

TRINIDAD AND TOBAGO.

No. 21.—1922.

I ASSENT,

[L.S.]

S. H. WILSON,
Governor.

27th September, 1922.

AN ORDINANCE to enable the Borough Council of San Fernando to lay down, maintain and operate Electric Works in the Borough of San Fernando.

[27th September, 1922.]

WHEREAS it is expedient that the Borough Council of San Fernando should be granted permission to lay down, maintain and operate Electric Works in the Borough of San Fernando ;

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

Preliminary.

1. This Ordinance may be cited as the San Fernando Short title.
(Municipal) Electric Works Ordinance, 1922.

[Price 1/3.]

Interpreta-
tion.

2. For the purposes of this Ordinance and the rules and regulations made in pursuance thereof, unless the context otherwise requires :

- “ Area of Supply ” in this Ordinance means the Borough of San Fernando as defined by Ordinance No. 35 of 1912 or by any Ordinance amending or repealing the same :
- “ Body ” means and includes any corporation incorporated in this Colony under the Ordinances thereof, a body of Trustees or Commissioners or a society whether incorporated or not, and any provision referring to a body shall apply to a person as the case may require :
- “ Company ” means any body of persons corporate or unincorporate :
- “ Consumer ” means any body or person supplied or entitled to be supplied, with energy by the Council :
- “ Consumer’s terminals ” means the ends of the electric lines situate upon any consumer’s premises and belonging to him at which the supply of energy is delivered from the service lines :
- “ Council ” means the Borough Council of San Fernando :
- “ Distributing Main ” means the portion of any main which is used for the purpose of giving origin to the service lines for the purposes of general supply :
- “ Electricity ” means electricity, electric current, electric energy, or any like agency :
- “ Electric Line ” means a wire or wires, conductor or other means used for the purpose of conveying, transmitting, or distributing electricity, with any casing, coating, covering, tube, pole or insulator enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith, for the purpose of conveying, transmitting, or distributing electricity.

- “Energy ” means electrical energy :
- “General Supply ” means the general supply of energy to ordinary consumers, but shall not include the supply of energy to any one or more particular consumers under special agreement :
- “Governor in Council ” means the Governor in Executive Council :
- “Inspector ” means and includes any person or persons appointed by the Governor for the purposes of this Ordinance and of the rules made hereunder :
- “Land ” means any land not being a street or portion thereof :
- “Main ” means an electric line which may be laid down or erected by the Council, in, over, along, across, or under any street or public place, and through which energy may be supplied, or may be intended to be supplied, by the Council for the purposes of general supply :
- “Mechanical appliances ” means and includes the poles, brackets, sleepers, wires, fittings and all other works, appliances or things which shall form part of or be required for or be used in connection with the electrical or other mechanical power by this Ordinance authorized to be used :
- “Person ” means and includes a company or corporation :
- “Power ” means electrical power, or the rate per unit of time at which energy is supplied :
- “Prescribed ” means prescribed by this Ordinance or by any rules made in pursuance of this Ordinance :
- “Private Purposes ” means and includes any purposes whatsoever to which electricity may for the time being be applicable, not being public purposes :

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- “ Public Purposes ” means lighting any street or place belonging to or subject to the control of the Council, or any church or place of worship, or any hall or building belonging to or subject to the control of any public authority, or any public theatre, but does not include any other purposes to which electricity may be applied :
- “ Road Authority ” as regards all roads, streets, and bridges without the limits of the Borough of San Fernando means the Director of Public Works or any person appointed by him, or the Local Road Board as the case may be :
- “ Roadway ” means that part of any street which is formed and set apart for the use of wheeled vehicles and the drains and water tables on each side thereof and also any artificially made footway :
- “ Rules ” means and includes regulations made in pursuance of this Ordinance :
- “ Service Line ” means any electric line through which energy may be supplied, or may be intended to be supplied, by the Council to a consumer, either from any main or directly from the premises of the Council :
- “ Street ” means a public way situate within the Borough of San Fernando, and shall include any bridges forming part thereof and any land by the side and forming part of such street :
- “ Telegraphic Line ” means and includes any electric line used for telephonic or electric signalling communication :
- “ Works ” means the works authorized by this Ordinance or any of them and includes poles or electric lines, and also any buildings, machinery, mechanical appliances, engines, works, matters or things, of whatever description, required to supply electricity and to carry into effect the objects of the Council under this Ordinance,

Supply of Electrical Energy.

3. The Council shall not at any time after the commencement of this Ordinance supply energy or except for the purposes of this Ordinance erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of the Governor in Council.

Prohibition
of supply
beyond area
of supply.

Nature and mode of supply.

4. Subject to the provisions of this Ordinance the Council shall have the right to acquire and to erect or lay down electric lines and works and to generate and supply energy for all public and private purposes (such right in the case of lighting purposes to be exclusive) and to use the same for the purpose of any undertaking lawfully carried on by the Council within the area of supply; provided as follows:—

Systems and
mode of
supply.

- (1.) Such energy shall be supplied by means of the alternating system or the direct current system for arc or incandescent lighting or such other system as shall be approved of by the Governor in Council and subject to such regulations and conditions for securing the safety of the public and for ensuring a proper supply of energy as the Governor in Council may from time to time impose.
- (2.) The Council shall not permit any part of any circuit to be connected with the earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid unless such connection is for the time being approved of by the Governor in Council and is made in accordance with the conditions if any of such approval.

5. Subject to the provisions of this Ordinance, the Council may from time to time exercise all or any of the powers conferred upon them by this Ordinance; provided always that nothing in this Ordinance shall authorize or empower the Council in the execution of any works, repairs, renewals, or amendments of existing works, to interfere with any railway without the consent of the authority,

Power to
execute works.

company or person by whom such railway is repairable (in this section and in section 6 referred to as "owners"). If any such works involve the actual breaking of the railway lines or other appliances such breaking shall be carried out by the owners at the expense of the Council.

Provisions
as to
Railways.

6. Where the exercise of the powers of the Council in relation to the execution of any works will involve the placing of any works in, under, along, over, or across any railway, the following provisions shall have effect, unless otherwise agreed between the parties interested :—

- (1) Before commencing the execution of any such works the Council shall, in addition to any other notices which they may be required to give under this Ordinance, serve a notice upon the owners describing the proposed works, together with a plan of the works, showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, from time to time give them any such further information in relation thereto as they may desire.
- (2) Every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given, to the provisions thereof.
- (3) The Council shall mutually arrange with the owners for such works to be carried out on such days and at such times as shall be laid down by the owners, and shall reimburse the owners for any expense they may be put to in breaking the railway and in arranging for the protection of the obstruction.
- (4) All works to be executed by the Council under this section shall be carried out to the reasonable satisfaction of the owners.

- (5) If the Council make default in complying with any of the requirements or restrictions of this section, they shall in addition to any other compensation which they may be liable to make under the provisions of this Ordinance, make full compensation to the owners affected thereby, for any loss or damage which they may incur by reason thereof, and, in addition thereto, they shall be liable to a penalty not exceeding five pounds for every such default, and in the case of a continuing offence, to a further penalty, not exceeding one pound for every day after the first day during which such default continues.

7.—(1) The Council shall take all reasonable precautions in constructing, laying down and placing their electric lines and other works of all descriptions, and in carrying on the works, so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works.

Protection of
Telegraph
and Telephone
wires.

(2) Seven days before commencing to construct any electric line, or to supply energy through any electric line, (excepting through existing lines, of which the character and position are not altered) in any manner, whereby the work of telegraphic, or telephonic, or electric signalling communication through any wires or lines lawfully laid down, or placed in any position, may be injuriously affected, the Council shall, unless otherwise agreed between the parties interested, give to any body or person for the time being entitled to such wires or lines, notice in writing specifying the course, nature and gauge of such electric lines, and the amount and nature of the currents intended to be sent along the same, and the extent to and manner in which (if at all) earth returns are proposed to be used; and the Council shall conform with such reasonable requirements as may from time to time be made by such body or

person as aforesaid, for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

Provided that nothing in this section shall be held to give to any body or person any right of action or complaint against the Council in respect of, or to protect any electric wire, line or apparatus, or the currents therein, unless in the construction, erection, maintaining, and working of such wires, lines and apparatus, all reasonable and proper precautions have been taken by such body or person to prevent injurious affection therewith, and with the currents therein, by and from other electrical currents.

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

(3) If any difference arises between any such body or person and the Council, with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration.

(4) If the Council make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to the other body or person entitled to any such wire or line for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding one pound for every such default, and in the case of a continuing offence, to a further penalty not exceeding five shillings for every day after the first day during which such default continues: Provided that the Council shall not be subject to any such penalties as aforesaid, if the Court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Council complied with the requirements and restrictions of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the Council were ignorant of the position of the wires or lines affected thereby, and that such ignorance was not owing to any negligence on the part of the Council.

8. If it appears to the Governor in Council on the representation of any body or person affected thereby, that any works of the Council have been or are in course of being executed otherwise than according to the provisions of this Ordinance, the Governor in Council may, if he thinks fit, by order require the Council to discontinue or remove such works until such provisions have been complied with, or permit them to continue the same subject to such conditions for the due protection of the party making the representation or other party affected, as the Governor in Council may impose, and may, in case the Council make default in complying with any such order, if he is of the opinion that such default is wilful or unreasonably prolonged, temporarily suspend the operation of this Ordinance as to any part of the area of supply in which the said works have been or are in course of being executed.

Works
improperly
executed.

Compulsory Works.

9—(1) After first communicating with the Council and taking into consideration any representations made by them, the Governor in Council may by order require the Council within a period of two years after the commencement of this Ordinance to construct suitable and sufficient distributing mains for the purposes of general supply throughout every street mentioned in the Schedule hereto, on such terms and conditions as the Governor in Council may by such order prescribe, and the Council shall, unless such mains are already constructed, thereupon construct and thereafter maintain the same accordingly.

Distributing
mains to be
constructed.

(2) In addition to the mains hereinbefore specified, the Council shall at any time after the expiration of one year after the commencement of this Ordinance, construct 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 by this Ordinance provided.

(3) All such mains as last above-mentioned shall be constructed by the Council within six months after any requisition in that behalf served upon them in accordance

with the provisions of this Ordinance has become binding upon them, or such further time as may in any case be approved of by the Governor in Council.

Placing of electric line under special conditions.

10. Two weeks at the least before commencing to place in, under, along, over or across any street, any electric line, (not being the repairs, renewals or amendments of existing lines, of which the character and position are not altered) which is intended for supplying energy to any particular consumer, and not for the purposes of general supply, the Council shall serve 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 line so to be laid, a notice stating that the Council intends to lay such electric line, and if, within the said period, any two or more of such owners or occupiers require, in accordance with the provisions of this Ordinance, that a supply shall be given to their premises, the necessary distributing main shall be laid by the Council at the same time as the electric line intended for such particular consumer.

Failure of Council to place down mains.

11. If the Council make default in placing any distributing mains in accordance with the provisions of this Ordinance within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding one pound in respect of every such default for each day during which such default continues, and if the Governor in Council is of opinion in any case that such default is wilful and unreasonably prolonged, he may temporarily suspend the operation of this Ordinance as to any part of the area of supply, throughout which the Council shall have been required to place such distributing mains in manner by this Ordinance provided, or, if the Council so desire may suffer the same to remain in force as to any such part thereof, subject to such conditions as he may think fit to impose, and any conditions so imposed shall be binding on and observed by the Council, and shall be of the like force and effect in every respect, as though they were contained in this Ordinance.

Manner in which requisition is to be made.

12.—(1) Any requisition requiring the Council to place distributing mains for the purpose of general supply throughout any street or part of a street, may be made by ten or more owners or occupiers of premises along such street or part of a street.

(2) Every such requisition shall be signed by the persons making the same, and shall be served upon the Council.

(3) Forms of requisition shall be kept by the Council at the Town Hall, and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply on application for the same, and any requisition so supplied shall be deemed valid in point of form.

13.—(1) Where any such requisition is made by any such owners or occupiers as aforesaid, the Council may, if they think fit, within one month after the service of the requisition upon them, serve a notice on all the persons by whom such requisition is signed, stating that they decline to be bound by such requisition, unless such persons or some of them will bind themselves to take, or will guarantee that there shall be taken, a supply of energy for three years of such amount in the aggregate (to be specified by the Council in such notice) as will, at the rates of charge for the time being charged by the Council for the supply of energy from distributing mains to ordinary consumers, within the area of supply, produce annually such reasonable sum as shall be specified by the Council in such notice: Provided that in such notice the Council shall not specify any sum exceeding fifteen per cent. upon the expense of providing and placing the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

(2) Where such notice is served, the requisition shall not be binding on the Council, unless, within one month after the service of such notice on all the persons signing the requisition has been effected, or, in case of difference, the delivery of the arbitrator's award, there is tendered to the Council an agreement severally executed by such persons, or some of them, binding them to take, or guaranteeing that there shall be taken, for a period of three years at the least such specified amounts of energy respectively as will in the aggregate, at the rates of charges 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 Council of all moneys which may become due to them from such persons under such agreement is offered to the Council (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

(3) If any difference arises between the Council and any person signing any such requisition as to any such notice or agreement, such difference shall be determined by arbitration.

Furnishing of supply of energy to owners and occupiers within area of supply.

14.—(1) The Council shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Council, in which they are for the time being maintaining a supply of energy for the purposes of general supply to private consumers under this Ordinance or under any regulations and conditions subject to which they are authorized to supply energy under this Ordinance, give and continue to give a supply of energy for such premises in accordance with the provisions of this Ordinance and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Ordinance, subject to the conditions following, that is to say :—

- (a) The cost of so much of any electric line for the supply of energy to any owner or occupier as may be constructed upon the property of such owner, or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to construct for a greater distance than sixty feet from any distributing main of the Council, although not on such property, shall, if the Council so require, be defrayed by such owner or occupier : and
- (b) Every owner or occupier of premises requiring a supply of energy shall :—

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- (i) Serve a notice upon the Council specifying the premises in respect of which such 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 such notice) upon which such supply is required to commence :
 - (ii) Enter into a written contract with the Council, if required by them to do so, to continue to receive and pay for a supply of energy, for a period of at least three years, of such an amount that the payment to be made for the same, at the rate of charge for the time being charged by the Council for a supply of energy to ordinary consumers within the area of supply, shall not be less than fifteen per cent. per annum on the outlay incurred by the Council in providing any electric lines required under this section to be provided by them for the purpose of such supply : and
 - (iii) Give to the Council, if required by them to do so, security for the payment to them of all moneys which may from time to time become due to them by such owner or occupier in respect of any electric lines to be furnished by the Council, and in respect of energy to be supplied by them :

Provided that the Council may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient, and in case any such

owner or occupier fails to comply with the terms of such notice, the Council may, if they think fit, discontinue the supply of energy for such premises so long as such failure continues ;

Provided also, that if the owner or occupier of any such premises as aforesaid, uses any form of lamp or burner, or uses the energy supplied to him by the Council for any purpose, or deals with it in any manner, so as unduly or improperly to interfere with the efficient supply of energy to any other body or person by the Council, the Council may if they think fit, discontinue the supply of energy to such premises so long as such user continues ;

Provided also, that the Council shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Council, or by any other body or person.

(2) If any difference arises under this section as to any improper use of energy, or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined by arbitration.

Maximum
power.

15.—(1) The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may from time to time 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 Council to supply him with the maximum power of any specified amount, he shall not be entitled to alter that maximum, except upon one month's notice to the Council, and any expenses reasonably incurred by the Council in respect of the service line by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Council upon such premises, consequent upon such alteration shall be paid by him to the Council, and may be recovered as a civil debt.

(2) If any difference arises between any such owner or occupier and the Council, as to what may be reasonably anticipated as the consumption on his premises, or as to the reasonableness of any expenses under this section, such difference shall be determined by arbitration.

16.—(1) Whenever the Council make default in supplying energy to any owner or occupier of premises, to whom they may be and are required to supply energy under this Ordinance, they shall be liable to a penalty not exceeding one pound in respect of every such default for each day on which any such default occurs. Penalty for failure to supply energy.

(2) Whenever the Council make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorized to supply energy under this Ordinance, they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Council under this section shall in no case exceed in the aggregate the sum of twenty pounds in respect of any defaults not being wilful defaults, on the part of the Council for any one day.

Provided also, that in no case shall any penalty be inflicted in respect of any default, if the Court having cognizance of the case shall be of opinion that such default was caused by inevitable accident, strikes of workmen, or *force majeure* or was of so slight or unimportant a character as not materially to affect the value of the supply.

17. Nothing contained in this Ordinance shall be construed so as to make it compulsory for the Council, nor shall the Council be obliged to supply energy to any consumer between the hours of sunrise and sunset. Supply of energy between sunrise and sunset.

Price.

18. The Council may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement) : Methods of charging for supply.

- (1) By the actual quantity of energy so supplied :
- (2) By the electrical quantity contained in such supply : or

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

Provided that where the Council charge by any method so approved by the Governor in Council, any consumer who objects to that method of charge may, by one month's notice in writing, require the Council to charge him at their option by the actual quantity of energy supplied to him, or by the electrical quantity contained in such supply, and thereafter the Council shall not, except with the consumer's consent, charge him by any other method :

Provided that, before commencing to supply energy through any distributing main for the purposes of general supply, the Council shall give notice to the consumer by what method they propose to charge for energy supplied through such main, and, where the Council has given such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to every consumer who is supplied by them from such main.

Maximum
prices.

19. The prices to be charged by the Council for energy supplied by them shall be subject to the approval of the Governor in Council, and such prices when so approved shall not be exceeded by the Council without the further approval of the Governor in Council.

Other charges
by agreement.

20. Subject to the provisions of this Ordinance, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above-mentioned, the Council may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained, and may charge accordingly.

Electric Inspectors.

Appointment
of Electric
Inspectors.

21.—(I) The Governor in Council may from time to time appoint one or more competent and impartial person or persons to be an Electric Inspector or Electric Inspectors under this Ordinance.

(2) The duties of an Electric Inspector under this Ordinance shall be as follows :—

- (a) The inspection and testing, periodically and in special cases, of the Council's electric lines and works, and the supply of energy given by them :
- (b) The certifying and examination of meters : and
- (c) Such other duties in relation to the works as may be required of him under the provisions of this Ordinance or of any regulations under this Ordinance.

(3) In respect of the said duties, an Electric Inspector shall be entitled to take such fees as may from time to time be prescribed by the Governor in Council, who may also prescribe the manner in which and the times at which any such duties are to be performed : Provided however, that the Governor in Council may, if he thinks fit, receive from the Council an annual payment of such sum as may be agreed upon, in lieu of all fees otherwise payable by the Council under the provisions of this Ordinance.

22. The Governor in Council may pay to every Electric Inspector appointed by him under this Ordinance such reasonable remuneration, if any, as may from time to time be determined by him with the sanction of the Legislative Council, and that remuneration may be in addition to or in substitution for any fees directed to be paid to the Electric Inspectors in respect of their duties under this Ordinance or the Regulations made under this Ordinance, according as the Governor in Council may with such sanction determine.

Remuneration
of Electric
Inspector.

23.—(1) The Council shall send to the Governor in Council notice of any accident by explosion, or fire, and also of any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury, which has occurred in any part of the Council's works or lines or in connection with their works or lines, and also notice of any loss of life or personal injury occasioned by any such accident. The notice shall be sent by the earliest

Inquiry by
the Governor
in Council.

practicable post after the accident occurs, or, as the case may be, after the loss of life or personal injury becomes known to the Council.

If the Council fails to comply with the provisions of this sub-section they shall be liable for each offence to a penalty not exceeding five pounds.

(2) The Governor in Council may, if he deems it necessary, appoint any Electric Inspector, or other fit person or persons, to inquire into 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 Council's works or lines, or as to the manner and extent in and to which the provisions of this Ordinance and of any regulations made under this Ordinance, so far as such provisions affect the safety of the public, have been complied with by the Council; 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, and the expenses of such inquiry and report, to such an amount as the Governor in Council by his order certifies to be due, shall be paid by the Council, and shall be a debt due from the Council to the Crown, and recoverable accordingly, with costs.

Testing and Inspection.

Testing of
mains.

24. On the occasion of the testing of any main of the Council, reasonable notice thereof shall be given to the Council by the Electric Inspector, and such testing shall be carried out at such suitable hours as, in the opinion of the Inspector, will least interfere with the supply of energy by the Council, and in such manner as the Inspector may think expedient, but except under the provisions of a special order in that behalf made by the Governor in Council, he shall not be entitled to have access to or to interfere with the mains of the Council at any points other than those at which the Council have reserved for themselves access to the said mains: Provided that the Council shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such Inspector

for the purpose of any such testing as aforesaid : Provided also, that such testing shall not be made in regard to any particular portion of a main oftener than once in three months, except in pursuance of a special order in that behalf made by the Governor in Council.

25. An Electric Inspector, if and when required to do so by any consumer, shall from time to time, on payment by such consumer of the prescribed fees, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the Council upon the consumer's premises, as may be necessary for the purpose of determining whether the Council have complied with the provisions of this Ordinance, and of the regulations and conditions subject to which they are for the time being authorized to supply energy.

Testing of works and supply on consumer's premises.

26.—(1) The Council shall set up, and keep upon all premises from which they supply energy by any distributing mains, such suitable and proper instruments of such pattern and construction as may from time to time be approved of or prescribed by the Governor in Council, and shall from time to time take and record, and keep recorded, such observations as the Governor in Council may from time to time prescribe, and any observations so recorded shall be receivable as evidence.

Council to keep instruments on their premises.

(2) The Council shall also at such places within a reasonable distance from a distributing main establish at their own cost and keep in proper condition such reasonable number of testing-boxes or other means of testing the supply of energy as the Electric Inspector may deem proper and sufficient, and shall supply energy thereto for the purpose of testing, and proper and suitable instruments for making such test.

(3) If any dispute arises as to the performance by the Council of their duties under this section, such dispute shall be determined by the Director of Public Works.

27. The Council shall keep in efficient working order all instruments which they are required by or under this Ordinance to place, set up, or keep at or on their premises, and any Electric Inspector appointed under this Ordinance

Readings of instruments to be taken.

may examine and record the readings of such instruments at such times and in such manner as he may be directed by the Governor in Council, and any readings so recorded shall be receivable in evidence.

Testing of
Council's
instruments.

28. Any Electric Inspector appointed under this Ordinance shall have the right to have access at all reasonable hours to the premises of the Council for the purpose of testing the Electric lines and instruments of the Council and ascertaining if the same are in order, and in case the same are not in order, he may require the Council forthwith to have the same put in order.

Representa-
tion of
Council at
testing.

29. The Council may if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instrument of the Council by any Electrical Inspector, be represented by some Officer or other agent, but such Officer or agent shall not interfere with the testing or inspection.

Council to
give facilities
for testing.

30.—(1) The Council 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 this Ordinance in that behalf.

(2) If the Council make default in complying with any of the provisions of this section, they shall be liable in respect of each default to a penalty not exceeding one pound and in the case of a continuing offence, to a further penalty not exceeding five shillings for every day after the first day during which such offence continues.

Report of
results of
testing.

31.—(1) Every Electric Inspector shall on the day immediately following that on which any testing has been completed by him under this Ordinance, make and deliver a report of the results of his testing to the Governor in Council, or to the consumer, as the case may be, by whom he was required to make such testing, and also to the Council, and such report shall be receivable in evidence.

(2) If the Council or any consumer are or is dissatisfied with any report of any Electric Inspector they or he may appeal to the Director of Public Works against such report,

and thereupon the Director of Public Works shall enquire into and decide upon the matter of any such appeal, and his decision shall be final and binding on all parties.

32. Save as otherwise provided by this Ordinance or by any regulations under this Ordinance, all fees and reasonable expenses of any Electric Inspector shall, unless agreed to, be ascertained by the Governor in Council, and shall be paid by the Council, and may be recovered as a civil debt.

Expenses of
Electric
Inspector.

Provided that where the report of an Electric Inspector or the decision of the Director of Public Works shows that any consumer was guilty of any default or negligence, such fees and expenses shall, on being ascertained as above-mentioned, be paid by such consumer or consumers as the Governor in Council having regard to such report or decision shall direct, and may be recovered as a civil debt.

Provided also, that in any proceedings for penalties under this Ordinance any such fees and expenses incurred in connection with such proceedings shall be payable by the complainant or defendant as the Court may direct.

Meters and Apparatus.

33. The actual quantity of energy supplied by the Council to any ordinary consumer under this Ordinance or the Electrical quantity contained in such supply (according to the method by which the Council elects to charge), in this Ordinance referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Council, be ascertained by means of an appropriate meter duly certified under the provisions of this Ordinance.

Meters to be
used except by
agreement.

34. Every Electric Inspector, on being required to do so by the Council or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the value of the supply, and shall certify the same as a certified meter if he considers it fit to be so certified.

Electric
Inspector to
certify
meters.

Provided that where any alteration is made in any certified meter, or where any such meter is unfixed or

disconnected from the service lines, such meter shall cease to be a certified meter, unless and until it is again certified as a certified meter under the provisions of this Ordinance.

Council to supply meter if required.

35. Where the value of the supply is under this Ordinance required to be ascertained by means of an appropriate meter the Council shall, if required to do so by the consumer, supply him with an appropriate meter, and shall, if required to do so, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Ordinance, and for such purposes may authorize and empower any officer or person to enter upon such premises at all reasonable hours and execute all necessary works and do all necessary acts: Provided that previously to supplying any such meter, the Council may require such consumer to pay them a reasonable sum in respect of the price of such meter or to give security therefor, or, if he desires to hire such meter, may require him to enter into an agreement for the hire of such meter as hereinafter provided.

Meters not to be connected or disconnected without notice.

36. No consumer shall connect any meter used or to be used under this Ordinance for ascertaining the value of the supply with any electric line through which energy is supplied by the Council, or disconnect any such meter from any such electric line, unless he has given to the Council not less than forty-eight hours' notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding two pounds.

Consumer to keep his meter in proper order.

37.—(1) Every consumer shall at all times, at his own expense, keep all meters belonging to him, whereby the value of the supply is under this Ordinance to be ascertained in proper order for correctly registering such value, and in default of his so doing the Council may cease to supply energy through such meter.

(2) The Council shall have access to and be at liberty to take off, remove, test, inspect and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing shall, if the meter is found

not to be in proper order, be paid by the consumer, but if the same is in proper order, all expenses connected therewith shall be paid by the Council.

38. The Council may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, and any other apparatus required for their undertaking, for such remuneration in money, and on such terms with respect to the repair of such meter or apparatus and fittings, and for securing the safety and return to the Council of such meter or apparatus and fittings, as may be agreed upon between the hirer and the Council, or, in case of difference, decided by arbitration, and on the award of the arbitrator or arbitrators, such remuneration shall be recoverable by the Council as a civil debt.

Council may
let meters
for hire.

39. The Council shall, unless the agreement of hire otherwise provides, at all times at their own expense keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and, in default of their so doing, the consumer shall not be liable to pay rent for the same during such time as such default continues. The Council shall, for the purposes aforesaid, at all reasonable times have access to, and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times.

Council to
keep meters
let for hire
in repair.

40. If any difference arises between any consumer and the Council as to whether any meter, whereby the value of the supply is ascertained (whether belonging to such consumer or to the Council), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined, on the application of either party, by an Electric Inspector, who shall order by which of the parties the costs of the proceedings shall be paid, and the decision of such Inspector shall be final and binding on all parties. Subject as aforesaid, the register of the meter shall be conclusive evidence, in the absence of fraud, of the value of the supply.

Differences as
to correctness
of meter to
be settled by
Electric
Inspector.

41. Where any consumer who is supplied with energy by the Council from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the Council changes the method of charging

Council to
pay expenses
of providing
new meter
where method
of charge
altered.

for energy supplied by them from such main, the Council shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging, and such expenses may be recovered by the consumer from the Council as a civil debt.

Council may
place meter
measure.

42. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Council may from time to time place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of the energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum power taken by the consumer, or any other quantity or time connected therewith: Provided that such meter or apparatus shall be of such construction and pattern and shall be fixed and connected with the service lines in such manner, as may be approved by the Electric Inspector, and shall be supplied and maintained entirely at the cost of the Council, and shall not, except by agreement, be placed otherwise than between the mains of the Council and the consumer's terminals.

Maps.

Map of area
of supply to
be made and
deposited.

43.—(1) The Council shall forthwith after commencing to supply energy under this Ordinance cause a map to be made of the area of supply on a horizontal scale of at least six inches to one mile, and shall cause to be marked thereon the lines of all their then existing mains and service lines, and shall once in every year cause such map to be duly corrected so as to show the then existing lines.

(2) Every map so made or corrected for the Council or a copy thereof, with the date expressed thereon of the last time when it was corrected, shall be kept by the Council at the Town Hall, and a copy of every such map shall, within one month after the same is made or corrected, be served upon the Colonial Secretary.

(3) If the Council fail to comply with any of the requirements of this section, they shall for every such offence be liable to a penalty not exceeding one pound and to a further penalty not exceeding five shillings for every day after the first day during which such offence continues.

44. If at any time it appears to the Governor in Council— Remedying
of system
and works.

- (1) That the Council are supplying energy by any system not specified in this Ordinance nor approved by the Governor in Council ; or
- (2) Except in accordance with the provisions of this Ordinance have permitted any part of their circuits to be connected with earth ; or
- (3) That any electric lines or works of the Council are defective so as not to be in accordance with the provisions of this Ordinance, or of the regulations and conditions subject to which the Council are for the time being authorized to supply energy under this Ordinance ; or
- (4) That the Council's works or their supply of energy are attended with danger to the public safety :

the Governor in Council may, if he thinks fit by order in writing, require the Council to remedy the same so as to comply with such order within such period as may be therein limited in that behalf, and if the Council make default in complying with such order within the time so limited, they shall be liable to a penalty not exceeding five pounds for every day during which such default continues.

Provided that where the matter so required to be remedied is, in the opinion of the Governor in Council, dangerous to the public safety, he may, if he thinks fit, by any such order as aforesaid, forbid the use of such electric line or work as from such date as may be specified in that behalf until the order is complied with, and if the Council make use of such electric line or work while the use thereof is forbidden, they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

Provided also, that where the Council is supplying energy by means of a system not specified in this Ordinance or approved by the Governor in Council, and fail to comply

with any such order in respect thereof within the time therein limited in that behalf, the Governor in Council may, if he thinks fit, temporarily suspend the operation of this Ordinance as to any part of the area of supply for such time and on such terms as he may think just.

Temporary Suspension.

Provisions
in case of
temporary
suspension.

45. If the Governor in Council at any time temporarily suspends the operation of this Ordinance as to any part of the area of supply, the following provisions shall have effect :—

- (1) The Governor in Council shall serve a notice of such suspension upon the Council, and shall in such notice fix a date at which such suspension shall take effect, and thereafter and until such suspension ceases the Council shall not be authorized to exercise any powers given in this Ordinance as to such part of the area of supply, but the rights, privileges and franchises previously acquired by the Council shall not be otherwise affected.
- (2) It shall be lawful for the Electric Inspector, on the direction of the Governor, and after giving ten days notice in writing to the Council, unless the Governor shall direct that no such notice be given, out of any moneys legally available for that purpose, to hire workmen, to procure materials and execute the work in respect of which any default has been made by the Council in accordance with the provisions of this Ordinance, and unless the amount expended by the Electric Inspector be forthwith repaid by the Council, the Attorney-General on behalf of the Government shall be entitled to recover such amount as a debt with costs.
- (3) When the amount so expended by the Electric Inspector as aforesaid, together with any costs incurred in recovering the same, shall have been recovered as aforesaid, such suspension shall thereupon cease.

- (4) The Council shall afford every proper facility to the Electric Inspector for the purpose of enabling him to carry out the provisions of this section.

General Provisions.

46.—(1) After first communicating with the Council and taking into consideration any representations made by them, the Governor in Council may make rules and regulations respecting the supply of electrical energy for :—

- (a) The securing the safety of the public from personal injury or from fire, or otherwise ; and
 (b) The securing of a regular supply of electricity ; and
 (c) The authorising of inspection and inquiry from time to time ; and
 (d) The enforcement of the due performance of the duties of the Council under the provisions of this Ordinance.

(2) All such rules and regulations shall be published in the *Royal Gazette*, and shall be judicially noticed.

47. Any such rules or regulations may impose reasonable penalties for offences against the same or for the failure or omission to observe or comply with the provisions of the same or any of them, such penalties not to exceed five pounds for each offence with or without further penalties for continuing offences not exceeding for any continuing offence ten shillings for every day during which the offence continues ; but all rules and regulations shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

48.—(1) Where this Ordinance provides for any consent or approval of the Governor in Council, the Governor in Council may give that consent or approval subject to terms or conditions or may withhold such consent or approval as the Governor in Council may think fit.

(2) All costs and expenses of or incident to any application for any approval, consent or order of the Governor in Council including any tests which may be required to be made by the Governor in Council for the

purpose of determining whether the same should be given or made, to such an amount as may be certified to be due, shall be borne and paid by the applicant or applicants therefor; Provided always that where any approval is given by the Governor in Council to any plan, pattern, or specification, he may require such copies of the same as he may think fit to be prepared and deposited at the office of the Colonial Secretary at the expense of the said applicant or applicants, and may from time to time as he may think fit revoke any approval so given or permit such approval to be continued subject to such modifications as he may think necessary.

Notice of approval of Governor, etc. to be given by advertisement.

49. Where the Governor in Council, on the application of the Council, gives any approval or grants any extension of any time limited for the performance of any duties by the Council under the provisions of this Ordinance, or temporarily suspends the operation of this Ordinance as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such suspension made, shall be published in the *Royal Gazette* and in one other newspaper in the Colony.

Injuring work with intent to cut off supply of electricity.

50. Every person who unlawfully and maliciously cuts or injures any electric line or work with intent to cut off any supply of electricity shall be guilty of felony, and, being convicted thereof shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, but nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provision of this Ordinance, or under any other Ordinance, or at common law, so that no person is punished twice for the same offence.

Cutting of trees near works without notice.

51. It shall not be lawful for any person to trim, cut or fell any tree growing or being within fifty feet of any works authorised under this Ordinance, unless he shall have given twenty-four hours previous notice of such intended trimming, cutting or felling to the Council. Any person acting in contravention of this section shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding five pounds.

52. Any officer appointed by the Council may, at all reasonable times, enter any premises to which electricity is or has been supplied by the Council, in order to inspect the electric lines, meters, accumulators, fittings, works and apparatus for the supply of electricity belonging to the Council, and for the purpose of ascertaining the quantity of electricity consumed or supplied, or, where a supply of electricity is no longer required, or where the Council is authorised to take away or cut off the supply of electricity from any premises, for the purpose of removing any electric lines, meters, accumulators, fittings, works, or apparatus belonging to the Council: Provided that the Council shall repair all damage caused by such entry, inspection, or removal.

Power of entry for ascertaining quantity of electricity.

53. Where any electric lines, meters, accumulators, fittings, works, or apparatus belonging to the Council are placed in or upon any premises not being in the possession of the Council for the purpose of supplying electricity under this Ordinance, such electric lines, meters, accumulators, fittings, works or apparatus shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, nor to be taken in execution under any process of a Court of Justice, or under any proceeding in bankruptcy, against the person in whose possession the same may be.

Electric lines, etc., not to be subject to distress, etc. in certain cases.

54. If any company, body or person neglect to pay any charge for electricity or any other sum due from them to the Council in respect of the supply of electricity to such company, body or person, the Council may cut off such supply, and for that purpose may cut or disconnect any electric line or other work through which electricity may be supplied, and may, until such charge or other sum, together with any expenses incurred by the Council in cutting off such supply of electricity as aforesaid, is fully paid, but no longer, discontinue the supply of electricity to such company body, or person.

Recovery of charges, etc.

55. Every consumer who wilfully, or fraudulently, or by culpable negligence, injures or suffers to be injured any electric line, meter or other apparatus belonging to the Council, or alters the index of any meter, or prevents any

Liability of consumer.

meter from duly registering the quantity of energy supplied or fraudulently abstracts, consumes, or uses energy of the Council, shall (without prejudice to any other right or remedy for the protection of the Council, or the punishment of the offender) for every such offence be liable to a penalty not exceeding twenty-five pounds, and to a further penalty not exceeding five pounds for every day after the first day during which such offence continues ; and the Council may in addition thereto recover from such consumer the amount of any damage by them sustained ; and in any case in which any consumer has wilfully or fraudulently injured or suffered to be injured any electric line, meter or fittings, belonging to the Council, or altered the index to any meter, or prevented any meter from duly registering the quantity of energy supplied, the Council may also, until the matter complained of has been remedied, but no longer, discontinue the supply of electricity to the consumer so offending (notwithstanding any agreement or contract previously existing) ; and the existence of artificial means for causing such alteration or prevention, or for fraudulently abstracting, consuming, or using electricity of the Council, when such meter is under the custody or control of the consumer, shall be *prima facie* evidence that such alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer using such meter.

Alteration of
installation
on consumer's
premises.

56. It shall not be lawful for any person to make any addition, alteration or modification to an existing electric installation unless he shall have given twenty-four hours previous notice in writing to the Council of such intended addition, alteration or modification. Any person acting in contravention of this section shall be guilty of an offence, and on summary conviction shall be liable to a penalty not exceeding five pounds.

Miscellaneous Provisions.

Office.

57. The office of the Council shall be the Town Hall in the Borough of San Fernando.

Notices, etc.,
may be
printed or
written.

58. Notices, orders, and other documents under this Ordinance 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 Council, the signature thereon of the Town Clerk of San Fernando shall be sufficient authentication.

59.—(1) Any notice, order or document required or authorized to be served upon any body or person under this Ordinance may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively :—

Service of notices, etc.

- (a) In the case of the Governor in Council, the office of the Colonial Secretary ;
- (b) In the case of the Postmaster-General, the General Post Office ;
- (c) In the case of the Director of Public Works, the office of the Director of Public Works ;
- (d) In the case of any road authority, the office of such road authority ;
- (e) In the case of any company having a registered office, the registered office of such company ;
- (f) In the case of a company having an office or offices, but no registered office, the principal office of such company ; and
- (g) In the case of any other person, the usual or last known place of abode of such person.

(2) Any notice, order, or document by this Ordinance required or authorized 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) Any notice, order, or document by this Ordinance required or authorized to be served on the owner or occupier of any premises may be served by delivering the same, 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 the notice on some conspicuous part of the premises.

(4) Subject to the provisions of this Ordinance as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Ordinance 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 such time, that is to say, Sunday, Christmas Day, Good Friday, and any Public Holiday under and within the meaning of the Public Holidays Ordinance.

(No. 121.)

Publication
of rules and
regulations.

60. All rules, regulations and conditions made under this Ordinance affecting the works and for the time being in force, shall, within one month after the same as made or last altered have come into force, be printed at the expense of the Council, and true copies thereof, certified by or on behalf of the Council, shall be kept by them at the Town Hall and supplied to any person demanding the same, at a price not exceeding one shilling for each copy.

*Damages.*Injuries to
public
property.

61. All losses, damages or injuries caused by the Council, their officers, agents or contractors either in the construction, operation or maintenance in accordance with the terms of this Ordinance or otherwise of the works contemplated by this Ordinance to any of the property of the Crown or the Government, shall be paid by the Council.

Injurious
affection.

62. The right conferred by this Ordinance on the Council to use and supply electric energy shall be exercised only in accordance with the rules from time to time made by the Governor in Council under the provisions of this Ordinance, and in every case in which, so far as the same may be relevant, such rules may be complied with, the Council shall be deemed to have taken all sufficient, reasonable and proper precautions for preventing injurious affection to or interference with the electric works and lines of other bodies or persons, and the currents therein: Provided that nothing in this Ordinance or in such rules shall be held to give to any body or person any right of action or complaint against the Council in respect of, or to protect any electric works, lines or apparatus, or the currents therein, unless in the construction, erection, maintaining and working of such works, lines, and apparatus all reasonable and proper

precautions have been taken by such other body or person to prevent injurious affection thereto and interference therewith and with the currents therein, by or from other electrical currents.

Rights of Property.

63. The provisions of sections 61, 62, 63 and 64 of the Land Acquisition Ordinance (No. 42) shall apply to the acquisition of any land which the Council may require for the purposes of the undertaking hereby authorized.

64. In the course of constructing and for the more effective working of the undertaking, the Council shall, subject to the rules to be made from time to time by the Governor in Council, have power by their officers and agents duly authorized for that purpose in writing to cut and remove from any public street or road and to enter upon and to cut and remove from any private or public lands any tree, or any branch, bough or other part of a tree growing on such lands within one hundred feet of any main or sub-main used for conducting electricity which may tend to interfere with, endanger or otherwise prejudicially affect the works but no employee of the Council shall, except with the consent of the occupier enter upon any private lands under the provisions of this section until after the expiration of seven days notice in writing given to the occupier of the land or posted up conspicuously thereon: Provided that the Council shall make compensation to the owner of any tree so cut and for any damages done to such owner or other person in respect thereof, and that such compensation shall be settled either by arrangement between the parties or in the manner provided by the Land Acquisition Ordinance and the rules made by the Governor in Council under the provisions of this section.

65. The Governor on behalf of the Colony shall have the right to use any of the poles, posts or necessary supports of the Council for the purpose of stringing wires thereon for the fire alarm or Constabulary service free of charge. Any proper officer in charge at any fire shall have the power when it becomes necessary for the extinction of such fire or the preservation of life or property to cut the wires of the Council without compensation to the Council.

Arbitration.

66. Where any matter is by this Ordinance directed to be determined by arbitration, such matter shall, except as otherwise expressly provided, be determined by an Engineer or any other fit person to be nominated as arbitrator by the Governor in Council on the application of either party, and the expenses of the arbitration shall be borne and paid as the arbitrator directs.

Provision in the event of no special penalty being imposed.

67. Where no other penalty has been prescribed for any contravention of or neglect to comply with the provisions of this Ordinance (other than the payment of money), any such contravention or neglect shall subject the offender to a penalty not exceeding five pounds: Provided that no body having any claim against the Council under this Ordinance shall in any way be prejudiced in enforcing the same by the fact that any penalty or penalties has or have been recovered against the Council in respect of the same act or omission or default out of which the claim aforesaid arises.

Recovery of tolls, penalties, etc.

68. All tolls, rates, penalties and charges under this Ordinance or any rule or regulation made in pursuance of this Ordinance may be recovered and enforced in a summary manner before a Magistrate, and the procedure in any such case shall be in accordance with the provisions of the Summary Conviction Offences (Procedure) Ordinance, 1918, or as near thereto as the circumstances of the case will permit.

Customs duties.

69. All plant, machinery, mechanical appliances, iron and steel work, engines, boilers, dynamos, motors, transformers, insulators, and all materials, apparatus and equipment of every kind whatsoever imported into the Colony for the construction of any and every part of the works authorized by or under the provisions of this Ordinance, being the property of the Council and not intended for sale, shall be free of all duty whatsoever thereon imposed by any Ordinance of this Colony.

Council responsible for all damages.

70. The Council shall be answerable for all accidents damages and injuries happening through the act or default of the Council, or of any person in their employment, by reason of or in consequence of any of the Council's works.

71. Nothing in this Ordinance shall exonerate the Council Nuisances. from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

72. The Council may from time to time appropriate out Appropriation of Borough funds. of the funds and moneys of the Borough such funds and moneys as may be necessary for carrying out the purposes of this Ordinance.

73. Nothing herein contained shall affect or be deemed to Reservation to His Majesty. affect the rights of His Majesty the King, His Heirs or Successors or of any bodies politic or corporate, or other person or persons except such as are mentioned or referred to in this Ordinance, and those claiming by, from, through and under them.

THE SCHEDULE.

Carib Street, Ciper Street, Coffee Street, Circular Road, Harris Promenade, High Street, Mucurapo Street, Pointe-à-Pierre Road, Prince Albert Street, Queen Street, Royal Road, Wharf.

Passed in Council this fifteenth day of September, in the year of Our Lord one thousand nine hundred and twenty-two.

G. D. OWEN,
Clerk of the Council.
