

amended by Ordce. 13/47.

R. G. suppl. d/d. 22.12.45



TRINIDAD AND TOBAGO.

No. 43—1945.

[L.S.]

I ASSENT,

B. E. H. CLIFFORD,

Governor.

21st December, 1945.

AN ORDINANCE to confer certain powers on the Port-of-Spain Corporation with respect to the supply of electrical energy, the operation of a transportation system, and the sale and hire of electrical goods, and for other purposes in connection therewith.

[On Proclamation.]

1. 1. 46

Commence-
ment.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof. Enactment.

PART I.

SHORT TITLE, COMMENCEMENT AND INTERPRETATION.

1. This Ordinance may be cited as the Port-of-Spain Corporation (Electricity) Ordinance, 1945, and shall come into force on such date as the Governor may by proclamation appoint. Short title and
commence-
ment.

Interpreta-
tion.

2. In this Ordinance and in any rules, regulations, or by-laws made thereunder the following words and expressions shall have the meanings respectively assigned to them unless the context otherwise requires—

“aerial line” means any electric line which is placed above ground and in the open air ;

“apparatus” means any appliance used or which may be used in connection with the supply or use of electrical energy ;

“appropriate meter” means a meter of a pattern approved by an Electric Inspector ;

“circuit” means an electrical circuit forming a system or branch of a system ;

“consumer” means any person supplied, or entitled to be supplied, with energy by the Corporation ;

“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 line ;

“consumer’s wire” means any electric line on the consumer’s premises which is electrically connected with an electric distribution line or main ;

“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 ;

“earthed” means connected to the general mass of earth in such manner as will ensure at all times an immediate and safe discharge to earth of electrical energy ;

“electricity” or “electrical energy” or “energy” means energy involving the use of electricity, electric current or any like agency which may be produced either by mechanical or chemical means and which is generated, transmitted, supplied or used for any purpose except the transmission of a message ;

“Electric Inspector” means any electric inspector appointed under the provisions of the Electricity (Inspection) Ordinance, 1945 ;

- “ 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 ;
- “ general supply ” means the general supply of energy to ordinary consumers, but does not include the supply of energy to any one or more particular consumers under special agreement ;
- “ land ” means any land not being a street or portion thereof ;
- “ Local Authority ” means any authority having municipal or administrative jurisdiction over and within any area in respect of which any rights are exercisable under this Ordinance ;
- “ main ” means an electric line which may be laid down or erected by the Corporation in, over, along, across, or under any street or public place, or being already so laid down or erected, has been acquired by the Corporation under the authority of this Ordinance, and through which energy may be supplied, or intended to be supplied, by the Corporation for the purposes of general supply ;
- “ mechanical appliances ” 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 authorised to be used ;
- “ message ” means any telegram, message, or other communication transmitted or intended for transmission by a telegraph or telephone line or by radio-telegraphy or radio-telephony ;
- “ overhead system ” means an electrical system in which the electric supply lines, conductors or other apparatus used or which may be used for conveying, transmitting, transforming, distributing or supplying energy are placed above ground and in the open air and shall include any portions of a system so placed above ground and in the open air excepting within premises in the sole occupation or control of the Corporation and excepting so much of any service line as is necessarily so placed for the purpose of supply ;

- “ power ” means electrical power, or the rate per unit of time at which energy is supplied ;
- “ pressure ” means the difference of electrical potential between any two conductors through which a supply of energy is given or between any part of the conductor and earth ;
- “ private purposes ” includes any purposes whatever to which electricity may for the time being be applicable, not being public purposes ;
- “ public purposes ” means lighting any street or place belonging to or subject to the control of any Local Authority, 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, and includes supplying the electricity required for operating the tramway system and any trolley buses authorised to be operated under the provisions of this Ordinance, but does not include any other purpose to which electricity may be applied ;
- “ road authority ”, in relation to any street, means the authority or person by whom such street is repairable ;
- “ service line ” means any electric line through which energy may be supplied, or intended to be supplied, by the Corporation to a consumer’s premises from any main or transformer ;
- “ street ” includes any highway, whether over any bridge or not, and any road, lane, footway, square, court, alley or passage over which the public have a right of way ; and the pavement of a street and all channels, drains and ditches at the side of a street shall be deemed to be part of the street ;
- “ sub-station ” means the works or station where energy is received for transformation, conversion, storage or distribution and includes all buildings and plant used for the purpose and the site thereof ;
- “ system ” means an electrical system in which all the conductors and apparatus are electrically connected to a common source or sources of energy ;
- “ telegraphic line ” includes any electric line used for telephonic or electric signalling communication ;
- “ the Corporation ” means the Mayor, Aldermen and Citizens of the City of Port-of-Spain ;
- “ the undertaking ” means the undertaking of the Corporation authorised by this Ordinance ;

- “tramway” means any railway for the conveyance of public traffic constructed mainly or partly along the streets as herein defined ;
- “transformer” means a static transformer for transforming energy ;
- “use of electrical energy” means the conversion of energy into chemical energy, mechanical energy, heat or light, or the use or application of electrical energy to or for any of the purposes for which it may be or become or be found to be adapted ;
- “works” means works authorised by this Ordinance or any of them, and includes sub-stations, buildings, machinery, engines, transmission lines, distributing mains, electric lines, poles, pillars, street boxes, lamps and any other works, apparatus, appliances, matters or things of whatever description required for the transmission, transformation, distribution, supply or use of electrical energy.

PART II.

VESTING OF CERTAIN PROPERTY, RIGHTS AND LIABILITIES IN THE CORPORATION.

3. (1) On the coming into force of this Ordinance—

(a) there shall be deemed to be vested in the Corporation in absolute ownership :—

(i) the whole of the transportation system operated by the Trinidad Electricity Board under the authority of the Trinidad Electricity Board Ordinance ;

(ii) such part of the undertaking of the said Board as is situate within the limits of the City of Port-of-Spain and is not required for the generation of electrical energy, that is to say, the sub-stations, electric lines, mains, service lines and mechanical appliances which relate to the distribution of electrical energy within the limits of the City of Port-of-Spain, but not the cables used for distribution of energy to premises outside the said City ;

Vesting of certain property, rights and liabilities in the Corporation

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- (b) the benefit and burden of any lease or tenancy agreement in which the Trinidad Electricity Board was tenant immediately prior to such coming into force shall, if the lease or agreement relates to any lands or buildings vested in the Corporation by virtue of paragraph (a) of this subsection, be deemed to be transferred from the Trinidad Electricity Board to the Corporation ;
- (c) all interests, rights and easements, and all liabilities in or appertaining to the property vested in the Corporation by virtue of paragraph (a) of this subsection, shall become the interests, rights, easements and liabilities of the Corporation, and all policies of insurance effected by the Trinidad Electricity Board on any of the property aforesaid shall be deemed to be assigned to the Corporation ;
- (d) such of the benefits and burdens of any contract to which the Trinidad Electricity Board is a party and which is in force immediately prior to such coming into force, as to which the Governor in Council, with the approval of the Legislative Council, may by order direct that this paragraph shall be applicable, shall be deemed to have been transferred from the said Board to the Corporation ;
- (e) such moneys standing to the credit of the Trinidad Electricity Board immediately prior to such coming into force as the Governor in Council, with the approval of the Legislative Council, shall by order determine, shall be deemed to be transferred to and vested in the Corporation ;
- (f) the right to recover and receive such moneys due to the Trinidad Electricity Board immediately prior to such coming into force, or which would thereafter have become due to the said Board if this Ordinance had not been enacted, as the Governor in Council, with the approval of the Legislative Council, shall by order determine, shall be deemed to be transferred to and vested in the Corporation.

(2) The provisions of the last preceding subsection in relation to the moneys referred to in paragraph (f) thereof shall have effect as if such moneys had always been payable to the Corporation.

(3) The Governor in Council may, with the approval of the Legislative Council, by order direct that any liability or part thereof of the Trinidad Electricity Board, (including liability for interest on any loan raised by the Governor under the authority of the Trinidad Electricity Board Ordinance and for contribution to any redemption fund established in connection with any such loan), shall be deemed to have been transferred to, and to have become the liability of, the Corporation.

(4) The Governor in Council, with the approval of the Legislative Council, may by order make such provision as may appear to him to be expedient for securing the transfer to the Corporation of the property, rights, and liabilities aforesaid and for matters consequential thereon.

TRANSITORY PROVISIONS.

4. (1) The Governor in Council may, with the approval of the Legislative Council, by order make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to any transfer of powers or duties by or under this Ordinance including provisions for the transfer of any property, rights, and liabilities held, enjoyed or incurred by the Trinidad Electricity Board, in connection with any powers or duties transferred, and may, with the like approval, make such orders as may be necessary to make exercisable by the Corporation and their officers the powers and duties so transferred.

Transitory provisions.

(2) If any difficulty arises with respect to the foregoing transitory provisions of this Ordinance, the Governor in Council may, with the approval of the Legislative Council, by order make such modifications in those provisions as may appear to him necessary for preventing anomalies during the period affected by the transition to the provisions of this Ordinance from the provisions of the Electric Lighting and Tramways Ordinance and the Trinidad Electricity Board Ordinance :
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 Provided that the Governor in Council shall not exercise the powers conferred by this subsection after the expiration of one year from the coming into force of this Ordinance.

(3) In the construction and for the purposes of any Ordinance, rule, regulation, bye-law, judgment, decree, order, award, deed, contract or other document passed or made before the transfer to the Corporation of any powers or duties by or under this Ordinance, but so far only as may be necessary for the purpose or in consequence of such transfer, the name of the Corporation shall be substituted for the name of the Trinidad Electricity Board or of the Trinidad Electric Company, Limited, as the case may be.

(4) Where anything has been commenced by or under the authority of the Trinidad Electricity Board before the transfer to the Corporation of any powers or duties by or under this Ordinance and such thing is in relation to the powers or duties so transferred, such thing may be carried on and completed by or under the authority of the Corporation.

(5) Where at the time of the transfer of any powers or duties by or under this Ordinance any legal proceeding is pending to which the Trinidad Electricity Board is a party, and such proceeding has reference to the powers and duties transferred by or under this Ordinance, the Corporation shall be substituted in such proceeding for the Trinidad Electricity Board, and such proceeding shall not abate by reason of the substitution.

PART III.

PORT-OF-SPAIN CORPORATION ELECTRICITY BOARD.

Establishment
of Port-of-
Spain
Corporation
Electricity
Board.

5. (1) The Corporation shall, in the exercise and performance of their powers and duties under this Ordinance act by a Board to be called the Port-of-Spain Corporation Electricity Board (hereinafter referred to as "the Board").

(2) The Board shall consist of the Mayor of Port-of-Spain, who shall be Chairman of the Board, the Deputy Mayor of Port-of-Spain, who shall be Deputy Chairman of the Board, and five other members of the Council of the Corporation appointed by the said Council who shall hold office for one year from the dates of their respective appointments but shall be eligible for re-appointment. In the absence or inability to act of the Mayor the Deputy Mayor shall be Chairman of the Board, and in the absence or inability to act of the Mayor and the Deputy Mayor, the other members of the Board shall appoint one of their number to act as Chairman of the Board.

(3) Any member of the Board appointed thereto by the Council of the Corporation in pursuance of the provisions of subsection (2) of this section may at any time resign his seat on the Board by notice in writing addressed to the Chairman of the Board and the seat of any member of the Board who ceases to be a member of the Council of the Corporation shall forthwith become vacant.

(4) In the event of any vacancy on the Board arising among the members appointed thereto by the Council of the Corporation in manner aforesaid, the said Council shall at once proceed to fill the vacant seat by the appointment of another member of the Council who shall hold office for the unexpired period of office of the member of the Board whose seat has become vacant.

(5) In the event of any vacancy arising in the office of Deputy Mayor the Council of the Corporation shall forthwith appoint one of its members to act as a member of the Board during such vacancy.

(6) Membership of the Board shall be deemed not to be an office or place of profit in the gift or disposal of the Corporation.

6. (1) Decisions of the Board may be taken at meetings or, in cases in which the Chairman shall so direct, by the recording of the opinions of members on papers circulated among them: Provided that where papers are circulated, the Chairman may direct that the papers shall not be circulated to any member who through interest, illness, absence from the Colony or otherwise is, in the opinion of the Chairman, incapacitated from voting on such papers. Decisions of the Board.

(2) The quorum of the Board at any meeting or for the purpose of voting on papers shall be four.

(3) The decisions of the Board shall be by the majority of votes: Provided that, in any case in which the voting shall be equal, the Chairman shall have a second or casting vote.

7. The Board shall meet at such times as may be necessary or expedient for transacting their business. The Chairman or any two members of the Board may convene a special meeting. Minutes of each meeting in proper form shall be kept by the Secretary and shall be confirmed by the Chairman at the next succeeding meeting. Meetings of the Board

8. No personal liability shall attach to any member of the Board in respect of anything done or suffered to be done in good faith under the provisions of this Ordinance and any sums of money, damages or costs which may be recovered against them or any of them for anything done or suffered to be done as aforesaid shall be paid out of the funds of the Corporation as hereinafter provided for. No personal liability to attach to members of the Board.

9. (1) Subject to appropriate provision having been made in the estimates of the Board and approved as hereinafter provided, the Board may appoint at such remuneration and on such terms and conditions as the Board may think fit a General Manager, a Secretary and an Accountant and such engineers, electricians, clerks, inspectors, collectors and other officers and servants as may be necessary and proper for the due and efficient exercise of their powers and performance of their duties under this Ordinance. Appointment of officers and servants and provision for Provident Fund.

(2) The holders of such offices under the Trinidad Electricity Board immediately prior to the coming into force of this Ordinance as the Board, subject to the provisions of subsection (3) of section 3 of this Ordinance shall determine,

shall be deemed, on the coming into force of this Ordinance, to be transferred to the service of the Corporation and to hold such offices thereunder, subject to the provisions of this Ordinance.

(3) The Board may require any officer or servant to give security to their satisfaction for the due execution of his duties.

(4) It shall be lawful for the Board to provide for the establishment and maintenance of a Provident Fund for the benefit of the officers and servants of the Corporation employed in connection with the business of the Corporation contemplated by this Ordinance, and for that purpose to make any such arrangements as the Board may deem necessary.

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(5) Any money on deposit in the Provident Fund authorised by subsection (2) of section 7 of the Trinidad Electricity Board Ordinance on behalf of any employee of the Trinidad Electricity Board in respect of whom no life assurance has been effected or pure endowment policy purchased by the said Board in connection with the said Fund shall, on the establishment of the Provident Fund authorised by the last preceding subsection and if such employee becomes an employee of the Corporation by virtue of this Ordinance, be paid, together with the interest accruing thereon, by the said Board to the Corporation and placed to the credit of such employee in such latter Fund.

(6) Every policy of assurance effected by the Trinidad Electricity Board on behalf of any employee of the said Board in connection with the Provident Fund authorised by subsection (2) of section 7 of the Trinidad Electricity Board Ordinance shall, on the establishment of the Provident Fund authorised by subsection (5) of this section and if such employee becomes an employee of the Corporation by virtue of this Ordinance, be deemed to be assigned to the Corporation.

PART IV.

FINANCIAL PROVISIONS.

Activities under this Ordinance to be separate and distinct from other activities of Corporation.

10. The several activities authorised under this Ordinance shall be conducted as activities separate and distinct from any other activity of the Corporation and the accounts in relation to the activities so authorised shall be kept separate and distinct from the other accounts of the Corporation.

Submission of estimates.

11. (1) The Corporation shall on or before the 15th day of November in each year submit for the approval of the Governor and the Legislative Council an estimate of the probable revenue and expenditure for the twelve months commencing on the following 1st day of January in respect of the several activities

authorised under this Ordinance and such estimate shall, when approved, not be departed from without the consent of the Governor and the Legislative Council: Provided that, if the total expenditure for the twelve months be not exceeded, the Governor may authorise an excess of expenditure under any subhead which can be met by any equivalent saving or savings under some other subhead or subheads: Provided also that in the event of any unforeseen contingency causing an interruption in the distribution of electrical energy or serious abatement thereof, or causing any substantial dislocation in the transportation services it shall be lawful for the Corporation to proceed, subject to the other provisions of the Ordinance, to effect the necessary works and repairs, and the cost thereof shall be paid from such funds as the Governor with the approval of the Legislative Council may direct. Any payment for such purpose out of general revenue may be recovered by instalments or otherwise by augmentation of rates as the Governor and the Legislative Council shall sanction.

(2) The Corporation shall within two months of the commencement of this Ordinance submit for the approval of the Governor and the Legislative Council an estimate of the probable revenue and expenditure for the period commencing on the date of the commencement of this Ordinance and ending on the 31st day of December next following in respect of the aforesaid activities, and the provisions of the last preceding subsection shall apply *mutatis mutandis* in respect of such estimate.

12. It shall be a general principle of the Corporation that the business as contemplated by this Ordinance shall, as far as practicable, be carried on neither at a profit nor at a loss, and that their charges shall be adjusted accordingly from time to time. In the event of any profits arising from such business which cannot be absorbed by the adjustment of charges such profits shall be employed only for such purposes of the Corporation as the Governor and the Legislative Council shall approve.

Restriction on
use of profits.

13. (1) The Governor may, with the approval by resolution of the Legislative Council, place at the disposal of the Corporation such funds as may be necessary for carrying out their duties under this Ordinance, either out of the proceeds of loans raised for the purpose or out of the reserve fund, revenues or surplus balances of the Colony. The repayment of such funds by the Corporation shall be made out of the revenue derived from the business authorised by this Ordinance by payments to the Accountant General of such amounts, at such rates of interest and at such times as shall be specified in any such resolution.

Advances and
repayment of
advances.

(2) Pending the raising of any such loans, it shall be lawful for the Governor by warrant under his hand to authorise the Accountant General to make advances to the Corporation in such sums and on such terms and conditions as he may think fit for the purposes authorised by this Ordinance.

(3) The Corporation may, with the sanction of the Governor in Council, borrow, as temporary advances, such sum or sums of money as the Corporation think proper for defraying expenses included in the approved estimates of expenditure in connection with the business authorised by this Ordinance, and the Corporation may, with the like sanction, enter into arrangements with any bank with which the Corporation have a current account, for allowing the Corporation to overdraw their account to such extent as may, in each case, be specified in such sanction: Provided always that every such advance or overdraft shall be repaid before the expiration of the financial year in which the same shall have been obtained by the Corporation.

Funds of the Corporation.

14. (1) The funds of the Corporation for the purposes of this Ordinance shall be—

- (a) such sums as may become vested in the Corporation by virtue of section 3 of this Ordinance;
- (b) such sums as may be made available under section 13 of this Ordinance; and
- (c) such other sums as may accrue to the Corporation from the conduct of the business contemplated by this Ordinance and by virtue of section 96 of this Ordinance.

(2) The funds of the Corporation shall be applied towards—

- (a) the payment of rates, taxes, insurance premiums against any losses, damages, risks and liabilities which the Corporation may incur;
- (b) the payment of interest on loans and advances and the repayment of any such loans and advances;
- (c) the discharge of any liabilities of the Trinidad Electricity Board which are transferred to the Corporation by this Ordinance;
- (d) the creation of a Renewals Fund as the Corporation may in their discretion consider sufficient;
- (e) the creation of Reserve Funds up to such limits as the Governor may authorise;
- (f) the payment of all other expenses authorised by or incidental to the operation of this Ordinance.

15. (1) All matters of a financial nature relating to the business of the Corporation authorised by this Ordinance shall be considered by the Board at a duly constituted meeting and shall be approved by resolution. Financial and accounting matters.

(2) The Board shall cause to be kept proper accounts and books in relation thereto in such form as may be approved by the Auditor appointed under section 16 of this Ordinance.

(3) All moneys payable to the Corporation by virtue of this Ordinance shall be collected and received for and on account of the funds of the Corporation provided for by this Ordinance. Receipts for moneys paid to the Corporation may be signed by the Accountant or on his behalf by any other officer or officers appointed by the Board to receive such moneys.

(4) All payments out of the aforesaid funds of the Corporation, except petty disbursements not exceeding a sum to be fixed by resolution, shall be made by the Accountant or on his behalf by any other officer or officers appointed by the Board upon vouchers submitted to and approved of by the Board: Provided that in cases of urgency it shall be lawful for moneys to be paid out on vouchers to be signed by the Chairman of the Board, but such vouchers shall be laid before the Board at the next meeting.

(5) All moneys of the Corporation accruing from their operations under this Ordinance shall be paid into some bank or banks appointed by resolution of the Board, and such moneys shall, as far as practicable, be paid into the bank from day to day, save and except such sum as the Accountant may be authorised by resolution of the Board to retain in his hands to meet petty disbursements and for immediate payments.

(6) Cheques against any banking account required to be kept or withdrawals from any savings bank account shall be signed by the Accountant and countersigned by the Chairman of the Board or such other member of the Board appointed by resolution for the purpose (a copy of which shall be certified by the Chairman and forwarded to the bank or banks concerned).

(7) The Board may from time to time invest any portion of its funds in such securities as may be approved by the Governor in Council.

(8) The Board shall by resolution provide for the following matters—

- (a) the bank or banks into which the moneys of the Corporation accruing from their operations under this Ordinance shall be paid, the title of any account with any such bank and the transfer of funds from one account to another ;
- (b) the appointment of a member of the Board to sign cheques in the absence of the Chairman ;
- (c) the appointment of officers to receive and to make payments on behalf of the Accountant ;
- (d) the amount to be retained by the Accountant to meet petty disbursements and immediate payments ;
- (e) the vouchers required, and the method to be adopted, in making payments out of the funds of the Corporation ; and
- (f) generally as to all matters necessary for the proper keeping and control of the accounts and books and the control of the finances of the Corporation provided for by this Ordinance.

(9) (a) Notwithstanding anything to the contrary in the foregoing provisions it shall be lawful for the Governor in Council from time to time to give directions to the Corporation for the regulation of the accounting system of the Corporation and the submission of their accounts for audit, and, without prejudice to the generality of this provision, any such directions may be given with respect to—

- (i) the financial transactions which are to be recorded in the accounts of the Corporation ;
- (ii) the manner of keeping the accounts and the form thereof ;
- (iii) the manner of vouching the financial transactions of the Corporation and the form of all documents in connection therewith ;
- (iv) the periodical statements relating to their financial transactions to be prepared by the Corporation and the form thereof ;
- (v) the certification of the accounts and the documents and statements relating thereto, and the manner of such certification ;
- (vi) the statements to be submitted for audit and the manner in which, and the times within which, they are to be so submitted ;
- (vii) the persons by whom any duties appropriate to the carrying out of any directions are to be performed ;

(b) any such directions may at any time be varied or cancelled by subsequent directions ;

(c) subject to the terms of the directions, the Board may issue general or special instructions as to the duties to be performed by the employees of the Corporation for the purpose of carrying out any directions given under this subsection ;

(d) if any person wilfully neglects or disobeys any direction or instruction given under this subsection he shall be liable on summary conviction for a first offence to a fine of forty-eight dollars and for a second or subsequent offence to a fine of two hundred and forty dollars.

16. (1) The Board shall, subject to the approval of the Governor in Council, appoint a firm of chartered accountants (in this Ordinance referred to as the auditor) to audit the accounts of the Corporation and the audit shall be conducted in accordance with any general or special directions as may be given from time to time by the Governor in Council.

Audit of
accounts.

(2) The auditor's fees and any expenses of the audit shall be paid by the Corporation.

(3) The auditor may, by writing under his hand, require the production before him of all books, deeds, contracts, accounts, vouchers, receipts and other documents, which he may deem necessary for the purpose of the audit, and may require any person holding or accountable for any such document to appear before him at the audit, or any adjournment thereof, and may require any such person to make and sign a declaration as to the correctness of the document. If any person without reasonable excuse (the burden of proving which shall lie on such person) neglects or refuses to comply with any such requirement he shall be guilty of an offence and liable on summary conviction to a fine of twenty-four dollars, and to a further fine of twenty-four dollars for every day after the first day during which such offence continues, and if any person knowingly and wilfully makes or signs any such declaration which is untrue in any material particular, he shall be deemed to be guilty of an offence under section 5 of the Perjury Ordinance.

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(4) (a) A Judge of the Supreme Court may, on motion or petition, or otherwise, in a summary way, whether any suit or other proceeding shall or shall not be pending in any court with respect to the accounts of the Corporation, order any person to produce and bring into the Registry or Sub-Registry of the Supreme Court, any books, deeds, contracts, accounts, vouchers, receipts or other documents which may be shown to be in the possession or under the control of such person ; and if it be not shown that any such book, deed,

contract, account, voucher, receipt or other document is in the possession or under the control of such person, but it shall appear that there are reasonable grounds for believing that he has knowledge thereof, the Judge may direct such person to attend for the purpose of being examined in open court, or upon interrogatories respecting the same; and any such person shall be bound to answer such questions or interrogatories and, if so ordered, to produce and bring in such book, deed, contract, account, voucher, receipt or other document, and shall be subject to the like process of contempt in case of default in not attending or not answering such questions or interrogatories, or not bringing in such book, deed, contract, account, voucher, receipt or other document as he would have been subject to in case he had been a party to a suit in the said Court and had made such default;

(b) the Judge may further order that any such book, deed, contract, account, voucher, receipt or other document so produced as aforesaid be delivered to the auditor for the purposes of the audit;

(c) the costs of any such motion, petition or other proceeding shall be in the discretion of the Judge.

(5) It shall be the duty of the auditor in addition to the ordinary duties of an auditor, to certify not less than once in every year whether or not—

(a) the accounts of the Corporation are in order;

(b) the accounts issued present a true and correct view of the financial position of the Corporation and of their transactions and of the results of trading;

(c) due provision has been made for the redemption and repayment of any moneys borrowed by or advanced to the Corporation, whether in the form of stock or debentures or in any other manner whatsoever;

(d) the value of the assets of the Corporation has been correctly stated;

(e) the sums to be set aside to the several funds authorised under this Ordinance have been so set aside;

(f) all his requirements and recommendations as an auditor have been complied with and carried out.

(6) The auditor shall disallow every payment made without due authority according to law and surcharge the same on the person or persons incurring or authorising the illegal payment, and shall charge against any person responsible therefor the amount of any deficiency or loss incurred by

the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall in every case certify the amount due from such person.

(7) A copy of the auditor's certificate as to any surcharge shall be delivered to the person surcharged, and such person may, within fourteen days after such delivery, appeal to a Judge of the Supreme Court against the surcharge. The Judge may on such appeal confirm, vary, or quash the decision of the auditor.

(8) Rules of Court may be made for regulating appeals to a Judge of the Supreme Court under subsection (7) of this section.

(9) Every sum certified by the auditor to be due from any person shall be paid by that person to the Corporation within fourteen days of the delivery to him of the auditor's certificate of surcharge, or, if an appeal with respect to the surcharge has been made, within fourteen days after the appeal is finally disposed of or abandoned or fails by reason of non-prosecution thereof, and if not so paid shall constitute a debt due to the Corporation. It shall thereupon be the duty of the Corporation forthwith to take all such steps as may be expedient to enforce payment of every such sum.

(10) If the Corporation neglect or refuse to sue for the recovery of the amount surcharged as provided in the last preceding subsection, the Crown Solicitor shall sue in the name and on behalf of the Corporation for the recovery of such amount and the costs and expenses incurred in such proceedings by the Crown Solicitor shall be paid by the Corporation out of their funds as provided for in this Ordinance.

17. Notwithstanding the provisions of section 121 of the Port-of-Spain Corporation Ordinance, no funds other than the funds provided under this Ordinance shall be expended by the Corporation in carrying on the undertaking.

Restriction
on expendi-
ture of funds.
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18. Out of the funds of the Corporation provided under this Ordinance, the Chairman of the Board shall be paid monthly at the rate of seven hundred and twenty dollars per annum, and every other member of the Board monthly at the rate of four hundred and eighty dollars per annum, as remuneration for their respective services on the Board.

Remuneration
of members of
Board.

19. (1) The Corporation shall, on or before the 30th day of April of each year, furnish to the Governor a report upon their work during the year ending the 31st day of December last preceding including *inter alia*—

Annual report.

- (a) a balance sheet and a complete statement of revenue and expenditure duly audited;
- (b) the report of the auditor;

- (c) the revenue derived by the Corporation and the expenditure incurred in respect of each of the separate activities and the electricity supplied to consumers ;
 - (d) the extent and value of all classes of property owned by the Corporation ;
 - (e) the amount of securities for loans still outstanding and the interest thereon, whether paid or unpaid ;
 - (f) the position of any specific fund created under the provisions of this Ordinance ;
 - (g) the expenses of management and administration and all other expenses ;
 - (h) particulars of all capital expenditure and the cost thereof ;
 - (i) the price or rent of any land or rights or interests in or over land or other property acquired or hired.
- (2) Every report under subsection (1) of this section shall be laid before the Legislative Council.

PART V.

DUTIES AND POWERS OF THE CORPORATION IN RELATION TO THE SUPPLY OF ELECTRICAL ENERGY.

Duties and powers of the Corporation.

See also
Ord. 13/47.

20. (1) Subject to the provisions of this Ordinance, the Corporation shall be the sole and exclusive authority to supply energy for public and private purposes within the area of supply: Provided that where the Governor in Council is satisfied that the Corporation cannot or will not provide a reasonable supply of energy in any particular case on reasonable terms he may authorise such supply from other sources subject to such terms and conditions as he may think fit.

(2) It shall be lawful for the Corporation to do all acts and things necessary for distributing a full supply of energy for public and private purposes within the area of supply including the opening and breaking up of any street therein: Provided that the Corporation shall not have the right to generate energy. Provided further that the Corporation shall obtain all energy required for any of the purposes of this Ordinance from the Trinidad and Tobago Electricity Commission established under the provisions of the Trinidad and Tobago Electricity Commission Ordinance, 1945. And provided further that where the Governor in Council is satisfied that the said Commission cannot provide the Corporation with a reasonable supply of energy on reasonable terms he may authorise the Corporation to obtain a supply of energy from

such sources as they may think fit or grant a licence to the Corporation under the provisions of Part VII of the Trinidad and Tobago Electricity Commission Ordinance, 1945.

(3) The Corporation shall, by their servants or agents, have access at all reasonable times to the premises of the aforesaid Commission for the purpose of testing their equipment on such premises with a view to ensuring a constant and sufficient supply of energy to the Corporation.

(4) It shall be lawful for the Corporation—

(a) to establish and maintain a merchandising department in the City of Port-of-Spain for the sale or hire (but not the manufacture) of electrical materials; fittings, accessories, apparatus and other electrical devices and a repair department in connection therewith;

(b) to undertake the electrical wiring of industrial, commercial and residential premises.

21. The Corporation may agree to supply electrical energy to any person upon such terms and conditions and for such period as the Corporation may think fit: Provided that it shall be lawful for the Corporation at any time without incurring any liability for so doing other than a liability to make a proportionate abatement in the sum agreed to be paid for the supply of electrical energy to reduce as they may see fit the quantity of electrical energy agreed for if by reason of any circumstance beyond their control the supply of electrical energy available is insufficient to supply the full quantity.

Conditions of supply of electricity by the Corporation.

22. If any person neglects to pay any charge (not reasonably being the subject of a dispute), after the same shall have been legally demanded, for electrical energy, or any other sum due from him to the Corporation in respect of the supply of electrical energy, the Corporation may cut off such supply, and for that purpose may cut or disconnect any electric supply line or other work through which electrical energy may be supplied, and may, until such charge or other sum, together with any expenses incurred by the Corporation in cutting off and reconnecting such supply of electrical energy as aforesaid, is fully paid, but no longer discontinue the supply of electrical energy to such person: Provided that where any person has given to the Corporation a deposit as security for payment for a supply of electrical energy, the Corporation shall not be entitled to discontinue such supply until the sum due to them for that supply shall equal the sum so deposited as security and after payment shall have been demanded as aforesaid.

Supply may be cut off on failure to pay charges.

Powers of the Corporation to enter land, cut trees, erect lines and other apparatus.

Erecting and laying of electric lines.

Erection of necessary apparatus in connection with the supply of electricity.

Erection of street lamps posts, &c.

Entry on land.

23. (1) The Corporation may for the purposes of this Part of this Ordinance—

- (a) from time to time cause standards together with fittings and fixings to be erected and electric lines to be laid and carried through, across, over or under any street (and after reasonable notice in writing in that behalf) through, over or under any land whatsoever, enclosed or otherwise, taking care to do no more damage than is necessary in the circumstances ;
- (b) from time to time cause to be constructed in any street all such boxes as may be necessary for the purposes in connection with the supply of electrical energy and may place therein meters, switches and other suitable and proper apparatus for the purpose of leading off service lines and other distributing conductors or of examining, testing, measuring, directing or controlling the supply of electrical energy or testing the conditions of the mains and other portions of the works ;
- (c) from time to time cause such lamp irons, lamp posts, standards, or other lighting apparatus to be put up or fixed upon or against the walls or palisades of any houses or buildings or enclosures (taking care to do no more damage thereto than is necessary in the circumstances) or to be put up or erected in such other manner as shall be deemed proper and may also cause such number of lamps of such sizes and sorts to be provided and affixed and put upon such lamp irons, lamp posts and standards as are necessary for lighting the streets and to cause the same to be lighted during such hours as are necessary ;
- (d) enter or authorise any person to enter upon any land at all reasonable times and to remain thereon as long as may be necessary for the purpose of effectually doing any act or thing as may be reasonably necessary for the purpose of any survey or preliminary investigation or incidental to the exercise of any power or the performance of any duty of the Corporation, or for carrying into effect any of the objects of this Part of this Ordinance and for any of the said purposes and for the protection of the works executed thereon to cut down from the vicinity thereof, to such extent as may be necessary, any trees or brushwood growing upon any such land so entered upon.

(2) In the exercise of the powers given by this section, the Corporation shall not be deemed to acquire any right other than that of user only in or over the soil of any enclosed or other land whatsoever through, over or under which they place any of the works: Provided however that should any of the work so carried through, over or under any such land become a nuisance or the cause of loss to the owner of such land the Corporation shall at their own expense remove or alter such work or shall give reasonable compensation as hereinafter provided by subsection (3) of this section.

Corporation to have a limited right of user over land.

(3) In the exercise of the powers given by this section, the Corporation shall not do any more damage than is necessary in the circumstances and shall make full compensation to any person interested for all damage sustained by him by reason or in consequence of the exercise of such powers. The amount of such compensation shall in the event of disagreement be determined by arbitration: Provided that no compensation shall be payable in respect of any right of user acquired under the authority of the last preceding subsection.

Compensation for damage done.

24. (1) The Corporation may make bye-laws relating to the following matters appertaining to the operations, personnel and services of the Corporation under this Ordinance:—

Corporation to make bye-laws

- (a) the duties of officers and servants of the Corporation appointed for the purposes of this Part of this Ordinance;
- (b) the qualifications to be required of electrical engineers, operators, electricians and inspectors employed by the Corporation;
- (c) the inspection of works, electric lines, meters, accumulators, fittings and apparatus constructed and placed on any public land or private premises within the area of supply under the provisions of this Ordinance or any contract or agreement made thereunder;
- (d) the inspection, testing and maintenance of the installations and apparatus and in respect of the fixing and testing of meters and in respect of any other service properly rendered on account of consumers within the area of supply;
- (e) the regulation of the use of and the prevention of the misuse of or waste of electrical energy supplied;
- (f) the erection, extension, control, use and working of the electric light service within the area of supply;
- (g) the protection of electric lines or any apparatus connected therewith for the purposes of conveying or distributing electricity within the area of supply;

- (h) the securing the safety of the public from personal injury or from fire or otherwise ;
- (i) the protection of persons and property by reason of contact with or the proximity of, or by reason of the defective or dangerous condition of, any appliance or apparatus used in the transmission, distribution, supply or use of electrical energy ;
- (j) the prevention of any telegraph, telephone or electric signalling lines, or the currents in such lines, from being injuriously affected by any appliance or apparatus used in the transmission, distribution, supply or use of electrical energy ;
- (k) the conditions under which fixtures, fixings and fittings may be installed and electrical energy supplied for private purposes ;
- (l) the sale or hiring out to any person of electrical materials, fittings, accessories, apparatus, meters and other electrical devices and the charges therefor ;
- (m) the time, place, and manner for the payment of moneys payable under this Ordinance or bye-laws thereunder and the mode of collection ;
- (n) the units or standards for the measurement of electrical energy and the installation and verification of meters, and the rent or the fees to be charged therefor and the settlement of disputes as to measurements of electrical energy and limits of error ;
- (o) prescribing the penalties to be imposed for contravention of such bye-laws ; and
- (p) generally in respect of any matter in connection with the distribution of electrical energy not otherwise provided for, the generality of this provision not being limited by the particular matters provided in the preceding paragraphs of this section.

Governor in Council to make regulations.

(2) In the event of the Corporation failing to make bye-laws in respect of any of the matters enumerated in sub-section (1) of this section or otherwise by this Part of this Ordinance, or, of any of the bye-laws made by the Corporation being insufficient for the purpose, the Governor in Council may make regulations in respect of all or any of the matters aforesaid and in general to govern the transmission, distribution, supply and use of electrical energy within any area and may prescribe penalties for the breach or non-observance of such regulations.

Approval of Legislative Council.

(3) Bye-laws and regulations made under this section shall have no force or effect until they have been approved by the Legislative Council.

POWER TO OPERATE TROLLEY BUSES AND MOTOR VEHICLES.

25. (1) It shall be lawful for the Corporation to acquire, construct, maintain and operate in the City of Port-of-Spain public service vehicles (including trolley buses), subject to the provisions of the Motor Vehicles and Road Traffic Ordinance and of this Ordinance.

Corporation empowered to operate public service vehicles.
Ch. 16. No. 3.

(2) It shall be lawful for the Governor in Council, on the application of the Corporation, to authorise and empower the Corporation to operate public service vehicles including trolley buses on and along any other route or routes, subject to such conditions as may be imposed by the Governor in Council.

(3) Notice of every such application shall be published by the Corporation in the *Royal Gazette* and one or more daily local newspapers at least once in every week for four consecutive weeks previous to the same being granted by the Governor in Council.

26. The works and appliances constructed and maintained under the Electric Lighting and Tramways Ordinance and the Trinidad Electricity Board Ordinance for the propulsion by electricity of cars and carriages on tramways may be used, extended, improved and maintained by the Corporation for the working of trolley buses not running on rails and the provisions of this Ordinance relating to the maintenance and operation of tramways shall *mutatis mutandis* be construed as applying to the construction, maintenance and operation of all works and appliances necessary for the due and efficient working of such trolley buses.

Application of certain provisions to the working of trolley buses.

PART VI.

DISTRIBUTION OF ELECTRICAL ENERGY.

Area of Supply.

27. Subject to the provisions of this Ordinance, the area of supply of electrical energy to consumers shall be the City of Port-of-Spain, as defined from time to time under the provisions of the Port-of-Spain Corporation Ordinance, and, for the purposes of the transportation services authorised under Parts V and VIII of this Ordinance, the routes along which the public service vehicles and tramways maintained in connection with such services are authorised to operate.

Area of supply.

Cap. 39. No. 1.

Nature and Mode of Supply.

Systems and
mode of
supply.

28. Electrical energy shall be supplied by means of the alternating system or the direct current system, for arc or incandescent lighting, or, by any 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.

Protection of
telegraphic
and
telephonic
wires.

29. (1) The Corporation shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions, and in working their undertaking, 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, should such wire or line be in existence prior to the laying down or placing of such electric lines or other works.

(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 Corporation shall, unless otherwise agreed between the parties interested, give to the 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 Corporation shall conform with such reasonable requirements as may from time to time be made by such 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 person any right of action or complaint against the Corporation 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 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 person and the Corporation with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration.

(4) If the Corporation make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to the person entitled to any such wire or line for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a fine of five dollars for every such default, and, in the case of a continuing offence, to a further fine of one dollar for every day after the first day during which such default continues: Provided that the Corporation shall not be subject to any such fines as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Corporation 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 Corporation 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 Corporation.

30. If it appears to the Governor in Council, on the representation of any person affected thereby, that any works of the Corporation have been or are in course of being executed otherwise than according to the provisions of this Part of this Ordinance, the Governor in Council may, if he think fit, by order, require the Corporation to discontinue or remove such works until such provisions have been complied with, or may 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 Corporation 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 Part 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.

31. (1) The Corporation 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 Corporation, in which they are for the time being maintaining a supply of energy

Works .
improperly
executed.

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

for the purposes of general supply to private consumers under this Ordinance, or under any regulations and conditions subject to which they are authorised 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 purposes 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 Corporation, although not on such property, shall, if the Corporation so require, be defrayed by such owner or occupier ; and
- (b) every owner or occupier of premises requiring a supply of energy shall—
 - (i) serve a notice upon the Corporation 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 supply is required to commence ;
 - (ii) enter into a written contract with the Corporation, 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 Corporation for a supply of energy to ordinary consumers within the area of supply, shall not be less than fifteen per centum per annum on the outlay incurred by the Corporation 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 Corporation, 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 Corporation, and in respect of energy to be supplied by them :

Provided that the Corporation 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 Corporation may, if they think fit, discontinue to supply 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 Corporation 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 person by the Corporation, the Corporation may, if they think fit, discontinue to supply energy to such premises so long as such user continues :

Provided also that the Corporation 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 Corporation, or by any other 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.

32. (1) The maximum power with which any 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 Corporation 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 Corporation and provided that the Corporation is in a position

Maximum
power to be
supplied
to consumer

to supply the increased demand and any expenses reasonably incurred by the Corporation in respect of the service line by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Corporation upon such premises, consequent upon such alteration, shall be paid by him to the Corporation, and may be recovered summarily as a civil debt.

(2) If any difference arises between any such owner or occupier and the Corporation 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.

Penalty for failure to supply energy.

33. (1) Whenever the Corporation 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 fine of five dollars in respect of every such default for each day on which any such default occurs.

(2) Whenever the Corporation make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised 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 Corporation under this section shall in no case exceed in the aggregate the sum of one hundred dollars in respect of any defaults, not being wilful defaults, on the part of the Corporation 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, or *force majeure*, or any circumstance beyond the control of the Corporation, or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of charging for supply.

34. (1) Consumption of energy shall, except as otherwise agreed between the consumer and the Corporation, be determined by meter only provided by the Corporation and readings of meters shall be *prima facie* evidence of the amount of energy consumed : Provided that if the supply of meters at any time be not equal to the demand, a consumer may be charged on the basis of his average monthly consumption during the previous six months : Provided also that in the case of a new consumer or of a change of tenant a meter shall be installed until an average is obtained : And provided further that the

Corporation may in any special case sanction a fixed monthly charge in place of payment at the above rates by meter and may also grant reduced rates in any particular case in which such a course appears to them to be in the interest of the consumer and the Corporation.

(2) If a meter ceases to register, the consumer shall pay for the energy consumed under such circumstances a sum based on the average daily consumption in the previous three months.

35. (1) The price to be charged by the Corporation for energy ^{Prices.} supplied by them to consumers shall be in accordance with such tariffs as may be fixed from time to time by the Corporation with the approval of the Governor in Council.

(2) Tariffs shall be fixed or varied as aforesaid by resolution of the Corporation which shall be subject to the approval of the Governor in Council and the tariffs so fixed or varied shall have effect on and after such date as may be mentioned in the resolution.

(3) Where a supply of energy is provided by the Corporation for private purposes, every consumer shall, on application, be entitled to a supply on the same terms on which any other consumer is entitled under similar circumstances to a corresponding supply.

36. (1) Notwithstanding the provisions of the last preceding section, the Corporation may, subject to the provisions of this section, make any agreement with a consumer as to the price to be charged for a supply of energy and the mode in which such price is to be ascertained. ^{Charges by agreement.}

(2) The Corporation shall not, in making any agreements for a supply of energy, show any undue preference to any person, but save as aforesaid, they may make such charges for the supply of energy as may be agreed upon, not exceeding the limits of price authorised by the last preceding section.

37. Every Electric Inspector, on being required to do so by the Corporation, 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 consumption of energy, and shall certify the same as a certified meter if he considers it fit to be so certified: 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. ^{Electric Inspector to certify meters}

Corporation
to supply
meters if
required.

38. Where the consumption of energy is to be ascertained by means of a meter, the Corporation shall supply the consumer with an appropriate meter, and shall fix the same upon the premises of the consumer and connect the service lines therewith, and if required by the consumer shall procure such meter to be duly certified under the provisions of this Ordinance, and for such purposes may authorise 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 if a consumer requires more than one meter for the same premises, the Corporation may require such consumer to hire such meter, and for that purpose may require him to enter into an agreement for the hire of such meter.

Meters not to
be connected
or disconnected
without
notice.

39. No consumer shall connect any meter used or to be used under this Ordinance for ascertaining the consumption of energy with any electric line through which energy is supplied by the Corporation, or disconnect any such meter from any such electric line, unless he has given to the Corporation 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 fine of ten dollars.

Corporation
to keep meters
in repair.

40. The Corporation shall at all times, at their own expense, keep all meters installed by them for the purpose of enabling them to ascertain the consumption of energy in proper order for correctly registering such consumption. The Corporation 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: Provided that all reasonable expenses of and incidental to any such taking off, removing, testing, inspecting, and replacing at the request of a consumer, shall, if the meter is found not to be in proper order, be paid by the Corporation, but if the same is in proper order, all expenses connected therewith shall be paid by the consumer.

Differences
as to correct-
ness of meter
to be settled
by Electric
Inspector.

41. If any difference arises between any consumer and the Corporation as to whether any meter, whereby the consumption of energy is ascertained, is or is not in proper order for correctly registering such consumption, or as to whether such consumption 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 consumption of energy.

42. In addition to any meter which may be placed upon the premises of any consumer to ascertain the consumption of energy, the Corporation 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 Corporation, and shall not, except by agreement, be placed otherwise than between the mains of the Corporation and the consumer's terminals.

Corporation may place meter to measure supply or to check measurement thereof.

Miscellaneous Provisions.

43. If at any time it appears to the Governor in Council—
- (a) that the Corporation are supplying energy by any system not specified in this Ordinance nor approved by the Governor in Council, or
 - (b) that any electric lines or works of the Corporation 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 Corporation are for the time being authorised to supply energy under this Ordinance, or
 - (c) that the Corporation's works or their supply of energy is or are attended with danger to the public safety,

Remedying of system and works.

the Governor in Council may, if he thinks fit, by order in writing, require the Corporation 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 Corporation make default in complying with such order within the time so limited, they shall be liable to a fine of twenty-four dollars 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 Corporation make use of any such electric line or work while the use thereof is forbidden, they shall be liable to a fine of four hundred and eighty dollars for every day during which such user continues:

Provided also that where the Corporation are 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 Part of this Ordinance, as to any part of the area of supply, for such time and on such terms as he may think just.

Cost of application for approval or consent of the Governor in Council.

44. (1) Where this Part of 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, &c. to be given by advertisement.

45. Where the Governor in Council, on the application of the Corporation, gives any approval or grants any extension of any time limited for the performance of any duties by the Corporation under the provisions of this Part of this Ordinance, notice that such approval has been given, or such extension of time granted, shall be published in the *Royal Gazette* and in one other newspaper in the Colony.

Power of entry for ascertaining quantity of electricity consumed, &c.

46. Any officer appointed by the Corporation may, at all reasonable times, enter any premises to which electricity is or has been supplied by the Corporation, in order to inspect the electric lines, meters, accumulators, fittings, works, and apparatus for the supply of electricity belonging to the Corporation, 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 Corporation are authorised to take away and 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 Corporation: Provided that the Corporation shall repair all damage caused by such entry, inspection, or removal.

47. Where any electric lines, meters, accumulators, fittings, works, or apparatus belonging to the Corporation are placed in or upon any premises not being in the possession of the Corporation 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 or insolvency, against the person in whose possession the same may be.

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

48. (1) Where the consumption of energy is to be determined by meter, then, save as otherwise provided by the terms of the agreement between the Corporation and the consumer, twenty-four hours' notice in writing shall be given to the Corporation by the consumer before he quits any premises supplied with energy by the Corporation, and, in default of such notice, the consumer so quitting shall be liable to pay to the Corporation 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 may require the Corporation to supply energy to such premises, whichever shall first occur.

Notice to be given to Corporation before removing.

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

PART VII.

INJURIOUS ACTS AFFECTING THE SUPPLY OF ENERGY.

49. Any person who maliciously cuts or injures any electric line or work with intent to cut off any supply of electrical energy, or otherwise maliciously causes any interruption to the supply, or incites other persons to do so shall be guilty of a misdemeanour and, on conviction on indictment, shall be punishable with imprisonment for 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 law, provided that no person shall be punished twice for the same offence.

Injurious acts with intent to cut off supply.

50. Every person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses any electricity, shall be guilty of simple larceny and shall be punishable accordingly.

Stealing electricity.

Wrongful and
fraudulent
practices.

51. Any person who shall lay, erect, or install or permit to be laid, erected or installed any conductor, and connect it with any conductor to which electrical energy is supplied by the Corporation without their consent, or who in case the value of the supply of electrical energy by the Corporation is not ascertained by meter, shall use any apparatus or lamp other than he has contracted to pay for or shall use such apparatus or lamp at any other time than the time specified and for which he has contracted to pay, or who shall otherwise improperly use the supply of electrical energy or shall supply any other person with any part of the electrical energy supplied to him by the Corporation, shall forfeit to the Corporation a sum not exceeding twenty-five dollars for every such offence, and also a sum not exceeding ten dollars for every day such conductor shall so remain, or such apparatus or lamp shall be so used, or such excess be so committed or continued, or such supply furnished without prejudice to the right of the Corporation to recover in addition the amount of any damage suffered by them; and the Corporation may also until the matter complained of has been remedied, but no longer, discontinue the supply of electrical energy to the premises of the person so offending, notwithstanding any contract which may have been previously entered into.

Protection of
Corporation
from improper
interference
by a
consumer.

52. (1) Should the owner or occupier of any premises being a consumer receiving a supply of electrical energy use any form of apparatus lamp or burner or use or permit to be used such supply for any purpose or deals or permits it to be dealt with in any manner so as to interfere unduly or improperly with the efficient supply of electrical energy by the Corporation to any other consumer, the Corporation may, if they think fit, discontinue to supply electrical energy to such consumer so long as the electrical energy is so used or dealt with.

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

Penalties in
respect of
other
wrongful acts.

53. Any person who wilfully, fraudulently or by culpable negligence injures or permits to be injured any works of the Corporation, or alters the index of any meter for ascertaining the consumption of energy, or prevents any such meter from duly registering the value of the supply or fraudulently abstracts, consumes or uses the electrical energy of the Corporation, shall (without prejudice to any right or remedy for the protection of the Corporation or the punishment of the offender) for every such offence forfeit and pay to the Corporation a sum not exceeding twenty-five dollars, and the

Corporation may in addition thereto recover the amount of any damage sustained by them; and in any case in which any person has wilfully and fraudulently injured or permitted to be injured any works of the Corporation or altered the index of any meter for ascertaining the consumption of energy or prevented any such meter from duly registering the consumption of energy, the Corporation may also, until the matter complained of has been remedied but no longer, discontinue the supply of electrical energy to the person so offending (notwithstanding any contract previously existing); and the existence of artificial or unlawful means for causing such alteration or prevention (when such meter is under the custody of the consumer) or for abstracting, consuming or using the electrical energy of the Corporation, shall be *prima facie* evidence that such alteration, prevention, abstraction or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused or permitted. The amount of any forfeit or damage to which the Corporation is entitled under this section may be recovered summarily by them as a civil debt.

54. Any person who shall carelessly or accidentally break, throw down or damage any works of or under the control of the Corporation, shall pay such sum of money to the Corporation by way of satisfaction for the damages done as any court of competent jurisdiction may award.

Liabilities for careless or accidental damages to works.

55. If at any time after the supply of electrical energy to any premises has been cut off by the Corporation it be found that the supply has been renewed without the order of the Corporation and that the electrical energy is being used by any person, the occupier of such premises shall be deemed (until the contrary is proved) to have authorised such user and shall be liable, on summary conviction, to a fine of five dollars for each day the electrical energy has been so used.

Occupier liable for wrong user of electricity.

56. If any person shall wilfully remove, destroy or damage any of the works or electric lines, or apparatus of the Corporation, it shall be lawful for any person who sees the offence committed to apprehend, and also for any other person to assist in apprehending, the offender and by the authority of this Ordinance and without any warrant to deliver him to any peace officer who shall with all reasonable despatch convey him before a Magistrate, to be dealt with according to law.

Apprehension of offender.

57. If any person shall assault, molest, hinder or obstruct any member of the Corporation or any officer or servant of the Corporation or any person authorised thereto by the Corporation in making or attempting to make any entry or

Assault and obstruction of officers and servants.

inspection or in the execution of any of the works authorised by this Ordinance or any rules, regulations or bye-laws made thereunder such person shall be liable, on summary conviction, to a fine of fifty dollars.

PART VIII.

TRAMWAYS.

Authority to
operate
tramways.

58. Subject to the provisions of this Ordinance, the Corporation shall have the exclusive right to maintain and operate the tramways acquired under the provisions of this Ordinance on and along the routes on which the Trinidad Electricity Board are immediately prior to the date of the commencement of this Ordinance operating the said tramways.

Discontinuance
of tramways.

59. It shall be lawful for the Governor in Council, on the application of the Corporation, to authorise and empower the Corporation to discontinue the working of such tramways or any part thereof. Notice of every such application shall be published by the Corporation in the *Royal Gazette* and one or more daily local newspapers at least once in every week for four consecutive weeks previous to the same being granted by the Governor in Council.

Approval by
Inspector.

60. All cars and the material used in the construction of the tramways, and their equipment, and all machinery, must be approved of by the Inspector appointed by the Governor in Council for the purposes of this Part of this Ordinance.

Provisions for inspection.

Powers of
Inspector.

61. The Inspector shall have power to require the Corporation to do any and every thing necessary for the due compliance by them with the provisions of this Part of this Ordinance and the regulations and rules made hereunder, and for that purpose it shall be lawful for such Inspector, from time to time and at all reasonable times, to visit and inspect the tramways and the works, buildings, machinery, cars, and equipment thereof and to travel upon any car free of charge: Provided that the Inspector shall not have any powers of interference in the ordinary business affairs of the Corporation.

For protection of road authority.

Power to
break up
streets, &c.

62. (1) The Corporation, from time to time, for the purpose of maintaining, and renewing any tramways duly authorised under the provisions of this Part of this Ordinance, or any line or lines thereof respectively, or for the purpose of erecting, removing, repairing, or maintaining poles for stringing wires to convey electricity or other power, may open and break up any street along the route of the said tramways, and in the case of any street not repairable by the Corporation subject

to the following regulations—

- (a) they shall give to the road authority notice of their intention specifying the time at which they will begin to do so and the portion of street proposed to be opened or broken up, such notice to be given fifteen days at least before the commencement of the works ;
- (b) they shall not open or break up or alter the level of any street except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the work ;
- (c) they shall not erect any pole in a position objected to by the road authority ;
- (d) they shall pay all reasonable expenses to which the road authority is put on account of such superintendence ;
- (e) they shall not, without the consent of the road authority, open or break up any street without providing reasonable facilities for the passage of the ordinary traffic on such street to the satisfaction of the road authority.

(2) If the Corporation 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 Part of this Ordinance, make full compensation to the road authority for any loss or damage which they may incur by reason thereof, and, in addition thereto, they shall be liable to a fine of twenty-four dollars for every such default, and, in the case of a continuing offence, to a further fine of five dollars for every day after the first day during which such default continues: Provided that the Corporation shall not be subject to any such fines as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Corporation complied with the requirements of this section so far as was reasonable under the circumstances.

63. When the Corporation have opened or broken up any portion of a street, not repairable by the Corporation, they shall be under the following obligations—

Completion
of works and
reinstatement
of street.

- (a) they shall, with all convenient speed, and in all cases within four weeks at the most (unless the road authority otherwise consents in writing), complete the

work on account of which they opened and broke up the same, and, subject to the formation, maintenance, or renewal of the tramway, fill in the ground and make good the surface, and, to the reasonable satisfaction of the road authority, restore the portion of the street to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby ;

- (b) they shall in the meantime cause the place where the street is opened or broken up to be protected and properly lighted at night ;
- (c) in case the road authority shall hereafter decide to pave the whole or any length of the street whereon the rails of the tramway lie, the Corporation shall, from time to time as and when the road authority carries out its work of paving, if thereunto required by the road authority, and for the like distance, substitute paving similar to that laid down by the road authority for that already laid down by the Corporation ;
- (d) if the Corporation 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 Part of this Ordinance, make full compensation to the road authority for any loss or damage which they may incur by reason thereof, and in addition thereto, they shall be liable to a fine of twenty-four dollars for every such default, and, in the case of a continuing offence, to a further fine of five dollars for every day after the first day during which such default continues : Provided that the Corporation shall not be subject to any such fines as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Corporation complied with the requirements of this section so far as was reasonable under the circumstances.

Repair of
part of street
where tramway
is laid.

64. (1) The Corporation shall, at their own expense, at all times maintain and keep in good condition and repair, in such manner as the road authority shall approve, and to their satisfaction, so much of any street not repairable by the Corporation whereon any tramway belonging to them is laid as lies between the rails of the tramway and, where

two tramways are laid by the Corporation in any such street at a distance of not more than six feet from each other, the portion of the street between the tramways, and in every case so much of such street as extends eighteen inches beyond the rails of and on each side of any such tramway.

(2) If the Corporation abandon their undertaking or any part of the same, and take up any tramway or any part of any tramway belonging to them, they shall, with all convenient speed, and in all cases within six weeks at the most (unless the road authority otherwise consents in writing) fill in the ground and make good the surface, and, to the satisfaction of the road authority, restore the portion of any street not repairable by the Corporation upon which such tramway was laid to as good condition as that in which it was before such tramway was laid thereon, and clear away all surplus paving or metalling material or rubbish occasioned by such work; and they shall in the meantime cause the place where the street is opened or broken up to be protected and properly lighted at night.

For Protection of Other Persons.

65. For the purpose of maintaining, repairing, or renewing any of their tramways, the Corporation may from time to time, where and as far as it is necessary or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connection with the same, alter the position of any mains or pipes for the supply of water or any tubes, wires, or apparatus for telegraphic or other purposes, subject to the provisions of this Ordinance and also subject to the following restrictions—

Provisions as
to water,
and other
operations.

- (a) before undertaking any repairs or renewals to a tramway in a road in which any mains or pipes, tubes, poles, wires, or apparatus may lawfully be laid by any person other than the Corporation, the Corporation shall, whether they contemplate altering the position of any such mains or pipes, wires, or apparatus or not, give fifteen days' notice to the person to whom such mains or pipes, tubes, poles, wires, or apparatus may belong or by whom they are controlled, of their intention to repair or renew the tramway: Provided, however, that plans showing the position of such mains, pipes, tubes, poles, wires, and apparatus shall be furnished to the Corporation by such person. If it should appear to any such person that the repairs or renewals to

the tramway as proposed would endanger any such main or pipe, tube, pole, wire, or apparatus, or interfere with or impede the supply of water, or electricity or the telegraphic or other communication, such person may, with the approval in writing of the Director of Public Works, give notice to the Corporation to lower or otherwise alter the position of the said mains or pipes, tubes, poles, wires, or apparatus in such manner as may be considered necessary, and any difference as to the necessity of such lowering or alteration shall be settled in manner provided by this Ordinance for the settlement of differences between the Corporation and other persons ; and all alterations to be made under this section shall be made with as little detriment and inconvenience to the person to whom such mains or pipes, tubes, poles, wires, or apparatus may belong or by whom the same are controlled, or to the inhabitants of the locality, as the circumstances will admit, and under the superintendence of such person or of his surveyor or engineer if he thinks fit to attend after receiving not less than forty-eight hours notice for that purpose, which notice the Corporation are hereby required to give ;

- (b) the Corporation shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes poles, wires, or apparatus, or other works belonging to or controlled by any such person, or do anything to impede the passage of water, or electricity, or the telegraphic or other communication into or through such mains or pipes, without the consent of such person or in any other manner than such person shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, poles, and other works necessary or proper for continuing the supply of water, or electricity or telegraphic or other communication as sufficiently as the same was supplied by the mains or pipes, tubes, poles, wires, or apparatus proposed to be removed or displaced shall, at the expense of the Corporation, have been first made and laid down in lieu thereof and ready for use and to the satisfaction of the surveyor or engineer of such person ; or in case of disagreement between such surveyor or engineer and the Corporation, as the Director of Public Works shall direct ;

- (c) the Corporation shall not lay down any such pipes contrary to the provisions of any Ordinance relating to such water, or electrical supply or relating to telegraphs or other communications ;
- (d) the Corporation shall make good all damage done by them to property belonging to or controlled by any such person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property or with the private service pipes or lines of any party supplied by any such person with water or electricity ;
- (e) if, by any such operations as aforesaid, the Corporation interrupt the supply of water, or electricity in or through any main or main pipe otherwise than as authorised by the provisions of this Ordinance, they shall be liable to a fine of one hundred dollars for every day upon which such supply shall be so interrupted.

For Protection of Other Authorities.

66. Where in any district any tramway or any work connected therewith interferes with any sewer, drain, watercourse, subway, defence, or work in such district, or in any way affects the sewerage or drainage of such district, the Corporation shall not commence any work until they shall have given to the proper authority (unless the Corporation are themselves the proper authority) fifteen days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such authority with all necessary particulars relating thereto, nor until such authority shall have signified their approval of the same, unless such authority do not signify their approval, disapproval, or other directions within fifteen days after service of the said notice and particulars as aforesaid ; and the Corporation shall comply with and conform to all reasonable directions and regulations of the said authority in the execution of the said works, and shall provide by new, altered, or substituted works in such manner as such authority shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to by or by reason of the tramways, and shall save harmless the said authority against all and every expense to be occasioned thereby ; and all such works shall be done under the direction, superintendence, and control of the engineer or other officer or officers of the said authority at the reasonable costs, charges, and expenses in all respects of the

Protection
sewers.

Corporation, and when any new, altered, or substituted work as aforesaid or any works or defence connected therewith shall be completed by or at the costs, charges, or expenses of the Corporation under the provisions of this Ordinance, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said authority, and be maintained by them, as any other sewers or works.

Rights of
authorities
and other
persons to
open roads.

67. Nothing in this Part of this Ordinance shall take away or abridge any power to open or break up any street along or across which any tramway is laid, or any other power vested in any Local Authority or road authority for any of the purposes for which such authority is respectively constituted, or in any person for the purpose of laying down, repairing, altering or removing any pipe for the supply of water or any tubes, wires, or apparatus for telegraphic or other purposes, but in the exercise of such power every such Local Authority, road authority, or person shall be subject to the following restrictions—

- (a) they shall cause as little detriment or inconvenience to the Corporation as circumstances admit ;
- (b) before they commence any work whereby the traffic on the tramway will be interrupted, they shall, except in cases of urgency (in which cases no notice shall be necessary), give to the Corporation notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given fifteen days at least before the commencement of the work ;
- (c) they shall not be liable to pay to the Corporation any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid ;
- (d) whenever, for the purpose of enabling them to execute such work, the Local Authority or the road authority shall so require, the Corporation shall either stop traffic on the tramway to which the notice shall refer where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there : Provided that such work shall always be completed by the Local Authority or the road authority as the case may be with all reasonable expedition ;

- (e) no person shall execute such work so far as it immediately affects the tramway except under the superintendence of the Corporation, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work; and every such person shall execute such work at his own expense and to the reasonable satisfaction of the Corporation.

68. If any difference arises between the Corporation on the one hand and any Local Authority or road authority or any person authorised to supply water or electricity or any person to whom any sewer, drain, tube, wires, or apparatus for telegraphic or other purposes may belong to any other person on the other hand, with respect to any interference or control exercised or claimed to be exercised by them or him or on their or his behalf or by the Corporation by virtue of this Part of this Ordinance, in relation to any tramway or work, or in relation to any work or proceeding of the Local Authority, road authority, or person, or with respect to the propriety of or the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the Corporation, or on the question whether any work is such as ought reasonably to satisfy the Local Authority, road authority, or person concerned, or with respect to any other subject or thing regulated by or comprised in this Part of this Ordinance, the matter in difference shall, unless otherwise specially provided by this Ordinance, be settled by an engineer or other fit person nominated as referee by the Governor on the application of either party, and the expenses of the references shall be borne and paid as the referee directs.

Difference between Corporation and any person with respect to any matter regulated by this Part of the Ordinance.

69. If at any time the Corporation discontinue the working of any tramway or of any part thereof, without the consent of the Governor in Council first having been obtained, for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Corporation) and such discontinuance is proved to the satisfaction of the Governor in Council, the Governor in Council if he thinks fit, may, by order, declare that the powers of the Corporation in respect of such tramway or the part thereof so discontinued shall from the date of such order be at an end, and thereupon the said powers of the Corporation shall cease and determine in respect of such tramway or part thereof. Where any such order has been made, the Corporation shall,

Discontinuance of tramway.

Discontinued tramway may be removed at cost of Corporation.

if any part of such district lies within the limits of the City of Port-of-Spain, remove therefrom the tramway or part of the tramway so discontinued within two months of such order, and if any part of such district lies outside the said limits, the Local Authority may, at any time after the expiration of two months from the date of such order, under the authority of a certificate to that effect by the Governor in Council, remove the tramway or part of the tramway so discontinued, and the Corporation shall pay to the Local Authority the cost of such removal and of the making good of the street by the Local Authority, such cost to be certified by some other authorised officer of the Local Authority whose certificate shall be final and conclusive; and if the Corporation fail to pay the amount so certified within one calendar month after delivery to them of such certificate or a copy thereof, the Local Authority may, without any previous notice to the Corporation (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of the materials of the tramway or part of the tramway removed, either by public auction or private sale, and for such sum or sums, and to such person or persons, as the Local Authority may think fit, and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the cost certified as aforesaid and of the cost of sale, and the balance, if any, of the proceeds of the sale shall be paid over by the Local Authority to the Corporation.

Materials may be sold.

Tolls, Fares, and Charges.

Charges.

70. (1) The Corporation may demand, levy, receive and take in respect of the said tramways and the operation thereof for every passenger travelling and for any freight carried upon any of the cars of the tramways authorised by or under the provisions of this Ordinance such tolls, fares, rates, or charges as may from time to time be fixed by them with the approval of the Governor in Council. A list of the tolls and fares for passengers and charges for freight so approved by the Governor in Council shall be exhibited in a conspicuous place inside of each of the cars used upon the said tramways and in the offices of the Corporation and such list shall be published in the *Royal Gazette*.

(2) Production of a copy of the *Royal Gazette* purporting to contain the list of tolls, fares, rates or charges fixed by the Corporation with the approval of the Governor in Council shall be sufficient evidence that such list was approved in manner provided by this Ordinance.

71. The Postmaster General may from time to time require that mails and postmen on duty be carried on the cars of the Corporation: Provided that the remuneration to be paid by him for the use of such cars shall be settled from time to time by agreement between him and the Corporation, or, in case they shall be unable to come to an agreement, by an arbitrator or arbitrators to be appointed by the parties, and the decision of such arbitrator or arbitrators, or of any umpire they may appoint, as to the questions referred and as to the costs of the reference shall be final.

Provision for
benefit of
Postmaster
General.

72. The Commandant of the Local Forces may from time to time require that members of the Local Forces be carried on special cars of the Corporation: Provided that the remuneration to be paid by him for the use of such cars shall be settled from time to time by agreement between him and the Corporation, or, in case they shall be unable to come to an agreement, by an arbitrator or arbitrators to be appointed by the parties, and the decision of such arbitrator or arbitrators, or of any umpire they may appoint, as to the questions referred and as to the costs of the reference shall be final. Such rate or remuneration shall be calculated upon a basis of a fixed price per car mile. In case it is, in the opinion of the Commandant, necessary from the exigencies of the military service, all or any portions of the cars of the Corporation shall be available without notice for the conveyance of the said Forces over the lines of the said Corporation at a cost to be determined as aforesaid but not to exceed five cents per car mile.

Provision for
benefit of
Commandant
of Local
Forces.

Cars and Carriages.

73. (1) The cars shall be run as frequently and in such numbers as the traffic demands, and as shall be fixed from time to time by a time table to be approved by the Governor in Council, who shall have power to alter the same to the extent of furnishing a ten minutes service at such places and during such periods of the day as may be found necessary to carry the traffic.

Time table.

(2) Except as otherwise authorised by the Governor in Council, the speed at which cars shall be driven or propelled along the tramways shall not exceed eight miles an hour in the City of Port-of-Spain, and on other streets or roads fourteen miles an hour, and the speed at which cars shall pass through facing points, whether fixed or movable, shall not exceed the rate of four miles an hour.

Speed.

Rules and Regulations.

Governor in
Council may
make
regulations.

74. After first communicating with the Corporation and taking into consideration any representations made by them, the Governor in Council may make regulations—

- (a) for protecting the public from personal injury by reason of the construction, maintenance, operation, or working of the tramways authorised under this Ordinance ;
- (b) for protecting the property of any person which is lawfully situated under, upon, or over the streets from damage or deterioration by reason of the construction, maintenance, operation, or working of such tramways ;
- (c) for regulating the traffic on the streets in which the tramway is laid, and the conduct of all persons and vehicles travelling upon such streets, and for facilitating the running of the cars of the Corporation ; and
- (d) as to any matter or thing in respect of which it may be expedient to make regulations under the provisions of this Part of this Ordinance for the purpose of carrying the same into execution.

Corporation
may make
rules.

75. (1) The Corporation may from time to time make rules—

- (a) in regard to the working of the said tramways ;
- (b) for the government of the employees and servants of the Corporation appointed for the purposes of this Part of this Ordinance, and of all persons travelling upon or utilising the said tramways for the carriage of goods ;
- (c) for regulating the conditions of travel and carriage of goods in the cars of the Corporation upon the said tramways ;
- (d) for regulating the conduct of the officers, servants, or employees of the Corporation appointed for the purposes of this Part of this Ordinance ;
- (e) for preventing the commission of any nuisance in or upon the property, premises, or cars of the Corporation, including the smoking of tobacco ; and
- (f) for regulating the mode by which the cars are to be moved or propelled, and the hours of the arrival and departure of such cars :

Provided that such rules shall have no force or effect until they shall have been approved of by the Governor in Council, and shall have been published by advertisement once at least in each of two successive weeks in the *Royal Gazette*.

(2) Any such rule 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 twenty-four dollars for each offence, with or without further penalties for continuing offences, not exceeding for any continuing offence two dollars and forty cents for every day during which the offence continues.

Penalties for breach of rules.

Penalties.

76. If any person wilfully obstructs any person acting under the authority of the Corporation in the lawful exercise of their powers in repairing, renewing, running, or operating a tramway, or defaces or destroys any mark made for the purpose of setting out the line of the tramway, or damages or destroys any property of the Corporation acquired by virtue of this Part of this Ordinance, he shall, for every such offence, be liable to a fine of twenty-four dollars.

Penalty for obstruction.

77. If any person without lawful excuse (the proof whereof shall lie with him) wilfully—

Penalty for wilful injury.

- (a) interferes with, removes, or alters any part of a tramway or of the works connected therewith, or
- (b) places or throws any stones, dirt, wood, refuse, or other material on any part of a tramway or at or against any car upon or being operated on any such tramway, or
- (c) knowingly aids or assists in the doing of any such thing,

he shall, for every such offence, be liable to a fine of twenty-four dollars.

78. If any person without lawful excuse (the proof whereof shall lie with him) wilfully—

Endangering life.

- (a) does or causes to be done to any car anything so as to endanger the lives of persons therein or thereon, or so as to cause hurt or injury to any persons therein or thereon, or
- (b) knowingly aids or assists in the doing of any such thing,

he shall, for every such offence, be liable, on conviction on indictment, to a fine of four hundred and eighty dollars, or to imprisonment for two years.

Passengers
practising
fraud on
Corporation.

79. If any person travelling or having travelled in any car on any tramway refuses or avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such car beyond such distance and does not pay on demand the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such car, every such person shall, for every such offence, be liable to a fine of ten dollars.

Detention of
offenders.

80. It shall be lawful for any officer or servant of the Corporation, and all persons called by him to his assistance, to seize and detain any person discovered either in or after committing or attempting to commit any such offence as in the last preceding section is mentioned and whose name or residence is unknown to such officer or servant, until such person can be conveniently taken before a Magistrate, or until he be otherwise discharged by due course of law.

Penalty for
bringing
dangerous
goods on
tramways.

81. (1) No person shall be entitled to carry on or to require to be carried on any tramway, any goods which may be of a dangerous nature, and if any person sends by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the officer or servant of the Corporation with whom the same are left at the time of such sending, he shall be liable to a fine of one hundred dollars for every such offence, and it shall be lawful for the Corporation to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

(2) No person shall be entitled to carry on or in any passenger car any goods or packages which cause or are likely to cause danger, damage, or annoyance to any person or persons travelling on such car; and it shall be lawful for the Corporation and their servants to refuse to receive on any passenger car any goods or package which, in the opinion of them or any of them, are or is of such a character, or any intoxicated or offensive person.

PART IX.

MISCELLANEOUS PROVISIONS.

Discretionary
powers of
Governor in
Council.

82. Where under this Ordinance the consent of the Governor in Council is required to authorise the doing of any act or thing, or the Governor's decision is required in reference to any matter, the Governor may, after giving to all parties concerned an

opportunity of submitting their claims in writing, and after considering the matter in Executive Council, give his consent or decision either unconditionally or on such terms and subject to such conditions and stipulations as he thinks fit; and the Governor in deciding whether to give or withhold his consent, or to impose any terms conditions or stipulations, shall among other considerations have regard primarily to the interests of the general public.

83. (1) Where any matter is by this Ordinance or regulations or bye-laws directed to be determined by arbitration, such matter shall, except as otherwise expressly provided, be determined by an engineer or other fit person as arbitrator, to be agreed to by the parties to the arbitration, or, failing such agreement by the parties, then by arbitration in accordance with the provisions of the Arbitration Ordinance.

Arbitration.

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(2) Where any matter, question or dispute arises under this Ordinance, or the regulations or bye-laws, the interpretation or settlement of which is not affected by agreement or is not specially provided for, such matter, question or dispute may be interpreted or settled by arbitration.

(3) Subject to the provisions of this section, all such arbitration proceedings shall be conducted in accordance with and governed by the provisions of the Arbitration Ordinance.

84. It shall not be lawful for the Corporation—

(a) to place any electric line across, along, over or under any railway, navigable river, dock, or harbour, without the consent of the Governor in Council;

(b) to place any electric line in, or to erect supports for an overhead electric line on, any ground in, through or over which any easement or right is enjoyed by any public body in charge of any waterworks, except with the consent of such public body: Provided that such consent shall not be unreasonably withheld, and any question whether or not such consent has been unreasonably withheld shall be determined by the Governor in Council.

Restrictions on placing of electric lines over railways, docks, waterworks, &c.

85. (1) If the Corporation carry on the undertaking in such a manner as is, in the opinion of the Governor in Council, detrimental to the interests of the public, or consumers, the Governor in Council may with the approval of the Legislative Council authorise the Trinidad and Tobago Electricity Commission to enter upon and take possession of the under

Failure to carry out contract of supply.

taking of the Corporation or any part thereof and the said Commission shall, in that event, work the same for and on account of the Corporation and at their risk and expense, rendering the balance (if any) of the net revenue derived from the undertaking to the Corporation. The Corporation shall in addition pay to the Commission a fee, the amount whereof shall be determined by the Governor in Council, to cover the estimated expenditure incurred by the Commission in respect of the services so rendered by them in working the undertaking.

(2) The Commission shall not restore possession of the undertaking to the Corporation until the Governor in Council is satisfied that the causes on account whereof the entry was made have been removed or would no longer prevent the proper working of the undertaking.

(3) The Commission shall have all the powers and be subject to all the liabilities of the Corporation during any such period of occupation and working of the undertaking.

Notices, &c.,
may be printed
or written.

86. 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 Corporation, the signature thereof by their secretary shall be sufficient authentication.

Service of
notices,
orders and
documents.

87. (1) A notice, order or document required or permitted by this Ordinance to be given to or served on any person may be given to or served on such person personally, or by leaving the same at his usual or last known place of abode or business with some adult person therein, or may be posted in a prepaid letter addressed to such person at his usual or last known place of abode or business.

(2) Any notice, order or document which is to be given to any person as the owner or occupier of any land or other premises may be addressed to him as the "owner" or "occupier", as the case may be, of the land or other premises (naming them) and may be posted in some conspicuous place on the land or other premises, or, where the premises are a building, may be left with some adult person in the building: Provided that service shall not be effected in any manner provided in this subsection if it would be practicable after reasonable inquiry to effect service in any manner provided in subsection (1).

(3) Service on one co-owner or co-occupier shall be deemed to be service on all co-owners or co-occupiers, as the case may be.

88. All rules, regulations, bye-laws and conditions made under this Ordinance affecting the undertaking 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 Corporation, and true copies thereof, certified by or on behalf of the Corporation, shall be kept by them at their registered office and supplied to any person demanding the same at a price not exceeding twenty-four cents for each copy.

Publication of rules, regulations, bye-laws and conditions

Damages.

89. All losses, damages, or injuries caused by the Corporation, 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 Corporation.

Injuries to public property.

90. The right conferred by this Ordinance on the Corporation to use and supply electrical energy shall be exercised only in accordance with the regulations 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 regulations may be complied with, the Corporation 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 persons, and the currents therein: Provided that nothing in this Ordinance or in such regulations shall be held to give to any person any right of action or complaint against the Corporation 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 person to prevent injurious affection thereto and interference therewith, and with the currents therein, by or from other electrical currents.

Injurious affection.

91. In the course of constructing and for the more effective working of the undertaking, the Corporation shall, subject to the regulations to be made from time to time by the Governor in Council, have power, by their officers and agents duly authorised for that purpose in writing, to cut and remove from any street 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 and

Cutting trees and boughs.

which may tend to interfere with, endanger, or otherwise prejudicially affect the working of the undertaking; but no employee of the Corporation 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 Corporation 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 such compensation shall be settled either by arrangement between the parties or by arbitration in accordance with the provisions of the Arbitration Ordinance, and the regulations made by the Governor in Council under the provisions of this section.

Ch. 7, No. 1.

Felling trees
within 50
feet of works.

92. (1) 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 by this Ordinance, unless he shall have given to the Corporation twenty-four hours' previous notice of such intended trimming, cutting, or felling.

(2) Any person who trims, cuts, or fells any tree in contravention of this section shall, for every such offence, be liable to a fine of twenty-four dollars.

Corporation
may use
private
telephones.

93. Anything in any Ordinance to the contrary notwithstanding, it shall be lawful for the Corporation to erect on any poles, erected and used by them under the authority of this Ordinance, a telephone wire or telephone wires connecting the several stations of any tramway or tramways operated under this Ordinance with one another and with the power stations and car sheds pertaining thereto, and with the several offices of the Corporation.

Use of poles,
&c.

94. The Governor on behalf of the Colony shall have the right after due notice is given to the Corporation to use any of the poles, posts, or necessary supports of the Corporation for the purpose of stringing wires thereon for the fire alarm or Police service upon payment of an appropriate rental. 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 Corporation without compensation to the said Corporation.

General
penalty.

95. Any person guilty of an offence against this Ordinance or any rule, regulation or bye-law made thereunder for which no penalty is expressly provided shall be liable, on summary conviction, to a fine of twenty-five dollars.

96. One-half of all penalties recoverable in respect of any offence (other than an offence by the Corporation) under this Ordinance or any rule, regulation or bye-law made thereunder shall be paid by the Magistrate to the Corporation as part of the funds of the Corporation applicable to the purposes of this Ordinance. Appropriation of penalties.

97. All penalties under this Ordinance or any rule, regulation or bye-law 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 Courts Ordinance. Recovery of penalties. Ch. 3, No. 4.

98. Any fee, expenses, or other moneys recoverable under this Ordinance or under the regulations or bye-laws, recovery of which is not otherwise specially provided for, shall be a civil debt recoverable summarily without limit of amount. Recovery of fees, expenses, &c.

99. The Corporation shall be answerable for all accidents, damages, and injuries happening through the act or default of the Corporation, or of any person in their employment, by reason of or in consequence of any of the Corporation's works, and shall save harmless all persons by whom any street is repairable, and all other persons and their officers and servants, from all damages and costs in respect of those accidents, damages, and injuries. Corporation responsible for all damages.

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

101. Nothing herein contained shall affect or be deemed to affect the rights of His Majesty, 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. Reservation to His Majesty.

102. Although any shore, bed of a lake, river, channel, creek, bay or estuary is included in the area of supply, nothing in this Ordinance shall authorise the Corporation to take, use or in any manner interfere with any portion of that shore or bed of the lake, or of the river, channel, creek, bay or estuary, or any right in respect thereof without the previous consent in writing of the Governor. Saving of Crown rights.

Exemptions
from customs
duty and
income tax.

103. (1) Notwithstanding anything contained in any other Ordinance, all materials, apparatus and equipment of every kind whatsoever imported into the Colony for the purposes of the business of the Corporation contemplated by this Ordinance shall be free of all customs duty whatsoever: Provided that this subsection shall not apply to any electrical materials, accessories, apparatus, meters or other electrical devices imported by the Corporation for the purposes of sale or electric wiring of premises undertaken by the Corporation.

Ch. 33. No. 1.

(2) Notwithstanding anything contained in the Income Tax Ordinance, the income of the Corporation arising out of the business aforesaid shall be wholly exempt from the payment of income tax.

Passed in Council this fourteenth day of December, in the year of Our Lord one thousand nine hundred and forty-five.

W. J. BOOS,
Clerk of the Council.