

## TRINIDAD AND TOBAGO.

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No. 39—1935.

I ASSENT,

[L.S.]

A C. HOLLIS,  
*Governor*

19th December, 1935.

[On Proclamation.]

AN ORDINANCE to establish an Electricity Board for the purpose of taking over the undertaking of the Trinidad Electric Company, Limited, established under the provisions of the Electric Lighting and Tramways Ordinance, Cap. 310; to give the Board the necessary powers to carry on the said undertaking, and for other purposes connected with the matters aforesaid.

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

## PART I.

## SHORT TITLE AND INTERPRETATION.

1. This Ordinance may be cited as the Trinidad Electricity Board Ordinance, 1935, and shall commence on a day to be fixed by the Governor by Proclamation.

Short title.  
Commence-  
ment.

Interpre-  
tation.

Cap. 310.

2. (1) In this Ordinance and in any Regulations or Bye-laws made thereunder the words and expressions defined in section 6 of the Electric Lighting and Tramways Ordinance, whenever such words and expressions are applicable to this Ordinance, shall *mutatis mutandis* have the meanings assigned to them respectively in that Ordinance.

(2) In this Ordinance and in any Regulations or Bye-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.

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

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

“ Corporation ” includes a Public Body or Board, a Local Authority, Municipal Corporation, or other Corporate Body.

“ 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.

- “Generating Station” or “Power House” means any station or works for generating and distributing electrical energy; and “Substation” means any building, structure, or works containing transforming or converting apparatus for the supply of electrical energy.
- “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 electrical energy are placed above ground and in the open air and shall include any portions of a system so placed above ground and in the open air excepting within premises in the sole occupation or control of an undertaker and excepting so much of any service line as is necessarily so placed for the purpose of supply.
- “Pressure” means the difference of electrical potential between any two conductors through which a supply of electrical energy is given or between any part of the conductor and earth.
- “System” means an electrical system in which all the conductors and apparatus are electrically connected to a common source or sources of electrical energy.
- “Undertaker” includes any local authority, board, corporation, company or person authorised by this or any other Ordinance to generate or supply electrical energy.
- “Use of electrical energy” means the conversion of electrical energy into chemical energy, mechanical energy, heat or light, or the use or application of electrical energy to or for any of the purposes for which it may be or become or be found to be adapted.

“ Works ” includes generating stations, sub-stations, buildings, machinery, transmission lines, distributing mains, electric lines, poles, pillars, street boxes, lamps, waterworks, wells, dams, pipe-lines and any other works, apparatus, appliances or things of whatever description required for the generation, transmission, transformation, distribution, supply or use of electrical energy, and to carry into effect the objects of an undertaker.

## PART II.

### ESTABLISHMENT AND CONSTITUTION OF THE TRINIDAD ELECTRICITY BOARD.

Establishment  
of the  
Trinidad  
Electricity  
Board.

**3.**—(1) For the purposes of this Ordinance there shall be established, as soon as may be after the commencement of this Ordinance, a Board to be called the Trinidad Electricity Board (in this Ordinance referred to as “ the Board ”) which shall be a body corporate with perpetual succession and a common seal, and with power to acquire and hold land.

(2) The seal of the Board shall be authenticated by the signature of the chairman and one other member of the Board authorised by the Board to act in that behalf, and such seal shall be officially and judicially noticed.

(3) The Board may sue and be sued in their corporate name and may for all purposes be described by that name.

Constitution  
of the Board.

**4.**—(1) The Board shall consist of a Chairman to be appointed by the Governor in Executive Council and of six other members to be so appointed of whom three such members shall be nominated by the Port-of-Spain Corporation for such appointment.

(2) The Chairman shall hold office during the Governor’s pleasure.

(3) The nominees of the Port-of-Spain Corporation shall be appointed to hold office from the 1st day of January in each year or so soon thereafter as is practicable and shall automatically retire on the 31st day of December following such appointment but shall be eligible for

renomination and re-appointment. Other members shall hold office for a period of three years from the date of their respective appointments but may be re-appointed by the Governor in Executive Council. *Added to by 84 1936 S.2.*

(4) Subject to the provisions of sub-section (1) of this section the Governor in Executive Council may appoint any person to act in the place of the Chairman or any other member of the Board in case of his temporary absence or inability to act as such Chairman or other member.

(5) Any member of the Board may at any time resign his office by instrument in writing addressed to the secretary thereof who shall forthwith forward the same to the Colonial Secretary and from the date of the receipt by the secretary of such instrument such member shall cease to be a member of the Board and the vacancy caused by such resignation or by the death of a member shall, subject to the provisions of sub-section (1) of this section, be filled by the Governor in Executive Council by the appointment of another person for the remainder of the term of office of the member whom he replaces.

(6) The appointment, removal or resignation of any member of the Board shall be notified in the *Royal Gazette*.

5.—(1) The Board may act by any three of their members and may so act notwithstanding a vacancy in their numbers. The Board shall have the power to regulate their procedure.

*84 1936*  
or by the removal of  
a member  
procedure and  
Meetings of  
the Board.

(2) The Board shall meet at such times as may be necessary or expedient for transacting the business of the Board. The Chairman or any three members of the Board may convene a special meeting of the Board. 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. Certified copies of such minutes when so confirmed shall be forwarded to the Colonial Secretary.

(3) The Chairman shall have a casting as well as a deliberative vote.

6. No personal liability shall attach to any member of the Board in respect of anything done or suffered in good faith under the provisions of this Ordinance and any

Indemnity  
to members of  
the Board.

sums of money, damages or costs which may be recovered against them or any of them for anything done or suffered as aforesaid shall be paid out of the funds of the Board.

Appointment  
of officers and  
servants.

7. It shall be lawful for the Board—

(1) To appoint at such remuneration and on such terms and conditions as they may determine the undermentioned officers :

- (a) a General Manager ;
- (b) a Secretary ;
- (c) an Accountant ; and
- (d) such engineers, electricians, operators, clerks, assistants, inspectors, collectors and other officers and servants as may be necessary and proper for the due and efficient management, and performance by the Board of their duties under this Ordinance ;

(2) To require any officer or servant so appointed to give such security as may be deemed proper for the due execution of his duties.

Remuneration  
of members of  
the Board

8.—The Governor in Executive Council may, subject to the approval of the Legislative Council, authorise the payment out of the funds of the Board of such sum or sums by way of remuneration or other allowance to the Chairman and other members of the Board as he may think fit.

### PART III.

#### ACQUISITION OF THE UNDERTAKING OF THE TRINIDAD ELECTRIC COMPANY LIMITED UNDER CHAPTER 310.

The Board  
to take over  
the whole  
undertaking  
under  
Cap. 310.

9.—(1) The Board are hereby authorized and empowered to take over the whole of the undertaking of the Trinidad Electric Company, Limited being the original undertakers under the Electric Lighting and Tramways Ordinance, and all rights acquired by the Port-of-Spain Corporation in such undertaking by virtue of any right of purchase exercised by the said Port-of-Spain Corporation as the local authority under the provisions of sections 2 and 121 of the said Ordinance.

(2) The whole undertaking of the original undertakers and of the rights of the Port-of-Spain Corporation shall without the necessity of any conveyance, assignment or other documentary evidence of transfer become vested in the Board by a Proclamation to be issued by the Governor under the authority of this section and such vesting shall take effect as from a date to be fixed by the Governor by such Proclamation.

Vesting to be effected by Proclamation

(3) Upon such vesting becoming effective the electric works and lines, tramways, lands, buildings, machinery, mechanical appliances, plant and materials of the original undertakers, the Trinidad Electric Company Limited, suitable to and used by them for the purposes of their undertaking and all other property real and personal and all interests, rights and easements in or appertaining to the said property belonging to and vested in the original undertakers and which form part of the said undertaking under the provisions of the Electric Lighting and Tramways Ordinance, shall belong to and be vested in the Board in absolute ownership free from all encumbrances of whatsoever nature or kind.

Vesting of the undertaking in the Board.

(4) Upon such vesting becoming effective the Board are hereby declared to be the undertakers and a body duly authorized to maintain and operate the Tramways and to supply energy through the works, mains and lines authorized by the Electric Lighting and Tramways Ordinance, Cap. 310, and as provided by section 2 of that Ordinance.

The Board to be the undertakers under Cap. 310.

**10.—(1)** The Board are hereby further authorized and empowered to transfer to and vest in the Port-of-Spain Corporation—

The Board to transfer to Port-of-Spain Corporation part of or the whole undertaking under Cap. 310

(a) The whole of the Tramway works and lines constructed and maintained under the provisions contained in the Second Part of the Electric Lighting and Tramways Ordinance, whether situate within or outside the limits of the City of Port-of-Spain; and

(b) Such part of the undertaking situate within the limits of the City of Port-of-Spain as shall not be required by the Board for the purpose of generating electrical energy, the intention being

that the Port-of-Spain Corporation shall take over all electric lines, mains, service lines and mechanical appliances which relate to the distribution of electrical energy within the limits of the said City, the Corporation undertaking to purchase from the Board the power required for such distribution to consumers and for operating the Tramway system; or

- (c) Alternatively the whole undertaking acquired by the Board under the provisions of the preceding section.

The Board to hold the undertaking in trust.

(2) The Board shall, subject to the provisions of this section, hold the said undertaking in trust for the Port-of-Spain Corporation, until the Governor shall have decided to exercise the right of purchasing such part of the undertaking as is requisite for the generation and supply of Electricity for the purpose of establishing an Island Electricity Supply Scheme, as contemplated by Ordinance No. 9 of 1935, in which event the Board shall not exercise the power conferred by paragraph (c) of sub-section (1) of this section: Provided that if the Governor decides not to exercise such right of purchase the Board shall proceed in accordance with the said paragraph (c).

Port-of-Spain Corporation to be undertakers in respect of part of the undertaking under Cap. 310.

(3) Upon such transfer and vesting becoming effective the Port-of-Spain Corporation shall become the undertakers duly authorized to maintain and operate the Tramway works and lines under the provisions of the Second Part of the Electric Lighting and Tramways Ordinance, and for purposes of distribution and supply of electrical energy within the City of Port-of-Spain, they shall have all the necessary powers conferred on the undertakers under the provisions contained in the First and Third Parts of the said Ordinance: Provided that the Port-of-Spain Corporation shall have no right or authority to generate electrical energy unless the whole undertaking is transferred to the said Corporation under the provisions of paragraph (c) of Sub-section (1) of this section.

Repeal and modification of certain provisions of Cap. 310.

11. Subject to the express provisions of the next succeeding section of this Ordinance, the following sections or parts of sections of the Electric Lighting and Tramways

Ordinance, are hereby repealed or modified in the manner and to the extent hereinafter specified :—

(a) Section 9—All the words appearing in the said section after the word “ have ” in the second line thereof up to and including the word “ Ordinance ” in the fourth and fifth lines thereof and including the words substituted by Section 3 (1) of Ordinance No. 1 of 1931 are hereby repealed.

(b) Section 12 (1)—Paragraph (a) is hereby amended by substituting the word “ before ” for the word “ after ” in the first line thereof.

(c) Section 18—The whole of sub-section (1) is hereby repealed ; all the words appearing in sub-section (2) from the beginning up to and including the word “ Ordinance ” in the third line thereof are hereby repealed and replaced by the following words — “ The undertakers shall ”. *The word “ other ” appearing in the fifth line of*

(d) Sections 55, 56, 57 and 58—The whole of the said sections are hereby repealed. *sub-sec (2) is hereby deleted 8/7/1936*

(e) Section 63—All the words appearing in the said section after the word “ Ordinance ” in the fifth line thereof up to and including the word “ supply ” in the seventh line thereof are hereby repealed ; and the words “ or such suspension or revocation made ” appearing in the ninth line thereof are hereby repealed.

(f) Section 71—In sub-section (2) all the words appearing after the word “ have ” in the second line thereof up to and including the word “ Ordinance ” in the fifth line thereof and including the words substituted by Section 3 (2) of Ordinance No. 1 of 1931 are hereby repealed.

(g) Sections 94, 95 and 96—The whole of the said sections are hereby repealed.

(h) Section 97—The proviso to the said section is hereby deleted.

(i) Section 98—The whole section is hereby repealed.

(j) Section 125 — The whole section is hereby repealed.

- (k) Sections 120 and 121 shall be repealed and have no further force and effect upon the vesting of the whole undertaking in the Board under the powers conferred by section 9 of this Ordinance.
- (l) Section 71 sub-section (1)—In line 16 for the words “generate, accumulate, distribute and supply” there shall be substituted the word “purchase”; this amendment shall have effect only upon transfer of the Tramway system to the Port-of-Spain Corporation under the powers conferred by the preceding section of this Ordinance.
- (m) Section 76—The whole section shall be repealed upon transfer of the Tramway system to the Port-of-Spain Corporation under the powers conferred by the preceding section of this Ordinance.
- (n) The whole of the Electric Lighting and Tramway (Temporary extension) Ordinance, 1931 (No. 1 of 1931) which supplements and modifies Cap. 310 is hereby repealed. *(O) Added by 87/1936.53*

Saving  
existing rights  
and remedies  
under  
Cap. 310.

12. Saving always the Governor's powers of vesting the undertaking in the Board as provided by Section 9 hereof, no repeal, amendment or modification hereby effected or other provision herein contained shall prejudice or affect

- (a) The rights or remedies of the Trinidad Electric Company Limited as vendors of the said undertaking or of the said Port-of-Spain Corporation as purchasers of the same whether arising under the provisions of the Electric Lighting and Tramways Ordinance or at law or in equity, or
- (b) Any award, order or judgment already or hereafter made or given for the purpose of determining such rights or enforcing such remedies, or
- (c) Any act already or hereafter done or any proceeding already or hereafter taken in relation to the sale of the said undertaking under the provisions of the said Ordinance.

## PART IV.

## FINANCIAL PROVISIONS.

**13.—(1)** The funds of the Board shall be the proceeds of loans, which shall be raised by the Governor from time to time for the purposes of this Ordinance or such other moneys as may be authorized by resolution of the Legislative Council to be paid to the Board out of the revenues or surplus balances of the Colony and such other moneys as may accrue from the operations of the Board.

Funds of the Board.  
Revenue.

(2) The funds of the Board shall be applied towards : Expenditure.

- (a) The payment of the cost of acquisition of any real property or any interest therein, any buildings, any undertakings, works, appliances and other property authorized to be acquired under the provisions of this Ordinance ;
- (b) The payment of the salaries, fees, remunerations and other allowances of the officers and servants of the Board ;
- (c) The payment of all rates, taxes and insurance premiums on any land or buildings acquired ;
- (d) The payment of all expenses authorized by this Ordinance ;
- (e) The payment of interest on loans and the repayment of such loans ;
- (f) The creation of a reserve fund as the Board may in their discretion consider sufficient.

**14.—(1)** The Governor may with the approval by resolution of the Legislative Council place at the disposal of the Board 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 or revenues of the Colony. The repayment of such funds by the Board shall be met out of their revenue by payments to the Treasurer 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 authorize the Treasurer to make advances to the Board in such sums and on such terms and conditions as he may think fit for the purposes authorized by this Ordinance.

Financial and  
accounting  
matters.

**15.**—(1) All matters of a financial nature relating to the affairs of the Board shall be considered by the Board at a duly constituted meeting and shall be approved of by resolution.

Account  
books.

(2) The Board shall cause to be kept proper accounts and books in relation thereto, in such form as may be approved by the Treasurer and adopted by resolution of the Board.

Receipt of  
funds.

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

Payment out  
of funds.

(4) All payments out of the funds of the Board, 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 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 signed by the Chairman, but such vouchers shall be laid before the Board at the next meeting.

Banking  
account.

(5) All moneys of the Board shall be paid into some bank or banks appointed by resolution, 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 authorized by resolution of the Board to retain in his hand to meet petty disbursements and for immediate payments.

Cheques.

(6) Cheques against the banking account required to be kept, shall be signed by the Accountant and countersigned by the Chairman or such other member of the Board appointed by resolution for the purpose.

- (7) The Board shall by resolution provide for the following matters :—
- (a) The bank or banks into which the moneys of the Board 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 Board ; 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 Board.

The Board to provide for financial and accounting matters by resolution.

16.—(1) The accounts of the Board and their officers shall be audited by the Government Auditor or by an Auditor appointed by the Governor in Executive Council and the audit shall be conducted in accordance with such regulations as may be prescribed by the Governor.

Audit of accounts.

(2) The Board shall, on or before the 31st day of January in each year, submit to the auditor a statement of the accounts for the twelve months ending on the preceding 31st day of December, and such statement shall, after audit, be submitted for the information of the Governor and the Legislative Council.

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

17. The Board 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 of the Board for the twelve months commencing on the following 1st day of January, 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

Submission of estimate to the Legislative Council.

Governor may authorise an excess of expenditure under any sub-head in view of an equivalent saving under some other sub-head or sub-heads: Provided also that in the event of any unforeseen accident causing an interruption to the supply of Electrical energy, or a serious abatement thereof, it shall be lawful for the Board to proceed, forthwith, 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 in such manner as the Governor and the Legislative Council shall sanction.

Rates and  
scales of  
charges for  
electricity, &c

**18.—(1)** All charges made by the Board for electrical energy sold by them in bulk or direct to consumers, and for services rendered by the Board, shall be fixed at such rates and on such scales that the revenue derived in any year by the Board from such sales and services, together with their revenue (if any) in such year from other sources, will be sufficient to pay all expenses, and other outgoings of the Board properly chargeable to income in that year (including the payments falling to be made in such year by the Board in respect of the interest on, or repayment of, the principal of any money borrowed by the Board), and such sums as the Board may think proper to set aside in that year as part of a reserve fund for extensions, renewals, depreciation, loans and other like purposes.

(2) The charges under this section may, if the Board think fit, be fixed at different rates and scales for different localities, but so that no undue preference shall be made to any locality.

Cap. 310, s.29

(3) The foregoing provisions shall be read and construed together with the provisions of section 29 of the Electric Lighting and Tramways Ordinance.

Exemption  
from customs  
duty and  
Income tax.

**19.—(1)** Notwithstanding anything in the Electric Lighting and Tramways Ordinance or in any other Ordinance contained, all plants, machinery, engines, boilers, dynamos, motors, transformers, insulators, cars, carriages, 'rails', ties, and all materials, apparatus and

equipment of every kind whatsoever imported into the Colony for the purpose of carrying on the Undertaking by the Board shall be free of all customs duty whatsoever.

(2) Notwithstanding anything contained in the Income Tax Ordinance the income of the Board shall be wholly exempt from the payment of income tax.

## PART V.

### DUTIES AND POWERS OF THE BOARD.

20.—(1) Subject to the exceptions and provisions contained in this Ordinance the Board shall be the sole and exclusive authority to generate and supply electrical energy for sale in any area of supply in the Colony.

General duties and powers of the Board to supply electricity in areas of supply.

(2) It shall be lawful for the Board to do all acts and things necessary for developing, controlling, generating and distributing a full and sufficient supply of electrical energy for public and private use and purposes within an area of supply.

To develop the supply of electricity.

(3) An area of supply under the Electric Lighting and Tramways Ordinance shall also be deemed to be an area of supply under and for the purposes of this Ordinance.

Area of supply.

21.—(1) The Board may purchase or otherwise acquire and hold any personal property required for the purposes of this Ordinance and may dispose of any such personal property, no longer required for such purposes.

Power of the Board to acquire and dispose of property.

(2) The Board may purchase or otherwise acquire and hold and may take on lease any real property and any interest therein required for the purposes of this Ordinance.

(3) The Board may acquire any real property or any interest therein by agreement, or may acquire the same compulsorily under the provisions of the Land Acquisition Ordinance, for the purpose of any of their powers and duties under this Ordinance, and for such purposes the approval of the Governor in Executive Council shall be deemed to be equivalent to the appropriation of moneys towards public works within the meaning of section 3 of that Ordinance.

Cap. 168.

(4) It shall be lawful for the Board, with the consent of the Governor under the Seal of the Colony but not otherwise, to sell and alienate any real property or interest therein vested in them, and to demise any such property or interest for any term exceeding ten years from the time when such lease shall be made. And it shall be lawful for the Board, without such consent, to lease or demise any real property for any term not exceeding ten years, provided the full rental value in respect of the same be reserved year by year on such lease or demise, and no premium be payable in respect of the same.

Conditions of supply of electricity by the Board.

**22.** The Board may agree to supply electrical energy to any corporation or person upon such terms and conditions and for such period as the Board may think fit : Provided, that it shall be lawful for the Board 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 unforeseen circumstance they are of opinion that the supply of electrical energy generated is insufficient to supply the full quantity.

Supply may be cut off on failure to pay charges.

**23.** If any corporation or person neglect to pay any charge (not reasonably being the subject of a dispute), after the same shall have been legally demanded, for electrical energy, or any other sum due from them to the Board in respect of the supply of electrical energy, the Board 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 Board in cutting off and reconnecting such supply of electrical energy as aforesaid, are fully paid, but no longer, discontinue the supply of electrical energy to such corporation or person :

Provided that where any corporation or person has given to the Board a deposit as security for payment for a supply of electrical energy, the Board 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.

24.—(1) In addition to the powers conferred by the Electric Lighting and Tramways Ordinance, Cap. 310, the Board may for the purposes of this Ordinance—

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

(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 enclosed or other land whatsoever, doing as little damage as may be practicable ;

Erecting and laying of electric lines.

(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 ;

Erection of necessary apparatus in connection with the supply of electricity

(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 (doing as little damage as may be practicable thereto) 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 on 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 ;

Erection of street lamps posts, &c.

(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

Entry on land.

of any survey or preliminary investigation or incidental to the exercise of any power or the performance of any duty of the Board, or for carrying into effect any of the objects 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 brush-wood growing upon any such land so entered upon.

The Board to have a limited right of user over land.

(2) In the exercise of the powers given by this section the Board shall not be deemed to acquire any right other than that of user only in or over the soil of any enclosed and other land whatsoever through, over or under which it places any of the works, and 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 Board shall at their own expense remove or alter such work or shall give reasonable compensation as hereinafter provided by sub-section (3) of this section.

Compensation for damage done.

(3) In the exercise of the powers given by this section the Board shall do as little damage as may be practicable 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.

Board to make bye-laws.

**25.—(1)** The Board may make Bye-laws relating to the following matters :—

- (a) The duties of officers and servants appointed under this Ordinance ;
- (b) The qualifications to be required of electrical engineers, operators, electricians and inspectors ;
- (c) The conditions upon which certificates of competency may be granted to operators, electricians, and wiremen and the fees to be paid for such certificates ;

- (d) The inspection of works, electric lines, meters, accumulators, fittings and apparatus constructed and placed on any public land or private premises under the provisions of this Ordinance or any contract or agreement made thereunder ;
- (e) 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 ;
- (f) The regulation of the use of and the prevention of the misuse of or waste of electrical energy supplied ;
- (g) The erection, extension, control, use and working of the electric light service ;
- (h) The protection of electric lines or any apparatus connected therewith for the purposes of conveying or distributing electricity ;
- (i) The securing the safety of the public from personal injury or from fire or otherwise ;
- (j) 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 generation, transmission, distribution, supply or use of electrical energy ;
- (k) 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 generation, transmission, distribution, supply or use of electrical energy ;
- (l) The conditions under which fixtures, fixings and fittings may be installed and electrical energy supplied for private purposes ;
- (m) The sale or hiring out to any person of electrical fittings, accessories, apparatus, meters and other devices and the charges therefor ;

- (n) The time, place, and manner for the payment of moneys payable under this Ordinance or Bye-laws thereunder and the mode of collection ;
- (o) The manner and mode of service of any notice, order or document required or authorised to be served under this Ordinance ;
- (p) The units or standards for the measurements 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 ;
- (q) The frequency, type of current and pressure of electrical energy to be generated or supplied and the mode of supplying electrical energy ;
- (r) The securing of a regular constant and sufficient supply of electrical energy, the testing at various parts of the system of the regularity and sufficiency of such supply, and the examination of the records of such tests in the interests of consumers ;
- (s) Prescribing the penalties to be imposed for contravention of such Bye-laws ;
- (t) Generally in respect of any matter in connection with the electric light service 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  
Executive  
Council to  
make  
Regulations.

(2) In the event of the Board failing to make bye-laws in respect of any of the matters enumerated in sub-section (1) of this section or otherwise by this Ordinance, or, of any of the bye-laws made by the Board being insufficient for the purpose, the Governor in Executive Council may make Regulations in respect of all or any of the matters aforesaid and in general to govern the generation,

transformation, transmission, distribution, supply and use of electrical energy within an area of supply and may prescribe penalties for the breach or non-observance of such regulations.

(3) Bye-laws and Regulations made under this section shall not have any force or effect until they have been approved by resolution of the Legislative Council, and when so approved they shall be published in the *Royal Gazette* and from the date of such publication, or from the date specified therein, such bye-laws and regulations shall have the same force and effect as if they were contained in and formed part of this Ordinance.

Approval of  
Legislative  
Council.

## PART VI.

### INJURIOUS ACTS, OFFENCES AND PENALTIES.

26. Any person who unlawfully and 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 shall be punishable with imprisonment with or without hard labour for any term not exceeding two years; and any person who maliciously extinguishes any public lamp shall be liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment with or without hard labour for any term not exceeding four months or to both such fine and imprisonment; 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  
or maliciously  
extinguishing  
public lamp.

27. Any person who shall lay, erect, or instal or permit to be laid, erected or installed any conductor, and connect it with any conductor to which electrical energy is supplied by the Board without their consent, or who in case the value of the supply of electrical energy by the Board 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

Wrongful and  
fraudulent  
practices.

energy supplied to him by the Board, shall forfeit to the Board 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 Board to recover in addition the amount of any damage suffered by them; and the Board 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  
Board from  
improper  
interference by  
a consumer.

**28.**—(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 Board to any other consumer, the Board 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.

Cap. 310.

(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 Inspector appointed under the Electric Lighting and Tramways Ordinance.

Penalties in  
respect of  
other wrongful  
acts.

**29.** Any person who wilfully, fraudulently or by culpable negligence injures or permits to be injured any works of the Board, or alters the index of any meter for ascertaining the value of the supply, or prevents any such meter from duly registering the value of the supply or fraudulently abstracts, consumes or uses the electrical energy of the Board, shall (without prejudice to any right or remedy for the protection of the Board or the punishment of the offender) for every such offence forfeit and pay to the Board a sum not exceeding twenty-five dollars, and the Board 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 Board or altered the index of any meter for ascertaining the value of the supply or prevented any such meter from duly registering the value of the supply, the Board 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 Board, 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 Board is entitled under this section may be recovered summarily by them as a civil debt.

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

Liabilities for careless or accidental damages to works.

31. If at any time after the supply of electrical energy to any premises has been cut off by the Board it be found that the supply has been renewed without the order of the Board 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 penalty not exceeding five dollars for each day the electrical energy has been so used.

Occupier liable for wrong user of electricity.

32. If any person shall wilfully remove, destroy or damage any of the works or electric lines, or apparatus of the Board, 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

Apprehension of offender.

deliver him to any peace officer who shall with all reasonable despatch convey him before a Magistrate, to be dealt with according to law.

Assault and obstruction of officers and servants.

**33.** If any person shall assault, molest, hinder or obstruct any member of the Board or any officer or servant of the Board or any person authorised thereto by the Board in making or attempting to make any entry or inspection or in the execution of any of the works authorised by this Ordinance or any Regulations or Bye-laws made thereunder such person shall be guilty of an offence and on summary conviction therefor before a Magistrate shall, for every offence, be liable to a penalty not exceeding fifty dollars.

General penalty

**34.** Any person guilty of an offence against this Ordinance or any Regulations or Bye-laws made thereunder for which no penalty is expressly provided shall on summary conviction therefor before a Magistrate be liable to a penalty not exceeding twenty-five dollars.

Appropriation of penalties.

**35.** One-half of all penalties recoverable in respect of any offence under this Ordinance or any Regulations or Bye-laws made thereunder shall be paid by the Magistrate to the Board as part of the funds of the Board applicable to the purposes of the Board.

Recovery of fees, expenses &c.

**36.** 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.

## PART VII.

### MISCELLANEOUS.

Restriction or transfer of powers, &c., of the Board

**37.** The Board shall not, by transfer or otherwise, divest themselves of any of the powers, rights or obligations conferred or imposed upon them by this Ordinance otherwise than under and in accordance with the provisions contained in this Ordinance or in an order of the Governor in Executive Council authorising such a divestiture.

**38.** Where under this Ordinance the consent of the Governor in Executive 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 being heard orally or 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.

Discretionary powers of Governor in Executive Council.

**39.—(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.

Cap. 77.

(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 specifically 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.

**40.** It shall not be lawful for the Board—

(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 Executive Council;

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

- (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 Executive Council.

Saving of  
Crown rights.

41.—(1) Although any shore, bed of a lake, river, channel, creek, bay or estuary is included in an area of supply, nothing in this Ordinance shall authorise the Board 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.

(2) Nothing in this Ordinance contained shall extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed or exercisable by His Majesty.

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

J. O'CONNOR,  
*Clerk of the Council.*