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26-1954, 15-58, 25-60, 8-61, 16-62, 9-69, 31-72

TRINIDAD AND TOBAGO ELECTRICITY
COMMISSION.

Ordinance
No. 42-1945.

AN ORDINANCE TO ESTABLISH AN ELECTRICITY COMMISSION
FOR THE COLONY, TO ENABLE THE COMMISSION TO
GENERATE AND SUPPLY ELECTRICAL ENERGY AND FOR
OTHER PURPOSES IN CONNECTION THEREWITH.

Commence-
ment.

[1st January, 1946.]

PART I.

SHORT TITLE AND INTERPRETATION.

Short title.

1. This Ordinance may be cited as the Trinidad and
Tobago Electricity Commission Ordinance.

Interpre-
tation.

2. In this Ordinance and in any rules, regulations or
byelaws made thereunder the following words and expres-
sions 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 Commission;

“ 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 and includes the receiving ends of the Corporation’s cables at the generation station of the Trinidad and Tobago Electricity Commission;

“ 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;

“ 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;

“ generating station ” or “ power house ” means any station or works for generating and distributing energy;

“ 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 Commission, in, over, along, across, or under any street, or public place, or being already so laid down or erected, has been acquired by the Commission under the authority of this Ordinance, and through which energy may be supplied, or intended to be supplied, by the Commission 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 Commission 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 wall 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 transportation system of the Corporation, but does not include any other purpose to which electricity may be applied;

“ service line ” means any electric line through which energy may be supplied, or intended to be supplied, by the Commission to a consumer either from any main or directly from the premises of the Commission;

“ 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;

“ tramway ” means any railway for the conveyance of public traffic constructed mainly or partly along the public roads and 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 the works authorised by this Ordinance or any of them, and includes generating stations, sub-stations, buildings, machinery, engines, transmission lines, distributing mains, electric lines, poles, pillars, street boxes, lamps, waterworks, wells, dams, pipe-lines, and any other works, apparatus, appliances, matters or things of whatever description required for the generation, transmission, transformation, distribution, supply or use of electrical energy.

PART II.

ESTABLISHMENT AND CONSTITUTION OF ELECTRICITY COMMISSION.

Establishment of the Electricity Commission.

3. (1) For the purposes of this Ordinance there shall be established a Commission to be called the Trinidad and Tobago Electricity Commission (in this Ordinance referred to as “ the Commission ”) which shall be a body corporate with perpetual succession and a common seal which shall be officially and judicially noticed and with power to acquire and hold land. The seal shall be authenticated by the signatures of the Chairman and one other member of the Commission authorised by the Commission to act in that behalf.

(2) The Commission may sue and be sued in their corporate name and may for all purposes be described by that name. Service of any process or notice on the Commission may be effected by leaving the same at the office of the Commission with the Manager or Secretary appointed as hereinafter provided.

Constitution of the Commission.

4. (1) The Commission shall consist of not less than seven members who shall be appointed by the Governor and shall hold office during the Governor's pleasure:

Provided that—

(a) any member of the Commission may at any time resign his office by giving written notice to the Colonial Secretary;

(b) every member of the Commission shall auto-

matically vacate his office after he has held it for two years but shall be eligible for re-appointment.

(2) The Governor shall appoint from among the members a Chairman who shall hold office during the Governor's pleasure: Provided that he shall cease to be Chairman if at any time he ceases to be a member. In the absence or inability to act of the Chairman, the Governor may appoint any member to officiate temporarily as Chairman and, subject to any such appointment, the members present at a meeting shall appoint one of their number to officiate as Chairman of the meeting.

(3) The Governor may appoint any person to act in the place of any other member of the Commission in case of his absence or inability to act as such member.

(4) The powers of the Commission shall not be affected by any vacancy in the membership thereof.

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

5. In the exercise of their powers and the performance of their duties, the Commission shall conform with any general or special directions given to them by the Governor in Council.

Commission to conform with directions of Governor in Council.

6. (1) Decisions of the Commission 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 Commission.

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

(3) The decisions of the Commission 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.

Meetings
of the
Commission.

7. The Commission shall meet at such times as may be necessary or expedient for transacting their business. The Chairman or any members of the Commission 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. Certified copies of such minutes when so confirmed shall be forwarded to the Colonial Secretary.

No personal
liability to
attach to
members of
the Com-
mission.

8. No personal liability shall attach to any member of the Commission in respect of anything done or suffered 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 as aforesaid shall be paid out of the funds of the Commission.

Appoint-
ment of
officers and
servants and
provision for
Provident
Fund.

9. (1) Subject to appropriate provision having been made in the estimates of the Commission and approved as hereinafter provided, the Commission may appoint, at such remuneration and on such terms and conditions as the Commission may think fit, a General Manager, a Secretary, and an Accountant, and such engineers, electricians, operators, clerks, assistants, 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.

(2) The holders of such offices under the Trinidad Electricity Board immediately prior to the coming into force of this Ordinance as the Governor shall direct shall be deemed, on the coming into force of this Ordinance, to be transferred to the service of the Commission and to hold such offices thereunder, subject to the provisions of this Ordinance.

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

(4) It shall be lawful for the Commission, with the approval of, and subject to such terms and conditions as

may be imposed by the Governor in Council, to provide for the establishment and maintenance of a Provident Fund for the benefit of the officers and servants of the Commission, and for that purpose to make arrangements with such insurance company or companies as may be selected by the Governor in Council.

(5) Any money on deposit in the Provident Fund authorised by subsection (2) of section 7 of the Trinidad Electricity Board Ordinance (Ch. 37. No. 5—1940) 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 Commission by virtue of this Ordinance, be paid, together with the interest accruing thereon by the said Board to the Commission 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 Commission by virtue of this Ordinance, be deemed to be assigned to the Commission.

PART III.

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

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

(a) there shall be deemed to be vested in the Commission in absolute ownership such part of the undertaking carried on by the Trinidad Electricity Board under the authority of the Trinidad Electricity Board Ordinance as is situate outside the limits of the City of Port-of-Spain, such part of the said undertaking as is situate within the said limits and is required for the generation of electrical energy and all cables used

Vesting of
certain
property,
rights and
liabilities
in the
Commission.

for distributing energy to premises outside the said limits;

(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 Commission by virtue of paragraph (a) of this subsection, be deemed to be transferred from the Trinidad Electricity Board to the Commission;

(c) all interests, rights and easements, and all liabilities in or appertaining to the property vested in the Commission by virtue of paragraph (a) of this subsection shall become the interests, rights, easements and liabilities of the Commission; 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 Commission;

(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 Commission;

(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 Commission;

(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 Commission.

(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 Commission.

(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 Commission.

(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 Commission of the property, rights and liabilities aforesaid and for matters consequential thereon.

Transitory Provisions.

11. (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 Commission 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 (Ch. 37. No. 4—1940) and the Trinidad Electricity Board Ordinance:

Provided that the Governor in Council shall not exercise

* See G.N. 113-1950 for Order.

the powers conferred by this subsection after the expiration of twelve months from the coming into force of this Ordinance.

(3) In the construction and for the purposes of any Ordinance, rules, regulation, bye-law, judgment, decree, order, award, deed, contract or other document passed or made before the transfer to the Commission 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 Commission 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 Commission 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 Commission.

(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 Commission shall be substituted in such proceeding for the Trinidad Electricity Board, and such proceeding shall not abate by reason of the substitution.

PART IV.

FINANCIAL PROVISIONS.

Submission
of Estimates.

12. (1) The Commission 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 Commission 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 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 to the supply of electrical energy, or a serious abatement thereof, it shall be lawful for the Commission 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 Commission 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 of the Commission for the period commencing on the date of the commencement of this Ordinance and ending on the 31st of December next following, and the provisions of the last preceding subsection shall apply *mutatis mutandis* in respect of such estimate.

13. It shall be a general principle of the Commission 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 Commission as the Governor and the Legislative Council shall approve.

Restriction
on use of
profits.

14. (1) The Governor may, with the approval by resolution of the Legislative Council, place at the disposal of the Commission 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 Commission shall be made out of the revenue derived from the business authorised by this Ordinance by payments to the Accountant General of

Advances
and repay
ment of
advances.

such amounts, at such rates of interest and at such times as shall be specified in any such resolution.

(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 Commission in such sums and on such terms and conditions as he may think fit for the purposes authorised by this Ordinance.

(3) The Commission may, with the sanction of the Governor in Council, borrow, as temporary advances, such sum or sums of money as the Commission think proper for defraying expenses included in the approved estimates of expenditure in connection with the business authorised by this Ordinance, and the Commission may, with the like sanction, enter into arrangements with any bank with which the Commission have a current account, for allowing the Commission 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 Commission.

Funds of the Commission.

15. (1) The funds of the Commission for the purposes of this Ordinance shall be—

(a) such sums as may become vested in the Commission by virtue of section 10;

(b) such sums as may be made available under section 14; and

(c) such other sums as may accrue to the Commission from the conduct of the business contemplated by this Ordinance and by virtue of section 81.

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

(a) the payment of rates, taxes, insurance premiums against any losses, damages, risks and liabilities which the Commission 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 Commission by this Ordinance;

(d) the creation of a Renewals Fund as the Commission 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.

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

(2) The Commission 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 17.

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

(4) All payments out of the aforesaid funds of the Commission, 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 Commission upon vouchers submitted to and approved of by the Commission: 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 Commission, but such vouchers shall be laid before the Commission at the next meeting.

(5) All moneys of the Commission accruing from their operations under this Ordinance shall be paid into some bank or banks appointed by resolution of the Commission, 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 Commission 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 Commission or such other member of the Commission 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 Commission may from time to time invest any portion of their funds in such securities as may be approved by the Governor in Council.

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

(a) the bank or banks into which the moneys of the Commission 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 Commission 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 Commission; 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 Commission 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 Commission for the regulation of the accounting system of the Commission 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 Commission;

(ii) the manner of keeping the accounts and the form thereof;

(iii) the manner of vouching the financial transactions of the Commission and the form of all documents in connection therewith;

(iv) the periodical statements relating to their financial transactions to be prepared by the Commission 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 Commission may issue general or special instructions as to the duties to be performed by the employees of the Commission 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.

17. (1) The Governor in Council shall appoint a firm of chartered accountants (in this Ordinance referred to as "the auditor") to audit the accounts of the Commission 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 Commission.

(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.

(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 Commission, 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 the 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 Commission are in order;

(b) the accounts issued present a true and correct view of the financial position of the Commission 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 Commission, whether in the form of stock or debentures or in any other manner whatsoever;

(d) the value of the assets of the Commission 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 (6) of this section.

(9) Every sum certified by the auditor to be due from any person shall be paid by that person to the Commission 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 Commission. It shall thereupon be the duty of the Commission forthwith to take all such steps as may be expedient to enforce payment of every such sum.

(10) If the Commission 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 Commission for the recovery of such amount and the costs and expenses incurred in such proceedings by the Crown Solicitor shall be paid by the Commission out of their funds as provided for in this Ordinance.

Annual
reports

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

(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 Commission 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 Commission;

(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 COMMISSION.

19. (1) Subject to the provisions of this Ordinance, the Commission shall be the sole and exclusive authority to generate and supply energy for public and private purposes in any part of the Colony exclusive of the Borough of San Fernando:

Exclusive
right of
Commission.

Provided that the Commission shall not have the right to supply energy direct to any consumer in the City of Port-of-Spain other than the Corporation.

(2) It shall be lawful for the Commission to do all acts and things necessary for developing, controlling, generating and distributing a full supply of energy for public and private purposes within the area aforesaid including the opening and breaking up, subject to the provisions of this Ordinance, of any street herein.

(3) It shall be lawful for the Commission to undertake the electrical wiring of industrial, commercial and residential premises within the area of supply.

20. (1) The Commission 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
Commission
to acquire
and dispose
of property.

(2) The Commission 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) Nothing contained in subsections (1) and (2) of this section shall be construed as extending to the compulsory acquisition or use of any privately owned installation.

(4) The Commission 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 on the approval of the Governor in Council signified in the manner required by section 3 of that Ordinance the Commission may exercise all the powers conferred on the Sub-Intendant of Crown Lands by the said section 3.

(5) It shall be lawful for the Commission, with the consent of the Governor under the Public 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 Commission, 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
Commission.

21. The Commission may agree to supply electrical energy to any person upon such terms and conditions and for such period as the Commission may think fit:

Provided that it shall be lawful for the Commission 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 generated is insufficient to supply the full quantity.

Supply may
be cut off on
failure to
pay charges.

22. If any 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 him to the Commission in respect of the supply of electrical energy, the Commission 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 Commission 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 person:

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

23. (1) The Commission may for the purposes 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 enclosed or other land whatsoever, doing as little damage as may be practicable;

Powers of the Commission to enter land, cut trees, erect lines and other apparatus. Erection and laying of electric lines.

(b) from time to time to 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, etc.

Entry on
land.

(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 Commission, 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 brushwood growing upon any such land so entered upon.

Commission
to have a
limited right
of user
over land.

(2) In the exercise of the powers given by this section, the Commission 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 they place 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 Commission shall at their own expense remove or alter such work or shall give reasonable compensation as hereinafter provided by subsection (3) of this section.

Compensa-
tion for
damage
done.

(3) In the exercise of the powers given by this section, the Commission 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:

Provided that no compensation shall be payable in respect of any right of user acquired under the authority of the last preceding subsection.

Commission
to make
bye-laws.

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

(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 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 generation, 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 generation, 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 hiring out to any person of electrical meters 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) the frequency, type of current and pressure of electrical energy to be generated or supplied and the mode of supplying electrical energy;

(p) 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;

(q) prescribing the penalties to be imposed for contravention of such bye-laws;

(r) generally in respect of any matter in connection with the electric light and power 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 Council may make regulations.

(2) In the event of the Commission failing to make bye-laws in respect of any of the matters enumerated in subsection (1) of this section or otherwise by this Ordinance, or, of any of the bye-laws made by the Commission 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 generation, transformation, 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.

PART VI.

SUPPLY OF ELECTRICAL ENERGY.

Area of Supply.

Area of supply.

25. Subject to the provisions of this Ordinance, the area of supply shall be the Colony exclusive of the Borough of San Fernando.

Nature and Mode of Supply.

26. Electrical energy shall be supplied by means of the alternating system or the direct current system, for arc or incandescent lighting, or such other system as shall be approved of by the Governor in Council; and subject to such regulations and conditions for securing the safety of the public and for ensuring a proper supply of energy as the Governor in Council may from time to time impose.

Systems and mode of supply.

27. The Commission may, subject to the provisions of this Ordinance and with the consent (which shall not be unreasonably withheld) of the authority or person by whom any street, railway or tramway is repairable, break up any such street, railway or tramway: Provided that consent shall not be necessary for the execution of repairs, renewals or amendments of existing works, of which the character and position are not altered.

Power to break up streets, etc.

28. (1) Where the exercise of any of the powers of the Commission, in relation to the execution of any works, will involve the placing of any lamps or pillars, or poles for stringing wires in, under, along, over, or across any street, the Commission shall also be subject to the following regulations—

Notice and plan of works to be served on Local Authority.

(a) seven days before commencing the execution of such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Commission shall serve a notice upon the Local Authority, describing the proposed works, together with a plan of the works, if required by the Local Authority, showing the mode and position in which such works are intended to be executed, and the manner in which it is intended that such street is to be interfered with, and shall, upon being required to do so by the Local Authority, from time to time give them any such further information in relation thereto as they may desire;

(b) the Local Authority may, in their discretion, approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Commission;

(c) where the Local Authority approve any such works or plan, subject to any amendments or conditions with which the Commission are dissatisfied, or disapprove of any such works or plan, the Commission may appeal to the Governor in Council, and the Governor in Council may enquire into the matter and allow or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same;

(d) if the Local Authority fail to give any such notice of approval or disapproval to the Commission within fifteen days after the service of the notice upon them, they shall be deemed to have approved such works and plan;

(e) notwithstanding anything in this Part of this Ordinance, the Commission shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan (if any) which has been approved, or is to be deemed to have been approved, by the Local Authority as above mentioned; but where any such works, description, and plan are so approved, or to be deemed approved, the Commission may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Part of this Ordinance;

(f) if the Commission 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 Local Authority for any loss or damage which they may incur by reason thereof.

(2) For the purposes of this Part of this Ordinance, the word " plan " shall be held to mean a plan drawn to a horizontal scale of at least six inches to one mile, or such other scale as the Local Authority may deem necessary to show the details of the works to be executed.

29. Where the exercise of the powers of the Commission in relation to the execution of any works will involve the placing of any works in, under, along, over, or across any

Provisions
as to streets
not repair-
able by
Local
Authority,
railways,
tramways
and canals.

street, or part of a street, not repairable by the Local Authority, or over or under any railway, tramway, or canal, the following provisions shall have effect, unless otherwise agreed between the parties interested—

(a) seven days before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Commission shall, in addition to any other notices which they may be required to give under this Part of this Ordinance, serve a notice upon the authority or person liable to repair such street, or part of a street, or the authority or person for the time being entitled to work such railway, tramway, or canal (in this section referred to as "owners") describing the proposed works, and stating the amount of compensation, if any, proposed to be made in respect thereof, and the manner in which such compensation is proposed to be paid or secured, together with a plan of the works, showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, from time to time give them any such further information in relation thereto as they may desire;

(b) every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given, to the provisions thereof;

(c) within two weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Commission requiring that any question in relation to such works, and any other question arising upon such notice or plan, as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly;

(d) in settling any question under this section, an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway, or canal, and may, if he thinks fit, require the Commission to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible;

(e) where no such requisition as is in this section mentioned is served upon the Commission, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the Commission may, upon paying or securing any compensation which they may be required to pay or secure in the manner proposed by them, or settled by arbitration as aforesaid, cause to be executed the works specified in such notice and plan as aforesaid, and may from time to time repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Part of this Ordinance, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively, as may have been settled by arbitration as hereinbefore mentioned, or as may be agreed upon between the parties;

(f) all works to be executed by the Commission under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present, either in person or by anyone deputed by them, during the execution of such works;

(g) where the repairs, renewals, or amendments of any existing works, of which the character and position are not altered, will involve any interference with the working of or traffic on any railway or tramway over or under which such works have been placed, the Commission shall, unless otherwise agreed between the parties, or in any case of emergency, give to the owners not less than twenty-four hours' notice before commencing to effect such repairs, renewals, or amendments, and the owners shall be entitled by their officer to superintend the work, and the Commission shall conform to such reasonable requirements as may from time to time be made by the owners or such officer;

(h) if the Commission 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 owners affected thereby for any loss or damage which they may incur by reason thereof.

30. The Local Authority, and any authority or person for the time being liable to repair any street or part of a street, or entitled to work any railway or tramway, which the Commission may be empowered to break up for the purposes of this Part of this Ordinance may, if they think fit, from time to time serve a notice upon the Commission, stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Commission, as therein specified in relation to the breaking up, filling in, reinstating or making good any streets, or other works vested in or under the control or management of the Local Authority, or other authority or person, as the case may be, and may from time to time amend or revoke any such notice by another notice similarly served. Where the Local Authority or any such authority or person as aforesaid (in this section referred to as "the givers of the notice") have or has given notice that they or he desire or desires to exercise or discharge any such specified powers and duties of the Commission, then, so long as such notice remains in force, the following provisions shall have effect, unless otherwise agreed between the parties interested—

Local Authority, etc., may give notice of desire to break up streets, etc., on behalf of Commission.

(a) the Commission shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition as hereinafter provided, or in cases of emergency;

(b) in addition to any other notices which they may be required to give under the provisions of this Part of this Ordinance, the Commission shall, not less than two days and not more than four days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice, stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged;

(c) upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Commission, subject to the like restrictions and conditions as the Commission would themselves be subject to in such exercise or discharge, so far as the same may be applicable;

(d) if the givers of the notice decline, or, for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the Commission may themselves proceed to exercise or discharge the powers or duties therein specified, in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice;

(e) in any case of emergency, the Commission may themselves proceed at once to exercise or discharge so much of any specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises, without serving any requisition on the givers of the notice, but in such case the Commission shall, within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice;

(f) all reasonable expenses properly incurred by the givers of the notice in complying with any requisition of the Commission under this section shall be repaid to them by the Commission and may be recovered summarily before a Magistrate, who shall have power to determine the amount thereof;

(g) the givers of the notice may from time to time, if they think fit, require the Commission to give them such security for the repayment to them of any expenses incurred, or to be incurred, by them under this section as may be determined in manner provided by this Part of this Ordinance. If the Commission fail to give any such security within seven days after being required to do so, or, in case of difference, after such difference has been determined by a Magistrate, they shall not be entitled to serve any further requisition upon such

givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given:

Provided that nothing in this or the last preceding section shall in any way affect the rights of the Commission to exercise or discharge any powers or duties conferred or imposed upon them by this Part of this Ordinance in relation to the execution of any works beyond the actual breaking up, filling in, reinstating, or making good any such street, or part of a street, or other works, or railway, or tramway as in this section mentioned.

31. Where any security is required under this Ordinance to be given to or by the Commission, that security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default of agreement may be determined, on the application of either party, by a Judge of the Supreme Court, and such Judge shall also order by which of the parties the costs of the proceedings before him shall be paid, and the decision of such Judge shall be final and binding on all parties. Security.

32. (1) The Commission 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. Protection
of tele-
graphic and
telephonic
wires.

(2) Seven days before commencing to construct any electric line, or to supply energy through any electric line (excepting through existing lines, of which the character and position are not altered) in any manner, whereby the work of telegraphic or telephonic or electric signalling communication through any wires or lines lawfully laid down, or placed in any position, may be injuriously affected, the Commission shall, unless otherwise agreed between the parties interested, give to the Local Authority or other 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 Commission shall conform with such reasonable requirements as may from time to time be made by the Local Authority or 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 Commission 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 the Local Authority or any such person and the Commission with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration.

(4) If the Commission make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to the Local Authority or other person entitled to any such wire or line for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a 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 Commission shall not be subject to any such fines as aforesaid if the court having cognisance of the case shall be of opinion that the case was one of emergency, and that the Commission 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 Commission 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 Commission.

33. If it appears to the Governor in Council, on the representation of the Local Authority or any other person affected thereby, that any works of the Commission 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 Commission 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 Commission 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.

Works
improperly
executed.

34. (1) The Commission 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 Commission, in which they are for the time being maintaining a supply of energy for the purposes of general supply to private consumers under this Ordinance, or under any regulations and conditions subject to which they are 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—

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

(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 Commission, although not on such property, shall, if the Commission 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 Commission specifying the premises in respect of which such supply is required, and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence;

(ii) enter into a written contract with the Commission, 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 Commission 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 Commission 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 Commission, 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 Commission, and in respect of energy to be supplied by them:

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

Provided also that the Commission 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 Commission, 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.

35. (1) The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may from time to time require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises:

Maximum
power to be
supplied to
consumer.

Provided that where any consumer has required the Commission 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 Commission and provided that the Commission is in a position to supply the increased demand, and any expenses reasonably incurred by the Commission in respect of the service line by which energy is supplied to the premises of such consumer, or any fittings or apparatus of the Commission upon such premises, consequent upon such

alteration, shall be paid by him to the Commission, and may be recovered summarily as a civil debt.

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

36. (1) Whenever the Commission 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 Commission 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 Commission 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 Commission for any one day:

Provided also that in no case shall any penalty be inflicted in respect of any default, if the court having cognisance 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 Commission, or was of so slight or unimportant a character as not materially to affect the value of the supply.

Supply of energy to public lamps.

37. The Commission, upon receiving reasonable notice from any Local Authority other than the Mayor, Aldermen, and Citizens of the City of Port-of-Spain or the Mayor, Aldermen and burgesses of San Fernando, requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Commission, in which they are for the time being maintaining a current of energy for the purposes of general supply

under this Part of this Ordinance, or under any regulations and conditions subject to which they are authorised to supply energy under this Part of this Ordinance, shall give and continue to give a supply of energy to such lamps in such quantities as the Local Authority may from time to time require to be supplied.

38. The price to be charged by the Commission, and to be paid to them, for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained, shall be settled by agreement between the Local Authority and the Commission, and, in case of difference, by arbitration, regard being had to the circumstances of the case, and the distributing or other mains, if any, which may have to be laid for the purpose, and the price charged to ordinary consumers in the district.

Price for supply to public lamps.

Price.

39. (1) Consumption of energy shall, except as otherwise agreed between the consumer and the Commission, be determined by meter only provided by the Commission 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 Commission 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 Commission.

Methods of charging for supply.

(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.

40. (1) The price to be charged by the Commission for energy supplied by them to consumers shall be in accordance

Prices.

with such tariffs as may be fixed from time to time by the Commission with the approval of the Governor in Council.

(2) Tariffs shall be fixed or varied as aforesaid by resolution of the Commission 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 Commission 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.

Charges by
agreement.

41. (1) Notwithstanding the provisions of the last preceding section, the Commission 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.

(2) The Commission 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.

Electric
Inspector to
certify
meters.

42. Every Electric Inspector, on being required to do so by the Commission, 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.

Commission
to supply
meters if
required.

43. Where the consumption of energy is to be ascertained by means of a meter, the Commission 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 Commission 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.

44. 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 Commission, or disconnect any such meter from any such electric line, unless he has given to the Commission 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.

Meters not to be connected or disconnected without notice.

45. The Commission 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 Commission 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:

Commission to keep meters in repair.

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 Commission, but if the same is in proper order, all expenses connected therewith shall be paid by the consumer.

46. If any difference arises between any consumer and the Commission 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

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

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.

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

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

GENERAL PROVISIONS.

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

48. (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.

49. Where the Governor in Council, on the application of the Commission, gives any approval or grants any extension of any time limited for the performance of any duties by the Commission 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.

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

50. Any officer appointed by the Commission may, at all reasonable times, enter any premises to which electricity is or has been supplied by the Commission, in order to inspect the electric lines, meters, accumulators, fittings, works, and apparatus for the supply of electricity belonging to the Commission, 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 Commission 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 Commission:

Power of entry for ascertaining quantity of electricity consumed, etc.

Provided that the Commission shall repair all damage caused by such entry, inspection, or removal.

51. Where any electric lines, meters, accumulators, fittings, works, or apparatus belonging to the Commission are placed in or upon any premises not being in the possession of the Commission 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, etc., not to be subject to distress, etc., in certain cases.

Notices to
be given to
Commission
before
removing.

52. (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 Commission and the consumer, twenty-four hours' notice in writing shall be given to the Commission by the consumer before he quits any premises supplied with energy by the Commission, and, in default of such notice, the consumer so quitting shall be liable to pay to the Commission the money accruing 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 Commission to supply energy to such premises, whichever shall first occur.

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

PART VII.

LICENCES FOR INSTALLATIONS.

Licences
required for
use of in-
stallation;
terms, con-
ditions and
contents of
licences.

53. (1) Save as specially provided in the San Fernando Electric Works Ordinance and the Port-of-Spain Corporation (Electricity) Ordinance, and by such exceptions as may be prescribed, no person shall—

(a) use, work or operate or permit to be used, worked or operated any installation; or

(b) supply to or for the use of any other person energy from any installation,

except under and in accordance with the terms of a licence expressly authorising such use or supply, as the case may be:

Provided that in the case of any installation which is being used, worked or operated when this Ordinance comes into force, a licence to continue the use, working or operation thereof shall not be required until the expiration of one month after such coming into force, or, if application is meanwhile made for a licence, until the application is disposed of by the Governor in Council.

(2) Such licences may be granted by the Governor in Council in consideration of such payments, if any, as he may think fit.

(3) No licence shall be capable of being transferred unless the consent of the Governor in Council to the transfer be evidenced upon the licence by writing under the hand of the Colonial Secretary.

(4) Every licence shall be subject to such conditions relating to sound technical practice as may be prescribed, and every licence to supply to or for the use of any other person energy from an installation shall be subject to such further conditions, if any, as may in each several case be imposed, in the exercise of his discretion, by the Governor in Council. Such last mentioned conditions shall be set out in the licence.

(5) Licences in respect of installations which are not being used, worked or operated when this Ordinance comes into force may be for such period as the Governor in Council may in each several case approve:

Provided that no such licence shall be for a period exceeding ten years in the first instance:

Provided further that any such licence may be renewed from time to time for such periods not exceeding ten years at any one time as the Governor in Council may determine.

(6) A licence shall not be refused by the Governor in Council in the case of an installation which is being used, worked or operated when this Ordinance comes into force but every such licence shall be granted without restriction of the period of use, working or operation.

(7) The period of duration of every licence in respect of any installation referred to in subsection (5) of this section shall be set out therein, and in every licence for a public installation there shall be set out—

(a) the area of supply outside which the licensee is not authorised to supply energy;

(b) the declared pressure and the variations permitted therefrom;

(c) the maximum charges payable by consumers.

(8) There shall be payable on the issue of licences such fees as may be prescribed.

(9) Where on the application of any person for a licence the Governor in Council is satisfied—

(a) that the Commission cannot or will not provide

such person with a reasonable and continuous supply of energy on reasonable terms; or

(b) that the supply of energy to such person by the Commission would interfere with the economical and efficient working of the business of such person,

he shall grant a licence to such person under the provisions of this section.

Supply lines and other apparatus on Government land.

54. (1) A licence may extend to authorising the licensee to lay, place or carry on, under or over Government land, to the extent and in the manner specified in the licence, such electric supply lines and to erect and maintain in or upon Government land such posts and other apparatus as may in the opinion of the Governor in Council be necessary or proper for the purposes of the licensed installation, and such authority may be given or added to at any time during the currency of the licence by endorsement thereon under the hand of the Colonial Secretary.

(2) All apparatus placed in or upon Government land which shall not be removed therefrom within six months or such longer period as the Governor in Council may permit, after the expiration or other determination of the licence under the authority whereof the same was so placed shall vest in and become the property of the Government.

Security.

55. (1) The Governor in Council may in his discretion require that, before the issue of any licence, such security as he may specify shall be furnished for the due observance of the terms and conditions of the licence and of the provisions of this Ordinance and the Electricity (Inspection) Ordinance, and any rules or regulations made under the provisions of either of the said Ordinances.

Suspension and revocation of licence.

(2) A licence may be at any time suspended or revoked by the Governor in Council on breach of any of the conditions thereof or in default of payment of any moneys accrued due thereunder, or if the licensee ceases to work or operate the installation in respect of which the licence has been granted.

Restriction of use to specified purposes.

56. A licensee who is by the conditions of his licence restricted to using or supplying for specified purposes only

shall not use or supply such energy for any purpose other than those so specified.

57. In this Part of this Ordinance—

“ installation ” means the whole of any particular plant, apparatus or works designed for the supply or use, or both, as the case may be, of electrical energy, under one ownership, and, where management is prescribed, in charge of the same management, including prime movers, if any, with all necessary plant and buildings in connection therewith, electric supply lines and consuming apparatus, if any, and shall also include all replacements and additions thereto;

Definitions of “ installation ” and “ prime mover.”

“ public installation ” means an installation operated by a licensee for the supply of energy to the Government, the public or to any person other than the licensee, provided that the licensee may use energy for his own purposes where such use is consistent with the terms of the licence;

“ prime mover ” means a machine supplying power to a generator for the purpose of generating energy.

PART VIII.

INJURIOUS ACTS, OFFENCES AND PENALTIES.

58. 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; and any person who maliciously extinguishes any public lamp shall be liable, on summary conviction, to a fine of fifty dollars or to imprisonment for 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.

Stealing
electricity.

59. 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.

Wrongful
and
fraudulent
practices.

60. 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 Commission without their consent, or who in case the value of the supply of electrical energy by the Commission 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 Commission, shall forfeit to the Commission 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 Commission to recover in addition the amount of any damage suffered by them; and the Commission 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 Commis-
sion from
improper
interference
by a
consumer.

61. (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 Commission to any other consumer, the Commission 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.

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

Penalties in respect of other wrongful acts.

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

Liabilities for careless or accidental damages to works.

Occupier
liable for
wrong user
of electricity.

64. If at any time after the supply of electrical energy to any premises has been cut off by the Commission it be found that the supply has been renewed without the order of the Commission and that the electrical energy is being used by any person, the consumer 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.

Apprehen-
sion of
offender.

65. If any person shall wilfully remove, destroy or damage any of the works or electric lines, or apparatus of the Commission, 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 police 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.

66. If any person shall assault, molest, hinder or obstruct any member of the Commission or any officer or servant of the Commission or any person authorised thereto by the Commission 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 liable, on summary conviction, to a fine of fifty dollars.

Penalties on
contraven-
tion of
provisions
of section 53.

67. (1) Any person who in contravention of the provisions of section 53 supplies energy from an installation to or for the use of any other person shall be liable to a fine of one thousand dollars, and if the contravention be continued to a fine of one hundred dollars for every day on which the same is continued after the first day on which a conviction is had.

(2) Any licensee who without express authority from the Governor in Council in that behalf supplies energy or lays down any electric supply line or constructs any electrical works outside the area of supply specified in his licence shall be liable to a fine of one thousand dollars and any such authorised line or works may, after conviction had under this subsection in respect thereof, be removed by

order of the Governor in Council and the reasonable cost of such removal may be recovered from the licensee.

(3) Any person who in contravention of the provisions of section 53 uses, works or operates, or permits to be used, worked or operated any installation shall be liable to a fine of two hundred and fifty dollars and, if the contravention be continued, to a fine of twenty five dollars for every day on which the same is continued after the first day on which a conviction is had.

PART IX.

MISCELLANEOUS PROVISIONS.

68. 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.

Discretionary powers of Governor in Council.

69. (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 a qualified electrical 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.

(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.

Restrictions on placing of electric lines over rail-ways, docks, waterworks, etc.

70. It shall not be lawful for the Commission—

(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.

Office.

71. The Commission shall at all times have an office in a locality approved by the Governor, and shall state the full address of such office on every document issued by them.

Notices, etc., may be printed or written.

72. 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 Commission, the signature thereof by their secretary shall be sufficient authentication.

Service of notices, orders and documents.

73. (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.

74. 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 Commission, and true copies thereof, certified by or on behalf of the Commission, 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 and regulations.

Damages.

75. All losses, damages, or injuries caused by the Commission, 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 Commission.

Injuries to public property.

76. The right conferred by this Ordinance on the Commission 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 Commission 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:

Injurious affection.

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 Commission 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.

Cutting trees
and boughs.

77. In the course of constructing and for the more effective working of the undertaking, the Commission 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 which may tend to interfere with, endanger, or otherwise prejudicially affect the working of the undertaking; but no employee of the Commission 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 Commission 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 valuation assessed by the Department of Agriculture 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.

Felling trees
within 50
feet of works.

78. (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 Commission 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.

RESERVATION OF RIGHTS.

79. The Governor on behalf of the Colony shall have the right to use any of the poles, posts, or necessary supports of the Commission for the purpose of stringing wires thereon for the fire alarm or Police service upon payment of an appropriate rental.

Use of poles, etc.

80. 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.

General penalty.

81. One-half of all penalties recoverable in respect of any offence under this Ordinance or any rule, regulation or bye-law made thereunder shall be paid by the Magistrate to the Commission as part of the funds of the Commission applicable to the purposes of the Commission.

Appropriation of penalties.

82. 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.

83. 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, etc.

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

Commission responsible for all damages.

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.

Nuisances.

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

Reservation
to His
Majesty.

86. 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.

Saving of
Crown rights.

87. 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 Commission 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.

Exemptions
from customs
duty and
income tax.

88. (1) Notwithstanding anything in any other Ordinance contained, all plants, machinery, mechanical appliances, engines, boilers, dynamos, meters, transformers, insulators, and all materials, apparatus and equipment of every kind whatsoever imported into the Colony for the purpose of carrying out the provisions of this Ordinance shall be free of all customs duty whatsoever:

Provided that this subsection shall not apply to any electrical materials imported by the Commission for the purposes of electric wiring of premises undertaken by the Commission.

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

Sec 9 - 132/55 (195)

Sec 12 - 181/57 (315) 30