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Subject of this on effect which the  
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proposed revision of Convention

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8, QUEEN ANNE'S GATE,  
WESTMINSTER, S. W. 1.

30th January, 1919.

Our Ref. 4.

The Under Secretary of State,  
Colonial Office,  
S. W. 1.

Sir,

Electric Power Ordinance, 1918.

54757/1918.

Further to my Report of the 22nd January, I now have pleasure in amplifying my remarks on the effect which the Ordinance is likely to have on the proposed revision of the Concession of the Nairobi Electric Power Company.

In this connection I would also refer you to my letter of 19th October, 1917.

Taking certain of the Clauses of the new draft Concession in their order:-

Clause 2 limits the period of the Concession to 6th April, 1956. This would give a period of only 37 years from 1919, which is considerably less than the maximum period of 50 years stated in Section 10 (2) of the Ordinance. This Clause also infers that the Company might be subject to competition after the end of 1929.

Clause 13. I have already referred, in my letter of 19th October, 1917, to the fact that this Clause does not state definitely that the Company shall be subject to future legislation, but I presume that

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In this connection I would also refer you to my letter of 19th October, 1917.

Taking certain of the Clauses of the new draft Concession in their order:-

Clause 2 limits the period of the Concession to 8th April, 1956. This would give a period of only 37 years from 1919, which is considerably less than the maximum period of 50 years stated in Section 10 (2) of the Ordinance. This Clause also infers that the Company might be subject to competition after the end of 1920.

Clause 13. I have already referred, in my letter of 19th October, 1917, to the fact that this Clause does not state definitely that the Company shall be subject to future legislation, but I presume that

30th January, 1919.

The Under Secretary of State.

Section 3 of the Ordinance would govern this case and bring the Company under the terms of the Ordinance, and also of future legislation.

Clause 19 empowers the Government to purchase the Company's Undertaking at certain periods, and is referred to in my letter of 19th October, 1917. This appears to be a Special Clause which is not foreshadowed by any Section of the Ordinance: unless Section 11 (3) may be reckoned to cover such a condition.

The Ordinance would really affect the Nairobi Company in the following manner:-

- (a) The power of the Governor to grant Licences to other parties in respect to the same area (Section 7).
- (b) The payment of damages and penalties for failure to supply (Sections 17 and 22).
- (c) The compulsory laying of mains in the distributing area within a period of two years (Section 21).
- (d) The liability of the Licence (i.e. Concession) to revocation, if the Licensee makes default in carrying out works (Section 23).
- (e) The liability to give monetary security for the carrying out of works (Section 40).
- (f) The obligation to keep accounts in a prescribed form (Section 42) and to have such accounts audited (Section 43).
- (g) The obligations re interest, dividends, reserve fund, etc. (Section 45).
- (h) The restrictions as to class of supply, pressures, etc. (Section 49).
- (i) The obligation to have all works approved by the Governor (Section 50).
- (j) The obligation to give notices for overhead and underground works in the manners prescribed (Sections 56, 57, 58, 50 and 61).
- (k) The liability for affecting telegraph and telephone wires (Section 63).

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30th January, 1919.

The Under Secretary of State.

- (l) The obligation to protect all street works and to pay penalties for damage to the same (Section 65).
- (m) The obligation to permit Electric Inspectors to test mains, meters, etc. (Sections 78 to 87).
- (n) The obligation to use only certified meters, etc. (Sections 88 to 101).
- (o) The obligations re maps (Section 110), notices (Sections 111, 112, 125, 126, 127, 128, 129, 130, 131 and 132).

None of the above obligations or liabilities is unnecessary or unreasonable, and, in my opinion, if the Madrobi Company takes objection to either of them, it can only be on the ground that they are not included in its existing Licence.

I am, Sir,

Your obedient Servant,

*J. B. ...*