to be done by, to or before the Governor, may, in respect of the powers so delegated, 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 in his order or act, as the case may be, shall be conclusive evidence of the order or act so certified.

124. (1) Where this Ordinance or the Electric Supply Line Ordinance, 1914, or a Licensee 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.

Approval or consent of Governor.

(2) All costs and expenses of the 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 enquiry or test for the purpose of determining whether the same should be given or not) or 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 necessary to 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 the provision in this Ordinance to the contrary before making any application to the Governor-in-Council.

(a) to authorise consent, or approval, or the altering or varying of any provisions contained in the Ordinance or Licence which it is intended by the applicant to be altered or varied.

(b) for any authority, consent, or approval required by this Ordinance or Licence.

(c) to authorise any authority, company, person or body of persons to publish any notice, or to do any other thing, under this Ordinance or Licence, or to refuse or withhold any approval.

(d) for the revocation of any Licence, or of any part of such Licence, or for the alteration of any area included in any Licence.

(e) for the revocation of any Licence, or of any part of such Licence, or for the alteration of any area included in any Licence, or for the alteration of any area included in any Licence.

(2) Every such advertisement shall be published in each of two consecutive weeks in the Official Gazette, and in at least one 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 Licence 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.

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

(5) The application addressed to the Governor-in-Council shall be printed or typed and must be signed or sealed as may be 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 objection and any representation or objection which has been made respecting the same and may make or order such amendments to the application as he thinks fit, or may refuse or grant the application with or without such amendments as he deems expedient.

(7) Where any application for a Licence is made, the applicant shall give notice by public advertisement of the intended application not more than 30 days, and not less than 10 days, before the application is to be made.

(8) Every such advertisement shall be published in each of two consecutive weeks in the Official Gazette, and once at least in each of two consecutive 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 proposed area of supply for which the Licence is required;

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

(f) the nature 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 authorise 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 generation of any power used for any of the purposes of the generation of 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 or objection, 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.

(9) 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.)

(10) 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.

Notice of application for Licence.

Draft Licence and particulars to be contained therein.

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.

(vii) power other than for industrial, domestic or public purposes.

(viii) 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 directors of the combination, for the appointment and removal of members and for the meetings of the committee or board of management or other directors 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 directors, and any of the constituent authorities.

(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 directors proposed to be constituted.

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

for 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.

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.

(7) 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 hereinafter 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.

Articles and particulars to be deposited with the application.

(d) 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.

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

Procedure on consideration of and granting a Licence.

159. (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 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.

Procedure when land is to be acquired compulsorily.

180. (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.

(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 as to the application or to the grant of the powers applied for, may do so by letter addressed to the Governor-in-Council 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 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.

181. (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.

Procedure for a Licence application for a Licence to construct a Generating Station.

(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 of 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.

(8) 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.

(9) 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.

152. (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 making of the application, on or before the date stated in the notice (if any) to be given, as being, and which shall be the date of the application.

(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.

153. Where the Governor-in-Council,

(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.

154. (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 Licence 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 circumstances as to whether they are in such a condition as to be ready for immediate working, and to the

Form of application and fees

Grant or revocation of a Licence to be advertised.

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 less 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.

155. (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.

Arbitration.

(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.

Matters for arbitration may be referred to the Governor.

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

Costs of reference or arbitration.

156. 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:

As to mortgages.

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.

157. 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.

Agreements made by Licensee invalid unless approved by Governor-in-Council.

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.

Exception of special motive power agreement of Prior Licensee.

158. (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 his works or system of a Licensee.

Licensee not to engage in other business.

(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 License or Prior License 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 or payable to or shall be paid out of any money received by or payable to the Licensee or Prior Licensee under his License or Prior License except in so far as is stated in the License or Prior License 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.

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

130. Nothing in this Ordinance or a License 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 License.

141. Although any shore, bed of the sea, river, channel, creek, bay, or estuary is included in the area of supply, nothing in the License 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 License 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.

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.

(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.

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

Recovery and application of penalties.

Provision as to General Ordinance.

Saving rights of the Crown in the foreshore.

Governor may make rules.

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.

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,

the grounds of objection, and

the reasons, 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 so to do 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 the manner as an original draft.

(4) Where if 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, immaterial, or opposed to the public interest, before making that Regulation, direct an enquiry to be held in the manner hereinafter provided.

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 appointed by the Governor-in-Council to hold an enquiry, and any other person who, in the course of the enquiry, 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 swear 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 therein 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.

146. (1) The Regulations for the time being in force shall within one month after they have come into force, be made or amended, 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 ten rupees.

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.

Regulations to be laid before Legislative Council.

Procedure for making Regulations.

Enquiry to be held in public.

Publication of Regulations.

Appointment of a Power Board.

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 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 ten dollars.

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 is expedient or necessary to suspend or modify the provisions of the Ordinance as enacted in this Ordinance, it is provided that the Governor-in-Council having regard to the purposes and intentions of the 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 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 Licensee and to a Local Generating Licensee) and to the price of a supply when available, from a Licensee, the cost of the supply by such public or local authority shall be not less than the cost of the supply by such Licensee or as will equal or exceed the capital expended or unredeemable capital expended on such authority provided that the authority shall be subject to the provisions of this Ordinance as if they were works of a Licensee or a Local Generating Licensee.

(b) Where it is shown to the satisfaction of the Governor-in-Council that by reason of the abnormal conditions existing at the time of the issue of a License or Prior License it is expedient or necessary to suspend or modify the provisions of this Ordinance or of his License or Prior License, in any 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 to which any such supply (if any) shall be given provided that 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 License or Prior License as the case may be.

Penalty when not otherwise expressed.

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

Power to suspend or modify provisions on account of war.

(c) Notwithstanding the provisions of this Ordinance, the Governor-in-Council may at any time made as provided in section 125 (if any) as he may think fit, if he considers that such abnormal conditions exist or are about to exist, to vary the provisions of this Ordinance or any part thereof or to suspend or modify any such provision or to suspend or modify any such provision as may be mentioned in the charge stated in a License or Prior License of the aforesaid abnormal conditions, or to suspend or modify any such provision for any time during the continuance of such abnormal conditions.

(d) Where any statement is given to the Governor-in-Council, other than a Public Supply Licensee or a Distributing Licensee, or for any authority relating to the compulsory acquisition of any land for the purposes of a public supply, or for the alteration of the price of the supply of electricity, the Governor-in-Council may, if he considers that the exigency of the situation due to the abnormal conditions necessitates such action, to give notice (other than in the form of a License or Prior License) and substitute such provision as in his opinion may be necessary.

(e) (i) For the purpose of mitigating the effects of the aforesaid abnormal conditions, the Governor-in-Council may modify the provisions contained in clause (a) (i) of section 4 in relation to 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 License or Prior License.

(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 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, specified 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.

(i) The Governor-in-Council may also for the purpose of maintaining or ameliorating the supply of the Provincial electrical conditions approved by modify the provisions of section 121 in that respect and authorize a Licensee or Prior Licensee with due regard to his obligations within the area defined in his License or Prior License 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 to the authority of the Governor-in-Council as they are modified under the provisions of this section shall be substituted for the provisions of section 125, 127, 128 and 129 relating to an application of the Governor-in-Council for a License which would be necessary under normal conditions by the provisions of the said section 89.

(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 License or Prior License 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.

(3) (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 126 and shall be considered together with any representations (written or objection thereto as if it was an application under (c) or (b) of sub-section (1) of the said section 126.

(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 notice required to be given by an applicant under section 125 or in the two preceding sub-sections contemplating, stating the provision the suspension or modification of which it is intended to revoke or remove and any other particulars mentioned 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 126, concerning the intention of the Governor-in-Council referred to in the notice.

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

127. 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 and proceedings of the Governor-in-Council under the Ordinance during the year then last past.

128. The Electricity Act Application Ordinances, 1906, (No. 18 of 1906) 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 or local authority as provided by section 82.

ELECTRIC POWER ORDINANCE, 1919.

The Electric Power Company, Licensee.

Statement of Share Capital Appropriated for the Purpose of the Undertaking Authorized by the above-mentioned Licensee.

No. I.	Description of Capital.	Authorized by	Number of Shares Issued.	Nominal amount of Shares.	Called-up per Share.	Total Paid-up.	Total Amount Authorized.	Year ending 19...	
								Remaining Un-issued.	Total Amount Authorized.

Statement of Loan Capital Appropriated for the Purpose of the Undertaking Authorized by the above-mentioned Licensee.

No. II.	Description of Loan.	Amount Borrowed		Total Amount of Borrowing Powers.
		At ... per cent. ... per cent.	Total.	

Total Share Capital Paid-up, see No. ...
 Total Capital Borrowed, see No. ...
 Total Capital authorized ...

GENERAL BALANCE SHEET.

No. VIII.

Dr.

DEBITORS.

1. To capital account: Amount received as per Account No. II.
2. To sundry tradesmen and others, due on consumption of plant and machinery, fuel, stores, &c., to..... 14
3. To sundry creditors on open accounts
4. To net reserve account: Balance at credit thereof
5. To reserve fund account (if provided)
6. To depreciation fund account
7. To other items (to be specified)

Cr.

Rs.

ASSETS.

1. By capital: Amount expended for works as per Account No. II
2. By stores on hand at
- Coal or coke
- Oils, tallow, &c.
- General
3. By sundry creditors for amounts paid on account of contracts in course of completion
4. By provision for depreciation
5. By sundry other items (to be specified)
6. By cash at bankers:—

Measrs.

Measrs.

Rs.

149 8

CAPITAL ACCOUNT.

For the Year ending

CR

To Expenditures to	Total Expenditures during the Year		Total Receipts up to the Year	Total Receipts to
	Dr	Cr		
To Expenditures Since that Date				
1. To land, including law charges incidental to acquisition				
2. To value of lands belonging to authority appropriated for electrical purposes				
3. To building				
4. To machinery				
5. To hydraulic works, cost of erecting or buying the same, and services in connection therewith, etc.				
6. To material used for erecting under the works				
7. To other items (to be specified)				
8. To other items (to be specified)				
9. To other items (to be specified)				
10. To general stores (such as mains, lamps)				
11. To purchase of patents or rights				
12. To interest on sinking fund of value of lands sold, or to the reduction of principal of borrowed money from the sale of lands sold and not entered in this account				
13. To other items (to be specified)				
Total Expenditures	Dr	Cr	Dr	Cr
To Balance of Capital Account				
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)				
Total Receipts	Dr	Cr	Dr	Cr
To Balance of Capital Account				

Provision for depreciation of capital is made by a debit to Balance of Capital Account transferred to Depreciation Fund Account No 17.

REVENUE ACCOUNT.

For the Year ending

Dr

To Expenditures to	Total Expenditures during the Year		Total Receipts up to the Year	Total Receipts to
	Dr	Cr		
4. To GENERATION OF ELECTRICAL ENERGY				
1. To value of coals or other fuel, including dues, carriage unloading, storing, and all expenses of placing the same on the works				
2. To oil, water, vapor and engine-room stores				
3. To proportion of salaries of engineers, superintendents and officers as certified by the Manager or Engineer				
4. To wages at generating stations				
5. To repairs and maintenance as follows— Buildings Hydraulic works (Pumps, Jumps, Gates, etc.) Engines, boilers Dynamos, exciters, transformers, motors, etc. Other machinery, machinery, tools, and accessories				
6. Less received for old material				
7. To other items (to be specified)				
8. B.—To ELECTRICAL ENERGY PURCHASED				
1. From Bulk supply licensee				
2. From Local Generating Licensee				
3. To Depreciation of ELECTRICAL ENERGY				
4. To proportion of salaries of engineers, superintendents and officers, as certified by the Manager or Engineer				
5. To wages and other remuneration to linemen, fitters, labourers				
6. To repairs, maintenance, and renewals of mains of all classes, including materials, and erecting or laying the same				
7. Less amounts refunded				
8. To repairs, maintenance, and renewals of transformers, motors, switches, fuses and other apparatus on consumer's premises				
9. To other items (to be specified)				
10. To repairs, maintenance and renewals of apparatus at distributing stations				
Total Expenditures	Dr	Cr	Dr	Cr
To Balance of Revenue Account				
1. By balance from last account				
2. Less bad debts written off				
3. By Sale of electrical energy per meter at per Kwhr				
4. By Sale under contracts				
5. By public lighting				
6. By rental of meters & other apparatus on consumers' premises				
7. By sale and repairs of lamps, etc. or hire and descent				
8. By sale and repairs of other apparatus				
9. By royalties, licences, etc.				
10. By fees for inspection of maps				
11. By other items (to be specified)				
Total Receipts	Dr	Cr	Dr	Cr
To Balance of Revenue Account				

Carried forward

REVENUE ACCOUNT.—Continued.

No. III. (Contd.)

	Rs.	P.	As.
D.			
B.—TO PUBLIC WORKS			
1. To attending and repairs ...			
2. To purchase of lamps ...			
C.—TO ROYALTY, ETC.			
1. To royalties, etc., payable for use of patents or plant processes (to be specified) ...			
F.—TO RENTS, TAXES AND FINES			
1. To rents payable (to be specified) ...			
2. To fines and taxes (to be specified) ...			
G.—TO MISCELLANEOUS INCREASES			
D			
1. TO SALARIES, ETC.:			
Engineers' Depreciation ...			
Accountant and Clerical Staff ...			
2. To Salaries or commissions of Collectors ...			
3. To stationery and printing ...			
4. To general establishment charges ...			
H.—To LAW, AND CHARGES ...			
1. To law expenses ...			
Brought forward ...			
Carried forward ...			

REVENUE ACCOUNT.—Continued.

No. III.—Contd.

	Rs.	P.	As.
Dr.			
I.—TO DEPRECIATION:			
1. To depreciation at Generating Station in respect of household 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 household 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 insurance, 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 ...			
Brought forward ...			

NET REVENUE ACCOUNT

Dr.

No. V.

Dr.

1. To interest on mortgage debt accrued due to date
2. To instalments of principal of money borrowed
3. To amount transferred to sinking fund where such fund is authorised by the Licence
4. To expenses of creating the Licence not included in II, and not chargeable to capital
5. To payments to reserve fund

To balance carried forward

- By balance brought over from last account
- By amount brought from Revenue Account (No. III)
- By amount of money at disposal

No. VI.

Dr.

SINKING FUND ACCOUNT.

Cr.

1. To amount paid for purchase of investment
 2. To stock sold during period of ...
 3. To amount of principal of ...
- To amount of ...

Stock.

Rs.

Rs.

Stock.

Rs.

Rs.

1. By balance brought from last account
2. By amount brought from sinking fund account
3. By amount brought from Net Revenue account
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

SINKING FUND ACCOUNT.

Cr.

	Stock.	Rs.	Rs.	Stock.	Rs.
1. For purchase of investment ...					
2. ...					
3. ...					
4. ...					
5. ...					
6. ...					
7. ...					

1. By balance brought from last account
2. By amount brought from Depreciation fund account
3. By amount brought from Sinking Fund revenue account
4. By interest on investments (Description of investments to be specified)
5. By value of lands transferred from Account
6. By amount realized by sale of stock (nature of stock to be specified)
7. By stock purchased

Cr.
72 0

... investment ...
... said ...
... amount of ...

FUND ACCOUNT

No. VII

Dr.

	Rs.	Stock	Rs.
1. To amount paid for purchase of (nature of investments to be specified) ...			Rs. ...
2. To stock sold ...			
3. To sum transferred to Revenue Account ...			
To amount of balance to next account ...			Rs. ...

GENERAL BALANCE SHEET.

No. VIII

Dr.

	Rs.	Cr.	Rs.
ASSETS.			
1. By capital account: Amount expended for works as per Account No. II. ...			Rs. ...
2. By Stores on hand at ... Coal or other fuels. Oils, waste, etc. General			Rs. ...
3. By sundry debtors for amounts paid on account of contracts in course of completion			
4. By sundry debtors for electrical energy supplied to			
5. By other debtors			
6. By securities held (cost price) (Description of assets)			
7. By other items (to be specified)			Rs. ...
8. By cash with Treasurer			
9. By cash in hand			Rs. ...

LIABILITIES.

- To capital account: Amount received as per Account No. II.
- To sundry tradesmen and others, due on construction of past and machinery, fuel stores, etc., to
- To sundry creditors on open accounts
- To net revenue account: Balances at credit thereof
- To depreciation fund account
- To sinking fund account
- To reserve fund account
- To other items (to be specified)

PURCHASED SOLD; Etc.

Passed in the Legislative Council the twelfth day of April, in the year of Our Lord one thousand nine hundred and nineteen.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

Chief Secretary.

Attorney General.

Assented to in His Majesty's name this _____ day
of _____ 1919.

Governor.

REPORT OF THE SPECIAL COMMITTEE OF THE LEGISLATIVE COUNCIL ON A
BILL INTITLED "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
UNDEE IT."

Your Committee have examined the provisions of this Bill which is designed to provide for the development of electric power supply on the organized lines which modern practice demonstrates to be necessary for the purposes of economy.

The measure which is based on British law and practice, with the amendments recommended in this Report, meets with your Committee's unanimous approval.

The Bill contains certain original features in legislation of this nature. As the principal of these it may be stated that owing to the step being taken in time, i. e., practically at the commencement of the Protectorate's industrial life, it will establish here as law, conditions which will permit and secure the centralization or co-ordination of our power supplies with an economy impossible to those from whom we are taking lessons.

Another of these original features, also made possible by the reasons or circumstances mentioned, is that it will incorporate standardized practice and further ensure that apparatus to be sold to the public for use on Standard Systems shall be truly marked in values relative to British Standards.

Representations were made to your Committee on behalf of the Nairobi Chamber of Commerce in which it was pointed out that the very frequent occurrence in the Bill of provisions requiring Rules to be made gave rise to some uneasiness as to the possibility of the intentions of the Legislature being defeated or circumvented by this procedure and also that it would be precluded by embodying these Rules as provisions of the Bill.

On examining this matter your Committee found that the list of Rules and Regulations in British practice was a thing apart from the law. It was also found that the principle of many of these Rules and Regulations had been so well tried and established by long practice that your Committee, with the full approval of Government's technical advisers, welcome the suggestion of the Nairobi Chamber of Commerce and recommend the amendment of the Bill accordingly.

By adopting this course the number of headings under which Regulations will be required is reduced from between 40 and 50 to, at present, 4. With the advent of mining and electric traction, 2 additional headings will be added to this number.

The Nairobi Chamber of Commerce also made representations on other matters in the Bill all of which showed a careful and skilful criticism and with respect to which your Committee desire to place on record an expression of their appreciation and indebtedness. Amendments on some of the points raised have been recommended where found necessary. The principal of these amendments, and in fact the most important amendment recommended by your Committee, is that to sub-clause (4) of clause 54, which is more fully referred to later on in this Report.

A few other representations have also been made to your Committee with respect to which amendment has been recommended where thought necessary.

The schedule attached to this Report contains in full the amendments to the Bill recommended by your Committee. On the most important of these the following comments are submitted.

In numerous places throughout the Bill, "Governor" has been altered to "Governor-in-Council." This is the result of your Committee's deliberations as to the manner in which the provisions of the Bill could be most effectively administered.

To understand the position it is essential that account must be taken of the difference which exists in the machinery for administration in Great Britain and in a Crown Colony. In this difference it is not permissible in attempting to apply the provisions of the Bill to a Colony to substitute "Governor" for "Board of Trade." The same body which is the Department of a Ministry of State and comprises not only the Government but also the Council of Ministers, is the authority in the Colony. The Colony has no Council or

While the administration of the British Acts lies very largely in the hands of technical officers, and that of the Regulations under the Acts almost entirely in the hands of the electrical officers, it must be remembered that the act of administration is in the hands of the technical officer but is the act of the Minister of State.

In most legislation His Excellency is mentioned as the executive officer either as "Governor" or as the "Governor-in-Council." Obviously for the purposes of administration many of the powers conferred must be delegated.

Your Committee has carefully considered the matter of this delegation particularly to the powers which may, and in some cases must be delegated to a technical or executive officer, and as to those which could not rightly be so delegated.

Your Committee therefore recommend the insertion of the words "in Council" at the place shown in the schedule and the amendment of clause 228 as provided on page 117 of the schedule, which regulates the manner of delegation.

CLAUSE 5. APPLICATIONS. As referred to in the reference to Rules, etc., the details as to the making of applications have been included in the Bill instead of being left to Regulation, as intended.

The amendment to clause 7, although not altering the intention of the Bill, is necessary to conform with the practice of Great Britain.

The amendment to clause 9 is necessitated by the principle adopted which is a departure from British practice where every Act or Regulation precludes any possibility of a public interest or service being subject to barter. The amendment is textually built on the lines of British precedent.

The amendment to (f) of clause 20 is recognized as necessary for the purposes of equity and in order to be consistent with the amendment of sub-clause (4) 34, where care has been exercised as to the absolute safeguarding of the just rights of vested interests.

The amendment to clause 27 is felt to be necessary to remove a standing grievance, and to define the position of both Licensee and consumer, and is in conformity with British practice.

CLAUSE 34. SUB-CLAUSE (4). A considerable amendment previously referred to is here recommended, and while obviously the policy underlying the Bill is unaltered, the definition as to works and purchase of the same is felt to give complete satisfaction to Licensees especially of the manufacturing class, whose capital is invested in local generating works. As the purpose underlying the Bill is to co-ordinate the generation of supply of electrical energy at the earliest possible moment for the purposes of economy, it should be obvious that the rights of the developer of the electrical service should be carefully safeguarded. Your Committee feel that in the amendment recommended confidence will be established on the part of Licensees so involved.

The amendments recommended on the question of the Board of Trade form of accounts for local authorities as Licensees in clause 44 do not effect the principle of accountability adopted in the Bill; the purpose is clearly stated in the amendment. The statutory Form of Accounts for Licensees should be attached to the Bill as a schedule.

The amendment of clause 55 as to the division of profits of a Bulk Supply Licensee makes it clear that such profits should not be divided until the Licensee has received a reasonable dividend of 15 per cent. It has been urged that 10 per cent should be sufficient. This latter figure, however, is allowed in various concerns in the United Kingdom and your Committee feel that investors could not only expect but demand a higher rate of interest on money invested abroad. Further, the financial conditions which would exist post war, must be such as to demand of capital a 15 per cent return.

The next important amendments are to clauses 49 and 50; they deal with the important matter of standardization which has already been referred to.

An amendment is recommended to clause 102, which has for its object the prevention of unwarranted intrusion into premises without the authority of the occupant, particularly where ladies are concerned. This is recommended on the receipt by your Committee of protests from members of the public.

The inclusion of a new clause in the position occupied previously by 109 is a further provision on the subject of standardization, the object of which co-ordinates with the amendments of clauses 49 and 50.

The altered form of clause 112, with the addition after (b) of the words "and the Licensee shall be very necessary, namely, that a Licensee who grants a licence to any individual, shall be for all purposes under his License fully responsible for the actions of that individual," is recommended.

The addition recommended to clause 117 will be clause 128, which contains important provisions public interest which alter the service are not granted to any individual in the Province, by the Government, and consequently, when the Government is not the owner of the undertaking, the amendment recommended by your Committee is to clause 128, which as now amended would safeguard the interests of the public and prevent the practice from that of Great Britain. It is felt that the Company should be permitted to operate a public utility service. The rigid adoption of the policy introduced in the Bill would introduce undue restrictions on the individual to obtain a licence, and are not considered, and are proposed by the Government.

The inclusion of clause 128, which has been included in the Bill in accordance with the recommendation of the Nurobi Chamber of Commerce.

The alteration recommended to clause 149, new 149, as to the constitution of a Power Board, your Committee are required to afford the Governor-in-Council a wider scope as to the members whom he may think it desirable to appoint.

New clause 149 is required to afford a sanction for the prevention of overlapping between the Ordinances mentioned and this Bill.

New clause 151 is a provision which your Committee think this Honourable Council will agree with as being highly desirable under the conditions of war.

New clause 152. This provision and the amendment to old clause 130—now 142 (2)—as to the laying of regulations before the Legislative Council are in accordance with British practice, and your Committee feel will meet with general approval.

Your Committee may state in conclusion that while the amendments recommended in this Report are extensive, they only represent very desirable elaborations of detail and do not in any way alter or impair the policy or principles of the Bill as first presented, with which as already stated, your Committee unanimously agree.

to clause 131, which as now amended would safeguard the interests of the public and prevent the practice from that of Great Britain. It is felt that the Company should be permitted to operate a public utility service. The rigid adoption of the policy introduced in the Bill would introduce undue restrictions on the individual to obtain a licence, and are not considered, and are proposed by the Government.

The inclusion of clause 128, which has been included in the Bill in accordance with the recommendation of the Nurobi Chamber of Commerce.

The alteration recommended to clause 149, new 149, as to the constitution of a Power Board, your Committee are required to afford the Governor-in-Council a wider scope as to the members whom he may think it desirable to appoint.

New clause 149 is required to afford a sanction for the prevention of overlapping between the Ordinances mentioned and this Bill.

New clause 151 is a provision which your Committee think this Honourable Council will agree with as being highly desirable under the conditions of war.

New clause 152. This provision and the amendment to old clause 130—now 142 (2)—as to the laying of regulations before the Legislative Council are in accordance with British practice, and your Committee feel will meet with general approval.

Your Committee may state in conclusion that while the amendments recommended in this Report are extensive, they only represent very desirable elaborations of detail and do not in any way alter or impair the policy or principles of the Bill as first presented, with which as already stated, your Committee unanimously agree.

Page 8, line 24—Insert "(3) 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.

Page 8, line 34—After "authorities" insert "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".

Page 8, line 38—After "partial" delete from "not" to end of paragraph and insert "whether limited or unlimited".

Page 8, line 50—Substitute "twenty five" for "fifty".

Page 8, line 53—Substitute "five" for "ten".

Page 8, line 54—After "Governor" insert "in Council".

Page 8, line 58/59—Delete "or Rules under this Ordinance".

Page 8, line 61—After "Governor" insert "in Council".

Page 8, line 65—After "Governor" insert "in Council".

Page 8, line 68—After "Governor" insert "in Council".

Page 8, line 74—After "Governor" insert "in Council".

Page 8, line 77—After "authority" insert "(for the purposes of this sub-section the area of supply shall in the case of the area of a local authority included in the area defined in any Prior License 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 License).

- Page 9, line 3—After "Governor" insert "in Council".
- Page 9, line 5—After "Governor" insert "in Council".
- Page 9, line 9—After "Governor" insert "in Council".
- Page 9, line 10—After "Governor" insert "in Council".
- Page 9, line 16—After "Governor" insert "in Council".
- Page 9, line 22—After "Governor" insert "in Council".
- Page 9, line 27—After "Governor" insert "in Council".
- Page 9, line 35—Delete present clause "(f) and insert—

(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 License of the Authorized Distributor is obtained under a Local Generating License held by such Authorized Distributor on the granting of the application of the local authority the following provisions shall apply as to the works under the Local Generating License—

(1) If the supply of electrical energy for the purposes of the Distributing License 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) (1) 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 License and purchase the works of the Local Generating Licensee shall purchase the works under the Local Generating License 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 provisions in that behalf contained in this Ordinance or the Bulk Supply Licensee.

(2) Where a supply of electrical energy under a Bulk Supply License cannot be made available as in (j) (1) 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 License, 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 License as if such local authority was the Bulk Supply Licensee referred to in (j) (1) of this section and the revocation of the Local Generating License 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 License.

(3) Where a supply of electrical energy under a Bulk Supply License cannot be made available as in (j) (1) of this section contemplated, and where the granting of the application of the local authority entails the division of the area of supply of the local authority as defined in the Authorized Distributing License, 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 License of such other Authorized Distributor, from the works of such other Authorized Distributor, in the manner and on such terms and conditions and for such price or prices as may be determined by an arbitrator in the manner prescribed in (a) (3) and (c) (7) of sub-section (4) of section 34.

Page 9, line 44—Substitute "proceeding" for "proceeding".

Page 9, line 44—After "section" insert "or in section 127 hereof".

Page 9, line 45—After "Governor" insert "in Council".

Page 9, line 51—Delete "under the said section".

Page 9, line 59—Between "Licensee" and "and" insert "or" may be authorized by the Governor-in-Council as provided for by section 125".

Page 9, line 78—After "Governor" insert "in Council".

Page 10, line 6—After "Governor" insert "in Council".

Page 10, line 10—After "Governor" insert "in Council".

Page 10, line 14—After "Governor" insert "in Council".

Page 10, line 34—Delete "or five pounds".

Page 10, line 35—After "Governor" insert "in Council".

Page 10, line 44—After "Governor" insert "in Council".

Page 10, line 46—After "Governor" insert "in Council".

Page 10, line 55—After "Governor" insert "in Council".

Page 10, line 59—After "Governor" insert "in Council".

Page 11, line 4—After "Governor" insert "in Council".

Page 11, line 18—After "Governor" insert "in Council".

Page 11, line 26—After "Governor" insert "in Council".

Page 11, line 28—After "Governor" insert "in Council".

Page 11, line 29—After "Governor" insert "in Council".

Page 11, line 46—After "Governor" insert "in Council".

Page 11, line 47—For "service" read "service".

Page 11, line 48—After "Governor" insert "in Council".

Page 11, line 57—After "Governor" insert "in Council".

Page 11, line 60—After "Governor" insert "in Council".

Page 11, line 64—After "Governor" insert "in Council".

Page 11, line 65—After "Governor" insert "in Council".

Page 12, line 6—Delete "Government".

Page 12, line 50/51—Delete "and in respect of electrical energy to be supplied by him".

Page 12, line 52/53—Delete "sub-section (3)".

Page 12, line 51—Insert "(c) and (d)".

(c) If no question as to any supply incurred by the Authorized Distributors is contemplated, as in (b) of this sub-section contemplated, 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 Authorized 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 sub-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 Authorized Distributor, unless he has agreed with the Authorized Distributor, if required by him to do so, to pay such minimum annual sum as will give the Authorized 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.

- Page 12, line 64—Substitute "(8)" for "(4)".
- Page 12, line 74—Substitute "(1)" for "(5)".
- Page 12, line 80—Substitute "(6)" for "(3)".
- Page 13, line 1—After "power" insert "with".
- Page 13, line 2—Delete "with".
- Page 13, line 14—Delete "summarily".
- Page 13, line 15—Insert "summarily" after "left".
- Page 13, line 45—Substitute "the" for "Government".
- Page 13, line 59—After "(1)" insert "Subject to any agreement which may be entered into between an Authorized Distributor and a consumer as provided for by section 79 and approved of in writing by the Governor, whenever the authorized".
- Page 13, line 64/65—Delete "or two pawns".
- Page 13, line 65—After "day" insert "or part of a day".
- Page 13, line 70—Delete "five" for "thirty" and delete "two pawns".
- Page 13, line 81—Delete "Government".
- Page 14, line 5—Delete "or fifty pawns".
- Page 14, line 8—Typed errors, should read "ceased" and "force".
- Page 14, line 12—After "Governor" insert "in Council".
- Page 14, line 21—After "Governor" insert "in Council".
- Page 14, line 32—After "Governor" insert "in Council".
- Page 14, line 36—After "Governor" insert "in Council".
- Page 14, line 41—Substitute "Regulations" for "Rules".
- Page 14, line 42—After "Governor" insert "in Council".
- Page 14, line 46—After "Governor" insert "in Council".
- Page 14, line 49—After "Governor" insert "in Council".
- Page 14, line 53—After "price" insert "of the supply by the Bulk Supply Licensee" and delete "for Board of Trade Unit".
- Page 14, line 54—After "Governor" insert "in Council".
- Page 14, line 58—Delete sub-section (4) and insert—

(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) (1) Where the distributing area being or to be supplied from the generating station of a Local Generating Licence 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 proposed transmission from the Generating Station of the Local Generating Licence 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 Licence is suitable for the generation of electrical energy for the purpose of the applicant, it shall be incumbent on the Local Generating Licence 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 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.

(2) The Governor-in-Council after such enquiry as he thinks fit, shall decide either to uphold the Local Generating Licence's objection to the notice, or shall refuse to uphold such objection and shall notify the Local Generating Licence accordingly, when the Local Generating Licence 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.

(3) Where the Local Generating Licence 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 Rs. 375/00 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 Licence fails to make such application within the time specified, the deposit so made shall be forfeited to the State.

(4) Where the Local Generating Licence so notifies 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 to compulsorily acquire forthwith the works of such Local Generating Licence under the Local Generating Licence.

(5) Before so granting any such powers to a Bulk Supply Licensee to compulsorily acquire any works of a Local Generating Licence, 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) (1) Where the distributing area being supplied from the generating station of a Local Generating Licence 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.

(2) 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.

(3) 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

Distributing Licensee, 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:-

(1) 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 Licensee subject to the provisions as to land contained in subsection (1) and to the provisions of sub-section (2) of section 184.

(2) 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 Licensee incurred on which may be incurred by any depreciation of the value of the said works or any of them due to the unsuitability of such works or any of them for the purposes of the Bulk Supply Licensee 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 Licensee 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 Licensee, 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.

(3) 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 Licensee 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 Licensee or under the Distributing Licensee and to the failure to obtain a reasonable profit on the capital expended on the works under the Local Generating Licensee in respect of the accounts under the Local Generating Licensee in respect of the capital expended on the works under the Local Generating Licensee which was or could reasonably be considered to have been within the control of the Licensee under the Local Generating Licensee or under the Distributing Licensee.

(4) 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) (3) 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 so 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 Licensee, 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) (1) of this sub-section.

(5) 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 accounts under the Local Generating Licensee a reasonable profit on the capital expended on the works under the Local Generating Licensee has been caused by or is due to any condition or circumstance as contemplated in (c) (3) 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 claim which might have been made from the works under the Local Generating Licensee 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 Licensee 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 he claims is made has been so caused or is so 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 Licensee from the date of the subscription of such capital to the date of purchase.

(6) 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 Licensee in lieu of the supply generated by him under his Local Generating Licensee 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 Licensee 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 Licensee, as may be approved or decided by the arbitrator.

(7) 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 Licensee as aforesaid and notwithstanding any statement made in any statement of accounts under the Local Generating Licensee or the Distributing Licensee 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 Licensee or to the works for the supply of electrical energy under the Distributing Licensee, and to any matters relating to the accounts or to the disposal of moneys received by the Licensee under the Local Generating Licensee or the Distributing Licensee and to any matter relating to the supply of electrical energy under the Local Generating Licensee or the Distributing Licensee 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 Licensee 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 Licensee 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 Licensee 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 60 whichever shall first occur.

(5) 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 of 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.

19. Where a Bulk Supply Licensee is authorized under this sub-section to compulsorily acquire any of the works of a Local Generating Licensee the Bulk Supply Licensee shall exercise a power 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 Licensee upon the same conditions as provided in this sub-section.

Page 75, line 24—Before "The Governor" insert "subject to the provisions of clauses (d) (e) (f) and (g) of section 19 and to the provision in section 28."

Page 16, line 4—After "Governor" insert "in Council."

Page 16, line 6—Delete "the fees made under"

Page 17, line 7/8—To read "authorities, companies, persons or bodies of persons"

Page 15, line 9—To read authority, company, person or body of persons"

Page 15, line 12—After "Governor" insert "in Council."

Page 15, line 15—Type error to "4"

Page 15, line 17—After "Governor" insert "in Council."

Page 15, line 25—Delete "in Council" hereinafter"

Page 15, line 31—Delete "in Council" hereinafter"

Page 15, line 33—Delete "in Council" hereinafter"

Page 15, line 35—Delete "in Council" hereinafter"

Page 15, line 37—Delete "in Council" hereinafter"

Page 15, line 39—Delete "in Council" hereinafter"

Page 15, line 41—Delete "in Council" hereinafter"

Page 15, line 43—Delete "in Council" hereinafter"

Page 15, line 45—Delete "in Council" hereinafter"

Page 15, line 47—Delete "in Council" hereinafter"

Page 15, line 49—Delete "in Council" hereinafter"

Page 15, line 51—Delete "in Council" hereinafter"

Page 15, line 53—Delete "in Council" hereinafter"

Page 15, line 55—Delete "in Council" hereinafter"

Page 15, line 57—Delete "in Council" hereinafter"

Page 15, line 59—Delete "in Council" hereinafter"

Page 15, line 61—Delete "in Council" hereinafter"

Page 15, line 63—Delete "in Council" hereinafter"

Page 15, line 65—Delete "in Council" hereinafter"

Page 15, line 67—Delete "in Council" hereinafter"

Page 15, line 69—Delete "in Council" hereinafter"

Page 15, line 71—Delete "in Council" hereinafter"

Page 15, line 73—Delete "in Council" hereinafter"

(1) Every licensee shall on or before the 30th day of June in every year fill up annual statements of accounts and take up the taking made up to the 31st day of March in the form and in the forms and containing the particulars specified 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 direct, send copies of such annual statements of accounts at the price not exceeding one rupee for the copies of such statements for each 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.

Page 16, line 45—After "undertaking" insert "and all the works of the Licensee"

Page 16, line 46/47—Delete "shall it be the duty of the Governor"

Page 16, line 48—After "Governor" insert "in Council"

Page 16, line 50—After "Governor" insert "in Council"

Page 16, line 53—After "Governor" insert "in Council"

Page 16, line 54—Delete "summarily"

Page 16, line 55—Insert "summarily" after "in Council"

Page 16, line 63—After "Governor" insert "in Council"

Page 16, line 68—After "Governor" insert "in Council"

Page 16, line 70—Delete "the said"

Page 17, line 2—After "undertaking" insert "and all the works of the Licensee"

(1) That for the purpose of making better estimate of the value of the works of a Licensee being a public or local authority and of a Licensee not being a public or local authority, respectively, the supply of electrical energy from or through any part of the Licensee's works or undertaking is begun there shall be a depreciation of such works or such part thereof which shall be such amount as is usual for works of the same nature.

(2) The amounts of the depreciation to be determined from year to year shall be a charge against the revenue of the undertaking and shall be shown to be a charge against a depreciation fund account.

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

Page 17, line 36/37—Delete "exceed" and insert "amounts to or exceeds five."

Page 17, line 40—Delete "in their respective"

Page 17, line 41—Delete "that maximum" and insert "and after "profit," insert "equal to two and a half per centum."

Page 17, line 47—Delete "Bulk supply."

Page 17, line 56—After "Governor" insert "in Council."

Page 17, line 74—Substitute "such" for "any."

Page 18, line 1—Substitute "The" for "Any."

Page 18, line 7—Substitute "a" for "such."

Page 18, line 7/8—Delete "as the Licensee thinks expedient."

Page 18, line 13—After "amounts" insert "in the case of a Bulk Supply Licensee" and after "third" insert "and in the case of a Distributing Licensee and of a Local Generating Licensee to one-sixth."

Page 18, line 16—Substitute "subsection (9)" for "subsection (4) and (5)".

Page 18, line 23—Substitute "(6) and (7)" for "(1) and (2)".

Page 18, line 25—Delete "Bulk Supply".

Page 18, line 26—After "fund" insert "the amount of his property and interest".

Page 18, line 30/31—Inclusive, to be deleted.

Page 18, line 40—Delete "Provided" and insert "Provided that in the case of a Bulk Supply Licensee who does not trade from the undertaking just as dividends on the paid up share capital shall at any time have amounted to a sum equal to fifteen per centum per annum on such paid up share capital from the date of its being so paid up, any profits in excess of such fifteen per centum per annum on such paid up share capital shall be divided and applied as follows:—(a) one-half to the credit of a bonus and reserve, to be dealt with as prescribed in sub-sections (13), (14), (15) and (16) of this section."

Page 18, line 48—Delete "undertaking" and insert "Bulk Supply Licensee."

Page 18, line 51—Substitute "Kelvin" for "unit".

Page 18, line 53—Substitute "Kelvin" for "unit".

Page 18, line 60—Before "Licensee" in two places insert "Bulk Supply".

Page 18, line 64—Before "Licensee" insert "Bulk Supply".

Page 18, line 72—Before "Licensee" insert "Bulk Supply".

Page 18, line 73—Before "Licensee" insert "Bulk Supply".

Page 18, line 79—Before "Licensee" insert "Bulk Supply".

Page 18, line 81—After "Governor" insert "in Council".

Page 19, line 1—Before "Licensee" insert "Bulk Supply".

Page 19, line 4—For "Governor's order" read "order of the Governor-in-Council".

Page 19, line 9—Delete "or ten pounds".

Page 19, line 11—Delete "or five pounds".

Page 19, line 12—After "Governor" insert "in Council".

Page 19, line 21—After "Governor" insert "in Council".

Page 19, line 26—After "Governor" insert "in Council".

Page 19, line 27—After "Governor" insert "in Council".

Page 19, line 29—After "for" insert "any of" and delete "purpose" plural s., "purposes".

Page 19, line 30—After "and" insert "however acquired".

Page 19, line 33/38—Delete provision as printed and insert—

Applications made in this section shall be made in the manner herein prescribed in that behalf.

Page 19, line 39/50—Delete section and insert—

(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.

Page 19, line 52—After "Ordinance" insert "and the Regulations under this Ordinance."

Page 19, line 55/57—Delete provision (a) as printed and insert—

(a) (1) The supply of electrical energy to be given under any License shall 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 an Authorized Distributor or at the pressures specified by the Engineering Standards Committee of Great Britain, that is to say, a normal pressure of four hundred and fifteen volts between any two of the three conductors of a three phase system at 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 the three phase system, which shall be the standard system and the standard pressures of supply.

(2) 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, or sooner if the Licensee so desires, give notice to the Governor or to an Authorized Distributor that he thereafter give the supply by the standard system and, in the case of high or extra pressure supplies as authorized in each case by the Governor or to an Authorized Distributor, at the standard pressure or pressures as herebefore 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.

(3) 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 present 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 herebefore 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.

(4) 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.

(5) Regulations made by the Governor-in-Council for ensuring a proper and sufficient supply of electrical energy shall

(a) 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

(b) a supply being given to any consumer from any phase or phases of a standard system, and

(c) 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.

Page 19, line 65—Delete "Government."
Page 19, line 68—After "Ordinance" insert—

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

Page 19, line 70—Read "company, person or body" or persons

Page 19, line 74—After "energy" insert "whether new works or the extension or amplification of existing works"

Page 19, line 75—After "Governor" insert "in Council"

Page 20, line 1—For "company or person" substitute "company, person or body of persons"

Page 20, line 2—After "Governor" insert "in Council"

Page 20, line 3/4—Delete "the Governor by Rule directs" and insert "are required to be furnished by an applicant for a licence under this Ordinance"

Page 20, line 4—After "Governor" insert "in Council"

Page 20, line 8—For "or person" substitute "person or body of persons"

Page 20, line 12—After "Governor" insert "in Council"

Page 20, line 14—For "or person" substitute "person or body of persons"

Page 20, line 15—For "or person" substitute "person or body of persons"

Page 20, line 21—Delete "of one hundred pounds"

Page 20, line 22—Delete "or one hundred pounds"

Page 20, line 24—After "Governor" insert "in Council"

Page 20, line 26—After "51" insert "(1)"

Page 20, line 27—After "Governor" insert "in Council"

Page 20, line 30—After line insert new sub-section

(2) Where such consent is refused or withheld the Licence 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.

Page 20, line 40—After "Governor" insert "in Council"

Page 20, line 48—After "Governor" insert "in Council"

Page 20, line 51—After "Governor" insert "in Council"

Page 20, line 57—Delete "the Governor may by Rule direct" and insert "hereafter provided."

Page 20, line 61/62—Delete "or fifty pounds."

Page 20, line 62—After this line insert—

(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.

(9) 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.

Page 20, line 82—Delete "at its" and insert "on this"

Page 21, line 10—After "Governor" insert "in Council"

Page 21, line 11—After "Governor" insert "in Council"

Page 21, line 23—After "Governor" insert "in Council"

Page 21, line 26—Substitute "Regulations" for "Rules"

Page 21, line 49/44—Delete "or five pounds"

Page 21, line 45—Delete "or five pounds"

Page 21, line 55—After "Governor" insert "in Council" and delete "after" from "hereinafter"

Page 21, line 57—After "Governor" insert "in Council"

Page 22, line 2—After "Governor" insert "in Council" in two places—

Page 22, line 9—After "Governor" insert "in Council"

Page 22, line 19—After "Governor" insert "in Council"

Page 22, line 40/41—Delete "or ten pounds"

Page 22, line 42—Delete "or five pounds"

Page 22, line 52/53—Delete "the Licence or otherwise by law" and insert "this Ordinance"

Page 22, line 68—After "Governor" insert "in Council"

Page 23, line 5—After "Governor" insert "in Council" in two places

Page 23, line 11—After "Governor" insert "in Council"

Page 23, line 19—After "Governor" insert "in Council"

Page 23, line 38/34—Delete "or ten pounds"

Page 23, line 35—Delete "or five pounds"

Page 23, line 43/47—Delete "the Licence or otherwise by law" and insert "this Ordinance"

Page 23, line 57—After "Governor" insert "in Council"

Page 23, line 75—After "Governor" insert "in Council"

Page 24, line 46—Delete "or ten pounds"

Page 24, line 47/48—Delete "or five pounds"

Page 25, line 57—Delete "or ten pounds"

Page 25, line 58—Delete "or five pounds"

Page 25, line 58—Delete "in" from "hereinafter"

Page 26, line 1—After "Governor" insert "in Council"

Page 26, line 5—Delete "in this section" and insert "hereafter"

Page 26, line 7—Delete "in this section" and insert "hereafter"

Page 26, line 14—After "Governor" insert "in Council"

Page 26, line 52—Delete "in" from "hereinafter"

Page 27, line 5—Delete "in" from "hereinafter"

Page 27, line 18/14—Delete "or ten pounds"

Page 27, line 15—Delete "or five pounds"

Page 27, line 70—Delete "or ten pounds"

Page 27, line 71/72—Delete "or five pounds"

Page 28, line 2—Delete "body or person" and insert "company, person or body of persons"

Page 28, line 4—Delete "body or person" and insert "company, person or body of persons"

Page 28, line 6—Delete "body of person" and insert "company, person or body of persons"

Page 28, line 15—Delete "municipal" and insert "local"

Page 28, line 15—After "company" insert "person, body of persons"

Page 28, line 41—After "Governor" insert "in Council"

Page 28, line 72—Delete "or five pounds."
 Page 28, line 73—Delete "or two pounds."
 Page 28, line 74—Delete "the Court" and insert "a Court of competent jurisdiction."
 Page 29, line 3—Delete "indictment" and insert "complaint."
 Page 29, line 13—After "Governor" insert "in Council."
 Page 29, line 17—Substitute "Regulations" for "Rules."
 Page 29, line 21—After "Governor" insert "in Council."
 Page 29, line 23—Substitute "Regulations" for "Rules" and after "Governor" insert "in Council."
 Page 29, line 28—Delete "or twenty pounds."
 Page 29, line 30—Substitute "competent" for "summary."
 Page 29, line 39—Delete "Governor" and insert "authority having control or management of the street or part of the street."
 Page 29, line 47—Delete "repairing" and insert "said."
 Page 29, line 53—Substitute "person" for "persons" and insert before it "authority or."
 Page 29, line 62—Delete "or five pounds."
 Page 29, line 64—Delete "or five pounds."
 Page 30, line 6—Delete "indictment" and insert "complaint."
 Page 30, line 14—After "Governor" insert "in Council."
 Page 30, line 15—Type error, insert "o" in "approved."
 Page 30, line 16—After "Governor" insert "in Council."
 Page 30, line 20—After "Governor" insert "in Council."
 Page 30, line 23—After "Governor" insert "in Council."
 Page 30, line 25—After "Governor" insert "in Council."
 Page 30, line 30—After "Governor" insert "in Council."
 Page 30, line 32—After "Governor" insert "in Council."
 Page 30, line 37—After "Governor" insert "in Council."
 Page 30, line 41—After "Governor" insert "in Council."
 Page 30, line 47—Delete "of" and after "person" insert "or body of persons."
 Page 30, line 70—Substitute "any" for "and."
 Page 30, line 76—After "not" insert "reasonably" and delete "both" side.
 Page 31, line 6—Delete "or" and after "person" insert "or body of persons."
 Page 31, line 12—After "any" insert "public or local authority, company," and after "person" insert "or body of persons."
 Page 31, line 14—After "not" insert "reasonably."
 Page 31, line 14/15—Delete "both" side.
 Page 31, line 20/21—Delete "Government."
 Page 31, line 25—Delete "or twenty pounds."
 Page 31, line 50—Delete "Government."
 Page 31, line 65—Before "Inspector" insert "Electric."
 Page 31, line 68—Before "Inspector" insert "Electric."
 Page 31, line 71—Before "Inspector" insert "Electric."
 Page 31, line 78—Delete "Government."
 Page 32, line 53/54—Delete "shall be produced to the Governor on demand by him and."
 Page 32, line 58—Delete "or five pounds."
 Page 32, line 59—Delete "or one pound."
 Page 32, line 63—After "Governor" insert "in Council."
 Page 32, line 68—After "Governor" insert "in Council."
 Page 32, line 71—Delete "and" and insert "or by."
 Page 32, line 72—Delete "Government."
 Page 32, line 74—For "Court of summary jurisdiction" read "by a Magistrate holding a subordinate Court of the first class."

Page 32, line 75—After "Governor" insert "in Council."
 Page 32, line 76—After "Governor" insert "in Council."
 Page 32, line 79—After "Governor" insert "in Council."
 Page 33, line 2—After "Governor" insert "in Council."
 Page 33, line 3—Delete "summarily."
 Page 33, line 4—Insert "summarily" after "debt."
 Page 33, line 12—Delete "in" from "hereinafter."
 Page 33, line 15—Delete "in" from "hereinafter."
 Page 33, line 15/16—Delete "under the provisions of this Ordinance or of the Licence."
 Page 33, line 23—Delete "British Board of Trade" and insert "Regulations."
 Page 33, line 24—Delete "in" from "hereinafter."
 Page 33, line 27/28—Delete "and of the Licence."
 Page 33, line 34—Before "Inspector" insert "Electric."
 Page 33, line 41—Delete "or the Licence."
 Page 33, line 46—Delete "and of the Licence."
 Page 33, line 55—Delete "in" from "hereinafter."
 Page 34, line 8—Delete "or two pounds."
 Page 34, line 11/12—Delete "or two pounds."
 Page 34, line 36—After "Governor" insert "in Council" in two places.
 Page 34, line 37—Read "as a civil debt summarily."
 Page 34, line 37—Before "Inspector" insert "Electric."
 Page 34, line 53—Before "Inspector" insert "Electric."
 Page 34, line 73—Read "as a civil debt summarily."
 Page 35, line 18—Delete "Government."
 Page 35, line 20—Delete "memorandum of the British Board of Trade on Electricity meters" and insert "Regulations."
 Page 35, line 27—Delete "or five pounds."
 Page 35, line 28—Delete "or two pounds."
 Page 35, line 31—Type error, read "supplied."
 Page 35, line 39—After "removal" insert "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 disconnection 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.
 Page 35, line 45—Delete "any" and insert "the."
 Page 35, line 46—Before "Court" delete "a" and insert "any" and after "Court" delete "of law or equity."
 Page 35, line 81—Delete "or five pounds."
 Page 36, line 1—Delete "or two pounds."
 Page 36, line 13—Delete "or five pounds."
 Page 36, line 20—Delete "or five pounds."
 Page 36, line 30—Delete "d" from "damaged."
 Page 36, line 47—To read "as a civil debt summarily."
 Page 36, line 48—After "108" insert "(1)."
 Page 36, line 56—Delete "109" and insert "(2)" making present section 109, subsection (2) of section 108.
 Page 36, line 59/60—Between these line insert

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 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 specifications of any business operation or process necessitate the employment of 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 sub-section 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 as 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 and 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 Rs. 300/- and to a daily penalty not exceeding Rs. 150/.

- Page 36, line 72/73—Delete from "The" to end of sentence.
- Page 36, line 81—Delete "or one shilling and four pence."
- Page 37, line 2—Delete "or six shillings and eight pence."
- Page 37, line 12—Delete "or ten pounds."
- Page 37, line 13—Delete "or two pounds."

Page 37, line 22—After "authority" insert "company" and "person."

Page 37, line 23—After "person" insert "company" and "person."

Page 37, line 24—After "person" insert "company" and "person."

Page 37, line 25—After "person" insert "company" and "person."

Page 37, line 26—After "person" insert "company" and "person."

Page 37, line 27—After "person" insert "company" and "person."

Page 37, line 28—After "person" insert "company" and "person."

Page 37, line 29—After "person" insert "company" and "person."

Page 37, line 30—After "person" insert "company" and "person."

Page 37, line 31—After "person" insert "company" and "person."

Page 37, line 32—After "person" insert "company" and "person."

Page 37, line 33—After "person" insert "company" and "person."

Page 37, line 34—After "person" insert "company" and "person."

Page 37, line 35—After "person" insert "company" and "person."

Page 37, line 36—After "person" insert "company" and "person."

Page 37, line 37—After "person" insert "company" and "person."

Page 37, line 38—After "person" insert "company" and "person."

Page 37, line 39—After "person" insert "company" and "person."

Page 37, line 40—After "person" insert "company" and "person."

Page 37, line 41—After "person" insert "company" and "person."

Page 37, line 42—After "person" insert "company" and "person."

Page 37, line 43—After "person" insert "company" and "person."

Page 37, line 44—After "person" insert "company" and "person."

Page 37, line 45—After "person" insert "company" and "person."

Page 40, line 82/85—Delete from "supply inclusive and in part" making any default of this Ordinance.

on any such certificate and only if necessity arises for the Governor immediately after passing any action by the Provincial Council... shall be lawful for and incumbent on the Provincial Commissioners of the Province or Provinces in which the licence and supply is or should be effected or given either for themselves or through any other person to exercise such authority as may be necessary in the public interest and in the absence of any other authority of the Governor.

Commissioner... immediately report to the Governor in writing the circumstances of the case and of the action taken by the Governor in Council.

Page 39, line 22—Delete "ex" of paragraph and insert "consumers by reason of the default of the licence in the performance of its obligations under the Licence."

Page 39, line 23—Delete "and insert 'com-'" "ordinary" and insert "com-'" "missioner" insert "in Council."

Page 39, line 24—Delete "and insert 'unless otherwise'" "proceed" insert "rights", delete "liab-'" "ilities" and delete "not be defined by the preceding"

Page 39, line 25—Delete "and insert 'in Council.'" "missioner" insert "in Council."

Page 39, line 26—Delete "and insert 'applies'" "of" delete "ex."

Page 39, line 27—Delete "and insert 'application.'" "missioner" insert "in Council."

Page 39, line 28—Delete "and insert 'insert'" "missioner" insert "in Council."

Page 39, line 29—Delete "and insert 'insert'" "missioner" insert "in Council."

Page 39, line 30—Delete "and insert 'insert'" "missioner" insert "in Council."

Page 39, line 31—Delete "and insert 'insert'" "missioner" insert "in Council."

18/72... of the... under... in the... by... by these... to... of the... under the... the Governor... appointed or... required or... done by... powers to... appointed or... made by the... Board... of the... in evidence... further proof...

Page 41, line 21—After "Governor" insert "in Council." the Governor." Page 41, line 22—After "Governor" insert "in Council, of the Governor." Page 41, line 23—Delete from "and" to end of paragraph. Page 41, line 28/30—Delete the whole of sections 125 and 126 and insert 125. (1) Subject to any provision in this Ordinance to the contrary before making any application to the Governor Council.

(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.

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 will 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 will or may be affected by the grant of the application,

(g) in addition 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 Licence 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 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 a copy of the applicant's compliance with the provisions of the Ordinance 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.

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 will 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 authorise 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 or supply of electrical energy, a description of the position or positions of the works to be purchased,

(f) 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 provisions 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 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 routes 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,

- (1) industrial power;
- (2) industrial lighting;
- (3) domestic power;
- (4) domestic lighting;
- (5) power for public purposes;
- (6) lighting for public purposes;
- (7) Power other than for industrial, domestic or public purposes.

(8) 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,

- (1) load factor;
- (2) power factor;
- (3) time of the demand; or
- (4) 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,

- (1) a description of the purposes of the combination;
- (2) provisions for constituting the committee or board of management or other directors of the combination, for the appointment and remuneration of members, and for the meetings of the committee or board of management or other directorate of the combination.

(3) Provisions,

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.

(4) Provisions as to audit of accounts.

(5) 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.

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

(a) Six printed or typed copies of the draft Licence.

(b) A list of the local authorities in whose districts the area or proposed areas 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) In the case of an application by a public or local authority, a list of the persons, (if any) authorized to supply within the area or proposed area of supply.

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

- (1) the sum proposed to be expended on the under-
taking;
- (2) whether it is proposed to raise a loan for the purposes of the undertaking or otherwise how the money required is to be provided.

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

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

(6) 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.

(7) 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:-

(1) the rateable value of each of the districts of the proposed constituent authorities.

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

(3) The amount of rates in the pound in the districts of each of the proposed constituent authorities.

(4) where the proposal is not for the combination of existing undertakings already 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.

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

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

(6) In the case of an application other than by any public or local authority or authorities the following particulars:-

(1) 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.

(2) 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.

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

125. (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 of 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 a Licence is granted by the Governor-in-Council a deposited map is referred to the Licence must with in 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.

190. (1) In addition 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 the power 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.

(3) Additional to such notice by public advertisement and within the time specified for its publication, the intending applicant shall send a notice in writing upon the owners or 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 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 service of the notices in writing 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, after the expiration of the time named for the making of representations 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.

131. (1) In addition 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.

- (a) of the preceding sub-section (1)."
- Page 43, line 7.—Delete "this section" and insert "Delete the provisions of this section."
- Page 43, line 10.—Delete "this section" and insert "Delete the provisions of this section."
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- Page 43, line 99.—Delete "this section" and insert "Delete the provisions of this section."
- Page 43, line 100.—Delete "this section" and insert "Delete the provisions of this section."

- (1) For any of the purposes of this Ordinance the Governor-in-Council may appoint an advisory committee hereinafter 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.
- Page 44, line 61.—Delete this section and substitute new section 143 and follow on with new sections.
- Page 44, line 62.—Delete this section and substitute new section 144 and follow on with new sections.
- Page 44, line 63.—Delete this section and substitute new section 145 and follow on with new sections.
- Page 44, line 64.—Delete this section and substitute new section 146 and follow on with new sections.
- Page 44, line 65.—Delete this section and substitute new section 147 and follow on with new sections.
- Page 44, line 66.—Delete this section and substitute new section 148 and follow on with new sections.
- Page 44, line 67.—Delete this section and substitute new section 149 and follow on with new sections.
- Page 44, line 68.—Delete this section and substitute new section 150 and follow on with new sections.
- Page 44, line 69.—Delete this section and substitute new section 151 and follow on with new sections.
- Page 44, line 70.—Delete this section and substitute new section 152 and follow on with new sections.
- Page 44, line 71.—Delete this section and substitute new section 153 and follow on with new sections.
- Page 44, line 72.—Delete this section and substitute new section 154 and follow on with new sections.
- Page 44, line 73.—Delete this section and substitute new section 155 and follow on with new sections.
- Page 44, line 74.—Delete this section and substitute new section 156 and follow on with new sections.
- Page 44, line 75.—Delete this section and substitute new section 157 and follow on with new sections.
- Page 44, line 76.—Delete this section and substitute new section 158 and follow on with new sections.
- Page 44, line 77.—Delete this section and substitute new section 159 and follow on with new sections.
- Page 44, line 78.—Delete this section and substitute new section 160 and follow on with new sections.
- Page 44, line 79.—Delete this section and substitute new section 161 and follow on with new sections.
- Page 44, line 80.—Delete this section and substitute new section 162 and follow on with new sections.
- Page 44, line 81.—Delete this section and substitute new section 163 and follow on with new sections.
- Page 44, line 82.—Delete this section and substitute new section 164 and follow on with new sections.
- Page 44, line 83.—Delete this section and substitute new section 165 and follow on with new sections.
- Page 44, line 84.—Delete this section and substitute new section 166 and follow on with new sections.
- Page 44, line 85.—Delete this section and substitute new section 167 and follow on with new sections.
- Page 44, line 86.—Delete this section and substitute new section 168 and follow on with new sections.
- Page 44, line 87.—Delete this section and substitute new section 169 and follow on with new sections.
- Page 44, line 88.—Delete this section and substitute new section 170 and follow on with new sections.
- Page 44, line 89.—Delete this section and substitute new section 171 and follow on with new sections.
- Page 44, line 90.—Delete this section and substitute new section 172 and follow on with new sections.
- Page 44, line 91.—Delete this section and substitute new section 173 and follow on with new sections.
- Page 44, line 92.—Delete this section and substitute new section 174 and follow on with new sections.
- Page 44, line 93.—Delete this section and substitute new section 175 and follow on with new sections.
- Page 44, line 94.—Delete this section and substitute new section 176 and follow on with new sections.
- Page 44, line 95.—Delete this section and substitute new section 177 and follow on with new sections.
- Page 44, line 96.—Delete this section and substitute new section 178 and follow on with new sections.
- Page 44, line 97.—Delete this section and substitute new section 179 and follow on with new sections.
- Page 44, line 98.—Delete this section and substitute new section 180 and follow on with new sections.
- Page 44, line 99.—Delete this section and substitute new section 181 and follow on with new sections.
- Page 44, line 100.—Delete this section and substitute new section 182 and follow on with new sections.

The provisions of the Boilers Prime Movers Machinery Licences 1927 shall not apply to any electric motor of any capacity or power of one horse power or less, or where any such 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. The Electricity Act Application Ordinance, 1933 (No. 18 of 1933) and any orders of the Governor-in-Council under the said Ordinance or relating to the generation or supply of electricity or electrical energy are hereby repealed.

151. (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 amended 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) (1) The restriction enacted in the clause (a) 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 Licence is not available.

(2) 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, 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 unredeemable 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 this 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.

(3) Notwithstanding the provision of section 66 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.

(4) 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 necessitate 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.

(c) (1) 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) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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) (1) 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 69 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 aforesaid and the provisions of this section shall be substituted under the provisions of section 126, 127, 128 and 129, for an application to the Governor-in-Council for a Licence which would be necessary under normal conditions by the provisions of the said section 69.

(2) 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.

(9) (1) 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.

(2) 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.

(3) Where an 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 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.

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.

152. 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 and proceedings of the Governor-in-Council under this Ordinance during the year then last past.

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, 1918.

Licensee.

The Company.

Year ending 19.....

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

No. I.	Description of Capital.	Authorised by	Number of Shares issued.	Nominal amount of Shares	Called up per Share.	Total Paid-up	Issued not Paid up.	Remaining Un-issued.	Total Amount Authorised.

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

No. II.	Description of Loans.	Amounts Borrowed	Total.	Total Amount of Borrowing Forfeited
	At ... per cent. At ... per cent.			

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

REVENUE ACCOUNT.—Continued.

No. IV.—(Contd.)

Cr.

For the Year ending

	Rs.	Rs.	Rs.
Brought forward Re.			
3. To repairs, maintenance, and renewals of mains of all classes, including materials and erecting or laying the same			
Less amounts refunded			
4. To repair maintenance and renewals of transformers, meters, switches, fuses, and other apparatus on consumers premises, and renewals of apparatus at distributing stations			
D.—To PUBLIC LAWYERS			
1. To attending and repairs			
2. To renewals of lamps			
E.—To ROYALTIES, &c.			
To Royalties, &c. payable for use of patents or patents 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, Accountants, Clerks, Messengers, as well as Managing Director, Chairman, Engineers			
3. To salaries or commissions of Collectors			
4. To stationery and printing charges			
5. To general and company charges			
6. To Agents of Company			
7. To Auditor appointed under the provisions of the Statute			
Carried forward Re.			

REVENUE ACCOUNT.—Continued.

No. IV.—(Contd.)

Cr.

For the Year ending

	Rs.	Rs.	Rs.
Brought forward Re.			
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 ESOPHIC DEPRECIATION			
1. To insurance, depreciation, etc.			
2. To expenses for construction of works			
Carried forward Re.			

RESERVE FUND ACCOUNT.

No. VII.

Dr

1. Amount paid out for
2. Amount of balance to last account

Rs.

1. By balance brought from last account
2. By amount brought from set reserve account

By interest on amount invested
(Direct portion of investments to be specified.)

Rs.

Cr

GENERAL BALANCE SHEET.

No. VIII.

Dr

1. To capital account - Amount received as per Account No. III.
2. To sundry debitors and others, due on construction of plant and machinery, fuel, stores, &c. 19
3. To sundry creditors on open accounts
4. To net revenue account (with any credit thereof)
5. To reserve fund account
6. To depreciation fund account
7. To other items to be specified

Rs.

Cr

1. By capital: Amount expended for works as per Account No. III. Rs.
2. By stores on hand at 19
Coal or other fuel
Oil, waste, &c.
Stores
3. By sundry debtors for amounts paid on account of contracts in course of completion
4. By preliminary expenses
5. By sundry debtors for electrical machinery supplied to
6. By other debtors
7. By other items to be specified
8. By cash at bankers ---
Messrs.
Messrs.
Messrs. (amount for balance)
By cash on hand

Rs.

Rs.

Rs.

CAPITAL ACCOUNT.

For the Year ending

Cr.

	Total Expendi- ture to the Year	Expendi- ture up to the Year	Received during the Year	Total Receipts by Rs.
Dr.	Rs.	Rs.	Rs.	Rs.
TO EXPENDITURE TO EXPENDITURE SUCH THAT DATE.				
1. To lands, including law charges incidental to acquisition				
2. To value of lands appropriated for electrical purposes, as per contra				
3. To buildings				
4. To machinery				
5. To electrical works				
6. To cables, 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 contra				
13. To amount applied for the reduction of principal of borrowed money from value of lands sold, as per contra				
14. To other items (to be specified)				
Total expenditure	Rs. ...		Rs. ...	
To balance of Capital Account				

Provision for Depreciation of works is made by a debit to the ... to Revenue Account transferred to Depreciation Fund Account No. 37.

REVENUE ACCOUNT.

For the Year ending

Cr.

	Rs.	Rs.	Rs.	Rs.
Dr.	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 putting the same on the works				
2. To oil, waste, water and engine-room stores				
3. To proportion of salaries of engineers, superintendents and others as certified by the Manager				
4. To repairs and maintenance as follows:— Running works (Dams, Flumes, Gates, etc.) By electric boilers By grates, boilers, transformers, motors, etc. By gears, machinery, instruments, tools, and accessories By other items (to be specified)				
5. To other items (to be specified)				
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 engineers, superintendents and officers, as certified by the Manager				
2. To wages and other remuneration to linemen, etc.				
3. To repairs, maintenance, and renewal of material of all classes, including materials, and repairs or laying the same Less amounts retained				
4. To repairs, maintenance, and renewal of machinery, and other apparatus, including an consumers' premises together with cost of materials and lamps sold, as per contra				
5. To repairs, maintenance and renewal of apparatus at distributing stations				
Total Receipts		Rs. ...	Rs. ...	Rs. ...
By balance from last account Less bad debts written off By Sale of electrical energy per meter at ... per unit By Sale under contracts By public lighting By rentals of meters & other apparatus on consumers' premises. By sale and repairs of lamps, etc., or incandescent. By Sale of other apparatus By royalties, licenses etc. By sale and repairs of lamps By fees for inspection of maps By other items (to be specified)				

DEPRECIATION FUND ACCOUNT.

No. IV.

Cr.

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

DEPRECIATION FUND ACCOUNT.

No. IV.

Cr.

Dr.

		Rs.	Rs.
	1. To amount transferred to sinking fund where such fund is authorized by the Licence		
	2. To balance... ..		
		Rs. ...	Rs. ...
	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. III. I.)		
		Rs. ...	Rs. ...

THE EAST AFRICA ELECTRICITY ORDINANCE, 1938.STATEMENT OF OBJECTS AND REASONS.

The necessity for legislation concerning the supply of electrical energy has for some time been generally recognised.

In designing such legislation the only course which could be considered was that which current knowledge and practice had established as being essential for the attainment of the economy in electrical power supply which is demanded of this new industrial service by modern industrial conditions.

Exhaustive comment on the objects and reasons for this Bill is rendered unnecessary by the fact that these are identical with the objects of the measures now engaging the attention of British electrical power authorities in conjunction with the Electric Power Committee of the Board of Trade and the principles advanced for their attainment and also with the principle of greater centralization and co-ordination in the generation and supply of electrical energy recommended by the Coal conservation Subcommittee of the Ministry of Reconstruction.

Additional to the reasons which in East Africa have been identified as essential to economy in power production and supply there are in this Protectorate conclusive local reasons why the policy contained in this measure should be established by legislation. The first of these local reasons is that the Protectorate is practically at the commencement of its

industrial existence. Consequently it must be obvious that no justification can possibly exist for postponing this proposed enactment. There are now no vested interests which can be prejudiced. On the contrary while the Bill necessarily makes provisions as to the conduct of the public service of electrical energy, its provisions also make it possible for the small vested interests which exist to immeasurably improve their positions. For the same reason the same propitious opportunity will never recur for establishing standardized practice in the conduct of this public service.

Another ^{of} second reason is that while the policy proposed here has proved essential in other places where fuels and water powers are cheap and abundant, it is absolutely imperative to this Protectorate where so far as indigenous fuels have been found (wood not being industrially permissible) and where even our meagre knowledge of the geological and hydro-metrical conditions determines the necessity for the utmost economical development of the sources of water power which exist and also for their co-ordination by linking them up electrically to the common power supply.

A third reason is that only by the inauguration now of this policy can effect be given to the basic principle on which depends the whole economic structure of the Protectorate's power supply, and with it the measure of success which will attend its industrial future.

It is common professional and industrial knowledge that the high degree of economy demanded by

the conditions of today can only have come to be generally accepted methods. For developing purposes it is necessary to issue Licences having only a local scope as compared with the Bulk Licences.

Granting these premises, it is obvious that it must be desirable to establish the principle of Bulk Supply as early as possible. This object will be attained either by granting a Bulk Supply Licence for an extended area in which no other licences are in force, in which case the Bulk Supply Licence will be responsible for all generation of electrical energy for the entire area from the commencement, or by granting such licence for an area in which other but local, Licences are in force these will be absorbed at a desirably early date by the Bulk Supply Licence on equitable conditions which are prescribed.

The Bill is framed with the view of introducing the principles of supply adumbrated above and also of applying to the Protectorate those well tried provisions governing the supply of electric power which are in existence in the United Kingdom.

A Comparative Table is annexed hereto.

64.2 W. V. F. H.

ATTORNEY GENERAL.

Nairobi,

the 23rd day of July, 1918.

ELLECTRICITY

COMPANIES ACT

No. of Sect.	Precedent or Authority	Title.
1.		Title.
2.		Definitions of Terms.
3. (1) (2) (3)	E.L. Act 1882 S. 5 and new New New	General application. Special application to prevent prejudice to or by existing operators and to regulate conditions as to their supply.
4.	New	Restrictions necessary for the objects of the Ordinance.
5.	E.L. Act 1882	As to the making of applications for powers under the Ordinance.
6.	E.L. Act 1882 S. 4 and 5 (see also 3 (2) (f))	Priority of right of local authority subject to Prior Licence.
7.	New	To restrict necessary works.
8.	New	The object of the Ordinance in some cases can only be secured by a licensee holding more than one license.
9.	E.L. Act 1909 S. 14 (amending 1882 (11))	The provisions found necessary in the United Kingdom to prevent successive applications.
10. (1) (2) (3) (4) (5) (6)	E.L. Act 1909 S. 8 (as to joint Boards) E.L. Act 1882 S. 4 New E.L. Act 1882 S. 3 (7) New	Power to grant Bulk Supply. Period of supply. As to supply. Local authority in their area. General powers of Licensee. As to prescription of supply.
11.	Clauses Act 1899 S. 25 Legal Digest 428.	Provision as to supply to Distributors.

3

(No. of Sects.)	Precedent or Authority	Subject or Purpose.
12.	New	A specification to regulate and ensure a practice which should prevail in the use of works.
13.	Clauses Act 1899 S.25,26	Guarantee for performance of agreement.
14.	New	State assistance for supply lines.
15.	New	Locating responsibility for condition of supply lines.
16.	Clauses Act 1899 (22)(2)	Sections 11, 12 and 13 deal with works for supply; this section deals with supply.
17.	Clauses Act 1899 S.30	Penalty for failure of Bulk Supply.
18. (1)	E.L. Act 1882 S.3 (8) and 4	Power of Governor in Council to grant Distributing Licence.
(2)	New	Authorized Distributors only may receive a Bulk Supply.
(3)	E.L. Act 1882 S.4.	Period of Distributing Licence.
19. (a)	E.L. Act 1888 S.2.	Purchase of works by local authority.
(b)	Clauses Act 1899 S.63, 64 and 65.	Area concerned in purchase devisible only by agreement.
(c)	New	To prevent prejudice of consumers.
(d)	E.L. Act 1888 S.2	Sale and purchase of works.
(j)	New	Distributing works being taken over by local authority, provision as to works under Local Generating Licence;
20.	E.L. Act 1888 S.3	Power to vary terms of sale in last section.
21.	Clauses Act 1899, S.31	Compulsory works.
22.	Do. S.22	Provision for mains under special agreement.
23.	Do. S.23	Failure to provide mains may entail revocation of Licence.
24.	Do. S.24	As to requisitions for mains.

No. of Section	Precedent or Authority.	Subject or Purpose.
25.	Clauses Act 1899 S.25.	Requisitions by owners or occupiers.
26.	Do. S.26	Requisitions by local authority.
(2)	Do. S.27	Sufficient supply to be furnished in area.
(4)		Cost of service lines, etc.
(5)		As to notice when requiring supply.
		As to agreements for supply.
		As to supply to premises having separate supply.
		Provision where supply is improperly dealt with
		Provision where consumer's apparatus is defective.
		Provision for determining questions on last two sub-sections.
28.	Do. S.26	Maximum supply to which consumer is entitled.
29.	E.L. Act 1909 S. 17	Notice to be given before receiving.
30.	Clauses Act 1899, 3.29	Supply to public lamps.
31.	Do. S.34	Do. price for
32.	Do. S.30	Permit for supply to supply.
33.	New	in Council to grant Local
(4)		ordinate the grant of Local licences with the principle
		by Section 7, and to regulate
		the terms under which an application
		for a Local Generating Licence shall be
		considered.
		Conditions under which a Local Generating
		Licence may be granted, particularly as to
		its possible expansion into a Bulk Supply
		Licence or as to its extinction by a Bulk
		Supply Licence.
35.	New	Power to Governor in Council to alter areas
36.	New	As to purchase of works consequent on alteration of area.
37.	New	Authority for co-operation of Licenses, subject to public notice.

No. of Sections	Precedent or Authority.	Subject or Purpose.
25.	Clauses Act 1899 S. 25.	Requisitions by owners or occupiers.
26.	Do. S. 26	Requisitions by local authority.
(1)	Do. S. 27	Sufficient supply to be furnished in area.
(2)		Cost of service lines, etc.
(3)		As to notice when requiring supply.
(4)		As to agreements for supply.
(5)		As to supply to premises having separate supply.
		Provision where supply is improperly dealt with
		Provision where consumer's apparatus is defective.
		Provision for determining questions on last two sub-sections.
28.	Do. S. 26	Maximum supply to which consumer is entitled.
	E.L. Act 1909 S. 17	Notice to be given before receiving.
30.	Clauses Act 1899, S. 29	Supply to public lamps.
31.	Do. S. 34	Do. price for
32	Do. S. 30	Permit for supply.
33.	New	in Council to grant Local
		ordinate the grant of Local
		Licences with the principle
		by Section 7, and to regulate
		the terms under which an application
		for a Local Generating Licence shall be
		considered.
(4)		Conditions under which a Local Generating
		Licence may be granted, particularly as to
		its possible expansion into a Bulk Supply
		Licence or as to its extinction by a Bulk
		Supply Licence.
35.	New	Power to Governor in Council to alter areas
36.	New	As to purchase of works consequent on alteration of area.
37.	New	Authority for co-operation of Licensees, subject to public notice.

No. of Section	Precedent or Authority.	Subject or Purpose.
38	Clauses Act S.3, E.L. Act 1909, S.20	If Licensee purchases or associates contrary to Ordinance, Licence may be revoked.
39	Clauses Act S.4,	Restrictions on operation outside of area.
40	Do. S.5	Security for execution of works.
41	New	Accounts under each Licence to be separate.
42	E.L. Act 1882 S.9	As to the form of accounts.
43	Clauses Act S.5,	As to audit of accounts.
44	Do. S.7	Application of money received by public or local authority as Licensees.
45	Legal Digest d28	Application of money received by Licensees, not being public or local authorities.
46	Clauses Act S.8	Purchase and use of land by local authority.
47	E.L. Act 1909 S.1	Power to Governor in Council to authorize acquisition of land for purposes of generating station on application in prescribed manner.
48	E.L. Act 1909 S.2	Restriction as to construction of generating Station without notice and authority.
49 (a)	New	Establishment by Ordinance of Standards of Systems and pressures.
(b)	Clauses Act 10	System and mode of supply.
50	New	Proposed works, etc. to be approved by Governor in Council
51	New	Power to Governor in Council to authorize any works for transmission purposes.
52	Ind. Act	Power to Governor in Council to authorize licensee to operate telegraph or telephones for the purposes of his license.
53		Licensee's powers for the execution of overhead works.
	Clauses Act	Licensee's powers as to other works.

Co. of Section.	Precedent or Authority.	Subject or Purpose.
55	Clauses Act 13	Licensee's powers special restrictions as to street boxes.
56	New	Procedure as to execution of overhead works. Protection of Postmaster General.
57	Clauses Act 14	Procedure as to execution of other works. Protection of Postmaster General.
58	Do. 15	Protection of railways, tramways, rivers, canals or harbours.
59	Do. 16	Excepting for works of an overhead system the responsible authorities may break up and reinstate the works of other - their - public services, required for the purposes of the Licensee at the latter's expense.
60	Do. 17	Excepting drains and sewers the Licensee or other authority may alter the positions of the works of each other provided that the owner of the works to be altered may himself make the alteration required by the Licensee or other authority as the case may be at the latter's expense.
61	Do. 18	Provision for the mutual protection of the Licensee and other authorities when any of them may be constructing works near to the works of the other.
62	Do. 19	A concise statement of the protection to which public works and services are entitled.
63	Do. 20	Provision to ensure the adequate protection of owners of telegraphs, telephones, etc. principally the Postmaster General and General Manager of Railways.
64	1888. S.4	Provision protecting other legal interests from electrical works which may be other than the works of a Licensee.
65	Gas Works Clauses Act 1847 S.6 to 12 constructed on	For the protection of the public from danger, etc. during the execution of works in connection with a Licence.
66	Clauses Act 77	Responsibility for damage.
67	Do. 81	Do. nuisance.
68	Do. 31	Methods of charging for supply.

No. of Sections	Precedent or Authority	Subject of Purpose.
69	Clauses Act 32 E.L. Act 1909 S. 10	Maximum prices.
70	Clauses Act 33	Other charges by agreement.
71	New (on E.L. Act 1882/20)	Conditions which may affect price to be charged Right of consumers to equal treatment under equal conditions.
72	New	Restriction as to undue preference.
73	E.L. Act 1882 S. 21. 1909 S. 18	Supply may be cut off if consumer fails to Pay charges.
74	1909 S. 18	Do. do. in respect of other premises of the same consumer.
75	Clauses Act 35	Appointment of Electric Inspectors.
76	Do. 36	Duties of Do.
77	Do. 38	Notice to be given of accidents. Powers to Governor to make enquiry.
78	Do. 39	Testing of mains.
79	Do. 40	Do. on consumer's premises.
80	Do. 41	Do. Stations.
81	Do. 42	Licensee to keep instruments on premises.
82	Do. 43	Instruments to be kept in order. Power to Electric Inspector to examine and record.
83	Do. 44	Inspector may test instruments.
84	Do. 45	Inspector may be present at testing.
85	Do. 46	Licensee to give facilities for testing.
86	Do. 47	Report by Inspector of result of testing.
87	Do. 48	Charges of Do.
88	E.L. Act 1909 Sch (49)	Meter to be used, except by agreement.
89	Do. (50)	Certification of meters.
90	Do. (51)	Inspector to certify meters.
91	Do. (52)	Licensee to supply meters if required.

No. of Section.	Precedent or Authority.	Subject or purpose.
109	New	Provision to establish British Engineering Standard Committee's Standards and uniformity of practice wherever possible.
110	Clauses Act 60	Parts of area to be made and kept for inspection.
111	do. 61	Manner of notices etc. under Electric Supply Line Ordinance 1914, this Ordinance or the Licenses.
112	do. 62	Service of Notices, etc.
113	do. 63	Revocation of licence on insolvency.
114	do. 64	do. if unprofitable.
115	do. 65	do. failure to execute works.
116	do. 66	do. with consent.
117	New	Power to Governor in Council to conduct the service of a Licensee in an emergency.
118	New	Revocation of licence not to absolve a Licensee from liability for his acts under the Licence.
119	Clauses Act 67	Procedure on revocation of a Licence.
120	do. 68	do. do. of a public or local authority.
121	do. 69	Defaults, defective works, etc. of Licensee.
122	do. 71	Security to or by a Licensee. Nature of.
123	do. 72	The exercise of the powers of the Governor in Council and of the Governor and the deputing of powers.
124	do. 73	Authorities, consents or approvals of the Governor in Council or the Governor may be conditional.
125	do. 74	Specification as to manner of applications to the Governor in Council, other than applications for Licences.
126	Board of Trade Regulation.	Applications to Governor in Council for Licences. Specification as to Notices to be given.
127	do.	Specification as to draft Licence.

No. of Section.	Precedent or Authority.	Subject or Purpose.
128	Board of Trade Regulation.	Specification as to particulars to be supplied with application.
129	do.	do. further procedure for information of the public, objections, amendments, consideration of application, before and subsequent to grant of Licence.
130	do.	do. further procedure where power for the compulsory acquisition of land is applied for.
131	do.	do. further procedure where power to construct generating works is applied for.
132	do.	Manners in which applications may be prepared and as to fees.
133	Clauses Act 74	Public notice as to grant of applications or of revocations.
134	1888 S.2.3	Valuation for purchase of Licensee's works.
135	1882 S.28	Arbitration.
136	Clauses Act 78	Mortgages.
137	New	Agreements to be approved.
138	New	Restriction as to Licensee's engagement in other business.
139	Clauses Act 76	Recovery and application of penalties.
140	do.	Provision as to general Ordinances.
141	do. 80	Saving rights of the Crown in the foreshore.
142		Provision for making Regulations.
143	E.L. Act 1882 S.5	Regulations to be laid before Legislative Council.
144	Factory and Work shop Act 1901. S.80	Procedure for making Regulations.
145		Enquiry on proposed Regulations.

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143	E.L. Act 1882 S.5	Regulations to be laid before Legislative Council.
144	Factory and Work shop Act 1901, S.80	Procedure for making Regulations.
145		Enquiry on proposed Regulations.

No. of Section	Precedent or Authority	Subject and Purpose.
146	Classified Act	Publication of Regulations.
147	New	Appointment of Power Board.
148		General Penalty.
149		Provision to amend the "Boilers Prime Movers and Machinery Ordinance 1917" in its application to a Licenses's works and to electric motors.
150		War provision.
151	M.L. Act 1882 S. 30	Annual report by Governor in Council to Legislative Council.
152		Repeal.

Sd/ J. W. North,

ATTORNEY GENERAL.

Nairobi,

the third day of July, 1918.

Low
54757/18 G.P.

NOV
21

Rev 12724

JK

DRAFT.

November 1918

Secretary
London Electric Power
& Lighting Co. Ltd.

Sir,

MINUTE.

- Mr. Barclay
- Mr. Robinson
- Mr.
- Mr. Grindle.
- Mr. Lambert.
- Sir H. Eoad.
- Sir G. Piddon.
- Mr. Hewson.
- Mr. Long.

I am to be told to you a copy of "The Electric Power Order 1918" which was passed by the Legislative Council of G.P. to enquire whether the London Electric Power Lighting Co. Ltd. wish to carry out any arrangements in regard to its provisions from their point of view & the company's interests

order

5/11
(overleaf)

SECRET

Gov. 54757/186 at

13 November 1918

Sir
I am in honor to be
to be laid before the Board
acc. copy of "The Electric
Power Ord. 1918" as passed
by the Legislative Council of
the East, with copies of a
report by a Special Committee
of the Council and of a
report and letter prepared by
the Atty Genl.

I am very glad
to be furnished with the
Board's observations on the
at as early a date
as convenient

Staff
Board of
L.H. Jones
for reference

Commission
All papers
1/2

DRAFT.

MINUTE.

- 2. Mr. Jones
- 3. Mr. ...
- 4. Mr. ...
- 5. Mr. ...
- 6. Mr. ...
- 7. Mr. ...
- 8. Mr. ...
- 9. Mr. ...
- 10. Mr. ...

20/11/18

13 November 1918

Sir
I have the honor to
acknowledge your letter of
the 11th inst. 1918 regarding
the Electric Power
Commission and to be
informed of the
"The Electric
Power Ord. 1918" as passed
by the Legislative Council
of the East. I am glad
to report that
the Board is glad to
have your observations on
the Ordination generally and
on the effect which it will

have on the position of the Co.
of the proposed revision of their
Concession