

TRINIDAD AND TOBAGO.

No. 18—1928.

I ASSENT,

[L.S.]

H. A. BYATT,
Governor.

25th October, 1928.

AN ORDINANCE to provide for the establishment of
Gasworks in the Island of Trinidad.

[On Proclamation.]

WHEREAS the Trinidad Gas Company, Limited, is desirous of establishing gasworks in the Island of Trinidad for the purpose of supplying gas and by-products thereof to consumers for public, private, industrial and other purposes ;

And Whereas it is expedient that the said Company should be authorised by law to establish such gasworks and to supply gas and by-products as aforesaid ;

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

1. This Ordinance may be cited as the Gasworks Short title.
Ordinance, 1928.

Address and
description of
Undertakers.
Cap. 180.

2. The Undertakers for the purposes of this Ordinance are the Trinidad Gas Company Limited, being a company incorporated under the Companies Ordinance with limited liability and having its registered office in the City of Port-of-Spain, and its permitted assigns.

Provided that if the undertaking, or any part thereof, is at any time purchased by the Port-of-Spain City Council or the Government, such Council or Government shall, from the date of such purchase, be the Undertakers for the purposes of this Ordinance in lieu of the said Company.

The Trinidad Gas Company Limited may at any time with the consent of the Governor in Executive Council transfer the concession to any person other than an alien or to any company which is under British control, and when such transfer has been made, all the rights, powers, authorities, obligations and liabilities of the Company so transferring under or in respect of this Ordinance shall be transferred to, vested in and be exercisable by and shall attach to the person or company to whom the same shall have been transferred in like manner as if they had been named in this Ordinance instead of the Trinidad Gas Company Limited. Provided that no such transfer shall have any effect or validity unless the same is recorded in the Registrar-General's Office.

For the purposes of this section "alien" means—

- (a) any individual who is not a British subject ;
- (b) any firm, partnership, or unincorporated body of persons of which any member is not a British subject.

For the purposes of this section a Company is not under British control if—

- (a) Ten per centum or more of the number of its shareholders are aliens ; or
- (b) Ten per centum or more of the nominal amount or value of its capital is held by or in trust for or for the benefit of aliens ; or
- (c) Ten per centum or more of the voting power in the body corporate is held by or on behalf of or to the order of aliens ; or

- (d) Ten per centum or more of the amount for the time being secured by any debentures, debenture stock, or bonds of the body corporate is held by or in trust for or for the benefit of aliens.

If any person to whom a transfer is made under this section becomes an alien, or if the Undertakers or any company to whom a transfer is made under this section cease to be under British control, then in such case it shall be lawful for the Governor in Executive Council, by notice to the Undertakers or to such person or company, as the case may be, forthwith to determine the concession granted by this Ordinance. Cap. 180.

In the event of an order being made under section 128 of the Companies Ordinance for the winding up of the Undertakers or of any company to which a transfer is made under this section, or for the appointment of a receiver in any action of debt against the Undertakers or any such company, or whenever, for any of the reasons in section 129 of the said Ordinance enumerated the Undertakers or any such company shall be unable to pay their debts, then the Governor in Executive Council may, by order under his hand, determine the concession granted by this Ordinance.

3. In this Ordinance, "Road Authority" means Interpretation

- (a) In the City of Port-of-Spain, the Mayor, Aldermen and Citizens of the City of Port-of-Spain; and
 (b) Elsewhere, the Director of Public Works or the Local Road Board, as the case may be.

4.—(1) The Trinidad Gas Company Limited is hereby granted the sole concession to establish gasworks with all the necessary main pipes, service pipes, meters and other appliances connected therewith, to operate the gasworks, to supply gas and all by-products for all public, private, industrial or other purposes in the City of Port-of-Spain as now defined and in any future extension of the said City and in the environs of the said City within a distance of ten miles from the boundary of the said City. Terms of Concession.

Provided that it shall be lawful for the Governor in Executive Council, on the application of the Undertakers, to grant to the Undertakers a concession in the terms of

this section for any other area in the Island of Trinidad. Provided that the decision of the Governor in Executive Council shall not be operative until approved by the Legislative Council.

Provided further that nothing in this Ordinance shall be deemed to derogate from the rights conferred on any person under any prospecting licence or mining lease.

(2) The concession shall remain in operation for thirty years from the commencement of this Ordinance.

(3) The City Council of Port-of-Spain (hereinafter called the City Council) or the Government shall have the option at the termination of the present concession or of any renewal thereof as hereinafter provided of purchasing the undertaking at a price mutually agreed upon, or failing agreement, at a valuation to be fixed by arbitration in accordance with the provisions of the Arbitration Ordinance. In the event of the City Council or the Government being desirous of exercising the option of purchase hereinbefore given, the City Council or the Government shall, before the expiration of the concession or any renewal thereof, give six months notice of their intention to exercise the option of purchase. If this notice is not given and the option not exercised, the concession shall be renewed for such further period not exceeding twenty years as the Governor in Executive Council may determine after first communicating with the City Council and taking into consideration any representations made by them. Provided that the decision of the Governor in Executive Council shall not be operative until approved by resolution of the Legislative Council.

Cap. 77.

Construction
of gasworks.

5. The Undertakers are hereby authorised to erect, maintain, alter, improve, enlarge, renew or discontinue works for the manufacture of gas and the working up of residual products arising therefrom in connection with the concession and for all purposes to which gasworks are applied or are applicable, and to erect and maintain any extension thereto, and to do such other matters and things as to them shall seem necessary or desirable for carrying on their undertaking subject to the provisions, regulations and restrictions in this Ordinance provided.

6. Before constructing gasworks or laying down a system of main pipes the Undertakers shall submit to the City Council plans and specifications for approval showing the proposed work and the positions in which the main pipes are intended to be laid. The City Council shall consider the same without undue delay and may in their discretion approve of the same subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers. The plans and specifications after approval shall with all reasonable despatch be deposited in the Registrar-General's Office, and the Registrar-General shall permit all persons interested to inspect the same at all reasonable times and to make copies thereof or take extracts therefrom on payment of a fee of one shilling for every such inspection or at the rate of four pence for every folio of ninety words copied therefrom, except in so far as any of the plant or machinery is protected by patent rights or otherwise. A similar course shall be adopted in any subsequent extensions either to the works or to the mains system.

Permission
to build
gasworks or
lay mains.

7. The Undertakers shall within one year after the commencement of this Ordinance cause a map to be made of the district within which their mains or district mains then lie, on a scale not less than six inches to a mile, and shall cause to be marked thereon the line of all their then existing mains and district mains, and shall once in every year correct such map and make such additions thereto as will show the line of all their then mains and district mains as aforesaid.

Undertakers
to cause maps
to be made.

8. Every map, or a copy thereof, so made by or for the Undertakers with the date expressed thereon of the last time when it was so corrected, shall be deposited, certified by their secretary or clerk by writing under his hand to be a true copy thereof, with the Town Clerk of Port-of-Spain, who is hereby required to receive and keep in safe custody the same; and such maps so deposited shall at all reasonable times be open to the inspection of all local authorities and consumers and their respective agents, and they respectively may take copies of or extracts from the same; and if the Undertakers

Deposit and
inspection
of maps.

wilfully fail to comply with any of the requirements of this Ordinance with respect to maps, and if such Town Clerk shall refuse to allow any person to inspect or take copies of or extracts from such maps, they or he shall for every such offence forfeit a sum not exceeding ten pounds.

Charge for inspection of maps.

9. The Town Clerk may charge and take the sum of one shilling for every inspection of such map, and the further sum of two shillings and sixpence for every extract from or copy taken of such map.

Land for manufacture.

10. The Undertakers shall not erect works for the manufacture, storage and purification of gas, or the manufacture of residual products except upon land approved by the City Council or the Government, as the case may be.

Land for storage of gas.

11. The Undertakers shall not, except upon the site of their works or upon land immediately contiguous thereto, store gas without the previous consent in writing of the owner, lessee or occupier of every dwelling house situate within one hundred yards of the limits of the site where such gas is intended to be stored.

Laying of pipes.

12. Within the limits of supply the Undertakers, under such superintendence as hereinafter specified, may open and break up the soil and pavements of the footway or carriage way of the several roads, streets and bridges, and may open and break up any sewers, drains or tunnels within or under any street, road or bridge and lay down and place within the same limits the necessary mains, pipes, conduits, service pipes and any other necessary works; the Undertakers may from time to time repair, alter or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of gas, and for the purpose aforesaid, the Undertakers may remove and use all earth and materials in and under such roads, streets or bridges, and do any other acts which they may from time to time deem necessary for supplying gas, doing as little damage as can be in the execution of the powers hereby granted and bearing the cost of such work and making compensation for any damage which may be done in the execution of such powers.

13. All pipes to be laid by the Undertakers for the conveyance of gas shall be laid at the greatest practicable distance from the nearest part of any pipe then laid down by or by order of any water authority for the conveyance of water, and wherever the width of the carriage-way or footpath will allow thereof shall be laid at the distance of four feet at least from the nearest part of any such water-pipe, unless in cases where it shall be unavoidably necessary to lay the gas-pipe across or nearer to any water-pipe, in which case the said gas-pipe shall, wherever practicable, be laid over and above the said water-pipe at the greatest practicable distance therefrom, and shall form therewith a right angle, or as near thereto as the situation will admit; and in every such case the said gas-pipe so crossing the said water-pipe shall be at least nine feet in length, so that no joint of any gas pipe shall be nearer to any water-pipe than four feet at least, where the width of the road, street, square, market-place, lane, alley, passage, court or other place will admit; and every such gas-pipe so crossing the water-pipe shall for the whole length thereof be sufficiently bedded in with good sound clay or other fit materials of a proper consistence, and well worked and rammed into the trench all around the said gas-pipe, and in laying down any such gas-pipe the Undertakers shall use such joints as are for the time being of the most improved description for preventing the leakage of gas, and shall in no case join two or more gas-pipes together previous to their being laid in the trench, but shall lay each pipe as near as may be in its place in the trench, and shall in such trench properly form the jointing with the other pipes to be added thereto with proper and sufficient materials, and shall also, wherever practicable, lay and well and sufficiently bed each joint of the main gas-pipes, and also the joints or screws of the branch or service gas-pipes connecting with the main gas-pipes and also the joints of the service or branch pipes for conveying the gas from the main gas-pipes to the houses and other buildings, and all other joints, inlets, apertures or openings which are or shall or may be made in any of the main gas-pipes belonging to the Undertakers, in such manner and of such material as shall, as far as reasonably practicable, prevent leakage.

To prevent further contamination of water by gas.

14. Whenever the water which shall be supplied by any water authority shall be contaminated or affected in any way whatsoever by the gas of the Undertakers, such Undertakers shall, within twenty-four hours next after notice thereof in writing, signed by the secretary for the time being of such water authority, or by any person using the water of such water authority, and left at the office of the Undertakers, cause measures to be taken effectually to prevent such gas from contaminating or affecting the water of such water authority ; and in case the Undertakers shall not within forty-eight hours next after any such notice so left as aforesaid use all reasonable means to effectually remove the cause of such complaint and prevent all such contamination whereof notice shall be given as aforesaid, then and in every such case the Undertakers shall on each complaint whereof notice shall be given as aforesaid, forfeit and pay to such water authority, for the use of such authority, a sum not exceeding ten pounds for each day during which the water supplied by such water authority shall remain contaminated or affected by the gas of the Undertakers ; and every such penalty or forfeiture may be recovered for the use of such water authority in the same manner as any other penalty or forfeiture imposed by this Ordinance may be levied and recovered.

For ascertaining if the water is contaminated.

15. And whereas it may become a question upon such complaint as aforesaid whether or not the water supplied by any water authority be contaminated or affected by the gas of the Undertakers, in every such case it shall be lawful for any such water authority to dig to and about and to search and examine the mains, pipes, conduits, and apparatus of the Undertakers adjacent to the pipes of such water authority for the purpose of ascertaining whether or not such contamination proceed from or be occasioned by the gas of the Undertakers, giving twenty-four hours' previous notice in writing, signed by the secretary for the time being of such water authority, and left at the registered office of the Undertakers, of the intention of such water authority so to dig, search, and examine as aforesaid, and of the time and place or places when and where such digging, search, and examination is intended to be made ; and if it shall appear that the said water has been contaminated, and that there has been any escape of gas whereby such

contamination has been produced, then and in every such case the costs and expenses of the said digging, search, and examination, and of the repair of the street, road, or place which shall be taken up or disturbed, shall be borne and paid by the Undertakers, which costs and expenses shall be ascertained and determined if necessary by the Magistrate or Assistant Magistrate of Port-of-Spain, and may be levied and recovered in the same manner as any penalty or forfeiture imposed by this Ordinance may be levied and recovered: Provided always, that if upon such examination it shall appear that such contamination has not arisen from any escape of gas from any of the mains, pipes, or conduits of the Undertakers, then and in every such case the water authority by whom or on whose behalf such examination and search shall have been made shall bear and pay all the costs, charges, and expenses of and incident to such examination and search, and shall also make good to the Undertakers any damage which may be occasioned to their mains, pipes, conduits or apparatus by such search, and also any injury or damage which may be done in or about any of the streets, roads, or places which shall be broken up or disturbed in such search, the amount of such damage to be ascertained and determined if necessary by the said Magistrate or Assistant Magistrate, and to be levied and recovered in the same manner as any penalty or forfeiture under this Ordinance may be levied and recovered.

16. Whenever any gas shall escape from any pipe laid down or set up by or belonging to the Undertakers, they shall immediately after receiving notice thereof in writing prevent such gas from escaping; and in case the Undertakers shall not within twenty-four hours next after such notice make every effort to effectually prevent the gas from escaping and wholly remove the cause of complaint, they shall for every such offence forfeit the sum of five pounds for each day during which the gas shall be suffered to escape after the expiration of twenty-four hours from the service of such notice.

Dealing with escapes.

17. Before the Undertakers break up or open any road, street, bridge, sewer, drain or tunnel they shall give to the persons under whose control or management the same may be or to their clerk, surveyor or other officer, notice

Opening of roads, streets, &c.

in writing of their intention specifying the time at which they will begin to do so, such notice to be given not less than fifteen clear days before beginning such works, except in cases of emergency arising from defects in any of the pipes or other works, and then as soon as is possible after the beginning of the works or the necessity for the same shall have arisen. No such road, street, bridge, sewer, drain or tunnel shall, except in the case of the emergencies aforesaid, be opened or broken up except under the superintendence of the persons having its control or management or of their officer and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by the Magistrate of the district, and such Magistrate may on the application of such persons having such control or management of any such sewer or drain or their officer require the Undertakers to make such temporary or other works as they may think necessary for guarding against interruption of the drainage during the execution of any works which interfere with such sewer or drain. Provided always that if the persons having such control or management as aforesaid or their officer fail to attend at the time fixed for the opening of such road, street, bridge, sewer, drain or tunnel after having had such notice of the intention of the Undertakers as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the Undertakers may perform the work specified in such notice without the superintendence of such persons or their officer.

Reinstatement
of roads,
streets, &c.

18. When the Undertakers open or break up the roadway or pavement of any road, street, or bridge, or any sewer, drain or tunnel they shall with all convenient speed complete the work for which the same shall be broken up, fill in the ground and reinstate and make good the roadway or the pavement or the sewer, drain or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such roadway or pavement shall be opened or broken up cause the same to be fenced and guarded, and shall cause a light sufficient for the

warning of passengers to be set up and kept there every night during which such roadway or pavement shall be continued open or broken up, and shall after replacing and making good the roadway or pavement which shall have been so broken up keep the same in good repair for three months thereafter, and such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside. The Undertakers shall not without the consent of the road authority open or break up any street or road without providing reasonable facilities for the passage of the ordinary traffic on such street or road to the satisfaction of the road authority, nor shall the Undertakers without the consent of the road authority open or break up at any one time a greater length than five hundred yards in any one street or road.

19. If the Undertakers open or break up any road, street, or bridge, or any sewer, drain, or tunnel without giving notice as aforesaid or in manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required except in the cases in which the Undertakers are authorised to perform such work without any superintendence or notice, or if the Undertakers are guilty of any unnecessary delay in completing any such work or in filling in the ground or reinstating or making good the road or pavement or the sewer, drain or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby; or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded and lighted, or neglect 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, they shall forfeit to the persons having the control or management of the road, street, bridge, sewer, drain or tunnel in respect of which such default is made, a sum not exceeding five pounds for every such offence and an additional sum not exceeding five pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof, such sum or sums to be recovered as a debt. If any such delay or omission aforesaid shall take place the persons having the control or management of the road,

Penalty for
delay in
reinstating
streets, &c

street, bridge, sewer, drain or tunnel in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expenses of executing the same shall be paid to such persons by the Undertakers.

Liability of Undertakers after reinstating.

20. After having laid mains or carried out works in any road, street, bridge, sewer, drain or tunnel under the superintendence and to the satisfaction of the persons having control or management thereof, and after reinstating the road, street, bridge, sewer, drain or tunnel, in accordance with this Ordinance, the Undertakers shall not be held responsible for any damage which may occur from subsidence, traffic or any other cause unless negligence on the part of the Undertakers or their servants can be proved.

Penalty for wilfully damaging pipes.

21. Every person who shall wilfully remove, destroy or damage any pipe, pillar, post, plug, lamp or other work of the Undertakers for supplying gas, or who shall wilfully extinguish any of the public lamps or lights or waste or improperly use any of the gas supplied by the Undertakers shall for each such offence forfeit to the Undertakers any sum not exceeding five pounds in addition to the amount of the damage done. The same shall be recovered as a debt.

Satisfaction for accidentally damaging pipes.

22. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar or lamp belonging to the Undertakers or under their control shall pay such sum of money by way of satisfaction to the Undertakers for the damage done, not exceeding five pounds, as shall be deemed reasonable. The same shall be recoverable as damages.

Laying of pipes for ancillary purposes.

23. The Undertakers may lay down, take up, alter or relay or renew mains, pipes and culverts within the limits of supply for the purpose of procuring, conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purposes connected with their undertaking, and the provisions of this Ordinance with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid, so far as they are applicable for the purposes of this section, shall extend and apply *mutatis mutandis* to and for the purposes thereof.

24. The Undertakers may from time to time enter into any contract with any person or responsible authority for lighting or supplying with gas any public or private building or any premises, or for providing any person with pipes, meters, lamps, fittings, mantles, cooking and heating appliances and for the repair and maintenance thereof. They may also from time to time enter into any contract with authorities or persons having the control of streets within the limits of this Ordinance for lighting same or any of them with gas and for providing such authority or person with lamps, lamp-posts, burners and pipes for such purposes and for repair and maintenance thereof, in such manner and upon such terms as may be agreed upon; provided that every such contract entered into by the Undertakers shall be alike in terms and amount under the like circumstances for all consumers.

Power of Undertakers to make contracts.

25. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within one hundred yards from any main of the Undertakers, or such other distance as may be prescribed by the Governor in Executive Council, give and continue to give a supply of gas for such premises under the provisions of this Ordinance, and they shall furnish and lay any pipe that may be necessary for the purpose, subject to the conditions following, that is to say:—

Undertakers obligation to supply.

(1) The cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon property of such owner or in the possession of such occupier shall be defrayed by such owner or occupier.

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

(a) Serve a notice upon the Undertakers at their office specifying the premises in respect of which the supply is required 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.

- (b) Enter into a written contract with the Undertakers (if required by them to do so) to continue to receive and pay for a supply of gas for a period of at least five years of such an amount that the annual sum payable for the same shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any pipe to be provided by them for the purpose of such supply ; and
- (c) Give to the Undertakers (if required by them to do so) security for payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipes to be furnished by the Undertakers and in respect of gas to be supplied by them.

(d) Provided always that the Undertakers may, after they have given a supply of gas 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 Undertakers may, if they please, discontinue to supply gas for such premises so long as such failure continues.

(3) Where such owner or occupier shall be willing to pay the entire cost of furnishing and laying such pipes as may be necessary to connect his premises with the Undertakers' main, and shall pay the estimated amount of such entire cost to the Undertakers (such amount in case of difference between the owner or occupier and the Undertakers to be determined by the Magistrate of the district on the application of either party), then he shall be entitled to the benefit of a supply of gas on the usual terms of payment, but he shall not be subject to any of the conditions or provisions of paragraphs (b), (c) and (d) of sub-section (2) of this section.

26. Notwithstanding anything contained in this Ordinance the Undertakers shall not be obliged to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is insufficient for such purpose, or if and so long as any such supply would in the opinion of the Undertakers interfere with the sufficiency of the gas required to be supplied by means of such main for lighting or domestic purposes, unless the consumer enter into a written contract with the Undertakers (if required by them to do so) to continue to receive and pay for a supply of gas for a period of at least five years of such an amount that the rent payable for the same shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any pipe to be provided by them for the purpose of such supply. Provided that in the event of any difference or dispute arising under this Ordinance as to whether any such supply of gas would be so interfered with as aforesaid such difference or dispute shall be referred to arbitration.

Mains of insufficient capacity.

27. The Undertakers shall be bound to furnish gas for lighting any road, street, or public place of Port-of-Spain, or any municipal or public building situate within one hundred yards of any main of the Undertakers when required so to do by the proper authorities at such rate as may be agreed upon, not exceeding the rate specified for other users in like circumstances.

Supply to public lamps, &c.

28. A person shall not be entitled to demand or continue to receive from the Undertakers a supply of gas for trade or business premises for which he has at the same time a supply of electricity unless he shall have agreed to pay to the Undertakers such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover charges incurred by them in order to meet the possible maximum demand of those premises, and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Ordinance.

Supply of gas where consumer has separate supply.

Cap. 77.

As to
construction
and placing
of pipes, &c.

29. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

- (1) The Undertakers may if they think fit make a specification or specifications with regard to the minimum size and the material of the pipes with the fittings thereof which are to be laid by the owner or occupier of any premises on those premises either in the first instance or on the occasion of any renewal, and different specifications may be made for different classes of premises or for particular premises having regard to the probable maximum consumption of gas thereon at any one time, but a specification shall have no force or effect until it has been approved by the City Council or the Government as the case may be.
- (2) After approval has been obtained the Undertakers shall deposit at the office of the Town Clerk of Port-of-Spain or the appropriate Government Office, any specification which may be made in pursuance of these powers. A copy of every approved specification shall be kept for public inspection at the offices of the Undertakers and copies of every such specification shall be purchasable by any person at the said office at the price of sixpence for each copy.
- (3) When any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Undertakers accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used.
- (4) The Undertakers shall as soon as practicable after receiving such notice (after making such inspection if any of the said pipe or fittings and of the premises in which the same is or are proposed to be laid or placed as they may deem necessary)

intimate in writing to the person giving the notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification.

- (5) No such pipe or fittings as aforesaid shall be laid or placed unless and until the same shall have been approved as aforesaid, and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Undertakers and the pipe or fittings shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers or until the pipe or fittings as laid or placed has or have been inspected and approved by the Undertakers, whichever shall first happen.
- (6) Any officer of the Undertakers duly appointed may between 9 o'clock in the morning and 5 o'clock in the afternoon attend for the purpose of any such inspection as aforesaid, and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the appropriate specification of the Undertakers the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with.
- (7) No person not employed by the Undertakers or acting under its authority shall place, fix, connect or disconnect any meter, and every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the Undertakers main but within the outside wall of the building.
- (8) Any person to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a Magistrate against such refusal, and the Magistrate may, after hearing the parties and considering any questions as to the reasonableness of the Undertakers'

specifications, make such order as seems to him proper in the circumstances, and may order by which of the parties the costs, if any, incident to the appeal shall be paid.

- (9) If the Undertakers neglect or refuse to give a supply of gas to any owner or occupier of premises entitled to the same under this Ordinance, they shall be liable to a penalty not exceeding forty shillings for each day during which the default continues, unless that default has been due to circumstances outside the control of the Undertakers.
- (10) For the purposes of this section the expression "fittings" includes only the joints, angles and connections used in placing or laying pipes.

Maximum
price charged
for gas.

30. The price to be charged by the Undertakers for gas supplied by them to persons who burn the same by meter shall not at any time exceed the sum of twenty-two pence per therm. A therm shall consist of one hundred thousand British thermal units. A British thermal unit is defined as the amount of heat necessary to raise one pound of water one degree Fahrenheit. The expression "calorific value" shall mean for the purposes of this Ordinance the British thermal unit (gross) produced by the combustion of one cubic foot of the gas at 60 degrees Fahrenheit under a pressure of 30 inches of mercury and saturated with water vapour.

Calorific
value.

Variation of
maximum
prices.

31. If at any time it is shown to the satisfaction of the City Council or the Government as the case may be that the cost and charges of and incidental to the production and supply of gas have substantially altered from circumstances beyond the control of and which could not have reasonably been avoided by the Undertakers, the City Council or the Government may, if they think fit, on the application of the Undertakers or of fifty consumers correspondingly revise the powers of charging authorised by this Ordinance. If the Undertakers are not satisfied with the revised maximum price granted by the City Council or the Government as the case may be, they shall be empowered to refer the matter to arbitration under the provisions of the Arbitration Ordinance.

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32. Notwithstanding anything contained in this Ordinance, the price to be charged by the Undertakers for the supply of gas may vary according to the purposes for which the gas is supplied as may be agreed between the Undertakers and the persons having such supply, but nothing in this section shall permit the Undertakers to sell gas at more than the maximum price. Provided that the Undertakers shall not under the powers of this section give any preferential price as between any consumers who shall take a supply of gas for the same purpose under like circumstances.

Undertakers may vary price according to purpose for which gas is supplied.

33. For every quarter of one per cent. over and above ten per cent. in the rate of the annual dividend paid by the Undertakers to its shareholders the Undertakers shall reduce the price of gas to the consumers by one-fifth of one penny per therm.

Reduction in selling price.

34. For the purposes of this Ordinance the number of therms supplied shall be ascertained from time to time by multiplying the number of British thermal units per cubic foot comprised in the declared calorific value of the gas, by the number of cubic feet thereof supplied and dividing the resultant sum by one hundred thousand.

Measure of therms supplied

35. At least one month previous to the commencement of supplying under the concession the Undertakers shall give notice to the City Council of the calorific value of the gas they propose to supply, and the gas supplied by the Undertakers shall thereafter be supplied in accordance with the provisions of this Ordinance. The declared calorific value may at the Undertakers' option be not less than 400 British thermal units per cubic foot and not more than 600 British thermal units per cubic foot.

Gas of declared calorific value to be supplied.

36. If at any time the Undertakers desire to supply gas of a different calorific value from that which they are then supplying, the Undertakers shall give three months notice to the City Council or the Government of their intention to change the calorific value at the expiration of three months from the date of such notice or at such later date as may be specified in such notice. Any subsequent change in the

Variation of declared calorific value

calorific value so declared shall not be less than 400 British thermal units or not more than 600 British thermal units per cubic foot as before prescribed unless the consent of the City Council or the Government, as the case may be, shall be first obtained. The calorific value so declared shall thereafter be the declared calorific value for the purposes of this Ordinance unless and until varied by subsequent declarations under the provisions of this section.

Provided always that when in the opinion of the City Council or the Government, as the case may be, a state of emergency exists, it shall be lawful for the Undertakers to supply gas of a lower calorific value so long as such state of emergency continues to exist.

Charge
through
pre-payment
meters.

37. The Undertakers may demand for any gas supplied through a pre-payment meter a not greater charge than for gas supplied to private consumers within the respective limits of supply through any other kind of meter. The Undertakers shall not charge for the hire of any pre-payment meter and fittings, which fittings shall include internal piping and accessories, brackets, pendants, cooking and heating appliances to be used therewith, any sum other than a sum of money calculated according to the quantity of gas supplied through such pre-payment meter, and the maximum sum to be so charged shall be at the rate of three pence halfpenny per therm. The maximum charge for the hire of pre-payment meters without fittings shall be at the rate of 15 per cent. per annum of the cost of the meter including fixing, or two pence per therm, whichever the Undertakers may prefer. For the purpose of this Ordinance the expression "pre-payment meter" means a meter or appliance by which the quantity of gas supplied is regulated according to the amount of money previously inserted.

Charge for
hire of
ordinary
meters.

38. The Undertakers alone shall supply all meters and no other shall be valid. The maximum charge for the hire of an ordinary meter shall be at the rate of 10 per cent. per annum of the cost of the meter including fixing. Provided however that every consumer shall be at liberty to purchase his own meter from the Undertakers at a price not exceeding the landed cost of such meter with an addition of 10 per cent.

39. The said charges for the hire of an ordinary meter shall include the providing, letting, fixing, repairing and maintenance of the meter and fittings or of the meter only (as the case may be) and the collection and other costs incurred by the Undertakers in connection therewith.

Undertakers' obligation regarding maintenance of hired meters and fittings.

40. The Undertakers may enter into and carry into effect agreements with any local authority, company or person for the supply of gas in bulk or otherwise by such local authority, company or person or for the supply by the Undertakers to any local authority, company or person for such remuneration, on such terms and conditions and for such period as the Undertakers may think fit. The pipes laid by the Undertakers under the powers of this section shall conform to the provisions of this Ordinance.

Undertakers may enter into agreements for supply or purchase of gas in bulk.

41. The Undertakers may manufacture and supply non-illuminating gas, and the provisions of section 45 of this Ordinance shall not apply to non-illuminating gas.

Power to supply non-illuminating gas.

“Non-illuminating gas” means gas of a calorific value of not less than 300 British thermal units and not more than 400 British thermal units from which all illuminants have been removed.

42. For the purpose of the manufacture and supply of non-illuminating gas, the Undertakers may use their existing gasworks, apparatus, plant and appliances and may exercise all the powers of laying down mains and pipes conferred on them by this Ordinance.

Power to use existing works, &c., for non-illuminating gas.

43. The Undertakers may buy or hire and may supply, sell or let to consumers of non-illuminating gas within the limits of supply for use upon premises belonging to or occupied by such consumers, meters, burners, tubes, stoves, ranges, fittings, engines, machines and any other things for heating or cooking by means of such gas and any other materials or fittings for the use of such gas for domestic or other purposes, and also engines and machines for domestic, agricultural, manufacturing, industrial or any other purposes whatsoever to be worked by means of such gas for the production of motive power and any materials or fittings to be used in connection therewith.

Power to supply gas fittings, &c., for non-illuminating gas.

Charge for gas fittings, &c., for non-illuminating gas.

44. The Undertakers may charge for non-illuminating gas supplied and for any meters, burners, tubes, stoves, ranges, fittings, engines, machines or other things supplied or sold or let under the powers of this Ordinance for use in connection therewith such price, rent or sum as may be agreed upon between the Undertakers and the other party to any such agreement.

Purity and pressure of gas.

45. The gas supplied by the Undertakers, in addition to conforming to the calorific value, shall comply with the following conditions :—

1. It shall not contain any trace of sulphuretted hydrogen when tested in accordance with this Ordinance ;
2. It shall be supplied at not less than the minimum permissible pressure.

The minimum permissible pressure shall be such pressure in any main or in any pipe laid between the main and the meter having an internal diameter of two inches and upwards as to balance a column of water not less than two inches in height, except as may be otherwise prescribed by arrangement with the City Council or the Government.

Company to provide testing apparatus.

46. Within one month after beginning to supply gas the Undertakers shall provide and keep and preserve in good repair and working order such apparatus and appliances for testing the calorific value, purity and pressure of the gas as may from time to time be agreed upon between the City Council or the Government and the Undertakers as the case may be or prescribed by any regulation in that behalf hereafter made.

Testing for calorific value.

47. Not more than one test for calorific value shall be made on any one day ; provided that if on any occasion of testing the calorific value is found to be below the declared calorific value, a second test shall be made on the same day after an interval of not less than one hour, and the average of the two tests shall be deemed the calorific value of the gas on that day. The gas shall be tested for calorific value not more than 13 days in any one quarter and the

average of the tests so taken shall be deemed to be the calorific value of the gas for that quarter. The gas can be tested for purity and pressure either on the same days as the tests for calorific value are taken or at any other time which the City Council or the Government or their duly authorised representatives may fix for the purpose.

48. The Undertakers shall give to every public or local authority or their duly authorised representatives access to the testing place and shall accord all facilities for the proper execution of this Ordinance, and in case the Undertakers fail to give such facilities they shall for every such default be liable to a penalty not exceeding five pounds to the authority making the application.

Facilities for testing.

49. If in any one quarter the average calorific value of the gas supplied by the Undertakers and ascertained in the prescribed manner, is less than the declared value, the amount by which the revenue of the Undertakers has been improperly increased shall be applied towards a reduction in the price of gas in the next or some succeeding quarter. If at any test the gas shall be found to contain sulphuretted hydrogen the Undertakers shall be liable to a penalty not exceeding five pounds to the City Council or the Government as the case may be. This penalty shall continue for each day during which the default continues. If at any test the pressure of gas should fall below the minimum prescribed amount, the Undertakers shall be liable to a penalty not exceeding forty shillings to the City Council or the Government as the case may be. This penalty shall continue for each day during which the default continues. Provided that the Undertakers shall not be liable for any forfeiture under this section in any case where they show that the deficiency in quality, purity or pressure was due to circumstances outside their control.

Penalties for deficiency in calorific value, purity or pressure.

50. The Undertakers may within seven days appeal against any tests showing deficiency in calorific value, purity or pressure. Such appeal shall state the reasons for disagreement with the test and state reasons why the penalty should not be imposed. The Undertakers may, if they so desire, claim to have the appeal heard by an impartial tribunal at which the Undertakers and the representative of the testing authority can be heard.

Appeal against deficiency supply.

Penalty for refusal to supply public lamps.

51. If the Undertakers neglect or refuse to supply gas as by this Ordinance required to all or any of the lamps of any municipal or public building in accordance with the provisions of this Ordinance, they shall be liable to a penalty not exceeding forty shillings payable to the City Council or the Government as the case may be for each and every day the default may continue unless that default has been due to circumstances outside the control of the Undertakers.

Undertakers may sell or let stoves and fittings for hire.

52. The Undertakers may purchase, sell, let for hire, fix, repair, remove and manufacture engines, stoves, ranges, pipes and other gas fittings for lighting, motive power, heating, ventilating, cooking and/or for any other purposes and may provide all materials and work necessary or proper in that behalf, and with respect thereto may demand and take such remuneration or rents and charges and may make such terms and conditions as may be agreed upon.

Meters and fittings not to be subject to distress.

53. Any meter, fittings or other property of the Undertakers let for hire under the provisions of this Ordinance shall not be subject to distress or to landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be.

Power to lay pipe against building.

54. The Undertakers with the consent of the owner or occupier of any building, may lay any pipe or other apparatus into, through or against such building for the purpose of supplying gas, and may with like consent provide and set up on or against such building any apparatus necessary for securing to such building a proper supply of gas and for measuring and ascertaining the extent of such supply, and may from time to time with the like consent repair, replace, alter or discontinue and remove any such pipe or apparatus.

Power to carry private pipe across intervening building.

55. Where any building belongs in portions to different owners the owner of any portion shall be entitled to carry a pipe for supplying such portion with gas across or along any other portion of such building where such supply cannot otherwise be obtained. Provided always that where any damage shall be caused by such operation the person

performing the operation shall be bound to pay such damage and the amount thereof shall be fixed and ascertained by arbitration under the provisions of the Arbitration Ordinance.

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56.—(1) If the Undertakers desire to lay any pipe or pipes for the purpose of supplying gas to a consumer through the land of another person they shall give notice in writing to the owner of such land of their desire to lay such pipe or pipes, and the owner may in writing assent to the laying down of such pipe or pipes upon payment of such compensation as may be agreed upon, and such assent so given shall be binding upon all parties having any estate or interest in the land.

Notice to landowners where Undertakers desire to lay pipes.

(2) If within seven days from the date on which the Undertakers give notice in writing as aforesaid the owner of such land fails to express his assent thereto, or if within the said seven days the owner of such land and the Undertakers fail to agree on the compensation to be paid, it shall be lawful for the Magistrate of the district on the application of the Undertakers to decide the questions following, that is to say

- (a) Whether such owner is justified in withholding his consent ;
- (b) What compensation, if any, is payable by the Undertakers to such owner in respect of the laying of such pipe or pipes.

(3) Where any application is made under the last preceding sub-section, the Magistrate may summon the parties to appear before him at a time and place to be named in the summons, and upon the appearance of such parties, or in the absence of any of them upon proof of the due service of the summons, it shall be lawful for such Magistrate to hear and determine the question, and for that purpose to examine such parties or any of them and their witnesses upon oath ; and the cost of every such enquiry shall be at his discretion and he shall settle the amount thereof. Such costs shall be recoverable in manner provided by the Petty Civil Courts Ordinance.

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(4) The result of any such decision shall be as follows :—

- (a) If the Magistrate decides that such owner was justified in withholding his consent, it shall not be lawful for the Undertakers to proceed with the laying of such pipe or pipes.
- (b) If the Magistrate assesses compensation to be paid in respect of the laying of such pipe or pipes it shall be lawful for the Undertakers, upon payment of such compensation and of the costs, if any, awarded against them, forthwith to enter upon such land and to lay such pipe or pipes ; provided that the Undertakers shall after laying such pipe or pipes restore the land as near as may be to the condition in which it was before the laying of such pipe or pipes.

Alteration of position of pipes by other authorities.

57. If any authority, company or person shall require the Undertakers to change the position of any pipes in any road, street, highway or place, the authority, company or person requiring such change shall give reasonable notice to the Undertakers in writing, and the Undertakers shall not unreasonably withhold their consent to such change. The Undertakers shall carry out the necessary alteration at the cost of the authority, company or person requiring the same, or the Undertakers may arrange with such authority, company or person to carry out the work at their own cost.

The Undertakers may purchase and lease houses, &c.

58. The Undertakers may purchase and take on lease and maintain houses and buildings for persons in their employment in connection with their undertaking, and offices, showrooms, and other buildings for the purpose of their undertaking, and may also erect, maintain and let any such buildings upon lands for the time being belonging or leased to the Undertakers.

Anti-fluctuators to be used with gas engines.

59. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an effective anti-fluctuator together with an effective non-return valve and shall at all times at his own expense keep such anti-fluctuator and valve in proper repair, and in default of his so using

or keeping such anti-fluctuator and valve in proper repair the Undertakers may cease to supply gas to such consumer. The Undertakers shall have access to and be at liberty to take off, remove, test, inspect and replace any such anti-fluctuator and valve at all reasonable times, such taking off, removal, testing, inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator and valve be found in proper order but otherwise at the expense of such consumer.

60.—(1) Every consumer of gas supplied by the Undertakers who uses air at high pressure for or in connection with the consumption of such gas (in this section referred to as "high pressure air") shall if required to do so by the Undertakers provide and fix in a suitable position and use an efficient or other appliance for preventing the admission of such air into the service pipe of any main through which such gas is supplied and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

Provision of valve where high pressure air is used.

(2) It shall not be lawful for any person at any time to commence to use high pressure air unless and until he shall have given to the Undertakers not less than 14 days' previous notice in writing of his intention to do so.

(3) If any consumer shall fail to comply with any requirement of the Undertakers or other obligation under this section the Undertakers may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(4) The Undertakers shall have access at all reasonable times to all premises supplied by them with gas in or upon which high pressure air is used or the Undertakers have reason to believe that high pressure air is or may at the time be used, in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

(5) The Undertakers shall be at liberty to take off, remove, test, inspect and replace any such valve or other appliance as aforesaid, such taking off, removing, testing, inspecting and replacing to be done at the expense of the Undertakers if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

Meters not to be connected or disconnected.

61. No consumer or person shall connect any meter to any pipe through which gas is supplied by the Undertakers, or disconnect any meter from any such pipe. If any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Register of meter to be *prima facie* evidence.

62. The register of the meter shall be *prima facie* evidence of the quantity of gas consumed and in respect of which any rent is charged and sought to be recovered by the Undertakers; provided always that if the Undertakers and the consumer differ as to the quantity consumed, such difference may be determined upon the application of either party by a Magistrate, who may also order by which of the parties the costs of the proceedings before him shall be paid, and the decision shall be final and binding in all cases.

Testing of meters.

63. No meter shall be installed by the Undertakers unless it is stamped as having been tested in accordance with any provision which may be agreed between the Undertakers and the City Council or the Government, as the case may be, or in accordance with any regulation made under this Ordinance. The Undertakers shall have access to all meters at all reasonable times and shall be at liberty to remove, test, inspect and replace any such meter. Any consumer shall be empowered to have his meter tested under the provisions of this section.

Period of error in defective meters.

In the event of any meter used by a consumer of gas being tested in accordance with any such provision as aforesaid and being proved to register erroneously within the meaning of such provision, such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it is proved to have first arisen during the then current quarter. The amount

of the allowance to be made to, or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Undertakers.

64. At least three days notice shall be given to the Undertakers by every consumer either personally at the office of the Undertakers or in writing before he shall quit any premises supplied with gas by meter by the Undertakers, and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises, whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Undertakers.

Consumer to give notice to Undertakers before quitting premises.

65. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by the Undertakers without paying to them all gas charges and meter or other rent due from him to the Undertakers they may refuse to furnish him a supply of gas until he pays the same.

Power to refuse supply to persons in debt for other premises.

66. A notice to the Undertakers from the consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Undertakers or be given by the consumer personally at the office of the Undertakers.

Notice to discontinue supply of gas.

67. In any case in which in consequence of any default on the part of the occupier of any premises the Undertakers have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply, he shall pay to the Undertakers the expenses of re-connecting the supply, and the Undertakers shall not be under obligation to supply gas to such occupier until he shall have paid such expenses.

Expenses of re-connecting discontinued supply.

Power to
remove meter
and fittings.

68. In all cases in which a consumer of gas supplied by the Undertakers ceases to require a supply of such gas, and in all cases in which the Undertakers are authorised to take away and cut off the supply of gas from any premises, it shall be lawful for the Undertakers, their agents or workmen, after twenty-four hours notice in writing, under the hand of the Secretary or other properly authorised officer of the Undertakers, to the occupier, or if the premises are unoccupied, then to the owner or lessee, or to the agent of the owner or lessee of any premises in which any pipes, meters, fittings or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the hours of nine in the morning and four in the evening, for the purpose of removing and to remove such pipes, meters, fittings or apparatus, repairing all damages caused by such entry or removal. This power to enter premises shall also extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Undertakers shall not require to take a supply of gas from the Undertakers or to hire from the Undertakers all or any of the pipes, meters, fittings or apparatus belonging to the Undertakers and let by them on hire to any former occupier of such premises.

Undertakers
may cut off
supply and
recover
charges due.

69. If any person supplied with gas or with any gas meter or fittings by the Undertakers neglects or refuses to pay to the Undertakers the rent due for such gas or the rents or money due for the hiring and fixing of such meter, the Undertakers may stop the gas from entering the premises of such persons by cutting off the service pipe or by such means as the Undertakers may think fit. Any expenses incurred by the Undertakers in cutting off the gas to the premises of such persons shall be a debt due to the Undertakers and the Undertakers may recover the sum so due in the manner prescribed under this Ordinance. In pursuance of the provisions of this section, any Magistrate may issue a summons to such person requiring him to appear at a time and place named therein and then and there to show cause why the sum so demanded should not be paid; and if on the appearance of such person, or in default of appearance after proof of the service of the

summons, either personally or at the last known place of abode or of business of such person, no sufficient cause can be shown to the contrary, the Magistrate may issue his warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such Magistrate to be due from such person, together with such costs, including the cost of cutting off the gas if the same shall have been cut off by the Undertakers, as to such Magistrate shall seem just and reasonable.

70. Every person who shall lay or cause to be laid any pipe to communicate with any pipe belonging to the Undertakers without their consent, or shall fraudulently injure any such meter as aforesaid, or who in case the gas supplied by the Undertakers is not ascertained by the meter shall use any burner other than such as has been provided or approved of by the Undertakers or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or who shall otherwise improperly use or burn such gas, or shall supply any other person with any part of the gas supplied to him by the Undertakers, shall forfeit to the Undertakers the sum of five pounds for every such offence and also the sum of forty shillings for every day such pipe shall so remain, or such works or burner shall be so used, or such excess be so committed or continued or such supply furnished, and the Undertakers may take off the gas from the house and premises of the person so offending notwithstanding any contract which may have been previously entered into.

Penalty for fraudulently using gas.

71. If any money shall be unlawfully abstracted from a pre-payment meter, the consumer to whose service such meter is affixed shall be responsible for the loss. The amount of such loss shall be recoverable as a debt.

Abstracting money from pre-payment meter.

72. The clerk, engineer or other officers duly appointed for the purpose by the Undertakers may at all reasonable times enter any building or place supplied with gas by the Undertakers in order to inspect the meters, fittings and works for regulating the supply of gas and for the purpose of

Undertakers may enter premises for ascertaining quantity of gas consumed.

ascertaining the quantity of gas consumed or supplied and collecting the money from the pre-payment meters ; and if any person hinder such officer as aforesaid from entering and making such inspection, collection and otherwise as aforesaid at any reasonable time he shall for every such offence forfeit to the Undertakers a sum not exceeding five pounds, recoverable as a debt. Provided always that no person so hindering any such officer shall be deemed to have committed any offence unless such officer was at the time of such act of hindering, wearing such a badge as plainly showed that he was an officer of the Undertakers or unless the party charged is proved to have known or to have had reasonable means of knowing that such officer was an officer of the Undertakers.

Interference
with electric
lines and
works.

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Proceedings
for nuisance.

Penalty on
Undertakers
for causing
water to be
corrupted.

Penalty
water
contaminated
by gas.

73. Nothing in this Ordinance shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting and Tramways Ordinance except in accordance with and subject to the provisions of this Ordinance.

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

75. If the Undertakers shall at any time cause or suffer to be brought or to flow into any stream, reservoir, or aqueduct, pond or place for water; or into any drain communicating therewith, any washing or other substance produced in making or supplying gas; or shall wilfully do any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, pond, or place for water shall be fouled, the Undertakers shall forfeit for every such offence the sum of two hundred pounds.

76. Whenever any water within the limits of the area of supply shall be fouled by the gas of the Undertakers, they shall forfeit to the person whose water shall be so fouled, for every such offence a sum not exceeding twenty pounds, and a further sum not exceeding ten pounds for each day during which the offence shall continue after the expiration of twenty-four hours from the service of notice of such offence.

77. After first communicating with the Undertakers and the City Council and taking into consideration any representations made by them, the Governor in Executive Council may make regulations—

- (a) for prescribing the tests for calorific value, purity and pressure of gas ;
- (b) for prescribing the conditions with which meters must comply before they can be stamped ;
- (c) generally for carrying any of the purposes or provisions of this Ordinance into effect.

All such regulations shall be laid before the Legislative Council, and shall have no force or effect until approved by such Council.

On approval, such regulations shall be published in the *Royal Gazette* and, unless otherwise provided, shall come into operation on the day of such publication.

78. The Undertakers may make bye-laws—

- (a) for regulating the conduct of their officers, servants or employees ;
- (b) for preventing the commission of any nuisance in or upon their property or premises, including the smoking of tobacco.

Provided that such bye-laws shall have no force or effect until they shall have been approved by the Governor in Executive Council and published in two successive issues of the *Royal Gazette*.

79. Any such regulation or bye-law 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.

80. Nothing in this Ordinance contained shall prevent any person from manufacturing, using, or storing gas for private purposes and not for sale.

Royalty payable to the City Council.

81. The Undertakers shall pay to the City Council a royalty of one half of one per cent. of the gross receipts derived from the sale of gas to consumers within the limits of the City of Port-of-Spain. The first payment of royalty shall be made at the expiration of two years from the time the Undertakers commence to supply gas.

For the purpose of ascertaining the amount of royalty payable under this section the Undertakers shall on or before the 31st day of March in each year submit to the City Council a copy of their audited revenue account made up to the 31st day of December in the preceding year certified under the hand of their secretary and shall at all reasonable times permit any authorized officer of the City Council to inspect their books in order to enable them to check the entries in the said revenue account.

In case the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

Recovery of penalties.

82. Save as otherwise by this Ordinance expressly provided, all offences against any of its provisions and all penalties, forfeitures, costs and expenses imposed or recoverable thereunder may be prosecuted or recovered 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, or as near thereto as the circumstances of the case will permit. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

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Authentication and service of notices.

83. Any notice to be served by the Undertakers on a person supplied with gas shall be sufficiently authenticated by the signature of the Secretary of the Undertakers or other officer of the Undertakers for the time being authorised in writing by the Directors being affixed thereto in writing or by a stamp, or if it be a notice to pay any charge in respect of a supply of gas, by the name either of the Secretary or such other officer as aforesaid being affixed thereto in writing or in print or by a stamp, and any such notice may be served on any such person either personally or by

sending the same through the post by a pre-paid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at the last known or usual place of abode or of business or to any inmate of the premises supplied, or if such premises be unoccupied, and the place of abode of the person to be served is after proper inquiry unknown, it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

84.—(1) The sum deposited with the Treasurer by the Undertakers in compliance with Rule 67 of the Standing Rules and Orders of the Legislative Council of the Colony shall be deposited by the Treasurer in his name at interest and at the sole risk of the Undertakers in an approved Bank in Port-of-Spain in trust nevertheless for His Majesty on the happening of the event mentioned in sub-section (3) of this section.

Deposit of
4 per cent. of
estimated cost
of works.

(2) The interest which shall accrue on the sum so deposited shall be paid to the Undertakers as and when the same shall become due and payable.

(3) Unless that period be extended by special direction of the Governor in Executive Council, the said works shall be completed within a period of three years from the commencement of this Ordinance. And where the Undertakers make default in completion thereof within the specified time, or any extension thereof, the deposited sum shall be forfeited to His Majesty.

Time for
completion of
works.

(4) The powers contained in this section shall be in addition to and not in derogation of any of the powers vested in the Governor by the immediately succeeding section.

85. If the Undertakers do not within a period not exceeding three years from the commencement of this Ordinance substantially complete the said works and/or supply gas to consumers or if within twelve months from the same date the works are not substantially commenced or if the works having been so commenced are suspended without a reason sufficient in the opinion of the Governor to warrant such suspension, the powers hereby given to

Failure
to complete
works.

the Undertakers for constructing such works or otherwise in relation thereto, shall cease to be exercised, unless the said period be extended by the special direction of the Governor in Executive Council. A notice published in the *Royal Gazette* by order of the Governor to the effect that the works hereby authorised have not been completed or that such works have not been commenced or that they have been suspended without sufficient reason shall be conclusive evidence for the purposes of this section of such non-completion, non-commencement or suspension.

Undertakers responsible for all damages.

86. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers, or of any person in their employment, by reason of or in consequence of any of the Undertakers' works, and shall save harmless 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 those accidents, damages, and injuries.

Saving of Crown and other rights.

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

Commencement.

7/17/1929
359/1932.S.2

88. This Ordinance shall not commence and come into operation unless the several deposits required by Rule 67 of the Standing Rules and Orders of the Legislative Council are made on or before the 30th day of June, 1928 and if such deposits are made on or before the said date it shall commence and come into operation on such day as the Governor shall appoint in that behalf by Proclamation.

1931

Passed in Council this nineteenth day of October in the year of Our Lord one thousand nine hundred and twenty-eight.

JOHN DE NOBRIGA,
Clerk of the Council.