





15  
5105'

THE LAW  
RELATING TO ELECTRIC LIGHTING  
POWER AND TRACTION



**THE LAW**  
RELATING TO  
**ELECTRIC LIGHTING**  
**POWER AND TRACTION**

BY THE LATE  
**JOHN SHIRESS WILL,**  
ONE OF HIS MAJESTY'S COUNSEL;  
JOINT AUTHOR OF "MICHAEL AND WILL ON THE LAW RELATING TO GAS AND WATER"

**FOURTH EDITION**  
BY  
**W. E. TYLDESLEY JONES,**  
OF LINCOLN'S INN, BARRISTER-AT-LAW.

**CANADIAN EDITION**  
BY  
**A. C. FORSTER BOULTON,**

OF THE INNER TEMPLE AND CANADIAN BAR;  
AUTHOR OF "THE LAW AND PRACTICE OF A CASE STATED," "CRIMINAL APPEALS," ASSISTANT EDITOR  
SIXTH EDITION "GRANT'S LAW OF BANKING," AND EDITOR OF THE CANADIAN EDITIONS OF  
"UNDERHILL ON TORTS," "BEAL ON BAILMENTS," "SMITH'S MASTER AND SERVANT,"  
"TRISTRAM AND COOTE'S PROBATE PRACTICE," "DAWBARN'S EMPLOYERS'  
LIABILITY," "ROSS ON DISCOVERY," "FISHER ON MORTGAGES," "OSWALD  
ON CONTEMPT OF COURT," ETC., ETC.

CANADA LAW BOOK COMPANY, LIMITED, TORONTO,  
CANADA.  
CROMARTY LAW BOOK COMPANY, 1112, CHESTNUT ST.,  
PHILADELPHIA.  
**Law Publishers.**

1913.

KING UNIVERSITY LAW LIBRARY

A 3810

PRINTED BY  
WILLIAM CLOWES AND SONS, LIMITED,  
LONDON AND BECCLES.

KF  
2125  
W5C  
1913

## PREFACE TO CANADIAN EDITION.

---

THE subject of Electricity is an important one in Canada. Long before Electricity was in general use in England it was highly developed in Ontario. In recent years, in both Canada and England, the Legislatures have passed numerous Acts for regulating the use of Electric Power.

The Law on the subject is to a large extent a matter of Statute. The Statute Law of England may be of somewhat limited use to Canadian practitioners, the Case Law is however on a different footing; and it is clear that this part of the English text must be of considerable value in Canada. This being so, it has been decided to issue a Special Edition for Canada, to include Canadian Statute and Case Law.

I have undertaken the task of noting the Canadian Law for this Special Edition, and I trust that it may prove useful to the profession in Canada.

A. C. FORSTER BOULTON.

5, KING'S BENCH WALK,  
TEMPLE, E.C.  
*January, 1913.*



# TABLE OF CONTENTS

## TO

### CANADIAN NOTES.

	PAGE
PREFACE TO CANADIAN NOTES . . . . .	v
TABLE OF STATUTES CITED IN CANADIAN NOTES . . . . .	xxxix
TABLE OF CASES CITED IN CANADIAN NOTES . . . . .	xli
INTRODUCTION TO CANADIAN NOTES . . . . .	62a

#### PART I.

The Statutes Relating to Electricity . . . . .	246a
The Municipal Light and Heat Act, R. S. O., 1897, Ch. 234 . . . . .	246c
Consolidated Municipal Acts . . . . .	246d
The Street Railway Act, R. S. O., 1897, Ch. 208 . . . . .	246e
Municipal Power Works Act, 3 Edw. VII., Ch. 25 . . . . .	246f
Local Distribution of Electrical Power Act, 1 Geo. V., Ch. 14, as amended by 2 Geo. V., Ch. 14 . . . . .	246i

#### PART II.

Cases relating to Electric Light, Power and Heat . . . . .	246t
Utmost degree of care required in use of Electrical Power . . . . .	246u
Consent of Municipality to Erection of Poles and to Regulate Streets, etc. . . . .	246v
Power of a Municipality to regulate Streets . . . . .	246w
Power of Municipalities to submit By-Laws . . . . .	246x
Fixtures . . . . .	246y
Nuisance . . . . .	246z
Superstructures . . . . .	246aa
Assessment . . . . .	246ab
Onus of Proof . . . . .	246ac
Diverting Current contrary to Agreement . . . . .	246ad
Construction of Agreement to Supply Current . . . . .	246ae

# TABLE OF CONTENTS TO CANADIAN NOTES.

## ELECTRIC RAILWAY CASES—

	PAGE
Speed to be Reduced near Crossing - - - - -	549a
Overcrowding - - - - -	549a
Power of Railway and Municipal Board to make Orders and Regulations - - - - -	549b
When Special Act may prevail over Electric Railway - - -	549c
Control over Service of Toronto Railway Company by City Engineer	549c
Special Care required of Electric Railway Companies - - -	549c
Fender in front of Car - - - - -	549d
Use of Gong - - - - -	549d
Assessment of Plant - - - - -	549e
Duty of Motorman to use Care - - - - -	549e
Excessive Speed - - - - -	549e
Negligence of Tramway Companies - - - - -	549f
Negligence of Conductor - - - - -	549f
American Cases on Electric Railway - - - - -	549g



## PREFACE.

---

A PERIOD of nearly ten years has elapsed since the last Edition of this Work was published. During that period great developments have taken place in the supply and application of Electricity for lighting, motive power, and other purposes. The capital involved in electric supply and electric traction undertakings has now assumed enormous proportions. Local authorities in London and the provinces have been authorised to raise loans amounting in the aggregate to £45,704,059 for the purpose of electric supply undertakings, and to £45,903,038 for the purpose of electric traction, whilst the total capital of electric supply companies exceeds £52,532,000, and of electric traction companies £165,546,000.\*

During the same period of ten years important developments have taken place in the law regulating the supply and use of electricity. The Electric Lighting Act, 1909, has been passed, giving effect to many of the recommendations made by the Joint Committee presided over by Viscount Cross in 1898, and enacting with regard to all electric supply undertakings provisions which had previously been frequently inserted in the Special Acts of particular undertakers.

---

\* See Gareke's Manual of Electric Supply Undertakings, 1912-1913, p. 3.

London undertakings have been the subject of special legislation contained in the London Electric Supply Act, 1908, the London (Westminster and Kensington) Electric Supply Companies' Act, 1908, and the London Electric Supply Act, 1910.

The number of Power Acts has increased, and to a certain extent a common form has been evolved.

Regulations as to the generation, transformation, distribution and use of electrical energy in factories and workshops have been made under the Factory and Workshop Acts, 1901 and 1907, and as to the use of electricity in coal mines under the Coal Mines Act, 1911. Rules have also been made under the Metaliferous Mines Regulation Act, 1872, with regard to the use of electricity in other mines, and will be found set out at p. 475, in the form in which they were proposed to be made when this Work went to press, and in which they have since come into operation.

A large number of decisions have been given by the courts upon points affecting the powers or obligations of electric undertakers, and it is believed that all such decisions given down to the end of July last have been referred to in their proper places.

In consequence of these additions to and alterations in the law the Work has been thoroughly revised and the Introduction and many other parts entirely rewritten. To some extent, also, the arrangement of the volume has been altered.

Part II., containing the Law relating to Electric Traction, makes no pretence to deal with the law relating to tramways or railways generally, but is merely intended to set out the conditions under which electricity may be used as a motive power on railways, tramways, or railless traction systems.

The last Edition contained a Chapter on "Leakage and Electrolysis," in which the decisions of Parliamentary Committees upon the claims of gas and water companies to special protective clauses were collected. In view, however, of the settled policy of Parliament and the Board of Trade not to allow such special protective clauses it was not deemed necessary to retain this Chapter, and it has accordingly been omitted.

It has been thought convenient to retain the Reports of the Joint Committees presided over by Viscount Cross in the years 1893 and 1898.

The Editor desires to express his indebtedness to Mr. HARRY BOOTH and Mr. COLLINS, of the Board of Trade, for information with regard to various matters in connection with Electric Lighting and Power, and to Mr. P. H. THOMAS, I.S.O., of the Board of Trade, for information in connection with Electric Traction. He also desires to acknowledge the kindness of the Publishers of the *Electrician*, who rendered him considerable assistance by lending him back numbers of their valuable journal for reference. Many of the cases referred to in the Work are only reported in the *Electrician* and other technical papers.

TO Mr. F. J. WROTTESLEY, of the Inner Temple, the Editor is indebted not only for the Index and for assistance in reading and correcting proofs, but also for many valuable criticisms and suggestions.

W. E. T. J.

*October, 1912.*

---

## TABLE OF CONTENTS.

---

	PAGE
PREFACE ... ..	v
TABLE OF CONTENTS ... ..	ix
TABLE OF STATUTES ... ..	xi
TABLE OF CASES ... ..	xxix
ADDENDUM ... ..	xxxix

---

### PART I.

#### THE LAW RELATING TO ELECTRIC LIGHTING AND POWER.

INTRODUCTION ... ..	5
STATUTES ... ..	65
FORMS OF PROVISIONAL ORDER, POWER ACT, Etc. ... ..	305
RULES AND REGULATIONS, FORMS OF ACCOUNTS, Etc. ... ..	343

---

### PART II.

#### THE LAW RELATING TO ELECTRIC TRACTION.

INTRODUCTION ... ..	487
RAILWAYS (ELECTRICAL POWER) ACT, 1903 ... ..	499
MODEL CLAUSES, REGULATIONS, Etc. ... ..	507

---

#### GENERAL INDEX.

---



# TABLE OF STATUTES.

	PAGE
3 & 4 Will. 4, c. 90. (Lighting and Watching Act, 1833), ss. 45, 57 ...	245
5 & 6 Will. 4, c. 50. (Highway Act, 1835), s. 72... ..	209
c. 76. (Municipal Corporations Act, 1835) ... ..	128, 129
2 & 3 Viet. c. 71. (Metropolitan Police Courts Act, 1839) ... ..	256
8 & 9 Viet. c. 16. (Companies Clauses Consolidation Act, 1845) ... ..	315
c. 18. (Lands Clauses Consolidation Act, 1845) ... ..	96, 123, 214, 219
s. 68 ... ..	219
s. 123 ... ..	246
c. 19. (Lands Clauses Consolidation (Scotland) Act, 1845) :	96, 125
c. 20. (Railways Clauses Consolidation Act, 1845) :	97, 275, 493, 500
s. 16 ... ..	493
s. 86 ... ..	275, 493
s. 140 ... ..	97, 217
ss. 141—160 ... ..	97
c. 33. (Railways Clauses Consolidation (Scotland) Act, 1845)...	97
10 & 11 Viet. c. 15. (Gasworks Clauses Act, 1847) ... 18, 28, 32, 51, 95, 96, 157, 207, 208, 218, 320	
s. 3 ... ..	208, 218
s. 5 ... ..	212
s. 6 ... ..	31, 96, 103, 124, 173, 208, 218, 219, 222
s. 7 ... ..	18, 96, 98, 99, 102, 181, 208, 209, 217, 218
s. 8 ... ..	19, 96, 219
s. 9 ... ..	19, 96, 162, 219, 220
s. 10 ... ..	19, 96, 220—222
s. 11 ... ..	19, 96, 221, 222
s. 12 ... ..	19, 96, 222
s. 14 ... ..	111
ss. 18, 19 ... ..	28, 96, 110, 223
s. 20 ... ..	28, 96, 223, 224
s. 29 ... ..	203
s. 40 ... ..	97
s. 49 ... ..	124
c. 17. (Waterworks Clauses Act, 1847) ... ..	209, 327
ss. 18—27 ... ..	215
s. 28 ... ..	209
s. 32 ... ..	222
c. 69. (House of Commons Costs Taxation Act, 1847) ...	83
11 & 12 Viet. c. 43. (Summary Jurisdiction Act, 1848)...	97
s. 11 ... ..	172
c. clxiii. (City of London Sewers Act, 1848)—	
ss. 33—41 ... ..	91
ss. 42, 116... ..	91, 92
12 & 13 Viet. c. 78. (House of Lords Costs Taxation Act, 1849) ...	83
14 & 15 Viet. c. 70. (Railways (Ireland) Act, 1851) ... ..	246
18 & 19 Viet. c. 120. (Metropolis Management Act, 1855) ... ..	252, 258
s. 96 ... ..	210, 211
s. 98 ... ..	170, 217
s. 114 ... ..	167, 213, 222
s. 130 ... ..	53, 245
s. 140 ... ..	262
ss. 183—191, 195 ... ..	127
Scheds. A., B. ... ..	126, 252
Sched. C. ... ..	252
23 & 24 Viet. c. 97. (Railways (Ireland) Act, 1860) ... ..	246
c. 106. (Lands Clauses Consolidation Acts Amendment Act, 1860) ... ..	96, 123, 125

	PAGE
23 & 24 Vict. c. 125. (Metropolis Gas Act, 1860), s. 6 ... ..	150
25 & 26 Vict. c. 89. (Companies Act, 1862) ... ..	266, 292, 294
c. 101. (General Police and Improvement (Scotland) Act, 1862)—	
ss. 77, 78 ... ..	131
c. 102. (Metropolis Management Amendment Act, 1862) ... ..	252
s. 82 ... ..	222
s. 106 ... ..	256
26 & 27 Vict. c. 49. (Duchy of Cornwall Management Act, 1863), s. 39 ... ..	292
c. 112. (Telegraph Act, 1863) ... ..	76, 103, 113, 114, 123, 124, 203, 214
s. 3 ... ..	76, 114
s. 6 ... ..	214, 215
s. 7 ... ..	214
s. 8 ... ..	116
c. 118. (Companies Clauses Act, 1863) ... ..	315
27 & 28 Vict. c. 71. (Railways (Ireland) Act, 1864) ... ..	246
c. 121. (Railways Construction Facilities Act, 1864) ... ..	114, 120
29 & 30 Vict. c. 3. (Telegraph Act Amendment Act, 1866) ... ..	114, 203
30 & 31 Vict. c. 101. (Public Health (Scotland) Act, 1867), s. 86 ... ..	131
31 & 32 Vict. c. 78. (Admiralty Suits Act, 1868) ... ..	285, 303
c. 110. (Telegraph Act, 1868) ... ..	103, 114, 203
ss. 2, 4 ... ..	214
c. 119. (Regulation of Railways Act, 1868), ss. 30—32 ... ..	514
c. 122. (Poor Law Amendment Act, 1868), s. 24 ... ..	129
c. lxxx. (Metropolitan Subways Act, 1868) ... ..	217
32 & 33 Vict. c. 18. (Lands Clauses Consolidation Act, 1869) ... ..	96, 123
c. 73. (Telegraph Act, 1869) ... ..	76, 114, 123, 124, 203, 517
s. 3 ... ..	76
c. 102. (Metropolitan Board of Works (Loans) Act, 1869), s. 50 ... ..	127
33 & 34 Vict. c. 70. (Gas and Water Works Facilities Act, 1870) ... ..	96, 244
c. 78. (Tramways Act, 1870) ... ..	164, 170, 487, 510
ss. 26, 27 ... ..	518
ss. 28, 29 ... ..	167, 518
s. 30 ... ..	101, 512, 518
s. 31 ... ..	518
s. 32 ... ..	98, 101, 518
s. 33 ... ..	518
s. 34 ... ..	487
s. 41 ... ..	518
s. 43 ... ..	136, 138
s. 55 ... ..	202
c. 88. (Telegraph Act, 1870) ... ..	114, 203
34 & 35 Vict. c. 17. (Bank Holidays Act, 1871) ... ..	195
c. 41. (Gasworks Clauses Act, 1871) ... ..	28, 32, 96, 207, 224
s. 9 ... ..	203
s. 11 ... ..	122
s. 18 ... ..	111
s. 20 ... ..	192
s. 21 ... ..	110
s. 36 ... ..	122
s. 38 ... ..	28, 95, 110, 207, 224
s. 39 ... ..	26, 95, 109, 207, 224, 225
s. 40 ... ..	26, 95—97, 109, 207, 225
s. 41 ... ..	26, 95, 97, 207, 225
s. 42 ... ..	95, 207, 226
s. 45 ... ..	95, 193, 207, 226
s. 46 ... ..	95, 207, 226
c. 113. (Metropolis Water Act, 1871), s. 48 ... ..	109
35 & 36 Vict. c. 76. (Coal Mines Regulation Act, 1872) ... ..	62
c. 77. (Metalliferous Mines Regulation Act, 1872) ... ..	62, 363, 393, 475, 477
s. 27 ... ..	62
c. 91. (Borough Funds Act, 1872) ... ..	78, 82
s. 10 ... ..	76
37 & 38 Vict. c. 40. (Board of Trade Arbitrations, etc. Act, 1874) ... ..	32, 119, 120, 376, 500, 501
s. 1 ... ..	119
s. 2 ... ..	119, 120
s. 3 ... ..	120, 501
s. 4 ... ..	120



## TABLE OF STATUTES.

xiii

	PAGE
38 & 39 Vict. c. 55. (Public Health Act, 1875) ... ..	82, 125, 128, 129, 155, 210, 216
s. 26 ... ..	212
s. 52 ... ..	335
s. 149 ... ..	170, 210—212, 217
s. 161 ... ..	53, 212, 245
s. 174 ... ..	90
(2) ... ..	90
s. 175 ... ..	89
s. 229 ... ..	82
s. 233 ... ..	84, 129
s. 234 ... ..	84, 129
(1) ... ..	84
(2) ... ..	84, 242
(3)—(6) ... ..	85
ss. 236—239 ... ..	84, 85, 129
s. 246 ... ..	128, 129
ss. 247, 248 ... ..	129
s. 265 ... ..	28, 38, 155, 206
s. 276 ... ..	53
s. 334 ... ..	215
c. 83. (Local Loans Act, 1875) ... ..	83, 87
39 & 40 Vict. c. 49. (Burghs Gas Supply (Scotland) Act, 1876) ... ..	130
ss. 18—22, 27—40 ... ..	130
41 & 42 Vict. c. 32. (Metropolis Management and Building Acts Amendment Act, 1878), s. 12 ... ..	43, 447
c. 52. (Public Health (Ireland) Act, 1878) ... ..	125, 132, 133
ss. 237, 238, 240—243, 248 ... ..	133
s. 264 ... ..	206
c. 76. (Telegraph Act, 1878) ... ..	112—118, 141, 147, 203, 253, 517, 521
s. 2 ... ..	113, 114, 514
ss. 4, 5 ... ..	517
s. 7 ... ..	113, 115, 512
(1)—(6) ... ..	115
(7) ... ..	115, 116
(8) ... ..	116
s. 8 ... ..	113, 116
s. 9 ... ..	113, 117
s. 10 ... ..	113, 117, 514
(1), (2) ... ..	117
s. 11 ... ..	113, 117, 118, 514
s. 12 ... ..	113, 118, 514
42 & 43 Vict. c. 6. (District Auditors Act, 1879) ... ..	129
c. 17. (House of Commons Costs Taxation Act, 1879) ... ..	83
c. 49. (Summary Jurisdiction Act, 1879) ... ..	97
s. 6 ... ..	97, 225
s. 34 ... ..	100
s. 35 ... ..	97, 225
45 & 46 Vict. c. 50. (Municipal Corporations Act, 1882) ... ..	128
s. 25 ... ..	128
c. 56. (Electric Lighting Act, 1882) ... ..	5, 9, 15, 31, 32, 37, 49, 73, 82, 91, 96, 102, 121, 123, 134, 139, 141—146, 181, 216, 217, 227, 228, 230, 244, 245, 251, 257, 263, 265, 266, 268, 270—272, 281, 294, 296, 297, 305, 310, 311, 313, 315, 335, 337, 340, 350, 355, 361, 365, 377, 378, 384, 385, 387, 388, 394, 511, 514, 521
s. 1 ... ..	73, 142, 144, 245
s. 2 ... ..	5, 49, 73
s. 3 ... ..	7, 74—78, 80, 134, 349
(1) ... ..	74
(2) ... ..	74, 76
(3) ... ..	74, 79, 145
(4) ... ..	73, 74, 79, 104, 145
(5) ... ..	13, 74
(6) ... ..	11, 74, 75
(7) ... ..	15, 75
(8) ... ..	32, 75
(9) ... ..	75

45 & 46 Vict. c. 56. (Electric Lighting Act, 1882)—continued.		PAGE
s. 4 ... ..	9, 11, 13, 15, 32, 77—79, 134, 228, 236, 244, 305	
(1) ... ..	... .. 11, 77, 345	
(2)—(4) ... ..	... .. 10, 77	
s. 5 ... ..	... .. 10, 79, 80, 228, 344, 461	
s. 6 ... ..	14, 20, 80—82, 148, 174, 364, 394, 461	
(a)—(g) ... ..	... .. 80	
s. 7 ... ..	... .. 78, 82, 83, 128, 272	
s. 8 ... ..	15, 30, 83—87, 139, 153, 227, 238, 272	
s. 9 ... ..	30, 56, 87, 152, 153, 238, 396, 405	
s. 10 ... ..	15, 20, 51, 87—92, 142, 183	
s. 11 ... ..	... .. 20, 92—95, 239	
s. 12 ... ..	18, 26, 28, 50, 95—97, 180, 201, 207, 225, 229, 230	
(1) ... ..	... .. 95, 459	
(2) ... ..	... .. 95, 207, 223	
(3) ... ..	... .. 95, 96, 207	
s. 13 ... ..	18, 51, 97, 98, 157, 158, 164, 175, 208, 218, 230, 309, 316, 356, 360, 361	
s. 14 ... ..	20, 98—100, 142, 156, 211, 252, 327, 461	
s. 15 ... ..	19, 101, 102, 121, 164, 170, 511	
s. 16 ... ..	19, 102, 103, 121, 164, 173	
s. 17 ... ..	31, 88, 103, 121, 202	
s. 18 ... ..	22, 104, 121, 150, 180	
s. 19 ... ..	22, 25, 104—107, 179, 183	
s. 20 ... ..	25, 105—108, 179, 183, 225	
s. 21 ... ..	26, 105, 108, 109, 225, 241	
s. 22 ... ..	28, 109, 110, 223, 224	
s. 23 ... ..	28, 110, 223, 224	
s. 24 ... ..	110, 191, 192, 239, 240	
s. 25 ... ..	28, 110—112, 191, 239, 240	
s. 26 ... ..	19, 112—118, 121, 124, 203	
s. 27 ... ..	26, 93, 119, 121, 135, 136	
s. 28 ... ..	32, 103, 119—121	
s. 29 ... ..	121, 122	
s. 30 ... ..	94, 122	
s. 31 ... ..	76, 122, 123	
s. 32 ... ..	76, 88, 96—98, 103, 123, 124, 148, 151, 208, 230, 245, 268, 271, 278	
s. 33 ... ..	19, 124, 215, 216	
s. 34 ... ..	124, 205	
s. 35 ... ..	113, 124	
s. 36 ... ..	96, 124, 125, 225	
s. 37 ... ..	125, 225	
Sched. ... ..	15, 76, 82—84, 86, 87, 122, 123, 126—133, 143, 153, 238	
c. cciii. (Manchester Corporation Act, 1882), s. 47 ... ..		100
46 & 47 Vict. c. 37. (Public Health Act, 1875 (Support of Sewers), Amend- ment Act, 1883) ... ..		215, 216
s. 2 ... ..	... .. 216	
s. 3 ... ..	... .. 215	
ss. 4, 5 ... ..	... .. 216	
47 & 48 Vict. c. 43. (Summary Jurisdiction Act, 1884) ... ..		97
48 & 49 Vict. c. 30. (Local Loans Sinking Funds Act, 1885) ... ..		87
c. 33. (Metropolis Management Amendment Act, 1885) ... ..		126
c. 58. (Telegraph Act, 1885) ... ..		203
50 & 51 Vict. c. 58. (Coal Mines Regulation Act, 1887) ... ..		365, 393, 432
s. 42 ... ..	... .. 431	
51 & 52 Vict. c. 12. (Electric Lighting Act, 1888) ... ..		5, 37, 45, 49, 73, 82, 102, 119, 134, 142—145, 196, 217, 244, 245, 251, 257, 265—267, 294, 296, 314, 315, 335, 337, 340, 365, 377, 378, 384, 385, 387, 388, 394, 463, 511
s. 1 ... ..	6, 11, 79, 134, 135, 231, 232, 465	
s. 2 ... ..	26, 27, 30, 38, 41, 49, 83, 93, 119, 121, 135—140, 148, 196, 198, 202, 236, 266, 286, 287, 315, 338, 459, 463, 464	
s. 3 ... ..	27, 49, 84, 139, 140, 315, 459	

## TABLE OF STATUTES.

XV

		PAGE
51 & 52 Vict. c. 12.	(Electric Lighting Act, 1888)— <i>continua.</i>	
s. 4 ... ..	6, 81, 100, 140—142, 156, 186,	211, 387, 394
(1) ... ..	...	140
(2) ... ..	...	140—142
(3)—(6) ... ..	...	141
s. 5 ... ..	...	73, 142
c. 41.	(Local Government Act, 1888) ... ..	127, 258, 290
s. 3 (1) ... ..	...	126
s. 11 ... ..	...	211
(2), (6) ... ..	...	211
s. 40 ... ..	...	126
(8) ... ..	87, 126, 127, 447	
(9) ... ..	...	126, 127
s. 68 ... ..	...	126
s. 71 ... ..	...	127
(3) ... ..	...	129
52 & 53 Vict. c. 21.	(Weights and Measures Act, 1889) ... ..	25, 414
s. 8 ... ..	...	416
c. 34.	(Telegraph (Isle of Man) Act, 1889) ... ..	203
c. 49.	(Arbitration Act, 1889) ... ..	121, 282, 341, 376
s. 24 ... ..	...	121
c. 50.	(Local Government (Scotland) Act, 1889), ss. 67—70 ... ..	131
c. 63.	(Interpretation Act, 1889) ... ..	505
s. 3 ... ..	...	162
ss. 12 (11), 13 (10) ... ..	...	117
s. 19 ... ..	...	76, 158
c. excvi.	(Metropolitan Electric Lighting Act, 1889) ... ..	37, 45, 472
53 & 54 Vict. c. 13.	(Electric Lighting (Scotland) Act, 1890 ... ..	5, 49, 73, 125,
	143—145, 227, 244	
s. 1 ... ..	...	130, 143
s. 2 ... ..	...	143, 144
ss. 3—6 ... ..	...	144
Sched. ... ..	...	143, 144, 227
c. 59.	(Public Health Acts Amendment Act, 1890) ... ..	6, 81, 100,
	142, 394	
s. 2 (2) ... ..	...	82
s. 3 ... ..	...	81
s. 5 ... ..	...	82
s. 13 ... ..	...	394
(5) ... ..	...	394
s. 15 ... ..	...	82
(1) ... ..	...	82
(a), (b) ... ..	...	82
c. 70.	(Housing of the Working Classes Act, 1890) ... ..	461
c. cccxxxix.	(Electric Lighting Orders Confirmation (No. 15) Act, 1890) ... ..	290
54 & 55 Vict. c. 39.	(Stamp Act, 1891)—	
s. 59 ... ..	...	92, 241
s. 77 (2) ... ..	...	92
Sched. I. ... ..	...	92, 241
c. 76.	(Public Health (London) Act, 1891)—	
s. 24 (b) ... ..	...	205
s. 124 ... ..	...	38, 156
c. lxxvii.	(London Overhead Wires Act, 1891) ... ..	6, 43, 82, 100, 142,
	251, 394, 440, 442	
s. 1 ... ..	...	251
s. 2 ... ..	...	251—253
ss. 3, 4 ... ..	...	253
ss. 5, 6 ... ..	...	43, 254
s. 7 ... ..	...	43, 254, 255
ss. 8, 9 ... ..	...	43, 255
s. 10 ... ..	...	255, 256
ss. 11—15 ... ..	...	256
s. 16 ... ..	...	251, 257
s. 17 ... ..	...	43, 251, 257
s. 18 ... ..	...	43, 251, 257, 440
s. 19 ... ..	...	44, 251, 257
ss. 20, 21 ... ..	...	257
ss. 22, 23 ... ..	...	258

	PAGE
54 & 55 Viet. c. cexii. (Electric Lighting Orders Confirmation (No. 10) Act, 1891) ... ..	290, 291
55 & 56 Viet. c. 55. (Burgh Police (Scotland) Act, 1892) ... ..	130
s. 69 ... ..	131
s. 99 ... ..	130, 245
c. 59. (Telegraph Act, 1892) ... ..	203
s. 3 ... ..	113
s. 6 ... ..	91
s. (1), (2) ... ..	91
s. 8 ... ..	113
56 & 57 Viet. c. 33. (Housing of the Working Classes Act, 1893) ... ..	132
c. 52. (Burghs Gas Supply (Scotland) Act, 1893) ... ..	130
c. 61. (Public Authorities Protection Act, 1893) ... ..	28, 156, 215, 256
c. 73. (Local Government Act, 1894)—	
s. 21 ... ..	128, 129
ss. 24, 25, 58, 89 ... ..	129
Sched. II. ... ..	129
c. xxv. (Kensington, Knightsbridge, and Chelsea Electric Light- ing Act, 1893) ... ..	295, 474
c. lxxxv. (City of London Electric Lighting Act, 1893) ... ..	474
c. ccli. (London County Council (Subways) Act, 1893) ... ..	217
ss. 3, 4, 6 ... ..	217
s. 22 ... ..	280
s. 24 ... ..	217
57 & 58 Viet. c. 28. (Notice of Accidents Act, 1894) ... ..	60, 186, 369, 389
c. 56. (Statute Law Revision Act, 1894) ... ..	117, 129
c. 58. (Local Government (Scotland) Act, 1894), s. 44 ... ..	245
c. cexiii. (London Building Act, 1894)—	
s. 82 (2) ... ..	44
s. 145 ... ..	159
s. 203 ... ..	44
Scheds. I, II. ... ..	44
58 & 59 Viet. c. 16. (Finance Act, 1895)—	
s. 12 ... ..	139
(a), (b) ... ..	139
59 Viet. No. 1413. ((Victorian) Electric Light and Power Act, 1896) ... ..	107
59 & 60 Viet. c. 36. (Locomotives on Highways Act, 1896) ... ..	497
c. 48. (Light Railways Act, 1896) ... ..	102, 234, 275, 461, 493, 501
s. 9 (3) ... ..	232
s. 10 ... ..	234, 496
s. 11 ... ..	496
s. 21 ... ..	503
s. 25 ... ..	114
c. 54. (Public Health (Ireland) Act, 1896) ... ..	125
s. 35 ... ..	125
c. exix. (Electric Lighting Orders Confirmation (No. 5) Act, 1896) ... ..	291
60 & 61 Viet. c. 38. (Public Health (Scotland) Act, 1897)—	
s. 139 ... ..	131
s. 145 (15) ... ..	114
c. 41. (Post Office and Telegraph Act, 1897) ... ..	203
c. cxxxiii. (City of London Sewers Act, 1897) ... ..	252
61 & 62 Viet. c. 37. (Local Government (Ireland) Act, 1898) ... ..	206
ss. 22, 27, 33 ... ..	132
c. cxlvi. (Halifax Corporation Act, 1898), s. 35 ... ..	111
c. cxxxiii. (Chelsea Electricity Supply Act, 1898) ... ..	472
c. cxxxv. (Metropolitan Electric Supply Company Act, 1898) ... ..	472
62 & 63 Viet. c. 14. (London Government Act, 1899) ... ..	40, 252, 259, 262, 265
s. 4 ... ..	126
(1) ... ..	15, 127
s. 10 ... ..	127
c. 19. (Electric Lighting (Clauses) Act, 1899) ... ..	5, 14, 24, 49, 73, 76, 81, 90, 94, 96, 99, 102, 104, 145, 146, 245, 271, 305, 306, 313, 315, 318, 320, 321, 337
s. 1 ... ..	14, 49, 73, 145, 230
s. 2 ... ..	146
(1) ... ..	146
(2) ... ..	14, 37, 146
(3) ... ..	146

62 & 63 Vict. c. 19. (Electric Lighting (Clauses) Act, 1899)—*continued*. PAGE

SCHEDULE	...	5, 14, 31, 32, 37, 38, 40, 49, 53, 55, 57, 73, 121, 123, 145, 146, 157, 166, 189, 194, 206, 217, 241, 246, 262, 278, 287, 305, 314, 349
s. 1	...	123, 146—148, 157, 162, 164, 167, 170, 172, 174, 175, 182, 220, 245, 268, 288, 374
s. 2	...	18, 49, 148, 305
(1)	...	148
(2)	...	49, 148, 315
s. 3	...	30, 49, 148, 242, 267, 315
(1)	...	148
(2)	...	33, 148
s. 4	...	16, 49, 149—151, 234, 306, 464
(1)	...	149
(2)	...	5, 149, 151
(3)	...	33, 149
s. 5	...	15, 49, 151, 152, 195, 306, 315
(1)	...	151
(2)	...	151, 152
(3)	...	33, 151, 152
(4), (5)	...	152
s. 6	...	30, 49, 56, 86, 87, 152, 153, 238
(1), (2)	...	152
(3), (4)	...	153
s. 7	...	30, 49, 153, 154, 272, 315
(1)	...	153, 183
(a)—(d)	...	153
(e)	...	153, 154
(2)	...	154, 337
(a), (b)	...	154
s. 8	...	16, 49, 88, 154, 155, 315
(1)	...	154, 155
(2), (3)	...	155
s. 9	...	28, 38, 49, 155, 156, 315
s. 10	...	20, 52, 81, 90, 123, 156, 199, 211, 252, 270, 271, 279, 297, 327, 364
(a)	...	156
(b)	...	20, 38, 99, 156
(c)	...	156
s. 11	...	51, 90, 157, 207, 230, 270, 297
s. 12	...	18, 51, 90, 98, 157, 158, 208, 230, 270, 297, 306, 316
(1)	...	157
(2)	...	157, 164, 218
s. 13	...	18, 51, 90, 158—160, 217, 230, 270, 279, 297
(1)—(3)	...	158
(4)	...	158, 159
s. 14	...	19, 51, 90, 113, 160—162, 164, 167, 170, 217, 219, 220, 230, 270, 271, 280, 281, 297, 298, 315, 321
(1)	...	160
(a), (b)	...	160
(c)	...	160, 161
(d)—(f)	...	161
(2)	...	38, 161
(3)	...	161
(4)	...	162
s. 15	...	19, 51, 90, 98, 103, 121, 157, 162—164, 167, 217, 219, 220, 230, 270, 297
(a)	...	162, 163
(b)—(f)	...	163
(g)	...	163, 164
(h)	...	164
s. 16	...	19, 39, 51, 77, 90, 165—167, 213, 217, 222, 230, 270, 297
(a)—(d)	...	165
(e)—(h)	...	166
s. 17	...	19, 39, 51, 77, 90, 101, 121, 167—170, 217, 230, 270, 276, 278, 297, 325

62 & 63 Vict. c. 19.	(Electric Lighting (Clauses) Act, 1899)—continued.	PAGE
SCHEDULE—continued.		
s. 17 (a)—(d)	... ..	168
(e)	... ..	168, 169
(f)—(j)	... ..	169
(k)	... ..	169, 170
s. 18 ... ..	19, 39, 51, 90, 121, 170—172, 217, 230, 270, 271, 276, 278—280, 297, 315, 325	170, 171 171, 172 171 171, 278 171
(1)	... ..	170, 171
(2)	... ..	171, 172
(3)—(5)	... ..	171
(6)	... ..	171, 278
(7)	... ..	171
s. 19 ... ..	19, 51, 90, 103, 104, 162, 164, 173, 230, 270, 297	173, 230, 270, 297
s. 20 ... ..	19, 51, 90, 113, 121, 173, 174, 230, 270, 297	173
(1)	... ..	173
(2)	... ..	173, 174
(3), (4)	... ..	174
s. 21 ... ..	21, 49, 174, 175, 306, 315	174
(1)	... ..	174
(2)	... ..	174, 175
(3)	... ..	98, 175
s. 22 ... ..	21, 49, 175, 315	175, 176
s. 23 ... ..	22, 39, 49, 175, 176, 315	175, 176
(1)	... ..	175, 176
(2)	... ..	176
(3)	... ..	33, 176
s. 24 ... ..	21, 39, 49, 175, 176, 315	176
(1)—(3)	... ..	176
s. 25 ... ..	21, 39, 49, 121, 175—178, 315	176—178
(1)	... ..	177
(2)	... ..	177, 178
(3)	... ..	177
(4)	... ..	177, 178
(5)	... ..	177, 178
s. 26 ... ..	21, 49, 175, 178, 315	178
s. 27 ... ..	22, 49, 104, 105, 107, 121, 178—180, 225, 315	178
(1)	... ..	178
(2)	... ..	178
(a)	... ..	178, 274
(b)	... ..	179, 274
(3)	... ..	179
(4)	... ..	104, 179
(5), (6)	... ..	179
s. 28 ... ..	23, 49, 121, 179, 180, 315	180
(1), (2)	... ..	180
s. 29 ... ..	23, 49, 180, 181, 315	181
s. 30 ... ..	23, 49, 55, 90, 91, 179, 181, 182, 315	181
(1)—(4)	... ..	181
s. 31 ... ..	24, 39, 49, 105, 182, 315	182
(1)	... ..	182
(1)—(3)	... ..	105, 182
(2), (3)	... ..	182
s. 32 ... ..	24, 49, 105, 182, 183, 306, 315	182
(1)	... ..	182
(2)	... ..	25, 182, 183, 237
s. 33 ... ..	25, 49, 105, 183, 315	183
s. 34 ... ..	23, 49, 105, 121, 184, 315	184
s. 35 ... ..	24, 39, 49, 184, 315	184
(1), (2)	... ..	184
s. 36 ... ..	24, 39, 49, 184, 185, 328	184
(1)	... ..	184
(a), (b)	... ..	184
(c)	... ..	185
(2)	... ..	185, 187, 190
s. 37 ... ..	24, 39, 49, 185	185
(1), (2)	... ..	185

62 & 63 Vict. c. 19. (Electric Lighting (Clauses) Act, 1899)—*continued*.

PAGE

SCHEDULE— <i>continued</i> .		
s. 38 ...	...	24, 31, 60, 185, 186, 369
(1) ...	...	185, 186
(2) ...	...	186
s. 39 ...	...	24, 53, 186
s. 40 ...	...	24, 49, 53, 186, 187
s. 41 ...	...	24, 39, 49, 121, 187, 315
(1)—(3) ...	...	187
s. 42 ...	...	24, 49, 53, 187
s. 43 ...	...	24, 49, 53, 188
(1), (2) ...	...	188
s. 44 ...	...	24, 49, 53, 188
ss. 45, 46 ...	...	24, 53, 188
s. 47 ...	...	24, 53, 188
(1), (2) ...	...	188
s. 48 ...	...	24, 49, 188, 189, 315
(1) ...	...	188, 189
(2), (3) ...	...	189
s. 49 ...	...	25, 49, 55, 189—191, 238, 246
ss. 50, 51 ...	...	25, 55, 189, 190, 238, 246
s. 52 ...	...	25, 55, 111, 190, 191
s. 53 ...	...	26, 55, 189, 191, 238, 246
s. 54 ...	...	25, 55, 191, 192
(1), (2) ...	...	191
s. 55 ...	...	55, 111, 191
s. 56 ...	...	25, 55, 111, 191, 192
s. 57 ...	...	25, 39, 55, 192
s. 58 ...	...	49, 55, 192, 193
s. 59 ...	...	55, 193
s. 60 ...	...	39, 49, 193, 194, 230, 270, 271, 279, 280, 297, 298, 315
(1), (2) ...	...	193
(3) ...	...	193, 194
(4) ...	...	194
s. 61 ...	...	49, 194, 226, 230, 270, 297
s. 62 ...	...	49, 194, 195, 226, 230, 270, 297
(1) ...	...	194
(a)—(g) ...	...	194
(2), (3) ...	...	194
(4) ...	...	195
ss. 63, 64 ...	...	33, 39, 49, 195, 315
s. 65 ...	...	33, 49, 152, 195, 196, 315
s. 66 ...	...	33, 49, 196, 315
s. 67 ...	...	39, 49, 121, 196—198, 315, 341
(a) ...	...	196
(b) ...	...	139, 196
(c) ...	...	196, 197
(d) ...	...	197
(e) ...	...	197, 198
s. 68 ...	...	49, 121, 198, 315
(1), (2) ...	...	198
s. 69 ...	...	20, 33, 52, 156, 198, 199, 270, 271, 297
(1) ...	...	198
(a) ...	...	198, 199
(b), (c) ...	...	199
(2) ...	...	199
(3) ...	...	33, 49, 199
s. 70 ...	...	39, 199, 270, 297
(1), (2) ...	...	199
s. 71 ...	...	200, 270, 297
s. 72 ...	...	200, 270, 297
(1)—(3) ...	...	200
s. 73 ...	...	200, 230, 270, 297
(1), (2) ...	...	200
s. 74 ...	...	200, 201, 230
(1) ...	...	200
(2), (3) ...	...	201
s. 75 ...	...	39, 49, 201, 315

62 & 63 Vict. c. 19.	(Electric Lighting (Clauses) Act, 1899)— <i>continued</i> .	PAGE
	SCHEDULE— <i>continued</i> .	
s. 76 ...	... 39, 97, 180, 201, 202, 230, 270, 297	
(1)—(3) ...	... 201	
s. 77 ...	... 31, 49, 103, 160, 202, 203, 230, 270, 297	
s. 78 ...	... 30, 49, 138, 202, 203, 315	
s. 79 ...	... 113, 203, 230, 270, 297	
s. 80 ...	... 203, 230, 270, 297	
s. 81 ...	16—18, 31, 49, 51, 89, 156, 160, 202—205, 228, 230, 243, 270, 297, 315	
s. 82 ...	... 124, 203, 206, 270, 297	
s. 83 ...	... 49, 206, 225, 305, 315	
(1)—(7) ...	... 206	
s. 84 ...	... 49, 206, 207, 225, 305, 315	
(1)—(4) ...	... 206	
(5) ...	... 207	
APPENDIX ...	... 157, 207—226, 320	
c. 47.	(Private Legislation Procedure (Scotland) Act, 1899) ...	493
c. lxxxiii.	(Kensington and Notting Hill Electric Lighting Companies' Act, 1899) ...	295, 473
c. lxxxvii.	(Central Electric Supply Company's Act, 1899) :	37, 294
c. lxxxviii.	(Central Electric Supply Company's Act, 1899) ...	48,
	295, 472	
c. xciv.	(St. James' and Pall Mall Electric Light Company's Act, 1899) ...	295, 473
c. ci.	(Nottingham Corporation Act, 1899), s. 40 ...	111
c. cxxvi.	(Electric Lighting Orders Confirmation (No. 19) Act, 1899) ...	139
c. clxxxviii.	(Manchester Corporation (General Powers) Act, 1899), s. 21 ...	111
c. ccviii.	(Walker and Wallsend Union Gas Company's (Electric Lighting) Act, 1899) ...	78
c. ccxxiv.	(Darwen Corporation Act, 1899), s. 94 ...	100
c. ccxxxvii.	(London County Council (General Powers) Act, 1899), s. 33 ...	217
c. celxxv.	(Electric Lighting Order Confirmation (No. 20) Act, 1899) ...	291, 465
s. 49 ...	... 189	
63 & 64 Vict. c. 27.	(Railway Employment (Prevention of Accidents) Act, 1900) ...	60
c. 48.	(Companies Act, 1900) ...	266, 294
c. 49.	(Town Councils (Scotland) Act, 1900) ...	130
s. 3 ...	... 131	
s. 94 ...	... 130, 131	
c. xxxv.	(Glastonbury Corporation (Gas Act, 1900) ...	330
c. lxxxviii.	(City of London Electric Lighting Act, 1900) ...	473
c. ccxxvii.	(Charing Cross and Strand Electricity Supply Corporation, Limited (Further Powers) Act, 1900) ...	473
c. ccxxxviii.	(City of London (Various Powers) Act, 1900) ...	217
c. ccxxxix.	(County of Durham Electric Power Supply Act, 1900) ...	47, 54
s. 14 ...	... 190	
s. 32 ...	... 56	
s. 41 ...	... 167	
c. ccxxxv.	(Lancashire Electric Power Act, 1900) ...	47, 54
c. ccxxxviii.	(London County Tramways (Electrical Power) Act, 1900) ...	492
ss. 3, 4 ...	... 530, 532	
c. celxxiii.	(Metropolitan District Railway Act, 1900) ...	275
c. celxxvi.	(North Metropolitan Electric Power Supply Act, 1900) ...	47, 54
s. 14 ...	... 190	
s. 41 ...	... 167	
c. celxxxi.	(Southport Corporation Act, 1900), s. 54 ...	100
c. celxxxii.	(South Wales Electrical Power Distribution Company Act, 1900) ...	47
s. 36 ...	... 54	
1 Edw. 7, c. 22.	(Factory and Workshop Act, 1901) ...	59, 82, 186, 365, 393, 420, 427
s. 1 ...	... 60	



## TABLE OF STATUTES.

xxi

1 Edw. 7, c. 22.	(Factory and Workshop Act, 1901)— <i>continued</i> .	PAGE
	ss. 6, 9 ... ..	428, 429
	s. 40 (4) ... ..	428
	(a), (b) ... ..	428
	s. 54 (1) ... ..	429
	(4) ... ..	428
	s. 79 ... ..	59—61, 429
	ss. 80, 81 ... ..	59
	s. 82 (1), (3) ... ..	59
	s. 85 ... ..	60, 427
	(1), (2) ... ..	60
	s. 86 ... ..	427
	ss. 104—106 ... ..	60
	s. 149 ... ..	59, 365
	Sched. VI. ... ..	59, 365
c. lxxxviii.	(Nottingham Electric Lighting Act, 1901) ... ..	295, 473
c. civ.	(Cleveland and Durham County Electric Power Act, 1901):	47
c. cviii.	(Sheffield Corporation Act, 1901) ... ..	492
c. cxvi.	(Yorkshire Electric Power Act, 1901) ... ..	47
c. cxxi.	(Derbyshire and Nottinghamshire Electric Power Act, 1901) ... ..	47
c. cxxxvi.	(Shannon Water and Electric Power Act, 1901) ... ..	48
c. cxxxvii.	(Electric Lighting Order Confirmation (No. 1) Act, 1901) ... ..	84, 172
c. clxxxviii.	(Electric Lighting Orders Confirmation (No. 12) Act, 1901) ... ..	37, 139, 140, 172, 183
c. cxev.	(Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board Act, 1901) ... ..	236
c. cxxxiii.	(Blackburn Corporation Act, 1901), s. 122 ... ..	190
c. cxxxv.	(Clyde Valley Electrical Power Act, 1901) ... ..	48
c. cxxxviii.	(Metropolitan Electric Supply Company Act, 1901) ... ..	472
c. clxxx.	(Loch Leven Water Power Act, 1901) ... ..	48
c. clxxxi.	(London County Council (Tramways and Improvements) Act, 1901), s. 18 ... ..	532
2 Edw. 7, c. 35.	(Electric Lighting (Scotland) Act, 1902) ... ..	5, 49, 73, 86, 125, 130, 131, 206, 227, 244
	s. 1 ... ..	227, 242
	ss. 2, 3 ... ..	227
c. xvii.	(Derbyshire and Nottinghamshire Electric Power Act, 1902) ... ..	47
c. xxi.	(Newcastle-upon-Tyne Electric Supply Company's Act, 1902) ... ..	47
	s. 14 ... ..	52
c. xxxiv.	(Cornwall Electric Power Act, 1902) ... ..	47
	ss. 41, 42 ... ..	58
c. lv.	(Gloucestershire Electric Power Act, 1902) ... ..	47
	s. 42 ... ..	58
c. cxviii.	(South Wales Electrical Power Distribution Company Act, 1902) ... ..	47
c. cxxvii.	(Kent Electric Power Act, 1902) ... ..	47
c. cxxxi.	(Leicestershire and Warwickshire Electric Power Act, 1902) ... ..	47
c. clvi.	(North Metropolitan Electric Power Supply Act, 1902) ... ..	47
c. cxvii.	(Electric Lighting Orders Confirmation (No. 8) Act, 1902) ... ..	35
c. cxxviii.	(London County Council (Subways and Tramways) Act, 1902), s. 12 ... ..	532
c. cxxix.	(London County Council (Tramways and Improvements) Act, 1902), s. 8 ... ..	530, 532
c. cxxx.	(Metropolitan District Railway Act, 1902) ... ..	275
3 Edw. 7, c. 1.	(Bank Holiday (Ireland) Act, 1903) ... ..	195
c. 14.	(Borough Funds Act, 1903) ... ..	78, 82
c. 30.	(Railways (Electrical Power) Act, 1903) ... ..	275, 495, 499, 501, 502, 505
	s. 1 ... ..	495, 499, 500
	(1) ... ..	499
	(a)—(h) ... ..	499
	(2) ... ..	495, 500
	s. 2 ... ..	495, 500
	(1), (2) ... ..	500

3 Edw. 7, c. 30.	(Railways (Electrical Power) Act, 1903)— <i>continued</i> .	PAGE
	s. 3 ... ..	495, 500, 501
	(1) ... ..	500
	(2) ... ..	500
	(a) ... ..	500
	(b) ... ..	500, 501
	s. 4 ... ..	501
	(1), (2) ... ..	501
	s. 5 ... ..	495, 501
	s. 6 ... ..	495, 501
	(1)—(4) ... ..	501
c. 36.	(Motor Car Act, 1903) ... ..	497
c. 39.	(Housing of the Working Classes Act, 1903)—	
	s. 3 ... ..	155
	Sched. ... ..	155
c. vii.	(Stoke Newington Borough Council Act, 1903) ... ..	474
c. xxv.	(Cleveland and Durham County Electric Power Act, 1903) ... ..	47
c. xlix.	(Electric Lighting Orders Confirmation (No. 6) Act, 1903) : ...	164
c. exxvi.	(Metropolitan District Railway Act, 1903) ... ..	275
c. clxv.	(Blackheath and Greenwich District Electric Light Com-	
	pany's Act, 1903) ... ..	473
c. clxxiv.	(Newcastle-upon-Tyne Electric Supply Company's Act,	
	1903) ... ..	47, 78
c. clxxvii.	(Woolwich Borough Council Act, 1903) ... ..	474
c. cex.	(Carmarthenshire Electric Power Company Act, 1903) ... ..	48
c. cexiv.	(Somerset and District Electric Power Act, 1903) ... ..	47,
	49, 58, 314	
	s. 1 ... ..	314
	s. 2 ... ..	314, 315
	s. 3 ... ..	315
	s. 4 ... ..	53, 315, 316
	(1), (2) ... ..	316
	s. 5 ... ..	52, 316
	s. 6 ... ..	316
	s. 7 ... ..	50, 316
	ss. 8—19 ... ..	317
	ss. 20, 21—29 ... ..	317
	s. 30 ... ..	51, 317
	ss. 31—38 ... ..	317
	s. 39 ... ..	317, 318
	s. 40 ... ..	57, 318—320, 329
	(a), (b) ... ..	318
	(1)—(4) ... ..	318
	(5) ... ..	318, 319
	(6), (7) ... ..	319
	(8) ... ..	319, 320
	(9), (10) ... ..	320
	s. 41 ... ..	321
	s. 42 ... ..	52, 321
	(1)—(3) ... ..	321
	s. 43 ... ..	57, 321—323
	(1) ... ..	321, 322
	(2), (3) ... ..	322
	(4) ... ..	322, 323
	(5) ... ..	323
	(6) ... ..	58, 323
	(7) ... ..	323
	s. 44 ... ..	57, 323—325
	(1) ... ..	323, 324
	(2)—(5) ... ..	324
	(6) ... ..	58, 325
	(7) ... ..	325
	s. 45 ... ..	57, 325, 326
	(1)—(3) ... ..	325
	(4) ... ..	325, 326
	s. 46 ... ..	57, 58, 326
	(1), (2) ... ..	326
	s. 47 ... ..	52, 326, 327
	s. 48 ... ..	52, 321, 327
	s. 49 ... ..	52, 327
	(1), (2) ... ..	327

3 Edw. 7, c. cexiv.	(Somerset and District Electric Power Act, 1903)— <i>cont.</i>	PAGE
s. 50 ...	...	327—329
(1) ...	...	327
(2) ...	...	327, 328
(3) ...	...	328
s. 51 ...	...	57, 329
s. 52 ...	...	57, 329
(1), (2) ...	...	329
s. 53 ...	...	57, 330
s. 54 ...	...	57, 330
(1), (2) ...	...	330
s. 55 ...	...	55, 331
s. 56 ...	...	55, 331, 332
(1)—(4) ...	...	332
s. 57 ...	...	55, 332
s. 58 ...	...	332
s. 59 ...	...	332, 333
s. 60 ...	...	56, 333
s. 61 ...	...	56, 333
(1)—(4) ...	...	333
s. 62 ...	...	333, 334
s. 63 ...	...	334
(1)—(3) ...	...	334
s. 64 ...	...	53, 334
(1), (2) ...	...	334
s. 65 ...	...	334, 335
s. 66 ...	...	57, 335
s. 67 ...	...	327, 335
s. 68 ...	...	335
s. 69 ...	...	57, 320, 335
s. 70 ...	...	335
ss. 71—76 ...	...	336
Sched. I. ...	...	315, 317, 336
Sched. II. ...	...	56, 331, 333, 334, 336
c. cexix.	(London County Council (Tramways and Improvements) Act, 1903), s. 9 ...	532
c. cexxi.	(Fife Electric Power Act, 1903) ...	48
c. cexxxvii.	(Shropshire and Worcestershire Electric Power Act, 1903):	47
s. 48 ...	...	52
c. cexxxviii.	(North Western Electricity and Power-Gas Act, 1903) ...	48
s. 34 ...	...	58
Sched. II. ...	...	56, 338
c. cexli.	(Scottish Central Electric Power Act, 1903) ...	48
s. 65 ...	...	58
c. cclxiii.	(North Metropolitan Electric Power Supply Act, 1903) ...	47, 57
4 Edw. 7, c. 13.	(London Electric Lighting Areas Act, 1904):	37, 40, 259, 263
s. 1 ...	...	259
s. 2 ...	...	259, 260
(a), (b) ...	...	260
s. 3 ...	...	260
s. 4 ...	...	260, 261
(1) ...	...	260, 261
(a)—(d) ...	...	260
(2) ...	...	261
s. 5 ...	...	261
s. 6 ...	...	261, 262
(1) ...	...	261
(2) ...	...	261, 262
ss. 7—11 ...	...	262
s. 12 ...	...	263
(1)—(3) ...	...	263
ss. 13, 14 ...	...	263
c. 28.	(Weights and Measures Act, 1904) ...	416
c. xli.	(St. Marylebone Electric Lighting Act, 1904) ...	84, 473, 474
s. 20 ...	...	111, 265
c. liv.	(Lancashire Electric Power Act, 1904) ...	47, 57
s. 4 ...	...	94, 338
c. lxxiii.	(Leicestershire and Warwickshire Electric Power Act, 1904) ...	47
c. lxxvii.	(Derbyshire and Nottinghamshire Electric Power Act, 1904) ...	47

		PAGE
4 Edw. 7, c. lxxxix.	(Clyde Valley Electrical Power Act, 1904) ...	48
c. cix.	(North Western Electricity and Power-Gas Act, 1904) ...	48
c. cxxxvi.	(Leith Burgh Order Confirmation Act, 1904), s. 6 ...	111
c. clxxvi.	(Electric Lighting Orders Confirmation (No. 3) Act, 1904):	35
c. cciv.	(Torquay Tramways Act, 1904) ...	492
c. ccvii.	(Lothians Electric Power Act, 1904) ...	48
c. ccxiii.	(North Wales Electric Power Act, 1904) ...	48
c. ccxxviii.	(Belfast and North East Ireland Electricity and Power- Gas Act, 1904) ...	48
c. ccxxxi.	(London County Council (Tramways and Improvements) Act, 1904), s. 16 ...	530, 532
c. ccxli.	(Loch Leven Water Power (Amendment) Act, 1904) ...	48
5 Edw. 7, c. xlix.	(South Wales Electrical Power Distribution Company Act, 1905) ...	47, 48
c. clx.	(Shropshire, Worcestershire and Staffordshire Electric Power Act, 1905) ...	47
c. clxi.	(Woolwich Borough Council Act, 1905) ...	474
c. clxxiv.	(London Electric Supply Company's Act, 1905) ...	473
c. clxxvi.	(North Metropolitan Electric Power Supply Act, 1905) ...	47, 48, 474
c. 5	... ..	234
c. clxxxv.	(Central Electric Supply Company's Act, 1905) ...	48, 295, 472
c. cc.	(Metropolitan Electric Supply Company (Various Powers) Act, 1905) ...	473
c. ccix.	(London Building Acts (Amendment) Act, 1905) ...	44
s. 31	... ..	44
6 Edw. 7, c. 53.	(Notice of Accidents Act, 1906) ...	60, 186, 369, 389
s. 4	... ..	60
c. li.	(Brixham Gas and Electricity Act, 1906) ...	75
c. xeli.	(Cumberland Electricity and Power-Gas Act, 1906) ...	48
c. cxlvi.	(Aseot District Gas and Electricity Act, 1906) ...	75
c. cxlvii.	(Derbyshire and Nottinghamshire Electric Power Act, 1906) ...	47
c. cl.	(London County Council (General Powers) Act, 1906) ...	35, 40, 92, 112, 240, 264
ss. 1, 2	... ..	264
s. 27	... ..	264, 265
s. 28	... ..	265
(1), (2)	... ..	265
s. 29	... ..	265
c. clviii.	(Newcastle-upon-Tyne Electric Supply Company's Act, 1906) ...	47
c. clxv.	(Kent Electric Power Act, 1906) ...	47
c. clxxxii.	(London County Council (Tramways and Improvements) Act, 1906), s. 6 ...	532
c. clxxxii.	(County of Durham Electric Power Supply Act, 1906) ...	47
c. clxxxv.	(Shropshire, Worcestershire and Staffordshire Electric Power Act, 1906) ...	47
c. cxci.	(Hackney Electricity Act, 1906) ...	474
c. cxcev.	(St. Pancras Electricity Act, 1906) ...	474
c. cxcvii.	(South Wales Electrical Power Distribution Company Act, 1906) ...	47
c. cxcix.	(Lancashire Electric Power Act, 1906) ...	47
7 Edw. 7, c. 39.	(Factory and Workshop Act, 1907) ...	59, 82, 420, 427
c. 44.	(Education (Administrative Provisions) Act, 1907), s. 1 :	89
c. 50.	(Companies Act, 1907) ...	294
c. 53.	(Public Health Acts Amendment Act, 1907), s. 95 :	16, 89, 155
c. lxxviii.	(Rawtenstall Corporation Act, 1907)—	
ss. 69, 73	... ..	35
ss. 76, 77	... ..	36
c. xcvi.	(North Metropolitan Electric Power Supply Act, 1907) ...	47
c. xcix.	(Richmond (Surrey) Electricity Supply Act, 1907) ...	95
c. xli.	(City of London (Union of Parishes) Act, 1907) ...	126
c. cxliv.	(London County Council (Tramways and Improvements) Act, 1907), s. 7 ...	532
8 Edw. 7, c. 49.	(Statute Law Revision Act, 1908) ...	143, 144
c. 69.	(Companies (Consolidation) Act, 1908) ...	15, 50, 78, 203
s. 9 (1)	... ..	78
(d)	... ..	78
c. xxviii.	(Loch Leven Water Power Order Confirmation Act, 1908) ...	48

		PAGE
8 Edw. 7, c. lxxi.	(South Wales Electrical Power Distribution Company Act, 1908) ... ..	47, 48
c. lxxviii.	(London County Council (Tramways and Improvements) Act, 1908), s. 17 ... ..	532
c. cv.	(Central Ireland Electric Power Act, 1908) ... ..	48
c. cvii.	(London County Council (General Powers) Act, 1908)—	
	s. 17 ... ..	44
c. clxvii.	(London Electric Supply Act, 1908) ... ..	37, 40—43, 95, 148, 160, 266, 294, 299, 301, 304, 463, 474
	s. 1 ... ..	267
	s. 2 ... ..	266, 268, 271, 294
	s. 3 ... ..	42, 268, 269, 274, 294, 297
	s. 4 ... ..	42, 231, 233, 269—271, 294, 298
	(1) ... ..	269, 270
	(2) ... ..	270
	(3) ... ..	270, 279
	(a) ... ..	270
	(b) ... ..	270, 271
	(4) ... ..	270, 271
	(5)—(7) ... ..	271
	s. 5 ... ..	271, 272
	s. 6 ... ..	42, 272
	s. 7 ... ..	42, 106, 272—274, 299
	(1) ... ..	272, 273
	(2)—(4) ... ..	273, 274
	s. 8 ... ..	42, 159, 234, 274, 275, 299
	(1) ... ..	274
	(2) ... ..	274, 299
	(3) ... ..	274, 275
	s. 9 ... ..	173, 275
	s. 10 ... ..	275, 276
	s. 11 ... ..	276
	s. 12 ... ..	276
	(a), (b) ... ..	276
	s. 13 ... ..	172, 276—278, 301
	(1) ... ..	276, 277
	(2)—(4) ... ..	277
	(5) ... ..	277, 278
	(6) ... ..	278
	s. 14 ... ..	172, 278
	s. 15 ... ..	172, 279—281, 301
	(1) ... ..	279
	(2) ... ..	156, 279
	(3) ... ..	279
	(4) ... ..	171, 279
	(5) ... ..	194, 279
	(6) ... ..	279, 280
	(7) ... ..	280, 301
	s. 16 ... ..	239, 281, 299
	s. 17 ... ..	242, 281, 282, 302
	(1), (2) ... ..	281
	(3) ... ..	281, 282
	s. 18 ... ..	43, 203, 242, 282, 302
	(a)—(d) ... ..	282
	s. 19 ... ..	43, 230, 282, 283, 302
	s. 20 ... ..	283, 284, 302
	(a) ... ..	283
	(b) ... ..	283, 284
	s. 21 ... ..	284
	s. 22 ... ..	203, 230, 283—285, 303
	(1), (2) ... ..	284
	(3) ... ..	284, 285
	(4)—(6) ... ..	285
	s. 23 ... ..	41, 136, 285—287, 290, 291, 299, 304
	(1) ... ..	285, 286
	(2) ... ..	286
	(3) ... ..	41, 286
	(a), (b) ... ..	286
	(4) ... ..	41, 286, 287
	(5), (6) ... ..	287
	s. 24 ... ..	41, 106, 287, 288, 299, 304

			PAGE
8 Edw. 7, c. clxvii.	(London Electric Supply Act, 1908)— <i>continued</i> .		
s. 25 ...	... 41, 136, 287, 288, 299, 304		
s. 26 ...	... 41, 287—290, 299, 304		
(a) ...	... 288, 289		
(b)—(d) ...	... 289		
(e) ...	... 290		
s. 27 ...	... 287, 290, 299, 304		
s. 28 ...	... 41, 287, 290, 291		
s. 29 ...	... 41, 287, 291		
s. 30 ...	... 291, 292		
s. 31 ...	... 292		
s. 32 ...	... 292, 303, 304		
Sched. I. ...	... 266, 268, 287, 293		
Sched. II. ...	... 292, 293		
c. clxviii.	(London (Westminster and Kensington) Electric Supply Companies' Act, 1908) ...	... 40—43, 268,	
s. 1 ...	... 278, 294, 301, 463, 471		
s. 2 ...	... 295, 296		
(1) ...	... 295		
(2) ...	... 295, 296		
s. 3 ...	... 42, 269, 296, 297		
(1) ...	... 296		
(2) ...	... 296, 297		
s. 4 ...	... 42, 271, 297, 298		
(1), (2) ...	... 297		
(3) ...	... 297		
(a), (b) ...	... 297		
(4) ...	... 297, 298		
(5), (6) ...	... 298		
s. 5 ...	... 298, 299		
s. 6 ...	... 42, 274, 281, 299		
s. 7 ...	... 299		
(1), (2) ...	... 299		
s. 8 ...	... 299		
s. 9 ...	... 42, 150, 275, 299, 300		
(4) ...	... 300		
s. 10 ...	... 300, 301		
ss. 11, 12 ...	... 301		
s. 13 ...	... 280, 301		
s. 14 ...	... 278, 301		
s. 15 ...	... 282, 302		
(4) ...	... 302		
s. 16 ...	... 43, 282, 302		
s. 17 ...	... 43, 283, 302		
s. 18 ...	... 284, 302		
s. 19 ...	... 285, 302, 303		
ss. 20—22 ...	... 303		
9 Edw. 7, c. 20.	(Telegraph (Arbitration) Act, 1909) ...	... 114	
c. 30.	(Cinematograph Act, 1909) ...	... 62	
c. 34.	(Electric Lighting Act, 1909) ...	... 5, 9, 10, 16, 34, 37, 49, 73, 76, 78, 79, 88, 102, 121, 137, 145, 148, 189, 206, 228, 244, 245, 305, 313, 350, 355, 362, 363, 377	
s. 1 ...	... 9, 17, 73, 77, 88, 89, 96, 148, 204, 228, 229, 246, 460, 461		
(1)—(3) ...	... 228		
s. 2 ...	... 43, 51, 88, 229, 230, 245, 283, 339, 346, 356, 362		
s. 3 ...	... 9, 11, 16, 73, 77, 134, 151, 230—232, 245, 461		
s. 4 ...	... 48, 73, 77, 134, 151, 231—233, 354, 462		
(1) ...	... 9, 11, 16, 231		
(a)—(c) ...	... 231		
(2) ...	... 231, 232, 354		
(3) ...	... 5, 16, 149, 232, 357, 363		
s. 5 ...	... 16, 73, 77, 150, 233, 234, 275, 494		
(1) ...	... 233, 358, 363		
(2) ...	... 10, 134, 233		
(3) ...	... 233, 234, 494		

9 Edw. 7, c. 34.

(Electric Lighting Act, 1909)—*continued*.

PAGE

s. 6 ...	16, 24, 27, 137, 149, 151, 234, 235, 340, 359	
(1) ...	... 5, 234	
(2) ...	... 234	
(3) ...	... 137, 235	
(4) ...	... 235	
s. 7 ...	27, 73, 77, 235, 236, 345, 463, 464	
(1) ...	... 10, 137, 235	
(2) ...	... 137, 235, 236, 360	
s. 8 ...	10, 15, 73, 77, 137, 236, 463	
s. 9 ...	11, 79, 236, 237, 345	
s. 10 ...	... 25, 105, 237	
(1) ...	... 183, 237	
(2) ...	... 237	
(a), (b) ...	... 237	
s. 11 ...	25, 26, 55, 238, 246, 301	
(1), (2) ...	... 238	
s. 12 ...	30, 87, 238, 397	
s. 13 ...	... 86, 153, 238	
s. 14 ...	29, 93, 238, 239	
(1) ...	... 93, 238, 239	
(2) ...	... 239	
s. 15 ...	23, 34, 121, 180, 239, 281, 299	
s. 16 ...	28, 110, 111, 191, 239—241	
s. 17 ...	26, 34, 225, 241	
(1) ...	109, 241	
(2) ...	... 241	
s. 18 ...	23, 34, 109, 180, 225, 241	
s. 19 ...	... 92, 108, 180, 241	
s. 20 ...	30, 148, 241, 242, 267	
s. 21 ...	... 84, 227, 242	
s. 22 ...	17, 43, 51, 89, 205, 242, 243, 282	
(1)—(3) ...	... 242	
s. 23 ...	5, 6, 135, 243, 245	
s. 24 ...	88, 229, 243, 244, 344	
s. 25 ...	5, 145, 228—230, 232, 237, 242, 244, 245	
s. 26 ...	... 245	
(1), (2) ...	... 245	
s. 27 ...	145, 245	
(1) ...	... 245	
(2) ...	73, 245	
(3) ...	... 245	
Sched. I. ...	228, 246	
Sched. II. ...	55, 238, 246, 301	
c. xii. (North Metropolitan Electric Power Supply Act, 1909) ...	47	
c. xxxvi. (County of Durham Electric Power Supply Act, 1909) ...	47	
c. lxxviii. (Kent Electric Power Act, 1909) ...	47	
10 Edw. 7 & 1 Geo. 5, c. xii. (Farnham Gas and Electricity Act, 1910) ...	75	
c. xvii. (Bishop's Stortford Harlow and Epping Gas and Electricity Act, 1910) ...	75	
c. xxi. (Yorkshire Electric Power Act, 1910) ...	47	
c. lxxv. (Electric Lighting Orders Confirmation (No. 1) Act, 1910) ...	34	
c. cxvii. (Bradford Corporation Act, 1910) ...	496, 497	
ss. 45, 46 ...	... 36	
s. 47 ...	... 35	
c. cxxxviii. (Loch Leven Water Power (Transfer) Order Confirmation Act, 1910) ...	48	
c. cxi. (London Electric Supply Act, 1910) ...	40, 41, 136, 287, 297, 299, 301, 304, 463, 474	
s. 1 ...	41, 106, 304	
(1), (2) ...	... 304	
s. 2 ...	... 304	
Sched. ...	287, 304	
c. cxliv. (Leeds Corporation Act, 1910) ...	496	
1 & 2 Geo. 5, c. 50. (Coal Mines Act, 1911) ...	62, 365, 393	
s. 1 ...	61	
s. 60 ...	61, 430	
(1)—(4) ...	61	
ss. 86, 116, 122 ...	61	

	PAGE
1 & 2 Geo. 5, c. xlvii. (Metropolitan Electric Supply Company (Acton District) Act, 1911) ... ..	57, 93
e. lxiv. (Northampton Corporation Act, 1911) ... ..	496
e. cix. (Aberdare Urban District Council Act, 1911) ... ..	496
e. cx. (Brighton, Hove and District Railless Traction Act, 1911) ... ..	496
e. cxl. (East Kent Electric Power Act, 1911) ... ..	47
e. cxli. (Chiswick Urban District Council Act, 1911) ... ..	496
e. cxlii. (Halifax Corporation Act, 1911) ... ..	496
e. cxli. (Rotherham Corporation Act, 1911) ... ..	496
e. cxli. (Electric Lighting Orders Confirmation (No. 2) Act, 1911) ... ..	311
2 & 3 Geo. 5, c. xvii. (Ramsbottom Urban District Railless Traction Act, 1912) ... ..	497
e. xxxii. (Stockport Corporation Act, 1912) ... ..	497
e. lv. (North Ormesby South Bank Normanby and Grangetown Railless Traction Act, 1912) ... ..	497
e. lvii. (Brighton Corporation Act, 1912) ... ..	497
e. lx. (Hove Corporation Act, 1912) ... ..	497
e. lxi. (Bognor Gas Light and Coke Company (Electricity) Act, 1912) ... ..	75
e. lxxxii. (Birmingham Corporation Act, 1912) ... ..	497
e. cvii. (Keighley Corporation Act, 1912) ... ..	497



## TABLE OF CASES.

[The page at which a case is fully referred to is printed in thick type.]

### A.

	PAGE
Allred <i>v.</i> West Metropolitan Tramways Co., [1891] 2 Q. B. 398; 55 J. P. 824; 60 L. J. Q. B. 631; 65 L. T. 138; 39 W. R. 609; 7 T. L. R. 609	167
Allen (Samuel) & Sons, Limited, <i>Re</i> , [1907] 1 Ch. 575; 76 L. J. Ch. 362; 96 L. T. 660; 14 Mans. 144	240
Alliance and Dublin Consumers Gas Co. <i>v.</i> Dublin County Council, [1901] 1 L. R. 492	216
Ambler (Jeremiah) & Sons, Limited <i>v.</i> Bradford Corporation, [1902] 2 Ch. 585; 66 J. P. 708; 71 L. J. Ch. 744; 87 L. T. 217; 18 T. L. R. 758	28
Andrews <i>v.</i> Abertillery Urban Council, [1911] 2 Ch. 398; 75 J. P. 449; 80 L. J. Ch. 724; 105 L. T. 81; 9 L. G. R. 1009 [C. A.]	98, 100, 157
Ashton <i>v.</i> Eccles Corporation (1907), 71 J. P. 55	224
Atkinson <i>v.</i> Newcastle Waterworks Co. (1877), 2 Ex. D. 441; 46 L. J. Ex. 775; 36 L. T. 761; 25 W. R. 794	221, 222
Att.-Gen. <i>v.</i> Barker (1900), 83 L. T. 543	210, 211
— <i>v.</i> Barnstable Corporation (1903), Electrician, May 8th, p. 131	92
— <i>v.</i> Cambridge Consumers Gas Co. (1868), L. R. 4 Ch. 71; 38 L. J. Ch. 94; 19 L. T. 508; 17 W. R. 145	210
— <i>v.</i> De Winton, [1906] 2 Ch. 106; 70 J. P. 368; 75 L. J. Ch. 612; 54 W. R. 499; 22 T. L. R. 446; 4 L. G. R. 549	86
— <i>v.</i> Eastbourne Corporation, [1904] A. C. 155; 68 J. P. 393; 73 L. J. K. B. 259; 90 L. T. 99; 52 W. R. 577; 20 T. L. R. 252; 2 L. G. R. 789	139
— <i>v.</i> Edison Telephone Co. (1880), 6 Q. B. D. 244; 50 L. J. Q. B. 145; 43 L. T. 697; 29 W. R. 428	76, 124
— <i>v.</i> Grand Junction Canal Co., [1909] 2 Ch. 505; 73 J. P. 421; 78 L. J. Ch. 681; 101 L. T. 150; 25 T. L. R. 720; 7 L. G. R. 1014	210
— <i>v.</i> Great Eastern Rail. Co. (1880), 5 App. Cas. 473; 49 L. J. Ch. 545; 42 L. T. 810; 28 W. R. 769	92
— <i>v.</i> Hanwell Urban District Council, [1900] 2 Ch. 377; 69 L. J. Ch. 626; 82 L. T. 778; 48 W. R. 690; 16 T. L. R. 452 [C. A.]	89
— <i>v.</i> Leicester Corporation, [1910] 2 Ch. 359; 74 J. P. 385; 80 L. J. Ch. 21; 103 L. T. 214; 26 T. L. R. 568	92, 111, 149, 240
— <i>v.</i> Manchester Corporation, [1906] 1 Ch. 643; 70 J. P. 201; 75 L. J. Ch. 330; 54 W. R. 307; 22 T. L. R. 261; 4 L. G. R. 365	92, 149
— <i>v.</i> Margate Pier and Harbour Co., [1900] 1 Ch. 749; 64 J. P. 405; 69 L. J. Ch. 331; 82 L. T. 448; 48 W. R. 518	29
— <i>v.</i> Mersey Rail. Co., [1907] A. C. 415; 71 J. P. 448; 76 L. J. Ch. 568; 97 L. T. 524; 23 T. L. R. 681	92
— <i>v.</i> Metropolitan E. S. Co., Limited, [1905] 1 Ch. 24; 69 J. P. 95; 74 L. J. Ch. 145; 91 L. T. 768; 53 W. R. 198; 21 T. L. R. 10; 3 L. G. R. 77; affirmed, [1905] 1 Ch. 757; 69 J. P. 169; 74 L. J. Ch. 384; 92 L. T. 544; 53 W. R. 418; 21 T. L. R. 355; 3 L. G. R. 625 [C. A.]	149
— <i>v.</i> Newcastle (Mayor) of (1889), 23 Q. B. D. 492	149
— <i>v.</i> Pontypridd Urban District Council, [1906] 2 Ch. 257; 70 J. P. 394; 75 L. J. Ch. 578; 95 L. T. 224; 22 T. L. R. 576; 4 L. G. R. 791 [C. A.]	89, 155
— <i>v.</i> Scott, [1905] 2 K. B. 160; 69 J. P. 109; 74 L. J. K. B. 803; 93 L. T. 249; 21 T. L. R. 211; 3 L. G. R. 272 [C. A.]	216
— <i>v.</i> Sheffield Corporation, [1912] W. N. 68; 76 J. P. 185; 106 L. T. 367; 28 T. L. R. 266; 56 Sol. J. 326; 10 L. G. R. 301	92, 111, 149, 240

	PAGE
Att.-Gen. <i>v.</i> Sheffield Gas Consumers Co. (1853), 3 De G. M. & G. 304 ; 22 L. J. Ch. 811 ; 1 W. R. 185 ; 17 Jur. 677 ...	210
— <i>v.</i> South Staffordshire Waterworks Co. (1909), 25 T. L. R. 408 ...	210
— <i>v.</i> Tottenham Urban District Council (1910), 73 J. P. 437 ; 8 L. G. R. 95 ...	86
— <i>v.</i> United Kingdom Electric Telegraph Co. (1861), 30 Beav. 287 ; 31 L. J. Ch. 329 ; 5 L. T. 338 ; 10 W. R. 167 ; 8 Jur. (N.S.) 583 ;	211
— <i>v.</i> Urban E. S. Co. (1904), Electrician, August 5th, p. 650 ...	149,
	209, 233
— <i>v.</i> West Gloucestershire Water Co., [1909] 1 Ch. 636 ; 73 J. P. 228 ; 78 L. J. Ch. 361 ; 100 L. T. 427 ; 25 T. L. R. 350 ; affirmed, [1909] 2 Ch. 338 ; 73 J. P. 453 ; 78 L. J. Ch. 746 ; 101 L. T. 258 ; 25 T. L. R. 650 ; 7 L. G. R. 1078 [C. A.] ...	149, 150
— <i>v.</i> West Ham Corporation, [1910] 2 Ch. 560 ; 74 J. P. 406 ; 103 L. T. 394 ; 26 T. L. R. 683 ...	86
Att.-Gen. for Victoria <i>v.</i> Melbourne Corporation, [1907] A. C. 469 ; 76 L. J. P. C. 91 ; 97 L. T. 509 ; 23 T. L. R. 752 ...	107
Audenshaw Urban District Council <i>v.</i> Manchester Corporation (1907), 71 J. P. 342 ...	34, 94

## B.

Baker, Lees & Co., <i>In re</i> , [1903] 1 K. B. 189 ; 72 L. J. K. B. 136 ; 87 L. T. 662 ; 51 W. R. 246 ; 19 T. L. R. 113 [C. A.] ...	83
Barnett <i>v.</i> Poplar (Mayor, etc.), [1901] 2 K. B. 319 ; 70 L. J. K. B. 698 ; 84 L. T. 845 ; 49 W. R. 574 ...	167
Barton-upon-Humber Water Co., <i>In re</i> (1889), 42 Ch. D. 585 ; 58 L. J. Ch. 613 ; 61 L. T. 803 ; 38 W. R. 8 ; 1 Meg. 412 ...	203
Battersea Vestry <i>v.</i> County of London and Brush Provincial E. L. Co., [1899] 1 Ch. 474 ; 68 L. J. Ch. 238 ; 80 L. T. 31 ; 15 T. L. R. 175 ...	210, 211
Bellamy <i>v.</i> Liverpool United Gas Light Co. (1904), 68 J. P. 549 ; 2 L. G. R. 1182 ...	181
Belmore (Countess of) <i>v.</i> Kent County Council, [1901] 1 Ch. 873 ; 65 J. P. 456 ; 70 L. J. Ch. 501 ; 84 L. T. 523 ; 49 W. R. 459 ; 17 T. L. R. 560 ...	209
Berry, <i>Ex parte</i> , Flack, <i>In re</i> , [1900] 2 Q. B. 32 ; 69 L. J. Q. B. 458 ; 82 L. T. 503 ; 48 W. R. 446 ; 7 Manson, 141 ...	109
Black <i>v.</i> Christchurch Finance Co., [1894] A. C. 48 ; 58 J. P. 332 ; 63 L. J. P. C. 32 ; 70 L. T. 77 ; 6 R. 394 ...	214
Blaker <i>v.</i> Herts and Essex Waterworks Co. (1889), 41 Ch. D. 399 ; 58 L. J. Ch. 497 ; 60 L. T. 776 ; 37 W. R. 601 ; 1 Meg. 217 ...	33, 203
Blazer Firelighter, Limited, <i>Re</i> , [1895] 1 Ch. 402 ; 64 L. J. Ch. 161 ; 71 L. T. 665 ; 43 W. R. 364 ; 13 R. 52 ...	109
Bombay Tramways Co. <i>v.</i> Bombay Municipal Corporation (1904), Electrician, June 10th, p. 323 ...	136
Bourne <i>v.</i> St. Marylebone Borough Council, [1908] W. N. 52 ; 72 J. P. 129 ; 24 T. L. R. 322 ; 52 Sol. J. 281 ; 6 L. G. R. 406 ; reversed, [1909] W. N. 14 ; 72 J. P. 306 ; 24 T. L. R. 613 ; 6 L. G. R. 1141 [C. A.] ;	90, 91, 181
Bournemouth Commissioners <i>v.</i> Watts (1884), 14 Q. B. D. 87 ; 49 J. P. 102 ; 54 L. J. Q. B. 93 ; 51 L. T. 823 ; 33 W. R. 280 ; 1 T. L. R. 142 ...	90
Bradford Corporation <i>v.</i> Pickles, [1895] A. C. 587 ; 60 J. P. 3 ; 64 L. J. Ch. 759 ; 73 L. T. 357 ; 44 W. R. 190 ; 11 T. L. R. 108, 555 ; 11 R. 286 ...	211
Brand <i>v.</i> Hammersmith, etc. Rail. Co. (1868), L. R. 4 H. L. 171 ; 38 L. J. Q. B. 265 ; 21 L. T. 238 ; 18 W. R. 12 ...	17
Bristol Gas Co. and Bristol Tramways and Carriage Co., <i>In re</i> , [1910] 1 K. B. 114 ; 74 J. P. 35 ; 79 L. J. K. B. 219 ; 101 L. T. 659 ; 26 T. L. R. 75 ; 54 Sol. J. 47 ; 8 L. G. R. 30 [C. A.] ...	102
British Electric Traction Co. <i>v.</i> Commissioners of Inland Revenue, [1902] 1 K. B. 441 ; 66 J. P. 83 ; 71 L. J. K. B. 92 ; 85 L. T. 663 ; 50 W. R. 280 ; 18 T. L. R. 105 ...	92
British Insulated Wire Co. <i>v.</i> Prescott U. D. C., [1895] 2 Q. B. 463, 538 ; 59 J. P. 552 ; 65 L. J. Q. B. 190 ; 73 L. T. 383 ; 44 W. R. 224 ; 11 T. L. R. 595 ; 15 R. 633, 636 n. ...	90
Brocklehurst <i>v.</i> Manchester, Bury, Rochdale and Oldham Steam Tramways Co. (1886), 17 Q. B. D. 118 ; 51 J. P. 55 ; 55 L. T. 406 ; 34 W. R. 568 ...	202
Brooks <i>v.</i> Torquay Corporation and Newton Abbot R. D. C., [1902] 1 K. B. 601 ; 66 J. P. 293 ; 71 L. J. K. B. 109 ; 85 L. T. 785 ; 18 T. L. R. 139 ...	90

## TABLE OF CASES.

xxx

	PAGE
Brown <i>v.</i> London and South Western Rail. Co. (1904), Electrician, Aug. 5th, p. 650	100
Bulawayo Municipality <i>v.</i> Bulawayo Waterworks Co., [1908] A. C. 241;	184
77 L. J. P. C. 70; 98 L. T. 600	

## C.

Caledonian Rail. Co. <i>v.</i> Glasgow Corporation (1901), 3 F. 526	162
— <i>v.</i> Greenock and Wemyss Bay Rail. Co. (1874), L. R. 2 H. L. Sc. 347	119
Canada Southern Rail. Co. <i>v.</i> International Bridge Co. (1883), 8 App. Cas. 723	73
Cannon Brewery Co. <i>v.</i> Gas Light and Coke Co., [1904] A. C. 331; 68 J. P. 461; 73 L. J. K. B. 747; 91 L. T. 110; 52 W. R. 657; 20 T. L. R. 543;	
2 L. G. R. 949	26, 109, 225
Cardiff Corp. <i>v.</i> Cardiff Waterworks Co. (1859), 4 De G. & J. 596; 5 Jur. (N.S.) 953; 7 W. R. 386	209
Chamberlain and Hookham <i>v.</i> Bradford Corporation (1900), 83 L. T. 518	28
Chaplin (W. H.) & Co. <i>v.</i> Westminster (Mayor), [1901] 2 Ch. 329; 65 J. P. 661; 70 L. J. Ch. 679; 85 L. T. 88; 49 W. R. 586; 17 T. L. R. 576	219
Chard Case (1903), Electrician, July 24th, p. 593	9
Charing Cross and Strand E. S. Corp., Limited <i>v.</i> Woodthorpe (1903), 67 J. P. 286; 437; 88 L. T. 772; 52 W. R. 158; 1 L. G. R. 551	159
Chepstow E. L. and Power Co. <i>v.</i> Chepstow Gas and Coke Consumers Co., [1905] 1 K. B. 198; 69 J. P. 72; 74 L. J. K. B. 28; 92 L. T. 27;	
21 T. L. R. 35; 3 L. G. R. 49	148, 172
Chichester Corp. <i>v.</i> Foster, [1906] 1 K. B. 167; 70 J. P. 73; 75 L. J. K. B. 33; 93 L. T. 750; 54 W. R. 199; 22 T. L. R. 18; 4 L. G. R. 205	216
Chorley Corp. <i>v.</i> Nightingale, [1906] 2 K. B. 612; 70 J. P. 500; 75 L. J. K. B. 793; 95 L. T. 443; 22 T. L. R. 714; 4 L. G. R. 1066; affirmed, [1907] 2 K. B. 637; 71 J. P. 441; 76 L. J. K. B. 1003; 97 L. T. 465; 23 T. L. R. 651; 5 L. G. R. 1114 [C.A.]	209
City of London E. L. Co. <i>v.</i> London (Mayor of), [1903] A. C. 434; 67 J. P. 437; 72 L. J. Ch. 737; 89 L. T. 310; 52 W. R. 158; 19 T. L. R. 694	92
— <i>v.</i> Oakley (1902), Times, Nov. 14th, 1902, p. 817; J. L. of G. L., Nov. 14th, 1902, p. 158; El. Rev., Nov. 14th, 1902, p. 817; J. L. of G. L., Nov. 18th, 1902, p. 1332	192
City of London (Mayor) <i>v.</i> County of London E. S. Co., Limited, [1910] 2 Ch. 208; 74 J. P. 268; 79 L. J. Ch. 486; 102 L. T. 589; 26 T. L. R. 432;	
54 Sol. J. 476; 8 L. G. R. 660	271
City of Montreal <i>v.</i> Standard Light and Power Co., [1897] A. C. 527; 66 L. J. P. C. 113; 77 L. T. 115	212
Clarke <i>v.</i> Cuckfield Union (1852), 21 L. J. Q. B. 349; 1 B. C. C. 81; 16 Jur. 686	90
Clegg, Parkinson & Co. <i>v.</i> Earby Gas Co., [1896] 1 Q. B. 592; 65 L. J. Q. B. 439; 44 W. R. 606	91, 181
Clippens Oil Co. <i>v.</i> Edinburgh and District Water Trustees, [1904] A. C. 64;	
73 L. J. P. C. 32; 89 L. T. 589	215
Coats <i>v.</i> Herefordshire C. C., [1909] 2 Ch. 579; 73 J. P. 355; 78 L. J. Ch. 568; 53 Sol. J. 543	209
Colne Valley Water Co. <i>v.</i> Bretherton (1902), J. L. of G. L., May 20th, p. 1364;	
Colombo Gas and Water Co., Limited (1896), J. L. of G. L., July 20th, p. 179	78
Colwell <i>v.</i> St. Pancras Borough Council, [1901] 1 Ch. 707; 68 J. P. 286;	
73 L. J. Ch. 275; 90 L. T. 153; 52 W. R. 523; 20 T. L. R. 236;	
2 L. G. R. 518	89, 204
Commercial Gas Co. <i>v.</i> Poplar Borough Council (1906), 70 J. P. 178; 94 L. T. 222; 4 L. G. R. 267	222
— <i>v.</i> Scott (1875), L. R. 10 Q. B. 400; 44 L. J. M. C. 171;	
32 L. T. 765; 23 W. R. 874	73
Copestake <i>v.</i> West Sussex C. C., [1911] 2 Ch. 331; 75 J. P. 465; 80 L. J. Ch. 673; 105 L. T. 298; 9 L. G. R. 905	209
Corsellis <i>v.</i> London C. C., [1907] 1 Ch. 704; 71 J. P. 219; 76 L. J. Ch. 313;	
96 L. T. 614; 23 T. L. R. 366; 5 L. G. R. 577; affirmed, [1908] 1 Ch. 13;	
71 J. P. 561; 77 L. J. Ch. 120; 24 T. L. R. 80; 6 L. G. R. 78 [C.A.]	209
County of Durham Electrical Power Distribution Co., Limited <i>v.</i> Inland Revenue Commissioners, [1909] 2 K. B. 604; 73 J. P. 425; 78 L. J. K. B. 1158; 101 L. T. 51; 25 T. L. R. 672 [C.A.]	92, 241

	PAGE
County of London E. S. Co., Limited <i>v.</i> Perkins (1908), 72 J. P. 133; 98 L. T. 870; 24 T. L. R. 327; 52 Sol. J. 281; 6 L. G. R. 344	159
Crawford (on behalf of London Corp.) <i>v.</i> City of London E. L. Co. (1898), 67 L. J. Q. B. 912; 78 L. T. 841; 47 W. R. 45	189
Cressy <i>v.</i> South Metropolitan Gas Co. (1906), 70 J. P. 405; 94 L. T. 790; 4 L. G. R. 1049	167, 222
Cristofer <i>v.</i> National Telephone Co., Limited (1898), Electrician, Dec. 9th, p. 240	100, 252
Crossfield (Joseph) & Sons, Limited <i>v.</i> Manchester Ship Canal Co., [1905] A. C. 421; 69 J. P. 441; 74 L. J. Ch. 637; 93 L. T. 141; 21 T. L. R. 689	119
Crossley Bros. <i>v.</i> Lee, [1908] 1 K. B. 86; 77 L. J. K. B. 199; 97 L. T. 850; 24 T. L. R. 35	111
Crystal Palace Gas Co. <i>v.</i> Idris (1900), 64 J. P. 452; 82 L. T. 200; 16 T. L. R. 180	224
Curtis <i>v.</i> Kesteven C. C. (1890), 45 Ch. D. 504; 60 L. J. Ch. 103; 63 L. T. 543; 39 W. R. 199	209

## D.

Darby <i>v.</i> Harris (1841), 1 Q. B. 895; 5 Jur. 988; 1 Gal. & Dav. 234	111
Demerara Electric Co. <i>v.</i> White, [1907] A. C. 330; 76 L. J. P. C. 54; 96 L. T. 752	204, 205
Dudley Corp., <i>Re</i> (1881), 8 Q. B. D. 86; 46 J. P. 340; 51 L. J. Q. B. 121; 45 L. T. 733 [C. A.]	215
Dudley Corp. <i>v.</i> Dudley and District Electric Traction Co., Limited (1907), 71 J. P. 481; 97 L. T. 556; 5 L. G. R. 1077	138
Dudley Gasworks Co. <i>v.</i> Warmingtton (1881), 45 J. P. 649; 50 L. J. M. C. 69; 44 L. T. 475; 29 W. R. 680	73, 124
Dumphy <i>v.</i> Montreal Light, Heat and Power Co., [1907] A. C. 454; 76 L. J. P. C. 71; 97 L. T. 499; 23 T. L. R. 770	100

## E.

East Molesey L. B. <i>v.</i> Lambeth Waterworks Co., [1892] 3 Ch. 289; 62 L. J. Ch. 82; 67 L. T. 493; 2 R. 88	162, 220
Eastern and South African Telegraph Co. <i>v.</i> Capetown Tramways Co., [1902] A. C. 381; 71 L. J. P. C. 122; 86 L. T. 457; 50 W. R. 657; 18 T. L. R. 523	490
Eccles Corp. <i>v.</i> South Lancashire Tramways Co., [1910] 2 Ch. 263; 74 J. P. 45; 79 L. J. Ch. 759; 103 L. T. 158; 26 T. L. R. 498; 54 Sol. J. 561; 8 L. G. R. 941 [C. A.]; [1912] A. C. 465	93
Edgware Highway Board <i>v.</i> Colne Valley Water Co. (1877), 46 L. J. Ch. 889	162, 220
<i>v.</i> Harrow District Gas Co. (1874), L. R. 10 Q. B. 92; 44 L. J. Q. B. 1; 31 L. T. 402; 23 W. R. 90	210
Edinburgh Street Tramways Co. <i>v.</i> Lord Provost of Edinburgh, [1894] A. C. 456; 63 L. J. Q. B. 769; 71 L. T. 301; 6 R. 317	93, 138
Ellis <i>v.</i> Glover, [1908] 1 K. B. 388; 77 L. J. K. B. 251; 98 L. T. 110 [C. A.]; 240	
<i>v.</i> Sheffield Gas Consumers Co. (1853), 2 E. & B. 767; 23 L. J. Q. B. 42; 2 W. R. 19; 2 C. L. R. 249; 18 Jur. 146	213
Escott <i>v.</i> Newport Corp., [1904] 2 K. B. 369; 68 J. P. 135; 73 L. J. K. B. 693; 90 L. T. 348; 52 W. R. 543; 20 T. L. R. 158; 2 L. G. R. 779	219

## F.

Fareham L. B. and Fareham E. L. Co. <i>v.</i> Smith, W. N. (1891) 76; 7 T. L. R. 443	212, 219
Fenwick <i>v.</i> East London Rail. Co. (1875), L. R. 20 Eq. 544; 44 L. J. Ch. 602; 23 W. R. 901	103
Ferens <i>v.</i> O'Brien (1883), 11 Q. B. D. 21; 47 J. P. 472; 52 L. J. M. C. 70; 31 W. R. 643; 15 Cox C. C. 332	110
Fidler <i>v.</i> Electrical Power Distribution Co., Limited (1902), El. Rev., July 25th, p. 159	167, 222
Fielden <i>v.</i> Morley Corp., [1900] A. C. 133; 64 J. P. 484; 69 L. J. Ch. 314; 82 L. T. 29; 48 W. R. 545; 16 T. L. R. 219	28

## TABLE OF CASES.

xxxiii

PAGE

Fielding v. Morley Corp. See <i>sub nom.</i> Fielden v. Morley Corp.	
Finchley E. L. Co., Limited v. Finchley U. D. C., [1902] 1 Ch. 866; 66 J. P. 502; 71 L. J. Ch. 450; 86 L. T. 286; 50 W. R. 470; 18 T. L. R. 449; reversed, [1903] 1 Ch. 437; 67 J. P. 97; 72 L. J. Ch. 297; 88 L. T. 215;	
51 W. R. 375; 19 T. L. R. 238; 1 L. G. R. 244 [C. A.] ...	211, 213, 252
Flack, <i>In re</i> , Berry, <i>Ex parte</i> , [1900] 2 Q. B. 32; 69 L. J. Q. B. 458; 82 L. T. 503; 48 W. R. 446; 7 Manson, 141 ...	109
Fleece Mills Co., Limited, <i>In re</i> (1901), Jl. of G. L., June 11th, p. 1577 ...	78
Fletcher v. Rylands (1868), L. R. 3 H. L. 330; 37 L. J. Ex. 161; 19 L. T. (S.S.) 220 ...	142, 489
Foley's Charity Trustees v. Dudley Corp., [1910] 1 K. B. 317; 74 J. P. 41; 79 L. J. K. B. 140; 102 L. T. 1; 8 L. G. R. 320 [C. A.] ...	211
Ford v. Harrow U. D. C. (1903), 67 J. P. 248; 88 L. T. 394; 1 L. G. R. 256 ...	209

## G.

Gardner v. London, Chatham and Dover Rail. Co. (1867), L. R. 2 Ch. 201; 36 L. J. Ch. 323; 15 L. T. 552; 15 W. R. 324 ...	93, 203
Gas Light and Coke Co. v. Hardy (1886), 17 Q. B. D. 619; 51 J. P. 6; 56 L. J. Q. B. 168; 55 L. T. 585; 35 W. R. 50; 2 T. L. R. 851 ...	111
— v. Mend (1876), 45 L. J. M. C. 71; 33 L. T. 729 ...	109, 225
— v. St. Mary Abbott's Vestry (1885), 15 Q. B. D. 1; 49 J. P. 469; 54 L. J. Q. B. 414; 53 L. T. 457; 33 W. R. 892; 1 T. L. R. 452 ...	216
— v. South Metropolitan Gas Co. (1889), 54 J. P. 373; 62 L. J. Ch. 123; 62 L. T. 126; 5 T. L. R. 731 ...	150
Geddis v. Bann Reservoir Proprietors (1878), 3 App. Cas. 430 ...	17, 89, 203, 204, 460
Glasgow and South Western Rail. Co. v. Glasgow Corp. (1901), 3 F. 526 ...	209
Glasgow Corporation v. Glasgow and South Western Rail. Co., [1893] A. C. 376; 59 J. P. 788; 64 L. J. P. C. 171; 72 L. T. 809; 11 R. 226 ...	209, 218
Goldberg v. Liverpool Corp. (1900), 82 L. T. 362; 16 T. L. R. 320 ...	219
Goodson v. Richardson (1874), L. R. 9 Ch. 221; 43 L. J. Ch. 790; 30 L. T. 142; 22 W. R. 337 ...	210, 211
— v. Sunbury Gas Consumers Co. (1896), 60 J. P. 585; 75 L. T. 251 ...	222
Gough v. Wood, [1894] 1 Q. B. 713; 63 L. J. Q. B. 564; 70 L. T. 297; 42 W. R. 469; 9 R. 509 [C. A.] ...	210
Grand Junction Canal Co. v. Petty (1888), 21 Q. B. D. 273; 52 J. P. 692; 57 L. J. Q. B. 572; 59 L. T. 767; 36 W. R. 795 [C. A.] ...	102
Gravesend and Northfleet Electric Tramways, Limited v. Gravesend Corp. (1910), 74 J. P. 156; 8 L. G. R. 445 ...	190, 192
Gray v. Pullen (1864), 5 B. & S. 970; 34 L. J. Q. B. 265; 11 L. T. 569; 13 W. R. 257 ...	213
Great Central Rail. Co. v. Balby-with-Hexthorpe Urban Council, [1912] 2 Ch. 110; 106 L. T. 413; 28 T. L. R. 268; 56 Sol. J. 343 ...	219

## H.

Hamilton Gas Co., Limited v. Hamilton Corp., [1910] A. C. 300; 74 J. P. 185; 79 L. J. P. C. 76; 102 L. T. 372; 26 T. L. R. 377 ...	138
Hammersmith and City Rail. Co. v. Brand (1869), L. R. 4 H. L. 171; 38 L. J. Q. B. 265; 21 L. T. 238; 18 W. R. 12 ...	494
Hardaker v. Idle D. C., [1896] 1 Q. B. 335; 60 J. P. 196; 65 L. J. Q. B. 363; 74 L. T. 69; 44 W. R. 323; 12 T. L. R. 207 ...	213
Harrington (Cumberland) Gas Light Co. (1900), Electrician, April 6th, p. 872; Jl. of G. L., April 3rd, 1900, p. 879 ...	78
Hartley v. Rochdale Corp., [1908] 2 K. B. 594; 72 J. P. 343; 77 L. J. K. B. 884; 99 L. T. 275; 24 T. L. R. 625; 6 L. G. R. 858 ...	222
Harvey v. Truro R. D. C., [1903] 2 Ch. 638 ...	209
Hastings Tramways Co. v. Hastings and St. Leonards Gas Co., [1906] 2 Ch. 578; 70 J. P. 540; 76 L. J. Ch. 60; 95 L. T. 684; 23 T. L. R. 4; 5 L. G. R. 142 [C. A.] ...	101
Hawkins v. Robinson (1873), 37 J. P. 662 ...	209
Hesse Gas Co. (1904), Jl. of G. L., February 9th, p. 348; June 14th, 1904, p. 789 ...	78

	PAGE
Hill v. Tottenham U. D. C. (1899), 79 L. T. 495; 15 T. L. R. 3	213
Hobson v. Gorringe, [1897] 1 Ch. 182; 66 L. J. Ch. 114; 75 L. T. 610; 45 W. R. 356 [C. A.]	240
Holland v. Hodgson (1872), L. R. 7 C. P. 328; 41 L. J. C. P. 146; 26 L. T. 709; 20 W. R. 990	240
Holliday v. National Telephone Co., [1899] 2 Q. B. 392; 68 L. J. Q. B. 1016; 81 L. T. 252; 47 W. R. 658; 15 T. L. R. 483	214
Howitt v. Nottingham Tramways Co. (1883), 12 Q. B. D. 16; 53 L. J. Q. B. 21; 50 L. T. 99; 32 W. R. 248	167
Hoylake and West Kirby Gas and Water Co. (1896), Jl. of G. L., Novem- ber 10th, p. 911	78
Hughes v. Percival (1883), 8 App. Cas. 443; 47 J. P. 772; 52 L. J. Q. B. 719; 49 L. T. 189; 31 W. R. 725	214
Hunt v. Wimbledon L. B. (1878), 1 C. P. D. 48; 48 L. J. C. P. 207; 40 L. T. 115; 27 W. R. 123	90
Husey v. Gas Light and Coke Co. (1902), 18 T. L. R. 299	107, 109
— v. London E. S. Corp., [1902] 1 Ch. 411; 71 L. J. Ch. 313; 86 L. T. 166; 50 W. R. 420; 18 T. L. R. 296	105, 107, 109

## I.

Ilford Gas Co. and Ilford U. D. C., <i>Re</i> (1903), 67 J. P. 239; 88 L. T. 236; 1 L. G. R. 213	101
---	-----

## J.

Jary v. Barnsley Corp., [1907] 2 Ch. 600; 71 J. P. 468; 76 L. J. Ch. 593; 97 L. T. 507; 23 T. L. R. 689; 5 L. G. R. 1145	215, 216
Jordeson v. Sutton, etc. Gas Co., [1899] 2 Ch. 217; 63 J. P. 692; 68 L. J. Ch. 457; 80 L. T. 815; 15 T. L. R. 374 [C. A.]	204

## K.

Kent County Council v. Folkestone Corp., [1905] 1 K. B. 620; 69 J. P. 125; 74 L. J. K. B. 353; 92 L. T. 309; 53 W. R. 371; 21 T. L. R. 269; 3 L. G. R. 438 [C. A.]	29, 215
Kidd v. Claring Cross, etc. Corp. (1903), <i>Electrician</i> , January 23rd, p. 572	205
— v. — (1903), <i>Electrician</i> , May 8th, p. 132	160
Kidwell and Flint, <i>Re</i> , [1911] 1 K. B. 797	73
Knight v. Isle of Wight E. L. and Power Co. Limited (1904), 68 J. P. 266; 73 L. J. Ch. 299; 90 L. T. 410; 20 T. L. R. 173; 2 L. G. R. 390	204

## L.

Lambeth Borough Council v. South London Electric Supply Corp. (1907), 71 J. P. 233; 96 L. T. 440; 23 T. L. R. 347; 5 L. G. R. 526 [C. A.]	34, 94
Lawford v. Billericay Rural District Council, [1903] 1 K. B. 772; 67 J. P. 245; 72 L. J. K. B. 554; 88 L. T. 317; 51 W. R. 630; 19 T. L. R. 322 [C. A.]	90
Leamington and Warwick Tramways, etc. Co., Limited, <i>Re</i> (1902), <i>El. Rev.</i> , July 18th, p. 100; <i>Electrician</i> , July 18th, 1902, p. 529	78
Levy v. National Telephone Co., Limited (1897), <i>Times</i> , Dec. 18th	99, 252
Locke King v. Woking U. D. C. (1898), 62 J. P. 167; 77 L. T. 790; 14 T. L. R. 32	209
London and North Western Rail. Co. v. Evans, [1893] 1 Ch. 16; 62 L. J. Ch. 1; 67 L. T. 630; 41 W. R. 149; 9 T. L. R. 50; 2 R. 120	215
London, Brighton and South Coast Rail. Co. v. Truman (1885), 11 App. Cas. 45; 50 J. P. 388; 55 L. J. Ch. 354; 54 L. T. 250; 34 W. R. 657	204
London Corp. v. City of London E. L. Co. (1899), <i>Electrician</i> , Feb. 17th, p. 582	180
— v. County of London E. S. Co., Limited, [1910] 2 Ch. 208; 74 J. P. 268; 79 L. J. Ch. 486; 102 L. T. 589; 26 T. L. R. 432; 54 Sol. J. 476; 8 L. G. R. 660	124, 231, 233, 298

## TABLE OF CASES.

XXXV

	PAGE
London C. C. <i>v.</i> Att.-Gen., [1902] A. C. 165; 66 J. P. 340; 71 L. J. Ch. 268; 86 L. T. 161; 50 W. R. 497; 18 T. L. R. 298 ...	92, 149
<i>v.</i> London E. S. Corp. (1900), JI. of G. L., May 1st, p. 1135 ...	182
<i>v.</i> Metropolitan E. S. Co. (1900), JI. of G. L., Jan. 23rd, p. 212 ...	182
<i>v.</i> (1902), Times, March 11th, 1902; ...	90
Electrician, March 14th, 1902, p. 831 ...	107
London E. S. Corp. <i>v.</i> Brickwell (1902), Times, Feb. 24th; El. Rev., Feb. 28th, 1902, p. 336 ...	108
<i>v.</i> Greenberg (1902), El. Rev., Aug. 15th, p. 258; Elec- trician, Aug. 15th, 1902, p. 685 ...	108
<i>v.</i> Priddis (1901), 18 T. L. R. 64 ...	269
London E. S. Corp., Limited <i>v.</i> Westminster E. S. Corp., Limited (1911), Electrician, March 10th, April 14th, and July 14th ...	138
London Street Tramways Co. <i>v.</i> London C. C., [1894] A. C. 489; 63 L. J. Q. B. 769; 71 L. T. 301; 6 R. 317 ...	28, 29
Lyles <i>v.</i> Southend Corp., [1905] 2 K. B. 1; 69 J. P. 193; 74 L. J. K. B. 484; 92 L. T. 586; 21 T. L. R. 389; 3 L. G. R. 691 [C. A.] ...	

## M.

Maddock <i>v.</i> Wallasey L. B. (1886), 50 J. P. 404; 55 L. J. Q. B. 267 ...	218
Manchester Carriage and Tramways Co. <i>v.</i> Manchester Corp. (1902), 67 J. P. 14; 87 L. T. 504; 18 T. L. R. 779 ...	137
<i>v.</i> Manchester Corp. (1902), 67 J. P. 17; 87 L. T. 678 ...	138
<i>v.</i> Swinton and Pendlebury U. D. C., [1906] A. C. 277; 70 J. P. 81; 75 L. J. K. B. 839; 93 L. T. 821; 22 T. L. R. 154; 4 L. G. R. 214 ...	136, 137
Marriott <i>v.</i> East Grinstead Gas and Water Co., [1909] 1 Ch. 70; 72 J. P. 509; 78 L. J. Ch. 141; 99 L. T. 958; 25 T. L. R. 59; 7 L. G. R. 477; ...	209-211
Marshall <i>v.</i> South Staffordshire Tramways Co., [1895] 2 Ch. 36; 64 L. J. Ch. 481; 72 L. T. 542; 43 W. R. 469; 12 R. 275; 2 Mans. 292 [C. A.] ...	93, 203
Marylebone Borough Council <i>v.</i> Metropolitan E. S. Co. (1901), 65 J. P. 172 ...	221
<i>v.</i> Pemberton (1908), Electrician, Jan. 31st, p. 611 ...	261
Marylebone Vestry <i>v.</i> Metropolitan E. S. Co. (1900), JI. of G. L., Jan. 2nd, p. 34; May 1st, 1900, p. 1236; Electrician, Jan. 5th, 1900, p. 375 ...	182
Mason, <i>Ex parte</i> , Smith, <i>In re</i> , [1893] 1 Q. B. 323; 57 J. P. 72; 67 L. T. 596; 41 W. R. 159; 9 T. L. R. 15; 9 Morrell B. R. 304; 5 R. 47 ...	109
Melliss <i>v.</i> Shirley L. B. (1885), 16 Q. B. D. 446; 50 J. P. 214; 55 L. J. Q. B. 143; 53 L. T. 810; 34 W. R. 187; 2 T. L. R. 360 ...	90
Metropolitan Asylum District <i>v.</i> Hill (1881), 6 App. Cas. 193; 45 J. P. 664; 59 L. J. Q. B. 353; 41 L. T. 653; 29 W. R. 617 ...	204
Metropolitan E. S. Co., Limited <i>v.</i> Ginder, [1901] 2 Ch. 799; 65 J. P. 519; 70 L. J. Ch. 862; 84 L. T. 818; 49 W. R. 508; 17 T. L. R. 435 ...	105, 106
<i>v.</i> St. Marylebone Borough Council (1903), 67 J. P. 382; 1 L. G. R. 673; (1904), 2 L. G. R. 419 ...	137, 138
Meux <i>v.</i> Jacobs (1875), L. R. 7 H. L. 481; 44 L. J. Ch. 481; 32 L. T. 171; 23 W. R. 526 ...	240
Meux's Brewery Co. <i>v.</i> City of London E. L. Co., [1895] 1 Ch. 287; 64 L. J. Ch. 216; 72 L. T. 34; 43 W. R. 238; 11 T. L. R. 137; 12 R. 112; [1895] 2 Ch. 388 ...	89, 103
Midwood <i>v.</i> Manchester Corp., [1905] 2 K. B. 597; 69 J. P. 348; 74 L. J. K. B. 884; 93 L. T. 525; 54 W. R. 37; 21 T. L. R. 667; 3 L. G. R. 1136 [C. A.] ...	31, 89, 156, 160, 202, 205
Mile End Guardians <i>v.</i> Hoare, [1903] 2 K. B. 483; 67 J. P. 395; 72 L. J. K. B. 651; 89 L. T. 276; 19 T. L. R. 606; 20 Cox C. C. 536 ...	59
Milnes <i>v.</i> Huddersfield Corp. (1886), 11 App. Cas. 511; 50 J. P. 676; 56 L. J. Q. B. 1; 55 L. T. 617; 34 W. R. 761; 2 T. L. R. 821 ...	222
Montreal Gas. Co. <i>v.</i> Cadieux, [1899] A. C. 589; 68 L. J. P. C. 126; 81 L. T. 274 ...	109
Morley, <i>In re</i> (1875), L. R. 20 Eq. 17; 32 L. T. 524; 23 W. R. 532 ...	83
Morris and Bastert <i>v.</i> Loughborough Corp., [1908] 1 K. B. 205; 71 J. P. 521; 77 L. J. K. B. 91; 98 L. T. 269; 6 L. G. R. 55 [C. A.] ...	91, 181

## N.

	PAGE
National Telephone Co. <i>v.</i> Baker, [1893] 2 Ch. 186; 57 J. P. 373; 62 L. J. Ch. 699; 68 L. T. 283; 9 T. L. R. 246; 3 R. 318 ...	142,
488, 489, 490, 491	
<i>v.</i> St. Peter Port Constables, [1900] A. C. 317; ...	211, 252
69 L. J. P. C. 74; 82 L. T. 398 ...	
Neaverson <i>v.</i> Peterborough R. D. C., [1902] 1 Ch. 557; 66 J. P. 404; 71 L. J. Ch. 378; 86 L. T. 738; 50 W. R. 549; 18 T. L. R. 360 ...	209
Neeld <i>v.</i> Hendon U. D. C. (1899), 63 J. P. 724; 81 L. T. 405; 16 T. L. R. 50 ...	209
New River Co. <i>v.</i> Westminster City Council (1904), 73 L. J. K. B. 1009 ...	222
Newcastle-upon-Tyne E. S. Co. <i>v.</i> Newcastle-upon-Tyne Corp. (1911), 75 J. P. 97; 9 L. G. R. 161 ...	106
Normanton Gas Co. <i>v.</i> Pope (1883), 52 L. J. Q. B. 629; 49 L. T. 798; 32 W. R. 134 ...	215

## O.

Offin <i>v.</i> Rochford R. D. C., [1906] 1 Ch. 342; 70 J. P. 97; 75 L. J. Ch. 348; 94 L. T. 669; 54 W. R. 244; 4 L. G. R. 395 ...	209
Oriental Telephone Co., <i>In re</i> , W. N. (1891) 153 ...	78

## P.

Parker <i>v.</i> London County Council, [1904] 2 K. B. 501; 68 J. P. 239; 73 L. J. K. B. 561; 90 L. T. 415; 52 W. R. 476; 29 T. L. R. 271; 2 L. G. R. 662 ...	28
Paterson <i>v.</i> Gas Light and Coke Co., [1896] 2 Ch. 476; 60 J. P. 532; 65 L. J. Ch. 709; 74 L. T. 640; 45 W. R. 39; 12 T. L. R. 459 ...	107, 109
Penny <i>v.</i> Wimbledon U. D. C., [1899] 2 Q. B. 72; 63 J. P. 406; 68 L. J. Q. B. 704; 80 L. T. 615; 47 W. R. 565; 15 T. L. R. 348 ...	213
Peterson, <i>In re</i> , [1909] 2 Ch. 398; 73 J. P. 461; 101 L. T. 480; 53 Sol. J. 735 [C. A.] ...	83
Plumstead Burial Ground, <i>In re</i> , [1895] P. 225 ...	160
Postmaster-General <i>v.</i> National Telephone Co., [1909] A. C. 269; 73 J. P. 321; 78 L. J. Ch. 422; 100 L. T. 658; 25 T. L. R. 487; 53 Sol. J. 429; ...	76, 124
Provincial Bill Posting Co. <i>v.</i> Low Moor Iron Co., [1909] 2 K. B. 344; 78 L. J. K. B. 702; 100 L. T. 726; 16 Mans. 157 [C. A.] ...	111
Pudsey Coal Gas Co. <i>v.</i> Bradford Corp. (1873), L. R. 15 Eq. 167; 42 L. J. Ch. 293; 28 L. T. 11; 21 W. R. 286 ...	151

## Q.

Quelch, <i>Ex parte</i> , R. <i>v.</i> Titterton, [1895] 2 Q. B. 61; 59 J. P. 327; 64 L. J. M. C. 202; 73 L. T. 345; 43 W. R. 603; 15 R. 418; 18 Cox C. C. 181 ...	256
--	-----

## R.

R. <i>v.</i> East and West India Docks (1853), 2 E. & B. 466; 22 L. J. Q. B. 380; 17 Jur. 1181; 1 W. R. 409; 1 C. L. R. 496 ...	103
— <i>v.</i> Knight (1860), 2 E. & E. 651; 29 L. J. M. C. 118; 2 L. T. (N.S.) 14; 6 Jur. (N.S.) 601; 8 W. R. 293; 8 Cox C. C. 317 ...	209
— <i>v.</i> Locke, [1910] 2 K. B. 201; 74 J. P. 238; 79 L. J. K. B. 659; 102 L. T. 598; 26 T. L. R. 486; 8 L. G. R. 588; reversed, [1911] 1 K. B. 680; 75 J. P. 145; 80 L. J. K. B. 358; 103 L. T. 790; 27 T. L. R. 178; 55 Sol. J. 139; 9 L. G. R. 103 [C. A.] ...	84
— <i>v.</i> Longton Gas Co. (1860), 2 E. & E. 651; 29 L. J. M. C. 118; 2 L. T. (N.S.) 14; 8 W. R. 293; 6 Jur. (N.S.) 601; 8 Cox C. C. 317 ...	209
— <i>v.</i> Sheffield Gas Consumers Co. (1853), 18 Jur. 146 n. ...	209
— <i>v.</i> Titterton, <i>Ex parte</i> Quelch, [1895] 2 Q. B. 61; 59 J. P. 327; 64 L. J. M. C. 202; 73 L. T. 345; 43 W. R. 603; 15 R. 418; 18 Cox C. C. 181 ...	256



## TABLE OF CASES.

xxxvii

	PAGE
R. v. United Kingdom Telegraph Co. (1862), 2 B. & S. 647 n.; 31 L. J. M. C. 166; 6 L. T. (N.S.) 378; 10 W. R. 538; 3 F. & F. 732; 8 Jur. (N.S.) 1153; 9 Cox C. C. 174	209
— v. White (1853), 22 L. J. M. C. 123; 1 C. L. R. 489; Dears, C. C. 203	110
Rehill Gas Co. v. Reigate R. C. [1911] 2 K. B. 565; 75 J. P. 358; 80 L. J. K. B. 1062; 105 L. T. 24; 9 L. G. R. 814	219
Reynolds v. Ashby, [1904] A. C. 466; 73 L. J. K. B. 946; 91 L. T. 607; 53 W. R. 129; 20 T. L. R. 766	240
Rugeley Gas Co., <i>In re</i> , W. N. (1899) 127	78

## S.

St. Benet Fink Churchyard, <i>In re</i> , [1893] P. 58	160
St. James and Pall Mall E. L. Co., Limited, <i>Re</i> , [1904] W. N. 68	103, 215
St. Mary Vestry (Battersea) v. County of London and Brush Provincial E. L. Co., [1899] 1 Ch. 474; 68 L. J. Ch. 238; 80 L. T. 31; 15 T. L. R. 175	210, 211
St. Nicholas Cole Abbey, <i>In re</i> , [1893] P. 58	160
Schweder v. Worthing Gas Light and Coke Co., [1912] 1 Ch. 83; 76 J. P. 3; 81 L. J. Ch. 102; 105 L. T. 670; 28 T. L. R. 34; 56 Sol. J. 53; 10 L. G. R. 19	162, 209, 218
Selby v. Crystal Palace District Gas Co. (1862), 4 De G. F. & J. 246; 31 L. J. Ch. 595; 6 L. T. (N.S.) 790; 10 W. R. 636; 8 Jur. (N.S.) 830	218
Shaddick v. London E. S. Corp. (1900), J1. of G. L., May sth, p. 1235	182
Sharlington v. Fulham Guardians, [1904] 2 Ch. 449; 68 J. P. 510; 73 L. J. Ch. 777; 91 L. T. 739; 52 W. R. 617; 20 T. L. R. 643	29
Sheffield Corp. v. Sheffield E. L. Co., [1898] 1 Ch. 203; 62 J. P. 87; 67 L. J. Ch. 113; 77 L. T. 616; 46 W. R. 485	86
Sheller v. City of London E. L. Co., Limited, [1895] 1 Ch. 287; 64 L. J. Ch. 216; 72 L. T. 34; 43 W. R. 238; 11 T. L. R. 137; 12 R. 112; [1895] 2 Ch. 388	17, 51, 88, 89, 103, 204
Smith, <i>In re</i> , Mason, <i>Ex parte</i> , [1893] 1 Q. B. 323; 57 J. P. 72; 67 L. T. 596; 41 W. R. 159; 9 T. L. R. 15; 9 Morrell B. R. 304; 5 R. 47	109
— v. Southampton Corporation, [1902] 2 K. B. 244; 67 J. P. 5; 71 L. J. K. B. 639; 87 L. T. 171; 50 W. R. 651	86
Snarby, <i>The</i> , [1899] P. 74; 68 L. J. P. 22; 80 L. T. 25; 47 W. R. 398; 16 T. L. R. 160; 8 Asp. M. C. 483	214
Solomons v. Stepney Borough Council (1905), 69 J. P. 360; 3 L. G. R. 912	160, 202, 205
Southill Upper Urban District Council v. Wakefield Rural District Council, [1905] 2 Ch. 516; 69 J. P. 447; 74 L. J. Ch. 703; 93 L. T. 711; 21 T. L. R. 753; 3 L. G. R. 1208 [C. A.]	90
South Eastern Rail. Co. v. National Telephone Co., [1908] 2 Ch. 50; 77 L. J. Ch. 679; 99 L. T. 339; 24 T. L. R. 579; affirmed [1908] 2 Ch. 514; 77 L. J. Ch. 679; 24 T. L. R. 795 [C. A.]	164
South London E. S. Corp. v. Perrin, [1901] 2 K. B. 186; 65 J. P. 627; 70 L. J. K. B. 643; 84 L. T. 630; 49 W. R. 539; 17 T. L. R. 475; 19 Cox C. C. 717	205
South Metropolitan Gas Co. v. Nonkes (1889), 61 L. T. 556; 5 T. L. R. 448	73
South Shields Corp. v. South Shields Gas Co. (1903), Electrician, March 13th, p. 870	160, 205
Southampton Tramways Co. and the Southampton Corp., <i>In re</i> An Arbitration between (1899), 63 J. P. 788; 81 L. T. 652; 16 T. L. R. 38 [C. A.]	138
Southwark and Vauxhall Water Co. v. Wandsworth District B. of W., [1898] 2 Ch. 603; 62 J. P. 756; 67 L. J. Ch. 657; 79 L. T. 132; 47 W. R. 107; 14 T. L. R. 576	170, 217
Steward v. North Metropolitan Tramways Co. (1886), 16 Q. B. D. 556; 50 J. P. 324; 55 L. J. Q. B. 157; 54 L. T. 35; 34 W. R. 316 [C. A.]	167
Stockport District Water Co. v. Manchester Corporation (1863), 7 L. T. (N.S.) 545; 11 W. R. 156; 9 Jur. (N.S.) 266	151
Stockton and Middlesbrough Water Board v. Kirkleatham Local Board, [1893] A. C. 444; 57 J. P. 772; 63 L. J. Q. B. 56; 69 L. T. 661; 1 R. 288	138
Sudbury Corp. v. Empire Electric Light and Power Co., Limited, [1905] 2 Ch. 104; 69 J. P. 321; 74 L. J. Ch. 442; 93 L. T. 630; 53 W. R. 684; 3 L. G. R. 822	20, 93
Sun Insurance Co. v. Dublin Corp. (1899), Electrician, Dec. 9th, p. 240	182
Surbiton Urban Council v. Callender's Cable Co. (1910), 8 L. G. R. 244	93
Swansea Corp. v. Harpur, [1912] 2 K. B. 16; 76 J. P. 129; 81 L. J. K. B. 390; 10 L. G. R. 258; reversed, [1912] W. N. 187; 107 L. T. 6; 10 L. G. R. 677 [C. A.]	217

## T.

	PAGE
Taff Vale Rail. Co. <i>v.</i> Cardiff Gas Co. (1907), 71 J. P. 350; 23 T. L. R. 528; 5 L. G. R. 993	209, 218
— <i>v.</i> Pontypridd U. D. C. (1905), 69 J. P. 351; 93 L. T. 126; 3 L. G. R. 1339	219
Thomas (Liquidator of), Limited <i>v.</i> Glasgow Corp. (1906), Electrician, Dec. 28th, p. 426	109
Thompson <i>v.</i> Sunderland Gas Co. (1877), 2 Ex. D. 429; 46 L. J. Ex. 710; 37 L. T. 30; 25 W. R. 809	218
Titchhurst and District Water and Gas Co. <i>v.</i> Gas and Waterworks Supply and Construction Co., Limited (1911), 55 Sol. J. 459	95
Tilling (T.), Limited <i>v.</i> Dick, Kerr & Co., Limited, [1905] 1 K. B. 562; 69 J. P. 172; 74 L. J. K. B. 359; 92 L. T. 731; 53 W. R. 380; 21 T. L. R. 281; 3 L. G. R. 369	29, 215
Tunbridge Wells Corp. <i>v.</i> Baird, [1896] A. C. 434; 60 J. P. 788; 65 L. J. Q. B. 451; 74 L. T. 385; 12 T. L. R. 372	210

## U.

Uppingham Gas Co., <i>Re</i> (1901), Electrician, June 28th, p. 384; JI. of G. L., June 25th, 1901, p. 1758	78
--	----

## V.

Vaughan <i>v.</i> Taff Vale Rail. Co. (1860), 5 H. & N. 679; 29 L. J. Ex. 247; 2 L. T. 394; 8 W. R. 549; 6 Jur. (N.S.) 899...	494
--	-----

## W.

Walker U. D. C. <i>v.</i> Wigham, Richardson & Co., Limited (1901), 66 J. P. 152; 85 L. T. 579; 18 T. L. R. 107	213
Wandsworth District B. of W. <i>v.</i> County of London and Brush Provincial E. L. Co. (1895), JI. of G. L., Aug. 13th, Vol. lxvi, p. 345; Times, Aug. 5th, 1895	159
— <i>v.</i> United Telephone Co. (1884), 13 Q. B. D. 904; 48 J. P. 676; 53 L. J. Q. B. 449; 51 L. T. 148; 32 W. R. 776	100, 211, 252
Watson <i>v.</i> Sunderland Corp. (1904), Electrician, Jan. 22nd, p. 542	100
Wearmouth Crown Glass Co., <i>Re</i> (1882), 19 Ch. D. 640; 45 L. T. 757; 30 W. R. 316	109
Wednesbury Corporation <i>v.</i> Lodge Holes Colliery Co., [1907] 1 K. B. 78; 71 J. P. 73; 76 L. J. K. B. 68; 95 L. T. 815; 23 T. L. R. 80; 5 L. G. R. 43 [C. A.]; reversed [1908] A. C. 323; 72 J. P. 417; 77 L. J. K. B. 817; 99 L. T. 210; 24 T. L. R. 771; 52 Sol. J. 620; 6 L. G. R. 924	210, 211
Whitechapel B. of W. <i>v.</i> Crow (1901), 65 J. P. 549; 84 L. T. 595; 17 T. L. R. 463; 19 Cox C. C. 700	159
Whitwood Chemical Co. <i>v.</i> Hardman, [1891] 2 Ch. 416; 60 L. J. Ch. 428; 64 L. T. 716; 39 W. R. 433; 7 T. L. R. 325...	106
Wigham, Richardson & Co., Limited <i>v.</i> Walker U. D. C. (1901), 66 J. P. 152; 85 L. T. 579; 18 T. L. R. 107	213
Wilkins <i>v.</i> Day (1883), 12 Q. B. D. 110; 48 J. P. 6; 49 L. T. 399; 32 W. R. 123	209
Winnipeg Electric Rail. Co. <i>v.</i> Winnipeg City, [1912] A. C. 355; 106 L. T. 388	148, 212
Wolverhampton Tramways Co. <i>v.</i> Great Western Rail. Co. (1886), 56 L. J. Q. B. 190; 56 L. T. 892	102
Wood <i>v.</i> West Ham Gas Co. (1885), 49 J. P. 662; 52 L. T. 817; 33 W. R. 799; Wray <i>v.</i> Ellis (1858), 1 E. & E. 276; 28 L. J. M. C. 45; 7 W. R. 91; 5 Jur. (N.S.) 624	223 256

## Y.

Young <i>v.</i> Leamington Corp. (1883), 8 App. Cas. 517; 47 J. P. 660; 52 L. J. Q. B. 713; 49 L. T. 1; 31 W. R. 925...	90
--	----

## ADDENDUM.

---

*Pages 62 and 475 :* The Special Rules under the Metalliferous Mines Regulation Act, 1872 (set out at pp. 475 to 482), have now come into operation without alteration.



# TABLE OF STATUTES

CITED IN

## CANADIAN NOTES.

### PROVINCE OF ONTARIO.

	PAGE
An Act respecting companies for supplying Steam, Heat, Electricity, &c., R. S. O., 1897, c. 200 . . . . .	62a, 246a
Consolidated Municipal Act, 1903, 3 Edw. VII. c. 19 . . . . .	62a, 246d
Municipal Power Works Act, 3 Edw. VII. c. 25 . . . . .	62b, 246f
Municipal Act, R. S. O., 1897, c. 223 . . . . .	62b, 246d, 246f
The Power Commission Act, 7 Edw. VII. c. 19 . . . . .	62b, 246h, 246i, 246j, 246m
— Amendment Act, 1909, 9 Edw. VII. c. 19 . . . . .	62b, 246h, 246m
— 1912, 2 Geo. V. c. 14 . . . . .	62b, 246i, 246j, 246l, 246m
— 1911, 1 Geo. V. c. 14 . . . . .	62b, 246i
Street Railway Act, R. S. O., 1897, c. 208 . . . . .	246c
Assessment Act, R. S. O., 1897, c. 224 . . . . .	246g
An Act respecting the Hydro-Electric Power Commission of Ontario, 10 Edw. VII. c. 16 . . . . .	246h
Ontario Public Works Act, 10 Edw. VII. c. 11 . . . . .	246h
Arbitration Act, 9 Edw. VII. c. 35 . . . . .	246i
Public Works Act, R. S. O., 1897, c. 37 . . . . .	246l
Consolidated Municipal Act, 1903, 3 Edw. VII. . . . .	246m, 246s
An Act to provide for the Transmission and Electrical Power to Municipalities, 1906, 6 Edw. VII., 15 (Repealed) . . . . .	246r
Municipal Act (New), 1911, 1 Geo. V. c. 58 . . . . .	246r, 246s
Local Improvement Act, 1912, 2 Geo. V. c. 44 . . . . .	246s
Ontario Railway Amendment Act, 1912, 2 Geo. V. c. 35 . . . . .	246r
An Act respecting Municipal Electric Light and Power Works, 1912, 2 Geo. V. c. 45 . . . . .	246s
Municipal Franchise Act, 1912, 2 Geo. V. c. 42 . . . . .	246s
An Act respecting Joint Stock Companies, R. S. O., 1897, c. 199 . . . . .	246a, 246c
Gas and Water Companies Act, R. S. O., 1897, c. 199 . . . . .	246a
Municipal Light and Heat Act, R. S. O., 1897, c. 234 . . . . .	246c, 246d, 246m, 246s, 246u
Municipal Water Works Act, R. S. O., 1897, c. 235 . . . . .	246c, 246s, 246u
Municipal Amendment Act, 1906, 6 Edw. VII. c. 34 . . . . .	246d
Railway and Municipal Board Act, 1906, 6 Edw. VII. c. 31 . . . . .	246c, 246p, 549b
An Act to regulate (Use of) Electricity in Mines, 1 Geo. V. c. 10 . . . . .	246c
Electric Railway Act, R. S. O., 1897, c. 209 . . . . .	549a
Telegraph Companies Act, R. S. O., 1897, c. 192 . . . . .	549a
Railway Act, R. S. O., 1897, c. 207 . . . . .	246ff

### MANITOBA.

Municipal Act, R. S. M., 1902, c. 116 . . . . .	246cc
---	-------

## BRITISH COLUMBIA.

	PAGE
Electrical Energy Inspection Act, 1910, 10 Edw. VII. c. 16 . . . .	246s
Ontario Companies Act, R. S. O., 1897, c. 191 . . . . .	246a
———, 7 Edw. VII. c. 34 . . . . .	246b
Dominion of Canada Companies Act, R. S. C., 1906, c. 79 . . . .	246b

## DOMINION OF CANADA STATUTES.

Dominion Railway Act, 1888, 51 Vict. c. 29 . . . . .	246cc
——— R. S. C., 1906, c. 37 . . . . .	246dd

# TABLE OF CASES CITED IN CANADIAN NOTES.

## APPEAL CASES IN THE PRIVY COUNCIL.

	PAGE
Hull Electric Company v. Ottawa Electric Company . . . . .	246f
City of Toronto v. Bell Telephone Company (1905), A.C. 52 . . . . .	246cc
_____ v. _____ (1903), 6 O. L. R. 335 . . . . .	246dd

## SUPREME COURT REPORTS.

Brewner v. Toronto R. W. Company (1908), 40 S. C. R. 540 . . . . .	549a
Davidson v. Stuart (1903), 34 S. C. R. 215; 14 M. L. R. 74 . . . . .	246c
Drysdale v. Dugas (1895), 26 S. C. R. 20 . . . . .	246ff
Gareau v. Montreal Street R. W. Company (1901), 31 S. C. R. 463 . . . . .	246ff
Gloster v. Toronto Electric Light Company Etal (1906), 12 O. L. R. 413; 38 S. C. R. 27 . . . . .	246w
Halifax Electric Tramway Company v. Inglis (1900), 30 S. C. R. 256; 32 N. S. Rep. 117 . . . . .	549f
Lepitre v. The Citizens Electric Light and Power Company (1896), 29 S. C. R. 1 . . . . .	246c
London Street R. W. Company v. Brown (1901), 31 S. C. R. 642 . . . . .	549g
Montreal ("City of") v. Montreal Light, Heat and Power Company (1909), 42 S. C. R. 431 . . . . .	246hh
Montreal Light, Heat and Power Company v. Laurence (1907), 39 S. C. R. 326 . . . . .	246gg
Montreal Park and Island R. W. Company v. MacDougall (1905), 36 S. C. R. 1 . . . . .	246z
Montreal Street R. W. Company v. Deslongchamps (1906), 37 S. C. R. 685 . . . . .	549d
Ottawa Electric Light Company v. St. Jacques (1901), 31 S. C. R. 636; 1 O. L. R. 73 . . . . .	246hh
Quebec Railway Light and Power Company v. Fortin (1908), 40 S. C. R. 181 . . . . .	246ff
Randall v. Ottawa Electric Company (1903), 34 S. C. R. 698; 6 O. L. R. 619 . . . . .	246g
Rowan v. Toronto Railway Company (1899), 29 S. C. R. 717 . . . . .	549f
Sidney and Glace Bay Railway Company v. Lott (1909), 42 S. C. R. 220 . . . . .	549f
The Royal Electric Company v. H��v�� (1902), 32 S. C. R. 462 . . . . .	246e, 549f
Toronto Railway Company v. Mulvanny (1907), 38 S. C. R. 327 . . . . .	549e
_____ v. Snell (1901), 31 S. C. R. . . . .	549g
Winnipeg Electric Street Company v. Bell (1906), 37 S. C. R. 515; 15 M. L. R. 338 . . . . .	549d

## ONTARIO LAW REPORTS.

Balfour v. Toronto R. W. Company (1903), 5 O. L. R. 735 . . . . .	549f
Beardmore v. City of Toronto (1910), 21 O. L. R. 505 . . . . .	246t
Bell Telephone Company v. Town of Owen Sound (1904), 8 O. L. R. 74 . . . . .	246dd
Bradd et ux v. Whitney etal (1907), 14 O. L. R. 415 . . . . .	246hh
Brenner v. Toronto R. W. Company (1906), 13 O. L. R. 423; (1908), 40 S. C. R. 540 . . . . .	549a
Brenner v. Toronto R. W. Company (1907), 15 O. L. R. 195 . . . . .	549b
Burman v. Ottawa Electric R. W. Company (1910), 21 O. L. R. 446 . . . . .	549c

KONK UNIVERSITEIT LAW LIBRARY

	PAGE
Burris v. Père Marquette R. W. Company (1904), 9 O. L. R. 259 . . . . .	549a
City of Toronto v. Bell Telephone Company of Canada (1902), 3 O. L. R. 465 . . . . .	246dd
— v. — (1903), 6 O. L. R. 335 . . . . .	246ff
— v. Toronto R. W. Company (1905), 10 O. L. R. 730 . . . . .	549d
Corporation of the City of Toronto v. The Toronto R. W. Company (1905), 11 O. L. R. 103; (1906), 12 O. L. R. 531 . . . . .	549e
County of Haldimand v. Bell Telephone Company (1912), 25 O. L. R. 467 . . . . .	246ce, 246dd
Dawdy v. Hamilton Grimsby & Beamsville Electric R. W. Company (1902), 5 O. L. R. 92 . . . . .	549f
Ford v. Metropolitan Railway Company (1902), 4 O. L. R. 29 . . . . .	549e
Gloster v. Toronto Electric Light Company Etal (1906), 12 O. L. R. 413; 38 S. C. R. 27 . . . . .	246w
Griffiths v. Hamilton Electric Light and Cataract Power Company (1903), 6 O. L. R. 296 . . . . .	246e
Haigh v. Toronto R. W. Company (1910), 21 O. L. R. 601 . . . . .	549a
Hopkins v. Hamilton Electric Light and Cataract Power Company (1901), 2 O. L. R. 240; (1902), 4 O. L. R. 258 . . . . .	246ff
Jones v. Toronto and York R. W. Company (1911), 23 O. L. R. 331 . . . . .	549e
— v. Toronto and York Radial R. W. Company (1910), 21 O. L. R. 421 . . . . .	549ce
King (The) v. Toronto R. W. Company (1905), 10 O. L. R. 26 . . . . .	549e
Labombard v. Chatham Gas Company and the Corporation of the City of Chatham (1905), 10 O. L. R. 446 . . . . .	246g
London Street R. W. Company v. Brown (1901), 2 O. L. R. 53; 31 S. C. R. 642 . . . . .	549g
Mac-Graw v. Toronto R. W. Company (1901), 18 O. L. R. 154 . . . . .	549g
Nollingsford v. Ottawa Electric R. W. Company (1907), 14 O. L. R. 382 . . . . .	549d
O'Hearn v. Town of Port Arthur (1902), 4 O. L. R. 209 . . . . .	549e
Ontario Electric Light and Power Company v. Baxter and Galloway Company (1903), 5 O. L. R. 419 . . . . .	246gg
Ottawa Electric Light Company v. City of Ottawa (1906), 12 O. L. R. 290 . . . . .	246t
— Company v. St. Jacques (1901), 1 O. L. R. 73; 31 S. C. R. 636 . . . . .	246hh
Preston v. Toronto R. W. Company (1906), 13 O. L. R. 369 . . . . .	549d
Randall v. Ottawa Electric Company (1903), 6 O. L. R. 619; 34 S. C. R. 6 . . . . .	246g
Robinson v. Toronto R. W. Company (1901), 2 O. L. R. 18 . . . . .	549e
Rice v. Toronto R. W. Company (1910), 22 O. L. R. 446 . . . . .	549e
Re City of West Toronto and Toronto R. W. Company (1911), 25 O. L. R. 9 . . . . .	549b
Re Port Arthur Electric Street Railway (1909), 18 O. L. R. 376 . . . . .	549b
Re Toronto Electric Light Company Assessment (1902), 3 O. L. R. 620 . . . . .	246ff
Selkirk v. Windsor Essex and Lake Shore Rapid R. W. Company (1910), 21 O. L. R. 109 . . . . .	549e
Stack v. T. Eaton and Company (1902), 4 O. L. R. 335 . . . . .	246ce
Scott v. Patterson (1908), 17 O. L. R. 270 . . . . .	246ee
Simpson v. Toronto and York Radial R. W. Company (1907), 16 O. L. R. 31 . . . . .	549A
Smith v. City of London (1909), 20 O. L. R. 133 . . . . .	246t
Toronto, Corporation of v. Toronto R. W. Company (1906), 12 O. L. R. 534 . . . . .	549e
Toronto Electric Light Company Assessment (1902), 3 O. L. R. 620 . . . . .	246ff
Toronto and Niagara Power Company v. Town of North Toronto (1912), 25 O. L. R. 475 . . . . .	246ce
Toronto and Niagara Power Company v. Town of North Toronto (1912), 25 O. L. R. 475, 485 . . . . .	246ce, 246ee
Toronto R. W. Company v. City of Toronto (1903), 6 O. L. R. 187 . . . . .	246ff
Woolsey v. Canadian Northern R. W. Company (1908), 11 O. W. R. 1030 . . . . .	549b
Wallingford v. Ottawa Electric R. W. Company (1907), 14 O. L. R. 382 . . . . .	549d
Young v. Town of Gravenhurst (1910), 22 O. L. R. 231; (1911), 24 O. L. R. 467 . . . . .	246u

## ONT. APP. REPS.

Bell Telephone Company v. City of Hamilton (1898), 25 O. A. R. 351 . . . . .	549e
Myers v. Brantford Street Railway (1900), 27 O. A. R. 513 . . . . .	549e



## TABLE OF CASES CITED IN CANADIAN NOTES.

xlili

	PAGE
Re Bell Telephone Company Assessment (1898), 25 O. A. R. 351 . . . . .	246ff
Re London Street Railway Company Assessment (1900), 27 O. A. R. 83 . . . . .	549c
Re Toronto R. W. Company Assessment (1898), 25 O. A. R. 135. . . . .	549c
Toronto R. W. Company v. Snell (1901), 27 O. A. R. 151 . . . . .	549g

## MANITOBA LAW REPORTS.

Davidson v. Stuart (1903), 14 M. L. R. 74; and 34 S. C. R. 215 . . . . .	246v
Hill v. Winnipeg Electric Street Railway Company (1911), 21 M. L. R. 442 . . . . .	549f
Himan v. _____ (1906), 16 M. L. R. 16 . . . . .	549f
Lines v. Winnipeg Electric Street Railway Company (1896), 11 M. L. R. 77 . . . . .	549f
Seymour v. _____ (1910), 19 M. L. R. 412 . . . . .	549f
Shendra v. _____ (1911), 21 M. L. R. 622 . . . . .	549f
Town of Selkirk v. Selkirk Electric Light Company (1910), 20 M. L. R. 461 . . . . .	246dd
Winnipeg Electric Street Railway v. Bell (1906), 15 M. L. R. 338; 37 S. C. R. 515 . . . . .	549d

## BRITISH COLUMBIA REPORTS.

Dynes v. British Columbia Railway Company (1910), 15 B. C. R. 429 . . . . .	549f
Morton v. British Columbia Electric Railway Company (1910), 15 B. C. R. 187 . . . . .	549f
Winter v. British Columbia Electric Railway Company (1908), 15 B. C. R. 81 . . . . .	549f

## NOVA SCOTIA REPORTS.

Halifax Electric Tramway Company v. Inglis (1900), 32 N. S. R. 117; 30 S. C. R. 256 . . . . .	549f
Sidney & Glace Bay R. W. Company v. Lott (1909), 41 N. S. 153; 42 S. C. R. 220 . . . . .	549f

## AMERICAN CASES.

## NORTH-EASTERN REPORTER.

Butler v. Aurora E. & C. R. Company (1911), 95 N. E. 44 . . . . .	246z
City of Logansport v. Smith (1911), 93 N. E. 883 . . . . .	246w
Cumberland Telephone & Telegraph v. Krantz (1911), 95 N. E. 371 . . . . .	246z, 246aa
Indianapolis Traction & Terminal Company v. Croly (1911), 96 N. E. 973 . . . . .	549h
Valparaiso Lighting Company v. Tyler (1911), 96 N. E. 768 . . . . .	246bb

## NORTH-WESTERN REPORTER.

Doyle v. La Crosse, City Ry. Company (1912), N. W. 364 . . . . .	246bb
Lomoe v. Superior Water Light and Power Company (1911), 132 N. W. 623 . . . . .	246z
Payne v. Waterloo, C. F. & N. Ry. Co. (1911), 133 N. W. 781 . . . . .	549g

## SOUTHERN REPORTER.

Alabama City G. & A. R. Company v. Appleton (1911), 54 So. 638 . . . . .	246w
Birmingham Ry. Light & Power Co. v. Murphy (1911), 56 So. 817 . . . . .	246cc
_____ v. Tuqua (1911), 56 So. 578 . . . . .	549h
Escambia County Electric Light & Power Co. v. Southerland (1911), 55 So. 83 . . . . .	246aa
Farnsworth v. Tampa Electric Co. (1912), 57 So. 233 . . . . .	549g

## APPEAL COURT REPORTS.

Owens v. Chicago Telephone Company (1911), 159 Ill. App. 80 . . . . .	246w
Sieb Central Pennsylvania Traction Company (1911), 47 Pa. Super Ct. 228 . . . . .	549g

	PAGE
Gents v. Spring Valley Coal Company (1910), 155 Ill. App. 628 . . .	246aa
North Chicago Street R. W. Company v. Cook, 145 Ill. App. 551 . . .	549b
Nichols v. Lynn & Boston R. R. Company (1897), 168 Mass. 528 . . .	549a

## SOUTH-WESTERN REPORTER.

Citizen's Railway and Light Company v. Case (1911), 138 S. W. 621 . . .	246g
Clark v. St. Louis and S. Railway Company (1911), 137 S. W. 583 . . .	246aa
Freeman v. Missouri and K Telephone Company (1911), 142 S. W. 733 . . .	246bb
Goodwin v. Columbia Telephone Company (1911), 138 S. W. 940 . . .	246z, 246aa
Hoover v. Kansas City Elevated Railway Company (1911), 140 S. W. 321 . . .	246cc
Jacksonville Ice and Electric Company v. Moses (1911), 134 S. W. 379 . . .	246e
Louisville Railroad Company v. Sheehan's Administratrix (1912), 142 S. W. 221 . . .	549g
Trout v. Laclède Gas Light Company (1911), 140 S. W. 1198 . . .	246bb
St. Louis Carbonating and Manufacturing Company v. St. Louis United Railways Company (1911), 141 S. W. 904 . . .	549g
Union Light, Heat, and Power Company v. Youngs Administrator (1911), 133 S. W. 991 . . .	246e

## SOUTH-EASTERN REPORTER.

Brown v. Panola Light and Power Company (1912), 73 S. E. 580 . . .	246bb
Runyan v. Kanawha Water and Light Company (1911), 71 S. E. 259 . . .	246e, 246aa
Starr v. Southern Bell Telephone and Telegraph Company (1911), 72 S. E. 484 . . .	246aa

## ATLANTIC REPORTER.

Cockburn v. Connecticut Company (1911), 81 A. 241 . . .	549h
Rocap v. Bell Telephone Company of Philadelphia (1911), 79 A. 769 . . .	246z

## FEDERAL REPORTER.

Dunn v. Cavanaugh (1911), 185 F. R. 451 . . .	246e
---	------

## PACIFIC REPORTER.

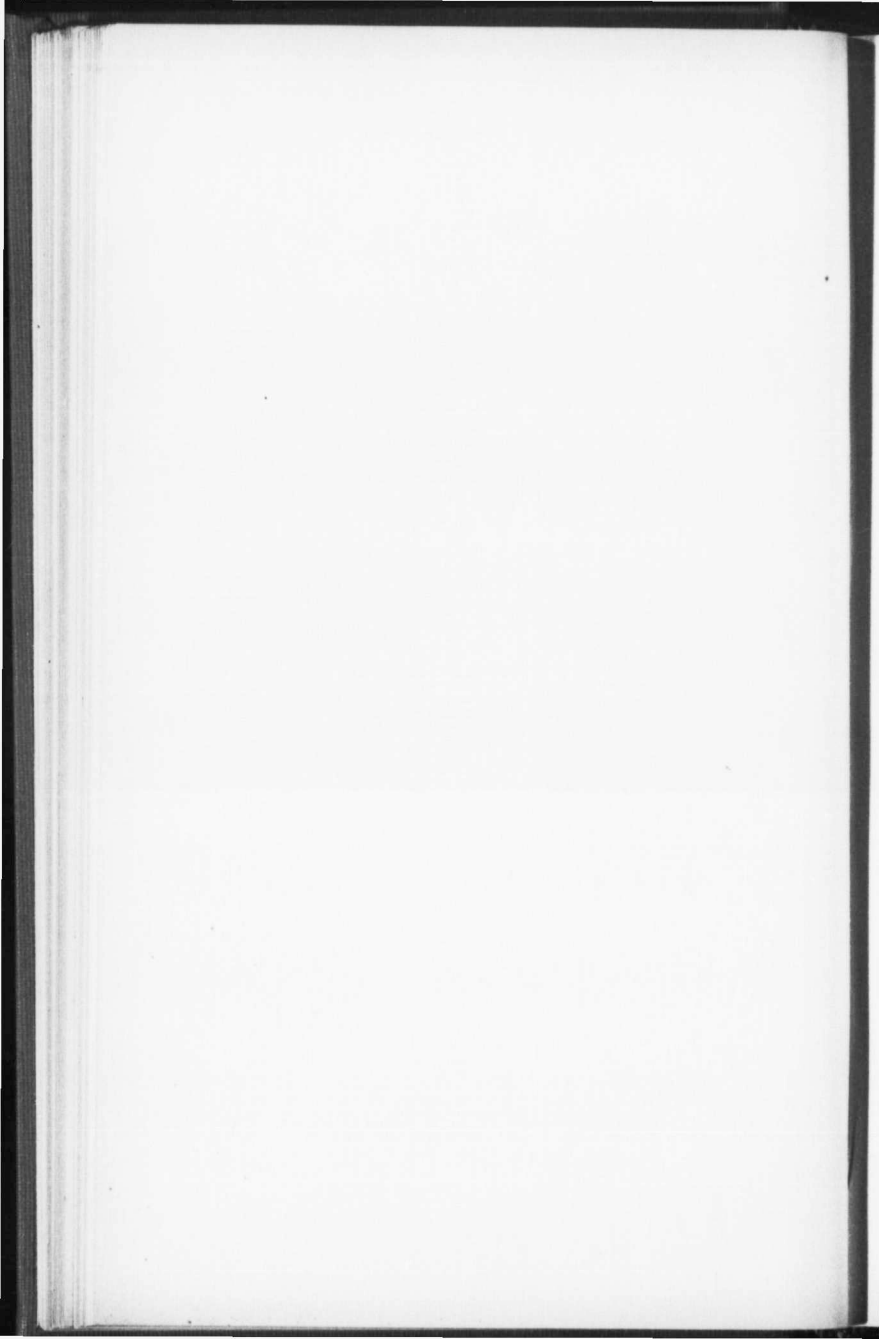
Cutler v. Pittsburg Silver Plate Gold Mining Company (1911), 116 P. 418 . . .	246aa
La Dow v. Oklahoma Gas and Electric Company (1911), 119 P. 250; 28 Ok. 15 . . .	246e
Pierce v. United Gas and Electric Company (1911), 118 P. 700 . . .	246aa
State v. Butte Electric & Power Company (1911), 115 P. 44 . . .	246t





PART I.

THE LAW RELATING TO ELECTRIC  
LIGHTING AND POWER.



## INTRODUCTION.

---

CHAP.	PAGE
I.—THE ELECTRIC LIGHTING ACTS ... ..	5
II.—LICENCES ... ..	7
III.—PROVISIONAL ORDERS ... ..	9
IV.—ELECTRIC SUPPLY UNDERTAKINGS IN THE COUNTY OF LONDON ... ..	37
V.—POWER ACTS ... ..	45
VI.—THE FACTORY ACTS, 1901 AND 1907, AND THE COAL MINES ACT, 1911 ... ..	59

---

STATUTES ... ..	63
FORMS OF PROVISIONAL ORDER, POWER ACT, ETC. ...	305
RULES AND REGULATIONS, FORMS OF ACCOUNT, ETC. ...	343

---





# INTRODUCTION.

## CHAPTER I.

### THE ELECTRIC LIGHTING ACTS.

THE public general legislation relating to the supply of electricity in the United Kingdom is comprised in the Electric Lighting Acts, 1882 to 1909, that is to say, the Electric Lighting Acts, 1882, 1888 and 1909, and (as respects Scotland) the Electric Lighting (Scotland) Acts, 1890 and 1902. The Electric Lighting (Clauses) Act, 1899, contains in a Schedule a number of provisions which, with any necessary modifications, are to be incorporated with every Provisional Order made under the Electric Lighting Acts and not extending to London, and every special Act authorising the supply of electricity within any area.

The title "Electric Lighting Act," given to each of the above Acts, is misleading. The Acts deal with the supply of electricity for all purposes and not merely for lighting, and in recent years a rapidly increasing proportion of the electricity supplied by undertakers under the provisions of the Acts has been supplied for purposes other than lighting, such as motive power and heating.

Speaking generally the Electric Lighting Acts only apply to bodies or persons who are authorised to supply electricity *within any area* by a licence or Provisional Order granted by the Board of Trade under those Acts, or by a special Act of Parliament, and such bodies or persons are referred to in those Acts as "undertakers" (a).

Prior to the passing of the Electric Lighting Act, 1909, it was, and subject to the provisions of s. 23 of that Act it still is, lawful for any person to supply electrical energy without the authority of a licence, Provisional Order, or special Act (b). Practical

(a) See Electric Lighting Act, 1882, s. 2; Electric Lighting Act, 1909, s. 25. The phrase "authorised undertakers" is used in some special Acts with the same meaning. See definition of "authorised" in Electric Lighting Act, 1909, s. 25.

(b) Authorised undertakers are (always in the case of Provisional Orders and generally in the case of special Acts) prohibited from supplying electrical energy outside the areas of supply defined in their Orders or Acts, unless authorised to do so by Parliament or a licence granted by the Board of Trade (Electric Lighting (Clauses) Act, 1899, Schedule, s. 4 (2)), or with the permission or consent of the Board of Trade under s. 4 (3) or s. 6 (1) of the Electric Lighting Act, 1909.

difficulties, such as the inability to break up streets to lay underground lines, and the difficulty and expense of obtaining wayleaves for overhead lines have, however, prevented, and must prevent, any considerable supply of electricity by unauthorised undertakers (*c*). Moreover, lines of unauthorised undertakers are subject to regulation by the Board of Trade and the Postmaster-General, under s. 4 of the Electric Lighting Act, 1888 (*d*), and if placed above, over, along or across any street by urban authorities who have adopted Part II. of the Public Health Acts Amendment Act, 1890 (*e*), or in London by the London County Council, under the London Overhead Wires Act, 1891 (*f*).

Competition  
by unauthorised  
undertakers with  
authorised  
undertakers  
prohibited.

Section 23 of the Electric Lighting Act, 1909, however, created an innovation. That section prohibits any local authority, company or person, not authorised to do so by licence or Provisional Order or special Act, from *commencing* to supply or distribute electricity after the passing of that Act in any area in which any other local authority, company or person are authorised by licence, Provisional Order or special Act to supply electricity, but this prohibition is not to apply to any company or person whose business is not primarily that of the supply of electricity to consumers, or to the supply by any company empowered at the passing of the Act by their memorandum of association to generate electricity to a railway company for purposes incidental to that company's undertaking other than the conveyance of public traffic. This section, therefore, in effect confers upon authorised undertakers for the future a monopoly of the supply of electricity within their area of supply, for, although it is competent for the Board of Trade by the express provision of s. 1 of the Electric Lighting Act, 1888, and of course for Parliament to authorise competition with such undertakers by any other body or person, it is not the practice to confer competing powers on authorised undertakers for areas outside the county of London (*g*).

Authorised  
undertakers.

Undertakers may obtain power to supply electricity under the Electric Lighting Acts by licence or Provisional Order granted by the Board of Trade, subject, in the case of a Provisional Order, to confirmation by Parliament or by special Act, and each of these is dealt with in a subsequent Chapter.

(*c*) The phrase "unauthorised undertakers" is used as the opposite of "authorised undertakers" (as to which see previous note). It is so used in the marginal note to s. 23 of the Electric Lighting Act, 1909.

(*d*) See *post*, p. 140.

(*e*) See *post*, p. 81.

(*f*) See *post*, p. 251.

(*g*) An exception may be said to exist in the case of the supply of electricity for power purposes, as to which see *post*, pp. 45 *et seq.*

## CHAPTER II.

## LICENCES.

THE Board of Trade may, with the consent of the local authority <sup>Licences</sup> of the district, grant a licence to any local authority, company or person to supply electricity for any public or private purposes (a) within any area. A licence does not require confirmation by Parliament, and can only be granted for a limited period not exceeding seven years, but may be renewed from time to time for a like period (b).

Licences were intended to be experimental only, and as the <sup>not now</sup> supply of electricity has passed beyond that stage, the Board of <sup>granted</sup> Trade will not now entertain an application for a licence <sup>except under</sup> under very special circumstances. Thirty-three licences have <sup>special cir-</sup> been granted since 1882, the last in 1902, but all have since been <sup>cumstances.</sup> revoked, and no licence is now in force (Board of Trade Return— <sup>No licence</sup> Parliamentary Paper 176 of 1912). <sup>now in force.</sup>

The enactments and Rules regulating the mode of application <sup>Applications</sup> for, and the provisions to be inserted in, a licence are contained <sup>for and</sup> in s. 3 of the Electric Lighting Act, 1882, and Rules made by the <sup>contents of</sup> Board of Trade. See *post*, pp. 74—77. <sup>licences.</sup>

(a) See the definitions of "public purposes" and "private purposes" respectively in s. 3 of the Electric Lighting Act, 1882, *post*, p. 74.

(b) Electric Lighting Act, 1882, s. 3, *post*, p. 74.



## CHAPTER III.

## PROVISIONAL ORDERS.

POWERS to supply electricity for public and private purposes are usually obtained by Provisional Order, and in the absence of special circumstances powers to supply electricity which could have been obtained by a Provisional Order under the Electric Lighting Act, 1882, will not be conferred by Parliament by special Act (see, for instance, the *Chard Case*, Electrician, July 24th, 1903, p. 593). Under the Electric Lighting Act, 1909, the Board of Trade may now make Provisional Orders conferring upon undertakers various powers which formerly could only have been obtained by special Act, and probably the tendency will be to induce undertakers to avail themselves in ordinary cases of the procedure by Provisional Order in preference to that by Bill (a).

Powers  
ordinarily  
conferred by  
Provisional  
Order.

The Board of Trade may now make Provisional Orders for any of the following purposes:

Provisional  
Orders.

- (i) Authorising any local authority, company or person to supply electricity for public or private purposes (*i.e.*, for all purposes) within any area (Electric Lighting Act, 1882, s. 4, *post*, p. 77).
- (ii) Authorising the compulsory acquisition or the use of any specified land for the purpose of a generating station by undertakers whose authority to supply is given by Provisional Order or Act of Parliament (Electric Lighting Act, 1909, s. 1, *post*, p. 228).
- (iii) Authorising the breaking up of any roads, railways or tramways outside the area of supply of any undertakers to enable electricity to be brought from a generating station of the undertakers outside such area (Electric Lighting Act, 1909, s. 3, *post*, p. 230).
- (iv) Authorising any local authority or company to supply electricity "in bulk," unless the Board of Trade consider that "by reason of the character or magnitude of the proposed undertaking the matter ought to be dealt with by private Bill" (Electric Lighting Act, 1909, s. 4 (1), *post*, p. 231).

(a) See the recommendations of the Joint Committee presided over by Viscount CROSS, answer to question 1, *post*, p. 460.

- (v) Authorising any undertakers whose authority to supply is given by Provisional Order or Act of Parliament to supply electricity within their area of supply for purposes (other than haulage or traction) incidental to the working or lighting of any railway, tramway or canal partly within and partly without the area of supply of the undertakers (Electric Lighting Act, 1909, s. 5 (2), *post*, p. 233).
- (vi) Enabling two or more local authorities to purchase generating stations, mains, or other works of a company used solely for supplying electricity within the districts of such local authorities, but situate outside such districts (Electric Lighting Act, 1909, s. 7 (1), *post*, p. 235).
- (vii) Providing for the joint exercise of the powers of the Electric Lighting Acts or any Provisional Order by two or more local authorities as respects any area consisting of the whole or parts of the districts of those authorities (Electric Lighting Act, 1909, s. 8, *post*, p. 236).
- (viii) Repealing, altering or amending any Provisional Order granted under the Electric Lighting Acts (Electric Lighting Act, 1882, s. 4 (4), *post*, p. 77).

Confirmation  
by Parlia-  
ment.

If the Board of Trade grant a Provisional Order they submit it to Parliament for confirmation, and no such Order is of any force unless and until it is confirmed by Act of Parliament (*b*) (Electric Lighting Act, 1882, s. 4 (2), *post*, p. 77). If while the confirming Bill is pending in either House of Parliament a petition is presented against any Order comprised therein the Bill so far as it relates to that Order is referred to a Select Committee, and the petitioner is allowed to appear and oppose as in the case of private Bills (*ibid.*, s. 4 (3), *post*, p. 77).

Confirmation  
may be  
opposed.

Orders and  
consents by  
Board of  
Trade.

The Board of Trade are also empowered in some cases by an Order without confirmation by Act of Parliament, and in other cases by a mere consent, to authorise undertakers to give a supply of electricity or to do acts which would not otherwise be within the powers of the undertakers, and these cases will be dealt with later in their proper places.

Application  
for Provi-  
sional Order  
—how made.

The procedure to be followed in applying for a Provisional Order is prescribed by Rules made by the Board of Trade in July, 1910, under s. 5 of the Electric Lighting Act, 1882. The Rules are set out in full later (pp. 344 *et seq.*). The application must be made by memorial addressed to the Board of Trade and signed or sealed by or on behalf of the applicants, and must be accompanied by a draft of the proposed Order and various other

(*b*) Strictly, when a Provisional Order has been confirmed, it is no longer "provisional," but an Order, even after confirmation, is frequently spoken of as a Provisional Order, *e.g.*, in the Electric Lighting Act, 1909.

documents (Rules I. and XII., *post*, pp. 344, 351). A cheque for £35 must also be deposited "to cover ordinary expenses. If in consequence of inquiries or otherwise additional expense is incurred the amount will be charged to the applicants, and must be paid by them in addition to the ordinary fee" (Rule XII. (7), p. 352).

A local authority may not apply for a Provisional Order except in pursuance of a resolution passed at a special meeting held after one month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of such local authority are usually given (Electric Lighting Act, 1882, ss. 3 (6), 4, pp. 74, 77).

Preliminary resolution where applicants are a local authority.

Where the application is for a Provisional Order—

- (i) to authorise the supply (including the supply in bulk) of electricity ; or
- (ii) to authorise undertakers to break up roads outside their area of supply,

Where consent of local authority required to be obtained or dispensed with.

the Order cannot be granted without the consent of the local authority having jurisdiction within the proposed area of supply, or in whose district the roads are situate, as the case may be, unless the Board of Trade in any case in which such consent is refused are of opinion that, having regard to all the circumstances of the case, such consent ought to be dispensed with, in which case the Board are to make a special report to Parliament stating the grounds on which they have dispensed with such consent (Electric Lighting Act, 1888, s. 1, p. 134 ; Electric Lighting Act, 1909, ss. 3, 4 (1), pp. 230, 231, Rules VIII. and IX., p. 347) (*c*).

## PROCEDURE ON APPLICATION FOR PROVISIONAL ORDER.

The following summary will for the present sufficiently indicate the steps to be taken and the dates to be observed in applying for a Provisional Order :

Steps and dates to be taken and observed.

- (a) On or before JULY 1ST. If power to *distribute* electricity sought, notice by applicants (not being the local authority) of intention to apply (*d*) (Electric Lighting Act, 1882, s. 4 (1), Rule III., pp. 77, 345).

(*c*) Lord CROSS's Committee recommended that the provisions of the Act of 1888, s. 1, should be amended, and that "the local authority should be entitled to be heard before the Board of Trade, but should not have, so to speak, a provisional veto, only to be dispensed with in special cases by the Board of Trade" (*post*, p. 463), but this recommendation has not been given effect to. A list of the cases in which the Board of Trade have dispensed with the consent of the local authority will be found *post*, p. 465.

(*d*) The local authority may waive its right to this notice (Electric Lighting Act, 1909, s. 9, p. 236). The Order will not be granted except to the body or person by whom or on whose behalf the notice was given (note to Rule III., p. 345).

- (b) On or before NOVEMBER 1ST.
  - (i) If power to *distribute* electricity is sought, notice by applicants to every company or person authorised under statutory powers to *distribute* electricity within proposed area of supply.
  - (ii) If power to *supply in bulk* is sought, notice to every local authority, company or person authorised under statutory powers to supply in bulk or to distribute electricity within proposed area of supply (Rule IV., p. 346).
- (c) OCTOBER or NOVEMBER. Notice by advertisement in the London, Edinburgh or Dublin Gazette and a local newspaper of the intended application for and objects of the Provisional Order, and of an address in London and another within the area of supply at which copies of the Order can be bought at 1s. each (Rule II., p. 344).
- (d) On or before NOVEMBER 30TH. Deposit with Board of Trade, clerk of the peace (principal sheriff clerk in Scotland), London County Council and local authority of copy of advertisement, map, plan, and book of reference (Rule X., p. 347). Also with Clerk of Parliaments and Private Bill Office (Standing Orders—House of Lords, 39—House of Commons, 39).
- (e) On or before DECEMBER 15TH. Notice to owners, lessees and occupiers of lands to be compulsorily acquired (Rule V., p. 346). Notice to owners, lessees and occupiers of lands situate within 300 yards of land to be compulsorily acquired or used for a generating station (e), and to local authority of district in which such land is situate (Rule VI., p. 346).
- (f) On or before DECEMBER 21ST. Lodge with Board of Trade memorial (Rule I., p. 344) copies of draft order, cheque for £35, and other documents (Rule XII., p. 351). Deposit draft order and other documents with Local Government Board, Secretary for Scotland, Local Government Board for Ireland, London County Council, and (for sale at 1s. each) at offices in London and area of supply mentioned in advertisement (Rules XIII.—XV., pp. 352, 353).
- (g) Between JANUARY 15TH and FEBRUARY 22ND. Proof of compliance with Rules (Rule XVII., p. 353). Proof of consent or request to dispense with consent of local

(e) For this purpose generating station does not include a transforming, converting or distributing station (p. 346).



authority where such consent required (Rules VIII. and IX., p. 347). As to when such consent is required, see *ante*, p. 11.

- (h) **THREE MONTHS AFTER FIRST ADVERTISEMENT.** No Order is to be granted until after expiration of such three months, nor until opportunity has been given to all parties interested to make representations or objections to the Board of Trade with reference to the application (Electric Lighting Act, 1882, ss. 3 (5), 4, pp. 74, 77).
- (i) **WITHIN ONE MONTH AFTER GRANT OF ORDER.** Deposit copies of Order at offices in London and in area of supply mentioned in advertisement, for sale at 1s. each, and publish same as directed by Board of Trade (Rule XVIII., p. 353). Deposit with Board of Trade map of area of supply certified by clerk or surveyor to local authority (Rule XIX., p. 354).
- (j) **WITHIN FOURTEEN DAYS** of refusal of Board of Trade to grant an Order authorising supply in bulk on ground that matter ought to be dealt with by Private Bill, notice to opponents of intention to proceed by way of Private Bill (Rule XX., p. 354).

In case of competing applications for Orders to supply a district from the local authority of that district and from any other authority, company, or person, the Board of Trade will give a preference to the application of the local authority of the district "in every case where, in the opinion of the Board of Trade, no special circumstances exist which render such a preference inexpedient" (*f*).

In cases of applications for a licence, renewal of a licence, or Provisional Order, to which objection is made by any person locally interested, the Board of Trade will, if they consider it expedient, hold a local inquiry, of which due notice will be given (*f*). Local inquiries by Board of Trade.

Every local or other public authority, company, or person desirous of bringing before the Board of Trade any OBJECTION respecting the application for a Provisional Order, must do so by letter addressed to the Board of Trade on or before JANUARY 15TH next after the application; and if they desire to have ANY CLAUSES OR OTHER AMENDMENTS inserted in the Order they must deliver the same to the Board of Trade by the same date. A copy of any such objection and of any such clauses or other amendments must also be served on the parliamentary agents or solicitors for the Order (Rule XVI., p. 353). How objectors must proceed

(*f*) See note to Rules, *post*, p. 354.

Further, as already stated, any objector may oppose the confirmation of the Provisional Order in either House of Parliament (*ante*, p. 10).

Regulations  
to be inserted  
in licences or  
orders.

The Act of 1882, s. 6, provides that the undertakers shall be subject to such regulations and conditions as may be inserted in any licence, Order, or special Act affecting their undertaking with regard to the various matters mentioned in the section.

In some cases, where application has been made for a Provisional Order for an area in which a company has by agreement with the local authority been supplying electricity without statutory powers, the applicants have, as a condition of the grant of the Order, been required to purchase the undertaking of the company.

Electric  
Lighting  
(Clauses) Act,  
1899.

The regulations and conditions inserted in Provisional Orders soon assumed a common form and were necessarily elaborate and lengthy. To prevent the repetition of these in each Order the Electric Lighting (Clauses) Act, 1899 (62 & 63 Vict. c. 19), was passed and came into operation on October 1st, 1899. It enacts that the provisions contained in the Schedule to the Act shall be incorporated with and form part of every Provisional Order made by the Board of Trade after the commencement of that Act under the Electric Lighting Acts save so far as they are expressly varied or excepted by the Order, and shall, subject to such variations or exceptions, apply so far as applicable to the undertaking authorised by the Order (s. 1, *post*, p. 145).

County of  
London  
excepted.

The Act, however, provides (s. 2 (2)) that—"Except so far as any of the provisions contained in the Schedule to this Act are incorporated with any Provisional Order made by the Board of Trade under the Electric Lighting Acts extending to the county of London, or with any special Act so extending, this Act shall not apply to the county of London" (*post*, p. 146).

The Schedule to the Act contains the provisions which were previously inserted in Provisional Orders applicable to areas outside the county of London, so that the following statement of the powers, duties and obligations of undertakers will generally be found equally applicable to undertakers whose orders were granted prior to 1900, though in those cases reference must be made to the special Order instead of to the Act of 1899.

The form of a Provisional Order for an area outside London will be found set out, *post*, p. 305. The differences between a London and a provincial Order are noticed later. See pp. 38 *et seq.*

**THE UNDERTAKERS.**

The undertakers may be either a local authority, a combination of local authorities, a company or a person or persons (*g*), and a local authority may obtain powers to supply within an area outside its own district (*h*). The undertakers.

No provision is made for incorporating a company by Provisional Order under the Electric Lighting Acts, so that if the undertakers are to be a company they must be incorporated under the Companies (Consolidation) Act, 1908, or by special Act, and must obtain power by their memorandum of association or special Act to carry on the undertaking. Companies.

No provision is made in Provisional Orders with regard to the capital of the undertakers. Where the undertakers are a local authority or combination of local authorities, the Electric Lighting Act, 1882, authorises them to borrow with certain consents—in London that of the London County Council, and elsewhere in England that of the Local Government Board (*i*). Where the undertakers are a company their capital will be limited by their memorandum of association or incorporating Act. All undertakers not being a local authority must, within six months from the commencement of their Provisional Order, and before exercising any of its powers, show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge their duties and obligations under the Order, and deposit or secure to the satisfaction of the Board of Trade such sum as may be fixed by the Order or the Board of Trade (*j*). Capital.

**POWERS OF UNDERTAKERS.**

The general powers conferred on the undertakers authorise them, subject to the provisions of the Electric Lighting Acts, and of any rules made by the Board of Trade in pursuance of those Acts, and of their Provisional Order, and for the purpose of supplying electricity, to acquire such lands by agreement, construct such works, acquire such licences for the use of any patented process, etc., enter into such contracts, and generally do all such acts and things as may be necessary and incidental to such supply (*k*). General powers of undertakers.

(*g*) Electric Lighting Act, 1882, s. 4; Electric Lighting Act, 1909, s. 8. As to applications by individuals, see *post*, p. 34.

(*h*) Electric Lighting Act, 1882, ss. 3 (7), 4.

(*i*) Electric Lighting Act, 1882, s. 8, and Schedule. If the London County Council refuse to sanction a loan, the local authority may appeal to the Local Government Board (London Government Act, 1899, s. 4 (1)).

(*j*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 5.

(*k*) Electric Lighting Act, 1882, s. 10.

Area of  
supply.

The Provisional Order defines the area of supply in which the undertakers are to supply electricity, and the undertakers are prohibited, under penalty of revocation of the Order, from supplying electricity or (except for the purposes of the Order) erecting or laying down any electric lines or works beyond the area of supply, otherwise than under the authority of Parliament or a licence granted by the Board of Trade (*l*).

Under the Electric Lighting Act, 1909, undertakers may be authorised by Provisional Order to break up roads, etc. and presumably, therefore, to lay down mains, outside their area of supply for enabling electricity to be brought into such area from a generating station belonging to them situated outside that area (s. 3), or for giving a supply in bulk (s. 4 (1)). They may also be authorised by simple Order of the Board of Trade to supply electricity in bulk to any other undertakers where no further powers to break up streets are required (s. 4 (3)), or subject to certain conditions to supply electricity to any premises situate outside the area of supply (s. 6). Further, undertakers may, with the consent of the Board of Trade, supply electricity at any point within their area for the purpose of haulage or traction, or lighting vehicles or vessels on any railway, tramway, or canal situate partly within and partly without that area (Electric Lighting Act, 1909, s. 5).

Lands.

Prior to 1909 undertakers under a Provisional Order could acquire land by agreement only. In the case of undertakers not being a local authority no limit is imposed as to the quantity of land to be acquired, but in the case of a local authority the quantity of land to be used by them for the purposes of the Order is not to exceed *five* acres (s. 8 of the Schedule to the Electric Lighting (Clauses) Act, 1899). By the same section a local authority may, subject to the approval of the Local Government Board, use for the purposes of their Order any lands for the time being vested in or leased by them. See also Public Health Acts Amendment Act, 1907, s. 95.

Nuisance  
from generat-  
ing station  
and works.

Prior to 1899 it had been the practice to insert in every Provisional Order a clause that "nothing in the Order shall exonerate the undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them," and in every Provisional Order granted since 1899, s. 81 of the Schedule to the Electric Lighting (Clauses) Act, 1899, which is in the same terms, is incorporated. Consequently such undertakers are liable to proceedings for any nuisance caused by them in carrying on their generating station or other works. See

(*l*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 4.

*Shelfer v. City of London Electric Lighting Co., Limited*, [1895] 2 Ch. 388, and other cases cited in note to s. 81, *post*, p. 203.

In 1898 a Joint Committee of the House of Lords and House of Commons, presided over by Viscount CROSS, reported in favour of the granting to undertakers of compulsory powers for the acquisition of land for generating stations and other works, and recommended that where the site of a generating station was acquired under compulsory powers the undertakers should not be subjected to any further liability than that which, according to Lord BLACKBURN (*Geddis v. Proprietors of Bann Reservoir* (1878), 3 App. Cas. 430), is imposed by the common law in the case of persons exercising statutory powers and duties, but that on the other hand where the site for a generating station is acquired by agreement the undertakers ought to be subject to the liability imposed by the common law. See the Report, *post*, p. 459.

In the case of *Geddis v. Proprietors of Bann Reservoir* (1878), 3 App. Cas. 430, Lord BLACKBURN at p. 455 thus laid down the law: "It is now thoroughly well established that no action will lie for doing that which the legislature has authorised, if it be done without negligence, although it does occasion damage to anyone; but an action does lie for doing that which the legislature has authorised, if it be done negligently. And I think that if by a reasonable exercise of the powers either given by statute to the promoters or which they have at common law, the damage could be prevented, it is, within this rule, negligence not to make such reasonable use of their powers." See also *Brand v. Hammersmith and City Rail. Co.* (1868), L. R. 4 H. L. 171.

After the date of the above Report a large number of special Acts were passed conferring upon undertakers powers to acquire compulsorily and use or to use lands for generating stations and other works. In a few such cases it was provided that the undertakers should not be exonerated from proceedings for nuisance, but in by far the larger number no provisions were enacted as to proceedings for nuisance, and accordingly the undertakers' liability was that enunciated by Lord BLACKBURN in the extract above set out (*ll*).

Now by virtue of s. 1 of the Electric Lighting Act, 1909, the Board of Trade may by Provisional Order authorise undertakers to acquire compulsorily, or to use for the purpose of a generating station, any land specified in the Order, whether situate within or without their area of supply, and, in the case of a local authority,

Special Acts  
authorising  
compulsory  
purchase.

Compulsory  
purchase or  
use of lands  
for generat-  
ing stations  
may be  
authorised by  
Provisional  
Order.

(*ll*) The provisions of s. 22 of the Electric Lighting Act, 1909 (*post*, p. 242), for the protection of public buildings and parks, will, however, apply to such generating stations.

whether situate within or without their district. In such cases, it is submitted that, in accordance with the Joint Committee's Report, a nuisance clause ought not ordinarily to be applied to the land so specified, and the undertakers ought only to be liable to be proceeded against for nuisance in the event of negligence being proved against them. It is, however, the practice of the Board of Trade to incorporate s. 81 of the Schedule to the Electric Lighting (Clauses) Act, 1899, with every such Order, and to apply it to the generating station authorised.

Prohibition  
against con-  
struction of  
generating  
stations  
except on  
lands  
specified in  
Act or Order,  
or with con-  
sent of Board  
of Trade.

The same Act (s. 2) now prohibits undertakers, except with the consent of the Board of Trade, from constructing after the passing of that Act, a generating station (but not a transforming, converting or distributing station) on any land acquired by them after March 31st, 1909, unless the construction is authorised and the land specified in a special Act or Provisional Order, and the Board of Trade are not to give any such consent until notice has been given, as the Board of Trade direct, to the local authority of the district and to owners and lessees of land within 300 yards of the land on which the generating station is to be constructed, and an opportunity has been given to such local authority, owners and lessees to state their objections.

Works.

In addition to the general power to construct works before mentioned various specific powers in relation to the construction of works are conferred upon the undertakers.

Breaking up  
streets, etc.

They may, for the purpose of laying electric lines, break up the soil and pavement of the several streets and bridges within the area of supply, and open and break up sewers, drains or tunnels within or under such streets or bridges, and lay down and place within the same area electric lines and other works including street boxes (*m*). They may not, however, unless specially authorised by their Order to do so, break up any street which is not repairable by the local authority or any railway or tramway without the consent of the local authority, company or person by whom such street, railway or tramway is repairable, or of the Board of Trade (*n*), and they may not lay down or place any electric line or other works into, through or against, any building, or in any land not dedicated to public use without the consent of the owners or occupiers thereof (*o*).

As to streets  
not repair-  
able by the  
local autho-  
rity, railways  
and tram-  
ways.

As to  
private land.

Further, the powers to break up streets and bridges and lay down electric lines and works must be exercised subject to a series of

(*m*) Electric Lighting Act, 1882, s. 12, incorporating the provisions with regard to breaking up streets of the Gasworks Clauses Act, 1847, *post*, pp. 95, 207 *et seq.*; Electric Lighting (Clauses) Act, 1899, Schedule, s. 13.

(*n*) Electric Lighting Act, 1882, s. 13; Electric Lighting (Clauses) Act, 1899, Schedule, s. 12.

(*o*) Gasworks Clauses Act, 1847, s. 7.

provisions providing for the service of notices and plans on the local authority and the Postmaster-General, the approval of such plans by them or the Board of Trade (*p*), the execution of the work under the superintendence of the person having control of the street or bridge, and the reinstatement of the street or bridge (*q*). In the case of works affecting any street not repairable by the local authority, or any railway, tramway or canal, notices and plans must be served on the body or person liable to repair such street or entitled to work such railway or tramway, or owning such canal, and any difference between them and the undertakers is to be settled by arbitration (*r*). Any body or person liable to repair any street or entitled to work any railway or tramway may elect to exercise the undertakers' powers in relation to the breaking up, filling in, reinstating or making good any street, bridge or other works vested in them at the expense of the undertakers (*s*).

The undertakers may alter the position of pipes and wires in any street or place which they may break up, subject to the service of notices and plans on the owners thereof, and the determination by arbitration of any questions that may arise, and to the execution of the works by the owners at the expense of the undertakers, and in like manner any other body or person may alter the position of the electric lines and works of the undertakers under any such street or place which may interfere with the lawful exercise of any powers vested in them in relation to such street or place (*t*).

Provision is also made regulating the laying by the undertakers of electric lines near sewers, gas or water pipes or other electric lines, or by gas or water companies of pipes near electric lines of the undertakers (*u*), for the protection of railways and canals (*x*), telegraphic and telephonic wires of the Postmaster-General and others (*a*), and of mines (*b*).

The undertakers may not place any electric line above ground without the consent of the Board of Trade and the local authority except within premises in the sole occupation or control of the

(*p*) Gasworks Clauses Act, 1847, s. 8; Electric Lighting (Clauses) Act, 1899, Schedule, s. 14.

(*q*) Gasworks Clauses Act, 1847, ss. 9—12.

(*r*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 15.

(*s*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 16.

(*t*) Electric Lighting Act, 1882, s. 15; Electric Lighting (Clauses) Act, 1899, s. 17.

(*u*) Electric Lighting (Clauses) Act, 1899, s. 18.

(*x*) Electric Lighting Act, 1882, s. 16; Electric Lighting (Clauses) Act, 1899, s. 19.

(*a*) Electric Lighting Act, 1882, s. 26; Electric Lighting (Clauses) Act, 1899, s. 20.

(*b*) Electric Lighting Act, 1882, s. 33.

undertakers, and except so much as is necessarily so placed for the purposes of supply (*c*). In suitable cases the Board of Trade allow the erection of overhead wires subject to regulations which are set out *post*, p. 385.

Contracts by undertakers who are local authorities.

The general power to enter into such contracts as may be necessary or incidental to the supply of electricity conferred on all undertakers by s. 10 of the Electric Lighting Act, 1882, is supplemented in the case of undertakers who are local authorities by s. 11 of the same Act, which empowers any such local authorities to contract with any company or person for the execution and maintenance of any works needed for the purposes of such supply, or for the supply of electricity within any area (*d*).

### SYSTEM AND MODE OF SUPPLY.

System and mode of supply.

The supply is to be given only by means of some system approved in writing by the Board of Trade, and subject to the Board of Trade Regulations, and no part of any circuit is to be connected with earth except so far as may be necessary for carrying out the Board of Trade Regulations, unless the connection is for the time being approved by the Board of Trade with the concurrence of the Postmaster-General, and made in accordance with the conditions of that approval (*e*).

The Board of Trade Regulations which are made in the case of each Order in pursuance of s. 6 of the Electric Lighting Act, 1882, and which contain a number of provisions for securing the safety of the public, are set out *post*, p. 364.

The Board of Trade may by order require the undertakers to remedy any defects in their system or works, and may forbid the use of any electric line or work until their order is complied with, and in case of non-compliance with any such order the undertakers are liable to penalties, and in addition the Board of Trade may, if in their opinion the public interest so requires, revoke the undertakers' Order on such terms as they think just (*f*).

### OBLIGATIONS OF UNDERTAKERS.

Obligations of undertakers:

In return for the powers conferred upon the undertakers obligations are imposed upon them (a) to lay down distributing mains, and (b) to afford a supply of electricity.

(*c*) Electric Lighting Act, 1882, s. 14; Electric Lighting (Clauses) Act, 1899, Schedule, s. 10 (b).

(*d*) As to the interpretation to be put upon this section, see *Sudbury Corporation v. Empire Electric Light and Power Co., Limited*, [1905] 2 Ch. 104, cited *post*, p. 94.

(*e*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 10.

(*f*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 69.



(a) The undertakers must within two years after the commencement of the Order lay down, and thereafter maintain, suitable and sufficient distributing mains for the purpose of general supply throughout every street or part of a street specified in the Order (*g*), and must also, after the expiration of eighteen months after such commencement, lay down suitable and sufficient distributing mains throughout every other street or part of a street within the area of supply within six months after a requisition served upon them in accordance with the Order has become binding on them (*h*).

A requisition to lay down distributing mains in any street may be made by six or more owners or occupiers of premises in that street, or by the local authority having the control or management of the public lamps in that street (*i*). A requisition by such owners or occupiers is not to be binding on the undertakers if the owners or occupiers do not, if required by the undertakers so to do, guarantee the taking of such a supply of electricity for three years at the least as will produce such annual sum (not exceeding 20 per cent. upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting those distributing mains with the nearest available source of supply) as may be specified by the undertakers, and give sufficient security for payment of all moneys which may become due under such guarantee, or if the Board of Trade on the appeal of the undertakers determine the requisition to be unreasonable (*k*). A requisition by the local authority is not to be binding on the undertakers unless the local authority tender to the undertakers (if required by them) an agreement binding the local authority to take for three years at the least a supply of electricity for lighting the public lamps under their control or management in the street to which the requisition relates (*l*).

Where the undertakers, not being the local authority, propose to lay an electric line in a street for supplying a particular consumer, and not for general supply, they must give notice to the local authority and to the owners or occupiers of premises abutting on the part of the street in which such line is to be laid, and if two or more of such owners or occupiers require, in accordance with the Order, a supply to be given to their premises, the undertakers must lay the necessary distributing main (*m*).

(*g*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 21.

(*h*) *Ibid.*, s. 21.

(*i*) *Ibid.*, s. 24.

(*k*) *Ibid.*, s. 25.

(*l*) *Ibid.*, s. 26.

(*m*) *Ibid.*, s. 22.

In case of failure by the undertakers to lay distributing mains in accordance with their obligations, the Board of Trade may revoke the Order, and if the undertakers are not a local authority they are also liable to a penalty (*n*).

(b) To afford  
a supply of  
electricity  
(i) to private  
consumers :

(b) The undertakers must give and continue to give a supply of electricity to owners and occupiers of premises within the area of supply, situate within fifty yards from any distributing main in which they are required to maintain or are maintaining a supply of electricity for the purpose of general supply to private consumers, and must lay any electric lines necessary for the purpose, subject to the following conditions (*o*) :

- (1) The consumer must, if required, bear the cost of so much of any electric line for the supply to him as is laid on his premises, and of so much of such electric line as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the undertakers, although not on his premises.
- (2) He must serve a notice on the undertakers specifying the premises, the maximum supply required, and a reasonable date for the commencement of the supply.
- (3) He must (if required) enter into a written contract to take and pay for a supply for at least two years of such an amount of electricity that the payment to be made therefor shall not be less than 20 per cent. per annum on the outlay incurred by the undertakers in providing any electric lines required for the supply.
- (4) He must, if required by the undertakers at any time (whether before or after the commencement of the supply), give security for the moneys to become due from him to the undertakers (*p*).
- (5) He must not use any lamp or burner, or use or deal with the electricity supplied to him in any manner so as to interfere unduly or improperly with the efficient supply to any other body or person (*q*).
- (6) The undertakers must be reasonably satisfied that his electric lines, fittings and apparatus are in good order and condition, and not calculated to affect injuriously the use of electricity by the undertakers or by other persons (*p*).

(*n*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 23.

(*o*) Electric Lighting Act, 1882, s. 19; Electric Lighting (Clauses) Act, 1899, Schedule, s. 27.

(*p*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 27.

(*q*) Electric Lighting Act, 1882, s. 18; Electric Lighting (Clauses) Act, 1899, s. 27. The undertakers may not prescribe any special form of lamp or burner to be used by the consumer, or control or interfere with his manner of using the electricity supplied to him (Electric Lighting Act, 1882, s. 18).

- (7) If the consumer's premises have a separate supply, he must agree to pay the undertakers such a minimum annual sum (to be determined, failing agreement, by arbitration) as will give them a reasonable return on their capital expenditure and cover their other standing charges incurred to meet his possible maximum demand (*r*).
- (8) He must not be in arrear with any payment for the supply of electricity (whether due in respect of the same or other premises), not being the subject of a *bonâ fide* dispute (*s*).

The maximum power with which the consumer is entitled to be supplied is such amount as he may require, not exceeding what may reasonably be anticipated as the maximum consumption on his premises, but he may alter his maximum requirement at any time by giving one month's notice to the undertakers, and paying any expenses reasonably incurred by them in respect of their service lines or any of their fittings or apparatus on the premises, consequent upon the alteration (*t*).

The undertakers, if not the local authority, must, on receiving reasonable notice, supply such quantity of electricity as the local authority require to any public lamps within seventy-five yards from any distributing main of the undertakers, in which they are for the time being required to maintain a current of energy for purposes of general supply (*u*). The price to be charged and the mode in which the charges are to be ascertained are to be settled by agreement between the local authority and the undertakers, or determined by arbitration, regard being had to the circumstances of the case and the distributing or other mains (if any) which have to be laid for the purpose and the prices charged to ordinary consumers in the district (*v*).

Failure to supply, whether to private consumers or public lamps, renders the undertakers liable to penalties, unless the failure was caused by inevitable accident or *force majeure*, or was of so slight or unimportant a character as not materially to affect the value of the supply (*w*).

The Board of Trade Regulations for insuring a proper and sufficient supply of electrical energy, contain provisions for a constant supply being maintained by the system and at the pressure (within certain limits) declared by the undertakers, and

(*r*) Electric Lighting Act, 1909, s. 15.

(*s*) *Ibid.*, s. 18.

(*t*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 28.

(*u*) *Ibid.*, s. 29.

(*v*) *Ibid.*, s. 34.

(*w*) *Ibid.*, s. 30.

prohibiting any change in the system or pressure declared to any consumer (which declaration must be made by the undertakers before commencing to supply him), without the consent of the local authority or of the Board of Trade (*x*).

When the Board of Trade make an Order under s. 6 of the Electric Lighting Act, 1909, permitting undertakers to supply any premises outside their area of supply, the Board may impose any such duties on the undertakers as might have been imposed by Provisional Order if the premises and the route along which lines are to be laid for such supply were within the area of supply of the undertakers.

Electric inspectors and inspection and testing of undertakers' lines and works, etc.

The Electric Lighting (Clauses) Act, 1899, contains a series of provisions for the appointment of electric inspectors, and for their inspecting and testing the undertakers' electric lines and works, and certifying and examining meters, etc. (*y*).

### METHOD OF CHARGING AND PRICE.

Method of charging.

The method of charging and maximum prices are prescribed. The method of charging to ordinary consumers must, unless otherwise agreed, be either (1) by the actual amount of electricity supplied; (2) by the electrical quantity contained in the supply; or (3) by some other method for the time being approved by the Board of Trade; but any consumer has the right to require the undertakers to charge him, at their option, by the first or second of the above methods. Before commencing to give a general supply through any distributing main the undertakers must give notice as to the method by which they propose to charge for supply through that main (*z*).

Maximum prices.

The prices to be charged are not to exceed those stated in the Order, or in the case of a method of charge approved by the Board of Trade, such price as the Board then approve (*a*).

The highest prices now inserted in an Order are at the following rates per quarter, viz., under the first method of charging for any quantity up to twenty units, 13s. 4d., and for each unit over twenty, 8d., and under the second method at the same rates, the amount of energy supplied to the consumer being taken to be the product of the electrical quantity contained in the supply given to him, and the declared pressure at his terminals, that is to say, such a constant pressure at those terminals as may be declared by the

(*x*) See these Regulations, *post*, p. 364.

(*y*) Electric Lighting (Clauses) Act, 1899, Schedule, ss. 35—48.

(*z*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 31.

(*a*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 32.

undertakers under the Board of Trade Regulations (see form of Order, *post*, pp. 307, 308). Lower prices are often inserted, and sometimes different prices are inserted for power and other purposes.

The "unit" is defined in every Provisional Order to mean "the energy contained in a current of 1,000 ampères flowing under an electro-motive force of one volt during one hour" (*b*). Board of Trade unit.

The prices or method of charge stated in the Order or approved by the Board of Trade, may be varied by the Board after five years from the commencement of the Order or the date of the last variation (*c*).

Subject to the above provisions, the undertakers may agree with any consumer as to the price to be charged and the mode in which the price is to be ascertained (*d*).

The undertakers must not show any undue preference to any consumer, and every consumer within any part of the area of supply in which a supply is provided for private purposes is entitled to a supply on the same terms on which any other consumer in such part of the area is entitled under similar circumstances to a corresponding supply (*e*). Undertakers to show no undue preference.

"The value of the supply" to any ordinary consumer, *i.e.*, the amount of energy supplied or the electrical quantity contained in the supply (according to the method of charge adopted), is to be ascertained by an appropriate meter certified by an electric inspector appointed under the Order, and, subject to an appeal to an electric inspector, the register of the meter is, in the absence of fraud, conclusive evidence of the value of the supply (*f*). The consumer may provide his own meter, or he may require the undertakers to provide the meter on sale or hire (*g*). The meter must be kept in proper order by the consumer if it belong to him, or by the undertakers if hired from them (*h*). No meter may be

(*b*) The Weights and Measures Act, 1889 (52 & 53 Vict. c. 21), empowers the Board of Trade from time to time to cause such new denominations of standards for the measurement of electricity, as appear to them to be required for use for trade, to be made and duly verified, and those new denominations of standards when approved by Order in Council, are to be Board of Trade standards. By an Order in Council dated January 10th, 1910, standards for the measurement of electricity were approved, denominated the ohm (the standard of electrical resistance), the ampère (the standard of electrical current), and the volt (the standard of electrical pressure). See *post*, p. 414.

(*c*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 32 (2); Electric Lighting Act, 1909, s. 10.

(*d*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 33.

(*e*) Electric Lighting Act, 1882, ss. 19, 20.

(*f*) Electric Lighting (Clauses) Act, 1899, Schedule, ss. 49—51 (as amended by the Electric Lighting Act, 1909, s. 11), 57.

(*g*) *Ibid.*, s. 52.

(*h*) *Ibid.*, ss. 54, 56.

connected or disconnected by the undertakers or the consumer until after forty-eight hours' notice to the other (*i*).

### RECOVERY OF CHARGES.

Recovery of charges

(1) by cutting off;

(2) summarily;

(3) by action.

If any consumer neglect to pay to the undertakers any charge for electricity or other sum due to them from him, the undertakers may cut off the supply to such consumer and discontinue such supply until such charge or sum, and the cost of cutting off the supply, are fully paid, but no longer (*j*). They may also recover such charge and cost, or any meter rent, summarily as a civil debt, or in any court of competent jurisdiction (*k*).

An incoming tenant cannot be required to pay charges for electricity or meter rent due from the previous tenant, unless he has undertaken with the latter to pay them, and even then he can only be required to pay them as a condition of obtaining a supply, and is not liable to be sued for them (*l*).

Notice of removal.

A consumer who quits any premises supplied with electricity without giving to the undertakers twenty-four hours' notice in writing, is liable to pay to them the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises, or the date from which any subsequent occupier requires a supply (*m*).

### PURCHASE OF UNDERTAKING BY LOCAL AUTHORITIES.

Purchase of undertaking by local authority.

The Electric Lighting Act, 1882 (s. 27), conferred upon the local authority within whose jurisdiction the area of supply was situate the right to compel the undertakers to sell their undertaking, or so much thereof as was within such jurisdiction, at the expiration of twenty-one years from the passing of the Act confirming the undertakers' Provisional Order, or at the expiration of every subsequent period of seven years. This period, having regard to the terms of purchase, was found to be too short to offer an inducement to the investment of capital in electric supply undertakings, and accordingly by s. 2 of the Electric Lighting

(*i*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 53 (as amended by the Electric Lighting Act, 1909, s. 11).

(*j*) Electric Lighting Act, 1882, s. 21.

(*k*) Gasworks Clauses Act, 1871, ss. 40, 41, *post*, p. 225; Electric Lighting Act, 1882, s. 12.

(*l*) Gasworks Clauses Act, 1871, s. 39, *post*, p. 224; Electric Lighting Act, 1882, s. 12; *Cannon Brewery Co. v. Gas Light and Coke Co.*, [1904] A. C. 331.

(*m*) Electric Lighting Act, 1909, s. 17.

Act, 1888, the periods were altered, forty-two years being substituted for twenty-one years, and ten years for seven years, though shorter periods may be specified in any Provisional Order.

The local authority must pay "the then value of all lands, buildings, works, materials and plant of the undertakers suitable to and used by them for the purposes of their undertaking within such jurisdiction" (*i.e.*, of the local authority). The value of such lands, buildings, works, materials and plant is to be deemed to be their fair market value at the time of purchase, regard being had to their nature and their condition and state of repair, and to the fact that they are ready for immediate working, and to their suitability for the purposes of the undertaking, and to any loss occasioned by severance, but without any addition for compulsory purchase, goodwill or profits, or other similar considerations.

In case of difference, the value is to be determined by arbitration, but any other question in relation to the purchase (including the date from which the purchase is to take effect) may be determined by the Board of Trade. The terms of purchase may be varied by the Provisional Order in such manner as may have been agreed between the undertakers and the local authority, and such variations are common. From and after the date of purchase, the lands, buildings, works, materials and plant purchased are to vest in the local authority freed from any debts, mortgages, or similar obligations of the undertakers, and the powers of the undertakers are to cease and vest in the local authority (*n*).

Any generating stations, mains or other works situate outside the district of a local authority, and used solely for the supply of electricity within such district, are for the purposes of purchase to be deemed to be within the district, and where any generating station, mains or other works are used solely for the supply of electricity within the districts of two or more local authorities, but are not situate within any of those districts, the Board of Trade may adapt and apply that provision (*o*).

A local authority having power to purchase part of an undertaking of a company may, with the consent of the Board of Trade and (if the undertaking was authorised before April 1st, 1910) of the company, transfer their right of purchase to any other local authority having power to purchase another part of the same undertaking (*p*).

(*n*) Electric Lighting Act, 1888, ss. 2, 3. As to purchase of London undertakings, see *post*, pp. 38, 41, 285 *et seq.*

(*o*) Electric Lighting Act, 1909, s. 7. As to the purchase of any works or lines erected or laid down by undertakers under the powers of an Order made by the Board of Trade under s. 6 of the Electric Lighting Act, 1909, see that section, *post*, p. 234.

(*p*) *Ibid.*, s. 7.

## PROTECTION OF UNDERTAKERS AND THEIR PROPERTY.

Protection of  
undertakers  
and their  
property.  
Exemption  
from distress,  
etc.

The Electric Lighting Acts contain many provisions for the protection of the undertakers and their property.

Thus, the electric lines, works and apparatus of the undertakers while upon premises not in the possession of the undertakers for the supply of electricity, are not to be subject to distress for rent of such premises or to be taken in execution under any process of a court of law or equity, or any proceedings in bankruptcy against the person in whose possession the same may be (*g*), and, even if fixed to such premises or to the soil, are, if marked so as to indicate the undertakers as the actual owners, to continue the property of and removable by the undertakers (*r*).

Punishable  
offences.

The cutting or injuring any electric line or work unlawfully and maliciously with intent to cut off any supply of electricity, is a felony punishable by five years' penal servitude (*s*), and the malicious or fraudulent abstraction, waste, diversion, consumption or user of electricity, is punishable as simple larceny (*t*).

A variety of provisions of the Gasworks Clauses Acts, 1847 and 1871, are incorporated with the Electric Lighting Acts, and as adapted deal with the making of communications with the lines of the undertakers without their consent, the wilful, fraudulent or negligent injuring of electric lines, meters, or fittings, the alteration of the index of any meter, the improper use of the electricity, the supply to any other person of any of the electricity supplied by the undertakers, wilful, careless or accidental damage to the undertakers' lines, lamps or works, and the wilful extinguishing of public lamps (*u*).

Protection of  
members  
of local  
authority.

Where the undertakers are a local authority, their members and officers and persons acting under their directions are protected from personal liability (*v*).

Public  
Authorities  
Protection  
Act, 1893.

Local authorities who are undertakers enjoy the further protection afforded by the Public Authorities Protection Act, 1893 (56 & 57 Viet. c. 61) (*y*). That Act provides that where after

(*g*) Electric Lighting Act, 1882, s. 25.

(*r*) Electric Lighting Act, 1909, s. 16.

(*s*) Electric Lighting Act, 1882, s. 22.

(*t*) *Ibid.*, s. 23.

(*u*) Electric Lighting Act, 1882, s. 12, incorporating the Gasworks Clauses Act, 1847, ss. 18—20, and the Gasworks Clauses Act, 1871, s. 38, *post*, pp. 95, 223, 224.

(*v*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 9, applying s. 265 of the Public Health Act, 1875.

(*y*) *Fielden v. Morley Corporation*, [1900] A. C. 133; *Chamberlain and Hookham v. Bradford Corporation* (1900), 83 L. T. 518; *Jeremiah Ambler & Sons, Limited v. Bradford Corporation*, [1902] 2 Ch. 585; *Parker v. London County Council*, [1904] 2 K. B. 501; *Lyles v. Southend Corporation*, [1905] 2 K. B. 1.



January 1st, 1894, any action, prosecution, or other proceeding is commenced in the United Kingdom against any person for any act done in pursuance or execution or intended execution of any Act of Parliament, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such Act, duty or authority: (1) the action, prosecution, or proceeding must be commenced within six months next after the act, neglect or default complained of, and in case of a continuance of injury or damage, within six months next after the ceasing thereof; (2) judgment for the defendant shall carry costs as between solicitor and client; (3) where the proceeding is an action for damages, tender of amends before action may be pleaded; (4) where no sufficient opportunity of tendering amends before action has been given, the court may award to the defendant costs as between solicitor and client. These provisions do not affect proceedings by a Government department. The Act does not apply to undertakers who are a company (z), or to proceedings founded on a contract even though made by a public authority in pursuance of a statute (a), or to an independent contractor doing under contract and for his own benefit work which a public body are authorised by statute to do (b).

### RESTRICTIONS AND DISABILITIES IMPOSED UPON UNDERTAKERS.

The undertakers may not by transfer or otherwise divest themselves of any of their powers, rights or obligations under the Electric Lighting Acts or their Order otherwise than in accordance with a provision contained in an Order or special Act authorising such divestiture (c). Restrictions on and liabilities of undertakers.

It was formerly the practice to insert in Provisional Orders granted to local authorities a provision enabling them to transfer their rights, powers and liabilities thereunder, with the consent of the Board of Trade, but such a provision is not now inserted except under special circumstances, and then only so as to authorise a transfer to a specified company. Transfer of orders.

Undertakers, not being a local authority, may borrow money on mortgage of the undertaking, and the consent of the Board of Mortgage of undertaking.

(z) See *Att.-Gen. v. Margate Pier and Harbour Company*, [1900] 1 Ch. 749.

(a) *Sharpington v. Fulham Guardians*, [1904] 2 Ch. 449; and see *per* VAUGHAN WILLIAMS, L.J., in *Lyles v. Southend Corporation*, [1905] 2 K. B., at pp. 14, 18.

(b) *T. Tilling, Limited v. Dick, Kerr & Co.*, [1905] 1 K. B. 562; *Kent County Council v. Folkestone Corporation*, [1905] 1 K. B. 620.

(c) *Electric Lighting Act*, 1909, s. 14.

Trade is not required to any such mortgage ; but in the event of a sale to the local authority under s. 2 of the Electric Lighting Act, 1888, the mortgage will not be a charge on the undertaking sold, but will attach to the purchase-money (*d*). A mortgagee cannot, however, obtain a sale of the undertaking (*e*).

Undertakers  
not to  
associate  
with other  
undertakers.

The undertakers may not purchase or acquire the undertaking of, or associate themselves with, any other undertakers unless authorised by Parliament to do so (*f*) ; but this is not to prohibit them from taking a supply of electricity in bulk from any company or person authorised to give such supply (*g*).

### ACCOUNTS, AUDIT, AND APPLICATION OF REVENUE.

Annual  
statement of  
accounts.

The undertakers, whether a local authority or a company, must fill up an annual statement of accounts in a prescribed form, made up to March 31st in the case of a local authority, and December 31st in the case of a company, and keep copies on sale (*h*) ; and provision is made for the audit of such statement (*i*).

The Electric Lighting Acts contain no provision limiting the profits of undertakers who are not local authorities, and it is not the practice to insert any such provision in Provisional Orders. The control of the prices of such undertakers in the interests of the consumer is effected by the power to revise their maximum prices, as to which see *ante*, p. 25.

Application  
of revenue of  
local author-  
ities being  
undertakers.

Where the undertakers are a local authority the mode of application of all moneys received by them in respect of the undertaking is strictly prescribed by s. 7 of the Schedule to the Electric Lighting (Clauses) Act, 1899, under which any surplus income is to be carried to the credit of the local rate or applied to the improvement of the district, or in reduction of the capital moneys borrowed for electricity purposes. If the surplus in any year exceeds 5 per cent. upon the aggregate capital expenditure on the undertaking, the undertakers are to make such a rateable reduction in the charge for the supply of the electricity as will reduce the surplus to that maximum rate of profit. Any deficiency of income in any year not answered out of the reserve fund is to be charged upon, and payable out of, the local rate.

(*d*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 78.

(*e*) See cases cited in note to the last section, *post*, p. 203.

(*f*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 3.

(*g*) Electric Lighting Act, 1909, s. 20.

(*h*) Electric Lighting Act, 1882, s. 9 ; Electric Lighting Act, 1909, s. 12.

(*i*) Electric Lighting Act, 1882, s. 8 ; Electric Lighting (Clauses) Act, 1899, Schedule, s. 6.

# LIABILITY OF UNDERTAKERS FOR NUISANCE, DAMAGE, ACCIDENTS, ETC.

The Electric Lighting Act, 1882, and the Schedule to the Electric Lighting (Clauses) Act, 1899, contain various provisions with reference to the liability of undertakers for nuisance or injury caused by them in carrying on the undertaking. Section 81 of the Schedule to the Electric Lighting (Clauses) Act, 1899, providing that nothing in their Provisional Order is to exonerate the undertakers from any indictment, action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them, has already been referred to in connection with nuisances at their generating station (*j*), but this section applies equally to any nuisance caused by, or arising from, any of their other works. See *Midwood v. Manchester Corporation*, [1905] 2 K. B. 597.

In the exercise of their powers the undertakers must cause "as little detriment and inconvenience and do as little damage as may be" and make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation being determined, in case of difference, by arbitration (*k*).

Further, the undertakers are to be answerable for all accidents, damages, and injuries happening through the act or default of the undertakers or of any person in their employment by reason or in consequence of any of the undertakers' works, and are to save harmless all authorities, bodies and persons by whom any street is repairable, and all other authorities, companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of those accidents, damages and injuries (*l*).

The undertakers are in certain cases required to send to the Board of Trade notice of accidents occurring in or in connection with their works or circuits, and of any loss of life or personal injury occasioned by any such accident, and the Board of Trade may if they deem it necessary appoint any electric inspector or other fit person to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connection with the undertakers' works (*m*).

(*j*) *Ante*, p. 16.

(*k*) Electric Lighting Act, 1882, s. 17. See also Gasworks Clauses Act, 1847, s. 6, incorporated with the Electric Lighting Act, 1882, *post*, p. 208.

(*l*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 77.

(*m*) *Ibid.*, s. 38.

**ARBITRATION.**

**Arbitration.** Section 28 of the Electric Lighting Act, 1882, provides that where any matter is by that Act or any licence, Order, or special Act, directed to be determined by arbitration, such matter shall, except as otherwise expressly provided, be determined by an engineer or other fit person to be nominated as arbitrator by the Board of Trade on the application of either party, and the expenses of the arbitration shall be borne and paid as the arbitrator directs.

The policy of the Act of 1882 to settle by arbitration difficulties arising between the undertakers and the consumers, and also between the undertakers and public authorities, is carried out by various enactments throughout the Electric Lighting Acts and the provisions in the Schedule to the Electric Lighting (Clauses) Act, 1899.

**Board of  
Trade Arbitra-  
tions, etc.  
Act, 1874.**

By s. 28 of the Act of 1882, a Provisional Order is to be deemed to be a special Act within the meaning of the Board of Trade Arbitrations, etc. Act, 1874. This Act governs the proceedings where, in pursuance of any special Act, the Board of Trade are to be arbitrators or are to appoint any arbitrator.

**PENALTIES AND REVOCATION OF ORDER.**

**Penalties.**

The Electric Lighting Act, 1882, provides that Orders may make such regulations as to the limits within which and the conditions under which a supply of electricity is to be compulsory or permissive, and for enforcing the performance by the grantees of their duties in relation to such supply, and for the revocation of the licence or Order where the grantees fail to perform such duties, and generally make and maintain such regulations and conditions as the Board of Trade may think expedient (ss. 3 (8) and 4). The sections of the Gasworks Clauses Acts, 1847 and 1871, incorporated with the Electric Lighting Act, 1882, and the Schedule to the Electric Lighting (Clauses) Act, 1899, make provision for the enforcement of many of the duties and obligations of the undertakers by imposing penalties in case of default.

**Revocation of  
Order.**

In the following cases of infringement of or failure to comply with the provisions of the Electric Lighting Acts or the Order, the Board of Trade may revoke the Order, viz.:

- (1) If the undertakers purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under licence, Order, or special Act,

unless the undertakers are authorised by Parliament to do so (*n*).

- (2) If the undertakers supply energy, or erect or lay down any electric lines or works, beyond the area of supply otherwise than under the authority of Parliament or a licence granted by the Board of Trade (*o*).
- (3) If the undertakers fail, within a period of six months after the commencement of the Order and before exercising any of the powers thereof, to show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them throughout the area of supply, or fail to make the required deposit or to give the required security provided for by the Provisional Order (*p*).
- (4) If undertakers fail to lay down distributing mains in accordance with the provisions of the Order, and within the periods prescribed in that behalf (*q*).
- (5) If the undertakers fail to comply with any order of the Board of Trade made under s. 69 of the Schedule to the Electric Lighting (Clauses) Act, 1899, requiring the undertakers to abate any defect or to discontinue supplying energy otherwise than by means of a system approved by the Board or maintaining works above ground, etc. (*r*).

The Board of Trade may also revoke a Provisional Order in any of the following events :

- (6) If the undertakers are insolvent (*a*).
- (7) If the undertaking cannot be carried on with profit (*b*).
- (8) Where local authority are undertakers and works are not executed (*c*).
- (9) By consent (*d*).

### SPECIAL STATUTORY PROVISIONS RELATING TO PARTICULAR UNDERTAKINGS.

Special provisions are sometimes inserted in a Provisional Order or in the confirming Act.

The most common is, perhaps, a clause empowering the local authority to purchase the undertaking on special terms (*e*).

Special  
statutory  
provisions.

Special terms  
of purchase.

(*a*) Electric Lighting (Clauses) Act, 1899, Schedule, s. 3 (2).

(*o*) *Ibid.*, s. 4 (3).

(*p*) *Ibid.*, s. 5 (3).

(*q*) *Ibid.*, s. 23 (3).

(*r*) *Ibid.*, s. 69 (3).

(*a*) *Ibid.*, s. 63.

(*b*) *Ibid.*, s. 64.

(*c*) *Ibid.*, s. 65.

(*d*) *Ibid.*, s. 66.

(*e*) See *ante*, p. 26.

Transfer of powers.

Another special provision, sometimes inserted, empowers the undertakers, with the approval of the Board of Trade, to transfer their rights, powers and liabilities under the Order. Formerly such a clause was inserted in all Orders granted to local authorities, and authorised a transfer at any time and to any company or person. Now a power to transfer is only inserted under special circumstances, and usually only authorises a transfer within a stated time, and to a named company or authority. Where the undertakers are not a local authority or company the Board of Trade insert provisions empowering the undertakers to transfer their rights, powers and liabilities to a company to be formed and suspending all the powers of the Order (except the power to transfer) until such transfer has been completed (*f*). Similar provisions are sometimes inserted in Orders granted to local authorities (*g*). The section authorising the transfer usually requires the deed of transfer to be approved by the Board of Trade (*h*).

"Stand-by" and other clauses.

Prior to 1909, Provisional Orders and special Acts relating to electric supply undertakings frequently contained clauses which have now been enacted and applied to all undertakings by the Electric Lighting Act, 1909, *e.g.*, the "stand-by" clause and the clauses empowering the undertakers to refuse to supply a consumer in default with his payments and requiring notice of removal from consumers, which now form ss. 15, 17 and 18 of the Act of 1909.

Clause for protection of county councils.

Sometimes a clause relating to a particular undertaking is inserted in the Act confirming the Order. Frequently so inserted is a clause for the protection of the county council in respect of their main roads and bridges (*i*). It is the practice of the Board of Trade to insert this clause in the confirming Bill if the undertakers agree to its insertion but not otherwise. A similar clause was inserted in the House of Commons in the Bill for the Electric Lighting Act, 1909. The House of Lords extended the clause so as to make it applicable to railway companies in respect of bridges repairable by them. The House of Commons refused

(*f*) See, for example, ss. 9 and 12 of the Budleigh Salterton Order, 1911, which are set out *post*, p. 312.

(*g*) See, for example, Clevedon Order, 1910, confirmed by 10 Edw. 7 & 1 Geo. 5, c. lxxv.

(*h*) A collateral agreement between the transferors and the transferees of the undertaking not approved by the Board of Trade may be valid (*Lambeth Borough Council v. South London Electric Supply Corporation* (1907), 96 L.T. 440). As to enforcing a deed of transfer by specific performance, see *Audenshaw Urban District Council v. Manchester Corporation* (1907), 71 J. P. 342.

(*i*) See this clause set out *post*, p. 310.

to agree to the Lords' amendments to the clause, and the whole clause was then withdrawn from the Bill. Committees of both Houses of Parliament have refused to insert such a clause for the protection of a railway company where the undertakers objected to its insertion (*k*).

A clause often inserted in Orders granted to local authorities is known as "the Bermondsey clause," because first inserted in the Bermondsey (Extension) Order of 1902. In its original form it requires the undertakers once in every year after the first year's working of the undertaking to cause a statement of accounts and balance sheet of the undertaking to be laid before them, and to fix annually (*sic*) the charges to be made for the supply of electricity in the then ensuing year at such rates (not exceeding the maximum rates specified in the Order) that as far as reasonably practicable the revenue for that year shall not be less than the expenditure for that year (*l*). In the session of 1904 a Committee of the House of Lords, presided over by the Duke of Northumberland, after hearing the objections of the Board of Trade to the clause in its original form, inserted the clause in a modified form (sometimes known as "the Northumberland clause") in the Maidenhead (Extensions) Electric Lighting Order, 1904 (*m*). Various minor alterations have been made from time to time in the clause, and in its latest form it will be found set out at p. 310, *post*.

Clauses are also sometimes inserted in omnibus Acts of local authorities conferring special powers upon them with regard to their electrical undertakings. Among such clauses are the following :

- (1) Empowering the undertakers to break up streets not dedicated to the public use (*n*).
- (2) Authorising the undertakers to allow discount for prompt payment (*o*).
- (3) Authorising the undertakers to sell or let electrical fittings and apparatus (*p*).

(*k*) Ardrossan, Saltcoats and District and Cambuslang Orders, 1910.

(*l*) See s. 8 of the Bermondsey (Extension) Order, 1902, confirmed by 2 Edw. 7, c. ccvii.

(*m*) Confirmed by 4 Edw. 7, c. clxxvi. See s. 8 of the Order.

(*n*) *E.g.*, Bradford Corporation Act, 1910 (10 Edw. 7 & 1 Geo. 5, c. cxvii), s. 47.

(*o*) *E.g.*, Rawtenstall Corporation Act, 1907 (7 Edw. 7, c. lxxvii), s. 73.

(*p*) *E.g.*, Rawtenstall Corporation Act, 1907, s. 69. As to undertakers in London, see Part V. of the London County Council (General Powers) Act, 1906, *post*, p. 264.

- (4) Empowering the undertakers to attach brackets and wires to houses for lighting streets (*q*).
- (5) As to the time when the erroneous registration of any meter found incorrect is to be deemed to have commenced (*r*).
- (6) Empowering the undertakers to supply electricity in bulk outside their area of supply to adjoining undertakers (*s*) or for purposes of traction (*t*).

(*q*) *E.g.*, Bradford Corporation Act, 1910, s. 45.

(*r*) *Ibid.*, s. 46.

(*s*) *E.g.*, Rawtenstall Corporation Act, 1907, s. 76.

(*t*) *Ibid.*, s. 77.

---



## CHAPTER IV.

**ELECTRIC SUPPLY UNDERTAKINGS IN THE COUNTY OF LONDON.**

THE existing electric supply undertakings in the county of London were, in the majority of cases (*a*), originally authorised by Provisional Orders under the Electric Lighting Acts, 1882 and 1888, and these Acts and, since 1909, the Electric Lighting Act, 1909, apply to electric supply undertakings in London as well as to provincial undertakings. In addition to these Acts, however, there are certain Acts containing legislation applicable to all undertakings, or all undertakings of a certain class, in the county of London, but not applicable to provincial undertakings, and these will be dealt with later in this Chapter.

By s. 2 (2) of the Electric Lighting (Clauses) Act, 1899, it is provided that, except so far as any of the provisions of the Schedule thereto are incorporated with any Provisional Order made by the Board of Trade under the Electric Lighting Acts or with any special Act extending to London, the Act is not to apply to the county of London (*b*). It is not the practice of the Board of Trade to incorporate any of the provisions of the Schedule to the Act of 1899 in London Orders, and in consequence such Orders are still made in the long form which was in use in the case of provincial Orders before 1899, and which contained the provisions now embodied in the Schedule to the Act of 1899. This is illustrated by the Act 1 Edw. 7, c. clxxviii, which confirms two Provisional Orders, one in the long form for Lewisham, in the county of London, and the other in the short form set out *post*, p. 306, for Penge, in the county of Kent. The undertakers in the two Orders were the same company.

(*a*) The Metropolitan Electric Lighting Act, 1889 (52 & 53 Vict. c. exxvi), authorising the Metropolitan Electric Supply Company, Limited, to supply in part of the present city of Westminster, is substantially in the same form as a Provisional Order. The Central Electric Supply Company's Act, 1899 (62 & 63 Vict. c. lxxxvii), did not authorise a general supply of energy. The other special Acts applicable to London conferred further powers on companies with respect to existing undertakings. A list of the special Acts relating to the county of London will be found, *post*, p. 472 *et seq.*

(*b*) The provisions of the Schedule to the Act of 1899 have been applied to London by the London Electric Lighting Areas Act, 1904 (4 Edw. 7, c. 13), and the London Electric Supply Act, 1908 (8 Edw. 7, c. clxvii), and other special Acts.

Differences  
between  
London and  
provincial  
Orders.

Date of  
purchase.

London  
County  
Council  
powers.

Notices and  
plans to be  
sent to Lon-  
don County  
Council.

There are, however, certain points in which the provisions of a London Order differ from the provisions incorporated in a provincial Order.

The most important difference is as to the date of purchase by the local authority. In all Orders granted to companies in London it has been provided that the period of forty-two years fixed by s. 2 of the Electric Lighting Act, 1888, should run from one date, viz., August 26th, 1889, irrespective of the date of the Order (c), and as will be stated later further alterations of the law in respect of purchase of London undertakings have been made by recent legislation.

In the case of London undertakings, whether carried on by companies or local authorities, the London County Council appoint and pay electric inspectors, regulate the performance of the duties and prescribe the fees of such inspectors (d), and enforce the establishment of testing stations. Notices and plans, which must be sent to the local authority, must in many cases be sent to the London County Council either in addition to or in lieu of the local authority, the borough council, and in many other respects in London the County Council takes the place of the local authority (e).

(c) The Report of the Joint Committee of 1898, presided over by Lord Cross, contained the following paragraphs :

"In connection with this question of purchase under s. 2 of the Act of 1888, evidence has been given to the effect that with a view to secure in London one and the same time for the execution of the powers, the Board of Trade have in some cases imposed upon undertakers a less term than forty-two years within which they are liable to be purchased.

"The committee suggest that if the full period of forty-two years is not granted, and if a substantially shorter period is imposed by the Board of Trade, the terms of purchase should in each case be reconsidered."

(d) The Rules and Scale of Fees at present in force with respect to testing meters, etc. in London will be found, *post*, p. 443. Under the St. Pancras Order, 1883, and the Chelsea Order, 1886, electric inspectors can only be appointed by a metropolitan police magistrate (see an application to such a magistrate under the St. Pancras Order, Electrician, September 29th (p. 982), October 6th (p. 1016), and November 24th (p. 279), 1911).

(e) The following variations in the Schedule to the Electric Lighting (Clauses) Act, 1899, would be necessary to make it accord with the provisions of a London Order :

Section 9. Incorporation of s. 265 of the Public Health Act, 1875.

*Substitute s. 124 of the Public Health (London) Act, 1891.*

Section 10 (b) relating to electric lines above ground.

*Provide for the express consent of the County Council as well as of the Board of Trade.*

Section 14 (2), as to notice of works with plan to be served on Postmaster-General and local authority.

*A like notice and plan should be served on the County Council; and the other provisions should be made to apply mutatis mutandis as in the case of the Postmaster-General, where any street or public bridge is repairable by the County Council.*

Section 16. Street authority may give notice of desire to break up streets, etc., on behalf of undertakers.

*This section should be made applicable in the case of any body or person liable to repair any sewer, subway, or work connected therewith.*

Section 17. Alteration of pipes, wires, etc., under streets.

*Provision should be made for protecting the sewers of the County Council; and under sub-s. (j) the County Council should be exempted from the obligation to give security.*

Section 18. Laying of electric lines, etc., near sewers, etc.

*Substitute the London County Council for the local authority throughout this section. The period of notice should be fourteen days instead of three days.*

Section 23. Failure of undertakers to lay down mains, etc.

*Representations to the Board of Trade may be made by the County Council.*

Section 24. Requisitions.

*Substitute "two or more" for "six or more" owners or occupiers.*

Section 25. Provisions on requisition by owners or occupiers.

*Substitute the period of two years for three years.*

Section 31. Methods of charging.

*Make provision for service of notice on the County Council.*

Section 35. Appointment of electric inspector.

*In County of London Orders, the County Council appoint, and, in the event of their failure, etc., the Board of Trade.*

Section 36. Duties of electric inspector.

*Substitute the County Council for the local authority.*

Section 37. Remuneration of electric inspector.

*Substitute the County Council for the local authority.*

Section 41. Establishment of testing stations.

*Provision should be made for the establishment of testing stations by the London County Council.*

Section 57. Differences as to correctness of meter.

*Where the London County Council are consumers such differences are settled by an inspector appointed by the Board of Trade.*

Section 60. Map of area of supply.

*Put the County Council in the same position as the Board of Trade or the Postmaster-General under this section.*

Sections 63, 64, 67. Revocation of Order.

*Insert the County Council as well as the authority.*

Section 70. Publication of regulations.

*A copy of the regulations should be served on the County Council.*

Section 75. Extension of time, etc.

*Substitute the London County Council for the local authority.*

Section 76. Recovery and application of penalties.

*Substitute the London County Council for the local authority, and make provision to the effect that, save as in the section provided, all penalties recovered summarily under the Order shall be applied according to the law regulating the application of penalties so recovered within the Metropolitan police district.*

It would also be necessary to add the following clauses:

A clause to the effect that where undertakers desire to lay, or may be required to lay, any electric line in any street, under the surface of which there is a sub-

Competition. An important practical difference between the position of undertakers in London and the provinces is that, whereas in the latter no two undertakers are authorised to give a general supply in the same area, competition, as a rule, exists in those parts of London which are supplied by companies (*f*).

In consequence of changes of boundaries effected under the London Government Act, 1899, which established the present metropolitan boroughs, the boundaries of areas supplied by local authorities had become different from the boundaries of the new boroughs. The London Electric Lighting Areas Act, 1904 (4 Edw. 7, c. 13) (*post*, p. 259), therefore, effected transfers of certain areas and enabled agreements to be made with respect to the transfer of other areas so as to make the boundaries of electric supply areas coterminous, as far as possible, with the new borough boundaries, and made provision for the case of a borough council supplying within the area of another borough council, by applying the provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899.

The London County Council (General Powers) Act, 1906 (6 Edw. 7, c. cl) (*post*, p. 264), empowers any metropolitan borough council authorised to supply, and supplying, electrical energy, to supply electric wires and fittings and to borrow money for that purpose.

The most important alterations in the law relating to electric supply in London have, however, been effected by the London Electric Supply Act, 1908 (8 Edw. 7, c. clxvii), the London (Westminster and Kensington) Electric Supply Companies Act, 1908 (8 Edw. 7, c. clxviii), and the London Electric Supply Act,

way vested in the County Council, the County Council may require the undertakers to lay such line in the subway upon terms to be settled by agreement or arbitration.

A clause to the effect that nothing in the Order shall authorise the undertakers to break up or otherwise interfere with any embankment, park, or open space for the time being vested in the County Council except so far as any part of such embankment, park, or open space forms part of a street, or to interfere with or make use of any tunnel, sewer, or subway so vested except with the consent in writing of the County Council and subject to such terms and conditions as they may impose.

A clause to the effect that nothing in the Order shall authorise the undertakers to interfere in any manner with the bed or soil or with the banks or shores of the river Thames below the level of ordinary tides or with the navigation thereof, or affect in any manner the rights, powers or privileges of the Conservators of the river Thames.

(*f*) See Tables A. and B. in Appendix to the Report of the Select Committee on the London County Council (Electric Supply) Bill, 1906, which are set out, *post*, pp. 468 *et seq.*

In the provinces competition exists in many cases between ordinary undertakers and power supply companies for supply for power and to railways, tramways, etc. As to which, see the chapter on "POWER ACTS," *post*, pp. 53, 54.

London  
Electric  
Lighting  
Areas Act,  
1904.

London  
County  
Council  
(General  
Powers) Act,  
1906.

London  
Electric  
Supply Act,  
1908.  
London  
(Westminster  
and Kensington)  
Electric  
Supply

1910 (10 Edw. 7 & 1 Geo. 5, c. exl) (*g*). These Acts will be found set out *post*, pp. 266 *et seq.*, and for the present purposes the following short summary will suffice.

With certain minor exceptions (*h*) every power to purchase an undertaking or part of an undertaking of an electric supply company exercisable by a local authority in London, is transferred to the London County Council, and the county council are empowered to purchase all the undertakings and parts of undertakings in London of such companies not purchasable by a local authority. The county council may purchase, on the terms mentioned in s. 2 of the Electric Lighting Act, 1888, the undertakings of the companies on the 26th day of August, 1931, or at the expiration of any subsequent period of ten years, but they must give not less than three years' notice to purchase, and may not purchase any undertaking of a company unless at the same time they purchase all the undertakings or parts of undertakings of all the companies which the county council are empowered to purchase (*i*). Three-fourths of the purchase money payable to each company may be discharged by the issue to the companies of London County Council stock of equivalent value (*j*). After the service of a notice to purchase the companies may not increase their charges for a general supply without the consent of the Board of Trade (*k*); but after the service of such notice the London County Council must, subject to their being satisfied as to the security, advance to each company by way of loan all sums which such company may reasonably require to expend on capital account, and all sums so advanced are to be charged upon the undertaking of the company next after the principal and interest on all mortgages, debentures or debenture stocks created or issued by the company at the time of the advance (*l*).

(*g*) The London Electric Supply Act, 1908, applies to every local authority authorised to supply electrical energy in London, and although the companies to which that Act and the other Acts above mentioned apply are specifically named, such companies in fact include all the companies authorised to supply electrical energy in London.

(*h*) These exceptions are contained in ss. 28 and 29 of the London Electric Supply Act, 1908, *post*, pp. 290, 291.

(*i*) London Electric Supply Act, 1908, s. 23; London Electric Supply Act, 1910, s. 1. There are certain exceptions and variations in the case of the undertakings of the Charing Cross, West End and City Electricity Supply Co., Limited, the City of London Electric Lighting Co., Limited, and the Metropolitan Electric Supply Co., Limited. See London Electric Supply Act, 1908, s. 23 (3), (4).

(*j*) London Electric Supply Act, 1908, s. 25; London Electric Supply Act, 1910, s. 1.

(*k*) London Electric Supply Act, 1908, s. 24; London Electric Supply Act, 1910, s. 1.

(*l*) London Electric Supply Act, 1908, s. 26; London Electric Supply Act, 1910, s. 1.

Companies Act, 1908. London Electric Supply Act, 1910.

Powers of purchase transferred to London County Council.

Period and terms of purchase.

London County Council to advance all sums required by companies after service of notice of purchase.

Agreements  
for mutual  
assistance.

The two Acts of 1908, which contain many identical clauses, empower authorised undertakers in London, whether companies or local authorities, to enter into and carry into effect agreements for mutual assistance or for association with each other in regard to the giving or taking a supply of electrical energy, and the distribution and supply of energy so taken, the management and working of the generating stations or any part of the undertakings of the contracting parties, the appropriation and division of receipts, the provision of capital, and other incidental matters, but so as not to affect persons not parties to the agreement (*m*).

Laying of  
mains for  
purposes of  
such agree-  
ments.

An authorised undertaker may lay mains within or beyond their areas of supply for the purpose of giving or taking a supply under any such agreement, and may lay mains for the purpose of making a connection between any two or more of their areas or between any of such areas and any generating station of such undertakers (*n*).

Local autho-  
rity through  
whose  
district  
main laid  
may in some  
cases require  
a supply.

Where the carrying into effect of an agreement under the Acts between two or more local authorities for the giving and taking of a supply of electrical energy, necessitates the laying of a main in the area of supply of a local authority not a party to the agreement, then, unless the parties to the agreement, or one or more of them, are prepared to give a supply to the local authority in whose area the main is so laid, on not less favourable terms than those provided by the agreement, they may be required to give such supply on such terms and conditions as the Board of Trade determine (*o*).

Maximum  
prices for  
power.

Any authorised undertakers giving or receiving a supply of energy under an agreement made under the Acts of 1908, may not charge more than certain stated prices for energy supplied for power purposes (*p*).

Supply to  
railways, etc.

Special powers are conferred on authorised undertakers of supplying energy to any company, local authority or body owning or working any railway, tramway, canal or similar undertaking within or partly within the undertakers' area of supply, notwithstanding that the supply is to be used partly outside such area (*q*).

(*m*) London Electric Supply Act, 1908, s. 3; London (Westminster, etc.) Act, 1908, s. 3.

(*n*) London Electric Supply Act, 1908, s. 4; London (Westminster, etc.) Act, 1908, s. 4.

(*o*) London Electric Supply Act, 1908, s. 6.

(*p*) London Electric Supply Act, 1908, s. 7; London (Westminster, etc.) Act, 1908, s. 6. See definition of "power purposes" in those sections.

(*q*) London Electric Supply Act, 1908, s. 8; London (Westminster, etc.) Act, 1908, s. 9.

The Acts of 1908 contain provisions prohibiting undertakers from erecting or taking a supply from any generating station without the consent of the Commissioners of Works unless the site of the station is specified in an Act or Order confirmed by or having the effect of an Act of Parliament (*r*), and power is given to the Commissioners to proceed against any undertaker for certain nuisances at a generating station (*s*). Erection of generating stations.

The Acts of 1908 also contain special provisions for the protection of property under the control of the Commissioners of Works, the Royal Observatory at Greenwich, the London County Council, the Metropolitan Water Board and other bodies.

Many special Acts relating to particular undertakings in London have been passed, and a list of them will be found later. Special Acts relating to London.  
See pp. 472 *et seq.*

Apart from legislation dealing with undertakers authorised by Act or Order to supply energy, there are various Acts applicable to London only which affect the supply or use of electricity generally.

The Metropolis Management and Building Acts Amendment Act, 1878 (41 & 42 Vict. c. 32), s. 12, empowers the London County Council to make regulations with respect to new theatres and certain music halls for protection from fire, and these regulations will be found set out at p. 447, *post*. Metropolis Management, etc. Act, 1878.

The London Overhead Wires Act, 1891 (54 & 55 Vict. c. lxxvii), conferred on the London County Council extensive powers of regulating the erection and maintenance and removal of overhead wires in London by means of byelaws (s. 5), to be enforced by the local authorities or, by order of the Board of Trade, by the county council (ss. 6, 7). The county council and the local authority may appoint inspectors of overhead wires (s. 8), and the local authority may compel the removal of wires that are dangerous or not in accordance with the county council's byelaws (s. 9). The Act does not extend to the wires of undertakers under the Electric Lighting Acts (s. 17), or to any wire placed by any person for his private use over land belonging to him or in his occupation, which does not extend over any street and is so constructed that neither the wire nor any support thereof or attachment thereto would be liable to fall into any public street (s. 18). The Act is not to authorise the council to confer London Overhead Wires Act, 1891.

(*r*) London Electric Supply Act, 1908, s. 19; London (Westminster, etc.) Act, 1908, s. 17. The provisions of s. 2 of the Electric Lighting Act, 1909 (*post*, p. 229), also apply to generating stations in London.

(*s*) London Electric Supply Act, 1908, s. 18; London (Westminster, etc.) Act, 1908, s. 16. See also Electric Lighting Act, 1909, s. 22.

powers of placing wires for electric lighting purposes overhead on any company, body or person not authorised so to place such wires by a special Act, Provisional Order, or license under the Electric Lighting Acts (s. 19).

Under this Act the county council have made byelaws, which will be found set out at p. 440, *post*.

London  
Building  
Act, 1894.

Section 203 of the London Building Act, 1894 (57 & 58 Vict. c. cexiii), enacts that where a local authority or a company has statutory powers for the supply of electricity in any metropolitan district, the buildings of such local authority or company used as a generating station or for works shall be deemed to be special buildings to which the general provisions of Part V. (as to open spaces about buildings and height of buildings), Part VI. (as to construction of buildings), and Part VII. (as to special and temporary buildings and wooden structures), and the first and second Schedules of that Act do not apply, and plans thereof are to be submitted to the London County Council for their approval, and the council shall have power to authorise the buildings to be erected of greater dimensions than 250,000 cubic feet (*t*), and in other respects to except such buildings from any of the provisions of that Act if they think fit.

London  
Building Acts  
(Amendment)  
Act, 1905.

The London Building Acts (Amendment) Act, 1905 (5 Edw. 7. c. ccix), intended to secure the provision of proper means of escape from certain classes of buildings in case of fire, does not extend to any building or structure, or part of a building or structure, belonging to or leased by any electric lighting company having statutory powers for the supply of electricity, and used exclusively as a generating station, or distributing or transforming station, or for works connected with the exercise of such powers. See s. 31.

(*f*) Section 82 (2) of the Act of 1894 prohibits the county council from authorising any building of the warehouse class to be erected of greater cubical extent than 250,000 feet, except in accordance with the provisions of the Act. And see London County Council (General Powers) Act, 1908 (8 Edw. 7. c. cvii), s. 17, containing further provisions as to the cubical extent of buildings of the warehouse class.



## CHAPTER V.

## POWER ACTS.

It has been stated that powers to supply electricity for public <sup>Special Acts.</sup> and private purposes which can be obtained by Provisional Order will not ordinarily be conferred by special Act (a). Where such powers have been granted by special Act, as in the case of the Metropolitan Electric Lighting Act, 1889 (52 & 53 Vict. c. exxvi), and of several statutory gas companies, the provisions of such Act are substantially the same as those of Provisional Orders, which have been dealt with in Chap. III.

There is, however, an important class of special Acts, usually known as Power Acts, which authorise the supply of electricity over large areas under special conditions and for limited purposes, and it is proposed to deal with these Acts in this Chapter.

The Joint Committee on Electrical Energy (Generating Stations <sup>Joint Com-  
mittee on  
Electrical  
Energy  
(Generating  
Stations and  
Supply),  
1898.</sup> and Supply), which sat in the Session of 1898 under the chairmanship of Viscount Cross, reported in favour of giving powers, where sufficient public advantage is shown, for the supply of electricity over an area including districts of numerous local authorities and involving plant of exceptional dimensions and high voltage, and on conditions differing in some respects from those imposed by or under the existing Acts. The Committee referred in particular to undertakers supplying energy chiefly in bulk or wholesale to other undertakers whose areas of supply are wholly or partly within the area of such bulk or wholesale supplying company, and who distribute the energy so obtained to consumers, and stated that they thought the provisions of the Electric Lighting Act, 1888, enabling the local authority to purchase an undertaking after a lapse of years inapplicable as a general rule to the case of an undertaker supplying energy in bulk at high voltage, though there might be special cases where it is desirable that the local authorities should have the right to purchase reserved to them (b).

Accordingly in the Session of 1900 various Bills were promoted <sup>Bills in  
Session of  
1900.</sup> to authorise the production and distribution of electricity within defined areas of supply, the main purpose being the supply of electricity to other authorised undertakers in bulk or for power purposes. The first group of these Bills came before a Committee

(a) *Ante*, p. 9.(b) See the Report, *post*, p. 459.

Sir James  
Kitson's  
Committee.

of the House of Commons, presided over by Sir JAMES KITSON, and consisted of the following Bills :

County of Durham Electric Power Supply.  
Tyneside Electric Power.  
Lancashire Electric Power.  
South Wales Electrical Power Distribution.

These Bills were all opposed by local authorities, many of whom were authorised distributors of electrical energy used mainly for lighting purposes.

After much evidence had been given the following announcement was made :

"The CHAIRMAN said he wished to state for the Committee that the value of electrical energy as a means of power had been amply demonstrated, and its importance to industries in this country was admitted. The Committee felt that it was to the public advantage to facilitate measures which would ensure a general supply of electrical power to all consumers who might seek to avail themselves of the economy and efficiency offered in the service of these sources of the application of the power. The Committee therefore did not require the constant repetition of scientific evidence to prove that which had already been proved to their satisfaction " (Electrician, May 25th, 1900, p. 187).

Decision of  
Sir James  
Kitson's  
Committee—  
Session 1900.

In the result the preambles of the Durham, Lancashire, and South Wales Bills were found to be proved, and the Committee communicated to the parties the following decision—not applicable to the case of the Lancashire Bill—in regard to the lines on which clauses were to be settled :

1. "The company to be authorised to supply electrical energy for power purposes anywhere within the area of supply, subject to the consent of the local authority in certain cases as set out below."
2. "The company to have no general lighting powers, *i.e.*, distribution to ordinary consumers within the area, except in pursuance of a Provisional Order obtained in the ordinary way."
3. "Where a local authority is now authorised to supply electricity within the area their consent is to be required for the supply of electricity by the company, the Board of Trade to be empowered to override the refusal of the local authority to give consent if the authority are not prepared to provide the requisite supply on reasonable terms and within a reasonable time."
4. "Any local authority who hereafter gets statutory powers for supplying electricity within the area to have in ordinary cases the option of taking over the company's supply in its local area on terms to be laid down by the Provisional Order or Act by which the statutory powers are given."
5. "A company having statutory powers to be in the same position as a local authority now having statutory powers ; a company to whom

powers are hereafter granted to be placed in the same position as a local authority to whom statutory powers are hereafter granted" (Electrician, July 6th, 1900, p. 411).

A clause was ultimately adjusted, with the assistance of the draughtsman of the Board of Trade, to carry out the decision of the Committee, and this clause, which is now known as "the Kitson clause" and is set out later, appears in most of the Power Acts, though with many variations (c).

Since 1900 a large number of power companies have been incorporated, of whose Acts, including subsequent amending Acts, a list will be found in the footnote (d).

(c) See *post*, p. 53.

(d) LIST OF THE POWER ACTS:

- |   |                               |
|---|-------------------------------|
| The County of Durham Electric Power Supply Company :  |                               |
| 63 & 64 Vict. c. ccxxxi.  | 9 Edw. 7, c. xxxvi.           |
| 6 Edw. 7, c. clxxxii.   |                               |
| The Lancashire Electric Power Company :   |                               |
| 63 & 64 Vict. c. ccxxxv.  | 6 Edw. 7, c. excix.           |
| 4 Edw. 7, c. liv.   |                               |
| The North Metropolitan Electric Power Supply Company :  |                               |
| 63 & 64 Vict. c. cclxxvi.   | 5 Edw. 7, c. clxxvi.          |
| 2 Edw. 7, c. clvi.  | 7 Edw. 7, c. xeviii.          |
| 3 Edw. 7, c. clxxiii.   | 9 Edw. 7, c. xii.             |
| The South Wales Electrical Power Distribution Company :   |                               |
| 63 & 64 Vict. c. cclxxxii.  | 6 Edw. 7, c. cxevii.          |
| 2 Edw. 7, c. cxviii.  | 8 Edw. 7, c. lxxi.            |
| 5 Edw. 7, c. xlix.  |                               |
| The Cleveland and Durham County Electric Power Company :  |                               |
| 1 Edw. 7, c. civ.   | 3 Edw. 7, c. xxv.             |
| The Yorkshire Electric Power Company :  |                               |
| 1 Edw. 7, c. cxvi.  | 10 Edw. 7 & 1 Geo. 5, c. xxi. |
| The Derbyshire and Nottinghamshire Electric Power Company :   |                               |
| 1 Edw. 7, c. cxxi.  | 4 Edw. 7, c. lxxvii.          |
| 2 Edw. 7, c. xvii.  | 6 Edw. 7, c. cxlvii.          |
| The Newcastle-upon-Tyne Electric Supply Company, Limited :  |                               |
| 2 Edw. 7, c. xxi.   | 6 Edw. 7, c. clviii.          |
| 3 Edw. 7, c. clxxiv.  |                               |
| The Cornwall Electric Power Company :   |                               |
| 2 Edw. 7, c. xxxiv.   |                               |
| The Gloucestershire Electric Power Company :  |                               |
| 2 Edw. 7, c. lv.  |                               |
| The Kent Electric Power Company :   |                               |
| 2 Edw. 7, c. cxxvii.  | 9 Edw. 7, c. lxxviii.         |
| 6 Edw. 7, c. clxv.  |                               |
| (Certain of its powers were transferred to the South East Kent Electric Power Company, Limited, by 1 & 2 Geo. 5, c. cxi.) |                               |
| The Leicestershire and Warwickshire Electric Power Company :  |                               |
| 2 Edw. 7, c. cxxxi.   | 4 Edw. 7, c. lxxiii.          |
| The Somerset and District Electric Power Company :  |                               |
| 3 Edw. 7, c. ccxiv.   |                               |
| The Shropshire, Worcestershire and Staffordshire Electric Power Company :   |                               |
| 3 Edw. 7, c. ccxxxvii.  | 6 Edw. 7, c. clxxxv.          |
| 5 Edw. 7, c. clx.   |                               |

Outline of a  
Power Act.

The Acts differ in many and important details, but the main lines of each of the Power Acts are the same, and may be stated as follows :

The Act incorporates a company, and empowers it to acquire land, erect and work generating stations, lay down mains and construct works, and to supply electricity within a specified area to "authorised undertakers" as defined in the Act, and (subject to certain restrictions) to persons requiring a supply for power. Subject to certain conditions, the obligation to supply is imposed upon the company.

The maximum prices chargeable and the maximum dividend payable by the company are fixed subject to a sliding scale.

(d) LIST OF THE POWER ACTS—*continued*.

- The North Western Electricity and Power-Gas Company :  
3 Edw. 7, c. cccxxviii.                      4 Edw. 7, c. cix.
- The North Wales Power and Traction Company, Limited :  
4 Edw. 7, c. cccxiii.
- The Cumberland Electricity and Power-Gas Company :  
6 Edw. 7, c. xcii.
- The Carmarthenshire Electric Power Company :  
3 Edw. 7, c. ccc.
- (Its undertaking was transferred to the South Wales Power Company  
by 5 Edw. 7, c. xlix, and it was dissolved by 8 Edw. 7, c. lxxi.)
- The Metropolitan Electric Supply Company, Limited :  
5 Edw. 7, c. clxxvi.
- The Shannon Water and Electric Power Company :  
1 Edw. 7, c. cxxxvi.
- The Clyde Valley Electrical Power Company :  
1 Edw. 7, c. cccxv.                      4 Edw. 7, c. lxxxix.
- The Loch Lomond Water Power Company :  
1 Edw. 7, c. cclxx.                      8 Edw. 7, c. xxviii.  
4 Edw. 7, c. cexli.                      10 Edw. 7 & 1 Geo. 5, c. cxxxviii.
- The Fife Electric Power Company :  
3 Edw. 7, c. cccxi.
- The Scottish Central Electric Power Company :  
3 Edw. 7, c. cexli.
- The Lothians Electric Power Company :  
4 Edw. 7, c. ccvii.
- The Belfast and North East Ireland Electricity and Power-Gas Company :  
4 Edw. 7, c. cccxviii.
- The Central Ireland Electric Power Company :  
8 Edw. 7, c. cv.

Some of the above companies it will be noticed were incorporated not by special Act, but under the Companies Acts.

The Central Electric Supply Company, Limited, whose Acts are 62 & 63 Vict. c. lxxxviii, and 5 Edw. 7, c. clxxxv, is not strictly a power company.

Under s. 4 of the Electric Lighting Act, 1909, the Board of Trade may now make Provisional Orders authorising bulk supply undertakings, but no such Order has yet been made.

Provision is made for the cesser of the company's powers if the works are not substantially commenced within a certain time. The company is generally empowered to apply for Provisional Orders under the Electric Lighting Acts, and to acquire by agreement undertakings already authorised by such Provisional Orders.

Outline of a  
Power Act.

The succeeding pages are intended to give an account of the powers and obligations generally conferred upon power companies, but in considering any question affecting any particular company reference must be made to the Acts relating to that company.

A typical example of a Power Act, the Somerset and District Electric Power Act, 1903, will be found set out *post*, pp. 314 *et seq.*

### APPLICATION OF THE ELECTRIC LIGHTING ACTS AND INCORPORATION OF OTHER ACTS.

Since a Power Act authorises the power company to supply electricity within an area it is a "special Act" within the Electric Lighting Acts, 1882 to 1909, and those Acts accordingly apply to the company and to the undertaking authorised by the Power Act, except so far as is expressly provided by the Power Act (*e*). A Power Act is also a special Act within the Electric Lighting (Clauses) Act, 1899, so that the provisions contained in the Schedule to the last-mentioned Act would, except so far as expressly varied or excepted, be incorporated with the Power Act (*f*).

Application  
of Electric  
Lighting  
Acts.

All the Power Acts exclude the application of the provisions as to purchase by the local authority contained in ss. 2 and 3 of the Electric Lighting Act, 1888, and some exclude the application of other sections of the Electric Lighting Acts, 1882 and 1888. The provisions in the Schedule to the Electric Lighting (Clauses) Act, 1899, are always incorporated, but with many exceptions (*g*).

Incorporation  
of Acts.

(*e*) Electric Lighting Act, 1882, s. 2. A power company are "undertakers" within the Electric Lighting Acts (*ibid.*). Some of the Power Acts expressly declare that they are to be deemed to be special Acts within the meaning of the Electric Lighting Acts, but this is quite unnecessary.

(*f*) Electric Lighting (Clauses) Act, 1899, s. 1.

(*g*) The sections of the Schedule to the Act of 1899, which are always excepted, are ss. 2 (2), 3, 5, 7, 21—29, 30 (so far as regards certain supplies), 31—35, 41 and 48. Other sections sometimes excluded are ss. 2 (entirely), 4, 6, 8, 9, 30 (entirely), 36, 37, 40, 42—44, 49, 58, 60—68, 69 (3), 75, 77, 78, 83 and 84. In many Acts s. 81 is declared inapplicable to any generating station erected on lands specified in the Act, but in others it is excluded altogether.

The Lands Clauses Acts (*h*) and, when the company is incorporated by the Act, the Companies Clauses Acts are also incorporated.

### INCORPORATION AND CAPITAL OF COMPANY.

Incorporation  
and objects  
of company.

A power company is almost always incorporated by the Act, subject to the provisions of the Companies Clauses Acts which are incorporated (*i*), and the purposes of the company are declared in very general terms to be the constructing, erecting, laying down, maintaining, working and using electric generating stations and works, and the producing, generating, using and supplying electrical energy or power, and generally carrying out the powers and purposes of the Act, and the powers of the company to include the acquisition, construction, erection, maintenance, working and user or discontinuance, sale and disposal of lands, easements, buildings, works, machinery, plant, fittings and apparatus, and the exercise of such powers and the doing of such things as may be necessary or convenient in, or in connection with, the production, generation, use, transformation, transmittal, measurement, distribution and supply of such energy or power, or otherwise carrying on the undertaking authorised (*j*).

Capital of  
company, etc.

The Act then fixes the capital and borrowing powers of the company and appoints the directors, and contains other provisions with regard to the constitution of the company usual in the case of statutory companies.

### ACQUISITION OF LAND AND CONSTRUCTION OF GENERATING STATIONS.

Acquisition  
of land.

The Act empowers the company to take compulsorily and use certain specified lands, and to erect, maintain, work and use

(*h*) The incorporation of the Lands Clauses Acts is necessary when the benefit of the enactments with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking is desired. The other provisions of the Lands Clauses Acts are incorporated with the Electric Lighting Act, 1882, s. 12, and would, therefore, apply to the company by virtue of the last-mentioned Act.

(*i*) The Metropolitan Electric Supply Company, Limited, the Newcastle-upon-Tyne Electric Supply Company, Limited, and the North Wales Power and Traction Company, Limited, are incorporated under the Companies (Consolidation) Act, 1908, but the two former were not originally formed as power companies and still have other undertakings than those authorised by their Power Acts.

(*j*) See, for example, s. 7 of the Somerset, etc. Act, 1903, *post*, p. 316.

generating or transforming stations thereon, with the necessary machinery and plant (*k*). Construction of generating stations.

Section 2 of the Electric Lighting Act, 1909, applies to power companies, so that the company may not, after the passing of that Act (except with the consent of the Board of Trade), construct a generating station on any land acquired by them after March 31st, 1909, unless such construction is authorised and the land specified in a special Act or Provisional Order.

Section 81 of the Schedule to the Electric Lighting (Clauses) Act, 1899, is *invariably* either excepted altogether from incorporation with the Act or declared inapplicable to any generating station or works erected on the specified lands, so that, in the absence of negligence, the company are not liable for any nuisance caused by such generating station or works (*l*). Liability for nuisance.

The company is also empowered to acquire lands by agreement, either by a special clause (in which case the quantity is generally limited), or by the general powers conferred by the Act or by s. 10 of the Electric Lighting Act, 1882. In respect of works on lands acquired by agreement, the company would not be exempt from proceedings for nuisance (*m*).

### LAYING DOWN OF MAINS AND CONSTRUCTION OF WORKS.

Within the area of supply specified in the Act, the company have all the powers and are subject to all the restrictions conferred or imposed upon undertakers, with regard to breaking up streets and bridges and laying down mains and constructing works therein, by the Electric Lighting Acts and the provisions of the Gasworks Clauses Act, 1847, incorporated therewith or by ss. 11—20 of the Schedule to the Electric Lighting (Clauses) Act, 1899 (*n*). Power to lay mains.

The provisions of s. 13 of the Electric Lighting Act, 1882, and of s. 12 of the Schedule to the Electric Lighting (Clauses) Act, 1899, restricting the breaking up of tramways or railways where laid across or along any highway on the level, or of the roadway

(*k*) See, for example, s. 30 of the Somerset, etc. Act, 1903, *post*, p. 317.

(*l*) See *ante*, p. 17. Section 22 of the Electric Lighting Act, 1909, for the protection of public buildings and parks will, however, apply to such generating stations.

(*m*) See *ante*, p. 17. This would apparently be so, even if s. 81 be altogether excluded from incorporation and no special provision as to nuisance be inserted in the Act. See *per* Lord HALSBURY, L.C., *Shelfer v. City of London Electric Light Co., Limited*, [1895] 1 Ch., at p. 309.

(*n*) As to these, see *ante*, pp. 18, 19.

of or approaches to any bridge over any railway within the area of supply, are generally declared not to apply to the company (*o*).

Overhead  
wires.

The Act usually provides that the consent of a rural district council to the placing of electric lines above ground is not to be unreasonably withheld, and empowers the Board of Trade to decide whether such consent is unreasonably withheld (*p*).

Route of  
electric lines.

The route, line and position of any electric lines laid down by the company in any street is to be agreed between the local authority and the company, or failing agreement, settled by the Board of Trade, and provision is made for the adoption of any reasonable route indicated by the local authority of any borough or urban district as an alternative to a route through the principal thoroughfares or busy streets of the borough or district, and for the payment by the company of the costs of the local authority in relation to any reference to the Board of Trade, unless the Board certify the action of the local authority to have been unreasonable (*q*).

Power to lay down pipes for conveying water is often conferred on the company (*r*).

Map.

The company are required to make and correct annually a map showing the line and depth below the surface of all their electric lines, and to keep such map at their principal office for inspection, and to supply copies, if desired, to the Board of Trade, the Postmaster-General, and the local authority (*s*).

Sometimes provision is made for the removal of electric lines or other works under any street which have been disused for a certain number of years (*t*).

### SYSTEM AND MODE OF SUPPLY.

System.

The provisions of ss. 10 and 69 of the Schedule to the Electric Lighting (Clauses) Act, 1899, requiring the supply to be by means of a system approved by the Board of Trade and in accordance with the Board of Trade regulations, forbidding the connection of any circuit with earth (with certain exceptions), and empowering

(*o*) See, for example, s. 5 of the Somerset, etc. Act, 1903, *post*, p. 316. Notice of application to the Board of Trade for their consent to overhead wires must sometimes be given to any body or persons owning or working any tramway or light railway which would be within ten yards of the overhead wires. See s. 48 of the Shropshire and Worcestershire, etc. Act, 1903.

(*p*) See, for example, s. 48 of the Somerset, etc. Act, 1903, *post*, p. 327.

(*q*) *Ibid.*, s. 42, *post*, p. 321.

(*r*) *Ibid.*, s. 49, *post*, p. 327.

(*s*) *Ibid.*, s. 47, *post*, p. 326.

(*t*) See, for example, s. 14 of the Newcastle-upon-Tyne, etc. Act, 1902.



the Board to require any defects in the system or works to be remedied, apply to all the power companies (*u*).

Provision is made for the appointment by the Board of Trade, of electrical inspectors, whose duties and powers are regulated by the incorporated provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899 (*x*). Electric inspectors.

The provisions as to testing and inspection contained in ss. 39, 40 and 42—47 of the Schedule to the Electric Lighting (Clauses) Act, 1899, are generally incorporated with the Power Act.

### POWER AND OBLIGATION TO SUPPLY.

A power company differs from ordinary undertakers in this, that the consumers to whom and the conditions under which they may give a supply are strictly limited by their Acts. Power to supply—

Ordinarily a power company may only give a supply to “authorised undertakers” as defined in their Act, and to persons requiring a supply for power. (i) to “authorised undertakers”;  
(ii) for power.

“Authorised undertakers” usually means any authority authorised by general or special Act to undertake or contract for the lighting of streets, bridges or public places, within any part of the area of supply of the power company, and any “authorised distributors,” as defined by the Act (*y*).

“Authorised distributors” means any local authority, company, body or person authorised by Act of Parliament or Provisional Order to give a supply of energy within any part of the area of supply of the power company (*y*). “Kitson clause.”

The conditions under which the company give a supply to these consumers are contained in “the Kitson clause,” as to which, see *ante*, p. 46. The form in which this clause was originally settled and appears in the earlier Acts, is as follows:

“The powers of the company for the supply of energy under this Act shall be subject to the following provisions: Conditions affecting supply.

“(1) Energy shall be supplied under this Act only:

“(a) For supply in bulk to authorised distributors; and

“(b) For providing power to any person;

(*u*) As to these, see *ante*, p. 20.

(*x*) See, for instance, s. 64 of the Somerset, etc. Act, 1903, *post*, p. 334.

(*y*) See, for example, s. 4 of the Somerset, etc. Act, 1903, *post*, p. 316. An urban district council has power to undertake or contract for the lighting of the streets, markets, and public buildings in their district (Public Health Act, 1875, s. 161). A rural district council may be invested with urban powers for that purpose by the Local Government Board (Public Health Act, 1875, s. 276). Metropolitan borough councils have similar powers under the Metropolis Management Act, 1855, s. 130.

- "(2) The energy supplied to authorised distributors may be used by them for lighting or other purposes and the energy supplied to any person for power may be used by such person for lighting any premises on any part of which the power is utilised, but save as aforesaid, the company shall not supply energy for lighting purposes ;
- "(3) Energy shall not be supplied under this Act by the company in any area being at the passing of this Act the area of supply of any authorised distributors, except with the consent of those distributors, but that consent shall not be unreasonably withheld. If any question arises whether that consent is unreasonably withheld, that question shall be determined by the Board of Trade. The consent shall be deemed to be unreasonably withheld if the authorised distributors are not willing and in a position to give the requisite supply upon reasonable terms and within a reasonable time ; and in considering what are reasonable terms and what is a reasonable time the Board of Trade shall, amongst other things, have regard to the terms upon which and the time within which the company are willing and in a position to give the supply (z) :
- "(4) If at any time after the passing of this Act any local authority, company, or person become authorised distributors in any area within the area of supply under this Act, the company shall be subject to any provisions which may be made by the Act or Provisional Order under which the distributors become authorised as to the taking over of any supply then given by the company for use exclusively within the area of supply of the distributors or otherwise as to the powers of the company to supply within that area, and such provisions may be made in any such Provisional Order under the Electric Lighting Acts" (a).

In later Acts the clause has been somewhat modified, and a later form will be found set out, *post*, p. 327. It will be noticed that in the later form the power company may supply energy without restriction for power to railway, tramway and water companies, and to the owners of canals and navigations (see sub-s. (3)).

(z) For a case in which the Board of Trade determined that the authorised distributors' consent was unreasonably withheld, see *Electrician*, March 18th, 1910, p. 918.

(a) See s. 36 of the South Wales, etc. Act, 1900. The County of Durham, etc. Act, 1900, and the North Metropolitan, etc. Act, 1900, authorised a supply to "authorised undertakers" only, but in those Acts authorised undertakers included not only lighting authorities and "authorised distributors," but also "authorised users," *i.e.*, any body or person authorised by Act or Order, confirmed by or having the effect of an Act, to use electrical energy for purposes prescribed by such Act or Order. The powers conferred by the Lancashire, etc. Act, 1900, were even more restricted. In the case of all these companies, however, their powers to supply have been considerably extended by their later Acts.

Provisions imposing on the company an obligation to give a supply are always inserted in the Act, but they differ materially from the provisions in the Schedule to the Electric Lighting (Clauses) Act, 1899, and usually discriminate between a supply to authorised undertakers and to other consumers (*b*). Authorised undertakers requiring a supply are usually required to serve a notice specifying the point at which and the date when the supply is to be given, and the maximum power required, and to contract to receive and pay for a supply for seven years of such amount of energy that the payments therefor shall not be less than 20 per cent. per annum on the outlay (other than on existing generating plant and mains) involved in providing for the supply.

Consumers other than authorised undertakers must generally serve a similar notice as to their requirements, and enter into a contract to take a supply of energy on such terms (including a minimum annual sum) as, failing agreement, may be determined by an arbitrator, who is to have regard to certain specified considerations. Such consumers may also be required to give security for all moneys to become due from them.

Penalties are imposed upon the company for any failure to supply in accordance with their obligations (*c*).

It will be noticed that no obligation is imposed on the company to lay any electric lines or construct any works (other than a generating station, as to which, see *post*, p. 57), except so far as may be necessary for giving a supply which they may be required to give.

### METERS.

The provisions as to meters contained in ss. 49—59 of the Meters Schedule to the Electric Lighting (Clauses) Act, 1899, are generally incorporated. By virtue of s. 11 of the Electric Lighting Act, 1909, the amendments made in certain of those provisions, as set out in the Second Schedule to that Act, will now apply to the company.

### PRICES AND DIVIDENDS.

The maximum prices chargeable by the company are always fixed by the Act, subject to periodical revision by the Board of

(*b*) See, for example, ss. 55 and 56 of the Somerset, etc. Act, 1903, *post*, p. 331.

(*c*) Either by the application of s. 30 of the Schedule to the Electric Lighting (Clauses) Act, 1899, or by a special clause. See, for example, s. 57 of the Somerset, etc. Act, 1903, *post*, p. 332.

Trade, and usually include the cost of transforming the energy to such pressure and description as may be reasonably required. The method of charge may be either by the actual amount of energy supplied or by the electrical quantity contained in the supply, or by such other method approved by the Board of Trade as the company and the consumers may agree (*d*).

Relation of  
price to  
dividend.

The dividend payable by the company on its capital in any year is also limited by the Act, generally to 8 per cent., but both price and dividend are usually subject to a sliding scale which takes one of two forms.

In the first, for every  $1\frac{1}{4}$  per cent. by which the prices actually charged by the company in any year are below the maximum prices fixed by the Act, the dividend may be increased by 5s. per cent., and for every 5s. per cent. by which the dividend in any year exceeds the rate of dividend fixed by the Act, the prices charged by the company for the next year must be  $1\frac{1}{4}$  per cent. below the maximum prices fixed by the Act (*e*).

In the other form, for every  $1\frac{1}{4}$  per cent. by which the average price per unit obtained by the company throughout their area in any year is less than "the standard price" (generally fixed at  $2\frac{1}{2}d.$  per unit), the dividend may be increased by 5s. per cent., and for every  $1\frac{1}{4}$  per cent. by which such average price in any year exceeds the standard price, the dividend for that year must be reduced below the rate of dividend fixed by the Act by 5s. per cent. (*f*).

In each form the company may make good any deficiency in any previous dividend.

## ACCOUNTS AND AUDIT.

Accounts  
and audit.

Section 9 of the Electric Lighting Act, 1882, requiring an annual statement of accounts to be made up, applies to the company, and a form of accounts has been prescribed by the Board of Trade for a power company under that section. Section 6 of the Schedule to the Electric Lighting (Clauses) Act, 1899, requiring the accounts to be audited, applies to some companies but not to others.

(*d*) See, for example, s. 60 and the Second Schedule to the Somerset, etc. Act, 1903, *post*, pp. 333, 336. The prices authorised differ considerably in the various Acts. The Second Schedule to the North Western Electricity and Power Gas Act, 1903, containing the maximum prices authorised by that Act, is set out, *post*, p. 338.

(*e*) See, for example, s. 32 of the County of Durham, etc. Act, 1900.

(*f*) See, for example, s. 61 of the Somerset, etc. Act, 1903, *post*, p. 333.

### APPLICATIONS FOR PROVISIONAL ORDERS FOR PART OF AREA OF SUPPLY AND ACQUISITION OF UNDERTAKINGS.

The Act is not to prejudice any application by any other person for a Provisional Order to authorise the supply of electricity within the area of supply under the Act, and in any such Order provision may be made for taking over any supply then given by the company within the area of supply under the Order (*g*). Applications for Provisional Orders.

Some of the Power Acts expressly authorise the company to apply for Provisional Orders under the Electric Lighting Acts (*h*).

Others contain a clause enabling the company to acquire by agreement the undertaking authorised by any such Order relating to any part of their area of supply (*i*).

### CESSER OF POWERS.

Power Acts do not incorporate the provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899, as to revocation by the Board of Trade, but each Act contains a clause enabling the Board of Trade to order that the powers of the company under the Act shall cease as to the whole or part of their area of supply, if they have not substantially commenced their works within two years, or if they have not provided a sufficient generating station and are not in a position to supply therefrom within four years from the passing of the Act (*k*). Cesser of powers.

### SPECIAL PROTECTIVE CLAUSES.

Nearly every Power Act contains a number of special provisions for the protection of local and road authorities, railway, tramway, gas and water companies, and others (*l*). Protective clauses.

(*g*) See, for example, s. 53 of the Somerset, etc. Act, 1903, *post*, p. 330.

(*h*) *Ibid.*, s. 66, *post*, p. 335.

(*i*) See such a clause taken from the Lancashire, etc. Act, 1904, *post*, p. 337. The North Metropolitan, etc. Act, 1903, enabled a local authority to sell and transfer a generating station erected by them under the powers of their Provisional Order to the power company from whom they had agreed to take a supply in bulk. The Metropolitan Electric Supply (Acton) Act, 1911, empowered a local authority to sell and transfer its whole electric supply undertaking to the power company.

(*k*) See, for example, s. 69 of the Somerset, etc. Act, 1903, *post*, p. 335.

(*l*) See, for example, ss. 40, 43—46, 51, 52 and 54 of the Somerset, etc. Act, 1903, *post*, pp. 318 *et seq.*

Protective  
clauses.

The Somerset and District Electric Power Act, 1903, contains special provisions (inserted by agreement) for the protection of certain companies in the event of damage by fusion or electrolytic action or induction (*m*), and the North Western Electricity and Power Gas Act, 1903, contains a general clause (s. 34) requiring the company to make full compensation for any damage to mains, pipes and apparatus by fusion or electrolytic action caused by the exercise of any of the powers of the Act. Clauses dealing with injury by electrolysis are, however, exceptional in Power Acts, the provisions requiring the system to be approved by the Board of Trade and forbidding any circuit to be connected with earth (*n*), being considered sufficient.

(*m*) See, ss. 43 (6), 44 (6), and 46, *post*, pp. 323, 325, 326. Clauses protecting railway companies in case of interference with their telegraphic or signalling apparatus are to be found in several Acts. See, for instance, Cornwall, etc. Act, 1902, ss. 41, 42; Scottish Central, etc. Act, 1903, s. 65; Gloucestershire, etc. Act, 1902, s. 42.

(*n*) As to which, see *ante*, pp. 52, 53.

## CHAPTER VI.

**THE FACTORY AND WORKSHOP ACTS, 1901 and 1907, and  
THE COAL MINES ACT, 1911.**

WORKS for generating or transforming electricity come within the Factory and Workshop Acts, 1901 and 1907 (1 Edw. 7, c. 22, and 7 Edw. 7, c. 39). Section 149 of the Act of 1901, in conjunction with the Sixth Schedule, sub-s. 20, classes amongst "non-textile factories," "electrical stations," that is to say, any premises or that part of any premises in which electrical energy is generated or transformed for the purpose of supply by way of trade or for the lighting of any street, public place or public building, or of any hotel or of any railway, mine or other industrial undertaking.

A workhouse is a public building (*Mile End Guardians v. Hoare*, [1903] 2 K. B. 483).

By s. 79 of the Act of 1901, it is provided that—

"Where the Secretary of State is satisfied that any manufacture, machinery, plant, process or description of manual labour, used in factories or workshops, is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children or any other class of persons, he may certify that manufacture, machinery, plant, process, or description of manual labour to be dangerous; and thereupon the Secretary of State may, subject to the provisions of this Act, make such regulations as appear to him to be reasonably practicable and to meet the necessity of the case."

Regulations  
in case of  
dangerous  
trades.

Provision is made for the publication of any proposed regulation, the consideration of any objections thereto, and the holding of an inquiry with regard to any draft regulations (a).

The regulations may apply to all factories and workshops in which the manufacture, machinery, plant, process or description of manual labour certified to be dangerous is used, or to any specified class of such factories or workshops, and may provide for the exemption of any specified class of factories or workshops, either absolutely or subject to conditions (b).

No person is to be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of any regulation made under the Act (c).

(a) Factory and Workshop Act, 1901, ss. 80, 81.

(b) *Ibid.*, s. 82 (1).

(c) *Ibid.*, s. 82 (3).

Penalties  
for contra-  
vention.

Section 85 of the Act of 1901, provides as follows :

- "(1) If any occupier, owner or manager, who is bound to observe any regulation under this Act, acts in contravention of, or fails to comply with, the regulation, he shall be liable for each offence to a fine not exceeding ten pounds and, in the case of a continuing offence, to a fine not exceeding two pounds for every day during which the offence continues after conviction therefor.
- "(2) If any person other than an occupier, owner or manager, who is bound to observe any regulation under this Act, acts in contravention of, or fails to comply with, the regulation, he shall be liable for each offence to a fine not exceeding two pounds ; and the occupier of the factory or workshop shall also be liable to a fine not exceeding ten pounds, unless he proves that he has taken all reasonable means by publishing, and to the best of his power enforcing, the regulations to prevent the contravention or non-compliance."

The generation, transformation, distribution and use of electrical energy in any factory or workshop or any place to which the provisions of s. 79 are applied by that Act (*d*), have been certified by the Secretary of State to be dangerous, and regulations have accordingly been made with regard thereto under the above section. These regulations were made in accordance with the Report of Mr. James Swinburne, who held an inquiry on behalf of the Secretary of State, and will be found set out, *post*, p. 420.

Report of  
accidents.

Notice of accidents causing death or bodily injury in electrical stations must be given to the inspector for the district under the Notice of Accidents Acts, 1894 and 1906 (57 & 58 Vict. c. 28 ; 6 Edw. 7, c. 53) (see s. 4 of the Act of 1906). The foregoing provisions are independent of the notice to the Board of Trade of accidents and inquiries into the same provided for by s. 38 of the Schedule to the Electric Lighting (Clauses) Act, 1899. The latter section covers a wider field than the former.

Lime-  
washing.

The Secretary of State has made an Order under s. 1 of the Factory and Workshop Act, 1901, exempting from the provisions of the said section, as to lime-washing, those parts of electric

(*d*) The places to which the provisions of s. 79 are applied are (1) every dock, wharf, quay and warehouse, and all machinery or plant used in the process of loading or unloading or coaling any ship in any dock, harbour or canal (2) ; any premises on which machinery worked by steam, water or other mechanical power, is temporarily used for the purpose of the construction of a building or any structural work in connection with a building ; (3) any line or siding, not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900, and used in connection with a factory or workshop, or with any place to which any of the provisions of the Act are applied (Factory and Workshop Act, 1901, ss. 104—106).



generating works (and certain other specified works) in which the number of cubic feet of space bears to the number of persons employed therein at one time a proportion not less than 2,500 to every person.

Orders have also been made as to the night employment and meal hours of young persons in electrical stations (*e*).

The manufacture of electric accumulators has been certified, in pursuance of s. 79 of the Factory and Workshop Act, 1901, to be dangerous, and regulations dated November 21st, 1903, have accordingly been made with regard thereto (*f*).

The use of electricity in coal mines is subject to special statutory regulation. By s. 60 of the Coal Mines Act, 1911 (1 & 2 Geo. 5, c. 50), it is provided as follows :

- " (1) Electricity shall not be used in any part of a mine (*g*) where, on account of the risk of explosion of gas or coal dust, the use of electricity would be dangerous to life, and, if the owner (*h*) of a mine, on being required by an inspector of the division not to use, or to desist from using, electricity in the mine or any part thereof on such ground as aforesaid, refuses to do so, the question as to the application of this section to the mine or part thereof shall be settled in manner provided by this Act for settling disputes (*i*).
- " (2) If at any time in any place in the mine the percentage of inflammable gas in the general body of the air in that place is found to exceed one and a quarter, the electric current shall at once be cut off from all cables and other electrical apparatus in that place, and shall not be switched on again as long as the percentage of inflammable gas exceeds that amount.
- " Provided that nothing in this sub-section shall apply to any telephone or signalling wires or instruments as long as the conditions prescribed with reference to the installation and use of such wires and instruments are complied with, nor to any electric hand lamps of a type for the time being approved.
- " (3) When any question under this section is to be settled in the manner provided by this Act for settling disputes, the owner shall, pending the settlement of the question, comply with the requirement of the inspector subject to an appeal to the chief inspector.
- " (4) The use of electricity in any mine shall be subject to general regulations under this Act " (*k*).

(*e*) See these Orders, *post*, p. 428.

(*f*) Statutory Rules and Orders, 1903 (No. 1004).

(*g*) " Mine " means a mine of coal, stratified ironstone, shale or fire-clay (s. 1).

(*h*) See definition of " owner " in s. 122.

(*i*) *I.e.*, by one of the panel of referees appointed under the Act (see s. 116).

(*k*) These Regulations are made by the Secretary of State under s. 86 of the Act. The Regulations are set out *post*, p. 430.

Use of electricity in other mines.

Special rules are about to be made by the Secretary of State under s. 27 of the Metalliferous Mines Regulation Act, 1872 (35 & 36 Vict. c. 77), with reference to the installation and use of electricity in mines to which that Act relates, *i.e.*, every mine other than a mine to which the Coal Mines Regulation Act, 1872 (now replaced by the Coal Mines Act, 1911), relates. The rules as proposed to be made are set out *post*, p. 475.

Cinematograph Act, 1909.

The use of electric light in connection with cinematograph exhibitions is subject to regulations (*l*) made by the Secretary of State under the Cinematograph Act, 1909 (9 Edw. 7, c. 30).

---

(*l*) Statutory Rules and Orders, 1910 (No. 189).

## INTRODUCTION TO CANADIAN NOTES.

THE Law relating to Electric Light in Ontario is to be found in the Statute creating and regulating the Hydro-Electric Power Commission. It is needless to point out that electricity nowadays covers a much wider field than mere lighting, and that being so a legal work which dealt with electric lighting alone and left untouched the motive power of electricity would fall far short of the usefulness and scope to which a work on electricity should pertain. In the English text this has been recognized, and while the title, *Will on the Law of Electric Lighting*, has been retained the law relating to electricity generally has been dealt with. That plan will be followed in the Canadian Notes, and the scope and power of the Hydro-Electric Power Commission fully dealt with.

The first two Acts of the Ontario Legislature applying to electricity are to be found in the Revised Statutes of 1897. One Act provides for the incorporation of companies for supplying electricity for the purpose of light, heat and power,<sup>1</sup> and the second Act enables municipal corporations to manufacture and supply electricity for the same purposes.<sup>2</sup>

Both these Acts confer large powers upon the companies and municipalities respectively, and enable them to manufacture and supply electric light and do all other things necessary to and incidental to the purpose.

The next Act to be considered is the Consolidated Municipal Act of 3 Edw. VII, Ch. 19.<sup>3</sup> Division 12 of the Act deals with the powers of municipal corporations with reference to water, light, and heat. It gives power to councils to pass by-laws—

(1) For constructing electric lighting works but limits the power until an offer has been made to buy out any existing company, sect. 566, sub-sect. 4, and make provision for arbitration as to the sum to be paid when companies are bought out.

(2) Fixing the price to be paid by private consumers; and

(3) Respecting the transmission of electricity over streets by any person or company supplying power, light or heat.

Under this statute—

(4) To include gas, electric light and waterworks.

(5) To sell surplus power subject to limitation where there is a competing company, sections 567A and 567B.

(6) To contract for the supply of electric light for street lighting purposes.

<sup>1</sup> R. S. O. 1897, c. 200, *post*, p. 246a, now repealed, see *post*, p. 246a.

<sup>2</sup> R. S. O. 1897, c. 234, *post*, p. 246b.

<sup>3</sup> *Post*, p. 246c.

Division XIII. of the Act applies to Street Railways and Telephones. It enables the councils of cities and towns to pass by-laws.

1. For operating street railways subject to the limitation when another railway is already in existence, section 569.

No by-laws under clause 4 of section 566 which refers to the construction of electric light works by a council and sub-section (1) of section 569 which relates to the operating of a street railway shall be valid until a poll has been taken.

Section 570 empowers cities and towns to carry on telephone service.

The Municipal Power Works Act, 3 Edw. VII., Ch. 25,<sup>1</sup> confers further powers upon municipal corporations, either separately or in conjunction, to obtain electric energy for corporate or general public use. Under this Act a corporation which is desirous of establishing municipal power works to appoint a Commission consisting of one electrical engineer and not less than two or more than four other persons, sections 1 and 2.

The Commission shall proceed to ascertain the feasibility of acquiring, constructing, and operating the proposed works and prepare a report on the cost, the working expenses, the productive capacity, the estimated demand for power, the cost to consumers. When the report has been made to the municipality or municipalities the council or councils shall submit a by-law on the subject to the ratepayers under the provision of the Municipal Act, R. S. O. 1897, Ch. 223.

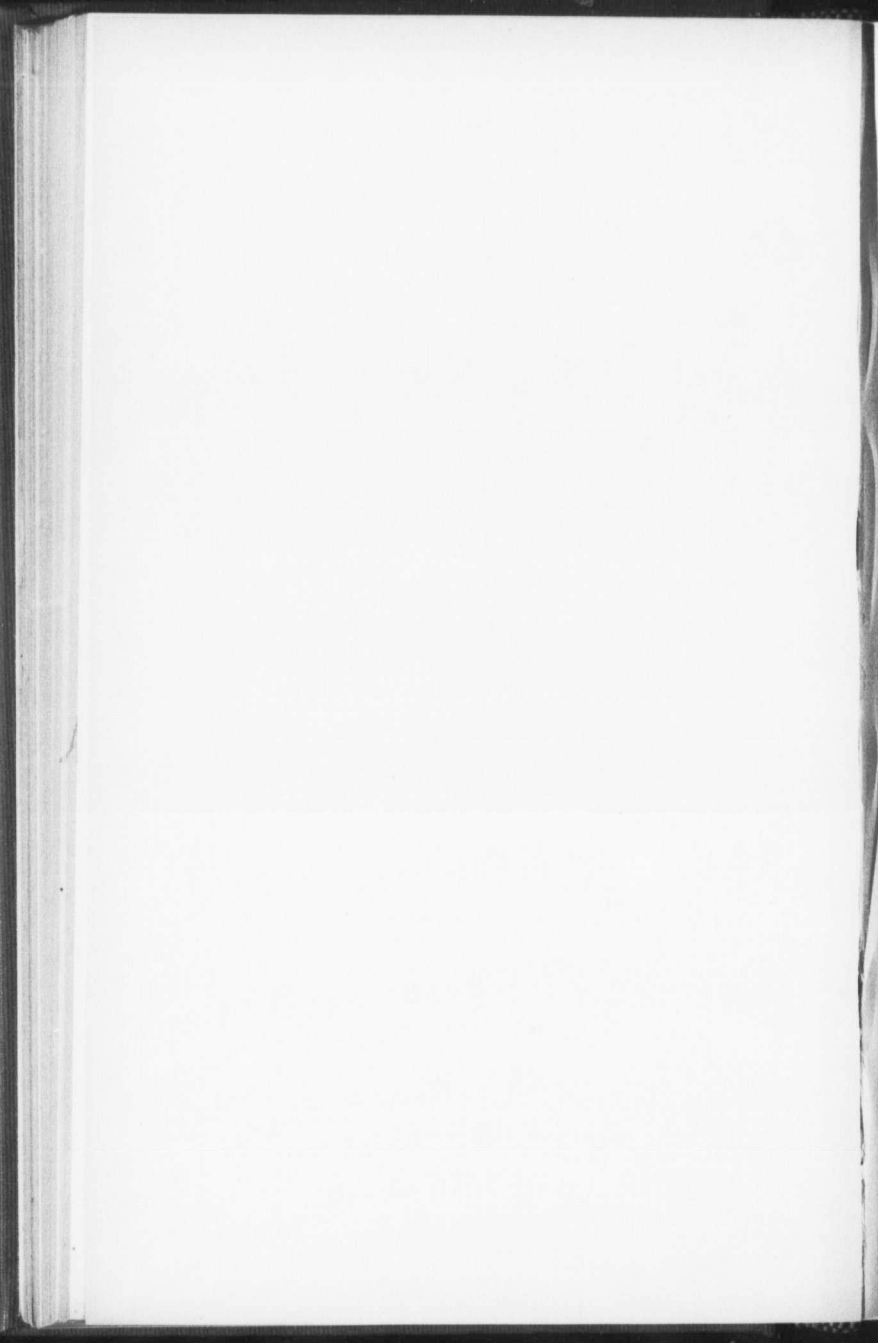
If the by-law is adopted, then a Board of Commission is to be appointed to construct and operate works. The Chief Justice of Ontario shall make the appointment on the nomination of the corporation and the Board shall be known as the Power Commissioners.

These Commissioners are given very extensive powers—they may acquire works, lands and water powers, water and steam power, supply power, construct works for development of works and do all other work necessary for transmission and distribution. Construct telegraph and telephone lines, make the necessary by-laws for the proper carrying on of the undertakings.

The Act 7 Edw. VII., Ch. 19, made a new departure inasmuch as it created a central authority under the title of the Hydro-Electric Power Commission of Ontario. This Act was amended by 9 Edw. VII., Ch. 19, and 2 Geo. V., Ch. 14, and will be found in full on pp. 246*h et seq.* This Statute and the amending statutes and the Power Commission Act of 1911, 1 Geo. V., Ch. 14, constitute the later Statute Law. Full powers are conferred on the central authority, the Hydro-Electric Power Commission of Ontario, to expropriate lands, water power plant for distribution, and provision is made for any corporation entering into a contract with the Commission for the supply of power.

<sup>1</sup> *Post*, pp. 246*c* and 246*f*.

STATUTES.



## STATUTES.

---

### THE ELECTRIC LIGHTING ACTS.

	PAGE
Electric Lighting Act, 1882 ... ..	73
Electric Lighting Act, 1888 ... ..	134
Electric Lighting (Scotland) Act, 1890 ... ..	143
Electric Lighting (Clauses) Act, 1899 ... ..	145
Electric Lighting (Scotland) Act, 1902 ... ..	227
Electric Lighting Act, 1909 ... ..	228

(For arrangement of sections, see pp. 67—72.)

---

### ACTS RELATING TO ELECTRIC SUPPLY IN THE COUNTY OF LONDON.

London Overhead Wires Act, 1891 ... ..	251
London Electric Lighting Areas Act, 1904 ... ..	259
London County Council (General Powers) Act, 1906 ... ..	264
London Electric Supply Act, 1908 ... ..	266
London (Westminster and Kensington) Electric Supply Companies' Act, 1908 ... ..	294
London Electric Supply Act, 1910 ... ..	304

(For arrangement of sections, see pp. 247—250.)

---





# ARRANGEMENT OF THE SECTIONS OF THE ELECTRIC LIGHTING ACTS.

## ELECTRIC LIGHTING ACT, 1882.

(45 & 46 VICT. C. 56.)

SECT.	PAGE
1. Short title ... ..	73
2. Application of Act ... ..	73
3. Granting of licences authorising the supply of electricity... ..	74
4. Granting of Provisional Orders authorising the supply of electricity ... ..	77
5. Making of rules as to application, etc. under Act ... ..	79
6. Regulations to be inserted in licences, etc.... ..	80
7. Expenses of local authority ... ..	82
8. Power of local authority to borrow money... ..	83
9. Accounts ... ..	87
10. General powers of undertakers under licence or Provisional Order ... ..	87
11. Power for local authority to contract in certain cases and restric- tions on assignments of powers, etc. of undertakers... ..	92
12. Incorporation of certain provisions of Clauses Consolidation Acts ... ..	95
13. Restriction on breaking up of private streets, railways, and tramways ... ..	97
14. Restrictions as to above-ground works ... ..	98
15. Power to undertakers to alter position of pipes and wires ... ..	101
16. Clause for protection of canals ... ..	102
17. Compensation for damage ... ..	103
18. Undertakers not to prescribe special form of lamp or burner ... ..	104
19. Obligation on undertakers to supply electricity ... ..	104
20. Charges for electricity ... ..	105
21. Recovery of charges, etc. ... ..	108
22. Injuring works with intent to cut off supply of electricity ... ..	109
23. Stealing electricity ... ..	110
24. Power to enter lands or premises for ascertaining quantities of electricity consumed, or to remove fittings, etc. ... ..	110
25. Electric lines, etc. not to be subject to distress in certain cases ... ..	110
26. Provision for protection of the Postmaster-General ... ..	112
27. Purchase of undertaking by local authority ... ..	119
28. Arbitration ... ..	119

## ARRANGEMENT OF SECTIONS.

SECT.	PAGE
29. Power for Board of Trade to relieve gas undertakers from obligation to supply gas in certain cases ... ..	121
30. Annual report by Board of Trade ... ..	122
31. Definition of local authority, etc. ... ..	122
32. Interpretation ... ..	123
33. For the protection of mines... ..	124
34. Provision as to general Acts... ..	124
35. Saving for privileges of Postmaster-General ... ..	124
<i>As to Scotland.</i>	
36. Application of Act to Scotland ... ..	124
<i>As to Ireland.</i>	
37. Application of Act to Ireland ... ..	125
SCHEDULE ... ..	126

## ELECTRIC LIGHTING ACT, 1888.

(51 &amp; 52 VICT. C. 12.)

1. Consent of local authority generally required to Provisional Order for supply of electricity ... ..	134
2. Repeal of 45 & 46 Vict. c. 56, s. 27. Purchase of undertaking by local authority ... ..	135
3. Power to vary terms of sale contained in last section ... ..	139
4. Restrictions as to placing of electric lines, etc. ... ..	140
5. Short title ... ..	142

## ELECTRIC LIGHTING (SCOTLAND) ACT, 1890.

(53 &amp; 54 VICT. C. 13.)

1. Amendment of Schedule of 45 & 46 Vict. c. 56 ( <i>as regards Scotland</i> ) ... ..	143
2. Delegation by certain local authorities ... ..	143
3. Validation of notices, etc. for present session (1890) ... ..	144
4. Interpretation... ..	144
5. Saving... ..	144
6. Short title and extent ... ..	144

## ELECTRIC LIGHTING (CLAUSES) ACT, 1899.

(62 &amp; 63 VICT. C. 19.)

SECT.	PAGE
1. Provisions in Schedule to be incorporated in Electric Lighting Orders ... ..	145
2. Short title, extent, and commencement ... ..	146

## SCHEDULE.

1. Interpretation... ..	146
-------------------------	-----

## PROVISIONS AS TO UNDERTAKERS.

2. Description of undertakers ... ..	148
3. Undertakers not to purchase other undertakings ... ..	148

## AREA OF SUPPLY.

4. Area of supply and prohibition of supply beyond area ... ..	149
--	-----

## SECURITY AND ACCOUNTS.

5. Security for execution of works ... ..	151
6. Audit of undertakers' accounts ... ..	152

APPLICATION OF MONEY AND PURCHASE OF LAND, ETC. BY  
LOCAL AUTHORITY.

7. Application of money received by local authority as undertakers... ..	153
8. Purchase and use of lands by local authority ... ..	154
9. Incorporation of s. 265 of Public Health Act, 1875 ... ..	155

## NATURE AND MODE OF SUPPLY.

10. Systems and mode of supply ... ..	156
---------------------------------------	-----

## WORKS.

11. Additional provisions as to works ... ..	157
12. Powers for execution of works ... ..	157
13. Street boxes ... ..	158
14. Notice of works, with plan, to be served on the Postmaster-General and local authority ... ..	160
15. As to streets not repairable by local authority, railways, tramways, and canals ... ..	162
16. Street authority, etc. may give notice of desire to break up streets, etc. on behalf of undertakers ... ..	165
17. As to alteration of pipes, wires, etc. under streets ... ..	167
18. Laying of electric lines, etc. near sewers, etc. or gas or water pipes, or other electric lines ... ..	170
19. For protection of railway and canal companies ... ..	173
20. For protection of telegraphic and telephonic wires ... ..	173

## ARRANGEMENT OF SECTIONS.

SECT.	COMPULSORY WORKS.	PAGE
21.	Mains, etc. to be laid down in streets specified in Special Order and in remainder of area of supply ... ..	174
22.	As to laying of electric line under special agreement ... ..	175
23.	If undertakers fail to lay down mains, etc., order may be revoked ... ..	175
24.	Manner in which requisition is to be made... ..	176
25.	Provisions on requisition by owners or occupiers ... ..	176
26.	Provisions on requisition by local authority ... ..	178

## SUPPLY.

27.	Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply ... ..	178
28.	Maximum power ... ..	180
29.	Supply of energy to public lamps ... ..	180
30.	Penalty for failure to supply ... ..	181

## PRICE.

31.	Methods of charging ... ..	182
32.	Maximum prices ... ..	182
33.	Other charges by agreement ... ..	183
34.	Price to public lamps ... ..	184

## ELECTRIC INSPECTORS.

35.	Appointment of electric inspectors ... ..	184
36.	Duties of electric inspectors... ..	184
37.	Remuneration of electric inspectors ... ..	185
38.	Notice of accidents and inquiries by Board of Trade ... ..	185

## TESTING AND INSPECTION.

39.	Testing of mains ... ..	186
40.	Testing of works and supply on consumer's premises ... ..	186
41.	Undertakers, not being local authority, to establish testing stations ... ..	187
42.	Undertakers to keep instruments on their premises ... ..	187
43.	Readings of instruments to be taken ... ..	188
44.	Electric inspector may test undertakers' instruments ... ..	188
45.	Representation of undertakers at testings ... ..	188
46.	Undertakers to give facilities for testing ... ..	188
47.	Report of results of testing ... ..	188
48.	Expenses of electric inspector ... ..	188

## METERS.

49.	Meters to be used except by agreement ... ..	189
50.	Meter to be certified ... ..	190
51.	Inspector to certify meter ... ..	190
52.	Undertakers to supply meters if required to do so ... ..	190
53.	Meters not to be connected or disconnected without notice ... ..	191
54.	Consumer to keep his meter in proper order ... ..	191

# ARRANGEMENT OF SECTIONS.

71

SECT.	PAGE
55. Power to the undertakers to let meters ... ..	191
56. Undertakers to keep meters let for hire in repair ... ..	192
57. Differences as to correctness of meter to be settled by inspector...	192
58. Undertakers to pay expenses of providing new meters where method of charge altered ... ..	192
59. Undertakers may place meters to measure supply or to check measurement ... ..	193

## MAPS.

60. Map of area of supply to be made ... ..	193
---	-----

## NOTICES, ETC.

61. Notices, etc., may be printed or written ... ..	194
62. Service of notices, etc. ... ..	194

## REVOCATION OF SPECIAL ORDER.

63. Revocation of order where undertakers are insolvent ... ..	195
64. Revocation of order where undertaking cannot be carried on with profit ... ..	195
65. Revocation where local authority are undertakers and works are not executed ... ..	195
66. Revocation of order with consent ... ..	196
67. Provisions where order revoked ... ..	196
68. Provisions where local authority are undertakers and order is revoked ... ..	198

## GENERAL.

69. Remedying of system and works ... ..	198
70. Publication of regulations ... ..	199
71. Nature and amount of security ... ..	200
72. Proceedings of Board of Trade ... ..	200
73. Approval or consent of Board of Trade ... ..	200
74. Notice of approval of Board of Trade, etc., to be given by advertisement ... ..	200
75. Notice of application for extension of time, etc., to be given to local authority ... ..	201
76. Recovery and application of penalties ... ..	201
77. Undertakers to be responsible for all damages ... ..	202
78. As to mortgages ... ..	202
79. Saving for Postmaster-General ... ..	203
80. Saving rights of the Crown in the foreshore ... ..	203
81. Undertakers not exempted from proceedings for nuisance ... ..	203
82. Provision as to general Acts ... ..	205

## APPLICATION TO SCOTLAND.

83. Application to Scotland ... ..	206
------------------------------------	-----

## APPLICATION TO IRELAND.

84. Application to Ireland ... ..	206
-----------------------------------	-----

APPENDIX OF INCORPORATED SECTIONS ... ..	207
--	-----

## ELECTRIC LIGHTING (SCOTLAND) ACT, 1902.

(2 EDW. 7, c. 35.)

SECT.	PAGE
1. Amount and period of repayment of loans for electric lighting ...	227
2. Saving... ..	227
3. Short title and extent ... ..	227

## ELECTRIC LIGHTING ACT, 1909.

(9 EDW. 7, c. 34.)

1. Compulsory acquisition of land for generating stations ... ..	228
2. Construction of generating station on land acquired by agreement ... ..	229
3. Breaking up streets, etc. outside area of supply ... ..	230
4. Supply in bulk... ..	231
5. Supply of electricity to railways, tramways, and canals partly outside area of supply ... ..	233
6. Supply to premises outside area of supply in certain cases ...	234
7. Provisions as to right of local authority to purchase ...	235
8. Exercise of electric lighting powers by authorities jointly ...	236
9. July notices ... ..	236
10. Revision of maximum price... ..	237
11. Certification of meters ... ..	238
12. Accounts of local authorities ... ..	238
13. Return by Board of Trade as to auditors' reports ... ..	238
14. Restriction on transfer of powers, etc. of undertakers ... ..	238
15. Supply of electricity to premises having separate supply ...	239
16. Electric lines, etc. let on hire, though fixed to premises, to remain the property of undertakers ... ..	239
17. Notice to be given to undertakers before removing ... ..	241
18. Power to refuse to supply electrical energy in certain cases ...	241
19. Exemption of agreements for the supply of electricity from stamp duty ... ..	241
20. Construction of provisions prohibiting association... ..	241
21. Provision as to borrowing by local authorities ... ..	242
22. For the protection of the Commissioners of Works ... ..	242
23. Prohibiting unauthorised undertakers from competing with statutory undertakers ... ..	243
24. For the protection of gas undertakers ... ..	243
25. Definitions ... ..	244
26. Application of Act to Scotland and Ireland ... ..	245
27. Short title, construction, and commencement ... ..	245
SCHEDULES ... ..	246

## ELECTRIC LIGHTING ACT, 1882.

(45 & 46 VICT. c. 56.)

*An Act to facilitate and regulate the supply of Electricity for Lighting and other purposes in Great Britain and Ireland.*

[18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Electric Short title. Lighting Act, 1882.

The Electric Lighting Act, 1888, s. 5, and the Electric Lighting Act, 1909, s. 27 (2), enact that this Act and those Acts are to be read and construed as one Act, and may be cited together for all purposes as the Electric Lighting Acts, 1882 to 1909. As to the effect of an enactment that two Acts are to be read as one, see *Commercial Gas Co. v. Scott* (1875), L. R. 10 Q. B. 400; *South Metropolitan Gas Co. v. Noakes* (1889), 61 L. T. 556; *Dudley Gasworks Co. v. Warmingston* (1881), 50 L. J. M. C. 69; *Canada Southern Rail. Co. v. International Bridge Co.* (1883), 8 App. Cas., at p. 727; and *Re Kidwell and Flint*, [1911] 1 K. B. 797.

2. The provisions of this Act shall apply to every local authority, company, or person who may by this Act or any license or Provisional Order granted under this Act, or by any special Act to be hereafter passed, be authorised to supply electricity within any area (in this Act referred to as "the undertakers") and to every undertaking so authorised, except so far as may be expressly provided by any such special Act; and every such license, Provisional Order, and special Act, is in this Act included in the expression "license, order, or special Act."

This Act and the Electric Lighting Acts, 1888 and 1909 (and in Scotland the Electric Lighting (Scotland) Acts, 1890 and 1902, also), apply to every authorised undertaking without the necessity of incorporating the same with the licence, Provisional Order, or special Act.

Though all of the above Acts are called "Lighting" Acts they do not contain anything to prevent the use of the electrical energy for purposes of power. "Private purposes" include power. See s. 3 (4), *infra*.

By the Electric Lighting (Clauses) Act, 1899, s. 1, the provisions contained in the Schedule to that Act shall be incorporated with and form part of every Provisional Order made by the Board of Trade after the commencement of that Act, save so far as expressly varied or excepted. In the case of Provisional Orders made under ss. 1, 3—5, 7 and 8 of the Act of 1909, many variations and exceptions are necessary.

**Sect. 3.**  
Granting of  
licenses  
authorising  
the supply of  
electricity.

**3.** The Board of Trade may from time to time license (*a*) any local authority (*b*) as defined by this Act, or any company (*c*) or person, to supply electricity under this Act for any public or private purposes within any area, subject to the following provisions :

- (1) The consent of every local authority having jurisdiction within the area or any part of the area within which a supply is licensed to be furnished shall be required to the application for a license, which consent such local authority is hereby authorised to give, with such conditions (if any) as, subject to the approval of the Board of Trade, the local authority may prescribe :
- (2) A license shall be for any period not exceeding seven years, but may, at or after the expiration of such license, be renewed from time to time for a like period with such consent as above mentioned upon such terms and conditions as the Board of Trade may determine :
- (3) "Public purposes" shall mean lighting any street or any place belonging to or subject to the control of the local authority, or any church or registered place of public worship, or any hall or building belonging to or subject to the control of any public authority, or any public theatre, but shall not include any other purpose to which electricity may be applied :
- (4) "Private purposes" shall include any purposes whatever to which electricity may for the time being be applicable, not being public purposes, except the transmission of any telegram (*d*) :
- (5) Every local authority, company, or person applying for a license shall publish notice of their application by public advertisement in such manner and including such particulars as the Board of Trade may from time to time direct or approve ; and such license shall not be granted by the Board of Trade until after the expiration of a period of three months from the date of the first publication of such advertisement, nor until opportunity has been given to all parties interested to make representations or objections to the Board of Trade with reference to the application (*e*) :
- (6) No application for a license shall be made by any local authority except in pursuance of a resolution to be passed at a special meeting of the local authority, and such special meeting shall only be held after one month's previous notice of the same and of the purpose thereof



has been given in the manner in which notices of meetings of such local authority are usually given :

Sect. 3.

- (7) A license may, subject to the provisions of this Act, be granted to a local authority authorising them to supply electricity within any area although the same or some part thereof may not be included within their own district :
- (8) The license may make such regulations as to the limits within which and the conditions under which a supply of electricity is to be compulsory or permissive, and for enforcing the performance by the licensees of their duties in relation to such supply, and for the revocation of the license where the licensees fail to perform such duties, and generally may contain such regulations and conditions as the Board of Trade may think expedient (*f*).
- (9) Where in any area or part of an area in which any undertakers are authorised to supply electricity under any license the undertakers are not themselves the local authority, the license may contain any provisions and restrictions for enabling the local authority within whose jurisdiction such area or part of an area may be to exercise any of the powers of the undertakers under this Act with respect to the breaking up of any street repairable by such local authority within such area or part of an area, and the alteration of the position of any pipes or wires being under such street, and not being the pipes or wires of the undertakers, on behalf and at the expense of the undertakers, and for limiting the powers and liabilities of the undertakers in relation thereto, which the Board of Trade may think expedient (*g*).

(a) No licence is now in force, and an application for a licence will not be entertained by the Board of Trade except under very special circumstances. The object of a licence was experimental, and electric lighting has long passed the experimental state. A Provisional Order is therefore applied for when power is sought to supply electricity for lighting and other purposes. There are instances of procedure by Bill, but ordinarily powers to give a general supply of electricity should be sought by Provisional Order and not by Bill, and Bills for the purpose have sometimes been rejected by Parliament on that ground, *e.g.*, in the case of the Chard Corporation Bill, 1903. In recent years, however, several statutory gas companies have obtained, by special Act, powers to give a general supply of electricity, *e.g.*, Ascot District Gas and Electricity Act, 1906 (6 Edw. 7, c. cxlvi); Brixham Gas and Electricity Act, 1906 (6 Edw. 7, c. li); Bishop's Stortford, etc. Gas and Electricity Act, 1910 (10 Edw. 7 & 1 Geo. 5, c. xvii); Farnham Gas and Electricity Act, 1910 (10 Edw. 7 & 1 Geo. 5, c. xii); Bognor Gas Light and Coke Company (Electricity) Act, 1912.

Licences  
not now  
granted.

**Sect. 3.****NOTE.**

In regard to powers to supply "in bulk," or for power purposes only, the procedure has hitherto usually been by Bill, but not always (see *e.g.*, Midland Electric Power Distribution and Lighting Orders of 1898, 1899, 1900, and 1901), but in future will no doubt be by Provisional Order under the Electric Lighting Act, 1909. As to Bills promoted by municipal authorities, regard must be had to s. 10 of the Borough Funds Act, 1872 (35 & 36 Vict. c. 91), which provides that "The provisions of this Act shall not extend to applications for any Bill in Parliament for any object which would, for the time being, be attainable by Provisional Order." There are many instances, however, where governing bodies within the meaning of that Act, having to come to Parliament for powers in relation to other matters, have included powers in relation to electricity.

A licence and a Provisional Order used, as regards their form and contents, to be identical save as regards the period of duration, as to which see sub-s. (2). The effect of the Electric Lighting (Clauses) Act, 1889, is to shorten the length of Provisional Orders. It does not apply to licences.

"Local authority."

(b) Defined to mean each of the bodies mentioned in the Schedule to the Act (s. 31). See the Schedule and notes thereto, *post*, pp. 126 *et seq.*

"Company."

(c) Defined to mean "any body of persons corporate or unincorporate" (s. 32). *Cf.* definition of "person" in s. 19 of the Interpretation Act, 1889 (52 & 53 Vict. c. 63).

Definition of "telegram."

(d) By s. 32 "the expression 'telegram' has the same meaning as in the Telegraph Act, 1869." By s. 3 of the last-mentioned Act it is provided that "the term 'telegram' shall mean any message or other communication transmitted or intended for transmission by a telegraph." "Telegraph" is defined in the Telegraph Act, 1863, s. 3, to mean "a wire or wires used for the purpose of telegraphic communication, with any casing, coating, tube, or pipe inclosing the same, and any apparatus connected therewith for the purpose of telegraphic communication"; and in the Act of 1869, s. 3, it is provided that "the term 'telegraph' shall, in addition to the meaning assigned to it in the Telegraph Act, 1863, mean and include any apparatus for transmitting messages or other communications by means of electric signals."

The telephone.

In *Att.-Gen. v. Edison Telephone Co.* (1880), 6 Q. B. D. 244, it was held that Edison's telephone, for which patents were granted in 1877 and 1878, was a "telegraph" within the meaning of the Telegraph Acts, 1863 and 1869, although the telephone had not been invented or contemplated in 1869, and that a conversation through the telephone was a "message," or at all events a "communication transmitted by telegraph," and was therefore a "telegram" within the meaning of those Acts; and in *Postmaster-General v. National Telephone Co.*, [1909] A. C. 269, it was held that any signal transmitted by electricity is a telegram within the definition in s. 3 of the Act of 1869.

(e) Having regard to the practice of the Board of Trade not to grant licences now, the Rules made with regard to applications for such licences are not issued to the public, but may be obtained on application to the Board of Trade.

(f) By the next section the provisions of this section in regard to licences are made applicable to Provisional Orders also.

(g) See ss. 16 and 17 of Schedule to the Electric Lighting (Clauses) Act, 1899, *post*, pp. 165, 167, which are to be incorporated with all Provisional Orders but do not apply to licences.

**Sect. 3.**

NOTE.

4. The Board of Trade may, from time to time, by Provisional Order (a) authorise any local authority (b), company (c), or person (cc) to supply electricity for any public or private purposes (d) within any area, without requiring such consents (e) as are required to the granting a license under this Act, and for such period, whether limited or unlimited, as the Board of Trade may think proper, but in all other respects subject to the like provisions as in the last section contained with respect to licenses, and subject also to the following provisions :

Granting of Provisional Orders authorising the supply of electricity.

- (1) No Provisional Order shall authorise the supply of electricity by any undertakers within the district of any local authority (not being themselves the undertakers), unless notice that such Provisional Order has been or is intended to be applied for has been given to such local authority by the applicants in such manner as the Board of Trade may direct or approve (f) on or before the first day of July in the year in which such application is made ; provided that in the case of any application made during the present year such notice shall be deemed to have been given in due time if the same is given within one month after the passing of this Act :
- (2) The Board of Trade may submit to Parliament for confirmation any Provisional Order granted by it in pursuance of this Act, but any such Order shall be of no force unless and until it is confirmed by Act of Parliament :
- (3) If, while the Bill confirming any such Order is pending in either House of Parliament, a petition (g) is presented against any Order comprised therein, the Bill, so far as it relates to such Order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills :
- (4) Any Act confirming any Provisional Order granted in pursuance of this Act may, on the application of the undertakers thereby authorised to supply electricity, be repealed, altered, or amended by any subsequent Provisional Order granted by the Board of Trade and confirmed by Parliament.

(a) Provisional Orders may also be granted by the Board of Trade for various purposes under ss. 1, 3—5, 7 and 8 of the Electric Lighting Act, 1909, and the provisions of this Act with reference to Provisional Orders

**Sect. 4.** will, subject to the special provisions of the Act of 1909, apply to all such Orders.

**NOTE.**

Borough  
Funds Acts.

(b) See note (b) to preceding section. A Provisional Order is not a "Bill" within the meaning of the Borough Funds Acts, 1872 and 1903. In order, therefore, to pay the costs of promoting a Provisional Order, it is not necessary to comply with the requirements of those Acts. The expenses incurred by a local authority in promoting or opposing a licence, Order or special Act under this Act, are provided for in s. 7, p. 82.

Local  
authority  
applying have  
preference.

When applications for Provisional Orders authorising the distribution of electricity within the district of any local authority are received by the Board of Trade from such local authority, and also from any other authority, company, or person, the Board of Trade will give a preference to the application of the local authority of the district in every case where, in the opinion of the Board of Trade, no special circumstances exist which render such a preference inexpedient. See note appended by the Board of Trade to their Rules, *post*, p. 354.

(c) See note (c) to preceding section.

Applications  
by gas  
companies.

Gas companies incorporated by statute may obtain power from Parliament to make application for a Provisional Order under the Electric Lighting Acts to produce and supply electricity for public and private purposes. There are numerous instances of such power having been conferred upon such companies. For an instance where a statutory gas company having no such power promoted and obtained a special Act, see Walker and Wallsend Union Gas Act, 1899, the undertaking authorised by which was subsequently transferred to the Newcastle Electric Supply Company, Limited (3 Edw. 7, c. clxiv). See also the special Acts referred to in note (a) to s. 3, *ante*, p. 75.

Extension of  
objects of  
limited  
companies.

A company incorporated under the Companies (Consolidation) Act, 1908 (8 Edw. 7, c. 69), may by special resolution alter the provisions of its memorandum of association with respect to the objects of the company so far as may be required for any of the purposes thereafter specified (s. 9 (1)). One of the purposes specified is "to carry on some business which under existing circumstances may conveniently or advantageously be combined with the business of the company" (s. 9 (1) (d)). Applications have been successfully made to the court to confirm special resolutions to enable gas and water companies to supply electricity. For examples, see *Colombo Gas and Water Co., Limited*, JI. of G. L., July 20th, 1896, p. 179; *Hoylake and West Kirby Gas and Water Co., ib.*, November 10th, 1896, p. 911; *Harrington (Cumberland) Gas Light Co., Electrician*, April 6th, 1900, p. 872; and JI. of G. L., April 3rd, 1900, p. 879; *In re Fleece Mills Co., Limited*, JI. of G. L., June 11th, 1901, p. 1577; and *Uppingham Gas Co., Electrician*, June 28th, 1901, p. 384; JI. of G. L., June 25th, 1901, p. 1758; and see *Rugeley Gas Co., W. N.* (1899) 127, and *Hessle Gas Co., JI. of G. L.*, February 9th, 1904, p. 348; June 14th, 1904, p. 789. A telephone company was allowed to alter its memorandum so as to supply electricity for other than telephonic purposes, on condition of making a suitable change of name (*In re Oriental Telephone Co., W. N.* (1891) 153). A tramway company also has been allowed to extend its objects so as to include the supply of electricity (*Leamington and Warwick Tramways, etc. Co., Electrician*, July 18th, 1902, p. 529; *El. Rev.*, July 18th, 1902, p. 100).

(cc) As to applications by individuals, see note *post*, p. 93.

**Sect. 4.**

(d) For definitions of public and private purposes, see s. 3 (3) and (4).

**NOTE.**

(e) The Electric Lighting Act, 1888, s. 1, makes the consent of the local authority necessary in the case of a Provisional Order, but if it be refused, the Board of Trade have power to dispense with the same where they are of opinion that, having regard to all the circumstances of the case, such consent ought to be dispensed with. See *post*, p. 134, and *ante*, p. 11.

Consent  
of local  
authority.

When applicants for a Provisional Order request the Board of Trade to dispense with the consent of the local authority, they must give the reasons for such request. Rule VIII., p. 347.

Copies of any agreement entered into with the local authority relating to such consent must be deposited with the Board of Trade at the time of proving consent. Note to Rule IX., p. 347.

Consent must be given by resolution passed at a meeting of the local authority held after previous notice of the same and of the purpose thereof. See further, Rule IX., p. 347.

See further, *ante*, p. 11, as to the dates and periods to be observed.

In cases of applications for a Provisional Order, to which objection is made by any person locally interested, the Board of Trade will, if they consider it expedient, hold a local inquiry, of which due notice will be given.

Local inquiry.

(f) The notice must be in writing, and must be served either by leaving the same at the offices of the local authority or by forwarding the same by post in a registered letter. See further, Rule VII., p. 346. Prior to the Electric Lighting Act, 1909, the Board of Trade had no power to grant a Provisional Order if this notice had not been given, but by s. 9 of that Act they are authorised to do so if the local authority waives its right to receive such notice, and no such notice is required to be given to a local authority in whose district it is not intended to take power to distribute electricity.

Notice  
to local  
authority.

(g) As to the time for presenting such a petition, see Standing Orders 92, 93 (House of Lords), and 128 (House of Commons).

**5.** The Board of Trade may from time to time make, and when made may rescind, alter, or repeal rules (a) in relation to the applications for licenses or Provisional Orders, and to the payments to be made in respect thereof, and to the publication of notices and advertisements, and the manner in which and the time within which representations or objections with reference to any application are to be made, and to the holding of local inquiries in such cases as they may think it advisable, and to any other matters arising under this Act.

Making of  
rules as to  
application,  
etc. under  
Act.

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament

**Sect. 5.** be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the next session of Parliament.

(a) The Rules now in force in relation to applications for Provisional Orders are dated July, 1910, and are set out at pp. 344 *et seq.*

The earlier Rules dated September, 1899, related to applications for Provisional Orders and licences.

As to the present Rules relating to applications for licences, see note (e) to s. 3, *ante*, p. 76.

All applications for Provisional Orders must be made by memorial to the Board of Trade, and the memorial must be accompanied by a draft of the proposed Order and by various other deposits. For a summary of the procedure and of the dates and periods to be observed in the course of the promotion of the Provisional Order, see *ante*, p. 11.

Regulations  
to be inserted  
in licences,  
etc.

**6.** The undertakers shall be subject to such regulations and conditions as may be inserted in any license, Order, or special Act affecting their undertaking with regard to the following matters :

- (a) The limits within which and the conditions under which a supply of electricity is to be compulsory or permissive ;
- (b) The securing a regular and efficient supply of electricity ;
- (c) The securing the safety of the public from personal injury, or from fire or otherwise ;
- (d) The limitation of the prices to be charged in respect of the supply of electricity ;
- (e) The authorising inspection and inquiry from time to time by the Board of Trade and the local authority ;
- (f) The enforcement of the due performance of the duties of the undertakers in relation to the supply of electricity by the imposition of penalties or otherwise, and the revocation of the license, Order, or special Act where the undertakers have, in the opinion of the Board of Trade, practically failed to carry the powers granted to them into effect within a reasonable time, or discontinued the exercise of such powers ; and
- (g) Generally with regard to any other matters in connection with the undertakings (a).

Provided always, that the Board of Trade may, from time to time, make such regulations (b) as they may think expedient for securing the safety of the public from personal injury or from fire or otherwise, and may from time to time amend or repeal any regulations which may be contained in any such license, Order, or special Act in relation thereto ; and any regulations so made or amended by the Board of Trade shall, from and after the date thereof, have the like effect in every respect as though they

had been originally inserted in the license, Order, or special Act authorising the undertaking, and every regulation so repealed shall, from and after the date thereof, be repealed accordingly, but such repeal shall not affect any liability or penalty incurred in respect thereof prior to the date of such repeal or any proceeding or remedy which might have been had in relation thereto.

# Sect. 6.

Any local authority within any part of whose district electricity is authorised to be supplied under any license, Order, or special Act may, in addition to any regulations which may be made under the preceding provisions of this section for securing the safety of the public, from time to time make, rescind, alter, or repeal byelaws (c) for further securing such safety; and there may be annexed to any breach of such byelaws such penalties to be recovered in a summary manner as they may think necessary: Provided always, that no such byelaws shall have any force or effect unless and until they have been confirmed by the Board of Trade and published in such manner as the Board of Trade may direct.

(a) The Electric Lighting (Clauses) Act, 1899, contains the clauses dealing with the matters (a) to (g) referred to above, which used formerly to be inserted in Provisional Orders. See *post*, pp. 145 *et seq.*

(b) For the regulations now in force, see *post*, p. 364, and see s. 10 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *post*, p. 156. Section 4 of the Electric Lighting Act, 1888, empowers the Board of Trade to make regulations with respect to a non-statutory undertaking.

(c) No byelaws have ever been sanctioned under this section. The Byelaws. power given to a local authority to make byelaws under this section appears to contemplate the case of the undertakers being other than the local authority. Where local authorities are themselves the undertakers Parliament has in recent years repeatedly given to them special power to make such byelaws. In 1897, 1898, and 1899 there are some instances where such authority has been given without provision being made for approval of the Board of Trade as a condition of the validity of the byelaws. In 1900, and subsequently, there has been an all but uniform practice for Parliament to require the approval of the Board of Trade, but it is believed that no such byelaws have ever been approved by the Board of Trade. Byelaws by local authorities, being undertakers, which do not require the approval of the Board of Trade, have been made in a few instances only.

Part II. of the Public Health Acts Amendment Act, 1890 (53 & 54 Vict. c. 59), contains powers to urban authorities to make byelaws for prevention of danger or obstruction to the public from posts, wires, tubes, or any other apparatus stretched or placed above, over, along, or across any street (whether before or after the adoption of that Part of the Act), for the purpose of any telegraph, telephone, lighting, railway signalling, or other purpose. These byelaws are not to take effect unless confirmed by the Board of Trade. The Act of 1890 is an adoptive Act, and is of no force until adopted. Part II. may be adopted by urban authorities (s. 3); but

Byelaws under the Public Health Acts Amendment Act, 1890.

**Sect. 6.****NOTE.**

the Local Government Board may invest rural authorities with urban powers for the purposes of the Act (s. 5). It contains an express saving on behalf of electric undertakings having statutory authority, s. 15 providing that—

“(1) Nothing contained in this Part of this Act shall—

“(a) Extend to any post, wire, tube, or other apparatus or property of the Postmaster-General :

“(b) Extend to any works of any undertakers within the meaning of the Electric Lighting Acts, 1882 to 1888, to which the provisions of those Acts apply. . . .”

The form of byelaws generally approved by the Board of Trade when Part. II. has been duly adopted is as set out later (see p. 394).

The above Act of 1890 does not apply to the administrative county of London (s. 2 (2)), but somewhat similar powers are conferred upon the London County Council by the London Overhead Wires Act, 1891, *post*, p. 251.

Home Office  
Regulations.

Regulations have also been made by the Home Secretary :

(i) For the generation, transformation, distribution and use of electrical energy in premises under the Factory and Workshop Acts, 1901 and 1907 (see *post*, p. 420).

(ii) For the installation and use of electricity in mines (see *post*, p. 430).

Expenses  
of local  
authority.

**7.** Any expenses incurred by a local authority under this Act, and not otherwise provided for, including any expenses incurred in connection with the obtaining by them, or any opposition to the obtaining by any other local authority, company, or person, of any license, Order, or special Act (*a*) under this Act, may be defrayed out of the local rate as defined in the Schedule to this Act (*b*), and the local authority may from time to time cause such rates to be levied as may be necessary for the purpose of defraying such expenses ; provided that where such local authority is a rural sanitary authority such expenses shall be deemed to be special expenses within the meaning of the Public Health Act, 1875 (*c*).

38 & 39 Vict  
c. 55.

(*a*) In the case of a Bill for a special Act, the council of a borough or urban district must comply with the requirements of the Borough Funds Acts, 1872 and 1903.

(*b*) See Schedule, at p. 126. In the case of an urban district council the local rate is “the fund or rate applicable to the general purposes of the Public Health Act, 1875, in the district, or any other fund or rate applicable to lighting under any local Act.” In the case of a rural district council the local rate is “the rate or rates out of which special expenses incurred in respect of the contributory place or places comprised within the area of supply are payable under the Public Health Act, 1875.”

(*c*) Under the Public Health Act, 1875, special expenses are made a separate charge on each contributory place (s. 229).



As to taxation of the costs of promoting or opposing Provisional Orders, see House of Commons Costs Taxation Acts, 1847 and 1879 (10 & 11 Vict. c. 69, and 42 & 43 Vict. c. 17), and House of Lords Costs Taxation Act, 1849 (12 & 13 Vict. c. 78), and see *In re Morley* (1875), L. R. 20 Eq. 17; *In re Baker, Lees and Co.*, [1903] 1 K. B. 189; *In re Peterson*, [1909] 2 Ch. 398.

The sanction of the Local Government Board is not required to expenditure by a local authority under this section (Casson's Decisions of the Local Government Board, 1905, p. 127).

**Sect. 7.****NOTE.**

**8.** A local authority authorised to supply electricity by any license, Order, or special Act (*a*) may from time to time borrow money on such security, with such consent and subject to such provisions and restrictions with respect to borrowing and the repayment of loans, as are in the Schedule to this Act in that behalf mentioned (*b*), and the money so borrowed shall be deemed to be borrowed under the enactments subject to the provisions and restrictions of which it is borrowed, and the accounts of all receipts and expenditure by the local authority in pursuance of this Act, or any license, Order, or special Act, shall be subject to such audit as is in the said Schedule in that behalf mentioned (*c*): Provided always, that any moneys borrowed under this section by the local authority of any district to which the Local Loans Act, 1875 (*d*), extends, may, if it is thought fit, be borrowed in manner provided by that Act; and in the construction of the said Act for the purposes of this Act the expression "prescribed" means prescribed by any conditions imposed by the authority whose consent is required to borrowing under this section.

Power of local authority to borrow money.

38 & 39 Vict. c. 83.

Where any local authority is authorised by any Act to raise any money which they may be empowered to borrow for certain purposes by the issue of corporation or other stock, any money which a local authority may be authorised to borrow under this section may, if it is thought fit, be raised by them by the issue of such stock as aforesaid.

This section shall not apply to the mayor, commonalty, and citizens of the city of London or to the Metropolitan Board of Works (*e*), except in so far as the Metropolitan Board of Works (*e*) may be concerned in the borrowing of any money by any vestry or district board.

(*a*) The power to borrow is confined to a local authority authorised to supply electricity by a licence, Order or special Act, and doubts have therefore been expressed whether it extends to borrowing for the purchase of an existing undertaking. If the purchase is made under s. 2 of the Electric Lighting Act, 1888, as from the date fixed for the completion of the purchase, the powers of the undertakers in relation to the supply of electricity

**Sect. 8.****NOTE.**

under the Electric Lighting Acts or the Provisional Order or special Act authorising the undertaking are to vest in the local authority. As from that date, therefore, the local authority are authorised by the Order or special Act to supply electricity, and it is submitted that on that date, if not before, they can borrow under the present section.

In the case of the purchase by the St. Marylebone Borough Council of part of the undertaking of the Metropolitan Electric Supply Company, Limited, under the Act confirming the St. Marylebone Electric Lighting Order, 1901 (1 Edw. 7, c. exxxvii), both the London County Council and the Local Government Board refused their consent to the council borrowing the purchase money, on the ground that the council had no power to borrow, but in that case s. 3 of the confirming Act provided that "from and after the completion of the purchase of such undertaking the Order shall be confirmed, and when the Board of Trade are satisfied that the borough council have completed the purchase, they shall fix the date for the commencement of the Order." Clearly, therefore, until the borough council had completed the purchase the Order did not come into operation, and the borough council were not authorised to supply. The company obtained judgment for specific performance against the borough council (see (1903), 1 L. G. R. 673; (1904), 2 L. G. R. 419), and ultimately the council obtained a special Act authorising them to borrow (4 Edw. 7, c. xli) and completed the purchase.

(b) See the annotations to the Schedule. The consent required is, in London that of the London County Council, with an appeal in case of refusal to the Local Government Board; in other parts of England, the Local Government Board; in Scotland, the Secretary for Scotland; and in Ireland, the Local Government Board for Ireland. The provisions and restrictions with respect to borrowing and the repayment of loans are (in the case of both urban and rural authorities in England) those contained in ss. 233, 234, and 236—239 of the Public Health Act, 1875.

Public Health  
Act, 1875,  
ss. 233, 234,  
236—239.

Section 233 authorises any local authority, with the sanction of the Local Government Board, to borrow and re-borrow at interest, and to mortgage any fund or rate out of which they are authorised to defray expenses incurred by them in the execution of the Act. In *R. v. Locke*, [1910] 2 K. B. 201, the Divisional Court held that s. 233 does not enable a local authority to borrow for other than temporary purposes without securing the repayment of the loan by such a mortgage. The Court of Appeal reversed the judgment of the Divisional Court on another ground without deciding whether it was necessary to give a security to make a loan valid under s. 233 ([1911] 1 K. B. 680).

Regulations  
as to exercise  
of borrowing  
powers.

"234. The exercise of the powers of borrowing conferred by this Act shall be subject to the following regulations; (namely.)

"(1) Money shall not be borrowed except for permanent works (including under this expression any works of which the cost ought in the opinion of the Local Government Board to be spread over a term of years):"

Sub-section (2) provides that the sum borrowed shall not exceed, with all outstanding loans contracted under the Sanitary Acts, two years' assessable value of the premises assessable in the district, but by s. 21 of the Electric Lighting Act, 1909, money borrowed under the Electric Lighting Acts is

not to be reckoned part of the total debt of a local authority for the purpose of any limitation on borrowing. See *post*, p. 242.

**Sect. 8.****NOTE.**

"(3) Where the sum proposed to be borrowed with such balances (if any) would exceed the assessable value for one year of such premises, the Local Government Board shall not give their sanction to such loan until one of their inspectors has held a local inquiry and reported to the said Board :

"(4) The money may be borrowed for such time, not exceeding sixty years, as the local authority, with the sanction of the Local Government Board, determine in each case ; and, subject as aforesaid, the local authority shall either pay off the moneys so borrowed by equal annual instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund and accumulate in the way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will with accumulations in the way of compound interest be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned.

"(5) A local authority may at any time apply the whole or any part of a sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established : Provided that they pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied :

"(6) Where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned, unless with the sanction of the Local Government Board ; and shall in no case be extended beyond the period of sixty years from the date of the original loan.

"Where any urban authority borrow any money for the purpose of defraying private improvement expenses, or expenses in respect of which they have determined a part only of the district to be liable, it shall be the duty of such authority, as between the ratepayers of the district, to make good, so far as they can, the money so borrowed, as occasion requires, either out of private improvement rates, or out of a rate levied in such part of the district as aforesaid."

Section 236, form of mortgage ; s. 237, register of mortgages ; s. 238, transfer of mortgages ; s. 239, receiver may be appointed in certain cases.

The period allowed by the Local Government Board for an initial loan for an electricity supply undertaking is generally twenty-five years, but in the case of extensions the period varies according to the object of the loan. Thus, for the purchase of land, sixty years is usually allowed ; for buildings of stone or brick, thirty years ; cables, seventeen to twenty-five years, according to the mode of laying ; dynamos, twenty years ; switches and switchboards, seventeen years ; transformers, fifteen years ; motors to be let on hire, ten years ; batteries and accumulators, five to seven years ;

**Sect. 8.****NOTE.**

and meters and indicators, five years. The tendency is to reduce the above periods, each case being dealt with on its own merits.

Loans for cable extensions, house services, etc. are restricted to the probable requirements of the district for the subsequent three years.

The maximum periods allowed by the London County Council for loans by local authorities in London are similar.

As to the amount and period for repayment of loans for electric lighting in Scotland, see the Electric Lighting (Scotland) Act, 1902, *post*, p. 227.

A Provisional Order authorising an electric lighting undertaking came into operation on June 27th, 1892. It gave a municipal corporation power to purchase the undertaking compulsorily on terms of issuing or transferring to the undertakers such an amount of the corporation stock "as will produce by the interest thereon an annuity of 5 per cent." on capital properly expended. Another Provisional Order, coming into operation on June 28th, 1892, took away a power the corporation had, but had not exercised, to issue irredeemable stock. The statutes confirming the two Orders received the Royal assent on June 27th, 1892:—*Held*, (1) that the statutory price for the undertaking was an amount of irredeemable stock; (2) that the corporation were not by implication authorised to issue irredeemable stock for the purpose of purchasing the undertaking; and (3) that, therefore, the power to purchase compulsorily was in abeyance so long as the corporation had no power to issue irredeemable stock (*Sheffield Corporation v. Sheffield Electric Lighting Co.*, [1898] 1 Ch. 203).

*Ultra vires*  
borrowing  
by local  
authority.

Any borrowing by a local authority without the required consent or in excess of the amount authorised by any such consent, will be restrained by injunction at the suit of the Attorney-General, and the payment of interest on money improperly borrowed is *ultra vires*, and will also be restrained. See *Smith v. Southampton Corporation*, [1902] 2 K. B. 244; *Att.-Gen. v. De Winton*, [1906] 2 Ch. 106; *Att.-Gen. v. Tottenham Urban District Council* (1910), 8 L. G. R. 95; *Att.-Gen. v. West Ham Corporation*, [1910] 2 Ch. 560. Overdrawing a banking account is borrowing (*Att.-Gen. v. De Winton, supra*; *Att.-Gen. v. Tottenham Urban District Council, supra*; *Att.-Gen. v. West Ham Corporation, supra*). In the last case it was decided that an overdraft obtained by a local authority from its bankers for general purposes in respect of borrowing powers granted for specific purposes was *ultra vires* and illegal. In that case the bankers were made co-defendants, and an order was claimed against them for repayment of all moneys paid to them in respect of interest upon the overdrafts complained of, but the claim was settled on the terms of the bankers repaying to the local authority an agreed sum in respect of such interest.

Audit of  
accounts.

(c) As to audit of the accounts where the undertakers are a local authority, see the notes to the Schedule at p. 127. In the case of orders in favour of companies or persons, s. 6 of the Schedule to the Electric Lighting (Clauses) Act, 1899, requires the accounts to be audited by some "competent and impartial person" appointed by them. See p. 152. By s. 13 of the Electric Lighting Act, 1909 (*post*, p. 238), the Board of Trade are to make a return to Parliament with regard to auditors' reports on undertakers' accounts, and any action taken thereon by the Board or by the undertakers.

(d) By the Local Loans Act, 1875 (which does not extend to Scotland or Ireland), local authorities when entitled to borrow are authorised to issue debenture stock or annuity certificates, the loan being repayable in twenty years where no period is prescribed. This Act has been amended by the Local Loans Sinking Funds Act, 1885 (48 & 49 Vict. c. 30).

(e) The London County Council now take the place of the Metropolitan Board of Works (Local Government Act, 1888, s. 40 (8)).

**Sect. 8.****NOTE.**

9. The undertakers shall on or before the twenty-fifth day of Accounts. March (a) in every year fill up an annual statement of accounts of the undertaking made up to the thirty-first day of December (a) then next preceding; and such statement shall be in such form (b) and shall contain such particulars and shall be published in such manner as may from time to time be prescribed in that behalf by the Board of Trade (c).

The undertakers shall keep copies of such annual statement at their office, and sell the same to any applicant at a price not exceeding one shilling a copy.

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

(a) By s. 12 of the Electric Lighting Act, 1909, in the case of local authorities, the 30th day of June and 31st day of March are substituted for the dates mentioned in this section, but the Board of Trade may substitute other dates.

(b) The forms of accounts prescribed by the Board of Trade in the case of local authorities and companies respectively will be found *post*, pp. 396 and 404.

(c) As to the audit of the annual statement of accounts in the case of a local authority, see notes to the Schedule to this Act, *post*, p. 127, and in the case of other undertakers, see s. 6 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *post*, p. 152. Any report by the auditor is, in the case of undertakers not being a local authority, to be appended to and form part of the annual statement of accounts (*ibid.*).

10. The undertakers may, subject to and in accordance with the provisions and restrictions of this Act (a), and of any rules made by the Board of Trade in pursuance of this Act and of any license, Order, or special Act authorising or affecting their undertaking, and for the purpose of supplying electricity, acquire such lands by agreement (b), construct such works (c), acquire such licenses for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things, enter into such contracts (d), and generally do all such

General powers of undertakers under license or Provisional Order.

**Sect. 10.** acts and things as may be necessary and incidental to such supply (e).

(a) By s. 17 (*post*, p. 103) it is provided that "in the exercise of the powers in relation to the execution of works . . . the undertakers shall cause as little detriment and inconvenience, and do as little damage as may be, and shall make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers . . ."

**Works.** Section 32 provides that "the expression 'works' means and includes electric lines, also any buildings, machinery, engines, works, matters, or things of whatever description required to supply electricity and to carry into effect the object of the undertakers under this Act." For definition of "electric line" see same section. See p. 123.

Sections 10, 17 and 32 read together apply only to the construction of the works and not to their subsequent use (*Shelfer v. City of London Electric Lighting Co., Limited*, [1895] 1 Ch. 287).

**Land.** (b) The power given by the above section to purchase land by agreement contains no restriction as to quantity. Companies have sometimes found it expedient to acquire more land than is actually required for their works in order to avoid complaints of vibration or other nuisance. It has not been the practice to insert any clause in Orders in favour of companies or persons limiting the quantity of land which they may acquire. On the other hand, there has always been inserted in Orders in favour of local authorities a clause limiting the amount of land to be used to five acres. See now s. 8 of the Schedule to the Electric Lighting (Clauses) Act, 1899, p. 154.

Section 2 of the Electric Lighting Act, 1909, provides that it shall not be lawful for any undertakers after the passing of that Act (except with the consent of the Board of Trade) to construct any generating station on any land acquired by them after the 31st day of March, 1909, unless the construction is authorised and the land is specified in a special Act or Provisional Order, and the Board of Trade are not to give such consent until notice has been given to the local authority of the district and to owners and lessees of land within 300 yards of the land upon which the generating station is to be constructed, but that section is not to apply to a station for transforming, converting, or distributing electrical energy.

Under the Electric Lighting Act, 1909, the Board of Trade may by Provisional Order authorise any undertakers to acquire compulsorily, or to use for the purpose of a generating station, any land specified in the Order, whether situated within or without the area of supply (s. 1), not being land belonging to any gas or water undertakers and used or authorised to be used by them for the purposes of their undertaking (s. 24).

The Board of Trade Rules require notice of any application for an Order for the compulsory acquisition or the use of land for the purpose of a generating station to be given to the local authority of the district in which the land is situate, and to all owners and lessees of land within 300 yards of the land proposed to be acquired or used (Rule VI., *post*, p. 346).

The Standing Orders of both Houses of Parliament contain a similar requirement in the case of a Bill for the construction of a generating station (House of Lords, 15; House of Commons, 15), and also require the land to

be specified in the advertised notices of the Bill and in the Bill itself (House of Lords, 5, 139; House of Commons, 5, 187).

**Sect. 10.**  
**NOTE.**

In *Att.-Gen. v. Pontypidd Urban District Council*, [1906] 2 Ch. 257, it was decided that a local authority could not use land acquired under this section for a dust destructor, even though it was intended to be used in connection with a generating station, and even though the local authority had power to purchase land for a destructor under s. 175 of the Public Health Act, 1875. And see *Att.-Gen. v. Hanwell Urban District Council*, [1900] 2 Ch. 377.

Now, however, any local authority in whose district s. 95 of the Public Health Acts Amendment Act, 1907, has been put into operation may appropriate any lands acquired by them, and not required for the purposes for which they have been acquired, for any purpose approved by the Local Government Board, subject nevertheless to any special covenant or condition affecting the use of the lands attached thereto at the time of the purchase by the local authority, or to any special provision affecting the use of the lands contained in any local Act. Provided that the local authority shall not create or permit any nuisance on any lands so appropriated, and shall not on any such lands sink any well for the public supply of water, or construct any cemetery, burial ground, destructor, station for generating electricity, sewage farm, or hospital for infectious disease, unless, after local inquiry and consideration of any objections made by persons affected, the Local Government Board, subject to such conditions as they think fit, authorise the work or construction. See also the Education (Administrative Provisions) Act, 1907, s. 1, as to the appropriation for any of the purposes of the Education Acts of land acquired by them otherwise than in their capacity as local education authority.

Before 1899, it was the practice to insert in Provisional Orders under the Nuisance. Electric Lighting Acts a provision to the effect that "nothing in this Order shall exonerate the undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them," and a similar clause is now contained in s. 81 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *post*, p. 203, and is incorporated with every Provisional Order or special Act authorising a supply of electricity. Accordingly, undertakers will be liable to an injunction and damages if they cause a nuisance, whether by noise or vibration, in working their generating station or by the escape of electricity from their mains, quite apart from negligence (*Shelfer v. City of London Electric Lighting Co.*; *Menz's Brewery Co. v. City of London Electric Lighting Co.*, [1895] 1 Ch. 287; *Colwell v. St. Pancras Borough Council*, [1904] 1 Ch. 707; *Midwood v. Manchester Corporation*, [1905] 2 K. B. 597). Where, however, undertakers obtain by special Act powers to construct and work a generating station on specified land, it is the practice not to insert a nuisance clause, or to provide that it shall not apply to the generating station authorised, and in such cases the undertakers will not be liable for any nuisance caused by them in carrying on such generating station, unless they have been guilty of negligence (*per Lord BLACKBURN in Geddis v. Proprietors of Bann Reservoir* (1878), 3 App. Cas. 430, cited *ante*, p. 17). Section 22 of the Electric Lighting Act, 1909, for the protection of public buildings and parks will however apply. In the case of Provisional Orders authorising the use of specified land for a generating station made under s. 1 of the Electric Lighting Act, 1909, it is the practice of the Board of Trade to insert a nuisance clause,

- Sect. 10.** though it is submitted that it was not the intention of Parliament that lands specified in such an Order should be subject to a nuisance clause.
- NOTE.** And see *ante*, p. 17, and *post*, p. 228.
- For a case in which an electrical generating station was taken for a public improvement by a public body who were required to "reinstate" the undertakers on another site, see *London County Council v. Metropolitan Electric Supply Co., Limited*, Electrician, March 14th, 1902.
- Factory Acts.** As to the application of the Factory Acts to works for generating or transforming electricity, see *ante*, p. 59.
- (c) In addition to the general powers above mentioned, the Electric Lighting (Clauses) Act, 1899, contains general provisions for the execution of works, various specific provisions with regard to street boxes, the breaking up of streets, alteration of pipes, etc. See ss. 11—20.
- Street boxes, etc.** See cases relating to the construction of street boxes and transforming stations noted under s. 13 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *post*, p. 158.
- As to above-ground works, such as overhead wires, see s. 14, p. 98, and notes thereto, and s. 10 of the Schedule to the Act of 1899, *post*, p. 156.
- Contracts.** (d) The Public Health Act, 1875, s. 174, contains special provisions with respect to contracts by an urban district council. Those who enter into contracts with local authorities must see that those provisions are observed. See *Hunt v. Wimbledon Local Board* (1878), 4 C. P. D. 48; *Young v. Corporation of Leamington* (1883), 8 App. Cas. 517; *Bournemouth Commissioners v. Watts* (1884), 14 Q. B. D. 87; *Melliss v. Shirley Local Board* (1885), 16 Q. B. D. 446. The provision in sub-s. (2) of s. 174, that every contract made by an urban authority, whereof the value or amount exceeds £50, "shall specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed," is, however, merely directory, and the omission to provide a penalty does not invalidate the contract (*Soothill Upper Urban District Council v. Wakefield Rural District Council*, [1905] 2 Ch. 516; disapproving *British Insulated Wire Co. v. Prescott Urban District Council*, [1895] 2 Q. B. 463, 538). As to retainer of a solicitor to attend a local inquiry held by the Local Government Board and afterwards oppose a Bill in Parliament to confirm a Provisional Order, see *Brooks v. Mayor of Torquay and Newton Abbot Rural District Council*, [1902] 1 K. B. 601. As to contracts by local authorities to whom s. 174 does not apply, see *Clarke v. Cuckfield Union* (1852), 21 L. J. Q. B. 349; *Laeferd v. Billericay Rural District Council*, [1903] 1 K. B. 772.
- In *Bourne v. St. Marglebone Borough Council* (1908), 24 T. L. R. 322, RIDLEY, J., held that the defendants were liable in damages for breach of a contract to supply electricity, though not made under seal, on the ground that part of the consideration moving from the plaintiffs was executed and the defendants had had the benefit of it. He did not decide whether the contract was also valid on the ground that it related to a matter of necessity too insignificant to require a seal. The Court of Appeal reversed the judgment entered for the plaintiff on the ground that no contract had in fact been made ((1909), 24 T. L. R. 613).
- Undertakers will be liable in damages for breach of an agreement to supply electricity to a person who could not demand a supply, and s. 30 of the



Schedule to the Electric Lighting (Clauses) Act, 1899, imposing a penalty for failure to supply does not apply to such a case (*Morris and Bastert v. Loughborough Corporation*, [1908] 1 K. B. 205).

**Sect. 10.**

NOTE.

Where, however, undertakers make default in supplying a consumer whom they are bound to supply, and no express contract has been entered into between them and the consumer, the consumer's only remedy is to proceed for penalties under s. 30 of the Schedule to the Act of 1899 (*Clegg, Parkinson & Co. v. Earby Gas Co.*, [1896] 1 Q. B. 592).

In *Bourne v. St. Marylebone Borough Council*, *supra*, where the consumers were apparently entitled to demand a supply, RIDLEY, J., decided that they were entitled to damages for breach of an express agreement, but the Court of Appeal held that no agreement had in fact been made.

It is provided by the Telegraph Act, 1892 (55 & 56 Vict. c. 59), s. 6, that Agreement by Postmaster-General with electric lighting company. 45 & 46 Vict. c. 56.  
 "(1) Any company or person authorised to lay an electric line within the meaning of the Electric Lighting Act, 1882, may, with the approval of the Board of Trade, and with the consent of the local authority as defined by the Electric Lighting Act, 1882, for the district within which such electric line is laid, and by agreement with the Postmaster-General, or, if so authorised by the Postmaster-General, with his licensee, place, or authorise the Postmaster-General or his licensee to place, telegraphs in the trenches, tubes, pipes, or apparatus used for the purpose of such electric line.

"(2) The enactments relating to the company or person in relation to the powers, operations, trenches, tubes, pipes, and apparatus of such company or person for the purpose of the electric line shall, so far as applicable, extend to the said telegraphs, and to anything done in pursuance of this section."

By ss. 33—42 of the City of London Sewers Act, 1848, the Commissioners of Sewers (whose statutory powers were afterwards vested in the mayor and corporation of the city of London) were empowered, under certain conditions and safeguards, to enter into contracts for the execution of works authorised by the Act, or for the supply of materials or labour, "or for any other matters or things whatsoever necessary for enabling them to carry the purposes of the Act into effect," and, in particular, s. 42 enacted that "no person, being a commissioner, or a member of the court of aldermen or of the common council of the city, shall be directly or indirectly interested or concerned in any contract which shall be made or entered into, by or on behalf of the commissioners for the execution of any works by this Act directed or authorised to be done or executed, or for furnishing materials or labour, or for any other matter or thing whatsoever upon pain that every such contract shall be null and void," and that the commissioners, etc., so interested or concerned should for every such offence forfeit £100. By s. 116 the commissioners were empowered to enter into contracts with gas companies and other persons to supply gas, "or to light the city by any other mode." The commissioners subsequently entered into three electric lighting contracts, two of them being with the Brush Company, and one with a syndicate. At the date of the contracts, some of the commissioners, aldermen, and common councilmen, were shareholders in the Brush Company, but not in the syndicate. Shortly afterwards the company and syndicate assigned their contracts to the plaintiffs, another electric lighting company, whose shareholders included several commissioners, aldermen, and common

Members of corporation "directly or indirectly interested or concerned in" contract.

**Sect. 10.****NOTE.**

councillors:—*Held* by the House of Lords—(1) that s. 42 applied to every kind of contract under the Act, including any lighting contract under s. 116. and was not restricted to construction contracts under the sections preceding s. 42; and (2) that consequently s. 42 rendered the two contracts with the Brush Company null and void, *ab initio*, by reason of there being commissioners, etc., “interested” therein as shareholders of the company at the date of the contracts, but that the contract with the syndicate was good in its inception, there being no commissioner, etc., interested therein at the date thereof, and that its subsequent assignment to the plaintiff company, whose shareholders included commissioners, etc., did not render it null and void within the section (*City of London Electric Lighting Co. v. Mayor of London*, [1903] A. C. 434).

**Stamp duty.**

An agreement for the supply of electrical energy is an agreement for the sale of “goods, wares or merchandise” for the purposes of s. 59 of the Stamp Act, 1891, and exemption No. 3 under the heading “Agreement or any memorandum of an agreement” in the First Schedule to that Act (Electric Lighting Act, 1909, s. 19, *post*, p. 241). Such an agreement will therefore be exempt from the duties imposed under that section and heading, But if the agreement provides for minimum payments at stated intervals it will be liable to stamp duty under the heading “bond, covenant,” etc. in the First Schedule to the Stamp Act, 1891 (*County of Durham Electrical Power Distribution Co. v. Commissioners of Inland Revenue*, [1909] 2 K. B. 604), unless such agreement is contained in a lease at a rent of tramways for working which the electricity is to be taken, when no stamp duty will be payable in respect of the minimum payments by virtue of s. 77 (2) of the Stamp Act, 1891 (*British Electric Traction Co. v. Commissioners of Inland Revenue*, [1902] 1 K. B. 441).

(c) Apart from the concluding words of this section, whatever is fairly incidental to or consequential on the powers expressly conferred would be held to be impliedly authorised. See *Att.-Gen. v. Great Eastern Rail. Co.* (1880), 5 App. Cas. 473; *London County Council v. Att.-Gen.*, [1902] A. C. 165; *Att.-Gen. v. Manchester Corporation*, [1906] 1 Ch. 643; *Att.-Gen. v. Mersey Rail. Co.*, [1907] A. C. 415.

In *Att.-Gen. v. Leicester Corporation*, [1910] 2 Ch. 359, NEVILLE, J., held that the powers conferred on the undertakers by this section cease at the point of delivery to the consumer, *i.e.*, at his terminals, and that therefore the supply of electric fittings and apparatus for the use of consumers is not necessary or incidental to the supply of electricity, and is not authorised by this section. This decision was followed by EVE, J., in *Att.-Gen. v. Sheffield Corporation* (1912), 28 T. L. R. 266. The question had been raised in 1903 in the case of *Att.-Gen. v. Barnstaple Corporation* (Electrician, May 8th, 1903, p. 131), but as that case was settled, the point was not decided.

A large number of local authorities are, however, authorised by their special Acts to provide electric fittings, and similar authority was conferred upon all metropolitan borough councils who are authorised undertakers by the London County Council (General Powers) Act, 1906, *post*, p. 264.

Power for  
local autho-  
rity to con-  
tract in

**11.** Any local authority who have obtained a license, Order, or special Act for the supply of electricity, may contract with any

company or person for the execution and maintenance of any works needed for the purposes of such supply, or for the supply of electricity within any area mentioned in such licence, Order, or special Act, or in any part of such area; *but no local authority, company, or person shall by any contract or assignment transfer to any other company or person or divest themselves of any legal powers given to them, or any legal liabilities imposed on them by this Act, or by any licence, Order, or special Act, without the consent of the Board of Trade.*

Sect. 11.  
certain cases  
and restric-  
tions on  
assignments  
of powers,  
etc. of  
undertakers.

The words in italics are repealed by s. 14 of the Electric Lighting Act, 1909, by sub-s. (1) of which it is provided as follows: "A local authority, company, or person who have obtained a licence, Order, or special Act for the supply of electricity shall not, by transfer or otherwise, divest themselves of any of the powers, rights, or obligations conferred or imposed upon them by the Electric Lighting Acts, or by any licence, Order, or special Act, otherwise than under and in accordance with a provision contained in a licence, Order, or special Act authorising such a divestiture."

Apart from this section, however, the powers and obligations of an Act or Order authorising undertakers to supply electricity cannot be transferred except under the authority of Parliament. Where Parliament in the public interest confers powers and imposes obligations, such powers and obligations must be executed and discharged by the body upon which they are conferred or imposed, and cannot, in the absence of statutory provision to that effect, be delegated or transferred. See *Gardner v. London, Chatham, and Dover Rail. Co.* (1867), L. R. 2 Ch. 201; *Blaker v. Herts and Essex Waterworks Co.* (1889), 41 Ch. D. 399; *Edinburgh Street Tramways Co. v. Lord Provost of Edinburgh*, [1894] A. C., p. 463; *Marshall v. South Staffordshire Tramways Co.*, [1895] 2 Ch. 36; *Eccles Corporation v. South Lancashire Tramways Co.*, [1910] 2 Ch. 263; [1912] A. C. 465.

Statutory  
powers not  
transferable.

It is not the practice of Parliament to make parliamentary powers assignable. In the case, however, of Electric Lighting Orders, Parliament has specially provided for the purchase of the undertaking by a local authority from a company or person (see s. 2 of the Electric Lighting Act, 1888, superseding s. 27 of the Act of 1882). It was formerly the practice of the Board of Trade to insert in Provisional Orders in favour of local authorities a clause authorising a transfer, with the consent of the Board of Trade, of the powers, duties, liabilities and works from the local authority to a company or person. The policy of the Board of Trade in this respect has undergone a change. No clause authorising a transfer of an Order is now inserted, unless for good cause shown, and then only within a limited time and generally to a named company. Where the promoters are individuals, the Board of Trade insert a provision in the Order requiring them to transfer the Order to a company within a definite period. See form of clause, *post*, p. 312.

Practice of  
Board of  
Trade.

The Metropolitan Electric Supply (Acton District) Act, 1911, provided for the transfer to a company of the electrical undertaking of an urban district council, subject to the council's right of repurchase at the expiration of forty-two years.

**Sect. 11.**

NOTE.  
Transfers to  
power  
companies.

Many of the later Power Acts contain provisions enabling the power company, with the approval of the Board of Trade, to acquire by agreement the undertaking of any local authority or other undertakers to whom a Provisional Order under the Electric Lighting Acts has been granted in respect of a district wholly within the area of supply of the power company (*e.g.*, the Lancashire Electric Power Supply Act, 1904, s. 4, set out, *post*, p. 337).

Where a local authority, under a power in an Order granted to them, transfer the Order to a company, the Board of Trade require special provisions to be inserted in the deed of transfer placing the transferees as far as possible in the position of a company to whom an Order has been granted.

A local authority had obtained an Electric Lighting Order containing a power of transfer with the consent of the Board of Trade by deed to be approved by the Board of Trade. They agreed to transfer the Order to a company upon certain terms, including an obligation on the part of the company to provide a dust destructor, and by means thereof destroy the house refuse of the district. The Board of Trade refused to sanction the inclusion in the deed of transfer of the above obligation, on the ground that it was a matter with which they had no concern. The deed of transfer was accordingly executed, and approved by the Board of Trade, omitting all reference to the obligation, and a second deed was executed on the same day which was expressed to be executed in pursuance of the agreement for the transfer, and by which the company agreed to provide a dust destructor and destroy the house refuse of the district thereby. The second deed was not approved by the Board of Trade. It was held by the Court of Appeal that the second deed did not require the approval of the Board of Trade, and was valid, so that the local authority could sue the company for a breach of its provisions (*Lambeth Borough Council v. South London Electric Supply Corporation* (1907), 96 L. T. 440).

Specific performance of the obligations imposed on the transferees of an Order by the deed of transfer was decreed in *Audenshaw v. Manchester Corporation* (1907), 71 J. P. 342.

No provision for transfer occurs in the Electric Lighting (Clauses) Act, 1899.

The annual reports to Parliament by the Board of Trade, under s. 30, contain a list of all transfers approved by the Board since the then preceding report. See, *e.g.*, Parliamentary Paper No. 176 of 1912.

Agreements  
under s. 11.

A large number of agreements were made by local authorities holding Provisional Orders with companies for the execution by the companies of the powers of the Orders as contractors of the local authorities. These were believed to be authorised by the words of this section authorising the local authority to contract "for the supply of electricity within any area mentioned in the . . . Order . . . or in any part of such area." Such an agreement was, however, held by Mr. Justice WARRINGTON to be invalid as being a transfer of the powers and duties of the Order, and therefore prohibited by the latter part of the section. The learned judge held that the words of the section quoted above only mean "that the local authority who are the undertakers may buy the current in bulk or in some other way, according to the terms of the contract, from the outside person or company"

(*Sudbury Corporation v. Empire Electric Light and Power Co., Limited*, [1905] 2 Ch. 104). Whether this interpretation gives full effect to the words of the section referring to the area in which the supply contracted for is to be given, may be doubted. Moreover, it is believed that at the date of the passing of the Act, a supply of electricity in bulk to an undertaker was not only unknown but not even anticipated by electrical engineers as a practical possibility.

Whether an agreement is *ultra vires* as being a delegation of statutory powers must, it is submitted, be determined by a consideration of the terms of the particular agreement.

In *Titchhurst and District Water and Gas Co. v. Gas and Waterworks Supply and Construction Co., Limited* (1911), 55 Sol. J. 459, it was held that an agreement between the plaintiffs, a statutory water company, and the defendants, for the construction by the defendants of mains and works, the distribution by the defendants of water supplied by the plaintiffs in bulk, and the collection by the defendants of water rates, was not a delegation of the plaintiffs' statutory powers, and not *ultra vires*.

In *Surbiton Urban Council v. Callender's Cable Co.* (1910), 8 L. G. R. 244, an agreement for the carrying on by a company of the electric undertaking of an urban council and the receipt by the company of the profits, was construed by the court, but no question as to its validity was raised.

An agreement purporting to be made under this section, providing for the carrying out by a company of an Order granted to a local authority, was confirmed by the Richmond (Surrey) Electricity Supply Act, 1907 (7 Edw. 7. c. xcix).

The London Electric Supply Act, 1908, authorises undertakers in London to make agreements for the management and working of the respective undertakings of the contracting parties by any of them. See *post*, p. 268.

**Sect. 11.****NOTE.**

**12.** The provisions of the following Acts shall be incorporated with this Act; that is to say,

- (1) The Lands Clauses Acts, except the enactments with respect to the purchase and taking of lands otherwise than by agreement, and except the enactments with respect to the entry upon lands by the promoters of the undertaking (a); and
- (2) The provisions of the Gasworks Clauses Act, 1847, with respect to breaking up streets for the purpose of laying pipes, and with respect to waste or misuse of the gas or injury to the pipes and other works, except so much thereof as relates to the use of any burner other than such as has been provided or approved of by the undertakers (b); and
- (3) Sections thirty-eight to forty-two inclusive, and sections forty-five and forty-six, of the Gasworks Clauses Act, 1871 (c).

Incorporation  
of certain  
provisions  
of Clauses  
Consolidation  
Acts.

c. 15.

c. 41.

For the purposes of this Act, in the construction of all the enactments incorporated by this section "the special

Sect. 12.

Act" means this Act inclusive of any license, Order, or special Act; and the "promoters" or "undertakers," and "the undertaking," as the case may be, mean the undertakers and the undertaking respectively under this Act.

In the construction of the said Lands Clauses Acts, "land" includes easements in or relating to lands.

In the construction of the said Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, the said Acts shall be construed as if "gas" meant "electricity," and as if "pipe" meant "electric line" (*d*), and "works" meant "works" as defined by this Act (*d*), and as if "the limits of the special Act" meant the area within which the undertakers are authorised to supply electricity under any license, Order, or special Act.

All offences, forfeitures, penalties, and damages under the said incorporated provisions of the said Acts or any of them may be prosecuted and may be recovered in manner by the said Acts respectively enacted in relation thereto, provided that sums recoverable under the provisions of section forty of the Gasworks Clauses Act, 1871, shall not be recovered as penalties, but may be recovered summarily as civil debts (*e*).

The Electric Lighting (Clauses) Act, 1899, embodies by way of appendix the above section, and also the whole of the incorporated sections of the Gasworks Clauses Acts, 1847 and 1871. For the latter and notes thereto, see *post*, pp. 207 *et seq.*

Lands  
Clauses Acts.

(a) "The Lands Clauses Acts" mean the Lands Clauses Consolidation Acts, 1845, 1860 and 1869, or in the case of Scotland, the Lands Clauses Consolidation (Scotland) Acts, 1845 and 1860 (see ss. 32, 36, *post*, pp. 123, 124). In excepting the provisions of the Lands Clauses Acts above mentioned the Electric Lighting Act, 1882, follows the precedent of the Gas and Water Works Facilities Act, 1870 (33 & 34 Vict. c. 70); but there is this notable distinction, that the section in the text provides that, "In the construction of the said Lands Clauses Acts, 'land' includes easements in or relating to lands." The sections "with respect to the entry upon lands by the promoters" were necessarily excepted, because compulsory purchase was excepted, and these sections are ancillary to compulsory purchase.

"Land" here  
includes  
easements.

Section 1 of the Electric Lighting Act, 1909, enables the Board of Trade by Provisional Order to authorise any undertakers to acquire land compulsorily for the purpose of a generating station, and provides that for the purpose of the acquisition of such land the provisions of the Lands Clauses Acts excepted by this section are, subject to certain modifications (including an extension of the meaning of "land" so as to include easements), incorporated with the Electric Lighting Acts, as well as the provisions incorporated by this section (*post*, p. 228).

(b) The sections of the Gasworks Clauses Act, 1847, so incorporated are ss. 6—12, 18—20. See these sections and notes, *post*, pp. 208 *et seq.*

(c) See these sections and notes, *post*, p. 224.

(d) For definitions of "electric line" and of "works" see s. 32, **Sect. 12.**  
p. 123. **NOTE.**

(e) The Gasworks Clauses Act, 1847, s. 40, enacts that if the gasworks be in England or Ireland, the clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for and of penalties, and to the determination of any other matter referred to justices, shall be incorporated with that and the special Act; and if the gasworks be in Scotland, the clauses of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the sheriff or to justices, shall be incorporated with that and the special Act; and such clauses shall apply to the gasworks and to the undertaking, and shall be construed as if the word "undertakers" had been inserted therein instead of the word "company." In the case of the Railways Clauses Consolidation Act, 1845, the sections thus incorporated are ss. 140—160. These in effect provide for summary recovery before justices with appeal to quarter sessions. As regards the recovery of "damages, costs, or expenses," the procedure thus provided remains. As regards the recovery of penalties, many of the above sections have been repealed as regards England by the Summary Jurisdiction Act, 1884 (47 & 48 Vict. c. 43), which substitutes the provisions of the Summary Jurisdiction Act, 1848 (11 & 12 Vict. c. 43), as amended by the Summary Jurisdiction Act, 1879 (42 & 43 Vict. c. 49). Section 76 of the Schedule to the Electric Lighting (Clauses) Act, 1899, provides that "All penalties, fees, expenses, and other moneys recoverable under the Special Order, or under the Board of Trade regulations, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts." See p. 201.

Money due for gas or meter rent, or any expenses lawfully incurred in cutting off gas, is under s. 40 of the Gasworks Clauses Act, 1871, recoverable as a penalty; but the effect of the concluding part of s. 12 of the Electric Lighting Act, 1882, is to make money due for energy or meter rent, or expenses of cutting off, recoverable "summarily as civil debts" and not as a penalty. As to this, see p. 225, and ss. 6 and 35 of the Summary Jurisdiction Act, 1879. Such money may also be recovered by the undertakers in any court of competent jurisdiction (s. 41 of the Gasworks Clauses Act, 1871, *post*, p. 225).

**13.** Nothing in this Act or in any Act incorporated therewith shall authorise or empower the undertakers to break up any street which is not repairable by such local authority, or any railway or tramway, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, unless in pursuance of special powers in that behalf inserted in the license, Order, or special Act, or with the written consent of the Board of Trade, and the Board of Trade shall not in any case insert any such special powers in any license or Provisional Order, or give any such consent until notice has been given to such authority, company, or person by advertisement or otherwise, as the Board of Trade may direct, and an opportunity has been given to such

Restriction  
on breaking  
up of private  
streets, rail-  
ways and  
tramways.

**Sect. 13.** authority, company, or person to state any objections they may have thereto.

"Street" is defined by s. 32 (*post*, p. 123) to include "any square, court, or alley, highway, lane, road, thoroughfare, or public passage, or place, within the area in which the undertakers are authorised to supply electricity by this Act or any licence, Order, or special Act."

See also ss. 12 and 15 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *post*, pp. 157, 162, and s. 32 of the Tramways Act, 1870, referred to, *post*, p. 101.

**As to streets not repairable by anybody.** In *Andreas v. Abertillery Urban Council*, [1911] 2 Ch. 398, it was held by COZENS-HARDY, M.R., and BUCKLEY, L.J. (KENNEDY, L.J., dissenting), that this section and s. 12 of the Act of 1899 prohibits the undertakers from breaking up any street not repairable by the local authority, even though there is no other person liable to repair such street and capable of giving a consent under the sections. KENNEDY, L.J., held that the sections have no application where there is no person by whom the street is repairable, and who can give a consent. According to the view of the majority of the court, the Board of Trade could not, in such a case, consent to the breaking up of the street.

**Private land** The Board of Trade cannot by consent under this section, or under s. 12 of the Schedule to the Act of 1899, authorise the breaking up of any land which, though laid out as a street, has not been dedicated to the public use. See s. 7 of the Gasworks Clauses Act, 1847, and notes thereto, *post*, p. 217.

The Board of Trade have issued a memorandum of procedure in respect of applications for their consent under this section (*post*, p. 356).

**Power Acts.** Most of the Power Acts contain the following section :

"The provisions of s. 13 of the Electric Lighting Act, 1882, and of s. 12 of the Schedule to the Electric Lighting (Clauses) Act, 1899, restricting the breaking up of tramways or railways where laid across or along any highway on the level or the roadway of or approaches to any bridge over any railway within the area of supply, shall not apply to the company."

The model form of Provisional Order contains express power to break up the streets not repairable by the local authority, railways and tramways which are mentioned in the Schedules to the Order. See form of Order, *post*, p. 305.

If undertakers are required to lay down mains in any street not repairable by the local authority, and which the undertakers are not by their Order specially authorised to break up, they are forthwith to apply to the Board of Trade for their consent under s. 13 to the breaking up of the street, and if the Board of Trade refuse their consent the requisition is not to be binding (s. 21 (3) of the Schedule to the Electric Lighting (Clauses) Act, 1899).

**Restrictions as to above-ground works.**

**14.** Notwithstanding anything in this Act or in any Act incorporated therewith, the undertakers shall not be authorised to place any electric line above ground, along, over, or across any



street, without the express consent of the local authority, and the local authority may require the undertakers to forthwith remove any electric line placed by them contrary to the provisions of this section, or may themselves remove the same, and recover the expenses of such removal from the undertakers in a summary manner; and where any electric line has been placed above ground by the undertakers in any position, a court of summary jurisdiction, upon complaint made, if they are of opinion that such electric line is or is likely to become dangerous to the public safety, may, notwithstanding any such consent as aforesaid, make an order directing and authorising the removal of such electric line by such person and upon such terms as they may think fit.

**Sect. 14.**

It is further provided by s. 10 (b) of the Schedule to the Electric Lighting (Clauses) Act, 1899, that "The undertakers shall not, without the express consent of the Board of Trade, and, where the local authority are not themselves the undertakers of the local authority also, place any electric line above ground except within premises in the sole occupation or control of the undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply." See p. 156.

Further enactment in Act of 1899.

It will be noticed that the section in the text requires the consent of the local authority only to above-ground works, and applies only to lines along, over, or across any street. The Act of 1899 requires the further consent of the Board of Trade, and applies to electric lines anywhere with certain specified exceptions. In County of London Orders the consent of the county council is required, as well as that of the Board of Trade. The authority having been obtained, such works will be subject to the regulations prescribed by the Board of Trade in reference to aerial lines. See *post*, p. 385.

Most of the Power Acts enact that the consent of the local authority (being a rural district council) shall not be unreasonably withheld, and give an appeal to the Board of Trade.

Power Acts.

Even if undertakers obtain the consent of the Board of Trade and the local authority to the erection of overhead lines, they cannot carry such lines over land not dedicated to the public use without the consent of the owner of such land (Gasworks Clauses Act, 1847, s. 7, p. 217), and if they do they are guilty of a trespass.

In the case of *Lery v. National Telephone Co., Limited*, the plaintiff brought an action for damages for trespass by stretching wires over his house, and also for an injunction for the removal of the wires. The defendant company, in resisting an application for interim injunction, urged that some of the wires had been over the house in question for thirteen years and that the plaintiff had only been in occupation of it for a short time; and that there was no danger to the plaintiff's house in allowing the wires to remain until the trial. DAY, J., granted an interim injunction directing the defendants within two months to remove their wires. On appeal this decision was affirmed by the Court of Appeal. See Times, December 18th, 1897.

Action by householders.

Action for trespass against a telephone company who were said to have no less than 546 wires passing over plaintiffs' house. At the back of the house

## Sect. 14.

## NOTE.

were two large poles which were put into the ground to the depth of over six feet. The poles were in the one case twelve inches and in the other forty inches from the back wall of the house. The poles were liable to oscillation at times, and thus it was alleged a rent had been caused in the back wall. The plaintiffs alleged that they had, until lately, been under the impression that the poles and wires had been placed under Parliamentary authority. Verdict for plaintiffs, owner £45 and occupier £5 (*Cristofer v. National Telephone Co., Limited*, Electrician, December 9th, 1898, p. 240).

In an action for damages for an injury suffered by the plaintiff through the fall of a "live" overhead wire, the plaintiff proved the fall of the wire and the injury. The defendants submitted that there was no evidence of negligence, the system having been inspected by the Board of Trade, and weekly by the defendants' employees. The county court judge left the case to the jury, who found negligence. On appeal, the Divisional Court, held that the judge was right in allowing the case to go to the jury (*Watson v. Sunderland Corporation*, Electrician, January 22nd, 1904, p. 542). See also *Brown v. London and South Western Rail. Co.*, in the Brompton County Court, Electrician, August 5th, 1904, p. 650.

In *Dunphy v. Montreal Light, Heat and Power Co.*, [1907] A. C. 454, it was held that a company who were authorised to place electric lines above-ground as well as underground were not guilty of negligence in exercising one alternative rather than the other.

In *Andrews v. Abertillery Urban Council*, [1911] 2 Ch. 398, cited *ante*, p. 98, a doubt was suggested as to whether undertakers, even with the consent of the local authority and Board of Trade, may place overhead wires at such height above the street as to be above the ordinary zone of user. As to the ordinary zone of user, which is the limit of the area vested in the local authority, see *Wandsworth District Board of Works v. United Telephone Co., Limited* (1884), 13 Q. B. D. 904.

Enactments  
as to over-  
head wires  
without  
authority.

In cases where undertakers prior to applying for an Order have commenced work, and stretched wires along or across streets or placed above-ground works, it has been the practice of the Board of Trade to insert in the Order a requirement that such above-ground works shall be removed.

Section 4 of the Electric Lighting Act, 1888, authorises the Board of Trade to make regulations applicable to the case of electric lines or works existing otherwise than under and subject to the provisions of a licence, Order, or special Act (*post*, p. 140), and the London Overhead Wires Act, 1891 (*post*, p. 251), as to the county of London, and the Public Health Acts Amendment Act, 1890 (*ante*, p. 81), as to the remainder of England, confer various powers of regulating the erection of overhead wires, but do not apply to the electric lines of undertakers under the Electric Lighting Acts.

Several corporations have obtained in special Acts provisions prohibiting the erection of such wires without their consent, or enabling them to deal with overhead wires, *e.g.*, Manchester Corporation Act, 1882 (45 & 46 Vict. c. cccii), s. 47; Darwen Corporation Act, 1899 (62 & 63 Vict. c. cccxiv), s. 94; Southport Corporation Act, 1900 (63 & 64 Vict. c. cclxxxi), s. 54; and Blackburn Corporation Act, 1901 (1 Edw. 7, c. ccxxiii), s. 122.

As to the procedure for enforcing an order of a court of summary jurisdiction for the removal of above-ground lines, see the Summary Jurisdiction Act, 1879 (42 & 43 Vict. c. 49), s. 34.

**15.** Subject to the provisions of this Act and of the license, Order, or special Act authorising them to supply electricity, and to any byelaws made under this Act, the undertakers may alter the position of any pipes or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under this Act, on previously making or securing such compensation to the owners of such pipes or wires, and on complying with such conditions as to the mode of making such alterations as may before the commencement of such alterations be agreed upon between the undertakers and owners, or in case of difference as may be determined in manner prescribed by the license or Provisional Order authorising the undertakers to supply electricity, or where no such manner is prescribed as may be determined by arbitration, and any local or other public authority, company, or person may in like manner alter the position of any electric lines or works of the undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such local or other public authority, company, or person in relation to such street or place, subject to the like provisions, conditions, and restrictions as are in this section contained with reference to the alteration of the position of any pipes or wires by the undertakers.

**Sect. 15.**  
Power to undertakers to alter position of pipes and wires.

See further, s. 17 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *post*, p. 167, which contains elaborate provisions defining the conditions under which the undertakers may alter the position of any pipes (not forming part of any sewer of the local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or their Provisional Order.

By s. 30 of the Tramways Act, 1870, the promoters of tramways are authorised to alter the position of any mains or pipes for the supply of gas or water, or any tube, wires or apparatus for telegraphic or other purposes, where and as far as it is necessary or may appear expedient for the purpose of preventing frequent interruption of traffic, subject, however, to the restrictions in the section as to notice, works for the protection of such mains, pipes, wires or apparatus, and compensation to the owners thereof. See, on this section, *Hastings Tramways Co. v. Hastings and St. Leonards Gas Co.*, [1906] 2 Ch. 578; *Re Ilford Gas Co. and Ilford Urban District Council* (1903), 88 L. T. 236.

Section 32 of the Tramways Act, 1870, preserves any power of any company, body or person to open or break up any road along or across which any tramway is laid, for the purpose of laying down, repairing, altering or removing any pipe for the supply of gas or water or any tubes, wires or apparatus for telegraphic or other purposes, but every such company, body or person is to cause as little detriment or inconvenience as possible, and (except in cases of urgency) to give eighteen hours' notice before commencing any work whereby the traffic on the tramway will be interrupted.

**Sect. 15.****NOTE.**

Such company, body or person is not to be liable to pay compensation to the promoters of the tramways, but is to execute any such work, so far as it immediately affects the tramways, only under the superintendence of the promoters, unless such superintendence is withheld, and is entitled to be paid by the promoters any additional expense caused by reason of the existence of the tramway in any road or place where any such mains, pipes, tubes, wires or apparatus shall have been laid before the construction of the tramway. See on this section, *Waterhampton Tramways Co. v. Great Western Rail. Co.* (1886), 56 L. J. Q. B. 190; *Bristol Gas Co. v. Bristol Tramways and Carriage Co.*, [1910] 1 K. B. 114.

Most Acts or Provisional Orders authorising the construction of tramways contain a clause providing that "nothing in this Act (or Order) is to authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts, 1882 to 1909, to which the provisions of s. 15 of the former Act apply except in accordance with and subject to the provisions of that section" (see Model Bill, House of Lords). A somewhat similar clause is inserted in Orders made under the Light Railways Act, 1896.

Clause for  
protection of  
canals.

**16.** If at any time after the undertakers have placed any works under, in, upon, over, along or across any canal, any person having power to construct docks, basins or other works upon any land adjoining to or near such canal, constructs any dock, basin or work on such land, but is prevented by the works of the undertakers from forming a communication for the convenient passage of vessels with or without masts between such dock, basin or other work, and such canal; or if the business of such dock, basin or other work is interfered with by reason or in consequence of any such works of the undertakers, then the undertakers at the request of such person, and on having reasonable facilities afforded them by him for placing works round such dock, basin or other work, under, in, upon, over, along or across land belonging to or under his control, shall remove and place their work accordingly. If any dispute arises between the undertakers and such person as to the facilities to be afforded to the undertakers, or as to the direction in which the works are to be placed, it shall be determined by arbitration.

None of the provisions of the Electric Lighting Acts or the Electric Lighting (Clauses) Act, 1899, empower undertakers to lay mains along or across any part of a canal not dedicated to the public use (Gasworks Clauses Act, 1847, s. 7, p. 217). A canal, as such, is not land dedicated to the public use, but the canal company may dedicate their towing path as a public highway (*Grand Junction Canal Co. v. Petty* (1888), 21 Q. B. D. 273), in which case the undertakers would be able to lay mains in the towing path. The undertakers may, of course, lay their mains in any public highway which is carried over a canal by means of a bridge, or over which the canal is carried by means of a bridge. As to interference with bridges, however, see *post*, p. 209.

The above section protects the interests not only of the canal company but also of any person having power to construct docks, basins, or other works upon any land adjoining to or near the canal.

Sect. 16

NOTE.

See further, as to the protection of canal companies, ss. 15 and 19 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *post*, pp. 162, 173.

**17.** In the exercise of the powers in relation to the execution of works given them under this Act, or any license, Order, or special Act, the undertakers shall cause as little detriment and inconvenience and do as little damage as may be, and shall make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation in case of difference to be determined by arbitration.

Compensation for damage.

See also s. 77 of the Electric Lighting (Clauses) Act, 1899, and notes thereto, *post*, p. 202.

As to what is included in "works," see s. 32, *post*, p. 123.

The arbitrator under this section is appointed by the Board of Trade. See s. 28, p. 119.

The provisions of this section relating to compensation refer to payment of compensation for damage caused by the execution of the works required to supply electricity and not to damage caused by their user when constructed (*Shelfer v. City of London E. L. Co.*; and *Menz's Brewery Co. v. Same*, [1895] 1 Ch. 287.)

As to the meaning of the words "do as little damage as may be," see *R. v. East and West India Docks* (1853), 2 E. & B. 466; and *Fenwick v. East London Rail. Co.* (1875), L. R. 20 Eq. 544.

The contractors of the Postmaster-General broke up a street for the purpose of laying a telephone wire, and in doing so broke a water main and thereby flooded with water a culvert containing a bare copper conductor for the transmission of electricity belonging to the St. James and Pall Mall Electric Light Co., Limited, and caused damage. The Telegraph Acts, 1863 and 1868 provide that the Postmaster-General in the exercise of the powers thereby given "shall do as little damage as may be, and shall make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers." The Postmaster-General alleged, in answer to a Petition of Right by the company, that the damage was caused by the negligence of his contractors, and was not, therefore, sustained by reason or in consequence of the exercise of such powers, and that consequently he was not liable to make compensation under those Acts, but he called no evidence to prove negligence. FARWELL, J., held that the burden of proving negligence lay on the Postmaster-General, and that, as he had not discharged it, the company must succeed (*Re St. James and Pall Mall Electric Light Co., Limited*, [1904] W. N. 68).

See also the provision for compensation contained in s. 6 of the Gasworks Clauses Act, 1847, *post*, p. 208.

**Sect. 18.**  
Undertakers  
not to  
prescribe  
special form  
of lamp or  
burner.

**18.** The undertakers shall not be entitled to prescribe any special form of lamp or burner to be used by any company or person, or in any way to control or interfere with the manner in which electricity supplied by them under this Act, and any license, Order, or special Act is used: Provided always that no local authority, company, or person shall be at liberty to use any form of lamp or burner or to use the electricity supplied to them for any purposes, or to deal with it in any manner so as to unduly or improperly interfere with the supply of electricity supplied to any other local authority, company, or person by the undertakers, and if any dispute or difference arises between the undertakers, and any local authority, company, or person entitled to be supplied with electricity under this Act, or any license, Order, or special Act, as to the matters aforesaid, such dispute or difference shall be determined by arbitration.

The difficulties which may have been anticipated, and which were intended to be met by the proviso in this section, have not arisen in practice; and it is believed that no arbitration has been held under it. See also s. 27 (4) of the Schedule to the Electric Lighting (Clauses) Act, 1899, p. 179.

Obligation on  
undertakers  
to supply  
electricity.

**19.** Where a supply of electricity is provided in any part of an area for private purposes, then except in so far as is otherwise provided by the terms of the license, Order, or special Act authorising such supply, every company or person within that part of the area shall, on application, be entitled to a supply on the same terms on which any other company or person in such part of the area is entitled under similar circumstances to a corresponding supply.

"Private purposes" are defined in s. 3 (4), *ante*, p. 74.

Mere demand will not entitle an intending consumer to be supplied with electric energy. The Electric Lighting (Clauses) Act, 1899, and Provisional Orders to which that Act is not applicable, contain the conditions which have to be observed by any owner or occupier requiring a supply of energy. The intending consumer's premises must be situate within fifty yards from a distributing main in which a supply of energy for general supply to private consumers is being maintained or required to be maintained, and such consumer must serve a notice specifying the premises, the maximum power required, and the day upon which the supply is required to commence, and enter into a written contract, if required by the undertakers, to receive and pay for a supply of energy for at least two years, of such an amount that the payments to be made for the supply at the rate of charge for the time being charged by the undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than 20 per cent. per annum on the outlay incurred by the undertakers in providing any electric lines required to be provided for the purposes of the supply, and if required by the undertakers, the consumer must also give security. See s. 27 of the

Schedule to the Electric Lighting (Clauses) Act, 1899, *post*, p. 178 (*Metro-politan Electric Supply Co., Limited v. Ginder*, [1901] 2 Ch. 799; *Husey v. London Electric Supply Corporation*, [1902] 1 Ch. 411). It is the practice of companies and local authorities supplying electricity to require intending consumers to enter into a contract.

See further the notes to ss. 20, 21.

**Sect. 19.**

NOTE.

**20.** The undertakers shall not, in making any agreements for Charges for a supply of electricity, show any undue preference to any local electricity. authority, company, or person, but, save as aforesaid, they may make such charges for the supply of electricity as may be agreed upon, not exceeding the limits of price imposed by or in pursuance of the license, Order, or special Act authorising them to supply electricity.

See the preceding section and notes thereto.

Section 31 of the Schedule to the Electric Lighting (Clauses) Act, 1899, Method of provides that the undertakers may charge for energy supplied by them to charging. any ordinary consumer (otherwise than by agreement),

- (1) By the actual amount of energy so supplied; or
- (2) By the electrical quantity contained in such supply; or
- (3) By such other method as may for the time being be approved by the Board of Trade.

The highest maximum prices now inserted in a Provisional Order are as Maximum prices. follows:

- (1) Where the undertakers charge any consumer by the actual amount of energy supplied to him, at the following rates per quarter: For any amount up to 20 units, 13s. 4d.; and for each unit over 20 units, 8d.
- (2) Where the undertakers charge any consumer by the electrical quantity contained in the supply given to him according to the rates last mentioned, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the undertakers under the Board of Trade regulations made under the Provisional Order.
- (3) In the case of a method of charge approved by the Board of Trade, such price as the Board of Trade determine, on approving such method.

Lower prices than the above are often inserted.

When the local authority are not the undertakers, the maximum prices Revision of and the method of charge stated in a Provisional Order or approved by the price. Board of Trade, may be revised by the Board of Trade every five years on the application of the local authority or not less than twenty consumers. See s. 32 of the Schedule to the Electric Lighting (Clauses) Act, 1899, as amended by s. 10 of the Electric Lighting Act, 1909, and form of Provisional Order, *post*, p. 306. See also ss. 33 and 34 of the Schedule to the Electric Lighting (Clauses) Act, 1899, giving power to make other charges by agreement and making provision as to the price to be paid for supply to public lamps, which, in the absence of agreement, is to be determined by arbitration.

## Sect. 20.

## NOTE.

Section 24 of the London Electric Supply Act, 1908, and s. 1 of the London Electric Supply Act, 1910 (*post*, pp. 287, 304), prohibit the existing electric supply companies in London from increasing their charges after notice to sell has been given them by the London County Council under that Act.

Section 7 of the London Electric Supply Act, 1908 (*post*, p. 272), fixes certain maximum prices for energy supplied for "power purposes" by any authorised undertakers in London who have commenced to give or receive a supply under an agreement entered into under that Act.

Cases  
decided on  
special  
contracts.

An intending consumer signed a form of request to an electric lighting company, subject to, *inter alia*, the following terms: (1) The consumer agreed to take the whole of the electric current required for his premises from the company for a period of not less than five years. (2) The charge for electric energy to be 4½d. per Board of Trade unit. No quantity was specified; there was no covenant by the company to supply nor by the defendant to take any energy. Similar forms of request had been signed by other persons for different terms of years and at different prices. The company afterwards supplied another consumer under contract for two years at 4d. per unit; but he was a large consumer and took his supply in the daytime, which was an advantage to the company. It was held that this did not amount to undue preference under ss. 19 and 20 of the Act of 1882; that the phrase "similar circumstances" in s. 19 embraced amount of energy consumed, the expense of supplying it and getting payment, uniformity of demand and the time when the energy was required, and that unless all the circumstances were similar, agreements might lawfully be made for different terms and at different rates. The consumer having given to the company notice to remove their meter, and that he had agreed to take his light from another electric lighting company, BUCKLEY, J., held that the agreement by the consumer to take the whole of the energy required for the premises was in substance negative, and granted an injunction at the instance of the company restraining him from taking a supply from another company (*Metropolitan Electric Supply Co. v. Ginder*, [1901] 2 Ch. 799. Cf. *Whitehead Chemical Co. v. Hardman*, [1891] 2 Ch. 416).

The municipal corporation of a borough agreed to take electrical energy for its tramways in an adjoining urban district from the council of such district (who were authorised by Provisional Order to supply such energy), or their contractors, and not itself to supply such energy without the consent of the council. The urban council subsequently transferred their Order with the benefit of the above agreement to a company. Later, the borough was extended so as to include the urban district. SWINFEN EADY, J., held that after the assignment of the benefit of the agreement, neither the council, nor the corporation as their successors, could consent to the corporation supplying energy for their tramways in the former urban district, and that the corporation were bound to take the energy required for such tramways from the company (*Newcastle-upon-Tyne Electric Supply Co. v. Newcastle-upon-Tyne Corporation* (1911), 9 L. G. R. 161).

Where undertakers charge on more systems than one, and the consumer may elect on which system he is to be charged, no undue preference is shown, though the result may be that consumers on one system are charged less than consumers on another system for the same supply. The "preference" prohibited is a preference between consumers dealing under similar



circumstances, and not between consumers dealing under two different systems of charge, either of which they are free to select, and therefore dealing under entirely different circumstances (*Att.-Gen. for Victoria v. Melbourne Corporation*, [1907] A. C. 469, decided on provisions in the Victorian Light and Power Act, 1896, similar to ss. 19 and 20 of this Act).

A limited company owning a large hotel at Westminster obtained a supply of electric current from the London Electric Supply Corporation under an agreement which contained a clause to the effect that the electric company "shall be at liberty to discontinue the supply of energy if and so long as the consumer shall make default in making payment in accordance with the agreement hereinbefore contained," that is by quarterly payments, or if required by the defendants at shorter periods, at the rate specified in the defendants' published scale of charges. In an action by debenture-holders against the hotel company, a receiver of the undertaking, property, and assets of the company was appointed, and the company were ordered to deliver over to the receiver "possession of the said premises as far as is necessary for the purposes of the receivership." At this time there was due from the company to the electric company a sum of £437 for electric current supplied by them to the hotel. This amount the receiver refused to pay, and the electric company threatened to cut off the supply of current. In an action by the receiver for an injunction, it was held by the Court of Appeal that the electric company were entitled to discontinue the supply of current until the receiver had entered into a new contract with them for a supply. Either the receiver stood in the place of the hotel company under their agreement above referred to, or else he was a new tenant. On either contention the court held the electric company to be in the right; because in the one case the receiver would be bound by the terms of the agreement which entitled the company to cut off, and in the other case, he was a new tenant who was not entitled to the current as he had not entered into a written contract with the undertakers under the section (s. 47) of their Provisional Order, which was similar to s. 27 of the Schedule to the Electric Lighting (Clauses) Act, 1899 (*Husey v. London Electric Supply Corporation*, [1902] 1 Ch. 411. Cf. *Paterson v. Gas Light and Coke Co.*, [1896] 2 Ch. 476; *Husey v. Gas Light and Coke Co.* (1902), 18 T. L. R. 299, cited *post*, p. 109).

The lessee of a theatre entered into a contract with an electric lighting company to take a supply for a year certain, it being stipulated that in the event of the theatre being sublet for any portion of the period, the liability of the sub-tenant should be substituted for that of the lessee. The theatre was sublet for a period, and notice was duly given to the company. Subsequently, and within the year, a company was formed which became sub-tenants, but no notice was given to the electric light company of that sub-tenancy. In an action against the lessee for light supplied during the sub-tenancy of the company, judgment was given for the electric light company (*London Electric Supply Corporation v. Brickwell*, Times, February 24th, 1902; *El. Rev.*, February 28th, 1902, p. 336).

The defendant entered into an agreement with the plaintiffs and a wiring company for the installation of electric wires and fittings in his premises. The agreement, *inter alia*, provided that, "(7) The consumer shall until purchase as aforesaid" (*i.e.*, of the installation) "pay quarterly to the Supply Co." (the plaintiffs) "for the use of the installation  $\frac{3}{4}$ d. per Board of Trade

## Sect. 20.

## NOTE.

**Sect. 20.****NOTE.**

unit for every unit of electrical energy supplied to the said premises, and the minimum payment in any year shall be 1s. for each eight-candle power lamp, or its equivalent installed." The agreement further contained a power to the plaintiffs to enter and remove in case the defendant should cease to take a supply of electrical energy or should neglect or refuse to pay for the use of the installation as aforesaid. During the quarter from Midsummer to Michaelmas, 1900, the defendant did not use any electricity supplied by the plaintiffs. On appeal from the county court the question was whether the defendant was bound to pay, in respect of that quarter, the minimum payment provided for by clause 7, even though he had not in fact used any of the plaintiffs' electricity during the quarter. A Divisional Court held that he was so bound (*London Electric Supply Corporation v. Priddis* (1901), 18 T. L. R. 64).

The plaintiffs entered into an agreement with the defendants and a wiring company, one of the terms of the agreement being that the defendants should pay a minimum weekly rental for the use of the electrical fittings of one penny per light for five years. The defendants becoming dissatisfied with the light supplied, put up gas fittings and used gas light. They then asked the plaintiffs to take away the fittings, and the plaintiffs took away the meter, but left some sixty lights, which they afterwards removed when they found that the current was not used. An action was brought in the Westminster County Court to recover two years' minimum rental. Judge WOODFALL, in giving judgment for the defendant, distinguished this case from that of *Priddis, supra*, on the ground that when the plaintiffs were requested to remove the fittings they might have declined to do so, but they had instead removed the meter and lamps (*London Electric Supply Corporation v. Greenberg*, El. Rev., August 15th, 1902, p. 258; *Electrician*, August 15th, 1902, p. 685).

As to the stamp duty on agreements for the supply of electricity, see s. 19 of the Electric Lighting Act, 1909, *post*, p. 241, and see *ante*, p. 92.

Recovery of  
charges, etc.

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

The period at which money for current and meter rent will become due and payable is a matter which is generally provided for by the contracts which intending consumers are required to sign. Thus, for example, a company or local authority supplying electricity may stipulate that they may render their accounts quarterly, monthly, or weekly, and that the sum due shall be payable forthwith.

Among the sections of the Gasworks Clauses Acts incorporated with this Act, is s. 39 of the Act of 1871, which provides that "In case any consumer of gas supplied by the undertakers leaves the premises where such gas has been supplied to him without paying the gas rent or meter rent due from him, the undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears."

An incoming tenant who has undertaken to exonerate the outgoing tenant, cannot require a supply until he has paid the arrears due from the outgoing tenant, but he is not personally liable for such arrears (*Gas Light and Coke Co. v. Mead* (1876), 45 L. J. M. C. 71; *Cannon Brewery Co. v. Gas Light and Coke Co.*, [1904] A. C. 331).

The liquidator of a company is not a next tenant (*Re Wearmouth Crown Glass Co.* (1882), 19 Ch. D. 640; *Re Blazer Firelighter, Limited*, [1895] 1 Ch. 402; *Liquidator of Thomas, Limited v. Glasgow Corporation*, Electrician, December 28th, 1906, p. 426), nor is a receiver and manager of the business of a company appointed in a debenture-holder's action (*Paterson v. Gas Light and Coke Co.*, [1896] 2 Ch. 476; *Husey v. Gas Light and Coke Co.* (1902), 18 T. L. R. 299; cf. *Husey v. London Electric Supply Corporation*, [1902] 1 Ch. 411, cited *ante*, p. 107). Such liquidator and receiver and manager cannot therefore require the continuance of a supply of electricity without paying the arrears due from the company.

The official receiver taking possession under a receiving order is not an "incoming tenant" (*In re Smith, Ex parte Mason*, [1893] 1 Q. B. 323), but a trustee in bankruptcy who has taken possession is a next tenant within the meaning of s. 48 of the Metropolis Water Act, 1871 (34 & 35 Vict. c. 113) (*In re Flack, Ex parte Berry*, [1900] 2 Q. B. 32).

The undertakers may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are in arrear (not being the subject of a *bonâ fide* dispute), whether such payments be due in respect of a supply to the premises in respect of which a supply is demanded, or in respect of other premises (Electric Lighting Act, 1909, s. 18, *post*, p. 241. Cf. *Montreal Gas Co. v. Cadieux*, [1899] A. C. 589).

Section 17 (1) of the Electric Lighting Act, 1909, provides that twenty-four hours' notice in writing shall be given to the undertakers by a consumer before he quits any premises supplied, and that in default the consumer shall be liable to pay the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier may require a supply, whichever shall first occur.

Further as to recovery of charges, see s. 40 of the Gasworks Clauses Act, 1871, and the notes thereto, *post*, p. 225.

## Sect. 21.

NOTE.

22. Any person who unlawfully and maliciously cuts or injures any electric line or work with intent to cut off any supply of electricity shall be guilty of felony, and be liable to be kept in penal servitude for any term not exceeding five years, or to be imprisoned with or without hard labour for any term not exceeding

Injuring works with intent to cut off supply of electricity.

**Sect. 22.** two years ; but nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provision of this Act, or under any other Act, or at common law, so that no person be punished twice for the same offence.

See also the incorporated ss. 18 and 19 of the Gasworks Clauses Act, 1847, and s. 38 of the Gasworks Clauses Act, 1871, *post*, pp. 223, 224.

Stealing  
electricity.

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

There is no similar section in the general Acts relating to gas or water, though s. 18 of the Gasworks Clauses Act, 1847, imposes a penalty for the "improper" using or burning of gas, and s. 38 of the Gasworks Clauses Act, 1871, for the "fraudulent" abstraction, consumption, or use of gas. See *post*, pp. 223, 224. It has been decided, however, that gas may be the subject of larceny at common law (*R. v. White* (1853), 22 L. J. M. C. 123) ; and water also (*Fereus v. O'Brien* (1883), 11 Q. B. D. 21).

Power to  
enter lands  
or premises  
for ascer-  
taining  
quantities of  
electricity  
consumed, or  
to remove  
fittings, etc.

**24.** Any officer appointed by the undertakers may at all reasonable times enter any premises to which electricity is or has been supplied by the undertakers, in order to inspect the electric lines, meters, accumulators, fittings, works, and apparatus for the supply of electricity belonging to the undertakers, 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 undertakers are authorised to take away and cut off the supply of electricity from any premises, for the purpose of removing any electric lines, accumulators, fittings, works, or apparatus belonging to the undertakers, repairing all damage caused by such entry, inspection, or removal.

This section corresponds to s. 21 of the Gasworks Clauses Act, 1871. The latter, however, provides for a penalty for hindering such officer.

This section is extended and applied by s. 16 of the Electric Lighting Act, 1909, to electric lines, fittings, apparatus and appliances, let by any undertakers on hire or belonging to any undertakers, but being in or upon premises of which the undertakers are not in possession, and whether fixed or fastened to any part of the premises or to the soil (*post*, p. 239).

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

**25.** Where any electric lines, meters, accumulators, fittings, works, or apparatus belonging to the undertakers are placed in or upon any premises not being in the possession of the undertakers for the purpose of supplying electricity under this Act, or any

license, Order, or special Act, 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 law or equity, or any proceedings in bankruptcy against the person in whose possession the same may be.

**Sect. 25.**

*Cf.* s. 18 of the Gasworks Clauses Act, 1871 (*post*, p. 223), incorporated with this Act. A gas stove let for hire is a "fitting for the gas" within the meaning of s. 14 of the Gasworks Clauses Act, 1847, and is therefore not subject to distress for rent (*Gas Light and Coke Co. v. Hardy* (1886), 17 Q. B. D. 619). Section 16 of the Electric Lighting Act, 1909, expressly extends and applies s. 25 to electric lines, fittings, apparatus and appliances let by any undertakers on hire. If the electric lines, meters, or other apparatus are fixed to the premises they would not be distrainable at common law (*Darby v. Harris* (1841), 1 Q. B. 895; *Crossley Brothers v. Lee*, [1908] 1 K. B. 86; *Provincial Bill Posting Co. v. Low Moor Iron Co.*, [1909] 2 K. B. 344).

In the absence of statutory authority, undertakers who are a local authority cannot provide lamps, fittings, motors, or apparatus other than meters which are provided for by ss. 52, 55 and 56 of the Schedule to the Electric Lighting (Clauses) Act, 1899. See *Att.-Gen. v. Corporation of Leicester*, [1910] 2 Ch. 359; *Att.-Gen. v. Sheffield Corporation* (1912), 28 T. L. R. 266.

It is now quite common to find in the special Acts of local authorities, a clause enabling them to sell, let, hire, etc., but not to manufacture, lamps, meters, electric fittings, apparatus, etc. The terms of such clauses vary somewhat. For instances, see Nottingham Corporation Act, 1899 (62 & 63 Vict. c. ci), s. 40; Manchester Corporation (General Powers) Act, 1899 (62 & 63 Vict. c. clxxxviii), s. 21; Halifax Corporation Act, 1898 (61 & 62 Vict. c. cxlvi), s. 35; St. Marylebone Electric Lighting Act, 1904 (4 Edw. 7, c. xli), s. 20; and Leith Borough Order (confirmed by 4 Edw. 7, c. cxxxvi), s. 6.

The clause in the "Model Bills and Clauses" of the House of Lords (as amended 1911), is as follows:

"*Electrical Fittings.*—(1) The corporation may, subject to the provisions of this section, let for hire and fix repair and remove but shall not manufacture lamps meters electric lines fuses switches lamp-holders motors and other electrical fittings for lighting motive or other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such charges and make such terms and conditions as may be agreed upon.

"(2) The corporation may enter into contracts for the execution of any of the powers of this section including the wiring of private property and shall not themselves execute the wiring of private property except between the main of the corporation and the consumer's meter nor shall they sell any such electrical fittings as aforesaid except through a contractor.

"(3) Any electrical fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or liable

**Sect. 25.****NOTE.**

to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the same may be : Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the corporation as the actual owners thereof.

“(4) Provided as follows :

“(A) The corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed).

“(B) Every sum charged by the corporation in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the corporation to the consumer.

“(C) The total sums expended and received by the corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the corporation for that year.”

By the London County Council (General Powers) Act, 1906, similar powers were conferred upon every metropolitan borough council authorised to supply electricity. See that Act, *post*, p. 264.

Provision for  
protection  
of the  
Postmaster-  
General.  
41 & 42 Vict.  
c. 76.

**26.** No alteration in any telegraph line of the Postmaster-General shall be made by the undertakers except subject to the provisions of the Telegraph Act, 1878.

The undertakers shall not in the exercise of the powers conferred by this Act, or by any license, Order, or special Act, lay down any electric line or do any other work for the supply of electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected, and before any such electric line is laid down or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of connexions with mains where the direction of the electric lines so laid down crosses the line of the Postmaster-General at right angles at the point of shortest distance and continues the same for a distance of six feet on each side of such point) the undertakers or their agents not more than twenty-eight nor less than seven clear days before commencing such work shall give written notice to the Postmaster-General specifying the course and nature of the work, including the gauge of any electric lines, and the undertakers and their agents shall conform with such reasonable requirements either general or special as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphs of the Postmaster-General from being injuriously affected by the said work.

Any difference which arises between the Postmaster-General and the undertakers or their agents with respect to any requirements so made, shall be determined by arbitration. Sect. 26.

In the event of any contravention of or wilful non-compliance with this section by the undertakers or their agents the undertakers shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues, or, if the telegraphic communication is wilfully interrupted, not exceeding fifty pounds for every day on which such interruption continues.

Provided that nothing in this section shall subject the undertakers or their agents to a fine under this section, if they satisfy the court having cognizance of the case that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice.

For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work, or by any use made of such work.

For the purposes of this section, and subject as therein provided, sections two, seven, eight, nine, ten, eleven, and twelve of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act, as if the undertakers were undertakers within the meaning of those sections, without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

See further, s. 35, *infra*, saving privileges, etc. of Postmaster-General, p. 124.

Further provisions for the protection of the Postmaster-General and telegraphic and telephonic wires, are contained in ss. 14, 20 and 79 of the Schedule to the Electric Lighting (Clauses) Act, 1909, *post*, pp. 160, 173, 203.

*The incorporated sections of the Telegraph Act, 1878<sup>o</sup> (41 & 42 Vict. 41 & 42 Vict. c. 76), are as follows:* c. 76.

"2. In the construction of this Act, unless there is something inconsistent in the context, words and expressions shall have the same meanings as in the Telegraph Act, 1863, and in addition thereto—

"The expressions 'street' and 'public road' shall respectively include any highway :<sup>o</sup>

\* The provisions of this Act are extended by the Telegraph Act, 1892 (55 & 56 Vict. c. 59), ss. 3 and 8, to streets, public roads, lands, and buildings in urban

**Sect. 26.****NOTE.**

41 & 42 Vict.  
c. 76.

26 & 27 Vict.  
c. 112.  
29 & 30 Vict.  
c. 3.  
31 & 32 Vict.  
c. 110.  
32 & 33 Vict.  
c. 73.  
33 & 34 Vict.  
c. 88.

"The expression 'Act of Parliament' means any Act of Parliament whether public general, local and personal, or private, and includes the Order confirmed by any such Act, and includes a certificate granted by the Board of Trade under the Railways Construction Facilities Act, 1864 :†

"The expression 'Telegraph Acts' includes the Telegraph Act, 1863, the Telegraph Act Amendment Act, 1866, the Telegraph Act, 1868, the Telegraph Act, 1869, the Telegraph Act, 1870, this Act and any Acts or parts of Acts incorporated with such Acts or referred to therein, any or either of them ; and such several Acts may be cited together as the Telegraph Acts, 1863 to 1878 :‡

"The expression 'undertaking' means the works or undertaking of whatever nature the execution of which is authorised by an Act of Parliament as above defined :

"The expression 'undertakers' means the parties, whether company, commissioners, trustees, corporations, or private persons, empowered by an Act of Parliament as above defined to execute an undertaking, and any lessee or tenant thereof :

"The expression 'agents' includes contractors, and also the officers, engineers, workmen, or servants, as well of the Postmaster-General, undertakers, bodies or persons, as of his or their contractors :

"The expression 'telegraphic line' means telegraphs, posts, and any work (within the meaning of the Telegraph Act, 1863),§ and also any cables, apparatus, pneumatic or other tube, pipe, or thing whatsoever used for the purpose of transmitting telegraphic messages or maintaining telegraphic communication, and includes any portion of a telegraphic line as defined by this Act :

"The expressions 'alteration,' 'alter,' and 'altering' in respect of a telegraphic line, include the substitution of any new line or portion of a line, either in the same place or in some other place, also any removal of or other dealing with any telegraphic line or any part of such line."

○ ○ ○ ○ ○

districts, and also to pneumatic and other tubes used for the purpose of transmitting telegraphic messages or maintaining telegraphic communication in like manner as they apply to telegraphs underground, and "public road" and "street" are to include a public highway for carriages and a public way, although not repairable in manner mentioned in the Telegraph Act, 1863, and "public road" is to include a public highway for horses and a private road, which is also a public footpath, if such highway or road is inclosed between hedges, walls, or other fences.

† By the Light Railways Act, 1896 (59 & 60 Vict. c. 48), s. 25, the definition of "Act of Parliament" in the Telegraph Act, 1878, is to include an Order authorising a light railway under the former Act. By the Public Health (Scotland) Act, 1897 (60 & 61 Vict. c. 38), s. 145 (15), the same expression is to include an Order under that section, although such Order may not have been confirmed by Parliament.

‡ The Telegraph Acts now comprise various subsequent Acts extending to and including the Telegraph (Arbitration) Act, 1909 (9 Edw. 7, c. 20).

§ The Telegraph Act, 1863, s. 3, contains the following definition : "The term 'work' includes telegraphs and posts."



"7. Where any work proposed to be done in the execution of an undertaking authorised by an Act of Parliament involves or is likely to involve an alteration either temporarily or permanently in any telegraphic line of the Postmaster-General, and provision is not otherwise made by enactment, agreement or otherwise with respect to such alteration or to giving notice to the Postmaster-General thereof or to the expenses of or incidental thereto, the following enactments shall apply :

**Sect. 26.****NOTE.**

41 & 42 Vict.  
c. 76.

Provision as  
to work  
which  
involves  
alteration in  
telegraphic  
line.

- "(1) The undertakers or their agents shall give to the Postmaster-General not less than seven nor more than fourteen days' previous notice of the time and place at which the work will be begun and the nature of the alteration required :
- "(2) Before the expiration of seven days after the notice is given the Postmaster-General may give the undertakers or their agents a counter-notice either stating his intention himself to make, or requiring the undertakers to make under the supervision and to the satisfaction of himself or his agents, such alteration in the telegraphic line as he deems necessary or expedient to be made in consequence of the proposed work :
- "(3) If the Postmaster-General by his counter-notice states that it is his intention himself to make such alteration, it shall be lawful for such Postmaster-General by himself or his agents to make the same, and the undertakers or their agents shall pay to the Postmaster-General all the expenses incurred by him of and incidental thereto, and the amount of any loss or damage sustained by him in consequence thereof :
- "(4) If the Postmaster-General by his counter-notice requires the undertakers or their agents to make such alteration, the undertakers or their agents shall, at their own expense, make the same under the supervision and to the reasonable satisfaction of the Postmaster-General or his agents, and the said undertakers shall pay to the Postmaster-General all the expenses incurred by him of and incidental to such supervision, also the amount of any loss or damage sustained by him in consequence of the alteration :
- "(5) If the Postmaster-General fails to give a counter-notice, or if, having undertaken himself to make the alteration, he or his agents should fail to make within a reasonable time the alteration, the undertakers or their agents may themselves make the alteration to the reasonable satisfaction of the Postmaster-General or his agents :
- "(6) If any undertakers or their agents fail to serve on the Postmaster-General such notice as is required by this section with respect to any work, or begin to do the work specified in a notice served under this section before the expiration of seven days after the notice is given, they shall be liable to pay a fine not exceeding ten pounds for every day during which they continue such work without the sanction in writing of the Postmaster-General, and the Postmaster-General may at the expense of the undertakers remove such work :
- "(7) If any undertakers or their agents fail to comply with the reasonable requirements of the Postmaster-General or his agents under this

**Sect. 26.****NOTE.**

41 & 42 Vict.  
c. 76.

section, they shall be liable to a fine not exceeding ten pounds for every day during which such failure continues, or if the telegraphic communication is interrupted, not exceeding fifty pounds for every day on which such interruption continues :

“(8) Provided, that nothing in this section shall subject any undertakers or their agents to a fine for omitting to comply with any requirements of the Postmaster-General or his agents, or for executing without previous notice any work if they satisfy the court having cognizance of the case that any such requirement was unreasonable or that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice.

“And where under section eight of the Telegraph Act, 1863, any body to or by whom any such pipe as in that section mentioned belongs or is used require that the position of any telegraphic line of the Postmaster-General or any part thereof should be altered, the enactments of the present section shall apply, and for such purposes any such body shall be deemed to be ‘undertakers.’

Compensation and fine for injury to telegraphic line of the Postmaster-General and for interruption to telegraphic communication.

“8. Where any undertakers, body or person, by themselves or by their agents, destroy or injure any telegraphic line of the Postmaster-General, such undertakers, body, or person shall not only be liable to pay to the Postmaster-General such expenses (if any) as he may incur in making good the said destruction or injury, but also, if the telegraphic communication is carelessly or wilfully interrupted, shall be liable to a fine not exceeding twenty pounds per day for every day during which such interruption continues.

“Where the undertakers, body, or person liable to pay such daily fine as aforesaid to the Postmaster-General are not authorised to execute such works as may be required for remedying the interruption, the interruption shall be deemed to continue either for the time during which it actually continues or for such less time as in the opinion of the court having cognizance of the case would have been sufficient for remedying the interruption by the Postmaster-General.

“The Postmaster-General may, instead of taking proceedings for the recovery of such daily fine as aforesaid, proceed for the recovery of a fine not exceeding fifty pounds, to which the undertakers, body, or person shall be liable on summary conviction.

“An act done to a telegraphic line in the course of work undertaken by any undertakers, body, or person in the legal exercise of a right, shall not be deemed to be wilful destruction of, or injury to, such telegraphic line, if due notice of the intended exercise of such right has been given to the Postmaster-General, that is to say, the notice required to be given in pursuance of any Act of Parliament or agreement, or where there is no Act of Parliament or agreement requiring such notice, fourteen clear days’ notice.

"This section shall be deemed to be in addition to, and not in derogation of, any other power or means which the Postmaster-General may have of recovering damages in respect of any such destruction or injury as in this section mentioned under any other Act of Parliament or at common law or otherwise, provided that he shall not proceed under this Act and under any other Act or law in respect of the same destruction or injury.

Sect. 26.

NOTE.

41 & 42 Vict.  
c. 76.

"9. Where any undertakers, body, or person or their agents obstruct the Postmaster-General or his agents in placing, maintaining, altering, examining, or repairing any telegraphic line in pursuance of this Act, or of any consent given in pursuance of this Act, or in supervising or directing any alteration in any telegraphic line made by any undertakers or their agents in pursuance of this Act, such undertakers, bodies, or persons and agents respectively shall for every act of obstruction be liable to a fine not exceeding ten pounds, or in case such obstruction continues, ten pounds for every day during which the same continues. Penalty for obstruction.

"10. All fines and penalties under any of the Telegraph Acts may be recovered by the Postmaster-General in manner provided by the Summary Jurisdiction Acts before a court of summary jurisdiction, and for the purposes of this Act— Prosecution of offences.

"(2) The expression 'court of summary jurisdiction' means—

"As respects England, any justice of the peace or other magistrate or officer to whom jurisdiction is given by the Summary Jurisdiction Acts, so, however, that any case arising under any of the Telegraph Acts shall be heard and determined either by two or more justices of the peace in petty sessions sitting at a court or other place appointed for holding petty sessions, or by some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace; and

"As respects Scotland, means any sheriff or sheriff substitute; and

"As respects Ireland, means any justice or justices or other magistrate, by whatever name called, having jurisdiction under the Summary Jurisdiction Acts.

"All fines and penalties recovered in pursuance of any of the Telegraph Acts shall be paid into the Exchequer.

"11. . . . † Any legal proceedings may be instituted by the Postmaster-General for any of the purposes of any of the Telegraph Acts in the name Provision as to Postmaster-General.

\* Sub-section (1) contained a definition of "Summary Jurisdiction Acts," which was repealed by the Statute Law Revision Act, 1894 (57 & 58 Vict. c. 56). See now the definition of that expression in the Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 13 (10).

† The earlier portion of this section, containing a definition of "Postmaster-General," is repealed by the Statute Law Revision Act, 1894 (57 & 58 Vict. c. 56), which also repeals certain words which are omitted in the section. See now the definition in the Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 12 (11).

**Sect. 26.**  
**NOTE.**  
 41 & 42 Vict.  
 c. 76.

Printing,  
 authentication,  
 and  
 service of  
 notices and  
 other documents.

of Her Majesty's Postmaster-General, and shall not abate or be discontinued by reason of any change in the person who is Postmaster-General, but may be carried on as if Her Majesty's Postmaster-General were a body corporate; and where any sum is due or payable to the Postmaster-General under any of the Telegraph Acts, or any contract, agreement, or regulations made in pursuance or for any of the purposes of those Acts or any of them, the Postmaster-General may recover the same as a debt in any court and in any manner in which it might be recovered if it were a debt due to a private person.

"12. A notice under this Act may be in writing or print, or partly in writing and partly in print.

"Any notice, appointment, direction, or document given, issued, or made for the purposes of this Act by the Postmaster-General shall be sufficiently authenticated if purporting to be signed by a secretary or assistant-secretary of the Post Office, or by a superintending engineer of the Postmaster-General, or by an officer appointed for the purpose by the Postmaster-General, and when so authenticated shall be deemed to be given, issued, or made by the Postmaster-General.

"Where a notice is given by any undertakers, body or person, the notice shall be sufficiently authenticated if purporting to be signed by the chairman, secretary, clerk, or other officer of such undertakers, body, or person.

"A notice required to be given under this Act to the Postmaster-General may be given by leaving the same at or by forwarding the same by post to the General Post Office in a letter addressed to the Postmaster-General or to the Secretary of the Post Office, or to an assistant secretary of the Post Office, or by delivering the same to or forwarding the same by post in a letter addressed to the superintending engineer of the Postmaster-General for the district in which is the work, telegraphic line, or other matter referred to in the notice and addressed to him at his office or usual place of abode.

"A notice required to be given under this Act to any undertakers or body may be given by leaving the same at or by forwarding the same by post to the office, or where there is more than one office the principal office of such undertakers or body in a letter addressed to such undertakers or body, or to their chairman, secretary, clerk, or other officer.

"A notice required to be given under this Act to any person may be given by delivering the same to such person or by leaving the same at or forwarding the same by post in a letter addressed to such person at his usual or last known place of abode.

"Where a notice is forwarded by post it shall be deemed to have been given at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving the giving thereof it shall be sufficient to prove that the same was properly addressed and put into the post.

"The expression 'notice' in this section shall be deemed to include a counter-notice."

27. *Repealed.*

## Sect. 27.

This section provided that the local authority might after the expiration of a period of twenty-one years or after every subsequent period of seven years, purchase compulsorily the undertaking or so much of the same as was within their jurisdiction, "upon terms of paying the then value of all lands, buildings, works, materials, and plant of such undertakers suitable to and used by them for the purposes of their undertaking within such jurisdiction, such value to be, in case of difference, determined by arbitration: Provided that the value of such lands, buildings, works, materials, and plant shall be deemed to be their fair market value at the time of the purchase, due regard being had to the nature and then condition of such buildings, works, materials, and plant, and to the state of repair thereof and the suitability of the same to the purposes of the undertaking, and, where a part only of the undertaking is purchased, to any loss occasioned by severance, but without any addition in respect of compulsory purchase or of goodwill or of any profits which may or might have been or be made from the undertaking or of any similar considerations." This section was repealed by the Electric Lighting Act, 1888, which extended the period of twenty-one years to forty-two years, and the period of seven years to ten years, and added to the matters to which regard is to be had for the purpose of arriving at the market value of the lands, etc. "the circumstance that they are in such a position as to be ready for immediate working." See s. 2 of that Act and notes, *post*, p. 135.

Purchase of  
undertaking  
by local  
authority.

28. Where any matter is by this Act, or any license, Order, or special Act, directed to be determined by arbitration, such matter shall, except as otherwise expressly provided, be determined by an engineer or other fit person to be nominated as arbitrator by the Board of Trade on the application of either party, and the expenses of the arbitration shall be borne and paid as the arbitrator directs.

Arbitration.

Any license or Provisional Order granted under this Act shall be deemed to be a special Act within the meaning of the Board of Trade Arbitrations, etc., Act, 1874.

37 & 38 Vict.  
c. 40.

The direction in an Act that a matter shall be determined by arbitration ousts the jurisdiction of the court. See *Caledonian Rail. Co. v. Greenock and Wemyss Bay Rail. Co.*, L. R. 2 H. L. Sc. 347; *Joseph Crossfield & Sons, Limited v. Manchester Ship Canal Co.*, [1905] A. C. 421.

The Act of 1874 provides:

"1. This Act may be cited as 'The Board of Trade Arbitrations, etc. Act, 1874.'

Board of  
Trade  
Arbitrations,  
etc. Act,  
1874.  
Short title.

## "PART I.

"Board of Trade Inquiries, etc.

"2. Where, under the provisions of any special Act, passed either before or after the passing of this Act, the Board of Trade are required or

Power of  
Board of  
Trade as to  
inquiry.

**Sect. 28.**

NOTE.  
37 & 38 Vict.  
c. 40.

authorised to sanction, approve, confirm, or determine any appointment, matter, or thing, or to make any order or to do any other act or thing for the purposes of such special Act, the Board of Trade may make such inquiry as they may think necessary for the purpose of enabling them to comply with such requisition or exercise such authority.

"Where an inquiry is held by the Board of Trade for the purposes of this section, or in pursuance of any general or special Act passed either before or after the passing of this Act, directing or authorising them to hold any inquiry, the Board of Trade may hold such inquiry by any person or persons duly authorised in that behalf by an order of the Board of Trade, and such inquiry if so held shall be deemed to be duly held.

Expenses  
connected  
with arbitra-  
tion,  
sanction, etc.

"3. Where application is made in pursuance of any special Act passed either before or after the passing of this Act, to the Board of Trade to be arbitrators, or to appoint any arbitrator, referee, engineer, or other person, or to hold any inquiry, or to sanction, approve, confirm, or determine any appointment, matter, or thing, or to make any order, or to do any other act or thing for the purposes of such special Act, all expenses incurred by the Board of Trade in relation to such application and the proceedings consequent thereon, shall, to such amount as the Board of Trade may certify by their order to be due, be defrayed by the parties to such application, and (subject to any provision contained in the said special Act) shall be defrayed by such of the parties as the Board of Trade may by order direct, or if so directed by an order of the Board of Trade shall be paid as costs of the arbitration or reference.

"The Board of Trade may, if they think fit, on or at any time after the making of the application, by order require the parties to the application, or any of them, to pay to the Board of Trade such sum as the Board of Trade think requisite for or on account of those expenses, or to give security to the satisfaction of the Board of Trade for the payment of those expenses on demand, and if such payment or security is not made or given may refuse to act in pursuance of the application.

"All expenses directed by an order of the Board of Trade or an award in pursuance of this section to be paid may be recovered in any court of competent jurisdiction as a debt, and if payable to the Board of Trade, as a debt to the Crown; and an order of the Board of Trade shall be conclusive evidence of the amount of such expenses.

Meaning of  
"special  
Act."

27 & 28 Vict.  
c. 121.

"4. In this part of this Act the term "special Act" means a local or local and personal Act, or an Act of a local and personal nature, and includes a Provisional Order of the Board of Trade confirmed by Act of Parliament and a certificate granted by the Board of Trade under the Railways Construction Facilities Act, 1864.

Order of  
Board of  
Trade may  
be in writing.

"An order of the Board of Trade for the purposes of this part of this Act, or of any such special Act as is referred to in this part of this Act, may be made by writing under the hand of the President, or of one of the secretaries of the Board."

Part II. relates to differences to which a railway or canal company is a party.

The Electric Lighting Act, 1882, provides for arbitration in connection with alteration of the position of pipes and wires (s. 15); protection of canals and adjoining owners, etc. constructing docks, basins, and other works (s. 16); compensation for damage (s. 17); dispute as to a consumer using electricity so as to unduly or improperly interfere with the supply to another consumer (s. 18); differences between Postmaster-General and undertakers (s. 26). **Sect. 28.** Provisions of 1882 Act as to arbitration.

Section 2 of the Electric Lighting Act, 1888 (following the repealed s. 27 of the Act of 1882, which it supersedes), also provides for settlement by arbitration of the value of an undertaking on purchase by the local authority.

The Schedule to the Electric Lighting (Clauses) Act, 1899, provides for arbitration in connection with the placing of works in streets not repairable by the local authority, or over or under any railway, tramway or canal (s. 15); alteration by the undertakers of position of other persons' pipes, wires, etc., or by other persons of the undertakers' lines or works (s. 17); the laying of electric lines, etc. near sewers, etc., or gas or water pipes or other electric lines (s. 18); the protection of telegraphic and telephonic wires (s. 20); requisitions requiring undertakers to lay distributing mains (s. 25); differences as to any improper use of energy or any alleged defect in any electric lines, fittings, or apparatus (s. 27); differences arising under clause regulating maximum power (s. 28); the price to be charged for supply to public lamps (s. 34); differences as to testing stations (s. 41); and also in certain eventualities where an order is revoked (ss. 67 and 68). Prior to the passing of the Act of 1899 special clauses with the above objects were inserted in Provisional Orders. **Provisions of Act of 1899 as to arbitration.**

The Electric Lighting Act, 1909, provides for arbitration in default of agreement as to the minimum annual sum to be paid by a consumer having a separate supply (s. 15).

The Arbitration Act, 1889 (52 & 53 Vict. c. 49), applies to any arbitration under the Electric Lighting Acts, or under any Provisional Order confirmed by Parliament, or any special Act. See s. 24 of the Act of 1889.

**29.** Where a supply of electricity is authorised in any area by any license, Order, or special Act, and a supply of gas by any gas undertakers is also authorised within such area or any part thereof by any Provisional Order or special Act under the provisions of which such gas undertakers are under any general or limited obligation to supply gas upon demand, the Board of Trade may, upon the application of such gas undertakers, inquire into the circumstances of the case, and if they are satisfied that any specified part of such area is sufficiently supplied with electric light, and that the supply of gas in such specified part has ceased to be remunerative to the gas undertakers, and that it is just that such gas undertakers should be relieved from the obligation to supply gas upon demand as aforesaid, the Board of Trade may in their discretion make an order relieving **Power for Board of Trade to relieve gas undertakers from obligation to supply gas in certain cases.**

**Sect. 29.** the gas undertakers from such obligation, within such specified part of such area, either wholly or in part, and upon such terms and conditions as they may think proper; and from and after the date of such Order such gas undertakers shall be so relieved accordingly. All expenses of the Board of Trade in connexion with any such inquiry or order shall be borne and paid by the gas undertakers upon whose application the inquiry or order was made.

By s. 11 of the Gasworks Clauses Act, 1871, gas undertakers are bound, upon being required so to do by the owner or occupier of any premises situate within twenty-five yards from any main of the undertakers, to give and continue to give a supply of gas for such premises, and must furnish and lay any pipe that may be necessary for such purpose subject to the conditions set forth in that section. By s. 36 of the same Act penalties are provided for wherever the undertakers neglect or refuse to give a supply of gas to any owner or occupier of premises within the limits of the special Act entitled to the same. The section in the text was intended to remedy any hardship or injustice which it was thought might result to gas undertakers in consequence of their obligations under ss. 11 and 36, in districts where electric light was brought into effective competition with gas, but no order has ever been made or even applied for under this section.

Many gas companies have obtained statutory powers for the supply of electricity. See *ante*, p. 75.

Annual  
report by  
Board of  
Trade.

**30.** Not later than the first day of July in each year the Board of Trade shall lay before both Houses of Parliament a report respecting the applications to and proceedings of the Board of Trade under this Act during the year then last past.

The latest return is Parliamentary Paper No. 176 of 1912. The return shows that from 1883 to 1911 inclusive, 33 licences had been granted, but that all had either expired or been repealed or revoked; 1,414 Provisional Orders had been applied for, 1,130 had been granted by the Board of Trade, and 1,134 had been confirmed by Parliament, but that 346 Orders had since been revoked or repealed, thus leaving 767 in operation. In the session of 1912, 36 Provisional Orders were applied for, 17 by local authorities and 19 by companies or persons, and 31 had been granted by the Board of Trade. It must be borne in mind that some of the above Orders merely amend previous Orders.

Definition  
of local  
authority,  
etc.

**31.** In this Act, unless the context otherwise requires, the expressions "local authority" and "local rate" mean, as respects each district set forth in the first column of the Schedule to this Act annexed, the authority and rate mentioned opposite to that district in the second and third columns of that Schedule; and



such Schedule, and the notes appended thereto, shall be of the same validity as if enacted in the body of the Act. Sect. 31.

See notes to the Schedule under the heads referred to, pp. 126, *et seq.*

**32.** In this Act, unless the context otherwise requires—

Interpreta-  
tion.

The expression "electricity" means electricity, electric current, or any like agency (*a*) :

The expression "electric line" (*b*) 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, pipe, 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 or electric currents :

The expression "works" (*c*) means and includes electric lines, also any buildings, machinery, engines, works, matters, or things of whatever description required to supply electricity and to carry into effect the object of the undertakers under this Act :

The expression "company" (*d*) means any body of persons corporate or unincorporate :

The expression "Lands Clauses Acts" means the Lands Clauses Consolidation Acts, 1845, 1860, and 1869 :

8 & 9 Vict.  
c. 18.  
23 & 24 Vict.  
c. 106.  
32 & 33 Vict.  
c. 18.

The expression "street" (*e*) includes any square, court, or alley, highway, lane, road, thoroughfare, or public passage, or place, within the area in which the undertakers are authorised to supply electricity by this Act or any license, Order, or special Act :

The expression "telegraph" (*f*) has the same meaning as in 32 & 33 Vict. the Telegraph Act, 1869. c. 73.

(*a*) The Schedule to the Electric Lighting (Clauses) Act, 1899, provides that the undertakers may supply "energy" (s. 10), and that "the expression 'energy' means electrical energy; and for the purposes of applying the provisions of the principal Act to the special Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882" (s. 1).

(*b*) *Cf.* definitions of "telegraph" in the Telegraph Acts, 1863 and 1869, p. 76, and of "main," "service line" and "distributing line" in the Schedule to the Electric Lighting (Clauses) Act, 1899, s. 1, *post*, p. 146.

- Sect. 32.** (c) *Cf.* definition of "work" in the Telegraph Act, 1863, p. 114, footnote.  
**NOTE.** (d) See p. 15.  
 (e) *Cf.* definitions at pp. 113 and 208, and see *London Corporation v. County of London Electric Supply Co.*, [1910] 2 Ch. 208, cited *post*, p. 271, in which the context required the rejection of part of this definition.  
 (f) See p. 76.

For the protection of mines.

**33.** Nothing in this Act shall limit or interfere with the rights of any owner, lessee, or occupier of any mines or minerals lying under or adjacent to any road along or across which any electric line shall be laid to work such mines and minerals.

See notes to s. 6 of the Gasworks Clauses Act, 1847, *post*, p. 215.

Provision as to general Acts.

**34.** Nothing in this Act shall exempt the undertakers or their undertaking from the provisions of any general Act relating to the supply of electricity which may be passed in this or any future session of Parliament.

See a similar provision contained in the Gasworks Clauses Act, 1847, s. 49, and *Dudley Gasworks Co. v. Warrington* (1881), 50 L. J. M. C. 69, decided under that section.

See s. 82 of the Schedule to the Act of 1899, *post*, p. 205.

Saving for privileges of Postmaster-General.

**35.** Nothing in this Act or in any license, Order, or special Act, shall affect the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act, 1869, or authorise or enable any local authority, company, or person to transmit any telegram or to perform any of the incidental services of receiving, collecting, or delivering telegrams, or give to any local authority, company, or person, any power, authority, or facility of any kind whatever, in connexion with the transmission of telegrams, or the performance of any of the incidental services of receiving, collecting, or delivering telegrams.

See s. 26, *ante*, p. 112.

See definition of "telegram" and decisions in *Att.-Gen. v. Edison Telephone Co.* (1880), 6 Q. B. D. 244; *Postmaster-General v. National Telephone Co.*, [1909] A. C. 269, *ante*, p. 76.

*As to Scotland.*

Application of Act to Scotland.

**36.** This Act shall apply to Scotland with the following modifications :

The expression "Lands Clauses Acts" means the Lands Clauses Consolidation (Scotland) Acts, 1845 and 1860. **Sect. 36.**

8 & 9 Vict.  
c. 19.

The expression "simple larceny" means theft.

The expression "felony" means a high crime and offence.

The expression "public purposes" means lighting any street or any place belonging to or subject to the control of any public authority, or any church or place of public worship, or any hall or building belonging to or subject to the control of any public authority, or any public theatre, but shall not include any other purpose to which electricity may be applied.

The expression "local authority" means as regards streets and roads the authority having the control of the streets and roads.

See the Electric Lighting (Scotland) Acts, 1890 and 1902. *post*, pp. 143, 227, which apply exclusively to Scotland.

*As to Ireland.*

**37.** This Act shall apply to Ireland with the following modifications: **Application of Act to Ireland.**

Where the consent of the grand jury of any county to the breaking up of any road is required under this Act, such consent may be signified by the county surveyor; and where it is required under this Act that notice should be given by the Board of Trade to the grand jury of any county, and an opportunity afforded to such grand jury to state objections, such notice may be given to, and such objections may be stated by, the county surveyor on behalf of the grand jury:

The expression "Public Health Act, 1875," means the Public Health (Ireland) Act, 1878.\* **41 & 42 Vict. c. 52.**

---

\* This Act has been amended by the Public Health (Ireland) Acts, 1878 to 1896, as defined by the Public Health (Ireland) Act, 1896 (59 & 60 Vict. c. 54), s. 35.

Schedule.

## SCHEDULE.

## ENGLAND AND WALES.

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.	The Local Rate.
The city of London and the liberties thereof.	The mayor, commonalty, and citizens acting by the Commissioners of Sewers.	The consolidated sewers rate (a).
Parts of the metropolis which the Metropolitan Board of Works (b) are authorised to light.	The Metropolitan Board of Works (b).	The consolidated rate (c).
Parish mentioned in Schedule A. (d) to the Metropolis Management Act, 1855.	The vestry (e) - - -	The lighting rate or other fund or rate applicable for lighting (f).
District mentioned in Schedule B. (d) to the Metropolis Management Act, 1855.	The district board (e) -	

(a) Now the general rate (*City of London (Union of Parishes) Act, 1907 (7 Edw. 7, c. exl)*).

(b) The London County Council now take the place of the Metropolitan Board of Works (*Local Government Act, 1888, s. 40*).

(c) Now the county rate, levied by the London County Council (*Local Government Act, 1888, ss. 3 (1), 40 (8), (9), 68*).

(d) Schedules A. and B. have been altered by the Metropolis Management Amendment Act, 1885 (48 & 49 Vict. c. 33).

(e) On the coming into force of the London Government Act, 1899 (62 & 63 Vict. c. 14), these bodies ceased to exist, and their powers and duties were transferred to the borough councils (s. 4).

## Schedule.

## SCHEDULE.

## ENGLAND AND WALES.

Security upon which Loans are to be contracted.	Authority whose consent is required to Borrowing by Local Authority.	Provisions and Restrictions as to Borrowing and the Repayment of Loans.	Mode of Audit of Accounts of Local Authority.
The local rate as herein defined.	The Metropolitan Board of Works (g).	Those contained in sections one hundred and eighty-three to one hundred and ninety-one (both inclusive) of the Metropolitan Management Act, 1855 (h).	That prescribed by section one hundred and ninety-five of the Metropolitan Management Act, 1855 (i).
			(continued).

(f) Now the general rate (London Government Act, 1899, s. 10).

(g) Now the London County Council, with an appeal to the Local Government Board (London Government Act, 1899, s. 4 (1)).

(h) Section 183 was repealed so far as it related to borrowing by the Metropolitan Board of Works by 32 & 33 Vict. c. 102, s. 50. As to the borrowing powers of the London County Council, see Local Government Act, 1888, s. 40 (8), (9).

(i) This section provided for an auditor to be appointed by a Secretary of State. The Local Government Act, 1888, superseded this enactment, and the accounts of the London County Council are now audited by a district auditor appointed by the Local Government Board under s. 71 of that Act.

**Schedule.**ENGLAND AND WALES—*continued.*

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.	The Local Rate.
Urban sanitary district (1) ( <i>k</i> ) -	The urban sanitary authority (1) ( <i>k</i> ).	The fund or rate applicable to the general purposes of the Public Health Act, 1875, in the district, or any other fund or rate applicable to lighting under any local Act ( <i>l</i> ).
Rural sanitary district (1) ( <i>q</i> )	The rural sanitary authority (1) ( <i>q</i> ).	The rate or rates out of which special expenses incurred in respect of the contributory place or places (1) comprised within the area of supply are payable under the Public Health Act, 1875 ( <i>l</i> ).

NOTES.—(1) "Urban sanitary district" (*k*), "urban sanitary authority" (*k*), place," have the meanings respectively assigned to them in the Public Health Act,

(2) "Borough" means any place for the time being subject to an Act passed the Fourth, chapter seventy-six, intituled, "An Act to provide for the Regulation

(*k*) Now called "urban district" and "urban district council" respectively (*Local Government Act*, 1894, s. 21).

(1) See note to s. 7, ante, p. 82.

(m) *The Local Government Board.*

(n) As to the sections, see ante, pp. 84, 85.

(o) "Borough" is defined to mean any place subject to the *Municipal Corporations Act*, 1835 (now replaced by the *Municipal Corporations Act*, 1882). Section 246 of the *Public Health Act*, 1875, requires the accounts to be "audited and examined by the auditors of the borough." The *Municipal Corporations Act*, 1882, s. 25, provides that these auditors shall be three in number, two elected by the *burgesses*, and one appointed by the mayor.

## Schedule.

## ENGLAND AND WALES—continued.

Security upon which Loans are to be contracted.	Authority whose consent is required to Borrowing by Local Authority.	Provisions and Restrictions as to Borrowing and the Repayment of Loans.	Mode of Audit of Accounts of Local Authority.
The local rate as herein defined and any property of the local authority.	The authority whose consent is required to loans under section two hundred and thirty-three of the Public Health Act, 1875 ( <i>m</i> ).	Those contained in sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine (both inclusive) of the Public Health Act, 1875 ( <i>n</i> ).	In the case of boroughs (2), that prescribed by section two hundred and forty-six (o) of the Public Health Act, 1875, and in the case of other urban sanitary authorities that prescribed by section two hundred and forty-seven of the same Act ( <i>p</i> ).
The local rate as herein defined.	The authority whose consent is required to loans under section two hundred and thirty-three of the Public Health Act, 1875 ( <i>m</i> ).	Those contained in sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine (both inclusive) of the Public Health Act, 1875 ( <i>n</i> ).	That prescribed by section two hundred and forty-eight of the Public Health Act, 1875 ( <i>r</i> ).

"rural sanitary district" (*q*), "rural sanitary authority" (*q*), and "contributory 1875.

in the session holden in the fifth and sixth years of the reign of King William of Municipal Corporations in England and Wales," and the Acts amending the same.

(*p*) Section 247 requires the accounts to be audited and examined "by the auditor of accounts relating to the relief of the poor . . ." These auditors (known as district auditors) are appointed by the Local Government Board under the powers of the Poor Law Amendment Act, 1868 (31 & 32 Vict. c. 122), s. 24. See further, the District Auditors Act, 1879 (in parts repealed by 57 & 58 Vict. c. 56), and the Local Government Act, 1888, s. 71 (3).

(*q*) Now "rural district" and "rural district council" respectively (Local Government Act, 1894, ss. 21, 24, 25).

(*r*) Section 248 has been repealed (except so far as it relates to overseers) by the Local Government Act, 1894 (s. 89 and Sched. II.), and its place is taken by s. 58 of the Act of 1894, which provides for audit by district auditors.

## Schedule.

## SCOTLAND.

*By the Electric Lighting (Scotland) Act, 1890, s. 1, the following is substituted*

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.	The Local Rate.
Places within the jurisdiction of any police commissioners or town council empowered by any general or local Act to supply gas (s).	The police commissioners or town council as the case may be.	The gas rates leviable and gas rents and other revenues receivable under the general or local Act.
Places within the jurisdiction of any police commissioners not being empowered by any general or local Act to supply gas.	The police commissioners.	The police or burgh assessment, or rate of a nature of a burgh assessment.
Places within the jurisdiction of any town council not empowered by any general or local Act to supply gas, such places not being subject to the jurisdiction of police commissioners.	The town council	
Places within the jurisdiction of any police commissioners or town council, and also within the jurisdiction or limits of any gas commissioners.	The gas commissioners, if so appointed under the provisions of this Act.	The gas rates leviable and gas rents and other revenues receivable by the gas commissioners.
Any county or part thereof over which the jurisdiction of police commissioners or of a town council does not extend.	The county council	The consolidated county rates.

(s) *Under the provisions of the Burghs Gas Supply (Scotland) Act, 1876 (39 & 40 Viet. c. 49), as amended by the Burghs Gas Supply (Scotland) Act, 1893 (56 & 57 Viet. c. 52), the town council or police commissioners may adopt that Act, and may then erect or acquire gasworks under the special conditions there provided. See ss. 18 to 22 of the Act of 1876. Under the provisions of the Burgh Police (Scotland) Act, 1892, the commissioners are required to undertake public lighting by gas or electricity (s. 99). The powers of the commissioners are now transferred to the town councils by the Town Councils (Scotland) Act, 1900 (63 & 64 Viet. c. 49).*

(t) *Burghs Gas Supply (Scotland) Act, 1876, ss. 27—40. See now Electric Lighting (Scotland) Act, 1902, post, p. 227.*

(u) *The Town Councils (Scotland) Act, 1900, s. 94, provides for the annual appointment of an auditor for the purpose of auditing the accounts of the burgh.*



## SCOTLAND.

## Schedule.

for so much of the Schedule to the Act of 1882 as relates to Scotland. See p. 143.

Security upon which Loans are to be contracted.	Authority whose Consent is required to Borrowing by Local Authority.	Provisions and Restrictions as to Borrowing and the Repayment of Loans.	Mode of Audit of Accounts of Local Authority.
The local rate as herein described.	The Secretary for Scotland.	Those contained in the general or local Act ( <i>l</i> ).	That prescribed by the general or local Act ( <i>u</i> ).
The local rate as herein defined.	The Secretary for Scotland.	Those contained in section eighty-six of the Public Health (Scotland) Act, 1867 ( <i>x</i> ).	That prescribed by the Local Police Act, or, when there is no such Act, by sections seventy-seven and seventy-eight of the General Police and Improvement (Scotland) Act, 1862 ( <i>y</i> ), provided that the expression "commissioners" shall include town council.
The local rate as hereindefined, and the rates, charges, and other securities provided by the local Act under which the said commissioners supply gas.	The Secretary for Scotland.	Those contained in the local Act with respect to the borrowing of money for the purposes thereof.	That prescribed by the local Act.
The local rate as herein defined.	The Secretary for Scotland.	Those contained in section sixty-seven of the Local Government (Scotland) Act, 1889 ( <i>z</i> ).	That prescribed by sections sixty-eight to seventy of the Local Government (Scotland) Act, 1889 ( <i>a</i> ).

(*x*) The Act of 1867 has been repealed by the Public Health (Scotland) Act 1897, s. 139 of which takes the place of s. 86 of the repealed Act.

(*y*) This Act was repealed by the Burgh Police (Scotland) Act, 1892, which by s. 69 required an auditor to be appointed annually by the sheriff on the application of the commissioners. Section 69 has in its turn been repealed by s. 3 of the Town Councils (Scotland) Act, 1900 (63 & 64 Vict. c. 49), which by s. 94 requires the Secretary for Scotland to annually appoint an auditor.

(*z*) The section referred to provides for borrowing by county councils. See now Electric Lighting (Scotland) Act, 1902, post, p. 227.

(*a*) These sections provide for the audit of the accounts of county councils and the appointment of county auditors by the Secretary for Scotland, and prescribe various regulations with respect to the audit.

JOHN UNIVERSITY LAW LIBRARY

## Schedule.

## IRELAND.

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.	The Local Rate.
Urban sanitary district (1)	The urban sanitary authority (1) (b).	The rate or rates applicable to the general purposes of the Public Health (Ireland) Act, 1878, or any other fund or rate applicable to lighting under any Local Act.
Rural sanitary district (1)	The rural sanitary authority (1) (c).	The rate or rates out of which special expenses incurred in respect of the contributory place or places (1) comprised within the area of supply are payable under the Public Health (Ireland) Act, 1878.

NOTE.—(1) [(b) and (c)]. “Urban sanitary district,” “urban sanitary authority,” have the meanings respectively assigned to them in the Public Health (Ireland)

(b) *Now the urban district council under the Local Government (Ireland) Act, 1898, ss. 22, 27.*

(c) *Now the rural district council under above Act, ss. 22, 33.*

(d) *The Local Government Board in Ireland.*

(e) *The provisions of these sections are analogous to (though not in all respects identical with) the corresponding sections of the English Act, as to which, see ante, pp. 84, 85. See 56 & 57 Vict. c. 83.*

## Schedule.

## IRELAND.

Security upon which Loans are to be contracted.	Authority whose consent is required to Borrowing by Local Authority.	Provisions and Restrictions as to Borrowing and the Repayment of Loans.	Mode of Audit of Accounts of Local Authority.
The local rate as herein defined.	The authority whose consent is required to loans under section two hundred and thirty - seven of the Public Health (Ireland) Act, 1878 (d).	Those contained in sections two hundred and thirty-seven, two hundred and thirty-eight, and two hundred and forty to two hundred and forty-three (both inclusive) of the Public Health (Ireland) Act, 1878 (e).	That prescribed by section two hundred and forty-eight of the Public Health (Ireland) Act, 1878 (f).
The local rate as herein defined.	The authority whose consent is required to loans under section two hundred and thirty - seven of the Public Health (Ireland) Act, 1878 (g).	Those contained in sections two hundred and thirty-seven, two hundred and thirty-eight, and two hundred and forty to two hundred and forty-three (both inclusive) of the Public Health (Ireland) Act, 1878 (h).	That prescribed by section two hundred and forty-eight of the Public Health (Ireland) Act, 1878 (i).

"rural sanitary district," "rural sanitary authority," and "contributory place," Act, 1878.

(f) By such auditor of the accounts relating to the relief of the poor as the Local Government Board shall appoint.

(g) The Local Government Board in Ireland.

(h) See note (e), *supra*.

(i) See note (f), *supra*.

JOHN HENRY LAY LIBRARY

## ELECTRIC LIGHTING ACT, 1888.

(51 & 52 Vict. c. 12.)

*An Act to amend the Electric Lighting Act, 1882.*

[28th June 1888.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Consent  
of local  
authority  
generally  
required to  
Provisional  
Order for  
supply of  
electricity.

1. Notwithstanding anything in the Electric Lighting Act, 1882, no Provisional Order authorising the supply of electricity by any undertakers within the district of any local authority shall be granted by the Board of Trade except with the consent of such local authority (*a*), unless the Board of Trade, in any case in which the consent of such local authority is refused, are of opinion that, having regard to all the circumstances of the case, such consent ought to be dispensed with, and in such case they shall make a special report, stating the grounds upon which they have dispensed with such consent (*b*). The grant of authority to any undertakers to supply electricity within any area, whether granted by licence or by means of a Provisional Order, shall not in any way hinder or restrict the granting of a licence or Provisional Order to the local authority, or to any other company or person within the same area (*c*).

(*a*) Under the Electric Lighting Act, 1882, the consent of the local authority was required to the grant of a licence and could not be dispensed with by the Board of Trade, but it was not required to the grant of a Provisional Order. See ss. 3 and 4 of the Act of 1882, *ante*, pp. 74, 77.

A Provisional Order authorising the supply of electricity in bulk under s. 4 of the Electric Lighting Act, 1909, is an Order authorising the supply of electricity within this section. See also Rule VIII., Board of Trade Rules, *post*, p. 347.

Similar provisions are contained in ss. 3 and 4 of the Electric Lighting Act, 1909, in respect of Provisional Orders authorising the breaking up of streets outside the applicants' area of supply (Rule VIII., *supra*).

Whether any consent of a local authority is required in respect of a Provisional Order under s. 5 (2) of the Act of 1909, *quære*.

(*b*) A list of cases in which the consent of the local authority has been dispensed with will be found *post*, p. 465.

(c) As a rule competition between undertakers is not authorised in the provinces. In London, however, it is otherwise. See *ante*, p. 40. Competition to a certain extent exists between ordinary electric supply undertakers and power companies. See *ante*, pp. 53 *et seq.*

Section 23 of the Electric Lighting Act, 1909, now protects statutory undertakers from competition by unauthorised undertakers, with certain exceptions, *post*, p. 243.

**Sect. 1.**

NOTE.

2. Section twenty-seven of the Electric Lighting Act, 1882, is hereby repealed, and in lieu thereof the following provisions shall have effect ; that is to say,

Where any undertakers are authorised by a Provisional Order or special Act to supply electricity within any area, any local authority (a) within whose jurisdiction such area or any part thereof is situated may, within six months after the expiration of a period of forty-two years, or such shorter period as is specified in that behalf in the Provisional Order or in the special Act, from the date of the passing of the Act confirming such Provisional Order, or of such special Act, and within six months after the expiration of every subsequent period of ten years, or such shorter period as is specified in that behalf in the Provisional Order or in the special Act, by notice in writing require such undertakers to sell, and thereupon such undertakers shall sell to them their undertaking, or so much of the same as is within such jurisdiction, upon terms of paying the then (b) value of all lands, buildings, works, materials, and plant of such undertakers suitable to and used by them for the purposes of their undertaking within such jurisdiction (c), such value to be in case of difference determined by arbitration : Provided that the value of such lands, buildings, works, materials, and plant shall be deemed to be their fair market value at the time of the purchase (d), due regard being had to the nature and then condition of such buildings, works, materials, and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same to the purposes of the undertaking, and, where a part only of the undertaking is purchased, to any loss occasioned by severance ; but without any addition in respect of compulsory purchase, or of goodwill, or of any profits which may or might have been or be made from the undertaking, or of any similar considerations (e). The Board of Trade may determine any other questions which may arise in relation to such purchase, and may fix the date from which such purchase is to take effect, and from and after the date so

Repeal of  
45 & 46 Vict.  
Vict. c. 56,  
s. 27.  
Purchase of  
undertaking  
by local  
authority.

JONAS UNIVERSITY LAW LIBRARY

## Sect. 2.

fixed, or such other date as may be agreed upon between the parties (*f*), all lands, buildings, works, materials, and plant so purchased as aforesaid shall vest in the local authority which has made the purchase, freed from any debts, mortgages (*g*), or similar obligations of such undertakers or attaching to the undertaking, and the powers of such undertakers in relation to the supply of electricity under this Act or such Provisional Order or special Act as aforesaid within such area or part thereof as aforesaid shall absolutely cease and determine, and shall vest in the local authority aforesaid (*h*).

This section takes the place of s. 27 of the Electric Lighting Act, 1882. See *ante*, p. 119. It substitutes forty-two years and ten years respectively for the twenty-one and seven years respectively of that section. The words "and to the circumstance that they are in such a position as to be ready for immediate working" did not occur in the repealed section. In other respects, the section in the text is in the same terms as the repealed section.

Application to power companies excluded.

This section will apply to the undertaking of any undertakers who are authorised to supply electricity *within any area*. Unless therefore expressly excluded (as is universally done, see *ante*, p. 49), it will apply to a power company. On the other hand, it will not apply to a company who are authorised to supply electricity to named consumers only and not within an area.

Decisions under Tramways Act, 1870, s. 43.

No case for decision has yet arisen on the construction of the section, but many of the decisions under s. 43 of the Tramways Act, 1870, the language of which is in parts identical with and in other parts very similar to that of s. 2, are in point, although in applying such decisions the different nature of the subject-matter of purchase under the two sections must be borne in mind.

London undertakings.

In the case of undertakings situate in the county of London the rights of purchase possessed by the local authorities have been transferred to the London County Council, and special provisions have been made with regard to the purchase of such undertakings by ss. 23 and 25 of the London Electric Supply Act, 1908, and the London Electric Supply Act, 1910. See *post*, pp. 285, 304.

(a) The Act does not require the local authority to decide to purchase by any special resolution, or to obtain the previous approval of the Board of Trade, as does s. 43 of the Tramways Act, 1870.

(b) The "then value" means at the date of the notice (see, *per* Lord MACNAGHTEN, *Manchester Carriage and Tramways Co. v. Swinton and Pendlebury Urban District Council*, [1906] A. C., at p. 279). Cf. *Bombay Tramways Co. v. Bombay Municipal Corporation*, before the Privy Council, Electrician, June 10th, 1904, p. 323.

"Within such jurisdiction."

(c) "Within such jurisdiction" refers to undertaking and to the lands, etc. (*Manchester Carriage and Tramways Co. v. Swinton and Pendlebury Urban District Council*, [1906] A. C. 277). So that it would seem that even under this section if any lands, buildings, works, materials, or plant of the undertakers are suitable to and used by them for the purposes of their undertaking within the district, which is a question of fact for the arbitrator

(*Manchester Carriage and Tramways Co. v. Manchester Corporation* (1902), 87 L.T. 504; *Manchester Carriage and Tramways Co. v. Scinton and Pendlebury Urban District Council*, [1906] A.C., at p. 282), the local authority could be compelled to pay the value of them, even though they are situate outside the district of the local authority. But although the local authority are to pay the value of such lands, etc., even though without their jurisdiction, the subject-matter of the purchase under this section is so much of the undertaking as is within such jurisdiction, and it must be considered doubtful therefore whether under this section the purchasing authority would acquire any lands, etc. outside their jurisdiction. However, it is now provided by s. 7 (1) of the Electric Lighting Act, 1909 (*post*, p. 235), that where any generating station, mains, or other works of a company used solely for supplying electricity within the district of a local authority are situate outside the district of that local authority, the generating station, mains, and other works so used are for the purposes of the provisions of the Electric Lighting Acts, and any Provisional Order conferring on local authorities power to purchase undertakings, to be deemed to be situate within the district of that local authority, and where any generating station, mains, or other works are used solely for supplying electricity within the districts of two or more local authorities, but are not situate within any of those districts, the Board of Trade may, on the application of all or any of those authorities, by Provisional Order apply that provision, subject to such adaptations as the circumstances of the case may require, but that section is not, except by agreement, to apply to any generating station, mains, or other works authorised by a special Act passed before the passing of the Act of 1909.

**Sect. 2.**

NOTE.

Provisions as to purchase in Act of 1909.

By s. 7 (2) of the Act of 1909 (*post*, p. 235), a local authority may, with the consent of and on terms approved by the Board of Trade, and, in the case of an undertaking authorised before the commencement of that Act, with the consent of the company, transfer their rights to purchase, under the Electric Lighting Acts or any Provisional Order, so much of the undertaking of any company as is within their district to any other local authority having power to purchase so much of the same undertaking as is within the district of the last-mentioned local authority. And by s. 8 of the same Act, provision may be made by Provisional Order for the joint exercise by two or more local authorities of all or any of the powers under the Electric Lighting Acts or that Act, or any Provisional Order. See *post*, p. 236.

Where the Board of Trade by order under s. 6 of the Electric Lighting Act, 1909, permit undertakers not being a local authority to give a supply to any premises beyond their area of supply, the works and lines erected and laid down for the purpose are, so long as the order remains in force, to be deemed for the purpose of purchase by the local authority to form part of the undertaking within the district of the local authority which comprises the area of supply of the undertakers, or if that area is comprised within the districts of more than one local authority, within such of those districts as the Board of Trade may determine (s. 6 (3) of the Act of 1909, *post*, p. 235).

(d) This must mean at the date referred to in the expression "the then value," i.e., the date of the notice. Cf. *Metropolitan Electric Supply Co., Limited v. St. Marylebone Borough Council* (1903), 1 L. G. R. 673; (1904), 2 L. G. R. 419.

JOHN WILKINSON LAW LIBRARY

## Sect. 2.

## NOTE.

"The then value."

(e) Substantially the measure of value here indicated seems to be that provided for by s. 43 of the Tramways Act, 1870, as interpreted by the House of Lords (*Edinburgh Street Tramways Co. v. Lord Provost of Edinburgh*, [1894] A. C. 456; *London Street Tramways Co. v. London County Council*, *ibid.*, 489), except that if part only of an undertaking is purchased, the undertakers are, in addition, entitled to compensation for loss occasioned by severance.

Under the Tramways Act, "the then value" is such a sum as it would cost to construct and establish the tramways, deducting a proper sum in respect of depreciation to their present condition, but taking into account the fact that the tramways are successfully constructed and in complete working condition, and also making allowance for all sums necessarily or properly expended in obtaining parliamentary authority to construct the tramways, or any other expenditure properly made to enable the tramways to be constructed, as, for instance, upon widenings (see *Edinburgh Street Tramways Co. v. Lord Provost of Edinburgh*, *supra*). Nothing is payable under the Tramways Act for loss occasioned by severance.

See also as to the ascertainment of the price of tramways and light railways, *Southampton Tramways Co. v. Southampton Corporation* (1899), 81 L. T. 652; *Dudley Corporation v. Dudley and District Electric Traction Co., Limited* (1907), 97 L. T. 556.

An electric supply undertaking, like a water supply undertaking, differs from a tramway undertaking, in this, that in the case of the former the undertakers may be out of their capital, and obtaining no return upon it or a large part of it for a considerable time, while in the case of a tramway, as soon as it is completed it is in most cases in a position to earn an immediate return on the capital expended. Having regard to this, Lord HERSCHELL seems to have thought that in the case of the purchase of a water undertaking the arbitrator might take in consideration the fact that the system was complete and working, and on that ground allow something more than the mere cost of construction (see *Stockton and Middlesbrough Water Board v. Kirkleatham Local Board*, [1893] A. C., at p. 449). Each case, however, depends not upon any rule or principle of law of general application, but entirely upon the just construction of the language of the statute authorising the purchase (*Hamilton Gas Co., Limited v. Hamilton Corporation*, [1910] A. C. 300).

Capital  
expenditure  
after notice.

(f) The value of the property sold will be ascertained as at the date of the notice, but the undertakers will be entitled to be repaid all capital properly expended by them after the date of the notice, and up to the date of completion of the purchase (see *Metropolitan Electric Supply Co., Limited v. St. Marylebone Borough Council* (1903), 1 L. G. R. 673; (1904), 2 L. G. R. 419). The local authority are not entitled to possession until they have paid the purchase money (*Manchester Carriage and Tramways Co. v. Manchester Corporation* (1902), 87 L. T. 678).

(g) See also s. 78, Electric Lighting (Clauses) Act, 1899, *post*, p. 202.

(h) The undertakers' powers vest in the local authority by virtue of this provision in the Act and not by virtue of any transfer from the undertakers. See *Edinburgh Street Tramways Co. v. Lord Provost of Edinburgh*, *supra*.



See notes to s. 8 of the Electric Lighting Act, 1882, *ante*, p. 83, as to the power of a local authority to borrow money under the Electric Lighting Acts.

**Sect. 2.****NOTE.**

By the Finance Act, 1895 (58 & 59 Vict. c. 16), s. 12, it is provided that where by virtue of any Act (a) any property is vested by way of sale in any person or (b) any person is authorised to purchase property, such person shall within three months after the passing of the Act or the date of vesting, whichever is later or after the completion of the purchase as the case may be, produce to the Commissioners of Inland Revenue a copy of the Act or some instrument relating to the vesting in the first case, and an instrument of conveyance of the property in the other case, duly stamped with the *ad valorem* duty payable upon the conveyance on sale of the property. The Eastbourne Corporation entered into an agreement dated April 19th, 1899, for the purchase from the Eastbourne Electric Light Company, Limited, of their undertaking authorised by a Provisional Order of 1890. The purchase was to include various goods, wares, and merchandise, and the price was to be ascertained in the method thereby provided. In the result the price was ascertained to be £88,749 2s. 9d. as the consideration for the sale, whereof £37,929 was in respect of such goods, wares, and merchandise. The corporation obtained a Provisional Order in the same year (confirmed by 62 & 63 Vict. c. cxxvi). By s. 3 of that Order the corporation were authorised to buy and the company to sell the undertaking in conformity with that section. The purchase was duly completed, and payment of the purchase money was made. The defendants were willing to produce to the Commissioners of Inland Revenue an instrument of conveyance stamped with *ad valorem* duty upon the consideration above mentioned, excluding the £37,929. The House of Lords decided that s. 12 of the Finance Act, 1895, applies to personal as well as to real property, and, therefore, that an instrument of conveyance must be produced stamped with the *ad valorem* duty in respect of the whole property so purchased (*Att.-Gen. v. Eastbourne Corporation*, [1904] A. C. 155).

A power of purchase is also conferred on the local authority when an order is revoked under s. 67 (b) of the Schedule to the Electric Lighting (Clauses) Act, 1899, *post*, p. 196.

**3.** Notwithstanding anything in the last preceding section contained, the Board of Trade may by any Provisional Order be made by them under the Electric Lighting Act, 1882, if they think fit, vary the terms upon which any local authority may require the undertakers to sell, and upon which the undertakers shall be required to sell to such local authority their undertaking or so much of the same as is within the jurisdiction of such local authority under the said section, in such manner as may have been agreed upon between such local authority and the undertakers.

In County of London Orders in favour of companies, it is the practice to provide that the period of forty-two years shall run from one fixed date, viz., August 26th, 1889. See, *e.g.*, s. 66 of Lewisham Electric Lighting Order, 1901, confirmed by 1 Edw. 7, c. clxxviii.

The recurring period of ten years for purchase is sometimes by arrangement varied in Provisional Orders. For an instance, see the County of

Finance Act,  
1895

Power to  
vary terms  
of sale con-  
tained in  
last section.

London  
Orders.

JOHN UNIVERSITY LAW LIBRARY

**Sect. 3.****NOTE.**

London (East) Electric Lighting Order, 1897, s. 65, where the period of seven years is substituted. For an instance where special terms were arranged and inserted in the Provisional Order regarding time of purchase, price, etc., see Blackheath and Greenwich District Electric Lighting Order, 1897, s. 65.

In many Provisional Orders sections have been inserted authorising the local authority to require the undertakers to sell at the expiration of shorter periods on special terms, such powers of purchase being in addition to and not in derogation of the power of the local authority to purchase under s. 2 of the Act of 1888. *E.g.*, Lewisham Electric Lighting Order, 1901, confirmed by 1 Edw. 7, c. clxxviii.

Restrictions  
as to placing  
of electric  
lines, etc.

**4.—(1)** Where in any case any electric line or other work may have been laid down or erected in, over, along, across, or under any street, for the purpose of supplying electricity, or may have been laid down or erected in any other position for such purpose in such a manner as not to be entirely enclosed within any building or buildings, or where any electric line or work so laid down or erected may be used for such purpose otherwise than under and subject to the provisions of a licence, Order, or special Act, the Board of Trade, if they think fit, may, by notice in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade, to be served upon the body or person owning or using or entitled to use such electric line or work, require that such electric line or work shall be continued and used only in accordance with such conditions and subject to such regulations for the protection of the public safety and of the electric lines and works of the Postmaster-General, and of other electric lines and works lawfully placed in any position and used for telegraphic communication, as the Board of Trade may by or in pursuance of such notice prescribe, and in case of non-compliance with the said regulations then the Board of Trade may require such body or person to remove such electric line or work: Provided that nothing in this sub-section shall apply to any electric line or work laid down or erected by any body or person for the supply of electricity generated upon any premises occupied by such body or person to any other part of such premises.

(2) Where in any case any electric line or work is used for the supply of electricity in such a manner as to injuriously affect any telegraphic line of the Postmaster-General, or to affect the telegraphic communication through any such line, the Postmaster-General may, by notice to be served upon the body or person owning or using or entitled to use such electric line or work, require that such supply be continued only in accordance with such conditions and regulations for the protection of the telegraphic lines of the Postmaster-General and the telegraphic

communication through the same as he may by or in pursuance of such notice prescribe, and in default of compliance with such conditions and regulations the Postmaster-General may require that the supply of electricity through such electric line or work shall be forthwith discontinued: Provided that nothing in this sub-section shall apply to the supply of electricity through any electric line or work laid down or erected under and subject to the provisions of any licence, Order, or special Act, or which may be used in accordance with any conditions or regulations prescribed by the Board of Trade by or in pursuance of any notice given by them under this section.

**Sect. 4.**

(3) If any body or person fails to comply with the requirements of any notice which may be served upon them or him under this section, such body or person shall be liable to a penalty not exceeding twenty pounds for every such offence, to be recovered summarily, and any court of summary jurisdiction, on complaint made, may make an order directing and authorising the removal of any electric line or work specified in such notice by such person and upon such terms as they may think fit.

(4) Any notice authorised to be served under this section upon any body or person may be served by the same being addressed to such body or person, and being left at or transmitted through the post to any office of such body or the usual or last known place of abode of such person; and any notice so served by post shall be deemed to have been served at the time when the letter containing the notice would be delivered in the usual course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

(5) In this section terms and expressions to which by the Electric Lighting Act, 1882, meanings are assigned shall have the same respective meanings, provided that the term "street" shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place whatever, and the expression "telegraphic line" shall have the meaning assigned to it by the Telegraph Act, 1878.

45 & 46 Vict.  
c. 56.

41 & 42 Vict.  
c. 70.

(6) Nothing in this section shall apply to any electric line or work of the Postmaster-General, or to any other electric line or work used or to be used solely for telegraphic purposes, except by way of protection, as in this section provided.

The purpose of this section is to bring under the control of the Board of Trade lines and works for supplying electricity which have been laid down without licence, Provisional Order, or special Act, and which would otherwise be free of such control. In pursuance of this section, the Board of Trade have issued regulations which will be found *post*, p. 387. The first of these

**Sect. 4.****NOTE.**

regulations provides as follows: "Nothing in these regulations shall be deemed to authorise the owner to break up or interfere with any street."

Urban authorities by adopting Part II. of the Public Health Acts Amendment Act, 1890 (53 & 54 Vict. c. 59), may acquire power to make byelaws for prevention of danger or obstruction to the public from posts, wires, tubes, or any other apparatus stretched or placed above, over, along, or across any street (whether before or after the adoption of that part of the Act) for the purpose of any telegraph, telephone, lighting, railway signalling, or other purpose (see further, *ante*, p. 81). For form of byelaws generally approved by the Board of Trade, see *post*, p. 394. These byelaws will not affect electric works authorised under the Electric Lighting Acts. See further, the notes to s. 14 of the Act of 1882, *ante*, pp. 98 *et seq.*

As to overhead wires in the county of London, see the London Overhead Wires Act, 1891, *post*, p. 251.

A man who creates on his land an electric current for his own purposes and discharges it into the earth beyond his control is, on the principle of *Fletcher v. Rylands* (1868), L. R. 3 H. L. 330, as responsible for the damage caused by that current as he would have been, if instead, he had discharged a stream of water (*National Telephone Co. v. Baker*, [1893] 2 Ch. 186). See further, notes to s. 10 of the Electric Lighting Act, 1882, *ante*, p. 87.

The Postmaster-General does not make use of any specific form of notice or of conditions and regulations in taking action under sub-s. (2). When cases have occurred it has been found necessary, on account of the diversified nature of such undertakings, to consider each one on its merits and to take such special steps to safeguard the interests of the Department as the particular circumstances require.

For definition of "telegraphic line" as used in this section, see *ante*, p. 114.

**Short title.**

**5.** This Act may be cited as the Electric Lighting Act, 1888; and the Electric Lighting Act, 1882, and this Act shall be read and construed together as one Act, and may be cited together for all purposes as the Electric Lighting Acts, 1882 and 1888.

See note to s. 1 of the Act of 1882, at p. 73.

# ELECTRIC LIGHTING (SCOTLAND) ACT, 1890.

(53 &amp; 54 VICT. c. 13.)

*An Act to amend the Electric Lighting Acts, 1882 and 1888.*

[4th July 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Schedule annexed to this Act shall be substituted for so much of the Schedule annexed to the Electric Lighting Act, 1882, <sup>of Schedule of 45 & 46 Vict. c. 56.</sup> as relates to Scotland, and any reference in the principal Act to such last-mentioned Schedule shall, as respects Scotland, be construed as a reference to the Schedule to this Act.

See this new Schedule, *ante*, p. 130.

2. Where the district of any police commissioners or town council is also within the jurisdiction or limits of any gas commissioners, the police commissioners, or where they are the local authority the town council, may appoint the gas commissioners to be the local authority for such district for the purposes of the principal Act, and after the publication of such appointment in the Edinburgh Gazette the gas commissioners shall be the local authority for such district accordingly.

An appointment under the provisions of this section shall not be made without the consent of the gas commissioners, which consent they are hereby authorised to give, and such appointment shall not be made or consent given except by resolution to be passed at a special meeting of the police commissioners, or town council, or gas commissioners, as the case may be, held after one month's previous notice of the same, and of the purpose thereof, has been given in the manner in which notices of meetings of such authority or body are usually given. [*Provided that during one month next after the passing of this Act any such special meeting may be held after three clear days' previous notice as aforesaid (a).*]

Provided always that where the jurisdiction or limits of any gas commissioners include the districts of more than one body of police commissioners or town council, any appointment of the gas

(a) Words in italics repealed by Statute Law Revision Act, 1908.

JOHN LAWRENCE & CO. LTD. LONDON

**Sect. 2.**

commissioners under this section shall not be made except by resolution to be passed as aforesaid by each such body of police commissioners or town council, as the case may be, and after such publication as aforesaid the gas commissioners shall be the local authority for all such districts so included.

Provided further that, where the police commissioners are by this Act the local authority, any consent or resolution already given or passed by them to the effect that the gas commissioners shall promote or obtain any Provisional Order in the present session of Parliament shall, for the purposes of this Act, be a sufficient appointment of such gas commissioners under the provisions of this Act.

**3.** [*Repealed by Statute Law Revision Act, 1908.*]

Interpreta-  
tion.

**4.** In this Act—

The expression “police commissioners” includes any trustees exercising the functions of police commissioners under any general or local Act.

The expression “gas commissioners” means any public commissioners or board empowered by any local Act to supply gas, but does not include any police commissioners or town council empowered by any general or local Act to supply gas.

The expression “the principal Act” means the Electric Lighting Acts, 1882 and 1888, and any other Acts or parts of Acts incorporated therewith.

Saving.

**5.** Nothing in this Act shall affect any licence, Order, or special Act granted, confirmed, or passed, before the passing of this Act.

Short title  
and extent.

**6.** This Act may be cited as the Electric Lighting (Scotland) Act, 1890, and shall be construed as one with the principal Act, but shall extend only to Scotland.

See note to s. 1 of the Act of 1882, at p. 73.

**SCHEDULE.**

(*The Schedule to this Act is inserted at p. 130.*)

# **ELECTRIC LIGHTING (CLAUSES) ACT, 1899.**

(62 & 63 VICT. c. 19.)

*An Act for incorporating in one Act certain provisions usually contained in Provisional Orders made under the Acts relating to Electric Lighting.* [9th August 1899.]\*

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The provisions contained in the Schedule to this Act shall be incorporated with and form part of every Provisional Order made by the Board of Trade after the commencement of this Act under the Electric Lighting Acts (a), save so far as they are expressly varied or excepted by the Order, and shall, subject to any such variations or exceptions, apply, so far as applicable, to the undertaking authorised by the Order.

Provisions in  
Schedule to  
be incor-  
porated in  
Electric  
Lighting  
Orders.

The said provisions shall also, with the necessary modifications, and in particular with the substitution of the words "special Act" for "special Order," be incorporated with any special Act, save so far as they are expressly varied or excepted thereby.

The expression "Electric Lighting Acts" means in this Act the Electric Lighting Acts, 1882 and 1888, and, so far as respects Scotland, the Electric Lighting Acts, 1882 and 1888, and the Electric Lighting (Scotland) Act, 1890 (b).

45 & 46 Vict.  
c. 56.  
51 & 52 Vict.  
c. 12.  
53 & 54 Vict.  
c. 13.

The expression "special Act" means in this Act any Act passed after the commencement of this Act authorising the supply of electricity for any public or private purposes (c) within any area.

(a) As the Electric Lighting Act, 1909, and the Electric Lighting Acts are to be construed together as one Act (s. 27 of the Act of 1909), this section will apply to every Provisional Order made under the Act of 1909. A Provisional Order made under that Act is a Provisional Order under the Electric Lighting Acts (s. 25, *post*, p. 244).

(b) "Electric Lighting Acts" will now include the Electric Lighting Act, 1909, for that Act, and the Electric Lighting Acts, as defined above, are to be construed together as one Act. See last note.

(c) See definition of "public purposes" and "private purposes" in s. 3 (3) and (4) of the Electric Lighting Act, 1882 (*ante*, p. 74).

\* For arrangement of sections, see *ante*, p. 69.

**Sect. 2.**  
Short title,  
extent, and  
commence-  
ment.

**2.**—(1) This Act may be cited as the Electric Lighting (Clauses) Act, 1899.

(2) Except so far as any of the provisions contained in the Schedule to this Act are incorporated with any Provisional Order made by the Board of Trade under the Electric Lighting Acts extending to the county of London, or with any special Act so extending, this Act shall not apply to the county of London.

(3) This Act shall come into operation on the first day of October one thousand eight hundred and ninety-nine.

See the Chapter dealing with "ELECTRIC SUPPLY UNDERTAKINGS IN THE COUNTY OF LONDON," *ante*, p. 37.

#### SCHEDULE.

Interpre-  
tation.

1. The provisions of this Schedule are to be read and construed subject in all respects to the provisions of the Electric Lighting Acts (*a*), and of any other Acts or parts of Acts incorporated therewith, and those Acts and parts of Acts are in this Schedule collectively referred to as "the principal Act"; and the several words, terms, and expressions to which by the principal Act meanings are assigned, shall have in this Schedule the same respective meanings, provided that in this Schedule—

The expression "the Special Order" means any Provisional Order made by the Board of Trade under the principal Act with which the provisions of this Schedule are incorporated and includes those provisions as so incorporated :

The expression "energy" means electrical energy, and for the purposes of applying the provisions of the principal Act to the Special Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882 (*b*) :

The expression "power" means electrical power or the rate per unit of time at which energy is supplied :

The expression "main" means any electric line (*c*) which may be laid down by the undertakers in any street or public place, and through which energy may be supplied or intended to be supplied by the undertakers for the purposes of general supply :

The expression "service line" means any electric line (*c*) through which energy may be supplied or intended to be supplied by the undertakers to a consumer, either from any main or directly from the premises of the undertakers :

The expression "distributing main" means the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply :



The expression "general supply" means the general supply of energy to ordinary consumers, and includes, unless otherwise specially agreed with the local authority, the general supply of energy to the public lamps, where the local authority are not themselves the undertakers, but shall not include the supply of energy to any one or more particular consumers under special agreement :

**Schedule.  
Sect. 1.**

The expression "area of supply" means the area within which the undertakers are, for the time being, authorised to supply energy under the Special Order :

The expression "county council" means the county council of the county in which the area of supply is situated :

The expression "consumer" means any body or person supplied or entitled to be supplied with energy by the undertakers :

The expression "consumer's terminals" means the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines :

The expression "telegraphic line," when used with respect to any telegraphic line of the Postmaster-General, has the same meaning as in the Telegraph Act, 1878 (*d*), and any such telegraphic line shall be deemed to be injuriously affected <sup>41 & 42 Vict. c. 76.</sup> where telegraphic communication by means of that line is, whether through induction or otherwise, in any manner affected :

The expression "railway" includes any tramroad, that is to say, any tramway other than a tramway as hereinafter defined :

The expression "tramway" means any tramway laid along any street :

The expression "daily penalty" means a penalty for each day on which any offence is continued after conviction therefor (*e*) :

The expression "Board of Trade regulations" means any regulations or conditions affecting the undertaking made by the Board of Trade under the principal Act or the Special Order, for securing the safety of the public, or for insuring a proper and sufficient supply of energy (*f*) :

The expression "deposited map" means the map of the area of supply deposited at the Board of Trade by the undertakers together with the Special Order, and signed by an assistant secretary to the Board of Trade :

The expression "plan" means a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and where possible a section drawn to the same horizontal scale as the plan, and to a vertical scale of at least one inch to eleven feet, or to such other scale as the Board of Trade may approve of for both plan

JOHN UNIVERSITY LAW LIBRARY

**Schedule.  
Sect. 1.**

and section, together with such detail plan and sections as may be necessary.

(a) Including now the Electric Lighting Act, 1909. See notes to s. 1, *ante*, p. 145.

(b) The definition of "electricity" in the Act of 1882, s. 32, is "electricity, electric current or any like agency."

(c) See definition of "electric line," s. 32 of the Act of 1882.

(d) See *ante*, p. 114.

(e) See *Chepstow Electric Light and Power Co. v. Chepstow Gas and Coke Consumers' Co.*, [1905] 1 K. B. 198.

(f) See these regulations, *post*, p. 364. They are made by virtue of s. 6 of the Act of 1882.

## PROVISIONS AS TO UNDERTAKERS.

Description  
of under-  
takers.

2.—(1) The undertakers shall be the authority, company, or other person named for that purpose in the Special Order.

(2) If, in a case where the undertakers are not the local authority, the undertaking or any part thereof is at any time purchased by the local authority in accordance with the Special Order or the principal Act (a) the local authority shall from the date on which the purchase takes effect be the undertakers in relation to the undertaking or part thereof for the purposes of the Special Order in lieu of the persons mentioned therein as undertakers.

(a) *I.e.*, s. 2 of the Act of 1888, *q.v.*, *ante*, p. 135.

Undertakers  
not to pur-  
chase other  
undertakings.

3.—(1) The undertakers shall not purchase or acquire the undertaking of or associate themselves with any company or person supplying energy under any licence, Provisional Order, or Special Act, unless the undertakers are authorised by Parliament to do so.

(2) If in contravention of this section the undertakers purchase or acquire any such undertaking, or associate themselves with any such other company or person, the Board of Trade may, if they think fit, revoke the Special Order upon such terms as they think just.

This section is not to be construed as prohibiting the undertakers from taking a supply of electricity in bulk from any company or person authorised to give such a supply (Electric Lighting Act, 1909, s. 20, *post*, p. 241).

There is nothing in the Electric Lighting Acts or this Act to prohibit the importation into the area of supply of current bought outside (*cf.* *Winnipeg Electric Rail. Co. v. Winnipeg City*, [1912] A. C. 355).

The London Electric Supply Act, 1908 (8 Edw. 7, c. clxvii), confers on the companies and local authorities authorised to supply electricity within the county of London extensive powers of entering into and carrying into effect agreements for mutual assistance or for association with regard to the purposes mentioned in the Act. See *post*, pp. 266 *et seq.*

## AREA OF SUPPLY.

Schedule.  
Sect. 4.

4.—(1) The area of supply shall be the area named for that purpose in the Special Order.

(2) The undertakers shall not at any time after the commencement of the Special Order supply energy or (except for the purposes of that Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament, or under a licence granted by the Board of Trade under the principal Act.

(3) If the undertakers supply energy or erect or lay down electric lines or works in contravention of this section, the Board of Trade may, if they think fit, revoke the Special Order on such terms as they think just.

The prohibition contained in sub-s. (2) against supplying beyond the area of supply is an absolute prohibition while the undertakers continue to be the undertakers under the Special Order, and does not merely prohibit them from using the powers of the Special Order for the purpose of such supply. It will therefore prevent a limited company or an individual to whom it applies from supplying electricity anywhere outside the area of supply unless authorised to do so by parliamentary authority or a licence from the Board of Trade (*Att.-Gen. v. Metropolitan Electric Supply Co., Limited*, [1905] 1 Ch. 24, 757). And see *Att.-Gen. v. Urban Electric Supply Co., Electrician*, August 5th, 1904, p. 650.

Formerly it was not the practice of the Board of Trade to insert this prohibition in Orders in favour of provincial local authorities, but the omission of such a clause does not enable the local authority to supply beyond its area of supply. Statutory bodies such as county and district councils have only such powers as are expressly or by necessary inference conferred upon them by statute, and therefore they can only supply energy within the area in which they have statutory authority to supply (see *London County Council v. Att.-Gen.*, [1902] A. C. 165; *Att.-Gen. v. Manchester Corporation*, [1906] 1 Ch. 643; *Att.-Gen. v. West Gloucestershire Water Co.*, [1909] 2 Ch. 338). Municipal corporations being common law corporations incorporated by Royal Charter can, generally speaking, do everything an ordinary individual can do, but they will be restrained from applying their borough funds to purposes not authorised by the Municipal Corporations Act, 1882, or by some other Act (*Att.-Gen. v. Mayor of Newcastle* (1889), 23 Q. B. D. 492; *Att.-Gen. v. Manchester Corporation*, [1906] 1 Ch. 643; *Att.-Gen. v. Leicester Corporation*, [1910] 2 Ch. 359; *Att.-Gen. v. Sheffield Corporation* (1912), 28 T. L. R. 266).

Of late years it has become a common practice to include in special Acts of local authorities a section authorising them to supply electricity in bulk to authorised undertakers in adjoining districts, and now the Board of Trade may by order permit any undertakers to give such a supply (see *Electric Lighting Act*, 1909, s. 4 (3), *post*, p. 232). Further, by s. 6 of the *Electric Lighting Act*, 1909, the Board of Trade may by order permit any undertakers to give a supply to any premises outside their area if the local authority within whose district those premises are situate and any undertakers authorised to supply energy to such premises consent, and if the

**Schedule.****Sect. 4.****NOTE.**

Board consider any such consent is unreasonably withheld, they may proceed as if it had been given (*post*, p. 234). An Order of the Board of Trade under either of the two last-mentioned sections does not require confirmation by Parliament.

Where the premises upon which the energy supplied is used are situate wholly outside the area of supply, the cases cited below seem to show that the undertakers are supplying energy beyond their area even though the energy is actually delivered to the consumer within that area. But where any part of the premises in which the energy supplied is used is situate within the area, it is submitted that having regard to the provision in s. 18 of the Act of 1882 that the undertakers shall not be entitled to control the manner in which energy supplied by them under the Act or Order is used, and to the fact that the undertakers can be compelled to give a supply for use in the part of the premises within their area, the undertakers are not supplying beyond their area of supply.

By the Metropolis Gas Act, 1860, s. 6, the limits of each of the gas companies then supplying the metropolis were defined, and in the result, each company enjoyed a practical monopoly in its own district. One of these companies, at the request of a railway company, placed a meter on a part of a railway station lying within the company's limits, and through it supplied gas to other parts of the premises situated outside the company's limits, and within the limits of another company. The Court of Appeal held this to be lawful, on the ground that the sale and delivery of the gas took place at the meter; but the House of Lords reversed this decision, holding that the gas was supplied where it was consumed, and, therefore, that the company were transgressing their authorised limits (*Gas Light and Coke Co. v. South Metropolitan Gas Co.* (1889), 62 L. T. 126; 5 T. L. R. 731). This decision was followed in a case in which a water company, incorporated by special Act and authorised to supply water within a certain area, laid a main to the boundary of their district and delivered water into a main laid outside their area at the expense of a consumer for conveying the water to a house situate outside the company's area. It was held that the company were not authorised to supply water outside their statutory area, that the water was supplied where it was used, *i.e.* outside such area, and that, therefore, the company were acting *ultra vires*, and must be restrained by injunction (*Att.-Gen. v. West Gloucestershire Water Co.*, [1909] 1 Ch. 636; 2 Ch. 338).

By virtue of s. 5 of the Electric Lighting Act, 1909 (*post*, p. 233), undertakers may, with the consent of the Board of Trade, supply at any point within their area of supply energy for the purpose of haulage or traction or lighting vehicles and vessels on any railway, tramway, or canal situate partly within and partly without that area, and by Provisional Order the Board of Trade may authorise any undertakers so to supply energy for other purposes incidental to the working or lighting of the railway, tramway, or canal.

In the county of London authorised undertakers have similar powers even without the consent of the Board of Trade (London Electric Supply Act, 1908, s. 8; London, etc. Electric Supply Companies Act, 1908, s. 9, *post*, pp. 274, 299).

An action to restrain the supply of electricity outside the undertakers' area of supply must be brought in the name of the Attorney-General, and

cannot be maintained by any undertakers in whose area the supply is given (*Stockport District Water Co. v. Manchester Corporation* (1863), 9 Jur. (N.S.) 266; *Pudsey Coal Gas Co. v. Bradford Corporation* (1873), L. R. 15 Eq. 167), but an action to restrain the breaking up of a street outside the area of supply may be maintained by the authority in whom the street is vested without joining the Attorney-General. See *post*, p. 210.

**Schedule.  
Sect. 4.**

Although the erecting or laying of electric lines or works beyond the area of supply for the purposes of the Order is excepted from the prohibition contained in sub-s. (2) the power to break up streets is confined to streets within the area of supply (see definition of "street" in s. 32 of the Act of 1882). Undertakers may however be authorised to break up streets beyond their area of supply by Provisional Order under s. 3 of the Act of 1909 for the purpose of bringing electricity into the area from a generating station outside the area, or under s. 4 of that Act for the purpose of giving a supply in bulk, or by order of the Board of Trade under s. 6 of the same Act for the purpose of giving a permitted supply to any premises outside such area.

There is no instance of a "licence" having been granted by the Board of Trade under sub-s. (2).

#### SECURITY AND ACCOUNTS.

5. The following provisions shall apply as to giving security in cases where the undertakers are not a local authority:

Security for  
execution of  
works.

- (1) The undertakers within a period of six months after the commencement of the Special Order, and before exercising any of the powers conferred by that Order on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by that Order throughout the area of supply.
- (2) The undertakers shall also, within six months after the commencement of the Special Order, or within such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade such sum as may be fixed by the Special Order, or, if not so fixed, by the Board of Trade.
- (3) If the undertakers fail to show to the satisfaction of the Board of Trade within any such period as aforesaid that they are in such a position as above mentioned, or fail to deposit or secure such sum as aforesaid, the Board of Trade may, after considering any representations which the local authority may make, revoke the Special Order as to the

**Schedule.**  
**Sect. 5.**

whole or, with the consent of the undertakers, any part of the area of supply, upon such terms as they think just.

- (4) The said sum deposited or secured by the undertakers under the provisions of this section shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector (to be appointed by the Board of Trade) that amounts equal to the sums so to be repaid or released have been expended by the undertakers upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of the Special Order in every street or part of a street in which they are required by that Order to lay down distributing mains within a limited time, or at such earlier dates and by such instalments as may be approved by the Board of Trade.
- (5) Where the area of supply includes the districts or parts of the districts of two or more local authorities, the Board of Trade may require the deposit to be made or the security given in respect of those districts severally, and in that case the deposit or security shall be repaid or released separately as to each district.

The sum referred to in sub-s. (2) will vary with the magnitude of the works undertaken—generally speaking, it runs from £500 to £1,000.

The Board of Trade have power to revoke special orders in favour of local authorities for default in executing works or supplying energy in accordance with the provisions of the Special Order. See s. 65, *post*, p. 195.

**Audit of  
undertakers'  
accounts.**

45 & 46 Vict.  
c. 56.

**6.** The following provisions shall apply as to the audit of accounts where the undertakers are not a local authority (*a*) :

- (1) The annual statement of accounts of the undertaking, before being published as provided by section nine of the Electric Lighting Act, 1882, shall be examined and audited by such competent and impartial person as the Board of Trade appoint, and the remuneration of the auditor shall be such as the Board of Trade direct, and that remuneration and all expenses incurred by him in or about the execution of his duties, to such an amount as the Board of Trade approve, shall be paid by the undertakers on demand, and shall be recoverable summarily as a civil debt.
- (2) The undertakers shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the undertaking as are necessary for the purposes of the audit, and shall when required furnish to him and them all vouchers and information requisite for that purpose, and shall afford to him and them all facilities for the proper execution of his and their duty.

- (3) The Board of Trade may make and vary regulations prescribing the times at and the mode in which the audit shall be made and conducted, or otherwise for the purpose of giving effect to the provisions of this section. **Schedule. Sect. 6.**
- (4) Any report made by the auditor, or such portion thereof as the Board of Trade direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section nine.

(a) The reason why this section is confined to undertakers not being the local authority is that s. 8 of the Act of 1882, and the Schedule thereto, make special provision with regard to the audit of the accounts of local authorities. See p. 83.

The Board of Trade are from time to time to make a return to Parliament giving such particulars as they may think proper with regards to the reports made by any auditors appointed by them, and any action taken on such reports by the Board and by the undertakers (Electric Lighting Act, 1909, s. 13, *post*, p. 238).

#### APPLICATION OF MONEY AND PURCHASE OF LAND, ETC., BY LOCAL AUTHORITY.

7. Where a local authority are the undertakers the following provisions shall have effect : Application of money received by local authority as undertakers.

- (1) All moneys received by the undertakers in respect of the undertaking, except (a) borrowed money, (b) money arising from the disposal of lands acquired for the purposes of the Special Order, and (c) other capital money received by them in respect of the undertaking, shall be applied by them as follows :
- (a) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties, and damages incurred or payable by the undertakers consequent upon any proceedings by or against the undertakers, their officers or servants, in relation to the undertaking ;
  - (b) In payment of the interest or dividend on any mortgages, stock, or other securities granted and issued by the undertakers in respect of money borrowed for electricity purposes ;
  - (c) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes ;
  - (d) In payment of all other their expenses of executing the Special Order not being expenses properly chargeable to capital ;
  - (e) In providing a reserve fund, if they think fit, by setting aside such money as they think reasonable, and investing the money and the resulting income thereof in Government

**Schedule.**  
**Sect. 7.**

securities, or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the undertakers, and accumulating it at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking.

The reserve fund shall be applicable to answer any deficiency at any time happening in the income of the undertakers from the undertaking, or to meet any extraordinary claim or demand at any time arising against the undertakers in respect of the undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit, and so on as often as the reduction happens.

The undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit, to the credit of the local rate as defined by the principal Act or at their option shall apply that surplus, or any part thereof, to the improvement of the district for which they are the local authority, or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking, the undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to that maximum rate of profit.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

(2) All moneys arising from the disposal of lands acquired by the undertakers for the purposes of the Special Order, and all other capital moneys received by them in respect of the undertaking, shall be applied by them as follows :

- (a) In the reduction of the capital moneys borrowed by them for electricity purposes ;
- (b) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Purchase and  
use of lands  
by local  
authority.

8. Where a local authority are the undertakers the following provisions shall have effect :

- (1) Subject to the provisions of the Special Order and the principal Act the undertakers may acquire by purchase or on lease and use any lands for the purposes of the Special Order, and may also for those purposes use any other lands for the time being vested in or leased by them, but subject as



o the last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of the Special Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

**Schedule.  
Sect. 8.**

- (2) The undertakers shall not purchase or acquire for the purposes of the Special Order ten or more houses which on the fifteenth day of December last before the commencement of the Special Order, or in the case of the transfer of an undertaking to a local authority before the date of the transfer, were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or except with the consent of the Local Government Board, ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.
- (3) For the purposes of this section the expression "labouring class" means mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of those persons who may be residing with them.

A local authority cannot use for other purposes, *e.g.*, a dust destructor, land acquired for the purposes of the Special Order (*Att.-Gen. v. Pontypridd Urban District Council*, [1906] 2 Ch. 257), unless they obtain the approval of the Local Government Board under s. 95 of the Public Health Acts Amendment Act, 1907. See *ante*, p. 89.

As to taking houses of persons belonging to the "working class" (the definition of which is the same as the above definition of "labouring class") see now s. 3 and the Schedule to the Housing of the Working Classes Act, 1903 (3 Edw. 7, c. 39).

9. Where a local authority are the undertakers section two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with the Special Order, and in the construction of that section, "this Act" shall not mean the Public Health Act, 1875, but shall mean the principal Act and the Special Order, and the "local authority" shall mean the local authority as such undertakers.

Incorporation of  
38 & 39 Vict.  
c. 55, s. 265.

The section incorporated provides for the protection of members of the local authority, their officers, and other persons acting under their direction

**Schedule.** from personal responsibility. As regards the county of London the  
**Sect. 9.** corresponding section is s. 124 of the Public Health (London) Act, 1891.  
**NOTE.** See further, the Public Authorities Protection Act, 1893, *ante*, p. 28.

#### NATURE AND MODE OF SUPPLY.

Systems and  
mode of  
supply.

**10.** Subject to the provisions of the Special Order and the principal Act, the undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act, provided as follows :

- (a) The energy shall be supplied only by means of some system approved in writing by the Board of Trade, and subject to the Board of Trade Regulations (a) ; and
- (b) The undertakers shall not, without the express consent of the Board of Trade, and, where the local authority are not themselves the undertakers of the local authority also, place any electric line above ground except within premises in the sole occupation or control of the undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply (b) ; and
- (c) The undertakers shall not permit any part of any circuit to be connected with earth (c) except so far as may be necessary for carrying out the provisions of the Board of Trade Regulations, unless the connexion is for the time being approved by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of that approval.

(a) The Board of Trade Regulations will be found *post*, p. 364. The approval of the system by the Board of Trade will not exempt the undertakers from liability in the event of such system proving a nuisance. See s. 81, *post*, p. 203, and *Mideood v. Manchester Corporation*, [1905] 2 K. B. 597.

(b) See s. 14 of the Act of 1882, and notes thereto, *ante*, p. 98. In County of London Orders, and under the London Electric Supply Act, 1908, s. 15 (2), *post*, p. 279, the consent of the county council and of the Board of Trade is required. In some of the Power Acts it is provided that in the case of rural authorities their consent shall not be unreasonably withheld, the Board of Trade being authorised to decide any difference. See *ante*, p. 52.

(c) The Board of Trade Regulations (*post*, p. 364) permit connection with earth in certain definite and limited cases, and contain the following paragraph :

"Where these Regulations require any metallic body to be 'efficiently connected with earth,' it shall be connected with the general mass of earth in such manner as will insure at all times an immediate and safe discharge of electrical energy."

As to the result of a breach of this section, see s. 69, *post*, p. 198.

As to the Regulations made under s. 4 of the Electric Lighting Act, 1888, see p. 387.

## WORKS.

Schedule.  
Sect. 11.

11. The provisions of the Special Order as to works shall be in addition but subject to those of the principal Act, and in particular those of the Gasworks Clauses Act, 1847, with respect to breaking up streets, incorporated in the principal Act and set out in the Appendix to this Schedule.

Additional provisions as to works.

As to the meaning of the "principal Act," s. 1 of the Schedule (see p. 146) provides that "the provisions of this Schedule are to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, and of any other Acts or parts of Acts incorporated therewith, and those Acts and parts of Acts are in this Schedule collectively referred to as 'the principal Act' . . ."

The clauses of the Gasworks Clauses Act, 1847, here referred to are set out *post*, pp. 208 *et seq.*

12.—(1) Subject to the provisions of the principal Act and the Special Order, the undertakers may exercise all or any of the powers conferred on them by that Act and Order, and may break up such streets not repairable by the local authority and such railways and tramways (if any) as they are specially authorised to break up by the Special Order (a), so far as those streets, railways, and tramways may for the time being be included in the area of supply, and be, or be upon, land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Powers for execution of works.

(2) Nothing in the Special Order shall authorise or empower the undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway, except such streets, railways or tramways (if any), or such parts thereof, as they are specially authorised to break up by the Special Order, without the consent of the authority, company, or person, by whom that street, railway, or tramway is repairable, or of the Board of Trade under section thirteen (b) of the Electric Lighting Act, 1882, and where the Board of Trade give that consent, the provisions of the Special Order (a) shall apply to the street, railway or tramway to which the consent relates as if the undertakers had been specially authorised to break it up by that Order.

(a) See s. 15, *post*, p. 162. The power to break up streets which are repairable by the local authority is conferred by the provisions of the Gasworks Clauses Act, 1847, referred to in the preceding section.

(b) See *ante*, p. 97. If a street is not repairable by the local authority or any other person and the undertakers are not specially authorised to break it up by the Special Order they cannot do so even apparently with the consent of the Board of Trade (*Andrews v. Abertillery Urban Council*, [1911] 2 Ch. 398).

**Schedule.**  
**Sect. 12.**

NOTE.

Some of the Power Acts contain the following section :

"The provisions of section thirteen of the Electric Lighting Act, 1882, and of section twelve of the Schedule to the Electric Lighting (Clauses) Act, 1899, restricting the breaking up of tramways or railways where laid across or along any highway on the level or the roadway of or approaches to any bridge over any railway within the area of supply shall not apply to the company."

By agreement the telegraphs of the Postmaster-General, or his licensee may be placed "in the trenches, tubes, pipes, or apparatus" of an electric "company or person." See *ante*, p. 91. By the Interpretation Act, 1889, s. 19, the expression "person" shall, unless the contrary intention appears, include any body of persons corporate or unincorporate.

Street boxes. **13.**—(1) Subject to the provisions of the principal Act, and the Special Order, and the Board of Trade Regulations, the undertakers may construct in any street such boxes (*a*) as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of the boxes: Provided that, where the local authority are not themselves the undertakers, no such box or apparatus shall be placed above ground, except with the consent of the authority, body, or person, by whom the street is repairable.

(2) Every such box shall be for the exclusive use of the undertakers and under their sole control, except so far as the Board of Trade otherwise order, and shall be used by the undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing, or controlling, the supply of energy, or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking, and the undertakers may place therein meters, switches, and any other suitable and proper apparatus, for any of the above purposes.

(3) Every such box, including the upper surface or covering thereof, shall be constructed of such materials, and shall be constructed and maintained by the undertakers in such manner, as not to be a source of danger, whether by reason of inequality of surface or otherwise (*b*).

(4) Where the local authority (*c*) are not themselves the undertakers, they may, with the approval of the Board of Trade, prescribe the hours during which the undertakers are to have access to the boxes, and if the undertakers during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority (*c*), they shall be liable for each offence to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds: Provided that the undertakers shall not be subject to any such penalties as aforesaid if the court are of opinion that the case was one of emergency, and that the undertakers complied with the require-

ments of this section so far as was reasonable under the **Schedule. Sect. 13.**  
 circumstances.

(a) With respect to the construction of street boxes, see Regulation 22, *post*, p. 371.

A street box may be a "building structure or work" within s. 145 of the London Building Act, 1894. If it is, notice must be given to the district surveyor under that section, whether the undertakers are a local authority or a company, and whether the undertakers' order was granted before or after 1894 (*Whitechapel Board of Works v. Crow* (1901), 84 L. T. 595; *Charing Cross and Strand Electric Supply Corporation, Limited v. Woodthorpe* (1903), 88 L. T. 772; *County of London Electric Supply Co., Limited v. Perkins* (1908), 6 L. G. R. 344). In the last case a box 27 inches in length and in width and 30 inches in depth, and constructed of brick walls with a concrete floor and an iron and concrete cover, was held to be a "building structure or work" within the section.

An electric lighting company proposed to construct under the streets chambers 10 feet deep, 7 feet 6 inches long, and 5 feet 6 inches wide, for the purpose of containing apparatus for transforming the electric current from high to low pressure. The local authority contended that these were not "boxes" within the meaning of the Provisional Order, and further, that they could not be used for the purpose of holding transformers. *STIRLING, J.*, refused to grant an injunction (*Wandsworth District Board of Works v. County of London and Brush Provincial Electric Lighting Co.*, *Journal of Gas Lighting*, August 13th, 1895, Vol. LXVI., p. 345; *The Times*, August 5th, 1895).

In two cases of faculty, it appeared that for the purpose of lighting two districts in the city of London with electric light, it was necessary that underground chambers should be constructed in two closed churchyards in the districts, there being no other places suitable for their construction, and that it was in the interest of the parishioners and public that electric light should be introduced into the districts:—*Held*, that the court had jurisdiction in its discretion to decree a faculty in each case authorising the construction of such a chamber in the churchyard, and the use of the same as a transformer chamber, for the term of twenty-one years, subject to payment of a yearly rent to the rector and churchwardens of the parish. A local Act of Parliament provided that part of the parish church of St. Benet Fink, in the city of London, and one-third part of the burial ground of that parish, might be taken for the purposes of the Act after notice, and should be vested in the corporation of the city of London, on such payment being made as in the Act mentioned. By a subsequent local Act it was provided that, on complying with certain directions therein contained, the corporation might take down the parish church of St. Benet Fink, or the part thereof not taken down under the last-mentioned Act, and the site thereof, and the ground soil thereof, and also the then present burial ground of the said parish, and the freehold of the same in fee simple should be vested in the corporation free from all trusts and incumbrances whatsoever; and that as soon as the site of the said church and the said burial ground should be cleared, such portion of the same as was not otherwise appropriated under the Act should remain for ever unbuilt upon and unappropriated to any purpose except such ornamental purpose as the corporation, with the

**Schedule.**  
**Sect. 13.**

**NOTE.**

consent of the Bishop of London, might direct. After the provisions of these Acts as to the vesting of the churchyard of St. Benet Fink had become operative, the corporation of the city of London and the rector of the united parish of St. Peter-le-Poer with St. Benet Fink, and the churchwardens of St. Benet Fink, petitioned the court to decree a faculty for the construction in the churchyard of St. Benet Fink of an underground chamber to be used for the transformation of electricity:—*Held*, that the court was not precluded by the local Acts relating to the churchyard from granting the faculty prayed for (*In re St. Nicholas Cole Abbey*; *In re St. Benet Fink Churchyard*, [1893] P. 58; cf. *In re Plumstead Burial Ground*, [1895] P. 225).

(b) As to the liability of the undertakers in the event of damage through gas accumulating in a street box and exploding, see *South Shields Corporation v. South Shields Gas Co.*, Electrician, March 13th, 1903, p. 870; *Kidd v. Charing Cross, etc. Corporation*, Electrician, May 8th, 1903, p. 132; *Midwood v. Manchester Corporation*, [1905] 2 K. B. 597; *Solomons v. Stepney Borough Council* (1905), 3 L. G. R. 912, and notes to ss. 77 and 81, *post*, pp. 202, 203.

(c) In County of London Orders and under the London Electric Supply Act, 1908 (*post*, p. 279), the county council are substituted for the local authority.

Notice of works, with plan, to be served on Postmaster-General and local authority.

**14.—(1)** Where the exercise of any of the powers of the undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in, under, along or across any street or public bridge, the following provisions shall have effect:

- (a) One month (*a*) before commencing the execution of the works (not being repairs, renewals, or amendments of existing works of which the character and position are not altered), the undertakers shall serve a notice upon the Postmaster-General and the local authority describing the proposed works, together with a plan (*b*) of the works showing the mode and position in which the works are intended to be executed, and the manner in which it is intended that the street or bridge, or any sewer, drain, or tunnel (*c*), therein or thereunder, is to be interfered with, and shall, upon being required to do so by the Postmaster-General or the local authority, give him or them any such further information in relation thereto as he or they desire.

No part of the month of August shall be included in calculating the above-mentioned period of one month.

- (b) The Postmaster-General or the local authority may, in his or their discretion, approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove them, and may give notice of that approval or disapproval to the undertakers.
- (c) Where the Postmaster-General or the local authority approve any such works or plan, subject to any amendments or

**Schedule.  
Sect. 14.**

conditions with which the undertakers are dissatisfied, or disapprove any such works or plan, the undertakers may appeal to the Board of Trade, and the Board of Trade may inquire into the matter, and allow or disallow the appeal, and may approve any such works or plan, subject to such amendments or conditions as seem fit, or may disapprove them.

- (d) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the undertakers within one month after the service of the notice upon them, he or they shall be deemed to have approved the works and plan.
  - (e) Notwithstanding anything in the Special Order or the principal Act, the undertakers shall not be entitled to execute any such works as above specified, except so far as they may be of a description and in accordance with a plan which has been approved, or is to be deemed to have been approved, by the Postmaster-General and the local authority, or by the Board of Trade, as above mentioned; but where any such works, description, and plan are so approved, or to be deemed to be approved, the undertakers may cause those works to be executed in accordance with the description and plan, subject in all respects to the provisions of the Special Order and the principal Act.
  - (f) If the undertakers 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 the Special Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds, and to a daily penalty (*d*) not exceeding five pounds: Provided that the undertakers shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency, and that the undertakers complied with the requirements of this section so far as was reasonable under the circumstances.
- (2) In the application of this section to a street or public bridge (not within a county borough) which is repairable by the county council, a reference to the county council shall be substituted for a reference to the local authority.
- (3) In the application of this section within any area where the undertakers are the local authority, the reference to the local authority and to sewers, drains, or tunnels in or under streets or bridges shall not apply, except so far as a reference to the county council is substituted for a reference to the local authority.

**Schedule.**  
**Sect. 14.**

(4) Nothing in this section shall exempt the undertakers from any penalty or obligation to which they may be liable under the Special Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the undertakers' works or their supply of energy.

(a) *i.e.*, one calendar month (Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 3).

(b) "Plan" is defined by s. 1 (*ante*, p. 147) to mean "a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet, or to such other scale as the Board of Trade may approve of for both plan and section, together with such detail plan and sections as may be necessary." As to the particulars which ought to be shown, see *Edgware Highway Board v. Colne Valley Water Co.* (1877), 46 L. J. Ch. 889; and *East Molesey Local Board v. Lambeth Waterworks Co.*, [1892] 3 Ch. 289, referred to in the notes to s. 9 of the Gasworks Clauses Act, 1847, *post*, p. 220.

(c) "Tunnel" here means a tunnel *ejusdem generis* with sewer or drain, and does not include a railway tunnel (see *Caledonian Rail. Co. v. Glasgow Corporation* (1901), 3 F. 526), or a tunnel constructed under a road by a land-owner (*Schneider v. Worthing Gas Light and Coke Co.*, [1912] 1 Ch. 83). The "tunnels arches walls and conveniences" of railway and canal companies are specially protected from injury by s. 19, *post*, p. 173.

(d) See definition of "daily penalty" in s. 1, *ante*, p. 147.

Several of the Power Acts contain this special enactment :

"The provisions of section 14 of the Schedule to the Electric Lighting (Clauses) Act, 1899, shall extend and apply to the laying down and placing of cables or other works in, through, under, along, or across the bed and foreshore of any river."

As to streets not repairable by local authority, railways, tramways, and canals.

15. Where the exercise of the powers of the undertakers in relation to the execution of any works will involve (a) the placing of any works in, under, along, or across any street or part of a street not repairable by the local authority, including, where the area of supply is not wholly in a county borough, the county council, or over (b) or under any railway, tramway (c), or canal (d), the following provisions shall have effect unless otherwise agreed between the parties interested :

(a) One month before commencing the execution of the works (not being repairs, renewals, or amendments of existing works of which the character and position are not altered) the undertakers shall, in addition to any other notices which they may be required to give under the Special Order, or the principal Act, serve a notice upon the body or person liable to repair the street or part of a street, or the body or person for the time being entitled to work the railway or tramway, or the owners of the canal (as the case may be), in this section referred to as the "owners," describing the proposed



works, together with a plan (e) of the works showing the mode and position in which the works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they desire.

**Schedule.  
Sect. 15.**

- (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 three weeks after the service of any such notice and plan upon any owners, those owners may, if they think fit, serve a requisition upon the undertakers requiring that any question in relation to the works, or to compensation in respect thereof, and any other question arising upon the notice or plan, shall be settled by arbitration; and thereupon that question, unless settled by agreement, shall be determined 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 the street, railway, tramway, or canal, and may, if he thinks fit, require the undertakers 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 in this section mentioned is served upon the undertakers, or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled, the undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend them (provided that their character and position are not altered), but subject in all respects to the provisions of the Special Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been determined by arbitration as hereinbefore mentioned, or as may be agreed upon between the parties.
- (f) All works to be executed by the undertakers under this section shall be carried out to the reasonable satisfaction of the owners, and those owners shall have the right to be present during the execution of the works.
- (g) Where the repair, renewal, or amendment of any existing works, of which the character or position is not altered, will involve any interference with any railway or with any tramway over or under which those works have been placed, the undertakers shall, unless it is otherwise agreed between the parties, or in cases of emergency, give to the

Schedule.  
Sect. 15.

owners not less than twenty-four hours' notice before commencing to effect the repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the works, and the undertakers shall conform to such reasonable requirements as may be made by the owners or that officer. The notice shall be in addition to any other notices which the undertakers may be required to give under the Special Order or the principal Act.

- (h) If the undertakers 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 the Special Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds, and to a daily penalty (*f*) not exceeding five pounds: Provided that the undertakers shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency, and that the undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

(a) The undertakers may not break up or interfere with any streets not repairable by the local authority, nor any railways or tramways which they are not by their Order specially authorised to break up, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable or of the Board of Trade (s. 13, Electric Lighting Act, 1882; s. 12 (2) of the Schedule to the Electric Lighting (Clauses) Act, 1899, *ante*, pp. 97, 157).

By Rule II., *post*, p. 344, the notice of an intended application for an Order must contain a list of the streets not repairable by the local authority and of the railways and tramways (if any) which the applicants propose to take powers to break up.

(b) In *South Eastern Rail. Co. v. National Telephone Co.*, [1908] 2 Ch. 50, WARRINGTON, J., held that a telephone line laid under the footway of a public road carried over a railway by means of a bridge, the railway company repairing the bridge but not the road, was laid over or across the railway. His judgment was affirmed by the Court of Appeal on other grounds ([1908] 2 Ch. 514).

(c) As to tramways, see the provisions of the Tramways Act, 1870, referred to in notes to s. 15 of the Electric Lighting Act, 1882, *ante*, p. 101.

(d) As to canals, see also s. 19, *post*, p. 173, and s. 16 of the Act of 1882, *ante*, p. 102. Some Orders contain special provisions with reference to laying mains below the bed of a canal, *e.g.*, s. 8 of the Stroud Order, confirmed by 3 Edw. 7, c. xlix.

(e) See note (b) to s. 14, *ante*, p. 162.

(f) See definition of "daily penalty," s. 1, *ante*, p. 147.

16. Any body or person for the time being liable to repair any street or part of a street (a), or entitled to work any railway or tramway which the undertakers are empowered to break up for the purposes of the Special Order, may, if they think fit, serve a notice upon the undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains (b), tunnels (c), or other works vested in or under the control or management of that body or person, and may amend or revoke any such notice by another notice similarly served.

**Schedule.  
Sect. 16.**

Street authority, etc. may give notice of desire to break up streets, etc. on behalf of undertakers.

Where any such body or person (in this section referred to as the "givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the undertakers, then so long as that notice remains in force the following provisions shall have effect, unless it is otherwise agreed between the parties interested:

- (a) The undertakers 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 those powers or duties, and the givers of the notice have refused or neglected to comply with that requisition, as hereinafter provided, or in cases of emergency.
- (b) In addition to any other notices which they are required to give under the provisions of the Special Order or the principal Act, the undertakers shall, not more than four days and not less than two 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 that 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 undertakers, subject to the like restrictions and conditions, so far as they are applicable, as the undertakers would themselves be subject to in that exercise or discharge.
- (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 the requisition, the undertakers 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.

**Schedule.**  
**Sect. 16.**

- (e) In any case of emergency the undertakers may themselves proceed at once to exercise or discharge so much of any such 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 that case the undertakers 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) If the undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable for each offence to a penalty not exceeding ten pounds, and to a daily penalty (*d*) not exceeding five pounds : Provided that the undertakers shall not be subject to any such penalties as aforesaid if the court are of opinion that the case was one of emergency, and that the undertakers complied with the requirements of this section so far as was reasonable under the circumstances.
- (g) All expenses properly incurred by the givers of the notice in complying with any requisition of the undertakers under this section shall be repaid to them by the undertakers, and may be recovered summarily.
- (h) The givers of the notice may, if they think fit, require the undertakers where the local authority are not themselves the undertakers, 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 Schedule. If the undertakers fail to give any such security within seven days after being required to do so, or in case of difference after the difference has been determined by a court of summary jurisdiction, they shall not be entitled to serve any further requisition upon the givers of the notice requiring them to exercise or discharge any powers or duties under this section until the security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the undertakers to exercise or discharge any powers or duties conferred or imposed upon them by the Special Order or the principal Act 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 any such bridges, sewers, drains, tunnels (*c*), or other works, or railway or tramway as in this section mentioned.

(*a*) In County of London Orders the words "or liable to repair any sewer, subway, or work" are inserted.

(b) In County of London Orders the word "subways" is inserted.

(c) As to tunnels, see note (c) to s. 14, *ante*, p. 162.

(d) See definition of "daily penalty," s. 1, *ante*, p. 147.

Some of the Power Acts contain the following :

" A notice served upon the company under section 16 of the Schedule to the Electric Lighting (Clauses) Act, 1899, shall be of no effect, unless it be served within the period prescribed by this section (that is to say) :

" In the case of a notice stating that the givers of the notice desire to exercise or discharge all or any part of the powers or duties of the undertakers within one month from the service by the undertakers of the notice prescribed by s. 14 or s. 15 of the said Schedule as the case may be ; and

" In the case of a notice amending or revoking any such first-mentioned notice within fourteen days from the service of such first-mentioned notice."

See, *e.g.*, County of Durham Act, 1900, s. 41, and North Metropolitan Act, 1900, s. 41.

A road authority having given notice under this section of their desire to do the work of reinstating certain streets, commenced the work of reinstatement, but were stopped by frost. The plaintiff having sustained personal injury through the non-repair of the street, it was held in the Epsom County Court that the road authority, and not the Electric Lighting Company were responsible for the injury sustained (*Fidler v. Electrical Power Distribution Co., Limited*, *Electrical Review*, July 25th, 1902, p. 139).

In London, the road authority may, under s. 114 of the Metropolitan Management Act, 1855, reinstate roads broken up for laying gas pipes at the expense of the gas company. It was held that where a borough council exercise this power the gas company are not liable for damage caused by the improper or negligent execution of the work of reinstatement (*Cressy v. South Metropolitan Gas Co.* (1906), 94 L. T. 790).

*Cf.* the following cases decided under ss. 28 and 29 of the Tramways Act, 1870 : *Howitt v. Nottingham Tramways Co.* (1883), 12 Q. B. D. 16 ; *Steward v. North Metropolitan Tramways Co.* (1886), 16 Q. B. D. 556 ; *Alldred v. West Metropolitan Tramways Co.*, [1891] 2 Q. B. 398 ; *Barnett v. Poplar (Mayor, etc.)*, [1901] 2 K. B. 319.

17. The undertakers may alter (a) the position of any pipes (except, in a case where the local authority are not themselves the undertakers, any pipe forming part of any sewer of the local authority (b)), or any wires being under any street or place authorised to be broken up by them, which may interfere with the exercise of their powers under the principal Act or the Special Order; and any body or person may in like manner alter the position of any electric lines or works of the undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in that body or person in relation to that street or place (c), subject to

**Schedule.  
Sect. 16.**

NOTE.

As to notices under s. 16 of Schedule to Act of 1899.

As to alteration of pipes, wires, etc. under streets.

**Schedule.** the following provisions, unless it is otherwise agreed between the  
**Sect. 17.** parties interested:

- (a) One month before commencing any such alterations the undertakers, or the body or person (as the case may be), in this section referred to as the "operators," shall serve a notice upon the body or person for the time being entitled to the pipes, wires, electric lines, or works (as the case may be), in this section referred to as "the owners," describing the proposed alterations, together with a plan (*d*) showing the manner in which it is intended that the alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.
- (b) Within three weeks after the service of any such notice and plan upon any owners those owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to the works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration; and thereupon that question, unless settled by agreement, shall be determined by arbitration accordingly.
- (c) 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 the pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works, so as to avoid interference with any purpose for which the pipes, wires, electric lines, or works are used so far as possible.
- (d) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in that case, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or secure, may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of the principal Act and the Special Order, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been determined by arbitration as hereinbefore mentioned or as may be agreed upon between the parties.
- (e) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute the alterations themselves, and where any such statement has been served upon the operators, they shall not

be entitled to proceed themselves to execute the alterations, except where they have notified to the owners that they require them to execute the alterations, and the owners have refused or neglected to comply with the notification as hereinafter provided.

**Schedule.  
Sect. 17.**

- (f) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of the alterations is required to be commenced, serve a notification upon the owners stating the time when the alterations are required to be commenced, and the manner in which the alterations are required to be made.
- (g) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute the alterations as required by the operators, subject to the like restrictions and conditions, so far as they are applicable, as the operators would themselves be subject to in executing the alterations.
- (h) If the owners decline or, for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with the notification, the operators may themselves proceed to execute the alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.
- (i) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by the operators, and may be recovered summarily.
- (j) Any owners may, if they think fit, by any statement served by them under this section upon any operators, not being (e) a local authority, require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by the Special Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute the alterations until the security has been duly given.
- (k) If the operators 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 the Special Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds, and to a daily penalty (f) not exceeding five pounds: Provided that the operators shall not be subject to

**Schedule.**  
**Sect. 17.**

any such penalty as aforesaid if the court are of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

(a) This section furnishes the machinery in detail for carrying out the powers conferred by s. 15 of the Electric Lighting Act, 1882. See *ante*, p. 101.

(b) In County of London Orders words are here inserted to protect pipes forming part of any sewer of the county council.

(c) By s. 149 of the Public Health Act, 1875 (38 & 39 Vict. c. 55), all streets repairable by the inhabitants at large within any urban district are vested in the local authority, and they are given power from time to time to cause the soil of any such street to be raised, lowered, or altered, as they may think fit. As to this latter power, see *Southwark and Vauxhall Water Co. v. Wandsworth District Board of Works*, [1898] 2 Ch. 603, decided under the similar section (98) in the Metropolis Management Act, 1855.

As to alterations of the undertakers' lines or works by tramway promoters, see also the provisions of the Tramways Act, 1870, referred to in the notes to s. 15 of the Electric Lighting Act, 1882, *ante*, p. 101.

(d) See note (b) to s. 14, *ante*, 162.

(e) In County of London Orders the words "the county council or" are here inserted.

(f) See definition of "daily penalty," s. 1, *ante*, p. 147.

Laying of  
electric lines,  
etc. near  
sewers, etc.  
or gas or  
water pipes  
or other  
electric lines.

18.—(1) Where the undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the local authority (a), or any main, pipe, syphon, electric line, or other work belonging to any gas, electric supply, or water company has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the undertakers have been lawfully placed, the undertakers or the gas or water company (as the case may be), in this section referred to as the "operators," shall, unless it is otherwise agreed between the parties interested, or in case of sudden emergency, give to the local authority (a), or to the gas, electric supply, or water company, or to the undertakers (as the case may be), in this section referred to as the "owners," not less than three days' notice (b) before commencing to dig or sink such trench as aforesaid, and those owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or the officer for protecting from injury every such sewer, drain, watercourse, defence, main, pipe, syphon, electric line, or work, and for securing



access thereto, and they shall also, if required by the owners thereof, repair any damage that may be done thereto (c). **Schedule. Sect. 18.**

(2) Where the operators find it necessary to undermine but not alter the position of any pipe, electric line, or work, they shall temporarily support it in position during the execution of their works, and before completion provide a suitable and proper foundation for it where so undermined.

(3) Where the operators (being the undertakers) lay any electric line, crossing or liable to touch any mains, pipes, lines, or services belonging to any gas, electric supply, or water company, the conducting portion of the electric line shall be effectively insulated in a manner approved by the Board of Trade; and the undertakers shall not, except with the consent of the gas, electric supply, or water company, as the case may be, and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, lines, or services, or, except with the like consent, employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

(4) Any question or difference which may arise under this section shall be determined by arbitration.

(5) If the operators make default in complying with any of the requirements of this section they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof; and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds, and to a daily penalty not exceeding five pounds (d): Provided that the operators shall not be subject to any such penalty if the court are of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence, main, pipe, syphon, electric line, or work affected thereby, and that that ignorance was not owing to any negligence on the part of the operators.

(6) For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas; the expression "water company" shall mean any body or person lawfully supplying water or water power; and the expression "electric supply company" shall mean any body or person supplying energy in pursuance of the principal Act but not in pursuance of the Special Order.

(7) Where the local authority are themselves the undertakers, the references in this section to the local authority, and to sewers, drains, watercourses, defences, or works under the jurisdiction or control of that local authority, shall not apply.

(a) See sub-s. (7). In County of London Orders the county council takes the place in this section of the local authority. See also s. 15 (4) of the London Electric Supply Act, 1908, *post*, p. 279.

**Schedule.** (b) County of London Orders provide for *fourteen* days' notice instead of  
**Sect. 18.** three. See also London Electric Supply Act, 1908, s. 15, *post*, p. 279.

**NOTE**

(c) County of London Orders confer on owners power to do the work themselves at the expense of the "operators." The following is the form in use (coming after sub-s. (2)) :

"The owners upon giving notice to the undertakers during the fourteen days hereinbefore referred to of their desire to execute any work to which the provisions of this section apply may themselves execute the same and in case they give such notice they shall execute such work with due care and diligence and shall be subject to the like restrictions and conditions as the operators would themselves be subject to in respect of the same and the reasonable costs of executing such works shall be repaid by the operators to the owners. Provided always that the provisions of this paragraph shall not apply where the undertakers are themselves lawfully entitled to exercise the powers of any owners with respect to the breaking up and reinstating of any street, nor so long as any like notice from the county council the local authority or other body or person under the provisions of the section of this Order whereof the marginal note is 'Street authority, etc. may give notice of desire to break up streets, etc. on behalf of undertakers' remains in force.

"Provided always that when the undertakers or any gas company desire to lay a service pipe or line to a house or premises already connected by a service pipe or line with the works of the gas company or the undertakers as the case may be forty-eight hours' notice shall be given by the undertakers or the gas company as the case may be to the other of them and in that case the provisions of this section so far as applicable shall then apply to such service pipes or lines accordingly."

See, *e.g.*, the Marylebone Electric Lighting Order, 1901 (confirmed by 1 Edw. 7, c. cxxxvii), s. 16, and the Lewisham Electric Lighting Order, 1901 (confirmed by 1 Edw. 7, c. clxxviii), s. 17.

See, as to operations under the London Electric Supply Act, 1908, s. 13 (for the protection of the Metropolitan Water Board), s. 14 (for protection of gas companies), and s. 15 (for protection of the London County Council), *post*, pp. 276 *et seq.*

See Board of Trade Regulation A. 15, *post*, p. 370.

(d) See definition of "daily penalty," s. 1, *ante*, p. 147. A reference to arbitration and an award of an arbitrator awarding compensation to the owners does not bar the latter's right to proceed for penalties, and non-compliance with the reasonable requirements of the owners is in the nature of a continuing offence, so that s. 11 of the Summary Jurisdiction Act, 1848, does not apply and complaint may be made even after six calendar months from the date when the requirements were first made (*Chepstow Electric Light and Power Co. v. Chepstow Gas and Coke Consumers' Co.*, [1905] 1 K. B. 198).

In some of the Power Acts with which this section is incorporated it is provided that the expression "electric supply company shall include any local authority supplying or using electrical energy for any purpose."

19. In the exercise of any of the powers of the Special Order relating to the execution of works, the undertakers shall not in any way injure the railways, tunnels, arches, works, or conveniences belonging to any railway or canal company, nor obstruct or interfere with the working of the traffic passing along any railway or canal.

**Schedule.  
Sect. 19.**  
For protection of railway and canal companies.

As to railway tunnels, see note (c) to s. 6 of the Gasworks Clauses Act, 1847, *post*, p. 209.

As to canals, see s. 16 of the Electric Lighting Act, 1882, *ante*, p. 102. See also London Electric Supply Act, 1908, s. 9, *post*, p. 275.

20.—(1) The undertakers 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 used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in that wire or line, whether that wire or line be or be not in existence at the time of the laying down or placing of the electric lines or other works.

For protection of telegraphic and telephonic wires.

If any question arises between the undertakers and the owner of any such wire or line as to whether the undertakers have constructed, laid down, or placed their electric lines or other works or worked their undertaking in contravention of this sub-section, and as to whether the working of that wire or line or the current therein is or is not injuriously affected thereby, that question shall be determined by arbitration; and the arbitrator (unless he is of opinion that the wire or line, not having been so in existence at such time as aforesaid, has been placed in unreasonable proximity to the electric lines or works of the undertakers) may direct the undertakers to make any alterations in, or additions to, their system, so as to comply with the provisions of this section, and the undertakers shall make those alterations or additions accordingly.

(2) Seven days before commencing to lay down or place any electric line, or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the undertakers shall, unless otherwise agreed between the parties interested, give to the owner of the wire or line notice in writing specifying the course, nature, and gauge of the electric line, and the manner in which the electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used; and any owner entitled to receive that notice may serve a requisition on the undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing, or user of the electric line for the purpose of preventing the injurious affection; and

**Schedule.**  
**Sect. 20.**

the undertakers shall conform with such reasonable requirements as may be made by the owner for the purpose of preventing the communication through the wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the undertakers with respect to the reasonableness of any requirements so made, that difference shall be determined by arbitration.

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

(3) If in any case the undertakers make default in complying with the requirements of this section, they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable for each default to a penalty not exceeding five pounds, and to a daily penalty (a) not exceeding forty shillings: Provided that the undertakers shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default was due to the fact that the undertakers were ignorant of the position of the wire or line affected thereby, and that that ignorance was not owing to any negligence on the part of the undertakers.

(4) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the undertakers by indictment, action, or otherwise, in relation to any of the matters aforesaid.

(a) See definition of "daily penalty," s. 1, *ante*, p. 147.

In the Electrical Energy (Generating Stations and Supply) Report (the Report of Lord Cross's Committee), Parliamentary Paper 213 of 1898, at p. ix, the Committee report: "As to the protection of telegraphs and telephones, the clauses now inserted in Provisional Orders seem to be sufficient in all ordinary cases; and regulations to protect the public can be made by the Board of Trade under s. 6 of the Act of 1882." See these Regulations, *post*, p. 364.

#### COMPULSORY WORKS.

Mains, etc.  
to be laid  
down in  
streets  
specified in  
Special Order  
and in  
remainder of  
area of  
supply.

21.—(1) The undertakers shall, within a period of two years after the commencement of the Special Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Special Order, and shall thereafter maintain those mains.

(2) In addition to the mains hereinbefore specified the undertakers shall, at any time after the expiration of eighteen months after the commencement of the Special Order, lay down suitable and sufficient distributing mains for the purposes of general supply

throughout every other street or part of a street within the area of supply, upon being required to do so in manner provided by the Special Order.

**Schedule.  
Sect. 21.**

All such mains as last above mentioned (unless already laid down) shall be laid down by the undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of the Special Order has become binding upon them, or within such further time as may in any case be approved by the Board of Trade.

(3) When any such requisition is made in respect of any street not repairable by the local authority, which the undertakers are not specially authorised to break up by the Special Order, the undertakers shall (unless the authority, or person by whom that street is repairable, consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act, 1882, for the written consent of the Board authorising and empowering the undertakers to break up that street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

For s. 13 of the Act of 1882, see *ante*, p. 97.

Sections 23—26, *post*, provide for penalties for default in laying down any distributing mains; for revocation of the Order in certain events; for the manner in which the requisition is to be made; and the steps which are to follow thereon.

"General supply" is defined in s. 1, *ante*, p. 147.

22. Where the local authority are not themselves the undertakers, As to laying the undertakers shall, twenty-eight days at the least before com- of electric line mencing to lay in any street any electric line which is intended for under special agreement. supplying energy to any particular consumer, and not for the purposes of general supply, serve upon the local authority, and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the undertakers intend to lay the electric line, and setting forth the effect of this section, and if within that period any two or more of those owners or occupiers require in accordance with the provisions of the Special Order that a supply shall be given to their premises, the necessary distributing main shall be laid by the undertakers at the same time as the electric line intended for the particular consumer.

23.—(1) If the undertakers, not being a local authority, make default in laying down any distributing mains in accordance with the provisions of the Special Order within the periods prescribed in that behalf respectively, they shall be liable for each default to a penalty not exceeding five pounds for each day during which the default continues, and if the Board of Trade are of opinion in any case that the default is wilful and unreasonably prolonged they

If under-takers fail to lay down mains, etc. Order may be revoked.

**Schedule.  
Sect. 23.**

may, after considering any representations of the local authority (a), deal with the Special Order in manner provided by this section.

(2) If the local authority are themselves the undertakers, and make default in laying down any distributing main in accordance with the provisions of the Special Order, within the periods prescribed in that behalf respectively, the Board of Trade may deal with the Special Order in manner provided by this section.

(3) Where the Board of Trade are authorised under this section to deal with a Special Order, they may either revoke the Order as to the whole or any part of the area of supply, or, if the undertakers so desire, suffer it to remain in force as to that area or part thereof, subject to such conditions as they think fit to impose, and any conditions so imposed shall be binding on and observed by the undertakers, and shall be of the like force and effect in every respect as though they were contained in the Special Order: Provided that the Board of Trade shall not revoke the Special Order as to part only of the area of supply where the undertakers make a representation that they desire to be relieved of their liabilities as respects the rest of the area of supply, and in that case the Board of Trade shall not under this section revoke the Special Order otherwise than as to the whole of the area of supply.

(a) County of London Orders provide for the representations of the County Council being also considered.

Manner in which requisition is to be made.

**24.**—(1) Any requisition requiring the undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more (a) owners or occupiers of premises along that street or part of a street, or, where the local authority are not themselves the undertakers and have the control and management of the public lamps in that street or part of a street, by the local authority.

(2) Every such requisition shall be signed by the persons making it, or by the local authority (as the case may be), and shall be served upon the undertakers.

(3) Forms of requisition shall be kept by the undertakers at their office and a copy shall, on application, be supplied free of charge to any owner or occupier of premises within the area of supply and, where necessary, to the local authority, and any requisition so supplied shall be deemed valid in point of form.

(a) County of London Orders provide for the requisition being made by "two or more," instead of "six or more," owners or occupiers.

Provisions on requisition by owners or occupiers.

**25.**—(1) Where any such requisition is made by any such owners or occupiers as aforesaid, the undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom the requisition is signed,

Schedule.  
Sect. 25.

stating that they decline to be bound by the requisition unless those persons or some of them will bind themselves to take, or will guarantee that there shall be taken, a supply of energy for a period of three years at the least, of such amount in the aggregate (to be specified by the undertakers in the notice) as will, at the rates of charge for the time being charged by the undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply, produce annually such reasonable sum as is specified by the undertakers in the notice: Provided that in the notice the undertakers shall not, without the authority of the Board of Trade, specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting those distributing mains with the nearest available source of supply.

(2) Where such a notice is served the requisition shall not be binding on the undertakers unless within fourteen days after the service of the notice on all the persons signing the requisition has been effected, or in case of difference within fourteen days after the delivery of the arbitrator's award, there be tendered to the undertakers an agreement severally executed by those persons or some of them, binding them to take or guaranteeing that there shall be taken a supply of energy for a period of three years at the least of such amount as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section, nor unless sufficient security for the payment to the undertakers of all moneys which may become due to them from those persons under the agreement is offered to the undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

(3) If the undertakers consider that the requisition is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, and that Board, after such inquiry (if any) as they think fit, may, by Order, either determine that the requisition is unreasonable, and shall not be binding upon the undertakers, or may authorise the undertakers by their notice to require a supply of energy to be taken for such longer period than three years, and to specify such sum or percentage, whether calculated as hereinbefore provided or otherwise, as is fixed or directed by the Order, and the terms of the above-mentioned agreement shall be varied accordingly.

(4) In case of any appeal to the Board of Trade under this section, any notice by the undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

(5) If any difference arises between the undertakers and any persons signing any such requisition as to any such notice or agree-

**Schedule.**  
**Sect. 25.**

ment, that difference shall, subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid, be determined by arbitration.

County of London Orders substitute two years for the three years mentioned in sub-s. (3); the maximum of 20 per cent., mentioned in sub-s. (1), remaining the same.

Provisions on  
requisition  
by local  
authority.

**26.** Where any such requisition is made by the local authority it shall not be binding on the undertakers, unless at the time when the service is effected, or within fourteen days thereafter, there be tendered to the undertakers (if required by them) an agreement executed by the local authority, and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which the requisition is made as may be under their management or control.

**SUPPLY.**

Undertakers  
to furnish  
sufficient  
supply of  
energy to  
owners and  
occupiers  
within the  
area of  
supply.

**27.**—(1) The undertakers 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 undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under the Special Order or the Board of Trade Regulations, give and continue to give a supply of energy for those premises in accordance with the provisions of the Special Order and of the said Regulations, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier is entitled to be supplied under the Special Order (a) subject to the conditions following; (that is to say,)—

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of that owner or in the possession of that occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the undertakers, although not on that property, shall, if the undertakers so require, be defrayed by that owner or occupier.

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

(a) Serve a notice upon the undertakers specifying the premises in respect of which the 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 the notice) upon which the supply is required to commence; and



Schedule.  
Sect. 27.

- (b) If required by the undertakers, enter into a written contract with them to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for [the supply, at the rate of charge for the time being charged by the undertakers for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty per centum per annum on the outlay incurred by the undertakers in providing any electric lines required under this section to be provided by them for the purpose of the supply, and if required by the undertakers give to them security for the payment to them of all moneys which may become due to them by the owner or occupier in respect of any electric lines to be furnished by the undertakers, and in respect of energy to be supplied by them (b).

(3) Provided always, that the undertakers may, after they have given a supply of energy in respect of any premises, by notice in writing, require the owner or occupier of those premises, within seven days after the date of the service of the notice, to give to them security for the payment of all moneys which may become due to them in respect of the supply, in case the owner or occupier has not already given that security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of the notice, the undertakers may, if they think fit, discontinue to supply energy for the premises so long as the failure continues (c).

(4) 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 undertakers for any purposes, or deals with it in any manner so as to interfere unduly or improperly with the efficient supply of energy to any other body or person by the undertakers, the undertakers may, if they think fit, discontinue to supply energy to those premises so long as the lamp or burner is so used, or the energy is so used or dealt with (d).

(5) Provided also, that the undertakers 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 undertakers or by other persons.

(6) 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, that difference shall be determined by arbitration.

Section 30, *post*, renders the undertakers liable for penalties for default in furnishing supply.

See cases cited in the notes to ss. 19 and 20 of the Act of 1882, *ante*, pp. 104, 105.

(a) As to the maximum power with which any owner or occupier is entitled to be supplied, see s. 28, *post*, p. 180.

**Schedule.**  
**Sect. 27.**

**NOTE.**

(b) In the case of premises having a separate supply, the undertakers may require "such minimum annual sum as will give them a reasonable return on the capital expenditure, and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises," such sum to be determined in default of agreement by arbitration (Electric Lighting Act, 1909, s. 15, *post*, p. 239).

(c) The undertakers may also refuse to supply any person whose payments for the supply of electrical energy are for the time being in arrear (not being the subject of a *bonâ fide* dispute), whether any such payments be due in respect of a supply to the premises for which a supply is demanded, or in respect of other premises (Electric Lighting Act, 1909, s. 18, *post*, p. 241).

(d) *Cf.* s. 18 of the Act of 1882, *ante*, p. 104.

Maximum  
power.

**28.—(1)** The maximum power with which any consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the undertakers to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except upon one month's notice to the undertakers, and any expenses reasonably incurred by the undertakers in respect of the service lines by which energy is supplied to the premises of that consumer, or any fittings or apparatus of the undertakers upon those premises, consequent upon the alteration, shall be paid by him to the undertakers, and may be recovered summarily as a civil debt.

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

As to the recovery by the undertakers of sums payable to them, see s. 76, *post*, p. 201, and notes to s. 12 of the Act of 1882, *ante*, p. 95.

Supply of  
energy to  
public lamps.

**29.** Where the local authority are not themselves the undertakers, the undertakers shall, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under the Special Order, or the Board of Trade regulations, give and continue to give a supply of energy to those lamps in such quantities as the local authority may require to be supplied.

The case of *London Corporation v. City of London Electric Lighting Co.*, tried before KEKEWICH, J., (Electrician, February 17th, 1899, p. 582), turned upon the construction of three agreements between the parties, and amongst other questions which came before the court for decision were, (1) whether or not the corporation were entitled to have the public and

private lighting of the city carried out by separate mains, and by separate generating plant, both in the main thoroughfares and in the side streets, courts, lanes, etc.; and (2) whether or not, for the purpose of public lighting, the corporation were entitled to a continuous current of electricity both in the main thoroughfares and in the side streets, etc.

**Schedule.  
Sect. 29.**

**NOTE.**

**30.**—(1) Whenever the undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under the Special Order, they shall be liable in respect of each default to a penalty not exceeding forty shillings for each day on which the default occurs. Penalty for failure to supply.

(2) Where the local authority are not themselves the undertakers, and the undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under the Special Order, the undertakers shall be liable in respect of each default to a penalty not exceeding forty shillings for each lamp, and for each day on which the default occurs.

(3) Whenever the undertakers make default in supplying energy in accordance with the terms of the Board of Trade regulations they shall be liable to such penalties as are prescribed by the regulations in that behalf.

(4) Provided that the penalties to be inflicted on the undertakers under this section shall in no case exceed in the aggregate in respect of any defaults not being wilful defaults on the part of the undertakers the sum of fifty pounds for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court are of opinion that the default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Where there is no special contract between the undertakers and the consumer obliging the former to give a supply, the latter cannot maintain an action for damages for failure to supply, his only remedy is to proceed for penalties under this section (see *Clegg, Parkinson & Co. v. Earby Gas Co.*, [1896] 1 Q. B. 592); but if there is such a contract, the consumer may maintain an action for damages for its breach, and is not limited to proceeding for penalties. This is certainly so where the consumer would not be entitled to demand a supply apart from the agreement, and is probably so where he would be so entitled (*Morris and Bastert v. Loughborough Corporation*, [1908] 1 K. B. 205; *Bourne v. Marylebone Borough Council* (1908), 24 T. L. R. 322, reversed on another ground (1909), 24 T. L. R. 613). See *ante*, p. 90.

Having regard to s. 7 of the Gasworks Clauses Act, 1847 (*post*, p. 217), incorporated with the Electric Lighting Act, 1882, it would be a good defence to a complaint under this section to show that the undertakers cannot reach the consumer's premises without breaking up land not dedicated to the public use, and that the owner of the land refuses his consent to such breaking up (*Bellamy v. Liverpool United Gas Light Co.* (1904), 2 L. G. R. 1182).

**Schedule.  
Sect. 30.****NOTE.**

A cable laid down proved defective, and the supply of energy thus broke down. This was held to be "inevitable accident" (*San Insurance Co. v. Dublin Corporation*, *Electrician*, December 9th, 1899, p. 240).

For other cases of complaints under this section or similar sections in special Acts or Orders, see *Marylebone Vestry v. Metropolitan Electric Supply Co.*, JI. of G. L., January 2nd, 1900, p. 34, and *Electrician*, January 5th, 1900, p. 375; JI. of G. L., May 1st, 1900, p. 1236; *London County Council v. Metropolitan Electric Supply Co.*, JI. of G. L., January 23rd, 1900, p. 212; *Shaddick v. London Electric Supply Corporation*, JI. of G. L., May 8th, 1900, p. 1235; *London County Council v. London E. S. Corporation*, JI. of G. L., May 1st, 1900, p. 1135.

**PRICE.****Methods of  
charging.**

**31.—**(1) The undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1) By the actual amount of energy so supplied; or
- (2) By the electrical quantity contained in the supply; or
- (3) By such other method as may for the time being be approved by the Board of Trade.

(2) Provided that where the undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method may by one month's notice in writing require the undertakers to charge him at their option by the actual amount of energy supplied to him, or by the electrical quantity contained in the supply, and thereafter the undertakers shall not, except with the consumer's consent, charge him by any other method.

(3) Provided also that, before commencing to supply energy through any distributing main for the purposes of general supply, the undertakers shall, if the local authority are not themselves the undertakers, give notice to the local authority, and, if the local authority are themselves the undertakers, by public advertisement, by what method they propose to charge for energy supplied through that main; and, where the undertakers have given any such notice, they shall not be entitled to change that method of charging except after one month's notice of the change has been given by them, if the local authority are not themselves the undertakers to the local authority, and in any case to every consumer of energy who is supplied by them from the main.

"General supply" is defined in s. 1, *ante*, p. 147.

County of London Orders provide for notice to the county council.

**Maximum  
prices.**

**32.—**(1) The prices to be charged by the undertakers for energy supplied by them shall not exceed those stated in that behalf in the Special Order or in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade determine on approving the method.

(2) Provided that if, in a case where the local authority are not themselves the undertakers, either the local authority or the under-

takers [or such number of consumers, not less than twenty, as the Board of Trade consider sufficient, having regard to the population of the area of supply], at any time after the expiration of [five] years after the commencement of the Special Order, make a representation to the Board of Trade that the prices or methods of charge stated in the Special Order or approved by the Board of Trade ought to be altered, the Board of Trade, after such inquiry as they may think fit, may make an order varying the prices or methods of charge stated in the Special Order or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the Order, as if they had been stated in the Special Order: Provided also, that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of [five] years after they were last altered.

**Schedule.  
Sect. 32.**

The words in brackets were inserted by s. 10 (1) of the Electric Lighting Act, 1909, *post*, p. 237.

County of London Orders, whether in favour of companies or of local authorities, give the county council power of making representation.

In County of London Orders in favour of companies or persons it used to be the practice to substitute August 26th, 1889, for "after the commencement of this Order," as the period from which the seven years are to run. Under 1897 Orders (that period of seven years having expired) the representation may be made "at any time after August 26th, 1896" (see, *e.g.*, County of London (Northern Extensions) P. O., 1897, s. 32). In the most recent instance the representation may be made at any time with a proviso similar to the second proviso in the section in the text, *e.g.*, s. 32 of the Lewisham Electric Lighting Order, 1901, confirmed by 1 Edw. 7, c. clxxviii.

No provision is made for revision of price where the undertakers are a local authority. This is probably because if the surplus profits of a local authority in any year exceed five per cent. upon the capital expended they must make a rateable reduction in their charges (s. 7 (1), *ante*, p. 153).

As to the prices usually stated in the Special Order, see notes to s. 20 of the Electric Lighting Act, 1882, *ante*, p. 105, and form of Order, *post*, p. 306.

**33.** Subject to the provisions of the Special Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned, the undertakers may make any agreement with a consumer as to the price to be charged for energy, and the mode in which those charges are to be ascertained, and may charge accordingly.

Other charges  
by agree-  
ment

As to contracts by the undertakers and the stamp duty thereon, see Electric Lighting Act, 1882, ss. 10, 19, 20, and Electric Lighting Act, 1909, s. 19, and notes thereto (pp. 87, 104, 105, 241).

**Schedule.**  
**Sect. 34.**

Price to  
public lamps.

**34.** Where the local authority are not themselves the undertakers, the price to be charged by the undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which those charges are to be ascertained, shall be settled by agreement between the local authority and the undertakers, and, in case of difference, shall be determined 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 prices charged to ordinary consumers in the district.

Where electric supply undertakers agreed to provide street lamps in and to light certain streets, and the local authority agreed to pay "at such rates as will yield to the contractors a return equal to ten per cent. over the actual cost of generating the light," it was held that "generating the light" covered all operations leading up to the production of the light in the street lamps, including transmission of the current, and that "the actual cost" covered all that the production of the light cost, including depreciation of plant, rent, rates, taxes, and insurance (*Municipality of Bulawayo v. Bulawayo Waterworks Co.*, [1908] A. C. 241).

**ELECTRIC INSPECTORS.**

Appointment  
of electric  
inspectors.

**35.**—(1) The local authority (a), so long as they are not themselves the undertakers, and, while the local authority are themselves the undertakers, the Board of Trade on the application of any consumer or of the undertakers, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under the Special Order.

(2) If, in a case where the local authority are not themselves the undertakers, no electric inspector is appointed by the local authority, or the inspection of electric lines and works is imperfectly attended to by the local authority, or the local authority themselves become the undertakers for the purposes of the Special Order, the Board of Trade, on the application of any consumer, or of the undertakers, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under the Special Order.

(a) In all County of London Orders the county council appoint the electric inspectors, and the Board of Trade are authorised to appoint on their default. As to the St. Pancras Order, 1883, and the Chelsea Order, 1886, see note (d), *ante*, p. 38.

Duties of  
electric  
inspectors.

**36.**—(1) The duties of an electric inspector under the Special Order shall be as follows:

- (a) The inspection and testing, periodically and in special cases, of the undertakers' electric lines and works and the supply of energy given by them;
- (b) The certifying and examination of meters; and

- (c) Such other duties in relation to the undertaking as may be required of him under the provisions of the Special Order or of the Board of Trade regulations. **Schedule. Sect. 36.**

(2) The local authority (a), with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and those fees shall be accounted for and applied as may be directed by the local authority or the Board of Trade, as the case may be.

(a) In County of London Orders the county council. For the rules made by the London County Council as to testing electricity meters, etc. and approved by the Board of Trade, see *post*, p. 443.

**37.—**(1) The local authority (a) may pay to any electric inspector appointed by them under the Special Order such reasonable remuneration (if any) as they may determine, and that remuneration may be in addition to, or in substitution for, any fees directed to be paid to electric inspectors in respect of their duties under the Special Order or the Board of Trade regulations, according as the local authority determine. **Remuneration of electric inspectors.**

(2) Where the local authority are themselves the undertakers, they shall pay to every electric inspector appointed under the provisions of the Special Order such reasonable remuneration (if any) as may be determined by the Board of Trade, and that remuneration may be in addition to, or in substitution for, any fees which are directed to be paid to electric inspectors for services rendered by them under the Special Order or the Board of Trade regulations, as may be settled by that Board; and where any such remuneration is settled to be in substitution for fees, any fees payable by any party other than the undertakers shall, in lieu of being paid to the electric inspector for his own use, be due and paid to him on behalf and for the use of the undertakers, and shall be carried by them to the credit of the local rate.

(a) In County of London Orders the county council.

**38.—**(1) The undertakers shall send to the Board of Trade notice of any accident by explosion, or fire, and also of any other accident of such kind as to have caused, or to be likely to have caused, loss of life, or personal injury which has occurred in any part of the undertakers' works or their circuits, or in connexion with those works or circuits, and also notice of any loss of life or personal injury occasioned by any such accident. The notice shall be sent by the earliest practicable post after the accident occurs, or, as the case may be, after the loss of life or personal injury becomes known to the undertakers. **Notice of accidents and inquiries by Board of Trade.**

**Schedule.  
Sect. 38.**

If the undertakers fail to comply with the provisions of this subsection they shall be liable, for each default, to a penalty not exceeding twenty pounds.

(2) The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person to inquire and report as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connexion with the undertakers' works, whether notice of the accident has or has not been received from the undertakers, or as to the manner and extent in and to which the provisions of the Special Order and the principal Act, and of the Board of Trade regulations, so far as those provisions affect the safety of the public, have been complied with by the undertakers; and any person appointed under this section, not being an electric inspector, shall for the purposes of his appointment have all the powers of an electric inspector under the Special Order.

Sub-section (1) was first inserted in Provisional Orders in 1898. See also Regulation A. 12, *post*, p. 369, and (under s. 4 of 1888 Act) Regulation 8, *post*, p. 389.

Notice must also be given under the Notice of Accidents Acts, 1894 and 1906 (57 & 58 Vict. c. 28, and 6 Edw. 7, c. 53), to the inspector for the district.

## TESTING AND INSPECTION.

Testing of  
mains.

**39.** On the occasion of the testing of any main of the undertakers reasonable notice thereof shall be given to the undertakers by the electric inspector, and the testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy by the undertakers, and in such manner as the inspector thinks expedient, but, except under the provisions of an order made in each case in that behalf by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the undertakers at any points other than those at which the undertakers have reserved for themselves access to the said mains: Provided that the undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by the inspector for the purpose of any such testing as aforesaid. Provided also that the testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of an order made in each case in that behalf by the Board of Trade.

Testing of  
works and  
supply on  
consumer's  
premises.

**40.** An electric inspector, if and when required to do so by any consumer, shall, on payment by the consumer of the prescribed fee (a), test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and works of the undertakers upon the consumer's



premises as may be necessary for the purpose of determining whether the undertakers have complied with the provisions of the Special Order and the Board of Trade regulations. **Schedule. Sect. 40.**

(a) See s. 36 (2).

**41.**—(1) Where the local authority are not themselves the undertakers, the undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost and keep in proper condition such reasonable number of testing stations as the local authority think proper and sufficient for testing the supply of energy by the undertakers through the main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect those stations by means of proper and sufficient electric lines with the mains, and supply energy thereto for the purpose of the testing.

Undertakers not being local authority, to establish testing stations.

(2) If any dispute arises between the local authority and the undertakers as to whether the number of the testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any excessive or improper use of energy for the testing, or as to the performance by the undertakers of their duties under this section, that dispute shall be determined by arbitration.

(3) Where the local authority are themselves the undertakers, a court of summary jurisdiction may upon the application of any ten consumers direct the undertakers, at their own cost, to establish at such places, within a reasonable distance from a distributing main, and keep in proper condition, such reasonable number of testing stations as the court think proper and sufficient for testing the supply of energy by the undertakers through the main, and thereupon the undertakers shall establish such testing places, and provide thereat such proper and suitable instruments of a pattern to be approved by the Board of Trade as the court direct, and they shall connect those stations by means of proper and sufficient electric lines with the mains, and supply energy thereto for the purpose of the testing.

In County of London Orders the county council are charged with the duty of seeing to the establishment of testing stations.

**42.** The undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved or prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence.

Undertakers to keep instruments on their premises.

- Schedule.** **43.—**(1) The undertakers shall keep in efficient working order all instruments which they are required by or under the Special Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under the Special Order may examine and record the readings of those instruments, and any readings so recorded shall be receivable in evidence.
- Sect. 43.** (2) Where the local authority are not themselves the undertakers, the examinations and readings under this section must be made at such times and in such manner as may be directed by the authority by whom the inspector is appointed.
- Readings of instruments to be taken. **44.** Any electric inspector appointed under the Special Order shall have the right to have access at all reasonable hours to the testing stations and premises of the undertakers for the purpose of testing the electric lines and instruments of the undertakers, and ascertaining if they are in order, and in case they are not in order he may require the undertakers forthwith to have them put in order.
- Electric inspector may test undertakers' instruments.
- Representation of undertakers at testings. **45.** The undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the undertakers by any electric inspector, be represented by some officer or other agent, but that officer or agent shall not interfere with the testing or inspection.
- Undertakers to give facilities for testing. **46.** The undertakers shall afford all facilities for the proper execution of the Special Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under the Special Order in that behalf; and in case the undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound.
- Report of results of testing. **47.—**(1) Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under the Special Order, make and deliver a report of the results of his testing to the authority or person by whom he was required to make the testing, and to the undertakers, and that report shall be receivable in evidence.
- (2) If the undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector, they or he may appeal to the Board of Trade against the report, and thereupon the Board of Trade shall inquire into and decide upon the matter of the appeal, and their decision shall be final and binding on all parties.
- Expenses of electric inspector. **48.—**(1) Save as otherwise provided by the Special Order or by the Board of Trade regulations, all fees and reasonable expenses of an electric inspector shall, unless agreed, be ascertained by a court of summary jurisdiction, or (where the inspector is appointed by

them) by the Board of Trade, and shall be paid by the undertakers, and if a local authority are the undertakers may be recovered summarily as a civil debt. Schedule.  
Sect. 48.

(2) Provided that where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, the fees and expenses shall, on being ascertained as above mentioned, be paid by the consumer as the court or the Board, by whom the fees are ascertained, having regard to the report or decision, direct, and may be recovered summarily as a civil debt.

(3) Provided also, that in any proceedings for penalties under the Special Order the fees and expenses of an electric inspector incurred in connexion with the proceedings shall be payable by the complainant or defendant as the court direct.

"Reasonable expenses" means expenses specifically incurred by an electric inspector in making tests and inspections, and does not include salary appointed to the inspector, or the general expenses of his laboratory and staff (*Crawford on behalf of London Corporation v. City of London Electric Lighting Co.* (1898), 67 L. J. Q. B. 942). See a special enactment on this subject in City of London Electric Lighting Order, 1899 (confirmed by 62 & 63 Vict. c. cclxxv, s. 49).

#### METERS.

49. [The amount of energy supplied by the undertakers to any ordinary consumer under the Special Order, or the electrical quantity contained in the supply (according to the method by which the undertakers elect to charge), hereinafter referred to as "the value of the supply," shall, except as otherwise agreed between the consumer and the undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of the Special Order, and fixed and connected with the service lines in some manner approved by the Board of Trade.] Meters to be  
used except  
by agreement.

This section, and ss. 50, 51 and 53, were substituted by the Electric Lighting Act, 1909, for the original sections so numbered in the Schedule to the Act of 1899.

In some of the Power Acts special provisions will be found with regard to meters to be used, and there is a provision for arbitration in the absence of agreement as to the type of meter to be used, with a further provision that if either the company or the "authorised undertakers" shall so require the value of the supply shall be ascertained by three such meters, one to belong to and be kept in repair by the company, another to belong to and be kept in repair by the authorised undertakers, and a third to be provided and kept in repair by the company at the joint expense of the company and the authorised undertakers. In such case the amount of energy supplied is to be ascertained by the average of the readings of these meters, any meter showing a difference from the mean reading of the three of more than 3 per cent. is to be re-calibrated, and the cost borne equally by the

**Schedule.** company and the authorised undertakers (County of Durham Act, 1900, s. 14, and North Metropolitan Act, 1900, s. 14). These Acts do not incorporate s. 49. For a case arising out of a dispute under a similar clause contained in an agreement, see *Gravesend and Northfleet Electric Tramways, Limited v. Gravesend Corporation* (1910), 8 L. G. R. 445.

**Sect. 49.**  
**NOTE.**

Meter to be certified.

**50.** [A meter shall be considered to be duly certified under the provisions of the Special Order if it be certified by an electric inspector appointed under the Special Order to be a meter capable of ascertaining the value of the supply within such limits of error as may, as respects meters of the class to which the meter belongs, be allowed by the Board of Trade, and to be of some construction and pattern approved by the Board of Trade, and every such meter is hereinafter referred to as a "certified meter": Provided that, where any alteration is made in any certified meter, that meter shall cease to be a certified meter unless and until it is again certified as a certified meter under the provisions of the Special Order.]

See note to s. 49, *ante*.

Inspector to certify meter.

**51.** [An electric inspector, on being required to do so by the undertakers or by any consumer, and on payment of the prescribed fee (a) by the party so requiring him, shall examine any meter used or intended to be used for ascertaining the value of the supply, and shall certify it as a certified meter if he considers it entitled to be so certified, and the inspector shall, on the like requisition and payment, examine the manner in which any such meter has been fixed and connected with the service lines, and shall certify that it has been fixed and connected with the service lines in some manner approved by the Board of Trade, if he considers that it is entitled to be so certified.]

See note to s. 49, *ante*.

(a) See s. 36 (2), *ante*, p. 185.

Undertakers to supply meters if required to do so.

**52.** Where the value of the supply is under the Special Order required to be ascertained by means of an appropriate meter, the undertakers shall, if required by any consumer, supply him with an appropriate meter, and shall, if required, fix it upon the premises of the consumer and connect the service lines therewith and procure the meter to be duly certified under the provisions of the Special Order, and for those purposes may authorise and empower any officer or person to enter upon the premises at all reasonable times and execute all necessary works and do all necessary acts; provided that previously to supplying any such meter the undertakers may require the consumer to pay to them a reasonable sum in respect of the price of the meter, or to give security therefor, or (if he desires

to hire the meter) may require him to enter into an agreement for the hire of the meter as hereinafter provided. **Schedule. Sect. 52.**

**53.** [The undertakers shall not, nor shall any consumer, connect any meter used or to be used under the Special Order for ascertaining the value of the supply with any electric line through which energy is supplied by the undertakers, or disconnect any such meter from any such electric line, unless the one has given to the other not less than forty-eight hours' notice in writing of the intention to do so, and the undertakers or any consumer acting in contravention of this section shall be liable for each offence to a penalty not exceeding forty shillings.] Meters not to be connected or disconnected without notice.

See note to s. 49, *ante*, 189.

**54.**—(1) Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is to be ascertained, in proper order for correctly registering that value, and in default of his so doing the undertakers may cease to supply energy through the meter. Consumer to keep his meter in proper order.

(2) The undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring the meter to be again duly certified where the re-certifying is thereby rendered necessary, shall, if the meter is found to be not in proper order, be paid by the consumer, but if it is found to be in proper order all expenses connected therewith shall be paid by the undertakers.

See also s. 24, Electric Lighting Act, 1882, *ante*, p. 110.

Where the consumer hires a meter from the undertakers, the latter keep it in repair. See s. 56, *post*.

**55.** The undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money and on such terms with respect to the repair of the meter and fittings, and for securing the safety and return to the undertakers of the meter and fittings, as may be agreed upon between the hirer and the undertakers, or, in case of difference, determined by the Board of Trade, and that remuneration shall be recoverable by the undertakers summarily as a civil debt. Power to the undertakers to let meters

Such meters are protected from distress, execution and proceedings in bankruptcy while on the consumer's premises, and provided they are marked as the property of the undertakers they remain such property of the undertakers even though fixed to the premises (Electric Lighting Act, 1882, s. 25; Electric Lighting Act, 1909, s. 16).

**Schedule.**  
**Sect. 56.**

Undertakers  
to keep  
meters let  
for hire in  
repair.

**56.** The undertakers shall, unless the agreement for hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering that value, and in default of their doing so the consumer shall not be liable to pay rent for the meters during such time as the default continues. The undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified, where that re-certifying is thereby rendered necessary, shall be paid by the undertakers.

See also s. 24, Electric Lighting Act, 1882.

Where a consumer uses his own meter, he must keep it in repair. See s. 54, *supra*.

Differences as  
to correctness  
of meter to  
be settled by  
inspector.

**57.** If any difference arises between any consumer and the undertakers as to whether any meter, whereby the value of the supply is ascertained (whether belonging to the consumer or to the undertakers), is or is not in proper order for correctly registering that value, or as to whether that value has been correctly registered in any case by any meter, that difference shall be determined upon the application of either party by an electric inspector or, where the local authority (a) are the consumers, by an inspector to be appointed by the Board of Trade, and that inspector shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of the inspector shall be final and binding on all parties.

Subject as aforesaid, the register of the meter shall be conclusive evidence (b) in the absence of fraud of the value of the supply.

(a) In County of London Orders the county council.

(b) *Cf.* the Gasworks Clauses Act, 1871, s. 20, which makes the register "prima facie evidence." Where a new meter registered three times as much as a former meter had registered for five years during the corresponding quarter, Judge RENTOUL, K.C., in the City of London Court, held, on the facts, that the register of the meter was not conclusive evidence (*City of London E. L. Co. v. Oakley*, Times, November 12th, 1902; *Electrician*, November 14th, 1902, p. 158; *El. Rev.*, November 14th, 1902, p. 817; *Jl. of G. L.*, November 18th, 1902, p. 1332), but this decision seems open to question. See *Gravesend and Northfleet Electric Tramways, Limited v. Gravesend Corporation* (1910), 8 L. G. R. 445, a decision under a special agreement providing for three meters.

Undertakers  
to pay  
expenses of  
providing  
new meters  
where

**58.** Where any consumer who is supplied with energy by the undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the undertakers change the method of charging for energy supplied by them from the main, the undertakers shall pay to that consumer

the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to the new method of charging, and those expenses may be recovered by the consumer from the undertakers summarily as a civil debt.

**Schedule.  
Sect. 58.**  
method of  
charge  
altered.

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

Undertakers  
may place  
meters to  
measure  
supply or  
to check  
measurement.

#### MAPS.

**60.**—(1) The undertakers shall forthwith after commencing to supply energy under the Special Order cause a map to be made of the area of supply, and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause that map to be duly corrected so as to show the then existing lines. The undertakers shall also, if so required by the Board of Trade or the Postmaster-General (*a*), cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade prescribe.

Map of area  
of supply  
to be made.

(2) Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and those applicants may take copies of it or any part thereof. The undertakers may demand and take from every such applicant such fee not exceeding one shilling for each inspection of the map, section, or copy, and such further fee not exceeding five shillings for each copy of it, or any part thereof, taken by the applicant, as they prescribe.

(3) The undertakers shall, if required by the Board of Trade or the Postmaster-General (*a*), or, where the local authority are not themselves the undertakers, by the local authority, supply to them or him a copy of any such map or section and cause that copy to

**Schedule.** be duly corrected so as to agree with the original or originals thereof  
**Sect. 60.** as kept for the time being at the office of the undertakers.

(4) If the undertakers fail to comply with any of the requirements of this section they shall for each default be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

(a) In County of London Orders the words "or the county council" are added. See also London Electric Supply Act, 1908, s. 15 (5), *post*, p. 279, as to lines laid down under that Act.

#### NOTICES, ETC.

Notices, etc.  
 may be  
 printed or  
 written.

**61.** Notices, orders, and other documents under the Special Order 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 local authority, the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

Service of  
 notices, etc.

**62.—**(1) Any notice, order, or document required or authorised to be served upon any body or person under the Special Order or the principal Act may be served by being addressed to that body or person, and being left at or transmitted through the post to the following addresses respectively :

- (a) in the case of the Board of Trade, the office of the Board of Trade ;
- (b) in the case of the Postmaster-General, the General Post Office ;
- (c) in the case of any county council, the office of that council ;
- (d) in the case of any local authority, the office of that local authority ;
- (e) in the case of the undertakers, where the undertakers are not a local authority, the registered office of the undertakers ;
- (f) in the case of a company having a registered office, at that registered office, and in the case of a company having an office or offices, but no registered office, the principal office of that company ;
- (g) in the case of any other person, the usual or last-known place of abode of that person.

(2) A notice, order, or document by this Schedule required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

(3) A notice, order, or document by the Special Order required or authorised to be served on the owner or occupier of premises may be served by delivering it, or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises.



(4) Subject to the provisions of the Special Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of the Special Order and the execution of any works, or the performance of any duty or act, is less than seven days, the following days shall not be reckoned in the computation of that time; that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, 34 & 35 Vict. and any day appointed for public fast, humiliation, or thanks-giving. Schedule.  
Sect. 62.

The Bank Holiday Act, 1871, has been extended as to Ireland by the Bank Holiday (Ireland) Act, 1903 (3 Edw. 7, c. 1).

*Cf.* Gasworks Clauses Act, 1871, s. 45, incorporated with the principal Act (*post*, p. 226).

#### REVOCATION OF SPECIAL ORDER.

**63.** If the Board of Trade, in any case where a local authority are not the undertakers, at any time after the commencement of the Special Order, have reason to believe that the undertakers have made any default in executing works or supplying energy in accordance with the provisions of that Order, and that that default is in consequence of the insolvency of the undertakers, and that by reason of that insolvency the undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by that Order, the Board of Trade may after such inquiry as they may think necessary, and after considering any representations of the local authority, revoke that Order as to the whole or (with the consent of the undertakers) as to any part of the area of supply. Revocation  
of Order  
where under-  
takers are  
insolvent.

In County of London Orders, the Board of Trade are required to consider representations of the county council.

See also s. 5, *ante*, p. 151.

**64.** If in any case where a local authority are not the undertakers, the undertakers at any time after the commencement of the Special Order represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of the representation, and if upon that inquiry they are satisfied of the truth of the representation they may, if in their discretion they think fit, revoke the Special Order as to the whole or (with the consent of the undertakers and of the local authority) as to any part of the area of supply. Revocation  
of Order  
where  
undertaking  
cannot be  
carried on  
with profit.

In County of London Orders the consent of the county council is also required.

**65.** If in a case where the local authority are themselves the undertakers, the Board of Trade, at any time after the commence- Revocation  
where local  
authority are  
undertakers

**Schedule.****Sect. 65.**

and works  
are not  
executed.

ment of the Special Order, have reason to believe that the undertakers have made default in executing works or supplying energy in accordance with the provisions of the Special Order, the Board of Trade may, after such inquiry as they may think necessary, revoke the Special Order as to the whole or (with the consent of the undertakers) any part of the area of supply upon such terms as the Board of Trade think just.

Revocation  
of Order  
with consent.

**66.** In addition to any other powers which the Board of Trade may have in that behalf, they may revoke the Special Order at any time with the consent and concurrence of the undertakers, and, where the local authority are not themselves the undertakers, also of the local authority upon such terms as the Board of Trade think just.

Provisions  
where Order  
revoked.

**67.** If the Board of Trade, in any case where the local authority are not themselves the undertakers, at any time revoke the Special Order as to the whole or any part of the area of supply, under any of the provisions of the Special Order, the following provisions shall have effect:

- (a) The Board of Trade shall serve a notice of the revocation upon the undertakers and upon (a) the local authority, and shall in that notice fix a date at which the revocation shall take effect, and from and after that date all the powers and liabilities of the undertakers under the Special Order or this Act, for the supply of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine.
- (b) Within two months after the service of the notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the undertakers to sell, and thereupon the undertakers shall sell, to them so much of the undertaking or such part thereof as aforesaid as is within the district of the local authority, upon terms of paying the then value of all land, buildings, works, materials, and plant of the undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid, that value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act (b).
- (c) Where any purchase is so effected, the undertaking, or part thereof so purchased, shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the undertakers, or attaching to the undertaking (b); and the revocation of the Special Order, as to the whole of the area of supply, or such part thereof as aforesaid, shall extend

**Schedule.  
Sect. 67.**

only to the revocation of the rights, powers, authorities, duties, and obligations of the undertakers from whom the undertaking, or such part thereof as aforesaid, is purchased in relation to the supply of energy within that area or part thereof, and, save as aforesaid, the Special Order shall remain in full force within that area or part thereof in favour of the local authority, by whom the undertaking or part thereof is purchased as aforesaid.

- (d) Where no purchase has been effected under the preceding provisions of this section, the local authority, and any body or person who may be liable to repair any street or part of a street in which any works of the undertakers have been placed, may (subject however to any agreement between the local authority or that body or person and the undertakers providing for the removal of those works by the undertakers) forthwith remove those works with all reasonable care, and the undertakers shall pay to the local authority, or other such body or person as aforesaid, such reasonable costs of the removal, and of the reinstatement of the street or part of a street as may be specified in a notice to be served on the undertakers by the local authority or other body or person, or (if so required by the undertakers, within one week after the service of the notice upon them) as may be determined by arbitration.

If the undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of the notice, or the delivery of the award of the arbitrator (as the case may be), the local authority, or other such body or person as aforesaid, may, without any previous notice to the undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit; and may, out of the proceeds of the sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the undertakers.

- (e) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers granted by the Special Order to the undertakers, or for any expenses to which that local authority, body, or person may have been put in removing any works of the undertakers within the area, or part thereof, under the provisions of the Special Order, that

**Schedule.**  
**Sect. 67.**

compensation shall be a first charge on any money that may have been deposited or secured by the undertakers under the provisions of the Special Order in respect of that area, or part thereof, and which may not have been repaid or released to the undertakers, and that money shall be applied rateably in satisfying those claims, and in every such case the amount of compensation to be paid in respect of the various claims, and the persons to whom it is to be paid, shall be determined by arbitration.

(a) In County of London Orders, the words "county council and the" are here inserted.

(b) See s. 2 of the Act of 1888 and notes thereto, *ante*, p. 135.

Provisions  
where local  
authority are  
undertakers  
and Order is  
revoked.

**68.**—(1) If the Board of Trade, in a case where the local authority are themselves the undertakers, at any time revoke the Special Order as to the whole or any part of the area of supply, any persons who may be liable to repair any street or part of a street within that area or part thereof in which any works of the undertakers have been placed, may forthwith remove those works with all reasonable care, and the undertakers shall pay to those persons such reasonable costs of the removal as are specified in a notice to be served on the undertakers by those persons, or if so required by the undertakers within one week after the service of the notice upon them as may be determined by arbitration.

(2) If the undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator (as the case may be), such persons as aforesaid may without any previous notice to the undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid either by public auction or private sale, and for such sum or sums and to such person or persons as they think fit, and may out of the proceeds of the sale pay and reimburse themselves the amount of the costs so specified or determined as aforesaid, and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the undertakers.

*Cf.* the preceding section. It will be observed that the present section is confined to the removal of the undertakers' works from the streets, and the expenses attending the same.

**GENERAL.**

Remedying  
of system and  
works.

**69.**—(1) If at any time it is established to the satisfaction of the Board of Trade—

(a) that the undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or (except in accordance with the provisions of the

Special Order) have permitted any part of their circuits to be connected with earth or placed any electric line above ground; or

**Schedule.  
Sect. 69.**

- (b) that any electric lines or works of the undertakers are defective, so as not to be in accordance with the provisions of the Special Order or the Board of Trade regulations; or
- (c) that any work of the undertakers or their supply of energy is attended with danger to the public safety, or injuriously affects any telegraphic line of the Postmaster-General,

the Board of Trade may by order specify the matter complained of, and require the undertakers to abate or discontinue it within such period as is therein limited in that behalf, and if the undertakers make default in complying with the order they shall be liable to a penalty not exceeding twenty pounds for every day during which the default continues.

(2) The Board of Trade may also if they think fit by the same or any other order forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with, or for such time as may be so specified, and if the undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which the user continues.

(3) In any case of non-compliance with an order under this section, whether a pecuniary penalty has been recovered or not, the Board of Trade, if in their opinion the public interest so requires, may revoke the Special Order on such terms as they think just.

See s. 10, *ante*, p. 156, and see the Board of Trade Regulations, *post*, p. 364.

**70.—(1)** The Board of Trade Regulations for the time being Publication in force shall within one month after they have come into force, as made or last altered, be printed at the expense of the undertakers, of regulations. and a true copy thereof, certified by or on behalf of the undertakers, shall be kept by the undertakers at their principal office within the area of supply, and supplied to any person demanding them at a price not exceeding sixpence for each copy, and where the local authority are not themselves the undertakers, a like copy shall also be forthwith served upon the local authority (a).

(2) If the undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

(a) Under County of London Orders the county council are also entitled to be served with a copy.

See the Regulations, *post*, p. 364.

**Schedule.**  
**Sect. 71.**

Nature and  
amount of  
security.

71. Where any security is required under the Special Order to be given to or by the undertakers, 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 court of summary jurisdiction, and that court may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom the security is given shall pay interest at the rate of four per centum per annum on every sum of ten shillings so deposited for every six months during which it remains in their hands.

Proceedings  
of Board of  
Trade.

72.—(1) All things required or authorised under the Special Order to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or assistant secretary of the Board.

(2) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be those orders without further proof, unless the contrary is shown.

(3) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the order or act so certified.

Approval  
or consent of  
Board of  
Trade.

73.—(1) Where the Special Order provides for any consent or approval of the Board of Trade, the Board may give that consent or approval subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit.

(2) All costs and expenses of or incident to any approval, consent, certificate, or order of the Board of Trade or of any inspector or person appointed by the Board of Trade, including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made, to such an amount as the Board of Trade certify to be due, shall be borne and paid by the applicant therefor.

Provided that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the plan, pattern, or specification as they think fit to be prepared and deposited at their office at the expense of the applicant, and may, as they think fit, revoke any approval so given, or permit the approval to be continued, subject to such modifications as they think necessary.

Notice of  
approval of  
Board of  
Trade, etc.  
to be given  
by advertise-  
ment.

74. Where the Board of Trade—

(1) upon the application of the undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the undertakers; or

- (2) in a case where the local authority are not themselves the undertakers, revoke the Special Order upon the application of (a) the local authority or the undertakers as to the whole or any part of the area of supply; or
- (3) in a case where the local authority are themselves the undertakers revoke the Special Order as to the whole or any part of the area of supply,

**Schedule.  
Sect. 74.**

notice that the approval has been given, or the extension of time granted, or the revocation made, shall, if the Board of Trade so direct, be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the undertakers, or, where the application for revocation has been made by the local authority, by the local authority.

(a) In County of London Orders, the words "the county council or" are here added.

**75.** If, in a case where the local authority are not themselves the undertakers, any application is made to the Board of Trade to extend any time limited for the performance of any duties by the undertakers, notice of the application shall be served on the local authority by the undertakers, and an opportunity shall be given to the local authority to make representations or objections with reference thereto.

Notice of application for extension of time, etc. to be given to local authority.

In County of London Orders the notice is required to be served on the county council, who may also make representations.

**76.—**(1) All penalties, fees, expenses, and other moneys recoverable under the Special Order, or under the Board of Trade regulations, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts (a).

Recovery and application of penalties.

(2) Any penalty recovered on prosecution by an officer of the local authority (b) in a case where the local authority are not themselves the undertakers, shall, if there is an electric inspector for the time being appointed by the local authority (b), be paid to that officer and by him to the local authority, and shall be applied in aid of the local rate (c).

(3) Any penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court so direct, be paid to that body or person (d).

(a) See note (e) to s. 12, Electric Lighting Act, 1882, *ante*, p. 97.

(b) In County of London Orders, the county council.

(c) Where the county council recover the penalty it is carried to the county fund.

**Schedule.**  
**Sect. 76.**

**NOTE.**

(d) In County of London Orders there is an additional paragraph in this section, viz.:

"Save as aforesaid all penalties recovered summarily under this Order shall be applied according to the law regulating the application of penalties so recovered within the metropolitan police district."

Undertakers  
to be  
responsible  
for all  
damages.

77. The undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the undertakers, or of any person in their employment, by reason of or in consequence of any of the undertakers' works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants, from all damages and costs in respect of those accidents, damages, and injuries.

It has been held that s. 55 of the Tramways Act, 1870, the terms of which are similar to those of this section, applies only to a wrongful act or default, and does not make the promoters or lessees of the tramways answerable for mere accident caused without negligence (*Brocklehurst v. Manchester, Bury, Rochdale and Oldham Steam Tramways Co.* (1886), 17 Q. B. D. 118). In *Midwood v. Manchester Corporation*, [1905] 2 K. B. 597, MATHEW, L.J., expressed the opinion that the decision in *Brocklehurst's Case* had no application to a section in an Electric Lighting Order similar to s. 77 of this Act, by reason of the difference of the nature of the business involved, and that such section in the Electric Lighting Order must be read in the light of a later section in terms similar to s. 81 of this Act. It is submitted, however, that the decision in *Brocklehurst's Case* is applicable to s. 77, and that undertakers are only answerable for such accidents, damages, and injuries if occasioned by the wrongful act or negligence of themselves or their employees (including independent contractors, see cases cited, *post*, p. 213), or (by reason of s. 81, *post*) by acts or omissions amounting to or causing a nuisance. This seems to have been the view of the Divisional Court in *Solomon v. Stepney Borough Council* (3 L. G. R. 912). See also s. 17, Electric Lighting Act, 1882, *ante*, p. 103.

As to  
mortgages.

78. Nothing in the Special Order shall prevent the undertakers, in a case where a local authority are not the undertakers, from borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage:

Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the undertakers in the event of any sale or transfer of the undertaking or any part thereof, under section two of the Electric Lighting Act, 1888, or under the Special Order, and that any mortgage granted by the undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or that part being sold or transferred as aforesaid, and that every mortgage deed



granted by the undertakers shall be endorsed with notice to that effect. **Schedule. Sect. 78.**

The mortgagees of an undertaking authorised by statute for the public benefit cannot sell or obtain an order for sale of the undertaking, and, consequently, though they may obtain a receiver, they cannot obtain a manager of the undertaking, for the court only appoints a manager with a view to a sale (*Gardner v. London, Chatham and Dover Rail. Co.* (1867), L. R. 2 Ch. App. 201; *Blaker v. Herts and Essex Waterworks Co.* (1889), 41 Ch. D. 399; *Marshall v. South Staffordshire Tramways Co.*, [1895] 2 Ch. 36). An electric supply undertaking authorised by a Provisional Order is within this principle.

A company owning an undertaking to which the above decisions apply may, however, be wound up under the Companies (Consolidation) Act, 1908 (*Barton-upon-Humber Water Co.* (1889), 42 Ch. D. 585).

**79.** Nothing in the Special Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1897, and all provisions contained in the Special Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts. **Saving for Postmaster-General.**

See notes to s. 26 of the Electric Lighting Act, 1882, *ante*, p. 112.

**80.** Although any shore, bed of the sea, river, channel, creek, bay, or estuary is included in the area of supply, nothing in the Special Order shall authorise the undertakers to take, use, or in any manner interfere with any portion of that shore or bed of the sea, or of the river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of her Majesty (which consent the Board of Trade may give), neither shall anything in the Special Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exercisable by the Queen's Majesty. **Saving rights of the Crown in the foreshore.**

**81.** Nothing in the Special Order shall exonerate the undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused or permitted by them. **Undertakers not exempted from proceedings for nuisance.**

*Cf.* the Gasworks Clauses Act, 1847, s. 29, and the Gasworks Clauses Act, 1871, s. 9. See s. 77 and notes thereto, *supra*, p. 202.

See also the provisions for the protection of public buildings and parks contained in the Electric Lighting Act, 1909, s. 22, and the London Electric Supply Act, 1908, ss. 18 and 22, *post*, pp. 242, 282, 284.

In *Geddis v. Proprietors of Bann Reservoir* (1878), 3 App. Cas. 430, Lord BLACKBURN stated the law thus: "It is now thoroughly well

**Schedule.**  
**Sect. 81.**

NOTE.  
Liability for  
nuisance.

established that no action will lie for doing that which the legislature has authorised, if it be done without negligence, although it does occasion damage to anyone; but an action does lie for doing that which the legislature has authorised if it be done negligently. And I think that if by a reasonable exercise of the powers either given by statute to the promoters or which they have at common law, the damage could be prevented, it is, within this rule, negligence not to make such reasonable use of their powers."

This section, however, precludes the defence of statutory authority being pleaded in proceedings for nuisance caused by an undertaking, to which the section applies, though it would seem that even apart from this section there is nothing in the Electric Lighting Acts which would entitle the undertakers to work a generating station so as to cause a nuisance (see *per Lord HALSBURY* in *Shelfer v. City of London Electric Lighting Co.*, [1895] 1 Ch., at p. 309; *Demerara Electric Co. v. White*, [1907] A. C. 330; and *cf. Metropolitan Asylum District v. Hill* (1881), 6 App. Cas. 193; *London and Brighton Rail. Co. v. Truman* (1885), 11 App. Cas. 45).

With respect to this subject Lord Cross's Committee of 1898 reported as follows: "With respect to liability for nuisance, they are of opinion that where the site for a generating station is acquired under compulsory powers and is specified in the Provisional Order or Special Act the undertakers should not be subjected to any further liability than that which according to Lord BLACKBURN (*Geddis v. Bann Reservoir*, 3 App. Cas. 455) is imposed by the common law in the case of persons exercising statutory powers and duties. On the other hand, where the site for a generating station is acquired by agreement they think the undertakers ought to be subject to the liability imposed by the common law." See the Report, *post*, p. 459.

Accordingly, since the date of that report a large number of undertakers have obtained special statutory powers authorising them to construct and work generating stations on specified lands, and either excluding s. 81 from incorporation or providing that it should not apply to the generating station authorised. In such cases the undertakers are only liable in respect of such stations to proceedings for nuisance in the event of negligence being proved against them. It is the practice to incorporate s. 81 with every Provisional Order made under s. 1 of the Electric Lighting Act, 1909, so that undertakers are liable for any nuisance caused by a generating station authorised by such an order, but as to this practice, see *ante*, p. 17.

The effect of s. 81, *supra*, is that the undertakers are not entitled to carry on their undertaking unless and until they can do so without creating a nuisance (*Shelfer v. City of London Electric Lighting Co., Limited*, [1895] 2 Ch. 388; *Colwell v. St. Pancras Borough Council*, [1904] 1 Ch. 707; *Knight v. Isle of Wight Electric Light and Power Co., Limited* (1904), 73 L. J. Ch. 299). Injunctions were granted in those cases restraining the undertakers from working their generating stations so as to cause a nuisance to the plaintiffs. And see *Jordeson v. Sutton, etc. Gas Co.*, [1899] 2 Ch. 217.

An Order authorising a company to generate and supply electricity contained a provision similar to s. 81. The company acquired on the same day a licence authorising them to construct tramways and to generate electricity for the purpose, "anything in any ordinance of the colony notwithstanding," but not containing any provision similar to s. 81. The

company used one generating station for the purpose of both undertakings. It was held that the company were not relieved by the tramway licence from the obligation not to create a nuisance (*Demerara Electric Co. v. White*, [1907] A. C. 330).

**Schedule.  
Sect. 81.**

**NOTE.**  
Liability for  
nuisance.

The Manchester Electric Lighting Order, 1890, empowered the Manchester Corporation to supply electricity within the city, and for that purpose to lay down mains, but contained a section (70) similar to s. 81, *supra*. One of the mains fused, and the bitumen in which the main was laid in consequence became volatilized into an inflammable gas, which accumulated for some time and then exploded, causing a fire, by which the plaintiff's goods were damaged. It was held by the Court of Appeal that apart from negligence the corporation were liable to the plaintiffs as for a nuisance by reason of s. 70 of their Order (*Midwood v. Manchester Corporation*, [1905] 2 K. B. 597).

In *South Shields Corporation v. South Shields Gas Co.*, tried at the Durham Assizes by Mr. Commissioner LAWRENCE (Electrician, March 13th, 1903), the plaintiffs sought to recover damages from the defendants for injury to the plaintiffs' property, caused by an explosion in one of the plaintiffs' electric supply conduits of gas which had escaped from the defendants' mains. Judgment was given for the defendants on the ground that they had not been guilty of any negligence, and that the plaintiffs had laid their conduits close to the defendants' gas mains without providing for the proper ventilation of the former. On the facts the commissioner was of opinion that the accident was caused by the improper manner in which a sewer trench had been filled in under the supervision of the plaintiffs.

For another case of damage due to want of proper ventilation of a street box, see *Kidd v. Charing Cross, etc. Corporation*, Electrician, January 23rd, 1903, p. 572. And see *Solomons v. Stepney Borough Council* (1905), 3 L. G. R. 912.

By s. 24 (b) of the Public Health (London) Act, 1891, "Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance" is a nuisance liable to be dealt with summarily under the Act. Upon the hearing of complaints under this section it was proved that black smoke issued from the chimney of an electric generating station several times a day during a series of days for periods varying from a few minutes to upwards of an hour:—*Held*, that upon these facts the magistrate was justified in finding that the smoke issued "in such quantity as to be a nuisance," although there was no evidence that any particular person or property was injuriously affected thereby (*South London Electric Supply Corporation v. Perrin*, [1901] 2 K. B. 186).

There have been many convictions of undertakers under this section of the Act of 1891.

**82.** Nothing in the Special Order shall exempt the undertakers Provision as to general Acts.  
or their undertaking from the provisions of, or deprive the undertakers of the benefits of, any general Act relating to electricity, or to the supply of, or price to be charged for, energy, which may be passed after the passing of the Act confirming the Special Order.

See s. 34 of the Act of 1882, *ante*, p. 124.

**Schedule.  
Sect. 82.****NOTE.**

The only general Acts relating to electricity, or to the supply of or price to be charged for energy, passed since 1899 are the Electric Lighting (Scotland) Act, 1902, applicable only to Scotland (*post*, p. 227), and the Electric Lighting Act, 1909 (*post*, p. 228).

## APPLICATION TO SCOTLAND.

Application  
to Scotland.

**83.** In the application of the provisions of this Schedule to Scotland the following modifications shall be made:

- (1) The expression "arbiter" shall be substituted for the expression "arbitrator."
- (2) "The sheriff of the county or any of his substitutes" shall be substituted for "a court of summary jurisdiction."
- (3) References to recovery summarily as a civil debt shall be construed as references to recovery summarily.
- (4) The expression "complainant" shall be substituted for the expression "complainant," and the expression "defender" for the expression "defendant."
- (5) "The Secretary for Scotland" shall be substituted for "the Local Government Board."
- (6) The reference to section two hundred and sixty-five of the Public Health Act, 1875, shall not apply.
- (7) A reference to the Edinburgh Gazette shall be substituted for a reference to the London Gazette.

38 & 39 Vict.  
c. 55.

## APPLICATION TO IRELAND.

Application  
to Ireland.

**84.** In the application of the provisions of this Schedule to Ireland the following modifications shall be made:

- (1) References to recovery summarily as a civil debt shall be construed as references to recovery before a court of summary jurisdiction.
- (2) A reference to section two hundred and sixty-four of the Public Health (Ireland) Act, 1878, shall be substituted for a reference to section two hundred and sixty-five of the Public Health Act, 1875, and in the construction of that section, as incorporated in this Schedule, "sanitary authority" shall mean "the local authority as undertakers."
- (3) Where the repair of any street or public bridge in a rural district is a public work within the meaning of the Local Government (Ireland) Act, 1898, that street or bridge shall, for the purpose of the provisions of this Schedule, be deemed to be repairable by the county council and not by the district council.
- (4) A reference to the Local Government Board for Ireland shall be substituted for a reference to the Local Government Board.

41 & 42 Vict.  
c. 52.

38 & 39 Vict.  
c. 55.

61 & 62 Vict.  
c. 37.

- (5) A reference to the Dublin Gazette shall be substituted for a reference to the London Gazette. Schedule.  
Sect. 84.

### APPENDIX.\*

*Section 12 of the Electric Lighting Act, 1882 (45 & 46 Vict. c. 56).*

12. The provisions of the following Acts shall be incorporated with this Act; that is to say,—

- (2) The provisions of the Gasworks Clauses Act, 1847, with respect to breaking up streets for the purpose of laying pipes, and with respect to waste or misuse of the gas or injury to the pipes and other works except so much thereof as relates to the use of any burner other than such as has been provided or approved of by the undertakers; and

- (3) Sections thirty-eight to forty-two inclusive, and sections forty-five and forty-six of the Gasworks Clauses Act, 1871. Incorporation of certain provisions of Clauses Consolidation Acts. 10 & 11 Vict. c. 15.

For the purposes of this Act in the construction of all the enactments incorporated by this section "the special Act" means this Act inclusive of any licence, Order, or special Act; and the "promoters" or "undertakers," and "the undertaking," as the case may be, mean the undertakers and the undertaking respectively under this Act.

In the construction of the said Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, the said Acts shall be construed as if "gas" meant "electricity," and as if "pipe" meant "electric line," and "works" meant "works" as defined by this Act, and as if "the limits of the special Act" meant the area within which the undertakers are authorised to supply electricity under any licence, Order, or special Act.

All offences, forfeitures, penalties, and damages under the said incorporated provisions of the said Acts or any of them may be prosecuted and may be recovered in manner by the said Acts respectively enacted in relation thereto, provided that sums recoverable under the provisions of section forty of the Gasworks Clauses Act, 1871, shall not be recovered as penalties, but may be recovered summarily as civil debts.

See the notes, *ante*, p. 96.

\* This Appendix is referred to in s. 11 of the Schedule to the Act of 1899. See p. 157.

## Appendix.

*Sections of the Gasworks Clauses Act, 1847 (10 & 11 Vict. c. 15), incorporated.*

And with respect to the breaking up of streets for the purpose of laying pipes, be it enacted as follows :

Power to break up streets, etc. under superintendence, and to open drains.

6. The undertakers, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets (*a*) and bridges (*b*) within the limits of the special Act, and may open and break up any sewers, drains, or tunnels (*c*) within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service pipes, and other works, and from time to time repair, alter, or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the gas, and for the purposes aforesaid may remove and use all earth and materials in and under such streets and bridges, and they may, in such streets, erect any pillars, lamps, and other works, and do all other acts which the undertakers shall from time to time deem necessary for supplying gas to the inhabitants of the district included within the said limits, doing as little damage as may be in the execution of the powers hereby or by the special Act granted, and making compensation for any damage which may be done in the execution of such powers.

What is a "street."

(*a*) The word "street" is defined by s. 3 of the Gasworks Clauses Act, 1847, to "include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place, within the limits of the special Act."

Section 32 of the Electric Lighting Act, 1882, provides that "the expression 'street' includes any square, court, or alley, highway, lane, road, thoroughfare, or public passage, or place, within the area in which the undertakers are authorised to supply electricity by this Act or any licence, Order, or special Act."

It will be seen that these definitions of "street" do not confine that word to public streets, but the undertakers are prohibited by s. 7, *post*, p. 217, from placing works in land not dedicated to public use, and by s. 13 of the Electric Lighting Act, 1882, and s. 12 of the Schedule to the Electric Lighting (Clauses) Act, 1899, from breaking up any street not repairable by the local authority without the consent of such authority, or in pursuance of special powers in their order or Act, or with the consent of the Board of Trade. See *ante*, pp. 97, 157.

In the case of an ordinary highway, although it may be of a varying and unequal width running between fences one on each side, the right of passage or way *primâ facie* extends to the whole space between the fences, and the public are entitled to the use of the whole of it as the highway, and are not confined to the part which may be metalled or kept in order for the more convenient use of carriages and foot passengers. Hence, apart from statutory authority, the placing of telegraph posts on the greensward at the side of a highway so as to obstruct the right of passage which the public have over the whole space between the fences, is an indictable

nuisance (*R. v. United Kingdom Telegraph Co.* (1862), 31 L. J. M. C. 166; **Appendix.** and see *Wilkins v. Day* (1883), 12 Q. B. D. 110; *Curtis v. Kesteven County Council* (1890), 45 Ch. D. 504; *Locke King v. Woking Urban District Council* (1898), 77 L. T. 790; *Harvey v. Truro Rural District Council*, [1903] 2 Ch. 638; *Chorley Corporation v. Nightingale*, [1906] 2 K. B. 612; [1907] 2 K. B. 637; *Offin v. Rockford Rural District Council*, [1906] 1 Ch. 342; *Coats v. Herefordshire County Council*, [1909] 2 Ch. 579; *Copestake v. West Sussex County Council*, [1911] 2 Ch. 331. *Cf. Neeld v. Hendon Urban District Council* (1899), 81 L. T. 405; *Countess of Belmore v. Kent County Council*, [1901] 1 Ch. 873; *Neaverson v. Peterborough Rural District Council*, [1902] 1 Ch. 557; *Ford v. Harrow Urban District Council* (1903), 88 L. T. 394).

As to dedication of forecourts in a town, see *Corsellis v. London County Council*, [1907] 1 Ch. 704; [1908] 1 Ch. 13.

A public footpath is a "street" within the Electric Lighting Acts, and is "land dedicated to public use" within the meaning of s. 7, *post*, p. 217. See *Marriott v. East Grinstead Waterworks Co.*, [1909] 1 Ch., at p. 74, a case under the analogous sections of the Waterworks Clauses Act, 1847.

(b) The undertakers may not cut through the structure of the bridge, "Bridges," though they may break up the soil or pavement of the road upon the bridge (*Glasgow Corporation v. Glasgow and South Western Rail. Co.*, [1895] A. C. 376, decided under s. 28 of the Waterworks Clauses Act, 1847), but they may lay their pipes in the road so as to rest upon the structure provided that such structure is not cut through (*Taff Vale Rail. Co. v. Cardiff Gas Co.* (1907), 5 L. G. R. 993).

(c) "Tunnels" means tunnels *ejusdem generis* with "sewers" and "drains." "Tunnels," and does not include a railway tunnel (*Glasgow and South Western Rail. Co. v. Glasgow Corporation* (1901), 3 F. 526), or a tunnel constructed under a road by the owner of land on both sides for the purpose of connecting his several premises (*Schneider v. Worthing Gas Light and Coke Co.*, [1912] 1 Ch. 83).

The power to break up streets and lay down mains within the area of supply is only exercisable for the purposes of the undertaking authorised by the particular Act or Order conferring such power. Therefore, the laying of mains within that area for the purpose of giving an unauthorised supply within or without the area will be restrained by injunction, and an action for the purpose may be maintained by the owner of the land in which the mains are or are proposed to be laid without joining the Attorney-General (*Cardiff Corporation v. Cardiff Waterworks Co.* (1859), 5 Jur. (n.s.) 953; 4 De G. & J. 596; *Marriott v. East Grinstead Gas and Water Co.*, [1909] 1 Ch. 70. See also *Att.-Gen. v. Urban Electric Supply Co.* (1904), *Electrician*, August 5th, p. 650, in which an injunction was granted to restrain the breaking up of streets within the area of supply under one order for giving a supply within the area of supply under another order).

Without statutory power to break up streets such as that given by s. 6, *Consequences supra*, it is unlawful for anyone, other than the road authority for the purpose of repairs, to open and break up the soil and pavements of streets and bridges. The doing so constitutes a public nuisance, for which an indictment will lie (*R. v. Longton Gas Co.* (1860), 2 E. & E. 651; *S. C. sub nom. R. v. Knight* (1860), 6 Jur. (n.s.) 601; *R. v. Sheffield Gas Consumers Co.* (1853), 18 Jur. 146 n.); and penalties may be recovered under the Highway Act, 1835 (5 & 6 Will. 4, c. 50), s. 72 (*Hawkins v. Robinson* (1873), 37 J. P. 662). Penalties under the Highway Act, 1835.

NOTE.

**Appendix.**

NOTE.  
Penalties  
under Public  
Health Act,  
1875.

Penalties may also be recovered under the Public Health Act, 1875, s. 149, which enacts that "any person who without the consent of the urban authority wilfully displaces or takes up or who injures the pavement stones, materials, fences, or posts of, or the trees in any such street, shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding five shillings for every square foot of pavement stones or other materials so displaced, taken up or injured; he shall also be liable in the case of any injury to trees to pay to the local authority such amount of compensation as the court may award."

Consent of  
road authority  
immaterial.

The consent of the road authority will not legalise what would otherwise be a public nuisance (see cases last cited, and *Att.-Gen. v. Barker* (1900), 83 L. T. 543), though in *Edgware Highway Board v. Harrow District Gas Co.* (1874), L. R. 10 Q. B. 92, BLACKBURN, J., said: "I do not think that the licence to open the highway is necessarily a licence to commit an indictable offence. It is quite possible to open the highway within the terms of the agreement without creating a nuisance."

Injunction.

An injunction may also be obtained in an action at the suit of the Attorney General to restrain the breaking up of streets for the purpose of laying pipes in the absence of parliamentary authority, but the courts have generally declined to grant an injunction where the inconvenience to the public is of a trivial or temporary character (*Att.-Gen. v. Sheffield Gas Consumers Co.* (1853), 3 De G. M. & G. 309; *Att.-Gen. v. Cambridge Consumers Co.* (1868), L. R. 4 Ch. 71). Delay may also bar any right to such an injunction (*Att.-Gen. v. Sheffield Gas Consumers Co.*, *supra*; *Att.-Gen. v. Grand Junction Canal Co.*, [1909] 2 Ch. 505. Cf. *Att.-Gen. v. South Staffordshire Waterworks Co.* (1909), 25 T. L. R. 408). The road authority in whom a street unlawfully broken up is vested may maintain an action of trespass and obtain an injunction to restrain any threatened repetition of the breaking up of the street (*Vestry of St. Mary, Battersea v. County of London, etc., Co.*, [1899] 1 Ch. 474; *Wednesbury Corporation v. Lodge Holes Colliery Co.*, [1907] 1 K. B., at pp. 88, 90; reversed on another point, [1908] A. C. 323).

The owner of the subsoil in which any mains or pipes have been laid without or in excess of statutory authority, may obtain a mandatory injunction to compel their removal (*Goodson v. Richardson* (1874), L. R. 9 Ch. 221; *Marriott v. East Grinstead Gas and Water Co.*, [1909] 1 Ch. 70).

How far  
subsoil  
under and  
air-space  
over streets  
vested in road  
authority.

The Public Health Act, 1875, s. 149, vests "all streets, being or which at any time become highways repairable by the inhabitants at large within any urban district, and the pavements stones and other materials thereof" in the urban authority, and the Metropolis Management Act, 1855, s. 96, contains a similar provision vesting streets in the metropolis in the vestry or district board (now the metropolitan borough council). Under these provisions the authorities became the owners of so much of the air space above and so much of the soil beneath the street as is necessary for the ordinary use of the street as a street. Therefore where a local Act authorised the urban authority to erect and maintain "in any street or public place, or on land belonging to them, or under their control," lavatories for the use of the public, it was held by the House of Lords that the urban authority had no power to excavate the soil and erect lavatories below the surface of a street which had vested in them within the meaning of the Public Health Act, 1875 (*Mayor, etc. of Tonbridge Wells v. Baird*, [1896] A. C. 434). And where an electric lighting company had illegally broken



up the surface of a street within the district of a vestry in the metropolis and placed their pipes and wires at a depth of about two feet below the surface, it was held that the vestry were not by virtue of s. 96 of the Metropolis Management Act, 1855, the owners of the soil of the street at that depth, and that although the company had acted illegally in breaking up the street, and an injunction was granted restraining them from doing so again, the vestry were not entitled to a mandatory injunction to compel the company to remove their pipes and wires, there being no continuing trespass upon or interference with any right of the vestry (*Vestry of St. Mary, Battersea v. County of London, etc. Co., Limited*, [1899] 1 Ch. 474). For the unwarranted breaking up of the street, the company were summoned at the police court and fined (Electrician, February 24th, 1899, p. 621). And where wires are placed across a street but so high as not to interfere with the use of the street as a street, the local authority cannot as owners of the street compel their removal (*Wandsworth Board of Works v. United Telephone Co.* (1884), 13 Q. B. D. 904; *Finchley Electric Light Co., Limited v. Finchley Urban District Council*, [1903] 1 Ch. 437). As to overhead wires now, see Electric Lighting Act, 1882, s. 14; Electric Lighting Act, 1888, s. 4, and Electric Lighting (Clauses) Act, 1899, Schedule, s. 10, and notes thereto, ante, pp. 98, 140, 156; and cf. *National Telephone Co. v. Constable of St. Peter Port*, [1900] A. C. 317. See further, as to the rights and liabilities of a local authority by reason of the vesting of the street in them, *Wedsbury Corporation v. Lodge Holes Colliery Co.*, [1907] 1 K. B., at pp. 87, 88, 90 and 91; reversed on another point, [1908] A. C. 323; *Foley's Charity Trustees v. Dudley Corporation*, [1910] 1 K. B. 317.

By s. 11 (6) of the Local Government Act, 1888, all main roads are vested in the county council, unless retained by an urban council under sub-s. (2) of that section. The authorities as to the effect of the vesting of streets under s. 149 of the Public Health Act, 1875, would appear to be equally applicable to s. 11 of the Act of 1888. See *Att.-Gen. v. Barker* (1900), 83 L. T. 543.

Where water pipes had without parliamentary authority been laid in the soil of a highway but without the consent of the owner of the *solum*, an injunction was granted to restrain the continuance of the pipes (*Goodson v. Richardson* (1874), L. R. 9 Ch. 221; *Marriott v. East Grinstead Gas and Water Co.*, [1909] 1 Ch. 70). The facts that the soil under the highway was of no value to the owner, and that his motive in applying to the court was not connected with the enjoyment of his land, were held not to be reasons for refusing the injunction (*Goodson v. Richardson, supra*; cf. *Bradford Corporation v. Pickles*, [1895] A. C. 587). In an earlier case where a telegraph company had, without any parliamentary powers, laid down their wires in tubes under a public highway, an information and bill were filed complaining of those acts as a nuisance to the public and as an invasion of the rights of the owner of the adjacent land in the soil of the road. The court refused to grant an injunction until the legal right had been established (*Att.-Gen. v. United Kingdom Electric Telegraph Co.* (1861), 30 Beav. 287).

A local board entered into a contract with an electric lighting company to light a town with electric light. No licence, Provisional Order or special Act had been obtained. The company erected poles and overhead wires under a licence from the local board. The defendant was owner

## Appendix.

## NOTE.

Main roads are vested in county council.

Action by owner of *solum*.

## Appendix.

## NOTE.

in fee in possession of land fronting a public highway, and he alleged that the poles and wires interfered with certain building operations on his land in immediate contemplation. He claimed as owner of the subsoil of half the highway to remove or otherwise interfere with the electric wires and poles and to treat the local board and the electric lighting company as trespassers. On the application of the local board and the company, CHITTY, J., granted an injunction against the defendant, holding that the highway in question being a "street" within s. 149 of the Public Health Act, 1875, and being therefore vested in the local board, the local board were entitled to more than the surface, and had further an area of user necessary for the exercise of their statutory powers, *e.g.*, lighting their district; that under the first paragraph of s. 161 of the Public Health Act, 1875, the local board were authorised to "contract with any person for the supply of gas or other means of lighting the streets, markets, and public buildings in their district"; and that the restrictions contained in the subsequent paragraphs of s. 161 did not apply to lighting by other means than gas, but were only intended to prevent an urban authority from invading the district of a statutory gas company (*Fareham Local Board and Fareham Electric Lighting Co. v. Smith* (1891), 7 T. L. R. 443). It appears from the judgment of CHITTY, J., in this case that the company had been indicted for a public nuisance in respect of the same matters, and that Lord COLERIDGE, C.J., directed the jury to acquit the defendants on the ground that the company were protected by the licence of the local board, and that the local board were acting within their authority under s. 161. See also cases cited *post*, p. 219.

In a Canadian case, it appeared that s. 5 of the respondent company's incorporating Act empowered it on certain conditions (which had been complied with) to lay its wires underground as the same might be necessary, and in so many streets, squares, highways, lanes, and public places as might be deemed necessary for the purpose of supplying electricity and gas:—*Held*, that the power to open streets, that is, to break up their surface, and excavate them, was plainly involved in this provision, and that an injunction obtained by the respondents to restrain the municipality from interfering therewith was properly granted (*City of Montreal v. Standard Light and Power Co.*, [1897] A. C. 527). See also *Winnipeg Electric Railway v. Winnipeg City*, [1912] A. C. 355.

Arches, etc.  
under  
carriageway.

Section 26 of the Public Health Act, 1875, imposes a penalty on any person who in any urban district, without the written consent of the urban authority, "causes any vault arch or cellar to be newly built or constructed under the carriageway of any street," and authorises the urban authority to cause any building, vault, arch or cellar, erected or constructed in contravention of that section, to be altered, pulled down, or otherwise dealt with as they may think fit. The defendants, being lessees of land on both sides of and adjoining a certain street, made an arched concrete tunnel under the street for the purpose of laying pipes conveying electrical mains across the floor of the tunnel. Afterwards they changed their minds and dug through the concrete floor and laid the pipes in the clay below the concrete. The tunnel having been constructed without their consent, the local authority gave the defendants notice of their intention to pull it down under the powers of s. 26 of the Public Health Act, 1875. The defendants thereupon removed the top of the arch of the tunnel and filled the tunnel up with ballast and concrete, but they did not remove the floor of the tunnel. The

local authority then brought an action claiming a declaration that they might properly cause the "arch, vault, or cellar" to be pulled down, etc. The defendants then brought a cross-action claiming an injunction restraining interference with their pipes. It appeared that the local authority had statutory power to supply electricity within the district, and that the defendants obtained current from a rival source. FARWELL, J., after hearing evidence, held that the place where the pipes were, was not part of the floor or of the structure and that the whole tunnel could be removed without interfering with the pipes, and he gave judgment for the local authority in their action and against them in the defendants' action for injunction (*Walker Urban District Council v. Wigham, Richardson & Co., Limited; Wigham, Richardson & Co., Limited v. Walker Urban District Council* (1901), 85 L. T. 579).

**Appendix.****NOTE.**

If a company or person obtains power by Provisional Order to break up any street, the body or person liable to repair such street may claim to exercise authority and may exercise the power under the conditions provided in s. 16 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *ante*, p. 165. See also in the case of London, s. 114 of the Metropolis Management Act, 1855, which empowers the road authority to reinstate any street broken up at the expense of the company or person by whom it was broken up.

Where a gas company employed a contractor to unlawfully break up a street it was held that the employer was responsible to third persons who sustained damage thereby (*Ellis v. Sheffield Gas Consumers Co.* (1853), 2 E. & B. 767). Where a person employs a contractor to do work in a place where the public are in the habit of passing, and which work will, unless precautions are taken, cause danger to the public, an obligation is thrown upon the person who orders the work to be done, to see that the necessary precautions are taken, and if the necessary precautions are not taken, he will be responsible for any injury arising therefrom (*Hill v. Tottenham Urban District Council* (1899), 79 L. T. 495; *Penny v. Wimbledon Urban District Council*, [1899] 2 Q. B. 72). A district council employed a contractor to construct a sewer. In consequence of his negligence in carrying out the work, a gas main was broken. The gas escaped from it into the house in which the plaintiffs (a husband and wife) resided, and an explosion took place by which the wife was injured and the husband's furniture was damaged. The Court of Appeal held that the district council owed a duty to the public (including the plaintiffs) so to construct the sewer as not to injure the gas main; that they had been guilty of a breach of this duty; that, notwithstanding that they had delegated the performance of the duty to the contractor, they were responsible to the plaintiffs for the breach (*Hardaker v. Idle District Council*, [1896] 1 Q. B. 335; see *Gray v. Pollen* (1864), 5 B. & S. 970, a decision of the Exchequer Chamber to a similar effect).

The defendants, a telephone company, were lawfully engaged in laying telephone wires along a street. They passed the wires through tubes which they laid in a trench under the level of the pavement. The defendants contracted with a plumber to connect these tubes at the joints with lead and solder to the satisfaction of the defendants' foreman. There was evidence that the work was done by the plumber under the supervision of the defendants' foreman, and that one of their men was assisting him in it. In order to make the connections between the tubes

Where road authority may exercise power of undertakers to break up streets.

Actions for negligence where contractor employed.

**Appendix.****NOTE.**

it was necessary to obtain a flare from a benzoline lamp, which could not be done without the application of heat to the lamp. The lamp used for the purpose was provided with a safety-valve. The plumber, for the purpose of obtaining the necessary flare, dipped the lamp into a cauldron of melted solder, which was placed over a fire on the footway for the purpose of the work, and which was unprotected by any screen or tent. Dipping the lamp into the solder would have been a proper and usual mode of obtaining the flare provided the lamp had been in good order. The safety-valve of the lamp not being in working order, as the plumber ought to have known, the lamp exploded, with the result that the plaintiff, who was passing on the highway, was splashed by the molten solder and thereby injured. In an action by him against the defendants in the City of London Court for damages in respect of the injuries so occasioned to him, the deputy-judge held that the plumber was not doing the work as an independent contractor, but under the defendants' supervision and control, and that the defendants were responsible for his negligence as above mentioned:—*Held*, by the Court of Appeal (reversing the judgment of a Divisional Court), that the judgment of the deputy-judge was right on the grounds, first, that there was evidence that the defendants and the plumber were jointly engaged in the performance of the work under such circumstances as to render the defendants liable for the negligence of which the plumber had been guilty; and, secondly, that, even if the plumber were an independent contractor, the defendants, having authorised the performance upon a highway of work which from its nature was likely to involve danger to persons using the highway, were bound to take care that those who executed the work for them did not negligently cause injury to such persons (*Holliday v. National Telephone Co.*, [1899] 2 Q. B. 392). For other cases as to responsibility for contractors, see *Hughes v. Percival* (1883), 8 App. Cas. 443; *Black v. Christchurch Finance Co.*, [1894] A. C. 48; *The Swirk*, [1899] P. 74.

By the Telegraph Act, 1863 (26 & 27 Vict. c. 112), s. 6, the general powers of a telegraph company are set forth including power to open and break up streets. By s. 7 it is provided that in the exercise of the powers given by s. 6 the company shall do as little damage as may be and shall make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner provided by the Lands Clauses Consolidation Act, 1845, for the determination of the amount and application of compensation for lands taken or injuriously affected. By the Telegraph Act, 1868 (31 & 32 Vict. c. 110), s. 4, the Postmaster-General was empowered to purchase the undertakings of existing telegraph companies, and by s. 2 it was enacted that the words "the company" in the Telegraph Act, 1863, shall, in addition to the meaning assigned to it in that Act, mean the Postmaster-General. Contractors were employed by the Postmaster-General to lay down telephone wires under a street in which the mains of an electric lighting company were laid. The electric lighting mains were enclosed in culverts which were practically water-tight. During the operations one of the contractors' workmen struck with a pickaxe an old water pipe. The water filled the trench and got inside a culvert of the electric lighting company, and a short circuit formed. The generating machinery of the company was stopped and the supply of electric current suspended

for a time. A jury, summoned under the Lands Clauses Acts, assessed the compensation at £145 19s. 6d. The company then presented a Petition of Right. The Postmaster-General contended that the accident was caused by the negligence of his contractors, and was therefore not done in the exercise of the powers given by s. 6 of the Telegraph Act, 1863, and that, therefore, the Crown not being liable for a tort, no compensation could be recovered against him. FARWELL, J., held that the onus of proving negligence lay on the Postmaster-General, and as he had called no evidence to show negligence, the company were entitled to judgment (*Re St. James and Pall Mall Electric Light Co.*, [1904] W. N. 68).

# Appendix.

## NOTE.

The protection given by the Public Authorities Protection Act, 1893, *ante*, p. 28, does not extend to an independent contractor doing under contract, and for his own profit, work which a public authority have been authorised to do (*Kent County Council v. Folkstone Corporation*, [1905] 1 K. B. 620; *T. Tilling, Limited v. Dick, Kerr & Co., Limited*, [1905] 1 K. B. 562).

Public Authorities Protection Act, 1893, does not extend to contractor.

Where an Act of Parliament empowers undertakers to make and maintain works for the benefit of the public, and such works of necessity require the support of the subjacent soil, and the Act provides for compensating the landowners for damage by reason of the execution of the works, then, unless there be something in the Act to the contrary, a necessary implication arises that the Act gives to the undertakers a right to subjacent support for the works so authorised, and the landowner cannot, therefore, use his land by mining or otherwise so as to injure such pipes (*Re Corporation of Dudley* (1881), 8 Q. B. D. 86; *Normanton Gas Co. v. Pope* (1883), 52 L. J. Q. B. 629; *London and North Western Rail. Co. v. Evans*, [1893] 1 Ch. 16; *Clippens Oil Co. v. Edinburgh and District Water Trustees*, [1904] A. C. 64; *Jury v. Barnsley Corporation*, [1907] 2 Ch. 600). Therefore, where gas pipes were laid under the authority of s. 6, *supra*, it was held that the company were entitled to a right of support as against the owner of subjacent minerals and his lessees, and that the company were liable to pay compensation under that section to the landowner for the damage done to him by being deprived of the ability to get his minerals (*Normanton Gas Co. v. Pope*, *supra*). Any compensation payable to the landowner must be assessed once for all (*ibid.*; *Re Corporation of Dudley*, *supra*).

Right to support by subjacent soil.

By s. 33 of the Electric Lighting Act, 1882, it is provided that "Nothing in this Act shall limit or interfere with the rights of any owner, lessee, or occupier of any mines or minerals lying under or adjacent to any road along or across which any electric line shall be laid to work such mines and minerals." It would seem, therefore, that undertakers are not entitled to support to their electric lines as against the owners, lessees or occupiers of minerals under roads. See observations on s. 334 of the Public Health Act, 1875, in *Re Corporation of Dudley*, 8 Q. B. D., at pp. 95—97.

Electric Lighting Act, 1882, s. 33.

By the Public Health Act, 1875 (Support of Sewers) Amendment Act, 1883 (46 & 47 Vict. c. 37), it is provided that the provisions of the Water-works Clauses Act, 1847, ss. 18—27 (both inclusive), with respect to mines, with certain modifications shall, in relation to any "sanitary work" of a local authority, be deemed to be incorporated with that Act and with the Sanitary Act under which such sanitary work has been or is constructed or is maintained, whether the land on, in, over or under which the sanitary work is situate is or is not vested in or occupied by the local authority, and is or is not wholly or partially dedicated to the public as a street, highway or public place (s. 3), and that, except as therein provided, a local authority shall not

Public Health, etc. (Support of Sewers) Act, 1883.

**Appendix.****NOTE.**

by reason only of anything contained in the Sanitary Act be deemed to have acquired or to be entitled to or to be bound to acquire or make compensation for any right of support for any sanitary work as against any person owning or working or being lessee or occupier of or entitled to work or otherwise interested in any mine, and nothing in the Sanitary Act is to be deemed to have subjected or to subject any such person to any liability to the local authority in respect of damage to a sanitary work by mining in a reasonable and proper manner (s. 4). "Sanitary work" is defined to include any existing or future building or work constructed by or vested in or under the control of a local authority under the powers or for the purposes of so much of the Public Health Act, 1875, or of any general or local Act or Provisional Order as relates to the construction or maintenance of any works of, *inter alia*, lighting, and to include any fixtures, pipes, fittings or apparatus connected with any such work, and belonging to or used by the local authority. And the expression "Sanitary Act" means the Act or Provisional Order under which a sanitary work is or has been constructed or is maintained, whether passed or confirmed before or after that Act (s. 2).

The Act is not to be construed to repeal, invalidate or affect any express enactment in a sanitary or other Act with respect to rights of support for sanitary works, or any agreement made before that Act with respect to such rights, and where any right of support has been acquired before the passing of that Act by a local authority in respect of any sanitary work, and no compensation was at the passing of that Act recoverable in respect of such right, the Act is not to apply to the work in respect of which such right has been acquired, or operate to deprive the local authority of such right or to entitle any person to any compensation in respect thereof, to which such person would not have been entitled if the Act had not been passed (s. 5). As to the effect of this last section, see *Jary v. Barnsley Corporation*, [1907] 2 Ch. 600.

It will be noticed, however, that both the s. 33 of the Act of 1882 and the Act of 1883 apply only to support from mines.

Injury by  
steam rollers  
and traction  
engines.

Where gas pipes were laid sufficiently deep below the surface of a street to prevent their being injured by the ordinary mode of repair, and the road authority by the use of heavy steam rollers caused damage to the pipes, it was held that they were liable for the damage and to an injunction (*Gas Light and Coke Co. v. Vestry of St. Mary Abbots* (1885), 15 Q. B. D. 1; *Alliance and Dublin Consumers Gas Co. v. Dublin County Council*, [1901] 1 I. R. 492). And the owners of water pipes properly laid which have been injured by traction engines have recovered damages (*Colne Valley Water Co. v. Bretherton, JI. of G. L.*, May 20th, 1902, p. 1,364; *Chichester Corporation v. Foster*, [1906] 1 K. B. 167), and an injunction (*Alliance and Dublin Gas Co. v. Dublin County Council*, [1901] 1 I. R. 492). It is, however, the duty of a road authority to keep its roads up to date and in a reasonably fit state to bear the traffic, including traction engines, which may reasonably be expected to come upon them (*Att.-Gen. v. Scott*, [1905] 2 K. B. 160). If, therefore, the gas or water pipes injured belong to an authority who are also the road authority, and who have failed to fulfil the above duty, they will not be entitled to damages for any injury to their pipes which is the result of their failure of duty (*Chichester Corporation v. Foster*, *supra*).

A local authority in whom a street is vested may under the powers of s. 98 of the Metropolis Management Act, 1855, or s. 149 of the Public Health Act, 1875, alter the level of the street without altering the position of pipes or wires under the street (*Southwark and Vauxhall Water Co. v. Wandsworth District Board of Works*, [1898] 2 Ch. 603).

**Appendix.****NOTE.**

Under the London County Council (Subways) Act, 1893 (56 & 57 Vict. c. cxi), companies having power of opening and breaking up streets are, under the conditions referred to in ss. 3, 4, and 6, prohibited from doing so in a street where there is a subway. By s. 24, it is provided that the Act "shall not apply to any pipe or wire authorised to be laid or placed by any Provisional Order or licence under the Electric Lighting Acts, 1882 and 1888, or under any special Act incorporating the said Acts, or (in respect of such wires) to any company authorised to lay or place the same" (see also the Metropolitan Subways Act, 1868 (31 & 32 Vict. c. lxxx)). A special clause is generally inserted in County of London Provisional Orders enabling the county council to require electric lines to be laid in such subways. In London County Council Acts it is usual to provide that the Subways Act, 1893, shall apply to the subways authorised by those Acts (see, e.g., London County Council (General Powers) Act of 1899 (62 & 63 Vict. c. cxxxvii), s. 33). As to subways within the city of London, see the City of London (Various Powers) Act, 1900 (63 & 64 Vict. c. cxxxviii).

Special provision is made in the Schedule to the Electric Lighting Special (Clauses) Act, 1899, with regard to the following matters: street boxes (s. 13), the service of notice of works with plan on the Postmaster-General and local authority (s. 14), the execution of authorised works in streets not repairable by the local authority, or over or under any railway, tramway, or canal (s. 15), the execution by the street authority (where they desire it) of the powers of the undertakers in relation to the breaking-up, filling-in, reinstating or making good of streets, etc. (s. 16), the alteration by the undertakers of the position of pipes, wires, etc. under streets (s. 17), and the laying of electric lines (other than service lines) or other works near any sewer, drain, watercourse, etc. under the jurisdiction or control of the local authority on or near any main pipe, electric line or other work belonging to any gas, electric supply, or water company (s. 18).

See cases relating to the construction of street boxes and transformers cited under s. 13 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *ante*, p. 159.

Compensation payable under this section is recoverable before justices as "damages" under s. 140 of the Railways Clauses Consolidation Act, 1845 (*Swansea Corporation v. Harpur*, [1912] 2 K. B. 16, and note, *ante*, p. 97).

7. Provided always that nothing herein shall authorise or empower the undertakers to lay down or place any pipe or other works into, through, or against any building, or in any land, not dedicated to public use without the consent of the owners and occupiers thereof; except that the undertakers may at any time enter upon and lay or place any new pipe in the place of any existing pipe, in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this or the special Act or

Not to enter on private land without consent.

Recovery of compensation.

**Appendix.** any other Act of Parliament, and may repair or alter any pipe so laid down.

As to streets not repairable by the local authority, which, of course, may have been dedicated to the public use, see Electric Lighting Act, 1882, s. 13; Electric Lighting (Clauses) Act, 1899, Schedule, s. 12 (2) and notes thereto, *ante*, pp. 95, 157.

**"Buildings."** Where certain arches, used as cellars, adjoining the plaintiff's premises, ran under the street, and the gas company, in breaking up the soil of the road, damaged the arches, it was held that the arches were "buildings" within the meaning of the above section, and that the company could not justify breaking through them (*Thompson v. Sunderland Gas Co.* (1877), 2 Ex. D. 429). A subway or tunnel constructed of bricks and iron girders under a road for the purpose of connecting premises on either side of the road is a "building" within this section (*Schneider v. Worthing Gas Light and Coke Co.*, [1912] 1 Ch. 83).

The structure of a bridge carrying a public road over a railway as opposed to the soil and pavement of the road is not dedicated to the public use (*Glasgow Corporation v. Glasgow and South Western Rail. Co.*, [1895] A. C. 376), but gas pipes may be laid in the road so as to rest upon the structure if that structure is not cut into or interfered with (*Taff Vale Rail. Co. v. Cardiff Gas Co.* (1907), 5 L. G. R. 993).

**Private land.** A gas company laid down pipes in the place of pipes which had previously been laid down by them through a piece of uninclosed land belonging to the plaintiff. This land was situated immediately above high water mark upon the shore at the mouth of the river Mersey and between New Brighton and Egremont. The pipes were laid in the sand, and it appeared that the inhabitants of New Brighton and Egremont had always been accustomed to pass and repass along the shore, and at high tide had been in the habit of going upon the plaintiff's land, but had not crossed in any defined track. In an action for an injunction to restrain the gas company from trespassing and for a mandatory injunction calling upon them to remove the pipes, it was held that the plaintiff having commenced her action immediately she became aware by the relaying of the pipes that the company had committed a trespass, was not estopped by ss. 6 and 7 of the Gasworks Clauses Act, 1847, and that her land was not a public place or highway so as to be included in the definition of the word "street" in s. 3 of that Act (*Madduck v. Wallasey Local Board* (1886), 55 L. J. Q. B. 267).

An estate being developed for building, parts were laid out as private roads, and upon a partition the owners taking the private roads covenanted that the other freeholders and occupiers of the houses should have the full use and enjoyment of the roads in as absolute a manner as if they were public roads. A request to be supplied with gas by a minority of the occupiers of houses was held sufficient (without the consent of the freeholders) to justify a gas company whose special Act incorporated the Gasworks Clauses Act, 1847, to lay down pipes along the said roads (*Selby v. Crystal Palace District Gas Co.* (1862), 31 L. J. Ch. 595).

An owner of premises abutting on a highway enjoys as a private right the right of access from his own premises to the highway, and any interference with that access is an interference with a private right. But his right to transfer goods from vans in the public roadway across the public pavement



to his premises is a right enjoyed by him as one of the public entitled to use the highway. It is an individual interest in a public right, but is not a private right which entitles him to restrain a local authority acting *bonâ fide* under statutory powers, from obstructing the highway adjoining his premises in a manner which affects his personal convenience (*W. H. Chaplin & Co., Limited v. Mayor of the City of Westminster*, [1901] 2 Ch. 329, where the obstruction alleged was the erection of standards or lamp posts in Villiers Street for the purpose of lighting the street by electricity; see also *Goldberg v. Mayor, etc. of Liverpool* (1900), 82 L. T. 362). As to the right of a body authorised by a special Act incorporating the Lands Clauses Acts to erect posts in a street to penetrate the subsoil without serving a notice to treat on the owner of the subsoil, see *Escott v. Newport Corporation*, [1904] 2 K. B. 369, in which it was held that the placing of the post in the street was not a taking of land within the meaning of the Lands Clauses Consolidation Act, 1845, although the landowner might have a claim for compensation under s. 68 of that Act if his land should be injuriously affected. *Cf. Fareham Local Board, etc. v. Smith*, cited *ante*, p. 212.

A railway company had erected an accommodation bridge over their lines to connect the properties of a landowner which had been severed by the railway, and had permitted the public to use the roadway over the bridge for a number of years, and had done ample things to show dedication if they had power to dedicate. Gas and water companies had laid pipes across the bridge, and such pipes were then vested in the local authority. It was held by BUCKLEY, J., that the effect of a dedication of the roadway as a public highway might be to hinder the railway company in carrying out a necessary widening of their line, and that they had, therefore, no power to dedicate the road as a public highway, and that there was no power to lay gas mains under s. 6 of the Gasworks Clauses Act, 1847 (*Tuff Vale Rail. Co. v. Pontypridd Urban District Council* (1905), 93 L. T. 126); and see *Great Central Rail. Co. v. Balby-with-Hexthorpe Urban Council*, [1912] 2 Ch. 110.

8. Before the undertakers proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the persons under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

## Appendix.

### NOTE.

Private land.

See further, ss. 14 and 15 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *ante*, pp. 160, 162.

A highway not repairable by the inhabitants at large is not under the control or management of the district council for the purposes of this section (*Redhill Gas Co. v. Reigate Rural Council*, [1911] 2 K. B. 565).

9. No such street, bridge, sewer, drain, or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan

Notice to be served on persons having control, etc., before breaking up streets or opening drains.

Streets or drains not to be broken up except under superintendence of

**Appendix.** as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by two justices; and such justices may, on the application of the persons having the control or management of any such sewer, drain, or their officer, require the undertakers to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain: Provided always, that if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the undertakers' intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the undertakers may perform the work specified in such notice without the superintendence of such persons or their officer.

persons having control of the same.

If persons having the control, etc., fail to superintend, undertakers may perform the work without them.

The position, depth, and mode in which the underground work is intended to be done must form part of the plan, so as to enable the road authority to judge whether the proposed work ought to be done without modification (*Edgeacre Highway Board v. Colne Valley Water Co.* (1877). 46 L. J. Ch. 889; and *East Molesey Local Board v. Lambeth Waterworks Co.*, [1892] 3 Ch. 289).

Section 14 of the Schedule to the Electric Lighting (Clauses) Act, 1899, makes further provision as to notice and as to service of a "plan of the works showing the mode and position in which the works are intended to be executed, and the manner in which it is intended that the street or bridge, or any sewer, drain, or tunnel, therein or thereunder, is to be interfered with," and s. 15 contains similar provisions with reference to streets not repairable by the local authority. By s. 1 of the Schedule to the same Act "plan" is defined to mean "a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet, or to such other scale as the Board of Trade may approve of for both plan and section, together with such detail plan and sections as may be necessary."

Section 14 above referred to also provides for the approval of the plan by the local authority and the Postmaster-General. See p. 160.

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

Streets, etc., broken up to be reinstated without delay.

same shall be open or broken up every night during which the same shall be continued open or broken up and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

# Appendix.

See notes to next section.

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

Penalty for delay in reinstating streets, etc.

The Metropolitan Electric Supply Company, Limited, appeared in answer to eight summonses at the instance of the Marylebone Borough Council charging them with having committed breaches of their West London Order of 1889 by laying down in the district more mains than had been sanctioned and approved by the late Marylebone Vestry, now the Marylebone Borough Council, and by doing the work otherwise than in accordance with plan approved. The magistrate convicted and fines were imposed (*Marylebone Borough Council v. Metropolitan Electric Supply Co., Limited* (1901), 65 J. P. 172).

A gas company having dug a trench in a public road, filled up the same so carelessly and defectively that the wheel of a vehicle in which the plaintiff was riding sunk suddenly into the trench and so caused personal injury to the plaintiff. The jury found that the company were guilty of negligence in the filling up of the road, and that they left the road in such a state as to constitute a nuisance and a danger to those using the road. The gas company contended that they were only liable for penalties under the above section in accordance with the principle that where Parliament imposes a duty and a penalty for the non-performance of it, a remedy by civil action for damages was not competent (*Atkinson v. Newcastle Waterworks Co.*

Liability for default in reinstating road.

**Appendix.**

(1877), 2 Ex. D. 441). Lord RUSSELL, C.J., held, that as the company had left the road in a condition which amounted to a public nuisance quite apart from any breach of their statutory duty, they were liable in damages to the plaintiff notwithstanding the provisions of s. 11 (*Goodson v. Sunbury Gas Consumers Co.* (1896), 75 L. T. 251; cf. *Milnes v. Huddersfield Corporation* (1886), 11 App. Cas. 511).

NOTE.  
Liability for  
default in  
reinstating  
road.

In *Hartley v. Corporation of Rochdale*, [1908] 2 K. B. 594, the defendants, who were the water authority but not the road authority, and to whom s. 32 of the Waterworks Clauses Act, 1847 (which is in terms similar to s. 10 of the Gasworks Clauses Act, 1847), applied, were held liable for injuries sustained by the plaintiff through the subsidence of the road after the expiration of the period of maintenance due to the defendants not having fulfilled their obligations under s. 32, and it was held, further, that the omission of the road authority to rectify the subsidence did not exonerate the defendants.

But if a road authority in London, under s. 114 of the Metropolis Management Act, 1855, step in and do the work of reinstating the road at the expense of the undertakers, the latter are not liable for damage caused by the reinstatement having been done negligently (*Cressy v. South Metropolitan Gas Co.* (1906), 94 L. T. 790). And see *Fidler v. Electrical Power Distribution Co.*, cited *ante*, p. 167.

A road authority who, acting under s. 114 of the Metropolis Management Act, 1855, and s. 82 of the Metropolis Management Amendment Act, 1862, reinstate a street broken up by a gas company, may recover as part of the expense of such reinstatement the expenses of placing a course of concrete where there was previously no concrete, or of placing an extra thickness of concrete where there had previously been concrete, if the concrete or extra concrete was necessary, in order that the surface should be made as good, and should remain as good, as it was before the breaking up (*Commercial Gas Co. v. Poplar Borough Council* (1906), 94 L. T. 222). They may also, if they employ contractors to do the reinstatement, recover a proper additional sum in respect of supervision actually exercised by their officers over the work in addition to the sum paid to the contractors (*New River Co. v. Westminster City Council* (1904), 73 L. J. K. B. 1009).

As to the liability of undertakers for the acts of contractors employed by them in connection with street works, see cases cited in notes to s. 6, *ante*, p. 213.

In case of  
delay, other  
parties may  
reinstat and  
recover the  
expenses.

12. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the undertakers; and such expenses may be recovered in the same manner as damages are recoverable under this or the special Act.

See s. 16 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *ante*, p. 165.

e o e o e

And with respect to waste or misuse of the gas, or injury to the pipes or other works, be it enacted as follows: **Appendix.**

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

Penalty for fraudulently using the gas of the undertakers.

So much of this section as relates to the use of any burner other than such as has been provided or approved by the undertakers, *i.e.*, the words in italics, is not incorporated (Electric Lighting Act, 1882, s. 12 (2)). See p. 95.

Where a gas consumer on his own premises substituted for part of a gas pipe belonging to the company a larger pipe for the purpose of increasing his supply, and did so without any fraud, waste, or misuse of the gas, but without the consent of the company, the court held on a case stated by magistrates, that he had been rightly convicted under the above section (*Wood v. West Ham Gas Co.* (1885), 52 L. T. 817).

Section 23 of the Electric Lighting Act, 1882, further provides that any person who maliciously or fraudulently abstracts, causes to be wasted, or diverted, consumes, or uses any electricity shall be guilty of simple larceny and punishable accordingly. See *ante*, p. 110.

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

Penalty for wilfully & damaging pipes.

See also s. 22 of the Electric Lighting Act, 1882, *ante*, p. 109.

20. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the undertakers or under their control, shall pay such sum of money by way

Satisfaction for accidentally damaging pipes.

**Appendix.** of satisfaction to the undertakers for the damage done, not exceeding five pounds, as any two justices or the sheriff shall think reasonable.

The lamp of a gas company was injured by the negligent driving of the defendant's servant :—*Held*, that the common law right to recover damages by action was not ousted by the above section (*Crystal Palace Gas Co. v. Idris* (1900), 82 L. T. 200).

An order made on a summons charging the defendant with having "unlawfully and carelessly" damaged a street lamp was upheld, there being sufficient evidence of carelessness to justify the order (*Ashton v. Eccles Corporation* (1907), 71 J. P. 55).

*Sections of the Gasworks Clauses Act, 1871 (34 & 35 Vict. c. 41), incorporated.*

Penalty for  
injuring  
meters.

38. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipes, meter, or fittings belonging to the undertakers, or alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently abstracts, consumes, or uses gas of the undertakers, shall (without prejudice to any other right or remedy for the protection of the undertakers or the punishment of the offender) for every such offence forfeit and pay to the undertakers a sum not exceeding five pounds, and the undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipes, meter, or fittings belonging to the undertakers, or altered the index to any meter, or prevented any meter from duly registering the quantity of gas supplied, the undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such alteration or prevention, or for abstracting, consuming, or using gas of undertakers, when such meter is under the custody or control of the consumer, shall be *prima facie* evidence that such alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer using such meter.

See also ss. 22 and 23 of the Electric Lighting Act, 1882, *ante*, pp. 109, 110.

RECOVERY OF GAS RENTS.

Incoming  
tenants not  
liable to pay  
arrears of  
gas rents, etc.

39. In case any consumer of gas supplied by the undertakers leaves the premises where such gas has been supplied to him without paying the gas rent or meter rent due from him, the undertakers shall not be entitled to require from the next tenant of such premises

the payment of the arrears left unpaid by the former tenant, unless **Appendix.**  
such incoming tenant has undertaken with the former tenant to pay  
or exonerate him from the payment of such arrears.

See the notes to s. 21 of the Act of 1882, and the cases of *Gas Light and Coke Co. v. Mead* (1876), 45 L. J. M. C. 71, and *Cannon Brewery Co. v. Gas Light and Coke Co.*, [1904] A. C. 331, there cited, *ante*, p. 109, and see s. 17 of the Electric Lighting Act, 1909, as to notice by a consumer to the undertakers before quitting.

Under s. 27 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *ante*, p. 179, the undertakers are entitled to require security to be given to them.

**40.** If any person supplied with gas or with any gas meter or fittings by the undertakers, neglects to pay to the undertakers the rent due for such gas, or the rent or money due to the undertakers for the hire or fixing of such meter, or any expenses lawfully incurred by the undertakers in cutting off the gas from the premises of such person, the undertakers may recover the sum so due in like manner as a penalty under this Act. Recovery of rents, etc.

See cases collected under ss. 20 and 21 of the Act of 1882, *ante*, pp. 105, 108.

As regards the concluding words, "may recover the sum so due in like manner as a penalty under this Act," see the concluding portion of s. 12 of the Electric Lighting Act, 1882, which provides "that sums recoverable under the provisions of section forty of the Gasworks Clauses Act, 1871, shall not be recovered as penalties, but may be recovered summarily as civil debts." See s. 12 of the Electric Lighting Act, 1882, and notes, *ante*, p. 95.

As to the recovery of civil debts in a court of summary jurisdiction, see ss. 6 and 35 of the Summary Jurisdiction Act, 1879 (42 & 43 Vict. c. 49). See also s. 41, *infra*.

As to Scotland and Ireland, see ss. 36 and 37 of the Act of 1882, *ante*, p. 125, and ss. 83 and 84 of the Schedule to the Act of 1899, *ante*, p. 126.

See further, s. 21 of the Electric Lighting Act, 1882, providing for "Recovery of Charges, etc.," which gives power to undertakers to cut off the supply of electricity in the event of non-payment, *ante*, p. 108, and s. 18 of the Electric Lighting Act, 1909, which empowers undertakers to refuse to supply electricity to any person whose payments are in arrear, whether due in respect of the premises to which a supply is demanded or not, *post*, p. 241.

**41.** Whenever any person neglects to pay any rent or sum due and payable by him to the undertakers, the undertakers may recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedy of the undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum. Recovery of sums due to undertakers.

See preceding section and note.

**Appendix.**

## LEGAL PROCEEDINGS.

Contents of  
summons or  
warrant.

**42.** Any summons or warrant issued for any of the purposes of this Act may contain, in the body thereof or in a Schedule thereto, several names and several sums.

o o o o o

Service of  
notice by  
undertakers.

**45.** Every notice which the undertakers are by this Act required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last known place of abode, or sent by post addressed to such persons, or if such person or his address be not known to the undertakers, and cannot after due inquiry be found or ascertained, then by being affixed for three days to some conspicuous part of the premises to which such notice relates.

Further, as to notices, see ss. 61 and 62 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *ante*, p. 194.

Liability to  
gas rent not  
to disqualify  
justices from  
acting.

**46.** No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or other charge under this Act.



## ELECTRIC LIGHTING (SCOTLAND) ACT, 1902.

(2 Edw. 7, c. 35.)

*An Act to amend the borrowing provisions of the Electric Lighting Act, 1882, and the Electric Lighting (Scotland) Act, 1890.*

[18th December 1902.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The amount which a local authority within the meaning of the Schedule to the Electric Lighting (Scotland) Act, 1890, may borrow under section eight of the Electric Lighting Act, 1882, shall not be subject to any limit imposed on the amount which such local authority may borrow for the purposes of its gas undertaking : Provided that every loan so borrowed, with the consent of the Secretary for Scotland, after the passing of this Act, shall be repaid by the local authority within a period not exceeding thirty years from the date of borrowing.

Amount and period of repayment of loans for electric lighting. 53 & 54 Vict. c. 13. 45 & 46 Vict. c. 56.

As to loans by local authorities for electric lighting purposes, see now s. 21 of the Electric Lighting Act, 1909, *post*, p. 242.

2. Nothing in this Act shall affect any loan borrowed before the passing of this Act.

3. This Act may be cited as the Electric Lighting (Scotland) Act, 1902, and shall extend only to Scotland.

Short title and extent.

## ELECTRIC LIGHTING ACT, 1909.

(9 EDW. 7, c. 34.)

*An Act to amend the Acts relating to Electric Lighting.*

[25th November 1909.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Compulsory  
acquisition of  
land for  
generating  
stations.

1.—(1) The Board of Trade may by Provisional Order (*a*) authorise any local authority, company, or person, who is authorised by the same or any previous Provisional Order or by Act of Parliament to supply electricity in any area, to acquire compulsorily, or to use, for the purpose of a generating station any land (*b*) specified in the Order, whether situated within or without the area of supply, and, in the case of a local authority, whether situated within or without their district.

45 & 46 Vict.  
c. 36.

(2) For the purpose of the acquisition of land authorised to be taken compulsorily under any such Provisional Order, the provisions of the Lands Clauses Acts which relate to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the promoters of the undertaking, are, subject to the modifications set out in the First Schedule to this Act (*c*), incorporated with the Electric Lighting Acts, as well as the provisions of those Acts already so incorporated by the Electric Lighting Act, 1882 (*d*).

(3) Rules made by the Board of Trade under section five of the Electric Lighting Act, 1882, shall provide for proper notice being given of an application for a Provisional Order, by which it is proposed to authorise the compulsory acquisition or use of land for the purpose of a generating station, to owners, lessees, and occupiers of land, and also for public notice being given of the proposal by advertisement (*e*).

(*a*) "Provisional Order" in this Act means a Provisional Order under the Electric Lighting Acts (see s. 25). The provisions of s. 4 of the Electric Lighting Act, 1882, will, therefore, apply to any Provisional Order made under the Act of 1909. It is the practice to incorporate s. 81 of the Schedule to the Electric Lighting (Clauses) Act, 1899, with Provisional

Orders made under this section. Consequently, the undertakers will be liable for any nuisance caused by them in working their generating station. As to this, see *ante*, pp. 17, 204.

Sect. 1.  
—  
NOTE.

(b) The Board of Trade may not authorise the compulsory acquisition of any land which at the date of the first publication of the notice for the Order belongs to any gas or water undertakers, and is used or authorised to be used by them for the purposes of their undertaking (see s. 24, *post*, p. 243). In this section "generating station" includes a station for generating, transforming, converting, or distributing electricity (s. 25, *post*).

(c) The only modification of importance is that land is to include easements. The other modifications are mere adaptations of the provisions of the Lands Clauses Acts.

(d) Section 12 of the Electric Lighting Act, 1882, incorporates the Lands Clauses Acts, except the enactments with respect to the purchase and taking of lands otherwise than by agreement, and except the enactments with respect to the entry upon lands by the promoters of the undertaking.

(e) These Rules are set out later (p. 344). The Rules made in pursuance of this section are II., V. and VI. The last Rule requires notice to be given to the owners and lessees of land situate within 300 yards of the land proposed to be acquired or used for the purpose of a generating station, but for the purposes of that Rule generating station does not include a station for transforming or distributing electrical energy. Similar requirements are contained in the Standing Orders of the House of Lords (S. O. 15), and House of Commons (S. O. 15), except that notice need only be given to the owners and lessees of *dwelling-houses* and that under the Standing Order of the House of Commons notice must be given also to *occupiers* of such dwelling-houses.

2. It shall not be lawful for any undertakers (a) after the passing of this Act, except with the consent of the Board of Trade, to construct any generating station on any land acquired by them after the thirty-first day of March one thousand nine hundred and nine unless the construction is authorised and the land is specified in a special Act or Provisional Order, and the Board of Trade shall not in any case give such consent until notice has been given, by advertisement or otherwise, as the Board of Trade may direct, to the local authority of the district in which the land is situate, and to owners and lessees of land situate within three hundred yards of the land upon which the generating station is to be constructed, and an opportunity has been given to such local authority, owners, and lessees, of stating any objections they may have thereto (b).

Construction of generating station on land acquired by agreement.

This section shall not apply to any station for transforming, converting, or distributing electrical energy (c).

(a) *I.e.*, any local authority, company, or person authorised by Act of Parliament or Provisional Order to supply electricity to whom the Electric Lighting Acts apply (s. 25, *post*, p. 244).

**Sect. 2.****NOTE.**

(b) It will be observed that no notice is required to be given to occupiers who are not owners or lessees. The Board of Trade have issued a memorandum of the procedure to be followed on an application under this section (see *post*, p. 356). In the case of undertakers to whom s. 19 of the London Electric Supply Act, 1908 applies, the approval of the Commissioners of Works is also required, see *post*, p. 282; and see s. 22 of that Act for the protection of the Royal Observatory at Greenwich, *post*, p. 284. In their Reports for 1911 and 1912 the Board of Trade stated that they had in each of those years given their consent under this section to the construction of generating stations on specified lands for the purposes of six orders.

(c) "Generating station" is defined to include a station for transforming, converting, or distributing electrical energy (s. 25, *post*, p. 244).

Breaking up  
streets, etc.  
outside area  
of supply.

**3.** For the purpose of enabling electricity to be brought into an area of supply (a) from a generating station belonging to any undertakers (b) situated outside that area, the Board of Trade may by Provisional Order apply to any roads, railways, or tramways situated outside that area the provisions of the Electric Lighting Acts which authorise, or enable the Board of Trade to authorise, the breaking up of any road, railway, or tramway (c), so far as those provisions do not already so apply:

Provided that a Provisional Order authorising the breaking up of roads outside the area of supply shall not be granted by the Board of Trade except with the consent of the local authority in whose district the road is situate, unless the Board of Trade, in any case in which the consent of any such local authority is refused, are of opinion that, having regard to all the circumstances of the case, such consent ought to be dispensed with, and in that case they shall make a special report to Parliament stating the grounds on which they have dispensed with the consent (d).

(a) *I.e.*, an area within which any local authority, company, or person is authorised by Act or Provisional Order to supply electricity (s. 25, *post*).

(b) The owners of the generating station need not be the undertakers authorised to supply within the area of supply in question, and presumably the Provisional Order may be granted to the last-mentioned undertakers, or to the owners of the generating station.

(c) See ss. 12 and 13, Electric Lighting Act, 1882. A Provisional Order under this section being a Provisional Order under the Electric Lighting Acts (s. 25, *post*), will, it is presumed, apply ss. 11 to 20, 60 to 62, 73, 74, 76, 77, 79, 80 and 81 of the Schedule to the Electric Lighting (Clauses) Act, 1899, with any necessary variations (see s. 1 of that Act). The Electric Lighting Acts authorise the breaking up of "streets," not of "roads," but "road" includes any street as defined by the Electric Lighting Act, 1882 (see s. 25, *post*, p. 244), and inasmuch as "street" is defined in s. 32 of the Electric Lighting Act, 1882, to include "any square, court or alley, highway, lane, road, thoroughfare, or public passage, or place, within the area in which the undertakers are authorised to supply electricity," some

variation is advisable where the word is intended to be applied to roads outside any area of supply. See *London Corporation v. County of London Electric Supply Co., Limited*, [1910] 2 Ch. 208.

In London undertakers possess special powers of breaking up streets outside their areas of supply. See *London Electric Supply Act, 1908*, s. 4, *post*, p. 269.

(d) *Cf.* *Electric Lighting Act, 1888*, s. 1.

### Sect. 3.

#### NOTE.

4.—(1) The Board of Trade, unless they are of opinion that, by reason of the character or magnitude of the proposed undertaking (a), the matter ought to be dealt with by private Bill, may by Provisional Order—

- (a) authorise any local authority or company (b) to supply electricity in bulk (c) ;
- (b) provide for any supply so authorised being compulsory ; and
- (c) make such other provisions as appear to them necessary for adapting the *Electric Lighting Acts* to any case where a local authority or company are authorised to supply electricity in bulk, including the application to roads, railways, and tramways along the route along which lines are authorised to be laid for the purpose of giving the supply in bulk of the provisions of those Acts which authorise or enable the Board of Trade to authorise the breaking up of any road, railway, or tramway (d) :

Provided that a Provisional Order authorising the breaking up of roads outside the area of supply (e) of the local authority or company by whom the supply is to be given shall not be granted by the Board of Trade except with the consent of the local authority in whose district the road is situate, unless the Board of Trade, in any case in which the consent of any such local authority is refused, are of opinion that, having regard to all the circumstances of the case, such consent ought to be dispensed with, and in that case they shall make a special report to Parliament stating the ground on which they have dispensed with the consent (f).

(2) If the Board of Trade refuse to grant a Provisional Order under this section, on the ground that the matter ought to be dealt with by a private Bill, the notices published and served for the purposes of the proposed Order shall, subject to Standing Orders, be held to have been published and served for a private Bill applying for similar powers :

Provided that the applicants for the Order shall, by notice served in the prescribed manner and within the prescribed time (g), inform all opponents (h) of their intention to proceed by way of private Bill, and, subject to Standing Orders, the application for a Provisional Order shall be deemed and taken to be a petition for

**Sect. 4.**

leave to bring in a private Bill, and the applicants shall also give such additional notice (if any) as may be required by Standing Orders (*i*).

(3) The Board of Trade may, if they think fit, by order (*j*) permit any undertakers (*k*) to supply electricity in bulk to any other (*l*) undertakers upon such terms and subject to such conditions as may be specified in the order, if the supply can be given without breaking up any streets except such as the undertakers giving or the undertakers receiving the supply are authorised to break up (*m*); but the Board of Trade shall not in any case make such an order until notice of the intention to make the order has been given by advertisement or otherwise as the Board of Trade may direct, and an opportunity has been given to any person who appears to the Board to be affected of stating any objections he may have thereto (*n*).

(a) *Cf.* s. 9 (3) of the Light Railways Act, 1896.

(b) It will be noticed that a Provisional Order under this section cannot be granted to an individual.

(c) *I.e.*, to supply electricity to (a) any local authority, company, or person authorised to distribute electricity to be used for the purpose of distribution, or (b) any local authority authorised by any general or special Act to undertake or contract for the lighting of streets, bridges, or public places, to be used for the purposes of lighting streets, bridges and public places (s. 25, *post*).

(d) See note (c) to s. 3, *ante*.

(e) This reference to the area of supply of the local authority or company by whom the supply is to be given, seems to show that the powers to be conferred by a Provisional Order made under this section must be for a supply within a specified area, and cannot be for a supply to specified bodies. By an order under sub-s. (3), the Board of Trade may authorise one undertaker to supply another.

(f) *Cf.* Electric Lighting Act, 1888, s. 1.

(g) See Rule XX., Board of Trade Rules, *post*, p. 354.

(h) It will be noticed that there is no obligation to inform any person other than one who has become an opponent.

(i) No Standing Order has yet been made by either House of Parliament dealing with procedure under this section.

(j) Such an order does not require confirmation by Parliament.

(k) See definition of "undertakers" in s. 25.

(l) It is doubtful whether the Board of Trade can make an order under this section authorising a company who hold two Provisional Orders for two adjoining areas to supply electricity from a generating station in one area to the other area, *i.e.*, whether the company can be said to be "other undertakers" in respect of their second area.

(m) This must mean are authorised to break up for the purposes of their own undertaking. A company authorised to break up streets by a Provisional

Order or special Act authorising them to supply electricity, cannot break up streets even within their area of supply for the purpose of supplying outside, for the powers of breaking up streets are conferred upon them for the purposes of the undertaking authorised by that Act or Order only (see *Att.-Gen. v. Urban Electric Supply Co.*, Electrician, August 5th, 1904, p. 650; *London Corporation v. County of London Electric Supply Co.*, [1910] 2 Ch., at p. 213). An order made by the Board of Trade under this subsection, therefore, has the effect of extending the powers of the respective undertakers to break up streets within their areas of supply.

**Sect. 4.**

NOTE.

In London undertakers possess special powers of breaking up streets outside their areas of supply for connecting their areas of supply, or an area of supply and a generating station (London Electric Supply Act, 1908, s. 4, *post*, p. 269).

(a) See Memorandum of procedure issued by the Board of Trade, *post*, p. 357.

5.—(1) Any local authority, company, or person authorised to supply electricity in any area may, with the consent of the Board of Trade, supply at any point within that area (a) electricity for the purposes of haulage or traction on any railway, tramway, or canal situate partly within and partly without that area, and for the purposes of lighting vehicles and vessels used on any such railway, tramway, or canal; but the Board of Trade shall not in any case give any such consent until notice of the application for the consent has been given by advertisement or otherwise in such manner as the Board of Trade may direct (b), and an opportunity has been given to any person who appears to the Board to be affected of stating any objections he may have thereto.

Supply of electricity to railways, tramways, and canals partly outside area of supply.

(2) The Board of Trade may by Provisional Order authorise any such local authority, company, or person so to supply electricity to be used for purposes incidental to the working or lighting of the railway, tramway, or canal, other than the purposes aforesaid (c).

(3) A company, local authority, or body receiving a supply of electricity under this section shall not use the electricity in such manner as to cause or to be likely to cause any interference with Government observatories or laboratories, or observatories or laboratories now or hereafter erected, owned, or managed in pursuance of any present or future statutory enactment, but this sub-section shall not apply to any such company, local authority, or body who, by any Act of Parliament, or Order confirmed by or having the effect of an Act of Parliament (d), containing provisions for the protection of such observatories or laboratories (e), are

- Sect. 5.** authorised to use electricity for the purposes for which a supply is authorised to be given under this section.

As to undertakers within the county of London, see s. 8 of the London Electric Supply Act, 1908, *post*, p. 274.

(a) Apart from this section or other special authority, undertakers may not supply electricity for use outside their area of supply, even though the supply be delivered at a point within that area (see note to s. 4 of the Electric Lighting (Clauses) Act, 1899, *ante*, p. 150). Many companies obtained powers similar to those conferred by this section in special Acts passed before 1909. See, for instance, s. 5, North Metropolitan Electric Power Supply Act, 1905.

(b) See Memorandum of procedure issued by the Board of Trade, *post*, p. 358.

(c) This will include the supply of electricity for the lighting of stations and workshops, and for motive power in workshops. The supply under this sub-section must be given at a point within the area of supply of the undertakers.

(d) This will include an Order made by the Light Railway Commissioners, and confirmed by the Board of Trade, under the Light Railways Act, 1896, since such an Order has effect "as if enacted by Parliament" (Light Railways Act, 1896, s. 10).

(e) Such provisions have only been inserted in Acts or Orders in recent years.

Supply to premises outside area of supply in certain cases.

**6.—(1)** Where it is proved to the satisfaction of the Board of Trade that the occupier of any premises is desirous of obtaining a supply of electricity from any undertakers within whose area of supply those premises are not situate, the Board of Trade may, if the local authority within whose district the premises are situate, and the undertakers (if any) authorised to supply electricity to such premises, consent, by order permit the first-mentioned undertakers to give a supply to those premises on such terms and subject to such conditions as the Board think fit:

Provided that, if in the opinion of the Board of Trade any consent required by this sub-section is unreasonably withheld, the Board of Trade may proceed as if such consent had been given.

(2) An order given by the Board of Trade under this section may, for the purpose of enabling a supply to be given thereunder, confer any such powers and impose any such duties on the undertakers as would have been conferred or imposed by the Electric Lighting Acts and as might have been conferred or imposed by Provisional Order if the premises and the route along which lines are to be laid for the purpose of giving the supply were within the area of supply of the undertakers, anything in the special Act or Order relating to the undertaking to the contrary notwithstanding.



## Sect. 6.

(3) If the undertakers on whom powers are conferred by an order under this section are not a local authority, the works and lines erected and laid under the powers so conferred shall, so long as the order remains in force, be deemed, for the purposes of the provisions as to purchase applicable to the undertaking, to form part of the undertaking within the district of the local authority which comprises the area of supply of the undertakers, or, if that area is comprised within the districts of more than one local authority, within such of those districts as the Board of Trade may determine.

(4) Nothing in this section shall enable the Board of Trade, without the consent of the undertakers within whose area of supply the premises are situate, to give such permission as aforesaid to any undertakers where the last-mentioned undertakers are by any Act of Parliament specifically prohibited from supplying electricity within the area of the first-mentioned undertakers.

An order made by the Board of Trade under this section does not require confirmation by Parliament. It will only be made in respect of specific premises, and not in respect of an addition to the area of supply of the undertakers. The Board of Trade have issued a memorandum as to the procedure to be followed in the case of applications under this section (see *post*, p. 359). In making orders under this section the circumstances of each case will be considered, and such conditions imposed as the Board of Trade think proper. See a form of such an order, *post*, p. 340.

A large number of orders have been made under this section.

7.—(1) Where any generating station, mains, or other works of a company used solely for supplying electricity within the district of a local authority are situated outside the district of that local authority, the generating station, mains, and other works so used shall for the purposes of the provisions of the Electric Lighting Acts, and any Provisional Order conferring on local authorities power to purchase undertakings, be deemed to be situated within the district of that local authority, and, where any generating station, mains, and other works are used solely for supplying electricity within the districts of two or more local authorities, but are not situated within any of those districts, the Board of Trade may, on the application of all or any of those authorities, by Provisional Order apply this provision subject to such adaptations as the circumstances of the case may require :

Provisions as to right of local authority to purchase.

Provided that this sub-section shall not, except by agreement between the local authority and the company concerned, apply to any generating station, mains, or other works authorised by a special Act passed before the passing of this Act.

(2) Any local authority having power under the Electric Lighting Acts or any Provisional Order to purchase so much of

**Sect. 7.** the undertaking of a company as is within the district of that local authority may, with the consent of and upon such terms and conditions as may be approved by the Board of Trade, and, in the case of an undertaking authorised before the commencement of this Act, with the consent of the company, transfer their rights of purchase to any other local authority having power to purchase so much of the same undertaking as is within the district of that last-mentioned local authority, and the deed of transfer may contain such consequential provisions as may be necessary for giving effect to the transfer.

See notes to s. 2, Electric Lighting Act, 1888, *ante*, p. 135, where the whole question of purchase by the local authority is dealt with.

Exercise of electric lighting powers by authorities jointly.

**8.** The Board of Trade may, with the concurrence of the Local Government Board, by Provisional Order make such provisions as appear to them necessary or expedient, by the constitution of a joint committee or joint board or otherwise, for the joint exercise of all or any of the powers under the Electric Lighting Acts, or this Act, or any Provisional Order, by two or more local authorities as respects any area of supply consisting of the whole or parts of the districts of those authorities, in any case where it appears to them that the joint exercise of those powers would be expedient, and any such Provisional Order may contain such provisions as may appear necessary or proper for adapting any of the provisions of the Electric Lighting Acts, or this Act, or any such Provisional Order, to the case of any committee or board so constituted.

It will be noticed that the Board of Trade cannot make such provision for the joint exercise of the powers of a special Act.

Under this section the Board of Trade can make provision for the joint purchase of an undertaking.

The Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board Act, 1901 (1 Edw. 7, c. cxcv), constituted a joint board consisting of representatives of various local authorities for the purpose of constructing and working tramways and generating and distributing electricity.

**July notices.** **9.** The Board of Trade may grant a Provisional Order notwithstanding that the notice required by section four of the Electric Lighting Act, 1882, to be given to a local authority on or before the first day of July has not been given in the case of any local authority which waives its right to receive such a notice, and no such notice need be given to the local authority of a district in which it is not intended to take power to distribute electricity.

Prior to the passing of this Act, the Board of Trade could not grant a Provisional Order authorising the supply of electricity unless the July notice

had been given, even though the local authority consented. Now the Board of Trade may grant the Order if the local authority waive the notice.

Except in the case of an application by the local authority for the district, a Provisional Order to authorise the distribution of electricity will not be granted except to the body or person by whom or on whose behalf the July notice was given. See note to Rule III., Board of Trade Rules, *post*, p. 345.

There is no definition of "distribute" in the Electric Lighting Acts. In practice it is frequently used in contradistinction to supply in bulk, and such seems to be its meaning in the Board of Trade Rules (see Rules III., IV., VIII., and X.). It would seem to be the view of the Board of Trade that no July notice is required in the case of an application for a Provisional Order to authorise a supply in bulk. See note (*f*) to s. 25, *post*, p. 245.

**Sect. 9.****NOTE.**

**10.**—(1) With a view to making five years the ordinary period of revision of maximum price and allowing representations as to revision to be made by consumers, sub-section (2) of section thirty-two of the Schedule to the Electric Lighting (Clauses) Act, 1899, shall, for the purpose of incorporation with any Act or Order passed or confirmed after the passing of this Act, be read as if the words "five years" were substituted for the words "seven years," and the words "or such number of consumers, not less than twenty, as the Board of Trade consider sufficient, having regard to the population of the area of supply," were inserted after the words "either the local authority or the undertakers."

Revision of  
maximum  
price.62 & 63 Vict.  
c. 19.

(2) Where any Act or Provisional Order passed or confirmed before the commencement of this Act enables the Board of Trade to revise or vary any maximum prices to be charged for electricity, that Act or Order shall be construed—

- (a) so as to enable the revision or variation to take place at an interval of five years after the commencement of the Act or Order, or the last revision, in cases where a longer interval is fixed by the Act or Order; and
- (b) so as to enable the power of revision or variation to be exercised on the representation of such number of consumers, not less than twenty, as the Board of Trade consider sufficient, having regard to the population of the area of supply, in cases where under the Act or Order such a power either cannot be exercised on such a representation, or can be exercised only on the representation of a number of consumers greater than twenty.

A clause similar to sub-s. (1) was frequently inserted by the Board of Trade in Provisional Orders granted before 1909.

**Sect. 11.**

Certification  
of meters.

**11.**—(1) The sections set out in the Second Schedule to this Act shall be substituted for sections forty-nine, fifty, fifty-one, and fifty-three of the Schedule to the Electric Lighting (Clauses) Act, 1899, as incorporated with any Act or Order passed or confirmed after the commencement of this Act.

(2) The provisions contained in the sections so set out shall, subject to such adaptations (if any) as may be necessary, be substituted for any corresponding provisions as to the use, examination, and certification of meters, and their connection and disconnection with electric lines, contained in or incorporated with any special Act or Provisional Order relating to the supply of electricity passed or confirmed before the commencement of this Act.

Accounts of  
local author-  
ities.

**12.** For the purposes of section nine of the Electric Lighting Act, 1882, the accounts of any undertakers being a local authority shall be made up to the thirty-first day of March in each year, and accordingly as respects those accounts the thirtieth day of June shall be substituted in that section for the twenty-fifth day of March, and the thirty-first day of March for the thirty-first day of December: Provided that, if any such undertakers show to the Board of Trade that some other dates are, owing to special circumstances, more convenient in their case than the thirty-first day of March and the thirtieth day of June, the Board of Trade may substitute such other dates for the said thirty-first day of March and thirtieth day of June, and this section shall as respects those undertakers be construed with the substituted dates.

See s. 9, Electric Lighting Act, 1882, *ante*, p. 87. Section 9 remains unaltered as to all undertakers other than local authorities.

Return by  
Board of  
Trade as to  
auditors'  
reports.

**13.** The Board of Trade shall from time to time make a return to Parliament giving such particulars as they may think proper with regard to the reports made by any auditors appointed by them to audit the accounts of any undertakers, and any action taken on such reports by the Board and by the undertakers.

Section 8 and the Schedule of the Electric Lighting Act, 1882, make provision for the audit of the accounts of undertakers being local authorities, and s. 6 of the Schedule to the Electric Lighting (Clauses) Act, 1899, for the audit of the accounts of all other undertakers.

Restriction  
on transfer  
of powers,  
etc. of  
undertakers.

**14.**—(1) A local authority, company, or person who have obtained a licence, Order, or special Act for the supply of electricity shall not, by transfer or otherwise, divest themselves of any of the powers, rights, or obligations conferred or imposed

upon them by the Electric Lighting Acts, or by any licence, Order, or special Act, otherwise than under and in accordance with a provision contained in a licence, Order, or special Act authorising such a divestiture.

**Sect. 14.**

(2) Section eleven of the Electric Lighting Act, 1882, shall be repealed from "but no local authority" to the end of the section.

See notes to s. 11 of the Electric Lighting Act, 1882, *ante*, p. 92.

**15.** Notwithstanding anything in the Electric Lighting Acts or in any Act of Parliament or Provisional Order authorising an undertaking, a person shall not be entitled to demand or to continue to receive from undertakers authorised to supply electricity in any area a supply of electricity for any premises having a separate supply, unless he has agreed with the undertakers to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure, and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises; the sum to be so paid shall be determined in default of agreement by arbitration.

This clause, usually known as "the stand-by clause," has frequently been inserted in special Acts relating to electric supply undertakings, and forms (with slight verbal differences) s. 16 of the London Electric Supply Act, 1908, *post*, p. 281. Its object is to require a consumer who has a separate supply of electricity to his premises, and who utilises the undertakers' supply merely to supplement his separate supply when necessary or in case of the break-down of his separate supply, and consequently compels the undertakers to keep sufficient plant in readiness to meet his occasional demand, to pay a reasonable return upon the expenditure on such plant. But for this section the undertakers could not insist upon a minimum sum in excess of that authorised by their Order, which is usually 13s. 4d. per quarter. See form of Provisional Order, *post*, p. 306.

**16.** All electric lines, fittings, apparatus and appliances let by any undertakers on hire or belonging to any undertakers, but being in or upon premises of which the undertakers are not in possession, shall, whether they be or be not fixed or fastened to any part of any premises in or upon which they may be situate, or to the soil under any such premises, at all times continue to be the property of, and be removable by the undertakers, and sections twenty-four and twenty-five of the Electric Lighting Act, 1882, shall extend and apply to all such electric lines, fittings, apparatus, and appliances: Provided that such electric lines, fittings, apparatus, or appliances have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof, or

Electric lines,  
etc. let on  
hire, though  
fixed to  
premises, to  
remain the  
property of  
undertakers.

**Sect. 16.** a distinguishing brand or other mark conspicuously impressed or made thereon, sufficiently indicating the undertakers as the actual owners thereof.

For the purposes of this section, electric lines, fittings, apparatus, and appliances disposed of by the undertakers on terms of payment by instalments shall, until the whole of the instalments have been paid, be deemed to be electric lines, fittings, apparatus, and appliances let on hire by the undertakers.

Nothing in this section shall affect the amount of the assessment for rating of any premises upon which any electric lines, fittings, apparatus, or appliances are or shall be fixed.

Electric lines, fittings, or other apparatus may be so affixed to a house or land as (apart from this section) to become at law part of the land, for "*quicquid plantatur solo solo cedit*." In that case they would pass by a conveyance of the land, or become subject to an existing mortgage, even though they were merely hired by the owner or lessee of the land under a hiring agreement, or agreed to be purchased under a hire-purchase agreement and not yet paid for (*Holland v. Hodgson* (1872), L. R. 7 C. P. 328; *Mene v. Jacobs* (1875), L. R. 7 H. L. 481; *Hobson v. Gorringe*, [1897] 1 Ch. 182; *Reynolds v. Ashby*, [1904] A. C. 466; *Ellis v. Glover*, [1908] 1 K. B. 388). The owner of the lines, fittings, or apparatus has, however, by virtue of the hiring or hire-purchase agreement, if in the latter case they are to remain his property till paid for, an equitable interest in the land entitling him to remove his lines, fittings, or apparatus, and such equitable interest will be effectual against the owner of any other equitable interest in the land, or against a purchaser who acquires the legal estate with notice (*Re Samuel Allen & Sons, Limited*, [1907] 1 Ch. 575). Further, it would seem that a mortgagor while in possession has, in the absence of an express stipulation to the contrary, the right to permit chattels to be affixed to and removed from the mortgaged premises, provided that they are removed before the mortgagee takes possession. See *Gough v. Wood*, [1894] 1 Q. B. 713; *Hobson v. Gorringe*, *supra*; *Ellis v. Glover*, *supra*.

It will be noticed that the above section only applies to electric lines, fittings, apparatus, and appliances let on hire by or belonging to any undertakers. It does not, therefore, apply to lines or apparatus let on hire to the consumer by a third person, even by arrangement with the undertakers.

It has been held that the Electric Lighting Acts do not authorise undertakers to supply electric fittings and apparatus other than meters (*Att.-Gen. v. Leicester Corporation*, [1910] 2 Ch. 359; *Att.-Gen. v. Sheffield Corporation* (1912), 28 T. L. R. 266). Unless, therefore, the undertakers have special statutory powers to let such fittings and apparatus, it must be considered doubtful whether they can obtain the benefit of this section as to any fittings or apparatus let by them. All metropolitan borough councils who are authorised undertakers have such power under the London County Council (General Powers) Act, 1906, *post*, p. 264.

Section 24 of the Electric Lighting Act, 1882, empowers the undertakers to enter upon the consumer's premises to inspect or remove their apparatus, and s. 25 protects such apparatus when not in the undertakers' possession

from being distrained upon for rent or taken in execution. See *ante*, **Sect. 16.**  
p. 110.

NOTE.

17.—(1) Twenty-four hours' notice in writing shall be given to the undertakers by every consumer before he quits any premises supplied with electrical energy by the undertakers, and, in default of such notice, the consumer so quitting shall be liable to pay to the undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises, or the date from which any subsequent occupier of such premises may require the undertakers to supply electrical energy to such premises, whichever shall first occur.

Notice to be given to undertakers before removing.

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

As to the liability of an incoming tenant, see *ante*, p. 224.

18. The undertakers may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrear (not being the subject of a bona fide dispute), whether any such payments be due to the undertakers in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Power to refuse to supply electrical energy in certain cases.

See notes to Electric Lighting Act, 1882, s. 21, *ante*, p. 108.

19. Electrical energy shall be deemed to be goods, wares, or merchandise for the purposes of section fifty-nine of the Stamp Act, 1891 (which makes certain contracts chargeable with stamp duty as conveyances on sale), and also for the purposes of the exemption numbered 3 under the heading "Agreement or any memorandum of an agreement" contained in the First Schedule to that Act.

Exemption of agreements for the supply of electricity from stamp duty. 54 & 55 Vict. c. 39.

This section enacts what was formerly conceded in practice by the Inland Revenue Commissioners. It has the effect of exempting agreements for the supply of electricity from the duty of 6d. imposed upon agreements under bond and the *ad valorem* duty imposed by s. 59 of the Stamp Act, 1891 but not from the duty imposed by that Act under the heading of "Bond, Covenant," etc., if any minimum sum is payable at stated intervals. See *County of Durham Electrical Power Distribution Co., Limited v. Commissioners of Inland Revenue*, [1909] 2 K. B. 604, and note, *ante*, p. 92.

20. For removing doubts, it is hereby declared that so much of any Provisional Order or special Act, or of the Schedule to the Electric Lighting (Clauses) Act, 1899 (*a*), as incorporated with any such Order or Act, as prohibits undertakers from associating themselves with any company or person supplying energy under any licence, Provisional Order, or special Act unless the undertakers are authorised by Parliament to do so, shall not be

Construction of provisions prohibiting association.

Sect. 20.

construed as prohibiting the undertakers from taking a supply of electricity in bulk from any company or person authorised (*b*) to give such a supply.

(*a*) See s. 3, Schedule to Act of 1899, *ante*, p. 148.

(*b*) *I.e.* by Act of Parliament or Provisional Order (s. 25, *post*). It will be noticed that "local authority" is not here mentioned, and having regard to the context "person," it is submitted, does not include a local authority.

Provision as  
to borrowing  
by local  
authorities.

**21.** Money borrowed under the Electric Lighting Acts shall not be reckoned as part of the total debt of a local authority for the purpose of any limitation on borrowing under the enactments relating to borrowing by the local authority.

Section 234 (2) of the Public Health Act, 1875, limits the sum to be borrowed by a local authority to whom that Act applies so as not to exceed, with the balances of all outstanding loans under the Sanitary Acts, two years' assessable value of the premises assessable within the district.

As to Scotland, see s. 1 of the Electric Lighting (Scotland) Act, 1902, *ante*, p. 227.

For the  
protection of  
the Com-  
missioners of  
Works.

**22.**—(1) With a view to the protection of the royal palaces, parks, and gardens, museums, and other public buildings, and their contents (in this section referred to as "the protected premises"), the Commissioners of Works and their engineer, or other officer duly authorised in writing under the hand of their secretary, may from time to time enter upon and inspect any generating station of any undertakers, and, if on such inspection it should appear to the commissioners that proper precautions are not being adopted for the due consumption of smoke, and for preventing as far as reasonably practicable the evolution of oxides of sulphur, and generally for the prevention of nuisance in relation to the protected premises, they may, without prejudice to any other remedy, require the undertakers forthwith to carry out such works and to do such things as are necessary in the circumstances.

(2) The undertakers shall give all reasonable facilities for such inspection to the commissioners and their engineer or other officer as aforesaid.

(3) Any dispute arising between the commissioners and the undertakers in relation to any of the provisions of this section shall be determined by arbitration.

This section shall not apply to the station of the Westminster Electric Supply Corporation, Limited, at Horseferry Road, in the city of Westminster.

A similar provision is contained in s. 17 of the London Electric Supply Act, 1908, with reference to authorised undertakers to whom that Act applies. See *post*, p. 281, and see s. 18 of that Act, *post*, p. 282.



Section 81 of the Electric Lighting (Clauses) Act, 1899, provides that nothing in the Special Order is to exonerate the undertakers from proceedings for nuisance (see *ante*, p. 203). Provisional Orders granted before 1899 contained a similar section.

**Sect. 22.**

NOTE.

**23.** Where in any area a local authority, company, or person is authorised to supply electricity under Act of Parliament or under licence or Provisional Order granted under the Electric Lighting Acts, it shall not, after the passing of this Act, be lawful for any other local authority, company, or person to commence to supply or distribute electricity within the same area unless such supply or distribution is authorised by Act of Parliament, or by licence or Provisional Order granted in terms of the Electric Lighting Acts: Provided that this section shall not prevent any company or person from affording a supply of electrical energy to any other company or person where the business of the company or person affording the supply is not primarily that of the supply of electrical energy to consumers:

Provided also that this section shall not prevent any company who at the passing of this Act are empowered by their memorandum of association to generate electrical energy from affording a supply to a railway company for purposes incidental to that company's undertaking other than the conveyance of public traffic.

This is a new departure in electrical legislation. Hitherto there has been nothing to prevent any company or person supplying electricity without statutory powers and in competition with statutory undertakers beyond the natural difficulty of reaching consumers without committing a nuisance by breaking up public streets. In some cases a supply was given by means of overhead wires. See *Finchley Electric Light Co., Limited v. Finchley Urban District Council*, [1903] 1 Ch. 437.

The section does not prohibit the continuance of an existing competition, but only prohibits the commencement of a competitive supply after the passing of the Act.

Whether a company's business is primarily that of the supply of electrical energy to consumers may be a difficult question to determine in any given case. It will be a question of fact in each case.

It will be noticed that the second proviso exempts companies who, at the passing of this Act, are empowered by their memorandum of association to generate electrical energy whether they have exercised such powers or not.

**24.** Nothing in this Act shall enable the Board of Trade for the by Provisional Order to authorise the compulsory acquisition of protection of any land which, at the date of the first publication of the notice takers. for the Order, belongs to any gas or water undertakers and is

**Sect. 24.** used or authorised to be used by them for the purposes of their undertaking.

There is no definition of gas or water undertakers, and nothing to limit the protection of this section to such undertakers as are authorised by statute or Provisional Order under the Gas and Water Works Facilities Act, 1870, except in the case of land belonging to such undertakers and not used but only "authorised" (*i.e.*, by Act of Parliament : s. 25) to be used for the purposes of their undertaking.

The marginal note is defective.

**Definitions.**

**25.** In this Act, unless the context otherwise requires, The expression "Provisional Order" means a Provisional Order under the Electric Lighting Acts (*a*) :

The expression "Electric Lighting Acts" (*b*) means—

(*a*) As respects England and Ireland, the Electric Lighting Acts, 1882 and 1888 ; and

(*b*) As respects Scotland, the Electric Lighting Acts, 1882 and 1888, the Electric Lighting (Scotland) Act, 1890, and the Electric Lighting (Scotland) Act, 1902 :

The expression "authorised" means authorised by Act of Parliament or Provisional Order (*c*) :

The expression "area of supply" means any area within which any local authority, company, or person is authorised to supply electricity :

The expression "undertakers" means any local authority, company, or person, authorised to supply electricity to whom the Electric Lighting Acts apply (*c*) :

The expression "road" includes any street as defined by the Electric Lighting Act, 1882 (*d*) :

The expression "generating station" includes any station for generating, transforming, converting, or distributing electricity (*e*) :

The expression "to supply electricity in bulk" means to supply electricity—

(*a*) to any local authority, company, or person authorised to distribute (*f*) electricity to be used for the purposes of distribution ; or

(*b*) to any local authority authorised by any general (*g*) or special Act to undertake or contract for the lighting of streets, bridges, or public places, to be used for the purposes of lighting streets, bridges, and public places.

(*a*) See s. 4, Electric Lighting Act, 1882.

(*b*) It will be noticed that the "Electric Lighting Acts" do not include the Act of 1909, but as those Acts and the Act of 1909 are to be "construed

together as one Act" (see s. 27 (2), *post*), references to the Electric Lighting Acts will in many cases, at all events, include this Act, *e.g.*, for the purposes of s. 23.

**Sect. 25.**

NOTE.

(c) "Licence" is not mentioned, therefore "undertakers" in this Act would not include bodies or persons empowered by licence to supply electricity.

(d) See s. 32, Electric Lighting Act, 1882, and note (c) to s. 3, *ante*, p. 230.

(e) It has a more limited meaning in s. 2, *ante*, p. 229.

(f) "Distribute" is often used to denote supply for "general supply," as defined in s. 1 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *ante*, p. 147, in contradistinction to supply in bulk. It is so used in the Board of Trade Rules. See Rules III., IV., VIII. and IX., *post*, pp. 345—347.

(g) *E.g.*, Lighting and Watching Act, 1833 (3 & 4 Will. 4, c. 90), ss. 45, 57; Public Health Act, 1875 (38 & 39 Vict. c. 55), s. 161; Metropolis Management Act, 1855 (18 & 19 Vict. c. 120), s. 130.

**26.**—(1) In the application of this Act to Scotland, the Secretary for Scotland shall be substituted for the Local Government Board as respects Provisional Orders relating to Scottish local authorities, and the fifteenth day of May shall be substituted for the thirty-first day of March, and the first day of August shall be substituted for the thirtieth day of June. Section ninety-nine of the Burgh Police (Scotland) Act, 1892, as applied by section forty-four of the Local Government (Scotland) Act, 1894, shall be read as if the words "subject to the provisions of the Electric Lighting Act, 1882, or any Act or Acts amending or superseding the same," were repealed.

Application of Act to Scotland and Ireland.  
c. 55.  
55 & 56 Vict.  
57 & 58 Vict.  
c. 58.

(2) In the application of this Act to Ireland, the Local Government Board for Ireland shall be substituted for the Local Government Board as respects Provisional Orders relating to Irish local authorities.

**27.**—(1) This Act may be cited as the Electric Lighting Act, 1909.

Short title, construction, and commencement.

(2) This Act and the Electric Lighting Acts shall be construed together as one Act (a), and may be cited as the Electric Lighting Acts, 1882 to 1909.

(3) This Act shall come into operation on the first day of April nineteen hundred and ten.

(a) See note to s. 1, Electric Lighting Act, 1882, *ante*, p. 73.

## Schedule.

## SCHEDULES.

## Section I.

## FIRST SCHEDULE.

## MODIFICATIONS OF THE LANDS CLAUSES ACTS.

The following modifications shall have effect in the construction of the provisions of the Lands Clauses Acts incorporated by this Act for the purposes of the Electric Lighting Acts :

- (a) The expression "special Act" means the Electric Lighting Acts, inclusive of any Provisional Order authorising the compulsory acquisition of land, except that the period of three years mentioned in section one hundred and twenty-three of the Lands Clauses Consolidation Act, 1845, shall be calculated from the passing of the Act confirming the Provisional Order (a) ; and
- (b) The expressions "the promoters" and "the undertaking" mean respectively the undertakers and the undertaking under the Electric Lighting Acts, and the expression "company" in the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, and the Railways Act (Ireland), 1864, means the undertakers under the Electric Lighting Acts ; and
- (c) The expression "land" includes easements in or relating to land.

8 & 9 Viet.  
c. 18.

14 & 15 Viet.  
c. 70.

23 & 24 Viet.  
c. 97.

27 & 28 Viet.  
c. 71.

(a) Section 123 of the Lands Clauses Consolidation Act, 1845, limits the time within which the promoters may exercise their compulsory powers of purchase, where no other period is prescribed by the special Act, to three years from the passing of the special Act.

## Section II.

## SECOND SCHEDULE.

SECTIONS TO BE SUBSTITUTED FOR SECTIONS 49, 50, 51, AND 53 OF THE SCHEDULE TO THE ELECTRIC LIGHTING (CLAUSES) ACT, 1899.

The new sections are inserted in lieu of the old sections in the Schedule to the Act of 1899 (*ante*, pp. 189—191).

## PART 1

## THE STATUTES RELATING TO ELECTRICITY

An Act respecting companies for supplying steam, heat, electricity, or natural gas for heat, light, or power: R. S. O. 1897, Ch. 200.<sup>1</sup>

1. Any five or more persons who desire to form a company for supplying electricity for the purpose of light, heat, or power may become incorporated under the Ontario Companies Act.<sup>2</sup>

3. Every such company may construct, maintain, complete, and operate works for the production, sale, and distribution of electricity for purposes of light, heat and power, and may conduct the same by any means through, under, or along the streets, highways, and public places of the city, town, or municipality; but as to such streets, highways, and public places only upon and subject to such agreement in respect thereof as shall be made between the company and the municipality and under and subject to any by-law of the council of the municipality passed in pursuance thereof.

4. Certain sections of the Act respecting Joint Stock Companies for supplying cities, towns, and villages with gas and water, R. S. O. 1897, Ch. 199, shall be read as forming part of this Act.

[The sections are 12, 13, 20, 22 to 27, 31, 33, and 35 to 58.]

5. No company shall be entitled by virtue of this Act to take private property under the compulsory powers until compensation has been made.

6. Powers are given under this section to any electric light company to lease to or enter into any contract with any person or persons or body corporate for the use of any power, engines, wheels, or machines run by water, steam, gas, or in any other manner rented by such company for the purpose of the running or operating electric light plant to the end and intent that such machinery and power may be utilized and employed during the hours when the same is not required for the purpose of furnishing electric light.

7. Such company may lease to, or enter into any contract with any person or persons or body corporate or politic for the use of any land or buildings of such company used for or in connection with such power or machinery aforesaid so long as the value does not exceed \$10,000.

The following sections of the Gas and Water Companies Act<sup>3</sup> are incorporated in the Heat, Light and Power Companies Act.

<sup>1</sup> Sections 1-3, 5-8, are repealed by the Ontario Companies Act, 7 Edw. VII. c. 34, and see Statute Law Amendments, 7 Edw. VII. c. 23, s. 24.

<sup>2</sup> R. S. O. 1897, c. 191 is repealed by the Ontario Companies Act, 7 Edw. VII. c. 34, and see Statute Law Amendments, 7 Edw. VII. c. 23, s. 24.

<sup>3</sup> R. S. O. 1897, c. 199 is repealed by the Ontario Companies Act, 7 Edw. VII. c. 34, and see Statute Law Amendments, 7 Edw. VII. c. 23, s. 24.

Sections 12 and 13 relate to subscriptions to stock.

Section 20 enables the company to sell gas and water fittings.

By section 22 of R. S. O. 1897, Ch. 199, companies may break up, dig, and trench so much and so many of the streets, squares, highways, lanes and public places of the municipalities for supplying which with gas and water or both the company has been incorporated as are necessary for laying the mains and pipes to conduct the gas or water or both from the works of the company to the consumers thereof, doing no unnecessary damage to the premises and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares, highways, lanes, and public places while the work is in progress.

By section 23 other pipes may not be laid by other people except with consent of the company within six feet of the company's pipes.

Section 24. Power is given by this section to the company to pass through buildings to introduce pipes, and by

Section 25, may break up passages in the execution of the power granted to it by the Act, but the company in all such cases must, by

Section 26, make satisfaction for damage done.

Section 27. The company shall construct and locate their gas works and water works and all apparatus and appurtenances thereto belonging or appertaining or therewith connected and wheresoever situated so as not to endanger the public health and safety.

Sections 31, 33 and 35 to 41 apply to borrowing powers.

Section 42 restricts the power of the companies that they may not take, use or injure for the purpose of the company any house or other building or any land used or set apart as a garden, orchard, yard, park, paddock, plantation, planted walk or avenue to a house or nursery ground for trees or to convey from the premises of any person any water already apportioned and necessary for his domestic use without the consent in writing of the owner or owners first had and obtained.

Sections 44 to 54 apply to prohibitions and penalties applicable to persons who injure or defraud the company.

There is a clause 46, however, which enables a person to construct works for the supply of gas and water to his own premises.

The fittings shall not be liable for seizure for rent or debt, section 47.

Sections 55 to 58 apply to arbitrations.

The above Act (R. S. O. 1897, c. 200) is practically repealed by the Companies Act, 7 Ed. VII. c. 34. This latter Act sets forth the conditions under which a company intending to operate or control any Municipal Franchise or public utility may obtain incorporation, see Parts XII. and XIII. Companies may also be incorporated under the Dominion Companies Act, R. S. C. 1906, c. 79.

*The Municipal Light and Heat Act, R. S. O. 1897, Ch. 234*

This Act enables corporations of cities towns and incorporated villages—

3. (1) to manufacture and supply electric galvanic or any other artificial light or heat, and for these purposes to construct and purchase improve extend hold maintain manage and conduct any works which they may deem requisite, and to acquire any patent or other rights for the manufacture or production of any artificial light or heat, and also to supply sell or lease all fittings machines apparatus meters or other things for the purposes aforesaid;
- (2) to sell every product refuse or residuum obtained in or from the said works;
- (3) to rent or purchase land for the purpose;
- (4) property of such corporation exempt from seizure for distress.
4. The corporation may break up streets for the purpose of laying down taking up examining and keeping in repair the pipes wires and rods used for the purpose of conducting electricity.
5. The corporation may carry pipes and wires through parts of buildings to supply other parts.
6. The corporation may break up passages common to different proprietors.
7. The work must be done and carried on so as not to endanger the public safety.
8. Municipal corporations constructing works must supply buildings on hire and supply with electricity on request by owner occupant or other person.
9. By-laws rules and regulations may be made for the purpose of fixing rates to be charged and for management of the works.
10. Power is given by this section to enforce payment of rates, to levy duties and remove fittings from premises of consumer.
11. Power is given by by-law to carry works into an adjoining municipality.
12. In case another company has laid down pipes then the pipes of the municipal corporation must not, unless with consent of the company, be laid down within six feet of the main pipes of such company.
13. Sections 44-54 both inclusive of the Act respecting Joint Stock Companies for supplying cities towns and villages with gas and water, R. S. O. 1897, C. 199, are incorporated in this Act.
14. Sections 40-47 both inclusive of the Municipal Waterworks Act, R. S. O. 1897, C. 235, are incorporated in this Act.<sup>1</sup>

<sup>1</sup> These sections relate to the powers and duties of Commissioners appointed by a Municipal Council, and see the Act to amend the Municipal Light and Heat Act, 9 Edw. VII. c. 79.

*Consolidated Municipal Acts*

By-laws may be passed by cities towns and villages for manufacturing and supplying light and heat under the Municipal Light and Heat Act;<sup>1</sup> the Municipal Act R. S. O. 1897, c. 223, Sect. 566; and by-laws may be passed for inspecting wires and other apparatus used or installed for the transmission of electricity for purposes of light or power along the public streets or highways or upon or in any building in the municipality. Consolidated Municipal Act, 3 Edw. VII. Ch. 19, section 542, s.-s. 3a.

By-laws may be passed by the councils of the municipalities for regulating the erection and maintenance of electric light telegraph and telephone poles and wires within their limits: Consolidated Act, 3 Edw. VII. Ch. 19, section 559, sub-section (4).

Section 564 of the same Act gives every municipal corporation power to acquire water rights for the purpose of obtaining power to run or drive the necessary machinery for supplying electric light within the municipality.

And by section 566 (2) by-laws may be passed by the councils of the municipalities for manufacturing and supplying light and heat under the Municipal Light and Heat Act, R. S. O. 1897, c. 234, pars. 1 and 2.<sup>2</sup>

(4) By-laws may be passed by cities towns and villages for constructing electric light works, and to levy an annual rate for payment of interest and sinking fund; but

(a) the council is not to proceed with the constructing of electric light works when there is an electric light company in existence until an offer has been made to the existing company.

Provision is made by this section for arbitration as to the time on which the municipality may take over the existing works.

And sections a2, a3, a4, and a5, apply to the terms of the arbitration.

By sub-section (a6), section 566, power is given to municipalities to contract with existing electric companies for the supply of electric light for street lighting, or other public purposes, and by (a7) the price to be paid by the inhabitants for electric light may be determined by arbitration.

For terms upon which a by-law under clause 4 of section 566 is to be submitted to the electors, see clause 21, Municipal Amendment Act, 1906, 6 Edw. VII. Ch. 34.

By sub-section (9) (d) of section 566 it is provided that where municipal corporations have constructed electric light works for

<sup>1</sup> R. S. O. 1897, c. 234.

<sup>2</sup> *Ante*, p. 246a.



supplying the municipality with electric light, and there is a sufficient supply, it shall be the duty of the corporation to supply with electric light all buildings within the municipality situate upon land lying along the line of any supply pipe or wires of the corporation upon request.

566a. By-laws may be passed by the municipal councils and cities, incorporated villages and townships, for the following purposes, that is to say—

- (a) For authorizing any person, firm, or incorporated company supplying electricity for power, lighting, or heating, to lay down pipes or conduits enclosing wires for the transmission of electricity under streets or public squares, or to carry wires for the transmission of electricity across or along any streets or public squares or to erect poles in streets and public squares where necessary to support such wires, subject to such regulations as the Council see fit to impose.

567a. A municipality may sell or lease surplus energy—

- (b) But not go in competition with private company.

568 (1) Every municipal council shall have power to contract for a supply of electric light for street lighting or other public uses for any number of years not in the first instance exceeding ten, and for renewing such contracts.

The Railway and Municipal Board may require any telegraph, telephone, electric light power or heat company, or any person operating any telegraph, telephone, electric light power, or heat system to adopt such means and appliances, and to take and use such precautions as the Board may deem necessary or expedient for the safety of life and property. Section 54, Railway and Municipal Board Act, 6 Edw. VII. Ch. 31.

The Law Relating to the Use of Electricity in Mines is to be found in the statute 1 Geo. V. Ch. 10.

*The Street Railway Act, R. S. O. 1897, c. 208*

18 (1) An electric street railway when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground, shall cause to be strung and maintained guard wires sufficient to prevent telegraph, telephone, or other wires now or hereafter strung across or along the highway from coming into contact with or falling upon the said wire conveying such electricity.

(2) The Company when operating any portion of its lines by means of electricity shall use such means and appliances as may, as far as may be reasonably possible, prevent water pipes, gas pipes, cables, and other things now or hereafter placed underground from being damaged in consequence of the escape or discharge of electricity into the ground. Proper bonding

of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires, shall be taken to be a compliance with the conditions of this section.

*Municipal Power Works Act, 3 Edw. VII. Ch. 25*

An Act to provide for the construction of municipal power works and the transmission, distribution, and supply of electrical and other power and energy.

This Act enables municipal corporations to secure the acquisition, construction, maintenance, and operation of all necessary works, plants, machinery, and appliances for the development, generation, transmission, transformation, distribution, and supply of electrical and other power and energy, including heat and light, for their own corporate use as well as for general public uses and purposes, and for the use of such persons, firms, and corporations as may desire the same section (1).

A municipal corporation desiring to establish electric works under this Act may appoint a Commission, and the Commission shall make a report, and the municipal corporation may then submit a by-law to the electors (sections 2—10).

The municipality must not, however, exceed legal limit of rate or indebtedness as fixed by the Municipal Act <sup>1</sup> (11).

If the by-law is carried, then a Board of Commissioners appointed as provided by section 12 (2) shall construct and operate the works.

The powers of the Board of Commissioners are as follows—

14 (1) To acquire existing power works.

(2) To acquire lands and water powers.

(3) To acquire and use water and steam power.

(4) To supply power at such rates and upon such conditions as may be agreed on, and in lieu of developing, producing, and transmitting power, to contract with and purchase from any other persons producing electrical power or energy such supply as may be required for public and private uses within the municipality.

(5) To acquire, construct, maintain works for development and supply of electrical power, etc., including heat and light, and to construct, maintain, and operate lines of wires, poles, tunnels, conduits, and other works, and for these purposes to enter upon private property and take such parts as may be necessary.

(6) To erect poles construct trenches or conduits and do all other things necessary for the transmission of power heat or light as fully and effectually as the circumstances of the case may require but not so as to incommode the public use of the streets.

<sup>1</sup> R. S. O. 1897 c. 223.

(7) The works may be constructed in sections; and

(8) To construct and operate a telegraph or telephone line in connection with and for the purpose only of such works and business.

15. The Commission is to provide the municipality and the inhabitants with a sufficient supply of electrical power.

16. The Commissioners may appoint the necessary officers, and

17. Make by-laws rules, &c., for regulating and fixing the prices rents and rates to be charged for the used power.

Provided that such rates shall be uniform at a fixed rate per horse power or other recognized standard of measurement.

18. In case a person or corporation supplied with power does not pay rates the Commission may cut off supply and collect rent in the way provided under the Assessment Act, R. S. O. 1897, c. 224.

19. The Commission shall erect fences and gates along lines of transmission.

20. None of the works authorized by this Act shall be carried out within the limits of Niagara Falls Park.

21. The Commission shall have power to supply surplus power to persons and corporations on line of supply.

22. In determining the rates to consumers the Commissioners are to make due allowance for operating expenses maintenance repair, &c., payment of interest on money borrowed to build and carry on works, the payments under the sinking fund to the end that the works shall be self-sustaining and not impose any ultimate liability or charge upon the municipal corporation interested therein.

23. The Chief Justice of Ontario may make an order in lieu of an agreement as to dues under section 21.

24. In case of any dispute arising between the Commissioners and the corporation and consumers the same may be determined on summary application by the Chief Justice of Ontario.

28. If any person shall cause any connection to be made with any of the wires or in any way obtain heat or light without the consent of the Commissioners he shall forfeit \$100.

29. Any action brought against any person for anything done in pursuance of the Act shall be brought within six months or in case of a continuation of damage then within one year after the cause of action arose.

30 (1) The Commissioners and their officers shall have the like protection in the exercise of their respective offices as Justices of the Peace and the watchmen and other officers of the Commission shall have power of officers of the peace.

(2) The Commission are not to be liable for damages caused by the breaking of any pole, wire, conduit, attachment or other appliances used in the distribution and supply of such electrical or other power or

for failure to supply such power to any taker or user when such failure has been caused by unavoidable accident or circumstances beyond the control of the Commissioners.

32. Land may be granted by way of gift to the Commissioners by any municipality desiring works to be erected.

The remaining sections 33—51 deal mainly with the raising of money by debentures, the keeping of accounts, operating expenses, and provision of sinking fund.<sup>1</sup>

The Act 9 Edw. VII. Ch. 19 was passed to validate certain contracts entered into with the Hydro-Electric Power Commission of Ontario to amend the Act 7 Edw. VII. Ch. 19, and for other purposes.

The first nine sections apply to special contracts. Section 10 is as follows :

In addition to all other powers the Commission may by purchase, lease, or otherwise, or without the consent of the owners thereof or persons interested therein, acquire, enter upon, take possession of, and use a right or easement to construct, erect, maintain, and operate transmission lines with all other plant, appliances, and equipment required therefore to transmit electricity at such voltage as the Commission may determine, through, over, under, along, or across any lands and premises, public highways or public places, streams, waters, water-courses, bridge, viaduct, or railway.

By section 1, c. 16, 10 Edw. VII., it is declared that section 10 of the Power Commission Amendment Act, 1909,<sup>2</sup> conferred upon the Hydro-Electric Power Commission of Ontario absolute authority without the consent of the owners or persons interested, and without any pre-requisite or preliminary action or proceeding whatsoever, and without any other sanction or authority to enter upon any lands required for the purpose of constructing, erecting, maintaining, and operating thereon the transmission lines and works in connection therewith referred to in said section, and to retain possession thereof for such time as the Commission should think proper, and under agreement with the owners or persons interested or without their consent, and without any pre-requisite or other sanction or authority whatsoever, to take and acquire such right, title, privilege, easement, or interest in, over, upon, or in respect of or relating to said lands, as to the Commission might seem desirable or expedient. Section 11, 9 Edw. VII., enables a municipality, when authorized by vote of electors, to make contracts for a supply of electric power from the Hydro-Electric Power Commission of Ontario.

The Act 10 Edw. VII. Ch. 16, section 2, provides that

Wherever the Commission acts or has acted under the authority of section 10 of the Power Commission Amendment Act, 1909 '9 Edw. VII. Ch. 19), compensation shall be made to the owners or persons interested for all

<sup>1</sup> The last section in the Act specifies that the Act is not to affect the provisions contained in sections 566 to 568 of the Municipal Act, R. S. O. 1897, c. 223.

<sup>2</sup> 9 Edw. VII. c. 19, s. 10.

damage resulting from the exercise of the powers granted by section 10. The amount of damage shall be fixed under section 40 of the Ontario Public Works Act, 10 Edward VII. c. 11, and the Arbitration Act, 9 Edw. VII. c. 35.

An Act to provide for the Local Distribution of Electrical Power, 1 Geo. V. Ch. 14 as amended by 2 Geo. V. Ch. 14.

1. This Act may be cited as "The Power Commission Act, 1911."

2. In this Act

(a) "The Commission" shall mean the Hydro-Electric Power Commission of Ontario.

(b) "Corporation" shall mean the corporation of a city, town, township, or village municipality.

3. Any one or more of the ratepayers in a municipality the corporation of which has not entered into a contract with the Commission under the Power Commission Act, may apply to the corporation to obtain from the Commission a supply of electrical power or energy for the use of such ratepayer or ratepayers for lighting, heating, and power purposes, or for any of such purposes.

4. The application shall be in writing signed by the applicants and shall state the lots or parts of lots owned or occupied by each of them respectively and the purposes for which the electrical power or energy is required.

5. The Council of the corporation shall thereupon request the Commission to supply the electrical power or energy for the purposes mentioned in the application.

6. Upon such request the Commission shall furnish to the corporation an estimate of the maximum cost per h.p. at which the electrical power or energy will be supplied at the point of development or of its delivery to the Commission and an estimate of the cost of constructing and providing transmission lines by means of which the amount of electrical power or energy required is to be supplied and of maintaining the same, and may furnish to the corporation plans and specifications of the works, plant, machinery, and appliances necessary for the distribution of such power or energy by the corporation to the applicants, and an estimate of the cost thereof and such other information as the Commission may think advisable.

7. Within one month after the delivery of the statement and estimates mentioned in the next preceding section, the Council shall, at a special meeting called for that purpose and of which notice shall have been given to each of the applicants, consider the statement and estimates furnished by the Commission and with the consent of the applicants or such of them as shall signify their desire to proceed to enter into a contract for the supply of electrical power or energy by the Commission, the corporation without submitting the same to a vote of the electors, and without any of the other formalities required in a case of a by-law passed under "The Power Commission Act, 7 Edw. VII. c. 19," may pass a by-law for entering into a contract with the Commission for the supply of the electrical power or energy required by the applicants and may enter into a contract with the Commission for that purpose.

8. All the provisions of "The Power Commission Act, 7 Edw. VII. c. 19,"

as to the annual payments to be made by corporations which have entered into contracts with the Commission shall apply to a contract entered into under this Act.

9. The contract may provide for the admission from time to time of further subscribers, or for the making of a contract between the Corporation and the Commission under The Power Commission Act and the readjustment thereupon of the amounts payable annually to the Commission and of the amounts payable annually by the subscribers in such manner as may be agreed upon or determined by arbitration or otherwise.

10. The by-law may provide for the issue of debentures of the municipality payable within twenty years from the issue thereof to meet the cost of construction and instalment of the works, plant, machinery, and appliances necessary for the distribution of the electrical power or energy, and for the levying of a special rate for payment of principal and interest in the manner provided by the Consolidated Municipal Act, 1903, 3 Edw. VII. c. 19.

11. The amount payable by the applicants in each year for the electrical power or energy supplied to them shall be sufficient to recoup the municipality the amount required to pay the principal and interest of any debentures issued, and to meet the annual payments required to be made to the Commission as provided by the Power Commission Act, 7 Edw. VII. c. 19, and in default of payment any amount due to the Corporation under this section may be entered on the collectors' roll and collected in the same manner as other taxes.

12. (1) The Trustees of a Police Village shall for the purposes of the Power Commission Act be deemed a municipal corporation, and subject to the provisions of this Act may exercise all the powers conferred upon municipal corporations by the Power Commission Act and may enter into a contract with the Commission for the supply of electrical power or energy as provided by that Act.

(2) The Council of the township, or the Councils of the townships in which the police village is situate, upon the request of the Police Trustees, shall submit the by-law provided for by s. 13 of the Power Commission Act, [or the question as to the supply of electrical power or energy provided for by s. 11 of the Power Commission Amendment Act, 1909,]<sup>1</sup> 9 Edw. VII. c. 19, to a vote of the electors of the police village qualified to vote thereon, and shall upon the like request issue debentures as provided by the said Act, [or by this Act,]<sup>1</sup> and levy and collect a special rate upon the rateable property in the police village for the payment thereof.

(3) The Council of the township in which the police village or any part thereof is situate shall annually levy by special rate upon the rateable property in the police village, or in that part of the police village situate in the township, the amounts required to meet the payments to be made to the Commission.

The Power Commission Act, 7 Edw. VII. Ch. 19, as amended by the Power Commission Act, 1912, 2 Geo. V. Ch. 14, provides for the appointment of a Hydro-Electric Power Commission.

<sup>1</sup> The words inside brackets are inserted by amendment in the Power Commission Act, 1912, s. 5.

Section 2 provides for the appointment of a Commission of three persons under the corporate name of the Hydro-Electric Power Commission of Ontario, hereinafter called "The Commission." Sections 3, 4, 5 and 6, as amended by s. 2 of the Power Commission Act, 1912, deal with the constitution of the Commission.

(7) The Commission may from time to time report to the Lieutenant-Governor-in-Council what works, &c., should be purchased, taken, acquired, leased, expropriated, developed, operated, or used by the Commission for the purposes of this Act.

(8) The Lieutenant-Governor-in-Council upon the report may authorize the Commission—

- (a) To acquire by purchase, lease, or otherwise, or without the consent of the owners thereof or persons interested therein to enter upon, take, and use the lands, waters, water privileges, water powers, works, machinery, and plant, of any corporation or person owning, holding under lease, or otherwise, or developing, operating, or using the same for generating or adapted for generating electrical power or energy, or for the transmission thereof in Ontario, and to develop and use the same for any of the purposes of this Act;
- (b) To construct, maintain, and operate, and to acquire by purchase, lease, or otherwise, or without the consent of the owners thereof, or persons interested therein, to enter upon, take, and use all erections, machinery, plant, and other works and appliances, for the transmission, supply, and [distribution]<sup>1</sup> of electrical power or energy, and to conduct, store, transmit, and supply electrical power or energy for the purposes of this Act, and with lines of wires, poles, conduits, motors, or other conductors or devices to receive, conduct, convey, transmit, distribute, supply, or furnish such electrical power or energy to or from any corporation or person at any place through, over, under, along, or across any lands, public highway, bridge, viaduct, railway, waters or water-courses, and through, over, or under the lands of any corporation or person, and to enter upon any lands upon either side of such lines or conduits, and fell or remove any tree or limb thereof or obstruction which in the opinion of the Commission it is necessary to fell or remove;
- (c) To contract with any corporation or person generating, transmitting, or distributing electrical power or energy, or proposing so to do, to supply electric power or energy to the Commission; and to require any corporation or person generating, transmitting, or distributing electrical power or energy, to supply so much thereof as the Commission may require.
- (d)<sup>2</sup> To enter upon, take, and use without the consent of the owners thereof any lands upon which any water power or privilege is

<sup>1</sup> The word in brackets shows the Clause as amended by 2 Geo. V. c. 14, s. 3.

<sup>2</sup> Clauses (d) (dd) have been added to s. 8, 7 Edw. VII. by the amendment contained in s. 3 of the Power Commission Act 1912 2 Geo. V. c. 14.

situate, or any lake, river, stream, or other body of water which in the opinion of the Commission is capable of improvement or development for the purpose of providing water power, and to construct such dams, sluices, canals, raceways, and other works as may be deemed proper or expedient for that purpose and to flood and overflow any lands as may be deemed necessary for the purpose of providing storage of water or for any other purpose in connection with such works and to contract with any municipal corporation company or individual for the use of any of the improvements or works so made on such terms or conditions as may be agreed on and to charge such tolls for the use of the water power or improvements or works by any municipal corporation company or individual as the Commission may deem reasonable having regard to the cost of acquiring such lands and the contributory maintenance and operations of such improvements or works.

- (dd)<sup>1</sup> To acquire by purchase or to expropriate any plant, machinery, appliance, wires, poles, and other equipment, and the lands occupied by or used in connection with the same or any part thereof, used or intended for the distribution of electrical power or energy in a municipality, the corporation of which has entered into an agreement with the Commission for the supply of electrical power or energy and to contract for the sale and transfer to such municipal corporation of such plant equipment and lands upon such terms and for such price, not being less than the price paid by the Commission to the expenses in connection with such purchase or expropriation added thereto, but if part only of the property is taken the damage done to the property by the severance shall be taken into consideration in determining the compensation.

9. Whenever the powers of the Commission as to expropriation are exercised they shall proceed in the manner provided by the Public Works Act, R. S. O. 1897, c. 37.

10. The compulsory powers conferred by this Act shall extend to lands, works, rights, powers, privileges, and property notwithstanding that the same are or may be deemed to be devoted to a public use or that the owner thereof possesses the power of taking lands compulsorily.

[10a (1) Power is given by this section to the Commission to abandon lands after expropriation and re-vest same in the person from whom they were taken.

(2) The person from whom lands have been taken under the expropriation clause of this Act and which lands are afterwards abandoned under the foregoing sections shall be entitled to damages in consequence of such taking or abandonment.]

The words between square brackets have been added by 2 Geo. V. c. 14, sec. 4.

11. The Commission when required by the Lieut.-Governor-in-Council shall inquire into, examine, and investigate water powers, &c., and report on same.

<sup>1</sup> See note 2 on previous page.



12. Any municipal corporation may apply to the Commission for the transmission and supply to the corporation of electrical power or energy for the use of the corporation and the inhabitants of the municipality for lighting, heating and power purposes or for any or either of such purposes or for any of the purposes mentioned in section 14, and the Commission shall therefor furnish to the corporation a statement of the maximum price per horse-power at which the electrical power or energy will be supplied at the point of development or of its delivery to the Commission and an estimate of the cost of constructing or providing a transmission line by means of which the amount of electrical power or energy required by the corporation is to be supplied and of maintaining the same and may furnish to the corporation plans and specifications of the works plant machinery and appliance necessary for the distribution of such power or energy by the corporation, and an estimate of the cost thereof and such other information as the Commission may deem advisable. The Council may thereupon enter into a provisional contract with the Commission for the supply of electrical power or energy for the purposes mentioned in this Act.

13. (1) The provisional contract must receive the assent of the rate-payers in accordance with the provision of the Consolidated Municipal Act, 1903.

(2) After the assent of the ratepayers has been obtained and the contract executed by the corporation and assented to by the Lieutenant-Governor-in-Council, the Commission shall have power and authority to do all acts necessary for the purpose.

14. (1) In addition to the powers conferred by this Act a municipal corporation which has entered into a contract with the Commission for the supply of electrical power or energy shall have and may exercise in respect of such power or energy all the powers which are by the Municipal Light and Heat Act or the Consolidated Municipal Act, 1903, conferred upon corporations in respect to light and heat and all the powers which are conferred upon corporations by the said last-mentioned Act for contracting debts for any purpose within the jurisdiction of the Council thereof and also the power to expropriate land, making compensation therefor, under the provisions of the said last-mentioned Act.

(2) The Council of a municipal corporation may, if they see fit, submit to the electors a by-law providing for borrowing by the issue of debentures the money required for any of the purposes mentioned or referred to in sections 12, 13, 14 of the Power Commission Act, at the same time as such Council submits to the electors a by-law approving of a provisional contract entered into under section 12 of the said Act, or a question as to a supply of electrical power under section 11 of the Power Commission Amendment Act, 1909, and such by-law for borrowing money may be finally passed by such Council either before or after such corporation has entered into a contract with the Commission for the supply of electrical power or energy, but the debentures authorized by such by-law shall not be issued until the corporation has entered into a contract with the Commission for the supply of such electrical power or energy. [Sub-section 2 of section 14 of the Power Commission Act 7 Edw. VII. c. 19 is repealed

by section 6 of the Power Commission Act, 1912, and the above new sub-section inserted instead.]

(3) A municipal corporation which has entered into a contract with the Commission under this Act may from time to time, with the approval of the Commission, contract with any other municipal corporation or with any person or corporation for the supply or distribution of electrical power or energy in any other municipality, and such other municipal corporation shall have authority to enter into the contract; but a municipal corporation shall not exercise the power conferred by this section in another municipality without the consent of the Council thereof.

15. For greater certainty it is hereby declared that clauses lettered (a) to (a9), both inclusive, following paragraph 4 of section 566 and sections 567a and 567b of the Consolidated Municipal Act, 1903, shall not apply to any municipal corporation which has entered into a contract with the Commission or to any by-law which shall be submitted to the electors under the provisions of this Act.

16. (1) The Commission may, subject to the approval of the Lieutenant-Governor-in-Council, contract from time to time with a railway company or a distributing company or with any other corporation or person for the supply of electrical power or energy.

(2) Any net profit made by the Commission in supplying power under the next preceding sub-section, after making provision for the cost of acquiring or constructing and of maintaining the works by means of which the power or energy is supplied, shall be applied in payment of the cost of maintaining the works acquired or constructed and operated by the Commission.

(3) The Commission may, from time to time, with the approval of the Lieutenant-Governor-in-Council, contract with a railway company or power or transmission company for the use of its right of way and property for the erection of works and other constructions for transmitting electrical power or energy.

17. The expenditure of the Commission upon any work undertaken under the provisions of the Act shall be repayable to the Commission by the municipal corporations which have entered into contracts with the Commission.

18. In addition to the price for horse-power payable by any municipal corporation under the terms of a contract entered into with the Commission which shall be the cost of the power to the Commission at the point of development or of its delivery to the Commission, the corporation shall annually pay to the Commission its proportion as adjusted by the Commission of the following charges:—

- (a) Interest at the rate of 4 per cent. upon the moneys expended by the Commission on capital account in the construction or purchase of the works.
- (b) An annual sum sufficient to form in thirty years a sinking fund for the retirement of the securities issued by the Province under this Act for the payment of the cost of the works; and
- (c) Line loss and the cost of operating [supervising], maintaining, repairing, renewing, and insuring the works.

19. The Commission shall annually adjust and apportion the amounts payable by municipal corporations under the next preceding section.

20. The Lieutenant-Governor-in-Council are authorized to raise funds by loan which may be necessary for work of Commission.

21. The Commission must account for moneys received, and pay same over to the Treasurer of the Province.

22. Upon the complaint in writing of any municipal corporation company or person that any municipal corporation company or person receiving power from the Commission is charging for electric lighting or heating or for electrical power or energy a rate which is excessive or unfair, or that any municipal corporation is making use of the power conferred upon it by this Act for the purpose of granting a bonus by supplying power, light or heat below cost to manufacturers or others, the chairman of the Commission may appoint a time and place at which the Commission or some member thereof will hear or determine the matter of the complaint.

(2) Such notice and the appointment as the chairman may direct shall be given by the Secretary of the Commission to such persons as the Chairman may direct. At the time and place appointed the Commission or a member thereof shall hear and determine the matter of the complaint, and may dismiss or allow the complaint, and may direct what rates shall be charged, and may regulate and determine the rates to be charged and may direct the amendment of any by-law or agreement accordingly, or may make such order as may seem meet.

(3) The Commission or the member thereof hearing the complaint shall have all the powers authorized to be conferred upon a Commissioner appointed under the Act respecting inquiries concerning Public Matters.

The sections 22A to 22I have been added by the amending Act, 2 Geo. V. c. 14, s. 9.

22A.—(1) The Commission may make regulations as to

(a) The construction operation and inspection of the works plant machinery apparatus appliances and equipment for the transmission distribution, connection installation and use of electrical power or energy by municipal corporations, and by any railway, street railway, electric lighting, power or transmission Company, or by any other Company or individual, transmitting distributing installing or using electrical power or energy, or whose undertaking works or premises are connected with any plant for transmission or distribution of electrical power or energy.

(b) Requiring the appointment of inspectors by the corporation of any municipality for the purpose of enforcing the due observance of such regulations.

(2) The Commission may at any time order the installation removal or alteration of any works plant machinery apparatus appliances or equipment as in the opinion of the Commission may be necessary for the safety of the public or of workmen or for the protection of property against damage by fire or otherwise.

22B.—(1) The rates chargeable by any municipal corporation generating or receiving and distributing electrical power or energy shall at all times be subject to the approval and control of the Commission; and the rates

charged by any Company or individual receiving power from the Commission for the supply of electrical power or energy shall at all times be subject to such approval and control.

(2) The Commission may prescribe a system of book-keeping.

(3) Section 57 of the Ontario Railway and Municipal Board Act, 1906,<sup>1</sup> shall not apply to municipal corporations or Commissions which are subject to the provisions of this section so far as the said section relates to the development and distribution of electrical power or energy.

22c.—When the accounts of a municipal corporation or municipal Commission show a surplus that surplus shall be applied and disposed of as the Commission may direct.

(a) In the reduction of any indebtedness incurred in respect to the construction and equipment of such works and plant or

(b) in the maintenance, repair, or renewal thereof, or

(c) in the extension of such works or plant, or

(d) in the formation of a fund to be used at a future time for any of such purposes.

22 d. A municipal corporation or a municipal commission neglecting or refusing to obey or carry out orders of the Commission shall forfeit \$100 a day during such neglect or continuance of refusal.

22 e. (1) When the Commission is of opinion that it is necessary or expedient for the protection of life or property or for the convenience of the public that the use of overhead lines upon any highway or public communication or part thereof in a city or town including the wires of telegraph, telephone, electric light, heat, or power companies should be discontinued, the Commission may so direct and upon such terms and subject to such conditions as it may prescribe may require that such wires be placed and carried in underground conduits to be constructed and maintained in accordance with the directions and to the satisfaction of the Commission, and may abrogate any right to carry lines on poles in such city or town which may have been given by any Act or by any municipal by-law, licence, or agreement.

(2) In this Section and in Sections 22 f. to 22 j.,

(a) "Lines" shall mean and include wires, cables, or other conductors used by a company for the purpose of conveying or distributing electricity or electrical power or energy, for telegraph, telephone, or electric light, heat or power purposes.

(b) "Company" shall include a municipal corporation or municipal Commission, a partnership, and an individual owning, using, leasing, or controlling lines in a city or town.

22 f. Where the corporation of the city or town is willing to undertake the construction of a tunnel or conduits or other system for carrying lines underground in any highway or public communication or part thereof, the Commission, upon such terms and subject to such conditions as it may prescribe, may require all companies and persons whose lines are carried overhead upon any such highway or public communication to make use of such tunnels or conduits or other system for the purpose of carrying their lines, and to pay to the corporation such compensation for the use thereof

<sup>1</sup> 6 Edw. VII. c. 31.

as may be agreed upon or as the Commission may determine, and such compensation may be either a lump sum or a sum to be paid annually or periodically as the Commission may determine and direct.

22 g. Where the corporation of a city or town desire to construct a tunnel, conduits, or other system for the purpose mentioned in the next preceding section, it shall be lawful for the corporation to do so and to exercise in respect thereof the powers of expropriation conferred upon the Corporation by the Municipal Act.

22 h. All works undertaken under the provisions of the next preceding two sections shall be done in accordance with the directions and to the satisfaction of the Commission, and shall be maintained, kept in repair, altered, enlarged, or improved to the satisfaction of the Commission and as it may from time to time direct.

22 i. If any order or direction of the Commission for discontinuing the use of overhead lines is not obeyed, the lines poles and other structure in connection therewith upon the highway or public communication shall be deemed to be unlawfully erected and maintained, and may be removed by or under the direction of the Commission and at the expense of the owner or user of them and the company owning or using such line shall incur a penalty of \$100 a day for the time during which the order of the Commission is disobeyed.

22 j. Where lines, the construction or operation of which is authorized by the Legislature; and lines the construction of which is authorized by the Parliament of Canada run through or into the same city or town and the corporation of such city or town is desirous of having such lines placed underground, the Commission and the Board of Railway Commissioners for Canada may after the receipt of the applications hereinafter mentioned, by joint session or conference in conformity with the practice to be established by them, hear and determine the applications, and may order on such terms and conditions as they may prescribe, any company constructing or operating lines in the city or town to place such line underground and may abrogate any right to carry lines on poles in such city or town which may have been given by any Act or municipal by-law, license or agreement.

- (a) Any such company or any municipal corporation or other public body, or any person or persons interested may file with the Secretary of the Commission and with the Secretary of the Board of Railway Commissioners for Canada the application for an order under this section together with evidence of the service of such application upon the company or companies interested or affected, and where the application is not made by the Municipal Corporation upon the head of the Municipal Corporation within which the lines are situate.
- (b) The Chairman of the Commission and the Chairman of the Board of Railway Commissioners for Canada, may make rules of procedure and practice, covering the making of such applications and the hearing and disposition thereof, and may vary, alter or rescind the same from time to time;
- (c) The Chairman of the Commission and the Chairman of the Board of

Railway Commissioners for Canada may from time to time assign or appoint from each body the members composing the Joint Board that may be required to sit for the hearing and determining of such applications as they arise ;

- (d) Any such order may be made a rule of the Exchequer Court of Canada and may be enforced in like manner as any rule order or decree of such court.

23. Without the consent of the Attorney-General no action shall be brought against the Commission or against any member thereof for anything done or omitted in the exercise of his office.

24. Neither the province nor the Commission nor any member thereof shall incur any liability by reason of any error or omission in any estimates, plans or specifications prepared or furnished by the Commission.

25. (1) The Act passed in the sixth year of His Majesty's reign, Ch. 15,<sup>1</sup> is hereby repealed, but the repeal thereof shall not affect the matters and things mentioned in s. 8 of Ch. 3 of the Revised Statutes of Ontario, 1897, which shall apply to this Act.

(2) Any contract which might have been entered into under the authority of the repealed Act may be entered into after the passing of this Act to the same effect and in the same way as if the first-mentioned Act had not been repealed.

The Local Improvement sections of the Municipal Act, New, 1 Geo. V. Ch. 58, s. 3, enable the council of a corporation to undertake as a local improvement—

- (i) The extension of a system of water, gas, light, heat or power works owned by the corporation including all such work as may be necessary for supplying water, gas, light, heat or power to the owners of land for whose benefit such extension is provided.

Section 3 of the Local Improvement Sections of the Municipal Act, 1 Geo. V. Ch. 58, is amended by adding thereto the following clause—

“ In the case of cities only constructing and erecting on petition only, on any street or part of a street equipment plant and works for the purpose of supplying electric light or power including standard and underground conduits and wires, to the extent to which the cost of the same exceeds the cost of the equipment plant and works which would otherwise be provided at the expense of the corporation at large, 2 Geo. V. Ch. 44.

When two or more Electric Street Railway Systems owned or operated by different corporations be contiguous to one another, it shall be the duty of such corporation to afford to the other or others all reasonable facilities for the interchange of traffic and mining rights over its lines. The Ontario Railway Amendment Act, 1912, 2 Geo. V. Ch. 35, s. 3.

Where a corporation contracts with the Hydro-Electric Power Commission of Ontario, for the supply of electrical power or energy the control

<sup>1</sup> Hydro-Electric Power Commission Act, 1906.

of the construction operation and maintenance of all work for the distribution and supply shall be vested in a Commission to be elected in the manner provided by the Municipal Waterworks Act and Amending Acts (R. S. O. 1897, c. 235). Municipal Electric Light and Power Works Act, 2 Geo. V. Ch. 45, s. 1.

By section 2 of the same Act it is provided that in a city or town for which no Commissioners have been elected or appointed, but for which there is a Board of Control elected under the Consolidated Municipal Act, 1903, or under a special Act the Board of Control shall have the control and management of the construction, operation and maintenance of such works until Commissioners are elected or appointed or provided by section 1.

Section 3 of the same Act gives to the Board of Control or the Commissioners the life duties and powers with respect to the works under their control as are conferred upon Commissioners under the Municipal Waterworks Act and the Municipal Light and Heat Act.

The Council of a municipality shall not grant to any individual firm or company, nor shall any individual firm or company acquire the right to use or occupy any of the highways of the municipality, or to construct or operate any railway street railway or public utility in the municipality or to supply to the corporation or to the inhabitants of the municipality or to any of them . . . electric light, heat or power . . . unless or until a by-law setting forth the terms and conditions upon which, and the period for which such right is to be granted has been assented to by the municipal electors as provided by the Consolidated Municipal Act, 1903. The Municipal Franchise Act, 2 Geo. V. Ch. 42, s. 3.

The cost of lighting supplied in excess of that supplied at the expense of the corporation at large shall be specially assessed upon the land abutting directly on the street according to the frontage. The Local Improvement sections of the Municipal Act, New, 1 Geo. V. Ch. 58, s. 49 (1); as amended by section 6, Local Improvement Act, 2 Geo. V. Ch. 44.

Electrical Energy Inspection Act, 1910 (British Columbia), 10 Edw. VII. Ch. 16.

This Act gives power to the Lieutenant-Governor-in-Council to appoint inspectors whose duties shall be to enter and inspect any place, building or structure, machinery, wires, etc., used for the generation, transmission or supply of electrical energy for power, lighting, heating or telephonic or telegraphic communication, section 2.

If the inspector is of opinion that the building, machinery, wires, etc., are dangerous to life or limb, he may give notice to the owner to remedy such defect, section 9.

The Lieutenant-Governor-in-Council may confirm or disallow the order, section 10.

If the order is confirmed and disobeyed, the owner may be prosecuted before any two Justices of the Peace or Stipendiary Magistrate, section 13.

## PART 2

## CASES RELATING TO ELECTRIC LIGHT, POWER, AND HEAT

*Power of Municipality to sell Energy*

A Provincial Legislature has the power of enacting that a municipal corporation may not only manufacture or acquire electrical power and energy for use in its own municipal and civic concerns, but also the power to enable the corporation to dispose of energy so manufactured or acquired to others to be used by them for their private purposes (*Beardmore v. City of Toronto* (1910), 21 O. L. R. 505; *Smith v. City of London* (1909), 20 O. L. R. 133; *Hull Electric Company v. Ottawa Electric Company* (1902), A. C. 237).

A company authorized under a franchise to furnish electricity to the inhabitants of a city may be compelled to furnish it to all persons along its lines who offer to and do comply with rules and regulations (*State v. Butte Electric and Power Company* (1911), 115 P. 44).

A special Act, 57 Vict. Ch. 75 (O.), enacts that the defendants shall, in addition to the powers conferred by the Municipal Light and Heat Act, R. S. O. 1897, Ch. 191, which is thereby incorporated, have power to produce, manufacture and supply to others to be used, electricity for motive power and for any other purpose to which the same can be applied . . . and to acquire and hold lands, water powers, machinery, and all other property . . . necessary therefor, and shall for and in respect to such powers and purposes have all and every the powers which are by the said Act conferred on municipal corporations with respect to light and heat. In reliance on this Act, the defendants passed a by-law providing for the execution of an agreement with a private company for the supply to the defendants of electrical power, which they contemplated using and supplying to others by means of a certain property and plant which they had acquired from another company. Held that the by-law was *ultra vires*, because the special Act did not authorize the defendants thus to purchase electricity for using and supplying to others, but only themselves to enter on the process of production the manufacture of electricity so produced and manufactured, and to supply it to others (*Ottawa Electric Light Company v. City of Ottawa* (1906), 12 O. L. R. 290).



*Utmost degree of care required in use of Electrical Power*

In 1903 the defendants, a town corporation, acquired an electric light plant, then supplying the town and vicinity. In 1904 the defendants passed a by-law constituting a Board of Commissioners under the Municipal Light and Heat Act, R. S. O. 1897, Ch. 234, and the Municipal Waterworks Act, R. S. O. 1897, Ch. 235, and the Board in and after 1905 took charge of the electrical plant, etc., of the defendants.

*Held*, that the liability of a body created by statute must be determined upon a true interpretation of that statute, and upon the statutes referred to, the position of the defendants was that of principal, and that of the Board of agent, and the defendants were liable for damages occasioned by the act of the Board (*Mersey Dock Trustees v. Gibbs* (1866), L. R. ; 1 H. L. 93 followed).

*Held*, also, that if it were beyond the powers of the Board to get their supply of electricity from a point eight miles distant, it was not open to the defendants, who knew all about it and adopted it, to set up that they were not liable for the acts of the Board, and even if this manner of procuring power were *ultra vires* the defendants, they could not set this up as an answer to a claim based upon the negligence of their servants in a business carried on by them for the benefit and with the knowledge of the corporation, and in any case the causative negligence was within the municipality.

On the 8th March, 1910, one of the plaintiffs, a boy lying in bed in the house of his mother, the other plaintiff, was burned by a current of electricity from the town supply.

*Held*, upon the evidence that the system was a defective one, that the current which caused the injury was not a low tension current of about 110 volts—a current which, without negligence on the part of the defendants, might have been looked for—but a current of high tension which should not have been in the house at all. The defendants having taken it upon themselves to conduct an electric light plant, must conduct it without negligence.

Any one dealing in electricity is bound to the public to exercise the utmost degree of care in the construction, inspection, repair and operation of his apparatus and appliances; the defendants on the evidence were not careful in construction. They failed in inspection and repair, and without reference to the doctrine in *Fletcher and Rylands*, or the principle of *res ipsa loquitur*, the defendants should be considered liable for negligence (*Young v. Town of Gravenhurst* (1910), 22 O. L. R. 291 ; (1911), 24 O. L. R. 467).

The defendants were a company engaged in supplying electric light to consumers in the city of Montreal under special charter for that

purpose. They placed a secondary wire, by which electric light was supplied to G's premises, in close proximity to a guy wire used to brace primary wires of another electric company, which although ordinarily a dead wire, might become dangerously charged with electricity in wet weather. The defendants' secondary wire was allowed to remain in a defective condition for several months immediately preceding the time when the injury complained of was sustained, and it was at that time insufficiently insulated at a point in close proximity to the guy wire. While attempting to turn on the light of an incandescent electric lamp on his premises, on a wet and stormy day, G. was struck with insensibility, and died almost immediately. *Held*, that the defendants were liable, as they had failed to exercise the high degree of skill, care, and foresight required of persons engaged in operations of a dangerous nature (*The Royal Electric Company v. Héré* (Quebec appeal, 1902), 32 S. C. R. 462. *Wilson v. Boulter* (1899), 26 A. R. 184 distinguished).

An electrician engaged with defendants as manager of their electric lighting plant, and undertook to put it in proper working order, the defendants placing him in a position to obtain all necessary materials for that purpose. About three months after he had been placed in charge of the works he was killed by coming in contact with an incandescent lamp socket in the power-house which had been there during the whole of the time he was in charge, but at the time of the accident was apparently insufficiently insulated. *Held*, that this was no breach of duty on the part of the defendants towards deceased, who had undertaken to remedy the very defects that had caused his death, and the failure to discover them must be attributed to him (*Davidson v. Stuart* (1903), 14 Man. L. R. 74; 34 S. C. R. 215).

An electric light company having its wires on a bridge must keep them properly insulated, so that workmen rightfully on the bridge engaged in necessary work in painting it and coming accidentally in contact with the wire may not be injured thereby (*Rungan v. Kanarcha Water and Light Company* (1911), 71 S. E. 259).

The wires of the defendant company were strung upon poles across a ravine, which was private property, parallel and at least fourteen inches from a bridge forming a highway. The plaintiff, a boy of eight years old, who was crossing the bridge or playing thereon, pushed his arm through an opening in the lattice work of the railing of the bridge, and touched a wire. The insulation being imperfect, the boy's hand where it had touched the wire and his head which touched part of the ironwork were burnt. The wire was at such a distance that it could not be touched accidentally by anyone merely passing over or standing on the bridge or at the railing or who was looking through or over the railing or without intending to touch it or without deliberately reaching out through the railing as far as the wire, and there was no evidence that

there was anything of a character likely to entice or induce children to play with it or put their hands upon it. *Held*, by the Court of Appeal for Ontario, that there was no evidence upon which the jury could reasonably have found that the electric wire was a nuisance to those lawfully using the highway, or that there was any neglect of duty on the part of the defendant company to the public which could render them liable to the plaintiff (*Gloster v. Toronto Electric Light Company Ltd* (1906), 12 O. L. R. 413. The judgment of the Court of Appeal was reversed in S. C. 38 S. C. R. 27).

One maintaining electric wires over the streets of a city is liable for negligence in so constructing or maintaining the wires as to permit electricity to escape to the injury of others, and the care must at all times be proportionate to the danger (*City of Logansport v. Smith* (1911), 93 N. E. 883).

An Electric Company is not an insurer against injury, but it must use a degree of care commensurate with the risks and dangers involved, and a patron of such a company has a right to assume that such a current as is convenient to the proper rendering of the service contracted for will be used (*Alabama City G. & A. R. Company v. Appleton* (1911), 54 So. 638).

An owner of premises on which there were high tension electric wires was bound to a sub-contractor's employee to make the place where he was required to work reasonably safe (*Dunn v. Caranough* (1911), 185 F. 451).

One acquiring the legal right to erect and maintain electric wires across public highways acquires the right on the implied condition that he will use proper care in the construction of the line and in keeping the same in condition, so as not to injure those whose business brings them within their reach (*Jacksonville Ice and Electric Company v. Moses* (1911), 134 S. W. 379).

It is the duty of an electric company to exercise the utmost care and skill in management of its wire to prevent injury to persons whose business would necessarily bring them in contact with the wire (*Union Light, Heat, and Power Company v. Young's Administrator* (1911), 133 S. W. 991).

In an action against a telephone company to recover for personal injuries occasioned by the negligent insulation of electric wires with a consequent attraction of lightning, it is essential that the physical contact with the lightning rather than mere shock as a result thereof, be shown to establish liability (*Owens v. Chicago Telephone Company* (1911), 159 Ill. Appellant Court Rep. 80).

While generally where no duty is owed no liability for negligence can arise, yet, when an electric company is using a current so powerful that contact with its appliances and wires is dangerous to life and limb, it owes a duty to one, not a wanton trespasser, who in the pursuit of a

lawful occupation is where he has a legal right to be and liable to come in contact with the wire, to so insulate them as to render them harmless (*La Dore v. Oklahoma Gas and Electric Company* (1911), 119 P. 250; 28 Okl. 15).

Plaintiff's son and another labourer were directed to clear up and remove the rubbish caused by their cutting a trench in the concrete floor of an alley-way in the defendant's power house. The alley-way was crossed at right angles by others, and on each side of the former were electric machines and live wires within arm's length of anyone working in the trench. The other labourer went into a cross alley-way where the live wires were, although a slab had been nailed across it when they were both put to work, and was sweeping towards the trench the litter that had been scattered about, when he suddenly became unconscious from an electric shock. The bodies of both men were found near a switch board, plaintiff's son being dead. It was shown there was a rupture in the insulation of a loose loop or cable hanging from the switch board directly over where the survivor was lying, and that the insulation of the wires was, with respect of the voltage passing, insufficient for the safety of anyone working among them and that the hanging loop might easily have been better guarded than it was. *Held*, that there was evidence which could not be properly withdrawn from the jury (*Griffiths v. Hamilton Electric Light and Cataract Power Company* (1903), 6 O. L. R. 296).

An employer carrying on hazardous works is obliged to take all reasonable precautions, commensurate with the danger of the employment, for the protection of employees, and where this duty has been neglected, the employer is responsible in damages for injuries sustained by an employee as the direct result of such omission (*Lepitre v. The Citizens Light and Power Company* (1898), 29 S. C. R. 1). In such a case it is not sufficient defence to show that the person injured had knowledge of the risks of his employment, but there must be such knowledge shown as under the circumstances leaves no doubt that the risk was voluntarily incurred and this must be found as a fact (*Montreal Park and Island Railway Company v. McDougall* (1905), 36 S. C. R. 1; and see *Quebec Railway Light and Power Company v. Fortin* (1908), 40 S. C. R. 181).

The defendant company's workmen, while straightening a pole to which a guy wire was attached, cut the wire, allowing it to hang loose, and, either by these workmen, or some third party, as to which there was no evidence, it was thrown across a power wire so as to become a live wire whereby the plaintiffs coming in contact therewith were injured. *Held*, that the original negligence of the workmen of the defendant company was an effective cause of the injury to the plaintiff and that the defendant company were liable therefor (*Labombarde v.*

*Chatham Gas Company and the Corporation of the City of Chatham* (1905), 10 O. L. R. 446).

The defendants, electrical engineers, had contracted to illuminate certain buildings and for such purpose had arranged with an electric company for the supply of electric current. To enable such current to be transmitted the defendants had strung wires on an existing telegraph pole belonging to another company, their wires being some distance below the other wires, and fastened to glass insulators with tie wire, the ends of which were some two or three inches long unprotected by insulating covering. The plaintiff and two other employees of the electric company were engaged in putting up for the company, on the same pole but without any license or authority from the owner, an electric transformer for the transmission of electricity to adjacent premises as to which the defendants were in no way interested, and while working on the pole the plaintiff's hands came into contact with one of the ends of the tie wire, which by reason of the absence of insulating covering had become a live wire whereby the plaintiff received a shock and fell to the ground and was injured. The plaintiff knew the dangerous character of the work, and the likelihood of these being live wires, and that the rule of his employers in such cases was that rubber gloves should be worn by him. *Held*, by the Court of Appeal, that no negligence on the defendants' part was proved, for no duty was cast upon them with regard to the plaintiff who was not their employee, and the work which was being done was not on their behalf; and that even if negligence on the defendants' part could be assumed the plaintiff was guilty of such contributory negligence as would preclude his recovering (*Randall v. Ottawa Electric Company* (1903), 6 O. L. R. 619. This judgment was reversed by the Supreme Court, 34 S. C. R. 6).

Plaintiff's son was burned by electricity from a chain attached to an electric light, resulting from a connection made between the wire of defendant railway and light company and the chain. Why the connection was made or its purpose was not clearly shown; the only purpose indicated being to hold the beam supporting the city are light out at the position it was made to occupy. *Held*, that since the only duty which the railway company owed to plaintiff's son was to exercise ordinary care to protect and maintain its wires so as to prevent electricity from passing therefrom into the chain after it knew or should have known that the connection had been made, the Court erred in refusing to limit the railway company's liability to negligence in failing to remedy the dangerous condition after it had acquired knowledge thereof or by the exercise of ordinary care might have known of it (*Citizens' Railway and Light Company v. Case* (1911), 138 S. W. 621).

When one was injured by an electric current while using a telephone during a violent thunderstorm, and it appeared that the telephone company maintained on the telephone the best-known device in general use for protection against abnormal or atmospherical electricity and was not otherwise negligent, the fact that the company did not place a warning on the telephone against its use during electrical storms was not evidence of negligence in the operation of the telephone in the absence of a showing that such warning was ever placed on telephone instruments (*Rocap v. Bell Telephone Company of Philadelphia* (1911), 79 A. 769).

In constructing and maintaining its wires a telephone company must anticipate the likelihood of contact between its wires and those carrying dangerous currents (*Goodwin v. Columbia Telephone Company* (1911), 138 S. W. 940).

A telephone company knowingly permitted its unguarded wires to remain suspended near an unguarded trolley wire carrying a powerful current of electricity under such conditions that, if the telephone wire should break it would rest on the trolley wire and become charged with electricity. The telephone wire in consequence of a thunder and wind storm was detached from a tree and came in contact with the trolley wire and heavily charged with electricity. *Held*, that the telephone company was guilty of actionable negligence in the maintenance of its wire under the rule that one employing electricity must exercise a very high degree of care (*Cumberland Telephone and Telegraph Company v. Krantz* (1911), 95 N. E. 371).

The electric current with which a third rail was charged is an "agent" within the meaning of a statute which provides that the railroad shall be liable, on failure to construct fences and cattleguard for "all damage which may be done by the agents engines or cars to such cattle . . . thereon" (*Butler v. Aurora E. & C. R. Company* (1911), 95 N. E. 44).

That a railway company warned the foreman of a contractor engaged in erecting a coal chute for the railway company of the danger of injury from electric wires on the premises does not relieve the railway company of liability for injuries to an employee of the contractor working under the foreman where the wires were at all times in the possession and control of the railway company (*Clark v. St. Louis and S. Railway Company* (1911), 137 S. W. 583).

One using electric currents is chargeable with a higher degree of watchfulness to prevent accidents, and such watchfulness must take into account the acts of strangers and of the public generally (*Lomoe v. Superior Water Light and Power Company* (1911), 132 N. W. 623).

An electric light company is bound to use a high degree of care to keep its wires safely insulated where persons may be lawfully in close proximity to them, and accidentally come in contact with them

(*Rungan v. Kanawha Water and Light Company* (1911), 71 S. E. 259, 68 W. Va. 609).

Corporations and individuals dealing in the transmission of electricity, or having control of wires conducting electricity, are bound to thoroughly and frequently inspect the wires, to the end that they may, so far as it is within the reasonable power of man, render them safe and see that they are properly insulated and placed (*Cutler v. Pittsburg Silver Plate Gold Mining Company* (1911), 116 P. 418).

Liability for negligent maintenance of telephone wires is measured by the consequences reasonably to be anticipated (*Goodwin v. Columbia Telephone Company* (1911), 138 S. W. 940).

Electricity being a dangerous agent, a railway company maintaining electric wires is bound to exercise the utmost care for the safety of the persons lawfully upon its premises (*Clark v. St. Louis and S. Railway Company* (1911), 137 S. W. 583; 234 Mo. 396).

An electric company guilty of negligence in failing to properly maintain and guard its wires is liable for injuries occasioned on private property to persons or animals having a right to be on such property (*Cumberland Telephone and Telegraph Company v. Krantz* (1911), 95 N. E. 371).

An electric company furnishing light for its patrons, while not an insurer against all possible accidents to those whose right or duty it is to use its electricity, is under obligation to do all that human care, vigilance, and foresight can reasonably do, consistently with the practical operation of its plant, to protect those who use its electricity (*Escambia County Electric Light and Power Company v. Southerland* (1911), 55 So. 83).

Where the elder of two brothers brought a loose guy wire into contact with a non-insulated electric wire, receiving a fatal shock, and the younger brother in his efforts to pull the elder from the guy wire was killed, he was not as a matter of law guilty of contributory negligence (*Pierce v. United Gas and Electric Company* (1911), 118 P. 700).

When a telephone company after removing an instrument from a house took off the lightning arrester, and severed the ground connections but left the unattached wires in the building, it is liable for any injury caused by the transmission of lightning over such wires (*Starr v. Southern Bell Telephone and Telegraph Company* (1911), 72 S. E. 484; 156 N. C. 435).

It is the duty of a traction company employing electric wire to use reasonable care to protect the public against danger from injury. The care to be observed should be commensurate with the danger, and failure to exercise such care constitutes actionable negligence (*Gents v. Spring Valley Coal Co.* (1910), 155 Ill. App. 628).

It was the duty of an electric light company, in stretching a highly-charged wire across a street slightly above a guy wire attached to a pole of a telephone company, to see that the wires were safe, without trusting to the care of the telephone company; and its failure to do so was a part of the proximate cause of the injury, by catching hold of the wire attached to the telephone pole (*Freeman v. Missouri and K. Telephone Company* (1912), 142 S. W. 733).

When a guy wire which connected with a feed wire, of an electric street railway rusted and broke, the company was not entitled to a reasonable time after the break in which to repair it (*Hoover v. Kansas City Elevated Ry. Company* (1911), 140 S. W. 321; 159 Mo. App. 416).

A company maintaining high voltage electric wire on its poles, and granting permission to a telephone company to use the poles for its wires, must use every protection which is reasonably accessible to insulate its wires and use the utmost care to keep them so (1911) (*Trout v. Laclede Gas Light Company*, 140 S. W. 1198).

A Power Company constructed over the land of another, with his consent, transmission wires at a height of 22 feet from the ground. They passed over a sweet gum tree, the top of which had been cut off to prevent contact with the wires, which were not insulated. A 13-year-old boy, though warned by his father of the dangerous character of the wire, climbed the tree in search of gum and was killed by a contact with the wire. *Held*, that the Power Company was not liable (*Brown v. Panola Light and Power Company* (1912), 73 South Eastern Reporter, 580).

Plaintiff's intestate was in the employ of a contractor engaged by defendant Lighting Company to haul away poles which it was removing from the street. While waiting for one of the poles, he placed his hands on a guy wire, and while in that position defendant's servant, in removing a pole, allowed a heavily charged electric wire to come in contact with the guy wire, causing intestate's death. *Held*, that the escape of the electric current was the proximate cause of the injury (*Valparaiso Lighting Company v. Tyler* (1911), 96 N. E. 768).

It was the duty of an electric light company stretching high power wires on streets to protect persons rightfully there from electricity escaping from such wire (*Freeman v. Missouri and K. Telephone Company* (1911), 142 South Western Reporter, 733).

While greater care is required of one handling electricity than of one handling ordinary substances, the criterion of ordinary care, the test of actionable negligence is the same; such care as the majority or great mass of mankind exercise under the same or similar circumstances (*Doyle v. La Crosse, City Ry. Company* (1912), North Western Reporter, 364).



One lawfully using electricity to operate a street railroad system in a city must exercise such constant care as a man of reasonable prudence would exercise, considering the obligation to protect persons from danger, and the care must be commensurate with the danger; negligence consisting in the want of proper care in view of the circumstances (*Birmingham Ry. Light and Power Co. v. Murphy* (1911), 56 Southern Reporter, 817).

Those using the public streets to transmit high currents of electricity must exercise the highest care to protect persons rightfully upon the highway (*Hoover v. Kansas City Elevated Ry. Company* (1911), 140 South Western Reporter, 321, 159).

*Consent of Municipality to Erection of Poles and to regulate Streets, &c.*

The wholesome restrictions imposed upon telephone companies by s. 248 of the Railway Act, R. S. C. 1906, Ch. 37, were rendered necessary by the decision in *Toronto Bell Telephone Company* (1905), A. C. 52, and now the consent of a municipality to erection by telephone company of poles, wires, &c., is required (*County of Haldimand v. Bell Telephone Company* (1912), 25 O. L. R. 467).

Section 90 of the Dominion Railway Act of 1888, 51 Vict. Ch. 29, is by s. 21 of the Act incorporating the Toronto and Niagara Power Company, 2 Edw. VII. Ch. 107 (D), made applicable to that company and their undertakings, in so far as not inconsistent with the incorporating Act; and the sub-section added to s. 90 by 62 & 63 Vict. Ch. 37, requiring the consent of the municipal council having jurisdiction over a highway to the erection of poles and wires in such highway and making the opening up of the highway for such purposes subject to the direction and approval of such person as the municipal council may appoint, and permitting the council to designate the place for the poles, is not inconsistent with ss. 12 and 13, nor with other provisions of the company's incorporating Act, and is to be read as part thereof, and the powers given by ss. 12 and 13 are to be exercised in conformity with the directions of s. 90 as so amended (now s. 247 of R. S. C. 1906, Ch. 37) in so far as they relate to the construction and maintenance of lines for the conveyance of light, heat, power, and electricity upon or along highways, squares, or other public places (*Toronto and Niagara Power Company v. Town of North Toronto* (1912), 25 O. L. R. 475; and *post*, p. 246c).

Under the Municipal Act of Manitoba, R. S. M. 1902, Ch. 116, the possession of every public road, street, bridge, lane, square, or other highway in a city, town, village, or rural municipality is vested in the municipality. The town of Selkirk passed a by-law that the Selkirk Electric Light and Power Company, Limited, shall forthwith

remove its poles, wires, and lamps. *Held*, that the plaintiffs were entitled to an order for the removal of the poles, &c., and an injunction (*Town of Selkirk v. Selkirk Electric Light Company* (1910), 20 Man. L. R. 461).

*Power of a Municipality to regulate Streets*

The power of a municipality under the statutes, 43 Vict. Ch. 61 (D), and 45 Vict. Ch. 95 (D), Bell Telephone Act, to regulate the mode of user must be exercised in good faith in the interests of the public and of the municipality (*Bell Telephone Company v. Town of Owen Sound* (1904), 8 O. L. R. 74).

The consent of the municipality must be obtained to telephone company's right to carry poles and wire along and across streets (*City of Toronto v. Bell Telephone Company of Canada* (1902), 3 O. L. R. 465). This judgment was reversed by the C. A., and on appeal to the Privy Council, 1904, the appeal was dismissed. The work or undertakings for the prosecution of which the Bell Telephone Company of Canada were incorporated by 43 Vict. Ch. 67 (D) is one falling within the description of a work or undertaking connecting the province with any other of the Province, or extending beyond the limits of the province within the meaning of the exceptions (a) in clause 10 of sect. 92 of the British North America Act and therefore falls within the exclusive legislative Authority of the Parliament of Canada under clause 29 of section 91. The powers conferred on the Bell Telephone Company by the Act of incorporation as amended by 45 Vict. Ch. 95 (D) are not curtailed by the Provisions of the Bell Telephone Company Act, 45 Vict. Ch. 71 (O), as regards the right to construct, erect and maintain their line or lines of telephone along the sides and across or under any highway or street of the City of Toronto subject, however, to the provisos set forth and contained in sect. 3 of the Act of incorporation as amended (*City of Toronto v. Bell Telephone Company* (1903), 6 O. L. R. 335—A. C. 1905). Since this decision certain clauses in the Railway Act, R. S. C. 1906, Ch. 37, have altered the law, which is now to be found in the recent case of *County of Haldimand v. Bell Telephone Co.*, *ante*, p. 246*cc*.

When any company has power by the Dominion Railway Act, R. S. C. (1906), to construct and maintain lines . . . for the conveyance of light heat power or electricity such company may, with the consent of the municipal council or other authority having jurisdiction over any highway square or other public place enter thereon for the purpose of exercising the said power and as often as the company thinks proper may break up and open any highway square or public place, subject, however, to the following provisions. One of these

provisions, section 247 (c) (f), is as follows: The opening up of any street square or other public place for the erection of poles or for carrying wires underground shall be subject to the direction and approval of such person as the municipal council appoints and shall be done in such manner as the said council directs; the council may also designate the place where the poles shall be erected and such street square or other public place shall, without any unnecessary delay, be restored as far as possible to its former condition by and at the expense of the company (*Toronto and Niagara Power Company v. Town of North Toronto* (1912), 25 O. L. R. 485; and see *ante*, p. 246c).

#### *Power of Municipalities to submit By-laws*

Under the Hydro-Electric Power Commission Act, 6 Edw. VII. Ch. 15 (O), and the substituted Act, 7 Edw. VII. Ch. 19 (O), municipal corporations are empowered to submit by-laws to the electors authorizing the entering into of contracts with the Commission for the supply of power, and on receiving the electors' assent to enter into such contracts (*Scott v. Patterson* (1908), 17 O. L. R. 270).

#### *Fixtures*

Electric light fittings consisting of chandeliers fastened to the wires by which electric currents were conveyed placed in a building by the owner of the freehold were held to pass by a conveyance of the land (*Stack v. T. Eaton and Company* (1902), 4 O. L. R. 335).

#### *Nuisance*

An Electric Light Company incorporated under the Ontario Companies Act, R. S. O. 1897, Ch. 200, purchased a piece of land adjoining plaintiff's residence and erected a transforming and distributing power-house thereon. By the working of the engines so much vibration was caused in the adjoining land as to render the plaintiff's house at times almost uninhabitable and to create a nuisance though doing no actual structural injury. The company had no compulsory powers to take lands, and no opportunity had been afforded the plaintiff of objecting to the location of its works. Moreover, the company was under no compulsion to exercise its powers, nor was any statutory compensation provided for any injury of the character in question done by such exercise, nor was there any evidence that the company's powers might not have been exercised so as not to create a nuisance: *Held*, that the plaintiff was entitled to an injunction and a reference as to damage. In their private Act, 61 Vict. Ch. 68 (O), the defendants incorporated sections 13 to 20 of the Railway Act of Ontario,

R. S. O. 1897, Ch. 207, relating to the expropriation of land, but omitted to incorporate section 9 of the last-mentioned Act by which a general power to take land is conferred and section 10 by which a railway is entitled to make surveys and file a plan and book of reference (*Hopkins v. Hamilton Electric Light and Cataract Power Company* (1901), 2 O. L. R. 240, and (1902), 4 O. L. R. 258).

Notwithstanding the privileges conferred by its Act of incorporation upon an Electric Street Railway Company for the construction and operation of an electric tramway upon the public thoroughfares of a city, the company is responsible in damages to the owners of property adjoining its power-house for any structural injuries caused by the vibration produced by its machinery and the diminution of rentals and value thereby occasioned (*Garcan v. Montreal Street Railway Company* (1901), 31 S. C. R. 463. *Drysdale v. Dugas* (1895), 26 S. C. R. 20, followed).

#### *Superstructures*

The lamps, hangers and transformers of an Electric Light Company though easily transferable from one place to another are "superstructures" upon the streets within the meaning of sub-sect. 3, sect. 1, 2 Edw. VII. Ch. 31 (O), Assessment Amendment Act (*Toronto Railway Company v. City of Toronto* (1903), C. O. L. R. 187).

#### *Assessment*

The Assessment Amendment Act, 1 Edw. VII Ch. 29, sect. 2 (O), has made no difference in the mode of valuing for assessment purposes the rails, poles, wires and other plant of electric companies erected or placed upon the highways of municipalities which was held to be proper by the decision *In re Bell Telephone Company Assessment* (1898), 25 O. A. R. 351 (*In re Toronto Electric Light Company Assessment* (1902), 3 O. L. R. 620).

#### *Onus of Proof*

An electric line foreman in the company's employ met his death from contact with imperfectly insulated live wires while at work in proximity to them in the power-house. The evidence left some doubt whether the duties of deceased included the inspection and care of the wires both inside and outside of the power-house, or whether his engagement was to perform the duties in question in respect only to the wires outside the power-house walls. *Held*, that the onus of proof as to the point in dispute was on the defendants and, such onus not having been satisfied, thus were liable in damages (*Quebec Railway Light and Power Company v. Fortin* (1908), 40 S. C. R. 181).

*Diverting Current contrary to Agreement*

P obtained electric lighting service for his dwelling only and signed a contract with the company whereby he agreed to use the supply for that purpose only, to make no new connections without permission and to provide and maintain the house wiring and appliances "in efficient condition with proper protective device, the whole according to fire underwriters' requirements." He surreptitiously connected wires with the house wiring and carried the current into an adjacent building for the purpose of lighting other premises by means of a portable electric lamp. While attempting to use this portable lamp, he sustained an electric shock which caused his death. In an action by his widow to recover damages for negligence in allowing dangerous currents of electricity to escape from a defective transformer through which the current was passed into the dwelling—*Held*, that there was no duty owing by the company towards deceased in respect of installation so made by him without their knowledge (*Montreal Light, Heat and Power Company v. Laurence* (1907), 39 S. C. R. 326).

*Construction of Agreement to Supply Current*

Where under the term of an agreement the plaintiffs were to supply the defendants with electric current to a specified amount of horsepower in the premises of the defendants to be used by them for operating their machinery and for use in their business and for no other purpose. *Held*, that such limitation was for the purpose of confining the use of the power to the defendants' premises and not to any existing mill thereon, and the fact that such mill was afterwards destroyed by fire did not dispense with the defendants' obligation to receive and pay for the power (*Ontario Electric Light and Power Company v. Baxter and Galloway Company* (1903), 5 O. L. R. 419; and see *Montreal Light, Heat and Power Company v. Laurence* (1907), 39 S. C. R. 326).

A lessee of a building entered into a contract with an electric light company for the supply by them to him of light for the building. The contract drawn on a printed form used by the company, contained a provision that it was "to continue in force for not less than 36 consecutive months from date of first burning and thereafter until cancelled (in writing) by one of the parties hereto," the whole of this clause except the figures "36" being printed. A subsequent clause wholly in writing under the printed heading, "Special conditions if any" provided that the contract was "to remain in force after the expiration of the said 36 months for the term that the party of the second part (the lessee) renews his lease for the building with certain provisions

as to payment of the expense of wiring—*Held*, that there was no rule of law requiring more weight to be given in a contract of this kind to a written provision than to a printed one, that the clauses must be read together and that their fair meaning was that the contract was to be in force for at least 36 months and thereafter during any renewal term of the lease until cancelled in writing (*Ottawa Electric Company v. St. Jacques* (1901), 1 O. L. R. 73. Reversed in S. C. 31, S. C. R. 636).

A contract for the supply of electrical energy provided that the company should furnish to the city at the switchboard in its pumping station through a connection to be there made by the city with the company's wires, an electrical pressure equivalent to a certain number of horse-power units during specified hours daily, and the city agreed to pay for same at a flat rate of \$20 per horse-power per annum for the quantity of said electrical current or power *actually delivered* under the contract. *Held*, that by supplying the pressure on their wires up to the point of delivery the company had fulfilled their obligation under the contract and were entitled to payment at the flat rate per horse-power per annum for the energy so furnished notwithstanding that the city had not utilized it (*City of Montreal v. Montreal Light, Heat and Power Company* (1909), 42 S. C. R. 431).

A theatrical company agreed to present a certain play at the defendants' theatre on a date specified and the defendants agreed to furnish the theatre and all the properties contained in the theatre for the period of the engagement, and also to furnish electric current for the company's calciums. It was agreed that there should be no other entertainment in the theatre during the engagement, and that the gross receipts should be shared so that 70 per cent. should go to the playing company. The plaintiff's son was employed by the company to operate, and did operate a calcium light belonging to them. He was under the charge and direction of their electrician. The company's servants had entire and sole control of the stage and its surroundings including the place where the lamp was operated. The plaintiff's son was killed by the action of electricity while operating the lamp. *Held*, that the effect of sharing the gross receipts was but another mode of paying rent for the premises, and did not indicate that any partnership existed: and the defendants having no right of control, were not jointly liable with the company, nor in any way liable, for the death of the plaintiff's son (*Bradd et ux v. Whitney et al* (1907), 14 O. L. R. 415).

# ACTS RELATING TO ELECTRIC SUPPLY IN THE COUNTY OF LONDON.

## ARRANGEMENT OF SECTIONS.

### LONDON OVERHEAD WIRES ACT, 1891.

(54 & 55 VICT. C. LXXVII.)

SECT.	PAGE
1. Short title and extent of Act ... ..	251
2. Interpretation... ..	251
3. New overhead wires not to be placed except in accordance with byelaws ... ..	253
4. Rights over private property not to be acquired except by agreement ... ..	253
5. Byelaws ... ..	254
6. Enforcement of byelaws by local authority ... ..	254
7. Providing for uniformity in enforcement of byelaws ... ..	254
8. Inspectors of overhead wires ... ..	255
9. Removal of existing overhead wires... ..	255
10. As to liability for accidents ... ..	255
11. Arbitrator ... ..	256
12. Notice to be given of legal proceedings ... ..	256
13. Recovery of penalties ... ..	256
14. Application of penalties ... ..	256
15. Evidence of byelaws ... ..	256
16. Wires not to be inconsistent with regulations of Board of Trade :	257
17. As to authorised electric lighting undertakers and wires ... ..	257
18. Exempting private wires ... ..	257
19. Not to authorise placing unauthorised wires overhead ... ..	257
20. Exemption of Government and Crown property from powers as to overhead wires ... ..	257
21. Saving for Postmaster-General ... ..	257
22. As to payments by local authorities under this Act ... ..	258
23. As to payments under this Act ... ..	258

## LONDON ELECTRIC LIGHTING AREAS ACT, 1904.

(4 EDW. 7, c. 13.)

SECT.	PAGE
1. Adjustment of area of supply of local authority ... ..	259
2. Adjustment of area of supply as between companies, etc., and local authorities... ..	259
3. Exception where works have been executed ... ..	260
4. Confirmation of agreements ... ..	260
5. Effect of transfer ... ..	261
6. Postponement of transfer and other powers of Board of Trade ...	261
7. Obligations as to streets in outside area ... ..	262
8. Supply of maps of altered areas ... ..	262
9. Determination of questions by Board of Trade ... ..	262
10. Provision where boundaries of county are altered... ..	262
11. Saving for Orders under 18 & 19 Vict. c. 120, s. 140 ... ..	262
12. Proceedings of Board of Trade ... ..	263
13. Interpretation... ..	263
14. Short title ... ..	263

LONDON COUNTY COUNCIL (GENERAL POWERS)  
ACT, 1906.

(6 EDW. 7, c. CL.)

## PART I.—INTRODUCTORY.

1. Short title ... ..	264
2. Division of Act into Parts ... ..	264

PART V.—SUPPLY OF ELECTRIC FITTINGS BY METROPOLITAN  
BOROUGH COUNCILS.

27. Borough councils may supply electric fittings, etc. ... ..	264
28. Charges for fittings to be shown separately on demand note ...	265
29. Power to borough councils to borrow ... ..	265

## LONDON ELECTRIC SUPPLY ACT, 1908.

(8 EDW. 7, c. CLXVII.)

1. Short title ... ..	267
2. Interpretation... ..	268
3. Authorising agreements between authorised undertakers for mutual assistance ... ..	268
4. Power to lay connecting mains ... ..	269



SECT.	PAGE
5. Expenses and receipts of local authorities ... ..	271
6. Power for local authority of intervening district to require a supply ... ..	272
7. Supply of electrical energy for power purposes ... ..	272
8. Supply of energy for haulage traction, etc. ... ..	274
9. For protection of railway companies ... ..	275
10. For protection of Metropolitan District Railway Company and Underground Electric Railways Company of London, Limited ... ..	275
11. For protection of Honourable Societies of Inner and Middle Temple ... ..	276
12. For protection of Essex and Kent Sewers Commissioners and West Kent Main Sewerage Board ... ..	276
13. General provisions for protection of Metropolitan Water Board... ..	276
14. For protection of gas companies ... ..	278
15. For protection of London County Council... ..	279
16. Supply of electrical energy to premises having separate supply ... ..	281
17. For protection of Royal palaces, parks, etc. ... ..	281
18. Nuisances at generating stations ... ..	282
19. As to erection, etc., of generating stations ... ..	282
20. For protection of streets, etc., under control of Commissioners of Works ... ..	283
21. For protection of Longford River ... ..	284
22. For protection of Admiralty and Royal Observatory ... ..	284
23. As to purchase by Council ... ..	285
24. Restrictions as to increasing charges after notice to purchase ... ..	287
25. Purchase money may be payable partly in stock ... ..	288
26. Advances to Companies by Council ... ..	288
27. Expenditure by London County Council ... ..	290
28. Saving rights of Corporation of London and Camberwell Borough Council as to purchase ... ..	290
29. Saving rights of Lambeth Borough Council as to purchase ... ..	291
30. Saving for metropolitan borough council of Lambeth ... ..	291
31. Saving rights of Duchy of Cornwall ... ..	292
32. Copy of Act to be registered ... ..	292
THE FIRST SCHEDULE ... ..	293
THE SECOND SCHEDULE ... ..	293

LONDON (WESTMINSTER AND KENSINGTON) ELECTRIC  
SUPPLY COMPANIES' ACT, 1908.

(8 EDW. 7, c. CLXVIII.)

1. Short title ... ..	295
2. Interpretation... ..	295
3. Authorising agreements between companies for mutual assistance ... ..	296
4. Power to lay connecting mains ... ..	297

SECT.	PAGE
5. Provisions as to compulsory purchase of bulk supply mains	298
6. Supply of electrical energy for power purposes	299
7. For protection of Westminster City Council	299
8. Supply of electrical energy to premises having separate supply	299
9. Supply of electrical energy for haulage traction, etc.	299
10. Certification of meters	300
11. As to undertakings of borough councils	301
12. Purchasing authority	301
13. For protection of London County Council	301
14. For protection of Metropolitan Water Board	301
15. For protection of Royal palaces, parks, etc.	302
16. Nuisances at generating stations	302
17. As to erection, etc., of generating stations	302
18. For protection of streets, etc., under control of Commissioners of Works	302
19. For protection of Royal Observatory, Greenwich	302
20. Crown rights	303
21. Copy of Act to be registered	303
22. Costs of Act	303

## LONDON ELECTRIC SUPPLY ACT, 1910.

(10 Edw. 7 &amp; 1 Geo. 5, c. cxl.)

1. Extension of 8 Edw. 7, c. clxvii., ss. 23—27, to scheduled companies	304
2. Short title	304
SCHEDULE	304

## LONDON OVERHEAD WIRES ACT, 1891 (a).

(54 & 55 VICT. C. LXXVII.)

*An Act to provide for the control and regulation of Overhead Wires in the Administrative County of London.* [3rd July 1891.]

WHEREAS the number of wires and cables placed overhead within the administrative county of London has increased and is increasing and such wires and cables are subject to no efficient system of control or regulation and it is expedient that provision should be made as in this Act contained for the control and regulation of all such wires under byelaws made as hereinafter provided and for the removal or alteration of such wires and cables in certain cases :

And whereas the objects aforesaid cannot be accomplished without the authority of Parliament :

May it therefore please your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same (as follows) :

1. This Act may be cited for all purposes as the London Overhead Wires Act 1891 and shall extend and apply to the administrative county of London. Short title  
and extent  
of Act.

2. In this Act—

The expression "the council" means the London County Council ;

The expression "the county" means the administrative county of London ;

Interpreta-  
tion.

---

(a) Attention is directed to four sections of this Act (16—19), which are of special interest in connection with undertakings authorised under the Electric Lighting Acts, 1882 and 1888. By s. 16 nothing may be done which is inconsistent with any regulation or condition of the Board of Trade under the Electric Lighting Acts for securing the safety of the public or for the protection of the electric lines of the Postmaster-General. By s. 17 nothing in the Act or any byelaw made in pursuance thereof shall apply to any undertakers acting under special Act, Provisional Order, or licence under the Electric Lighting Acts, or to any wires of such undertakers. By s. 18, private wires placed by any person over land belonging to him or in his own occupation are exempted from the Act under certain conditions. By s. 19 no powers of placing wires for electric lighting purposes

Sect. 2.

The expression "local authority" means—

As regards any street road embankment bridge park garden or open space vested in the council or under their control and management the council ;

Subject as aforesaid—

As regards the city of London the Commissioners of Sewers of the city of London (*b*) ;

As regards any parish named in Schedule A to the Metropolis Management Act 1855 or any parish which under any subsequent Act is to be dealt with as if named in the said Schedule the vestry of that parish as constituted under the said Acts (*c*) ;

As regards any district mentioned in Schedule B of the Metropolis Management Act 1855 and not dissolved by any Act amending the same the district board of such district as constituted under the said Acts (*c*) ;

And as regards any place mentioned in Schedule C of the Metropolis Management Act 1855 the council ;

The expression "the company" means and includes any company or person having placed or claiming any power to place any wire overhead in the county ;

The expression "street" has the meaning assigned thereto in the Metropolis Management Act 1855 and the Metropolis Management Amendment Act 1862 ;

The expression "wire" includes any wire conductor or cable and any support or attachment thereto any part of which is placed or shall hereafter be placed over any street or any part of any street and also any wire conductor cable support or attachment placed or intended

---

overhead may be conferred on any company, body, or person, not authorised so to place such wires by special Act, Provisional Order, or licence under the Electric Lighting Acts.

For cases in relation to overhead wires, though not decided under the above Act, see *Wandsworth Board of Works v. United Telephone Co.* (1884), 13 Q. B. D. 994 ; *Lery v. National Telephone Co.*, Times, December 18th, 1897 ; *Cristoferv. National Telephone Co.*, Electrician, December 9th, 1898, p. 240, cited *ante*, p. 99 ; *National Telephone Co. v. Constables of St. Peter Port*, [1900] A. C. 317 ; *Finchley Electric Lighting Co. v. Finchley Urban District Council*, [1903] 1 Ch. 437 ; and as to overhead wires of undertakers under the Electric Lighting Acts see *Electric Lighting Act*, 1882, s. 14, and notes thereto, *ante*, p. 98 ; and *Electric Lighting (Clauses) Act*, 1899, Schedule, s. 10, *ante*, p. 156.

(*b*) By the City of London Sewers Act, 1897 (60 & 61 Vict. c. cxxxiii), the Commissioners of Sewers of the city of London were dissolved, and their duties were transferred to the common council of the city.

(*c*) Now the metropolitan borough council under the London Government Act, 1899 (62 & 63 Vict. c. 14).

to be placed on or over any building or land and situate at any point within a distance of fifty feet from any street but shall not include any such wire conductor cable support or attachment which is placed or may be placed wholly upon or over any railway or any land belonging to a railway company and used as a railway station siding or yard or any part of any such wire conductor or cable being upon or over any railway or such land ;

Sect. 2.

The expression " telegraphic line " has the same meaning as in the Telegraph Act 1878 (*d*).

3. From and after the passing of this Act the company shall within one month after they shall have placed any wire overhead give notice in writing to the council and the local authority specifying the locality and position in which the wire has been placed and after byelaws in relation to wires shall have been made under the powers of this Act it shall not be lawful to place any wire overhead otherwise than subject to and in accordance with such byelaws.

New overhead wires not to be placed except in accordance with byelaws.

4. The company by carrying a wire over any land or building or supporting such wire thereon or attaching the same thereto shall not otherwise than by agreement with the owner of and persons interested in such land or building acquire any right which shall in any way interfere with any right of such owner or other person and if at any time by reason of any alteration rebuilding or otherwise it becomes necessary for any such owner or person to require the company to alter or remove any such wire the company shall alter or remove the same accordingly on being required so to do by notice in writing by such owner or person :

Rights over private property not to be acquired except by agreement.

And in the event of the company refusing or neglecting for the space of one month after such requisition to alter or remove the same it shall be lawful for any inspector officer or workman duly appointed by the council with the consent of such owner or person to remove or alter the same and to enter upon the land or building for that purpose and the costs and expenses of and incidental to such removal shall be repaid by the company to the council on demand and in default of payment may be recovered in a summary way :

As regards the city of London this section shall be read and have effect as if the Commissioners of Sewers were named therein instead of the council (*e*).

(*d*) See definition, *ante*, p. 114.

(*e*) See note (*b*), *ante*, p. 252.

**Sect. 5.**  
Byelaws.

**5.** Subject to the provisions of this Act the council may from time to time make and vary byelaws with respect to any of the following matters :

The identification of overhead wires by registration or otherwise ;

The regulation of wires ;

The strength of the materials to be employed in placing maintaining and supporting wires ; and

The removal of wires erected or placed otherwise than in accordance with such byelaws and of disused wires ;

And they may by such byelaws fix and determine the penalties to be imposed on the company or any person failing to comply with any of the provisions of this Act and the continuing penalties to be imposed in the event of any such offence being continued after conviction thereof :

Provided that no such byelaw shall have any force or effect until it shall have been approved by the Board of Trade who may prescribe to whom and in what manner notices of the intended byelaws shall be given and provided also that before any such byelaws are proposed to the Board of Trade for confirmation notice thereof with copies of the intended byelaws shall be given to the Postmaster-General :

After the making of any such byelaws a copy thereof shall be published in the London Gazette and in such other newspapers as the Board of Trade may direct :

Provided also that the Board of Trade may exempt any then existing wire from the operation of any such byelaw for such period as they think proper not exceeding five years from the confirmation thereof.

See the byelaws made under authority of this section, *post*, p. 440.

Enforcement  
of byelaws  
by local  
authority.

**6.** Byelaws under this Act shall subject to the provisions of this Act be enforced and administered by the local authority.

Providing for  
uniformity  
in enforce-  
ment of  
byelaws.

**7.** If in any case in any one or more of the parishes or districts within the county any byelaw under this Act is in the opinion of the council inadequately enforced or if in any two or more of such parishes or districts owing to want of uniformity in the method of administering any byelaw the council consider it is expedient in the public interest that provision should be made for duly enforcing such byelaw or establishing uniformity in the application and enforcement of the same the council may apply to the Board of Trade who may after hearing any vestry or district

board (*f*) concerned if they desire to be heard make under the hand of a secretary or assistant secretary such order for securing the enforcement of such byelaw or for establishing uniformity in the administration thereof as they may think expedient. Any such order may include a power to the council to enforce any byelaw in any case in any parish or district and to recover any expenses incidental thereto from the vestry or district board (*f*).

Sect. 7.

8. It shall be lawful for the council or the local authority as Inspectors of wires and such other officers and workmen as they may find requisite for the purposes of this Act. of overhead wires.

9. If at any time on the report of any of their inspectors it shall appear to the local authority that any wire is in such a condition that danger to the public using the streets may be apprehended the local authority may serve notice in writing on the company requiring them to remove renew or alter the same and to place such wire in such position as the local authority may reasonably determine and in the event of such requisition not being complied with within such reasonable time as shall be therein specified it shall be lawful for the local authority to apply to a court of summary jurisdiction to issue a summons calling on the company to show cause why the wire should not be dealt with in accordance with such requisition and such court may make an order authorising the local authority or any of their inspectors or officers to remove or alter any such wire and to charge the expenses of such removal or alteration on the company to whom the wire belongs as may be prescribed in such order. And such expenses may be recovered under the provisions of the Summary Jurisdiction Acts: Removal of existing overhead wires.

Provided that the local authority may at any time after byelaws shall have been made and published under the provisions of this Act proceed under this section without any such notice or requisition in the case of any wire not being in accordance with such byelaws and at any time after such byelaws are made and published it shall be lawful for the council or local authority to remove any such wire if they are unable to ascertain the owner thereof.

10. Nothing in this Act or in any byelaw made under this Act or any compliance with any of the provisions of this Act or of any such byelaw shall relieve the company from any liability in respect As to liability for accidents.

(*f*) Now the borough council, see note (*c*), *ante*, p. 252.

**Sect. 10.** — of damage caused by any wire or support or attachment or the failure thereof or otherwise due to any works or operations of the company.

**Arbitrator.** **11.** Where under the provisions of this Act any matter is referred to an arbitrator the reference shall be to an arbitrator who shall be appointed by the Board of Trade on the application of the council local authority or the company to whom the question refers.

**Notice to be given of legal proceedings.** **12.** No writ shall be issued and no proceeding shall be instituted against the council local authority or any officer or person acting under their authority in reference to this Act except after such notice and subject to such conditions as are specified in section 106 of the Metropolis Management Amendment Act 1862 which section shall be deemed to be incorporated with this Act.

Section 106 is repealed by the Public Authorities Protection Act, 1893 (56 & 57 Vict. c. 61), which contains substituted enactments, and as to which, see *ante*, p. 28.

**Recovery of penalties.** **13.** Every sum of money required by this Act to be paid to the council or local authority and every penalty imposed by any byelaw made in pursuance of this Act may be recovered by the council or local authority in a summary way.

**Application of penalties.** **14.** All penalties which may be recovered under any of the byelaws made under the powers of this Act shall notwithstanding anything contained in an Act made and passed in the session holden in the second and third years of the reign of Her present Majesty chapter 71 or in any other Act or Acts to the contrary if recovered by the council be paid to the council and be carried by them to the credit of the county fund or if recovered by the local authority be paid to their treasurer to their account or if recovered by the Commissioners of Sewers be carried to the credit of their consolidated rate.

As to application of penalties, see *Wray v. Ellis* (1858), 1 E. & E. 276; and *H. v. Titterton, Ex parte Quelch*, [1895] 2 Q. B. 61.

As to Commissioners of Sewers, see footnote (b), *ante*, p. 252.

**Evidence of byelaws.** **15.** The production of a written copy of a byelaw made under this Act if authenticated by the corporate seal of the council shall until the contrary is proved be sufficient evidence of the due making and existence of the byelaw and of the byelaw having been approved by the Board of Trade.



16. The company shall not under the powers of this Act or any byelaw made under this Act be required to place any wire in any manner which shall be inconsistent with any regulation or condition for securing the safety of the public or for the protection of the electric lines and works of the Postmaster-General made prescribed or imposed by the Board of Trade under the Electric Lighting Acts 1882 and 1888 or under any special Act or Provisional Order or license under the provisions of the Electric Lighting Acts 1882 and 1888 or either of them.

**Sect. 16.**  
Wires not to be inconsistent with regulations of Board of Trade.

17. Nothing in this Act or any byelaw made in pursuance thereof shall apply or extend to any undertakers acting under special Act Provisional Order or license under the Electric Lighting Acts 1882 and 1888 or to any wires of such undertakers.

As to authorised electric lighting undertakers and wires.

18. Nothing in this Act shall extend to any wire placed by any person for his private use over land belonging to him or in his occupation which does not extend over any street and is so constructed and placed that neither the wire nor any support thereof or attachment thereto would be liable to fall into any public street.

Exempting private wires.

19. Nothing in this Act contained shall be deemed to authorise the council to confer any powers of placing wires for electric lighting purposes overhead on any company body or person not authorised so to place such wires by a special Act Provisional Order or license under the provisions of the Electric Lighting Acts 1882 and 1888.

Not to authorise placing wires overhead.

20. Nothing in this Act shall authorise any wire to be carried over supported on or attached to any land building or structure in the occupation and under the management of or maintained by Her Majesty or Her Majesty's Duchy of Lancaster or the Duchy of Cornwall or any department of Her Majesty's Government or shall authorise any entry upon any such land building or structure without in each case the consent of the department of Her Majesty's Government or of the officer or body charged with the management of such land building or structure.

Exemption of Government and Crown property from powers as to overhead wires.

21. Nothing in this Act or in any byelaws made in pursuance of this Act shall be deemed to apply or extend (except by way of protection) to any telegraphic line belonging to or used by the Postmaster-General or to any support or attachment thereof and nothing in this Act or in any such byelaws shall be deemed to take away abridge or prejudicially affect any right power or privilege enjoyed by the Postmaster-General.

Saving for Postmaster-General.

**Sect. 22.**

As to  
payments  
by local  
authorities  
under this  
Act.

**22.** All costs and expenses of any vestry or district board in the execution of this Act or any byelaws under this Act shall be paid as part of the expenses of such vestry or district board of executing the Metropolis Management Act 1855 and the Acts amending the same, and all costs and expenses of the Commissioners of Sewers in the execution of this Act or any byelaws under this Act shall be paid out of the consolidated rate as part of the expenses of such commissioners.

See footnotes, *ante*, p. 252.

As to  
payments  
under this  
Act.

**23.** All costs and expenses of the council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888 and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the council in like manner.

LONDON ELECTRIC LIGHTING AREAS  
ACT, 1904.

(4 EDW. 7, c. 13.)

*An Act to provide for the Adjustment, in accordance with changes of boundary effected under the London Government Act, 1899, of the Areas within which Local Authorities and Companies are authorised to supply Electricity.* [15th August 1904.]

WHEREAS it is expedient to make the boundaries of the areas within which the council of any metropolitan borough in London is authorised to supply electricity coterminous, as far as may be, with the boundaries of the borough, and for that purpose to affect in certain cases the boundaries of the areas of supply of companies authorised to supply electricity :

And whereas it is expedient to provide for agreements being made as between companies authorised to supply electricity for the purpose of making their areas of supply coterminous, as far as may be, with the areas of the metropolitan boroughs :

And whereas the objects of this Act cannot be obtained without the authority of Parliament :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Where by reason of any alteration of boundary under the Adjustment London Government Act, 1899, any area, being part of the area of supply of the council of a metropolitan borough, has become situate local authority. 62 & 63 Vict. outside the borough, that area shall (except as provided by this Act), as from the date of the passing of this Act, be transferred c. 14. and become part of the area of supply of the council of the borough in which the transferred area has become situated, if that council are authorised to supply electricity within the borough, or, if that council are not so authorised, of any company so authorised, but only if the area of supply of that council or company adjoins the transferred area.

2. Where by reason of any alteration of boundary under the Adjustment London Government Act, 1899, any area, being part of the area of supply of a company authorised to supply electricity, or being an area in which no authority or company are authorised to supply as between companies, etc. and local authorities.

**Sect. 2.**

supply electricity, has become situate within a borough in which the council of the borough are authorised to supply electricity, that area shall (except as provided by this Act), as from the date of the passing of this Act, be transferred to and become part of the area of supply of the council of the borough, but only if the area of supply of that council adjoins the transferred area.

Provided that this section shall not apply in the case of an area being part of the area of supply of a company—

- (a) where the area consists of or comprises a whole parish or the greater part of a parish ; or,
- (b) where the company are authorised to supply within the borough in which the area has become situate, at any point adjoining the area.

Exception  
where works  
have been  
executed.

**3.** The foregoing provisions of this Act as to the transfer of parts of areas of supply shall not apply in the case of any part of an area of supply in which mains (other than mains along a boundary road) or other works suitable to and used for the supply of electricity have been laid down or executed before the first day of January nineteen hundred and four.

Confirmation  
of agree-  
ments.

**4.—(1)** The Board of Trade may, if they think it expedient, confirm—

- (a) any agreement for the transfer of any part of an area of supply of one company to an area of supply of another company (whether for all purposes or for the purpose of the public lighting of streets only), made with a view of making the boundaries of the areas of supply of the companies coterminous with the boundaries of metropolitan boroughs ; and
- (b) any agreement between companies for the supply by one of those companies of electricity for the public lighting of the whole of any street which forms a boundary between the areas of supply of those companies, if the agreement is made with the concurrence of the authority who have the management of the street for lighting purposes ; and
- (c) any agreement for the transfer of an area which would have been transferred under this Act if mains or other works suitable to and used for the supply of electricity had not been laid down or executed therein before the first day of January nineteen hundred and four ; and
- (d) any other agreement for the transfer of an area for the purpose of furthering the objects of this Act ;

and any council or company shall have power to make agreements for the purpose, and to do all things necessary for carrying out the transfer.

Sect. 4.

(2) Any transfer under an agreement so confirmed shall have effect as if it had been made by this Act.

5. As from the date on which the transfer of any area under this Act takes effect, any council or company to whom any area is transferred shall, in relation to the transferred area, have the same powers duties and obligations with respect to the supply of electricity as they have in relation to the rest of the area of supply, of which the transferred area becomes part, and the powers, duties and obligations of the council or company (if any) from whom the area is transferred in relation to the supply of electricity within the transferred area shall cease without prejudice to anything done or suffered before the date on which the transfer takes effect.

Effect of transfer.

In *Marylebone Borough Council v. Penberton*, Electrician, January 31st, 1908, p. 611, the defendant was formerly supplied by the Hampstead Borough Council under an agreement at 4*d.* per unit. The area in which his premises were situate was transferred to the Marylebone Council by agreement between them and the Hampstead Council made under this Act, and approved by the Board of Trade. The Marylebone Council took over the supply to the defendant, and charged him 8*d.* per unit. It was held by the Divisional Court that they were entitled to recover the higher charge.

6.—(1) Where the Board of Trade, on the application made to them before the thirty-first day of December nineteen hundred and five of any person appearing to them to be interested, are of opinion that, by reason of the inability of any council or company to whom any transfer of an area is made under this Act to give a proper supply of electricity within the area, or for any other cause, the postponement of any transfer made by this Act is expedient, they may order that the transfer effected by this Act shall be postponed either as to the whole or any part of the area to be transferred until a date fixed by them for the operation thereof, and the transfer shall be postponed accordingly.

Postponement of transfer and of other powers of Board of Trade.

(2) Where the effect of any transfer made by this Act is to separate any works of a council or company authorised to supply electricity from their area of supply, or where the Board of Trade are satisfied that it is convenient that any mains used for the purpose of supply within the area of supply of a council or company should continue to be laid in a transferred area, the Board may, on an application for a postponement of the transfer, or an application made for the special purpose, order that the council or company shall continue to have, notwithstanding the transfer, the same

**Sect. 6.** power of breaking up any street railway or tramway mentioned in the order as they had before the transfer, and the council or company shall have those powers accordingly, subject to any conditions or provisions which apply to the exercise of those powers.

Obligations  
as to streets  
in outside  
area.

**7.** Where the council of any metropolitan borough continue to have power to supply electricity or to break up streets in an area outside their borough, the council of the borough in which the outside area is situate shall be in the same position with respect to the council having those powers in the area as they would be in if the last-mentioned council were a company supplying electricity in the area under a Provisional Order with which the provisions contained in the Schedule to the Electric Lighting (Clauses) Act, 1899, were incorporated.

62 & 63 Vict.  
c. 19.

Supply of  
maps of  
altered areas.

**8.** Any council or company whose area of supply is altered by any transfer under this Act shall, within two months after the date on which the alteration takes effect, supply to the Board of Trade, to the London County Council, and to the council of any metropolitan borough within which any part of the area of supply is situated, a map of the altered area on such scale and certified in such manner as the Board direct.

Determina-  
tion of  
questions by  
Board of  
Trade.

**9.** If any question arises under this Act as to whether any area is transferred by this Act, or as to the area of supply to which it is transferred, or to the supply of electricity in any area transferred under this Act, that question shall be referred to and determined by the Board of Trade.

Provision  
where  
boundaries of  
county are  
altered.

**10.** The provisions of this Act shall apply in the case of any alteration under the London Government Act, 1899, of the boundaries of the administrative county of London in the same manner as it applies in the case of any alteration of area under the London Government Act, 1899, which takes effect solely within that county, with the substitution where necessary of the district or borough council for the council of a metropolitan borough and of the district or borough for the metropolitan borough as the case may require.

Saving for  
Orders under  
18 & 19 Vict.  
c. 120, s. 140.

**11.** Nothing in this Act shall affect any Order made under section one hundred and forty of the Metropolis Management Act, 1855 (which relates to the management of streets in different parishes), or the provisions of any scheme made under the London Government Act, 1899.

**12.**—(1) Anything required or authorised to be done under this Act by the Board of Trade may be done by the President or a secretary or assistant secretary of the Board. **Sect. 12.**  
Proceedings of Board of Trade.

(2) All documents purporting to be orders under this Act made by the Board of Trade, and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

(3) A certificate, signed by the President of the Board of Trade, that any order made or act done under this Act is the order or act of the Board, shall be conclusive evidence of the fact so certified.

**13.** In this Act, unless the context otherwise requires,— **Interpretation.**

The expression “authorised” means authorised on the first day of January nineteen hundred and four by Act of Parliament or by a Provisional Order confirmed by an Act of Parliament ; and

The expression “area of supply” means the area within which any council or company are authorised to supply electricity ; and

The expression “electricity” has the same meaning as in the Electric Lighting Act, 1882.

**45 & 46 Vict.  
c. 56.**

**14.** This Act may be cited as the London Electric Lighting Short title. Areas Act, 1904.

LONDON COUNTY COUNCIL (GENERAL  
POWERS) ACT, 1906.

(6 EDW. 7, c. CL.)

*An Act to empower the London County Council to execute works and to acquire lands to make provisions as to the drainage of parts of the borough of Hornsey to confer powers upon the councils of certain metropolitan boroughs and for other purposes.*  
[4th August 1906.]

AND WHEREAS the councils of certain metropolitan boroughs being authorised to supply electrical energy have obtained statutory powers of providing supplying and fitting electric fittings and apparatus in the premises of consumers and it is expedient that powers in relation to such matters should be conferred upon the councils of other metropolitan boroughs being also authorised to supply electrical energy ;

May it therefore please your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say)

PART I.

INTRODUCTORY.

Short title. 1. This Act may be cited as the London County Council (General Powers) Act 1906.

Divisions of Act into Parts. 2. This Act is divided into Parts as follows :

Part V. Supply of electric fittings by metropolitan borough councils.

\* \* \* \*

PART V.

SUPPLY OF ELECTRIC FITTINGS BY METROPOLITAN BOROUGH COUNCILS.

Borough councils may supply electric fittings, etc. 27. It shall be lawful for the council of any metropolitan borough being authorised to supply and supplying electrical



energy to expend money upon the wiring and fitting and supplying with wires fittings motors and apparatus the premises of their consumers or prospective consumers and to enter into and carry into effect agreements and arrangements with respect thereto and to make such charges therefor as they may think fit :

**Sect. 27.**

Provided that nothing in this section shall be deemed to authorise the council of any metropolitan borough to manufacture any such fittings or apparatus :

Provided also that every such council shall so adjust the charges to be made by them as aforesaid as to meet any expenditure by them under the powers of this section (including interest upon any moneys borrowed under and for the purposes of this Part of this Act and all sums to be applied either by way of instalments or by way of payments to sinking fund for repayment of moneys so borrowed).

*Cf. the Model Bill clause, set out ante, p. 111.*

As recited in the preamble, some of the metropolitan borough councils have power to supply fittings under their special Acts. These are not all in the same form as the above section, *e.g.*, St. Marylebone Electric Lighting Act, 1904 (4 Edw. 7, c. xli.), s. 20.

**28.**—(1) Every sum charged by any such council to a consumer in respect of the wiring and fitting of the premises of such consumer and the supplying of wires fittings motors and apparatus shall be clearly stated on every demand note by such council for payment for electrical energy supplied to such consumer distinct from the charge for such energy.

Charges for fittings to be shown separately on demand note.

(2) The total sums received and expended by any such council under this Part of this Act in each year (including the amount required for interest on and all sums applied either by way of instalments or by way of payments to sinking fund for repayment of any moneys borrowed) shall be separately shown in the published accounts of the electric lighting undertaking of such council for such year.

**29.** Any such council of a metropolitan borough may borrow in the same manner and subject to the same conditions as if such expenditure were for the purposes of the Electric Lighting Acts 1882 and 1888 as amended by the London Government Act 1899 such sums of money as may be required by such council for the purposes of this Part of this Act.

Power to borrow councils to borrow.

\* \* \* \* \*

## LONDON ELECTRIC SUPPLY ACT, 1908.

(8 EDW. 7, c. CLXVII.)

*An Act to confer further powers and to make further provision with respect to the supply of electrical energy in London.*

[21st December 1908.]

WHEREAS the Companies named in the First Schedule to this Act (who are in this Act referred to collectively as "the London Electric Supply Companies") are companies established under the Companies Acts 1862 to 1900 having powers for the supply of electrical energy within the administrative county of London and adjoining districts :

The "London Electric Supply Companies" and the companies included in the definition of the "specified companies" in s. 2, together include all the companies at present authorised to give a general supply of electrical energy within the county of London. One of the "specified companies," the Central Electric Supply Company, Limited, was previously only authorised to give a supply to certain others of the specified companies.

And whereas the powers of the said Companies were originally conferred upon them by Orders made under the Electric Lighting Acts 1882 and 1888 and confirmed by Parliament and such powers have from time to time been enlarged and extended by various special Acts and further Orders relating to or affecting the said companies or some of them :

And whereas the London Electric Supply Companies as undertakers under their several Orders are under obligation if so required to sell to the local authority of the several districts in which the said Companies are respectively authorised to supply electrical energy so much of their undertakings as may be within the jurisdiction of such local authority and suitable to and used for the purposes of their undertakings within such jurisdiction upon the terms specified in section 2 of the Electric Lighting Act 1888 :

In the county of London the metropolitan borough council is the local authority for the purposes of the Electric Lighting Acts, *ante*, pp. 122, 126, although its rights of purchase under s. 2 of the Act of 1888 are by this Act transferred to the County Council (*post*, pp. 285 *et seq.*).

And whereas some of the London Electric Supply Companies have powers rights property and undertakings which are not capable of being so purchased and these and other circumstances

which have arisen since the passing of the said Act of 1888 have rendered the provisions with respect to purchase of the undertakings contained in that Act difficult of application :

Preamble.

And whereas it is expedient that provisions as hereinafter contained should be made with respect to the purchase at one and the same time of all the undertakings of all the London Electric Supply Companies :

And whereas various local authorities having jurisdiction within the administrative county of London have from time to time been authorised by Provisional Order to establish or have by purchase obtained and are now possessed of electrical undertakings within the various metropolitan boroughs under their jurisdiction respectively :

And whereas it is provided by the Orders relating to the London Electric Supply Companies respectively as confirmed by Parliament that the companies to which such Orders relate shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying electrical energy in the county of London unless authorised by Parliament so to do and other restrictions are by the said Orders and Acts of Parliament relating to certain of the said companies placed upon the supply of electricity by them (a).

(a) Cf. s. 3 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *ante*, p. 148. And see now Electric Lighting Act, 1909, s. 20, *ante*, p. 241.

And whereas the restrictions so placed upon the London Electric Supply Companies have tended to retard the development of their business and to prevent the proper utilisation of the capital expenditure incurred by them and it is expedient that such restrictions should be removed :

And whereas it is expedient that the powers contained in this Act should be conferred upon the London Electric Supply Companies and upon the local authorities having powers of supplying electrical energy within the administrative county of London :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :

1. This Act may be cited as the London Electric Supply Act Short title. 1908.

**Sect. 2.**Interpreta-  
tion.**2.** In and for the purposes of this Act—

The expression "London Electric Supply Companies" means the Companies named in the First Schedule to this Act and each of those Companies is in this Act referred to as a "Supply Company";

The expression "authorised Undertakers" means London Electric Supply Companies and local authorities as defined by the Electric Lighting Act 1882 for the time being authorised by or under a Provisional Order or Orders to supply electrical energy within the administrative county of London and each of such authorised Undertakers is in this Act referred to as an "authorised Undertaker" (a);

The expression "specified Companies" means the Kensington and Knightsbridge Electric Lighting Company Limited the Notting Hill Electric Lighting Company Limited the Saint James and Pall Mall Electric Light Company Limited the Westminster Electric Supply Corporation Limited and the Central Electric Supply Company Limited and each of such specified Companies is in this Act referred to as a "specified Company" (b);

The expression "electric main" means a wire or wires conductor or other means used for the purpose of conveying or transmitting electrical energy and includes any casing coating covering tube pipe trough or insulator enclosing surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying or transmitting electrical energy (c).

(a) "Authorised Undertakers" includes "specified Companies" for the purpose of the exercise by the latter of the powers of this Act. See s. 3.

(b) The specified Companies obtained most of the powers of this Act by the London (Westminster and Kensington) Electric Supply Companies' Act, 1908, *post*, p. 294.

(c) Cf. definitions of "electric line" in the Electric Lighting Act, 1882, s. 32, and of "main" in s. 1 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *ante*, pp. 123, 146.

Authorising  
agreements  
between  
authorised  
Undertakers  
for mutual  
assistance.

**3.** It shall be lawful for the authorised Undertakers and the specified Companies or any two or more of them with the approval of the Board of Trade to enter into and carry into effect any agreement or agreements for mutual assistance or for association with each other in regard to the following purposes viz.:

The giving and taking of a supply of electrical energy and the distribution and supply of electrical energy so taken;

**Sect. 3.**

The management and working of the generating stations or of any part or parts of the several undertakings of the contracting parties ;

The appropriation and division of receipts arising under and the provision of capital required for carrying into effect any such agreements ;

Any matters or things incidental to or connected with any of the purposes aforesaid.

Except in so far as is provided by this section the authorised Undertakers and the specified Companies entering into such agreement shall remain and be subject to all and the same obligations and liabilities to all persons not being parties to such agreement as they would have been subject to if such agreement had not been entered into.

If the specified Companies or any of them exercise any powers under the provisions or for the purposes of this Act they shall in respect of the exercise of such powers be subject to the provisions of this Act to which authorised Undertakers would be liable in the exercise of similar powers and for that purpose the expression "authorised Undertakers" in this Act shall mean and include such specified Companies or Company.

An authorised Undertaker or a specified Company when submitting to the Board of Trade any proposals for an agreement under this section shall furnish particulars of such proposals to the London County Council who shall be entitled to make representations to and be heard by the said Board thereon before the agreement embodying such proposals is approved by the said Board.

*(Cf. London (Westminster and Kensington), etc. Act, 1908, s. 3, post, p. 296.)*

In *London Electric Supply Corporation, Limited v. Westminster Electric Supply Corporation, Limited*, Electrician, March 10th, April 14th and July 14th, 1911, an agreement made under this section for the management and working by the defendants of the Westminster portion of the plaintiffs' undertaking, had to be construed by the Court of Appeal. COZENS-HARDY, M.R., said that the agreement having been approved by the Board of Trade, it was not open to either party to say that it was *ultra vires*.

The above agreement provided for the supply by the Westminster Company of direct current in the Westminster portion of the London Electric Supply Corporation's area of supply. A metropolitan police magistrate held that a consumer could not require the London Electric Supply Corporation to supply him with alternating current (Electrician, December 30th, 1910, p. 476).

**4.—**(1) An authorised Undertaker or a specified Company for the purpose of carrying into effect any agreement for the giving or taking of a supply of electrical energy may by means of electric Power to lay connecting mains.

**Sect. 4.**

mains make a connection between the generating station or area of supply of one authorised Undertaker or specified Company party to the agreement and the generating station or area of supply of any other authorised Undertaker or specified Company party to the agreement.

(2) An authorised Undertaker or a specified Company may also by means of electric mains make a connection between any two or more areas which that authorised Undertaker or specified Company is authorised to supply or between any such area and a generating station of that authorised Undertaker or specified Company.

(3) In relation to any such electric mains as aforesaid the authorised Undertaker or specified Company—

(A) With respect to streets in any area which they are authorised to supply shall have the powers and be subject to the provisions of the Acts and Orders relating to their powers of supply in that area ; and

(B) With respect to streets not within any area which they are authorised to supply shall have the powers and be subject to the provisions of the Electric Lighting Act 1882 and of sections 10 to 20 60 to 62 69 to 73 76 77 and 79 to 82 of the Schedule to the Electric Lighting (Clauses) Act 1899 and those provisions so far as applicable but subject to the provisions of this section shall be incorporated with this Act and shall have effect and the authorised Undertaker or specified Company laying the mains shall be deemed to be the Undertakers.

(4) Any electric main laid down under the powers of this section shall be laid in such line or route and in a trench of such dimensions and in such a position as may be agreed between the authorised Undertaker or specified Company laying such main and the local authority of the district through which such main is to be laid or as failing agreement shall be settled by an arbitrator to be appointed by the Board of Trade and where any local authority object to any proposed line or route on the ground that it would traverse the principal thoroughfares or busy streets of the area over which they have jurisdiction and indicate an alternative route or deviation which in the opinion of the arbitrator is both reasonably practicable and does not involve undue increase of expenditure such alternative route or deviation shall be adopted :

The reasonable and proper costs charges and expenses incurred by any local authority in relation to any arbitration under this sub-section shall unless the arbitrator shall certify that the action of the local authority in the matter has been unreasonable be paid by the authorised Undertaker or specified Company laying

or seeking to lay the main in regard to which the arbitration took place :

**Sect. 4.**

Provided that nothing in this section contained shall take away or prejudicially affect the rights of the Postmaster-General under section 14 of the Schedule to the Electric Lighting (Clauses) Act 1899 incorporated herewith and the provisions of that section shall apply in respect of such alternative route or deviation. The provisions of this sub-section shall extend and apply to the London County Council as if they were a local authority.

(5) An electric main laid under the provisions of this section shall not be used for supplying electrical energy except within an area of supply of the authorised Undertaker or specified Company to whom it belongs or to an authorised Undertaker or specified Company under an agreement made in accordance with the provisions of this Act.

(6) The map which an authorised Undertaker or specified Company exercising the powers of this section is required to make in accordance with section 60 of the Schedule to the Electric Lighting (Clauses) Act 1899 shall be a map or maps of so much of the districts traversed by any main laid down under the powers of this section as may be necessary to show the course of such main and such map shall show the lines of all electric mains and shall indicate by distinctive colouring the boundaries of the area of supply of any other Undertakers into or through which the mains are laid.

(7) For the purposes of this section the expression "local authority" in sections 10 14 18 60 and 69 of the Schedule to the Electric Lighting (Clauses) Act 1899 shall as respects any part of the area of the administrative county of Middlesex be deemed to include the county council of that county.

*Cf. London (Westminster and Kensington), etc. Act, 1908, s. 4, post, p. 297.*

Apart from statutory powers, such as those conferred by this section, undertakers may not break up streets even within their area of supply for the purpose of laying down mains for giving a supply outside that area.

Sub-section (3)(b) of this section authorises a company to lay down mains outside their area of supply, notwithstanding that "street" is defined by s. 32 of the Electric Lighting Act, 1882, to include "any square, court or alley, highway, lane, road, thoroughfare or public passage or place *within the area in which the undertakers are authorised to supply electricity* by this Act, or any licence, Order or special Act" (*Mayor of City of London v. County of London Electric Supply Co., Limited*, [1910] 2 Ch. 208).

For the purpose of applying the provisions of the Electric Lighting Act, 1882, and the incorporated sections of the Electric Lighting (Clauses) Act, 1899, it must be borne in mind that "electric line" will include an "electric main," as defined by s. 2 of this Act. See s. 32, Act 1882.

**5.** Any expenses incurred by a local authority in the exercise of the powers by this Act conferred upon them as authorised <sup>Expenses and receipts of local authorities.</sup>

**Sect. 5.** Undertakers shall be deemed to be expenses incurred by them under or in pursuance of the Electric Lighting Act 1882 and the Provisional Order or Orders authorising them to supply electrical energy and the provisions of section 7 (Expenses of local authority) and section 8 (Power of local authority to borrow money) of that Act shall apply accordingly and any moneys received by a local authority in respect of any supply of electrical energy afforded by them under this Act shall be deemed to be moneys received by such local authority in respect of the undertaking authorised by such Order or Orders.

The above sections of the Act of 1882 are set out *ante*, pp. 82, 83. As to the application of moneys received by a local authority in respect of an undertaking authorised by a Provisional Order, see s. 7 of the Schedule to the Electric Lighting (Clauses) Act, 1899, *ante*, p. 153, which is similar to the provisions contained in County of London Orders.

Power for local authority of intervening district to require a supply.

**6.** Where two or more local authorities within the administrative county of London enter into an agreement under this Act for the giving and taking of a supply of electrical energy and the carrying into effect of such agreement necessitates the laying down of an electric main in the area of supply of a local authority being authorised to supply electrical energy and not a party to the agreement then unless the parties to the agreement or any of them shall be prepared to enter into an agreement with such last-mentioned local authority to give to them a supply of electrical energy on terms not less favourable than those upon which the supply shall be given to any other local authority under the first-mentioned agreement the Board of Trade may if they think fit upon the application of the local authority in whose area of supply such electric main is or is proposed to be laid down order that the parties to the agreement or one or more of them shall give to such other local authority a supply of electrical energy upon and subject to such terms and conditions as the Board shall determine and any such order shall be carried into effect accordingly.

It will be noticed that this section does not apply to any authorised undertakers who are not local authorities.

Supply of electrical energy for power purposes.

**7.—(1)** As from the date when any authorised Undertaker may have commenced to give or receive a supply of energy under an agreement entered into under the provisions of the section of this Act of which the marginal note is "Authorising agreements between authorised Undertakers for mutual assistance" (a) the provisions contained in any Act of Parliament or Order confirmed by Parliament relating to the maximum price to be charged by



such authorised Undertaker for the supply of energy shall be read and construed as if the supply of energy for power purposes by such authorised Undertaker was to be given at a price not exceeding six pounds and fifteen shillings per kilowatt per annum of the maximum power required to be supplied and one halfpenny per unit for all energy supplied (*b*) Provided that no authorised Undertaker shall be bound to give a supply upon the terms of this section in any case where the maximum power required to be supplied is less than two kilowatts :

Sect. 7.

For the purposes of this section the expression "power purposes" shall include all purposes to which electrical energy may be applied other than for use either directly or indirectly for lighting.

(2) An authorised Undertaker shall not be required to give a supply of electrical energy for power purposes upon the terms of this section unless the person requiring such supply shall enter into a binding contract to continue to receive and pay for such supply for a period of seven years at the price stated in this section and shall by such contract agree to continue to receive and pay for a supply of electrical energy for the period covered by such contract of such amount that the payment to be made for the same shall not be less than twenty pounds per centum per annum on the outlay (excluding expenditure on generating plant and electric mains then in use) incurred by such authorised Undertaker in making provision for such supply (*c*).

(3) Every person requiring a supply of electrical energy for power purposes under this section shall serve a notice upon the authorised Undertaker specifying the point at which such supply is required to be given and the maximum power required to be supplied (which shall not be less than what may be reasonably anticipated as the maximum consumption on the premises of such person) and the day upon which such supply is required to commence not being an earlier day than a reasonable time after the date of the service of such notice having regard to the point at which such supply is to be given and to the length of electric line required to be laid and the plant required to be erected for affording such supply (*c*).

(4) Any supply given for power purposes under this section shall if required by the authorised Undertaker be measured by a separate meter or other apparatus and any person receiving a supply for power purposes who shall use the energy directly or indirectly for the purposes of lighting shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding five pounds for every day on which he uses such energy for such purposes in addition to the sum payable for the energy so used

**Sect. 7.** at the price charged by the authorised Undertaker by whom the supply is given for a supply for lighting purposes.

Section 6 of the London (Westminster and Kensington), etc. Act, 1908, is in substantially the same terms.

(a) *I.e.*, s. 3, *ante*, p. 268.

(b) Provisional Orders usually prescribe one maximum price irrespective of the purpose for which the energy supplied is used.

(c) Sub-sections (2) and (3) are an extension of the requirements of the provisions similar to sub-s. (2) (a) and (b) of s. 27 of the Schedule to the Electric Lighting (Clauses) Act, 1899 (*ante*, p. 178), which are contained in all the County of London Orders.

Supply of  
energy for  
haulage  
traction, etc.

**8.**—(1) It shall be lawful for any authorised Undertaker to supply electrical energy at any point or points within their area of supply for the purposes of haulage or traction and for lighting vehicles or boats drawn or propelled by such haulage or traction to any company local authority or other body owning or working any railway tramway dock canal navigation waterworks or other similar undertaking situate within or partly within their respective areas of supply and notwithstanding that such energy is to be used for such purposes in part outside such area :

Provided that energy shall not be supplied under the powers of this section for use in the London Docks the Saint Katharine Docks or the Regent's Canal Dock situated within the area of supply of the metropolitan borough council of Stepney or in any dock undertaking or part of any dock undertaking within the area of supply of the metropolitan borough council of Poplar or in the Victoria Dock situated within the area of supply of the corporation of West Ham without the consent of the council of the metropolitan borough in which the said docks are respectively situated or of the said corporation as the case may be.

(2) Such company local authority or body receiving such supply shall not use the said energy for other than the aforesaid purposes or in such manner as to cause or be likely to cause any interference with telegraphic communication by means of any telegraphs belonging to or used by the Postmaster-General or with Government observatories or laboratories but this sub-section shall not apply to any such company local authority or body who are authorised to use electrical energy for such haulage or traction or lighting by Act of Parliament or by an Order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of such telegraphs observatories or laboratories.

(3) Nothing in this section shall authorise the supply of electrical energy for the purpose of working any railway unless the company owning or working such railway is authorised by Act of Parliament or by an Order confirmed by or having the

effect of an Act of Parliament to work such railway by electrical power.

**Sec. 8.**

*Cf.* s. 9 of the London (Westminster and Kensington), etc. Act, 1908 (*post*, p. 299).

*Cf.* s. 5 of the Electric Lighting Act, 1909 (*ante*, p. 233), which enables undertakers *with the consent of the Board of Trade*, to supply electricity at any point within their area for haulage or traction on any railway, tramway or canal situate partly within and partly without that area, and for the purposes of lighting vehicles and vessels used on such railway, tramway or canal, and empowers the Board of Trade by Provisional Order to authorise undertakers so to supply electricity for other purposes incidental to the working or lighting of the railway, tramway or canal. Section 8, however, applies to any dock, navigation, waterworks "or other similar undertaking" as well as to railways, tramways or canals.

It is submitted that every railway company to which the Railways Clauses Consolidation Act, 1845, applies, is authorised by that Act to work its railway by electrical power (see s. 86), and may, therefore, receive a supply of electricity under this section.

"An Order . . . having the effect of an Act of Parliament," includes an Order under the Light Railways Act, 1896, and an Order under the Railways (Electrical Power) Act, 1903.

9. Any additional expense which any railway company may reasonably and properly incur in widening altering reconstructing repairing or maintaining their railways bridges tunnels subways or works or in adapting their railways for working by electrical power by reason of the existence of any electric mains laid down by any authorised Undertaker under the powers of this Act upon across over or under the same shall be paid by such authorised Undertaker.

For protec-  
tion of  
railway  
companies.

It will be noticed that this section only applies to mains laid down under the powers of this Act.

10. For the protection of the Metropolitan District Railway Company and the Underground Electric Railways Company of London Limited and each of them the following provisions shall unless otherwise agreed apply :

For protec-  
tion of  
Metropolitan  
District  
Railway  
Company and  
Underground  
Electric  
Railways  
Company  
of London,  
Limited.

An authorised Undertaker shall not under the powers of this Act (without the consent in writing of the Metropolitan District Railway Company and the Underground Electric Railways Company of London Limited first obtained) in any manner interfere with the cable subway constructed under the powers of the Metropolitan District Railway Acts 1900 1902 and 1903 or the cables and appliances in such cable subway and situate in the metropolitan boroughs of Chelsea and Kensington and leading from the Earls Court Station on the Metropolitan District Railway to the generating station of the Underground Electric Railways Company of

**Sect. 10.**

London Limited at Lots Road Chelsea provided that such consent shall not be unreasonably withheld and that if any question arises whether the consent is unreasonably withheld such question shall be referred to and decided by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the above-mentioned companies and such authorised Undertaker or of any or either of them after notice to the other or others of the intention to make such application.

For protection of Honourable Societies of Inner and Middle Temple.

**11.** Nothing in this Act shall authorise any authorised Undertaker to exercise within the places known as the Inner Temple and the Middle Temple any of the powers conferred upon them in relation to the execution of works under the provisions of this Act without the previous consent in writing of the Treasurer for the time being of the Honourable Society of the Inner Temple or Middle Temple as the case may be and subject to such terms and conditions as the said Treasurer and the Masters of the Bench of the said Societies respectively may impose.

For protection of Essex and Kent Sewers Commissioners and West Kent Main Sewerage Board.

**12.** The commissioners of sewers for the levels of Havering and Dagenham Ripple Barking East Ham Leyton and Walthamstow in the county of Essex the commissioners of sewers for the limits extending from Lombards Wall to Gravesend Bridge in the county of Kent and the West Kent Main Sewerage Board shall in regard to any sewers watercourses culverts river-walling or other works within or under their jurisdiction or control respectively have—

- (a) The same protection as a local authority has under section 17 of the Schedule to the Electric Lighting (Clauses) Act 1899 with respect to pipes forming part of any sewer of such local authority ; and
- (b) All the rights powers and privileges of a local authority under section 18 of the said Schedule with respect to sewers drains watercourses defences or works under the jurisdiction or control of such local authority.

See *ante*, pp. 167, 170.

General provisions for protection of Metropolitan Water Board.

**13.** For the protection of the Metropolitan Water Board (in this section hereinafter referred to as "the Board") the following provisions shall unless otherwise agreed between the Board and an authorised Undertaker have effect in reference to the exercise of any powers contained in this Act (that is to say) :

- (1) Where an authorised Undertaker requires to dig or sink any trench for laying down or constructing any main pipe tube work or apparatus under the powers or for the purposes of this Act within six feet of any main pipe

Sect. 13.

work or apparatus (in this section referred to as "apparatus") of the Board they shall seven days before commencing such works deliver to the Board plans thereof and if it shall appear to the Board that such works will interfere with or endanger or prevent proper access to such apparatus or impede the supply of water by means thereof the Board may within seven days after the receipt of such plan give notice to such authorised Undertaker to lower or otherwise alter the position of or to support or lay or place cement or concrete under such apparatus (in this section referred to as "protective works") in such manner as may be necessary for protecting such apparatus from injury and any difference as to the necessity for the protective works shall be settled by arbitration :

- (2) If such authorised Undertaker as aforesaid shall not dispute such necessity or if the arbitrator determine that the protective works are necessary the same shall subject as hereinafter provided be executed in accordance with the requirement of the Board or the decision of the arbitrator as the case may be :
- (3) If the Board at the time of giving such notice as aforesaid to such authorised Undertaker express their desire themselves to execute any protective works which may be agreed or decided to be necessary as the case may be they may by their own engineer and workmen execute the same and in that event shall do so with all reasonable despatch and such authorised Undertaker shall on the completion thereof pay to the Board the reasonable expenses incurred by them in such execution Provided that if the Board fail to execute such protective works with all reasonable despatch after request in writing from such authorised Undertaker so to do the same may notwithstanding such notice be executed by such authorised Undertaker :
- (4) If any interruption in the supply of water by the Board shall without their written authority be in any way occasioned by an authorised Undertaker or by the act or acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them such authorised Undertaker shall forfeit and pay to the Board for the use and benefit of the Board a sum not exceeding forty pounds for every day during which such interruption shall continue :
- (5) The expense of all repairs or renewals of any apparatus of the Board or of any works in connection therewith which

**Sect. 13.**

may be rendered necessary by reason of any subsidence resulting from the works of an authorised Undertaker whether during the construction of the works or within twelve months from the completion thereof shall be borne and paid by such authorised Undertaker and such authorised Undertaker shall indemnify and hold harmless the Board from and against all claims and demands upon or against them by reason or in consequence of any such subsidence as aforesaid :

- (6) If any difference shall arise in respect to any matter under this section between an authorised Undertaker on the one hand and the Board on the other hand or between their respective engineers or concerning any plans or descriptions to be delivered to the Board under the foregoing provisions of this section the matter in difference shall be referred to and settled by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the Board of Trade and the costs of such arbitration shall be borne as the arbitrator shall direct.

Section 14 of the London (Westminster and Kensington), etc. Act, 1908, is in similar terms.

The Metropolitan Water Board are a water company within the meaning of s. 18 of the Schedule to the Electric Lighting (Clauses) Act, 1899, and the similar sections contained in the County of London Orders. See s. 18 (6) and definition of "company" in the Electric Lighting Act, 1882, s. 32, *ante*, pp. 123, 171.

See also s. 17 of the Schedule to the Electric Lighting (Clauses) Act, 1899, which is similar to the clause inserted in the County of London Orders.

For protection of gas companies.

**14.** Where in connection with the exercise of the powers of this Act by an authorised Undertaker it shall be agreed or determined by arbitration under section 18 of the Schedule to the Electric Lighting (Clauses) Act 1899 that any work is to be executed for protecting from injury any main pipe or work of any gas company or for securing access thereto it shall be lawful for the gas company upon giving to the authorised Undertaker notice in writing of their intention so to do themselves to execute such work and they shall execute the same with all reasonable despatch and under the superintendence of the authorised Undertaker and the authorised Undertaker shall upon demand pay to the gas company the costs charges and expenses reasonably incurred by the gas company in so doing.

There is no similar provision in the London (Westminster and Kensington), etc. Act, 1908.

Section 18 is set out *ante*, p. 170. The Schedule to the Electric Lighting (Clauses) Act, 1899, is not incorporated with London Orders, but certain

sections of it, including s. 18, are applied by s. 4 (3), *ante*, p. 270, to electric mains laid in streets not within the area of supply of the authorised undertakers.

**Sect. 14.**

NOTE.

**15.** In the exercise of the powers of this Act the following provisions for the protection of the London County Council shall apply and have effect (that is to say):

For protection of London County Council.

- (1) Nothing in this Act shall authorise an authorised Undertaker to break up or otherwise interfere with any park open space or embankment vested in the London County Council except so far as any part of such park open space or embankment forms part of a street or to break up alter the position of interfere with or make use of any tunnel subway or sewer so vested except with the consent in writing of the said Council and subject to such terms and conditions as they may impose (*a*):
- (2) For the purpose of section 10 of the Schedule to the Electric Lighting (Clauses) Act 1899 the consent of the Council shall be required in addition to that of the Board of Trade to the placing of any electric mains above ground within the administrative county of London under the powers of this Act (*b*):
- (3) For the purpose of section 13 of the said Schedule the said Council shall be substituted for the local authority in regard to prescribing the hours at which an authorised Undertaker may have access to boxes provided under this Act in any street repairable by the said Council (*c*):
- (4) The said Council in respect of any sewer drain watercourse defence or other work under its control or jurisdiction shall be entitled to the same protection and have the same rights powers and privileges as a local authority under section 18 of the Schedule to the Electric Lighting (Clauses) Act 1899 Provided that the said Council shall be entitled to fourteen days' notice instead of three days' notice as in that section provided (*d*):
- (5) So far as concerns the electric mains provided by an authorised Undertaker under this Act in the said county the said Council shall have the same rights powers and privileges as the Postmaster-General under section 60 of the Schedule to the Electric Lighting (Clauses) Act 1899 (*e*):
- (6) Where an authorised Undertaker desire to lay under the powers of this Act an electric main in any street in the said county under the surface of which there is a subway vested in the said Council and the said Council serve a notice upon them requiring them to lay the same in

## Sect. 15.

such subway then notwithstanding anything in any Act of Parliament contained the powers conferred by this Act with respect to the breaking up of and interfering with such street shall not be exercised by the authorised Undertaker as to such street in so far as such subway extends under the surface thereof and any electric main to which this sub-section applies shall be laid in such subway in such manner as the said Council shall direct or approve :

Where any electric main shall be so laid under the provisions of this sub-section the authorised Undertaker laying or owning the same shall pay to the said Council such reasonable rent in respect of the use of such subway as may be settled by agreement or in the case of difference by arbitration and the authorised Undertaker shall have access to such subway at all reasonable times and subject to such conditions as may be settled in like manner. The provisions of section 22 (Notice to Postmaster-General) of the London County Council (Subways) Act 1893 shall apply with regard to the use of subways by an authorised Undertaker under the provisions of this sub-section (j) :

- (7) The said Council shall for the purpose of section 14 of the Schedule to the Electric Lighting (Clauses) Act 1899 have in addition to any powers rights and privileges possessed by it under the said section the same rights powers and privileges as if they were the local authority for the said county. Provided that nothing in this sub-section shall be deemed to require the works or plans of a local authority who may be an authorised Undertaker to be approved by the said Council (g).

Section 13 of the London (Westminster and Kensington), etc. Act, 1908, is in similar terms with the omission of the proviso to sub-s. (7).

(a) As to subways in the metropolis, see *ante*, p. 217.

A clause similar to this sub-section is inserted in Provisional Orders authorising the supply of electricity in the county of London. See *ante*, p. 40.

(b) See *ante*, p. 156.

(c) See *ante*, p. 158.

(d) Section 18 contains provisions for the protection of any sewer, drain, watercourse, defence or work of any local authority near to which any new electric line or other work of any undertakers is to be laid or constructed. See *ante*, p. 170.

(e) Section 60 enables the Postmaster-General to require the undertakers to make sections showing the level of their works and to supply to him a copy of any map or section made under that section. See *ante*, p. 193.



(f) A clause similar to this sub-section is inserted in Provisional Orders authorising a supply of electricity in the county of London. See *ante*, p. 39. As to subways in the metropolis, see *ante*, p. 40.

Sect. 15.  
NOTE.

(g) Section 14 requires notice and plans to be given to the local authority of proposed works of any undertakers in, under, along or across any street, and the approval of such works and plans by the local authority. See *ante*, p. 160.

16. Notwithstanding anything in the Electric Lighting Act 1882 or in any Act of Parliament or Order confirmed by Parliament relating to or affecting any authorised Undertaker a person shall not be entitled to demand or to continue to receive from any such authorised Undertaker a supply of electricity for any premises which have also either electrical energy produced on such premises or a supply from any other source unless such person has agreed with such Undertaker to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration under the Electric Lighting Act 1882.

Supply of  
electrical  
energy to  
premises  
having  
separate  
supply.

A similar provision is now contained, with reference to all undertakers, in s. 15 of the Electric Lighting Act, 1909. See *ante*, p. 239. See also s. 6 of the London (Westminster and Kensington), etc. Act, 1908.

17.—(1) With a view to the protection of the royal palaces parks and gardens museums and other public buildings and their contents (in this and the succeeding section referred to as "the protected premises") the Commissioners of Works and their engineer or other officer duly authorised in writing under the hand of their secretary may from time to time enter upon and inspect any generating station of an authorised Undertaker and if on such inspection it appears that proper precautions are not being adopted for the due consumption of smoke and for preventing as far as reasonably practicable the evolution of oxides of sulphur and generally for the prevention of nuisance in relation to the protected premises they may (without prejudice to any other remedy) require the authorised Undertaker forthwith to carry out such works and to do such things as may be necessary in the circumstances.

For protec-  
tion of royal  
palaces,  
parks, etc.

(2) Such authorised Undertaker shall give all reasonable facilities for such inspection to the commissioners and their engineer or other officer as aforesaid.

(3) Any dispute arising between the commissioners and an authorised Undertaker in relation to any of the provisions of this section shall be referred to an arbitrator to be appointed by the

**Sect. 17.** Board of Trade and the Arbitration Act 1889 shall apply to the reference.

This section has now been enacted by the Electric Lighting Act, 1909, s. 22, with respect to all undertakers. See *ante*, p. 242, and see s. 15 of the London (Westminster and Kensington), etc. Act, 1908.

Nuisances at generating stations.

**18.** With a view to the protection of the protected premises (a) the Commissioners of Works may (without prejudice to any other remedy) proceed against an authorised Undertaker by indictment action or other proceeding for nuisance caused or permitted by such authorised Undertaker on lands used by them for generating electric energy where such nuisance is caused—

- (A) by non-consumption of smoke ;
- (B) by the reasonably preventable evolution of oxides of sulphur ;
- (C) by the use of any refuse destructor ; or
- (D) by the emission of oil or other matter in conjunction with steam.

Section 16 of the London (Westminster and Kensington), etc. Act, 1908, is in similar terms.

(a) See definition of "the protected premises" in s. 17.

As to erection, etc. of generating stations.

**19.** An authorised Undertaker shall not except with the approval of the Commissioners of Works erect any generating station or take a supply of energy from any generating station unless the site for such generating station is specified in an Act of Parliament or in an Order confirmed by or having the effect of an Act of Parliament. Provided always that this section shall not apply to any sub-station for the transformation and distribution of electrical energy or to any station which may be in existence and which shall not be extended beyond the limits of the site occupied by the buildings of such station at the time of the passing of this Act or to sites now occupied by the following stations, viz. :

The stations of the South Metropolitan Electric Light and Power Company Limited at Wells Road Sydenham and Blackwall Point (Greenwich) ;

The station of the South London Electric Supply Corporation Limited at Bengeworth Road Loughborough Junction ;

The station of the Metropolitan Electric Supply Company Limited at Amberley Road Paddington ;

The station of the London Electric Supply Corporation Limited at Deptford ;

The station of the Brompton and Kensington Electricity Supply Company Limited at Richmond Road ;

The station of the council of the metropolitan borough of Hampstead at Lithos Road Finchley Road Hampstead ;

The station of the council of the metropolitan borough of **Sect. 19**  
 Hammersmith at Fulham Palace Road Hammersmith ;  
 The station of the council of the metropolitan borough of  
 Fulham at Townmead Road Fulham ;  
 The station of the council of the metropolitan borough of  
 Islington at Eden Grove Holloway ;  
 The station of the council of the metropolitan borough of  
 Shoreditch at Whiston Street Shoreditch ;  
 The station of the council of the metropolitan borough of  
 Stepney at Blyth's Wharf Limehouse ;  
 The station of the council of the metropolitan borough of  
 Woolwich at White Hart Lane Plumstead.

*Cf.* s. 17 of the London (Westminster and Kensington), etc. Act, 1908.

Section 2 of the Electric Lighting Act, 1909, prohibits any undertakers from constructing after the passing of that Act a generating station on any land acquired by them after March 31st, 1909, without the consent of the Board of Trade, unless such construction is authorised and the land is specified in a special Act or Provisional Order, and makes provision for notice of any application for such consent being given to the local authority of the district and to owners and lessees of land situate within 300 yards of the land on which the generating station is to be constructed. See *ante*, p. 229.

Section 22, *post*, p. 284, prohibits the construction of any new generating station by an authorised undertaker within two miles from the Royal Observatory at Greenwich, and contains other provisions for the protection of the Royal Observatory.

**20.—(A)** An authorised Undertaker shall not open or break up or in any way interfere with any street or any water or gas main or pipe drain or culvert which is vested in or is under the control or management of the Commissioners of Works or which is maintained paved repaired or lighted by them or interfere with any rights privileges or powers of whatsoever nature vested in or exercisable by the Commissioners without their consent in writing which consent the Commissioners are hereby empowered to give subject to such terms and conditions as they may think fit. And without prejudice to any other remedy of the Commissioners all such works and repairs as may at any time be required by the Commissioners in order to remedy or prevent damage or interference with any such street water or gas main or pipe drain or culvert as aforesaid by reason of the works or operations or the conduct of the business of any such authorised Undertaker shall be executed by such authorised Undertaker at their own expense and to the satisfaction of the Commissioners.

For protection of streets, etc. under control of Commissioners of Works.

**(B)** Where an authorised Undertaker desire in any street (not being a street to which sub-section (A) of this section applies) to dig or sink any trench within six feet of any water main which

**Sect. 20.** is vested in or is under the control or management of or is maintained by the Commissioners they shall give notice to the Commissioners of such their desire and shall not execute such work without the consent of the Commissioners in writing and otherwise than subject to such terms and conditions as the Commissioners may think fit.

Section 18 of the London (Westminster and Kensington), etc. Act, 1908, is in similar terms.

For protec-  
tion of  
Longford  
river.

**21.** In the event of an authorised Undertaker constructing any electric main under any street which crosses the Longford river by a ford or water splash the work of construction under the river shall be carried out under the directions and to the satisfaction of the engineer for the time being of the Commissioners of Works and such electric main shall for ever thereafter be so maintained and repaired by and at the cost of such authorised Undertaker to the satisfaction of such engineer for the time being that the bed of the said river shall not in any way be injuriously affected and there shall be no interruption to the flow of the water of the said river.

For protec-  
tion of  
Admiralty  
and Royal  
Observatory.

**22.—(1)** An authorised Undertaker shall not provide or construct any new generating station within a radius of two miles from the Royal Observatory at Greenwich.

**(2)** An authorised Undertaker shall not provide construct equip or alter or use any generating station sub-station transformer station building plant machinery electric main appliance work or apparatus or use or permit to be used transmit convert or transform any electrical energy either under this Act or otherwise in such a manner as to injuriously affect in any respect whatever either by vibration or obstruction or smoke or by electric or electro-magnetic action or influence or by any means whatsoever whether similar to those enumerated or not the Royal Observatory at Greenwich or any other property at Greenwich held in connection therewith and belonging to or under the control of the Admiralty or any instrument or apparatus in or adjacent to the Observatory including the Magnetic Pavilion and used in or in connection with the Observatory or such other property or the efficient working of any such instruments.

**(3)** Neither the London Electric Supply Corporation Limited at their generating station at Deptford nor the South Metropolitan Electric Light and Power Company Limited at their station at Blackwall Point shall put down generating plant exceeding that installed in those generating stations respectively on the first day of November one thousand nine hundred and eight by more than twenty thousand kilowatts when the

## Sect. 22.

plant is working at its normal full load and in putting down any substantial addition to the generating plant within this limit the types of machinery to be used and the arrangements in the respective stations in respect of chimneys and the discharge from chimneys shall be previously submitted to and approved by a tribunal to be constituted for the purpose and to consist of one representative appointed by the said London Electric Supply Corporation Limited or the said South Metropolitan Electric Light and Power Company Limited as the case may require one representative appointed by the Admiralty and a third nominated by the President of the Royal Society. Neither the approval of such tribunal nor anything in this sub-section contained shall prejudice or restrict the rights or powers of the Admiralty under or affect the provisions of the other sub-sections of this section.

(4) This section shall be in addition to and not in abrogation of any existing right of his Majesty and the Admiralty may without prejudice to any other remedy proceed under the Admiralty Suits Act 1868 in respect of any breach of the provisions of this section and the court may in any such proceeding grant such relief by way of injunction damages or otherwise as the case may require.

(5) The provisions of this section shall as far as applicable extend to the use of electrical energy by any company local authority or other body or person receiving a supply from an authorised Undertaker. And the expression "authorised Undertaker" shall for the purposes of this section be deemed to include any authority body or person acquiring the undertaking or part of the undertaking of a supply company.

(6) The Admiralty may in their discretion dispense by writing under the hand of their secretary or assistant secretary and upon such terms and conditions as they may think fit with any of the foregoing provisions of this section that they may consider for the time being unnecessary.

(Cf. s. 19 of the London (Westminster and Kensington), etc. Act, 1908.

**23.**—(1) From and after the passing of this Act every power to purchase any undertaking or any part of any undertaking of a supply company (a) which but for this section would have been exercisable by a local authority in any part of the administrative county of London shall be and is hereby transferred to the London County Council (in this section called "the Council") and shall subject to the provisions of this section be exercisable by the Council in lieu of and in substitution for the local authority and the Council shall also be empowered to purchase all the undertakings (or parts of undertakings) in the said county of all the London Electric Supply Companies not purchaseable by a local authority (b):

As to  
purchase by  
Council.

## Sect. 23.

Provided that the Council shall give not less than three years' notice of their intention to exercise such power and that from and after such purchase all powers now vested in the London Electric Supply Companies in regard to the undertakings (or parts of undertakings) so purchased shall vest in and be exercisable by the Council in lieu of and in substitution for the said Companies and shall cease to be exercisable by the said Companies.

(2) The Council shall not give notice of their intention to purchase nor shall they purchase the undertaking or any part of the undertaking of a supply company unless they shall at the same time give notice of their intention to purchase and shall purchase upon the terms hereinafter defined all the undertakings or parts of undertakings of all the London Electric Supply Companies which the Council are in pursuance of this section empowered to purchase Provided that this sub-section shall not apply in respect of any part of the undertaking of the Metropolitan Electric Supply Company which may not in pursuance of this section be purchasable by the Council upon the terms specified in section 2 of the Electric Lighting Act 1888.

(3) The undertakings of the several London Electric Supply Companies within the county including any lands buildings works materials and plant provided or constructed under the powers of this Act shall if purchased by the Council be paid for upon the terms specified in section 2 of the Electric Lighting Act 1888 (c) Provided that if the Council give notice for purchase at the twenty-sixth day of August one thousand nine hundred and thirty-one—

(A) that part of the undertaking of the Charing Cross West End and City Electricity Supply Company Limited which is authorised by the City of London Electric Lighting Order 1899 shall be purchased only upon the terms set forth in the said Order ; and

(B) the City of London Electric Lighting Company Limited shall be entitled to such additional compensation as may be agreed upon or as may in default of agreement be determined by arbitration for loss of net profits which might have been made by that Company between the said twenty-sixth day of August one thousand nine hundred and thirty-one and the eighteenth day of August one thousand nine hundred and thirty-two.

(4) The Council shall not be under any obligation to purchase so much of the undertaking of the Metropolitan Electric Supply Company Limited in the said county as is not purchasable by a local authority except such lands buildings works materials and plant as shall have been provided or constructed by that Company

under the powers of this Act but the Council may if they think fit purchase so much of the undertaking as aforesaid on such terms if not agreed upon as an arbitrator may think reasonable. Sect. 23.

(5) The date at which the Council may proceed to purchase the undertakings of the London Electric Supply Companies in pursuance of any such notice as aforesaid shall be the twenty-sixth day of August one thousand nine hundred and thirty-one and if the Council shall not have served notice as aforesaid for purchase at that date they may upon giving notice as aforesaid purchase such undertakings at the expiration of any subsequent period of ten years.

(6) After the passing of this Act the undertakings (except undertakings or parts of undertakings used wholly for the supply of electricity outside the administrative county of London) of the London Electric Supply Companies shall cease to be purchaseable otherwise than in accordance with the provisions of this section (d).

(a) The rights of purchase are given by s. 2 of the Electric Lighting Act, 1888, and in some cases by special provisions in the Orders. See *ante*, p. 135.

"A supply company" only includes each of the companies named in the First Schedule to the Act, but this section and also ss. 24—27 are applied by the London Electric Supply Act, 1910, to the remaining companies supplying electricity in London which are named in the Schedule to that Act. See *post*, p. 304.

(b) Portions of the undertakings of certain of the supply companies were not purchaseable by the local authority under s. 2 of the Electric Lighting Act, 1888.

(c) *Ante*, p. 135.

(d) See, however, ss. 28 and 29, *post*, preserving certain rights of purchase vested in the corporation of the city of London and the Camberwell and Lambeth Borough Councils.

**24.** From and after the date when the Council gives notice to purchase the undertaking of a supply company it shall not be lawful for that company except with the consent of the Board of Trade to increase its charges for a general supply as defined in the Schedule to the Electric Lighting (Clauses) Act 1899 If at any time after the aforesaid date the company makes any higher charge for electricity supplied to any consumer under agreement than had been charged for a similar supply under similar conditions during the period of twelve months immediately preceding that date the consumer affected may appeal to the Board of Trade who if they consider that the increase is unreasonable may make an

Restrictions  
as to  
increasing  
charges after  
notice to  
purchase.

**Sect. 24.** order requiring the company to reduce the charge accordingly and any such order shall be binding on the company.

"General supply," as defined by s. 1 of the Schedule to the Electric Lighting (Clauses) Act, 1899, means "the general supply of energy to ordinary consumers, and includes, unless otherwise specially agreed with the local authority, the general supply of energy to the public lamps, where the local authority are not themselves the undertakers, but shall not include the supply of energy to any one or more particular consumers under special agreement."

Purchase money may be payable partly in stock.

**25.** The London County Council may discharge any part not exceeding three-fourths of the sum (hereinafter referred to as "purchase money") payable to a supply company in respect of such purchase by the issue to the company of such an amount of London County stock as shall be agreed upon or determined in manner hereinafter provided to be equivalent in value to the part of such purchase money in respect of which such stock is issued and if any difference shall arise between the Council and the company as to the amount of stock which is so equivalent in value such difference shall failing agreement be determined by the governor of the Bank of England or by some suitable person to be nominated by him. Provided that the Council may by agreement with a supply company discharge the whole or any part of the sum payable to such company by the issue of such stock.

Advances to Companies by Council.

**26.** From and after the date when the London County Council shall give notice under the provisions of this Act for the purchase of the undertakings of the London Electric Supply Companies the Council shall if so required by a supply company advance by way of loan to such company all such sums of money as the company shall reasonably require to expend thereafter on capital account for the purpose of developing or carrying on the undertaking or undertakings the subject of such notice. Provided that—

(A) the company so requiring an advance (hereinafter in this section called "the company") shall give to the Council six months' notice in writing of the amount of the advance so required together with a general statement of the purposes for which the same is required and if the Council object to make such advance they shall within one month after the receipt of such notice give to the company notice in writing stating their objection thereto and the grounds of such objection and thereupon the Board of Trade shall determine whether any and if so what moneys ought reasonably to be expended by



**Sect. 26.**

the company on capital account for the purposes aforesaid and shall certify their determination in writing under the hand of an assistant secretary of the Board and in any such certificate the Board may if they think fit specify the objects to which any such moneys may be applied;

- (b) if the Council do not within the time aforesaid object to make the advance required by the company or if the Board of Trade certify that any moneys ought to be expended by the company as aforesaid the Council shall upon the expiration of the notice by the company requiring the advance or within five months after the certificate of the Board of Trade as the case may be advance to the company the amount so required or certified and until such advance shall have been made the amount thereof shall be deemed to be a debt due from the Council to the company and may be recovered by the company from the Council accordingly;

Provided that any supply company requiring the Council to advance money under this section shall satisfy the Council that any money so advanced will be or has been properly expended for the purposes for which the same was advanced;

- (c) the company shall pay to the Council interest at such rate as in default of agreement the Treasury may determine upon every sum so advanced to the company by the Council and such interest shall be a charge upon and shall be payable out of the profits of the undertaking of the company purchaseable by the Council immediately after the payment of interest upon all mortgages debentures and debenture stock created or issued by the company prior to the date of the advance of such sum and upon the completion of the purchase by the Council of any part of the undertaking of the company all sums of money advanced by the Council to the company under the provisions of this section shall be a charge upon and shall be repayable to the Council out of the purchase money next after the payment of all principal and interest due upon all mortgages debentures and debenture stock created or issued by the company at the time of such sums being advanced;
- (d) the Council shall not be obliged to advance any sum to a company under this section unless they are satisfied that there is adequate security for the repayment to them of the sum to be advanced and for the payment of the interest thereon;

**Sect. 26.**

(E) it shall be lawful for the Council and any of the London Electric Supply Companies to enter into and carry into effect any agreement or agreements with regard to matters dealt with in this section and any such agreement may contain any provision for the repayment to the Council of any sum which they may advance to a supply company in pursuance of this section notwithstanding the provisions contained in this section.

Expenditure  
by London  
County  
Council.

**27.** The London County Council may expend such money as may be necessary for the purpose of any purchase or loan under this Act and for defraying any capital expenditure in connection with any undertaking (or part of an undertaking) which it may purchase as aforesaid and in order to raise or provide the money required for those purposes the Council may create and issue consolidated stock or resort to the consolidated loans fund or otherwise raise money in accordance in each case with the provisions of the Acts for the time being in force regulating the raising of money for capital purposes by the Council.

All costs and expenses of the Council in connection with any undertaking (or part of an undertaking) which it may purchase as aforesaid shall be defrayed as payments for general county purposes within the meaning of the Local Government Act, 1888.

Saving rights  
of Corpora-  
tion of  
London and  
Camberwell  
Borough  
Council as to  
purchase.

**28.** Nothing contained in the section of this Act of which the marginal note is "As to purchase by Council" (a) shall be deemed to take away any right which the mayor aldermen and commons of the city of London may have of purchasing the city undertakings of the Charing Cross West End and City Electricity Supply Company Limited and the City of London Electric Lighting Company Limited upon the terms of the respective Orders (b) relating to those two Companies applicable to those undertakings respectively or the right of the metropolitan borough council of Camberwell to purchase the undertaking of the County of London Electric Supply Company Limited authorised by the Camberwell Electric Lighting Order 1896 (c) upon the terms specified in that Order :

Provided that if any such right shall not have been exercised previously to the twenty-sixth day of August one thousand nine hundred and twenty-seven the same shall then cease to be exercisable.

(a) *I.e.*, s. 23, *ante*, p. 285.

(b) These are the City of London Electric Lighting Orders, 1890 and 1891, respectively confirmed by the Electric Lighting Orders Confirmation (No. 15) Act, 1890, and the Electric Lighting Orders Confirmation (No. 10)

Act, 1891, relating to the City of London Electric Lighting Co., Limited, and the City of London (Charing Cross and Strand Electricity Supply Corporation) Electric Lighting Order, 1899, confirmed by the Electric Lighting Order Confirmation (No. 20) Act, 1899 (62 & 63 Vict. c. cclxxv), relating to the Charing Cross, West End and City Electricity Supply Co., Limited.

(c) Confirmed by the Electric Lighting Orders Confirmation (No. 5) Act, 1896 (59 & 60 Vict. c. cxix).

**Sect. 28.****NOTE.**

**29.** Nothing contained in the section of this Act of which the marginal note is "As to purchase by Council" (a) shall be deemed to take away any of the rights of the metropolitan borough council of Lambeth (A) in relation to the re-purchase or otherwise of the undertaking of the South London Electric Supply Corporation Limited under an indenture made between the vestry of the parish of Lambeth and the South London Electric Supply Corporation Limited on the sixteenth day of March one thousand eight hundred and ninety-seven and approved by the Board of Trade on the eighteenth day of March one thousand eight hundred and ninety-seven whereby the Provisional Order granted by the Board of Trade to the vestry of the parish of Lambeth in 1892 was transferred to the South London Electric Supply Corporation Limited subject as in the said indenture provided and subject to the options of re-purchase therein reserved to the said vestry of the parish of Lambeth and (B) under an agreement made the eighth day of October one thousand nine hundred and seven between the metropolitan borough council of Lambeth and the South London Electric Supply Corporation Limited but if the metropolitan borough council of Lambeth shall not exercise such rights of purchase at or before the expiration of the year one thousand nine hundred and twenty-eight then the London County Council shall be empowered to purchase the undertaking of the South London Electric Supply Corporation Limited in common with and upon the like terms and conditions as the undertakings of the other London Electric Supply Companies and upon any such purchase by the Council taking place all the powers of the Company in connection with the said undertaking shall vest in the Council in lieu of and in substitution for the said Company and shall cease to be exercisable by the Company.

Saving rights of Lambeth Borough Council as to purchase.

(a) *I.e.*, s. 23, *ante*, p. 285.

**30.** The rights and benefits conferred upon the metropolitan borough council of Lambeth on the one hand and the Charing Cross West End and City Electricity Supply Company Limited and the County of London Electric Supply Company Limited respectively on the other hand under the agreements of which short particulars

Saving for metropolitan borough council of Lambeth

**Sect. 30.** are set forth in the Second Schedule to this Act shall remain and be unaffected by this Act.

Saving rights  
of Duchy of  
Cornwall.

**31.** Nothing contained in this Act shall extend to authorise the authorised Undertakers or any of them to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to His Majesty in right of the Duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said Duchy or belonging to the Duke of Cornwall for the time being without the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by His Majesty in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

Copy of  
Act to be  
registered.

**32.** Each of the London Electric Supply Companies shall deliver to the registrar of joint stock companies a printed copy of this Act and he shall retain and place such copy of the Act on the file of that company and if such copy is not so delivered within three months from the passing of this Act any company failing to deliver such copy shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of such company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

On such copy being filed there shall be paid to the registrar by the London Electric Supply Company in respect of which such copy is filed the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

## THE SCHEDULES REFERRED TO IN THE FOREGOING ACT.

## THE FIRST SCHEDULE.

## NAMES OF LONDON ELECTRIC SUPPLY COMPANIES.

The Brompton and Kensington Electricity Supply Company Limited.

The Charing Cross West End and City Electricity Supply Company Limited.

The Chelsea Electricity Supply Company Limited.

The City of London Electric Lighting Company Limited.

The County of London Electric Supply Company Limited.

The London Electric Supply Corporation Limited.

The Metropolitan Electric Supply Company Limited.

The South London Electric Supply Corporation Limited.

The South Metropolitan Electric Light and Power Company Limited.

## THE SECOND SCHEDULE.

Dates.	Parties.
2nd August 1895 -	The vestry of the parish of Lambeth and the Charing Cross and Strand Electricity Supply Corporation Limited.
13th December 1897 -	The vestry of the parish of Lambeth and the County of London and Brush Provincial Electric Lighting Company Limited.
17th May 1899 -	The vestry of the parish of Lambeth and the Charing Cross and Strand Electricity Supply Corporation Limited.

LONDON (WESTMINSTER AND KENSINGTON)  
ELECTRIC SUPPLY COMPANIES' ACT, 1908.

(8 EDW. 7, c. CLXVIII.)

*An Act to confer further powers upon the Kensington and Knightsbridge Electric Lighting Company Limited the Notting Hill Electric Lighting Company Limited the Saint James' and Pall Mall Electric Light Company Limited the Westminster Electric Supply Corporation Limited and the Central Electric Supply Company Limited with respect to the supply of electrical energy and for other purposes (a).* [21st December 1908.]

WHEREAS the Kensington and Knightsbridge Electric Lighting Company Limited the Notting Hill Electric Lighting Company Limited the Saint James' and Pall Mall Electric Light Company Limited and the Westminster Electric Supply Corporation Limited are companies established under the Companies Acts 1862 to 1907 each of them having powers for the supply of electrical energy within an area of supply in the administrative county of London :

And whereas the said powers were conferred upon the said companies by Provisional Orders made under the Electric Lighting Acts 1882 and 1888 and confirmed by Parliament and by various special Acts relating to or affecting the said companies or some of them :

And whereas the Central Electric Supply Company Limited was established under the Companies Acts 1862 to 1907 and authorised by the Central Electric Supply Company's Act 1899 to construct a generating station and to supply electrical energy to the Saint James' and Pall Mall Electric Light Company Limited and the Westminster Electric Supply Corporation Limited :

And whereas it is expedient and to the advantage of the users of electrical energy that the said companies including the Central Electric Supply Company Limited should obtain the powers hereinafter contained so as to be enabled to exercise the powers which have already been conferred upon them with more efficiency and economy :

(a) This Act confers upon the companies mentioned in it powers similar to those conferred upon the remaining authorised undertakers in the county of London by the London Electric Supply Act, 1908, *ante*, pp. 296 *et seq.* Reference should be made to the notes on the sections of the latter Act. Some of the powers of the London Electric Supply Act, 1908, are conferred upon the companies mentioned in the above Act, which are therein described as the "specified companies." See London Electric Supply Act, 1908, ss. 2—4.

And whereas the purposes of this Act cannot be effected without the authority of Parliament: **Preamble.**

May it therefore please your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

1. This Act may be cited as the London (Westminster and Kensington) Electric Supply Companies' Act 1908. **Short title.**

2. The several words and expressions to which by the Electric Lighting Acts and the Provisional Orders meanings are assigned shall have in this Act unless there is something in the subject or context repugnant to such construction the same respective meanings as are assigned to them in the Electric Lighting Acts and the Provisional Orders: **Interpretation.**

The expression "the companies" means the Kensington and Knightsbridge Electric Lighting Company Limited the Notting Hill Electric Lighting Company Limited the Saint James' and Pall Mall Electric Light Company Limited the Westminster Electric Supply Corporation Limited and the Central Electric Supply Company Limited or any of them;

The expression "a company" means and includes each one of the companies;

The expression "the Companies' Acts and Orders" means—

(1) "the Companies' Acts" meaning as regards the Kensington and Knightsbridge Electric Lighting Company Limited the Kensington Knightsbridge and Chelsea Electric Lighting Act 1893 and the Kensington and Notting Hill Electric Lighting Companies Act 1899 as regards the Notting Hill Electric Lighting Company Limited the Kensington and Notting Hill Electric Lighting Companies Act 1899 and the Notting Hill Electric Lighting Act 1901 as regards the Saint James' and Pall Mall Electric Light Company Limited the Saint James' and Pall Mall Electric Light Company's Act 1899 and as regards the Central Electric Supply Company Limited the Central Electric Supply Company's Act 1899 and the Central Electric Supply Company's Act 1905;

(2) "the Provisional Orders" meaning as regards the Kensington and Knightsbridge Electric Lighting Company Limited the Kensington and Knightsbridge Electric Lighting Order 1889 as regards the Notting Hill Electric Lighting Company Limited the Notting Hill Electric

**Sect. 2.**

Lighting Order 1889 and the Notting Hill Electric Lighting Order 1895 as regards the Saint James' and Pall Mall Electric Light Company Limited the Saint James' Electric Lighting Order 1890 and as regards the Westminster Electric Supply Corporation Limited the Westminster Electric Lighting Order 1889 and the Westminster Electric Lighting Order 1891 ;

The expression "Electric Lighting Acts" means the Electric Lighting Acts 1882 and 1888 ;

The expression "area of supply" means the area within which the companies are respectively authorised to supply electrical energy ;

The expression "electric main" means a wire or wires conductor or other means used for the purpose of conveying or transmitting electrical energy and includes any casing coating covering tube pipe trough or insulator enclosing surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying or transmitting electrical energy.

Authorising  
agreements  
between  
companies  
for mutual  
assistance.

**3.**—(1) It shall be lawful for the companies or any two or more of them with the approval of the Board of Trade to enter into and carry into effect any agreement or agreements for mutual assistance or for association with each other in regard to the following purposes, viz. :

The giving and taking of a supply of electrical energy and the distribution and supply of electrical energy so taken ;

The management and working of the generating stations or of any part or parts of the several undertakings of the contracting companies ;

The appropriation and division of receipts arising under and the provision of capital required for carrying into effect any such agreements ;

Any matters or things incidental to or connected with any of the purposes aforesaid :

Except in so far as is provided by this section the companies entering into such agreement shall remain and be subject to all and the same obligations and liabilities to all persons not being parties to such agreement as they would have been subject to if such agreement had not been entered into.

(2) The companies when submitting to the Board of Trade any proposals for an agreement under this section shall furnish particulars of such proposals to the local authority concerned who shall be entitled to make representations to and be heard by the



said Board thereon before the agreement embodying such proposals is approved by the said Board. Provided that in the event of the London County Council being constituted the authority to purchase the undertakings of the companies the said council shall be deemed to be substituted for the local authority for the purpose of this sub-section.

**Sect. 3.**

See notes to s. 3 of the London Electric Supply Act, 1908, *ante*, p. 269.

The London County Council were constituted the authority to purchase the undertakings of the companies by the London Electric Supply Act, 1910, *post*, p. 304.

4.—(1) A company for the purpose of carrying into effect any agreement for the giving or taking of a supply of electrical energy may by means of electric mains make a connection between the generating station or area of supply of one company party to the agreement and the generating station or area of supply of any other company party to the agreement. Power to lay connecting mains.

(2) A company may also by means of electric mains make a connection between any two or more areas which that company is authorised to supply or between any such area and a generating station of that company.

(3) In relation to any such electric mains as aforesaid a company—

(A) with respect to streets in any area which they are authorised to supply shall have the powers and be subject to the provisions of the Acts and Orders relating to their powers of supply in that area; and

(B) with respect to streets not within any area which they are authorised to supply shall have the powers and be subject to the provisions of the Electric Lighting Act 1882 and of sections 10 to 20 60 to 62 69 to 73 76 77 and 79 to 82 of the Schedule to the Electric Lighting (Clauses) Act 1899 and those provisions so far as applicable but subject to the provisions of this section shall be incorporated with this Act and shall have effect and the company laying the mains shall be deemed to be the undertakers.

(4) Any electric main laid under the powers of this section shall be laid in such line or route and in a trench of such dimensions and in such a position as may be agreed between the company laying such main and the local authority of the district through which such main is to be laid or as failing agreement shall be settled by an arbitrator to be appointed by the Board of Trade and where any local authority object to any proposed line or route on the ground that it would traverse the principal thoroughfares or busy streets of the area over which they have

**Sect. 4.**

jurisdiction and indicate an alternative route or deviation which in the opinion of the arbitrator is both reasonably practicable and does not involve undue increase of expenditure such alternative route or deviation shall be adopted :

The reasonable and proper costs charges and expenses incurred by any local authority in relation to any arbitration under this sub-section shall unless the arbitrator shall certify that the action of the local authority in the matter has been unreasonable be paid by the company laying or seeking to lay the main in regard to which the arbitration took place :

Provided that nothing in this section contained shall take away or prejudicially affect the rights of the Postmaster-General under section 14 of the Schedule to the Electric Lighting (Clauses) Act 1899 incorporated herewith and the provisions of that section shall apply in respect of such alternative route or deviation :

The provisions of this sub-section shall extend and apply to the London County Council as if they were a local authority.

(5) An electric main laid under the provisions of this section shall not be used for supplying electrical energy except within an area of supply of the company to whom it belongs or to a company under an agreement made in accordance with the provisions of this Act.

(6) The map which a company exercising the powers of this section are required to make in accordance with section 60 of the Schedule to the Electric Lighting (Clauses) Act 1899 shall be a map or maps of so much of the districts traversed by any main laid under the powers of this section as may be necessary to show the course of such main and such map shall show the lines of all electric mains and shall indicate by distinctive colouring the boundaries of the area of supply of any other undertakers into or through which the mains are laid.

See note to s. 4 of the London Electric Supply Act, 1908 (*ante*, p. 271), and the case of *Corporation of London v. County of London Electric Supply Co., Limited*, [1910] 2 Ch. 208, there cited.

Provisions as to compulsory purchase of bulk supply mains.

**5.** Where any electric mains or other works as aforesaid are laid or constructed under the provisions of this Act by a company outside its area of supply such mains or works shall be marked in a distinctive manner so as to distinguish them from other mains or works and shall not be liable to be purchased by the local authority in whose district such mains or works shall be situate but such mains and works shall be deemed to be part of the undertaking of such company and shall be purchased along with such undertaking as if such mains and works had been

within the district of the local authority entitled to purchase the undertaking of such company. Sect. 5.

The London Electric Supply Act, 1908, contains no section similar to the above.

6. [*This section is in the same terms as s. 7 of the London Electric Supply Act, 1908, (ante, p. 272), substituting "company" for "authorised Undertaker."*]

Supply of electrical energy for power purposes.

7. For the protection of the city of Westminster (in this section called "the city") and of the council of the city (hereinafter referred to as "the city council") the following provisions shall notwithstanding anything in this Act contained apply and have effect :

For protection of Westminster City Council.

- (1) The city council shall not be compelled to purchase any mains or other works laid or constructed under the provisions of this Act by any company or the companies for the purpose of supplying electrical energy to any company over whose undertaking or over part of whose undertaking the city council has not the right of purchase at the date of the passing of this Act :
- (2) In fixing the value of the undertaking of any of the companies purchaseable by the city council no regard shall be had to any loss occasioned by the severance from such undertaking of any mains or works laid or constructed under the provisions of this Act which the city council shall not by reason of the preceding subsection be compelled to purchase and no sum shall be assessed in respect of the severance of such mains or works or in respect of the right to supply electrical energy by means of such mains or works.

See now the London Electric Supply Act, 1910, *post*, p. 304, applying to the companies ss. 23—27 of the London Electric Supply Act, 1908 (*ante*, pp. 285 *et seq.*).

8. [*This section is in the same terms as s. 16 of the London Electric Supply Act, 1908 (ante, p. 281).*]

Supply of electrical energy to premises

See now s. 15 of the Electric Lighting Act, 1909, applicable to all authorised undertakers, *ante*, p. 239.

having separate supply.

9. [*This section is in the same terms as s. 8 of the London Electric Supply Act, 1908 (ante, p. 274), with the substitution of "each of the companies" for "any authorised Undertaker," the omission of the proviso to s. 8 (1), and the insertion of the following sub-section :*]

Supply of electrical energy for haulage traction, etc.

**Sect. 9.**

(4) For the purposes of this section the London Hydraulic Power Company shall be deemed to be a company owning water-works.

Certification  
of meters.

**10.** From and after the passing of this Act—

The sections in the Provisional Orders of which the marginal note is "Meters to be used except by agreement" shall be read as if the words "and fixed and connected with the service lines in some manner approved by the Board of Trade" were added at the ends of such sections :

The sections of the Provisional Orders of which the marginal note is "Meter to be certified" shall be read as if the words "and to have been fixed and to have been connected with the service lines in some manner" and the words "or where any such meter is unfixed or disconnected from the service lines" were omitted therefrom and the same sections shall be read as if for the words "to be a correct meter" there were substituted the words "to be a meter capable of ascertaining the value of the supply within such limits of error as may as respects meters of the class to which the meter belongs be allowed by the Board of Trade" :

The sections of the Provisional Orders of which the marginal note is "Fees for certifying meters" shall be read and construed as if at the ends of such sections there were added the words "and the inspector shall on the like requisition and payment examine the manner in which any such meter has been fixed and connected with the service lines and shall certify that it has been fixed and connected with the service lines in some manner approved by the Board of Trade if he considers that it is entitled to be so certified."

So much of the Provisional Orders as requires that in order that a meter may be considered to be duly certified it must be certified to have been fixed and to have been connected with the service lines in some manner approved by the Board of Trade shall cease to have effect but every duly certified meter provided or used by a company must be fixed and connected with the service lines in some manner approved by the Board of Trade and an electrical inspector on being required to do so by the undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine the manner in which any such meter has been fixed and connected with any service lines and shall certify that the meter has been fixed and connected with the service lines in some manner approved by

the Board of Trade if he considers it to be entitled to be so certified. **Sect. 10.**

A meter provided or used by a company shall be certified to be a correct meter within the meaning of the Provisional Orders if it is capable of ascertaining the value of the supply within such limits of error as may as respects meters of the class to which the meter belongs be allowed by the Board of Trade.

See s. 11 and the Second Schedule of the Electric Lighting Act, 1909, *ante*, pp. 238, 246, which now take the place of the above section.

**11.** If the Board of Trade or the London County Council or the councils of the metropolitan boroughs or any of them shall introduce a Bill into Parliament of which the object is to confer on such councils or some of them such rights of mutual assistance or association as are by this Act conferred upon the companies the companies or any of them shall not oppose such application except in so far as may be necessary in order to secure the insertion in any such Bill of clauses and amendments to protect their interests and for that purpose the companies shall be at liberty to petition jointly or severally either or both Houses of Parliament and to appear on such petition or petitions by counsel agents and witnesses if they or any of them think fit so to do it being the intention of this section that the restriction which is hereby imposed upon the companies shall extend only to the proposal to confer on such councils the rights aforesaid and not to the terms and conditions which are to be enacted in connection therewith.

Such powers were conferred on the metropolitan borough councils by the London Electric Supply Act, 1908, *ante*, pp. 266 *et seq.*

**12.** [This section prohibited the companies from opposing (except on details) any Bill to constitute the London County Council the purchasing authority in respect of the undertakings of the companies. Such a Bill was introduced in the session of 1910, and became the London Electric Supply Act, 1910. See *post*, p. 304.]

**13.** [This section is in the same terms as s. 15 of the London Electric Supply Act, 1908 (*ante*, p. 279), with the substitution of "company" for "authorised Undertaker," and the omission of the proviso to sub-s. (1) of s. 15.]

**14.** [This section is in the same terms as s. 13 of the London Electric Supply Act, 1908 (*ante*, p. 276), with the substitution of "company" for "authorised Undertaker."]

As to undertakings of borough councils.

For protection of London County Council.

For protection of Metropolitan Water Board.

**Sect. 15.**

For protec-  
tion of Royal  
palaces,  
parks, etc.

**15.** [*This section is in similar terms to s. 17 of the London Electric Supply Act, 1908 (ante, p. 281), but with the addition of the following sub-section:*]

(4) Provided always that this section shall not apply to the station of the Westminster Electric Supply Corporation Limited at Horseferry Road in the city of Westminster.

Nuisances at  
generating  
stations.

**16.** [*This section is in similar terms to s. 18 of the London Electric Supply Act, 1908 (ante, p. 282).*]

As to erec-  
tion, etc. of  
generating  
stations.

**17.** A company shall not except with the approval of the Commissioners of Works erect any generating station or take a supply of energy from any generating station unless the site for such generating station is specified in an Act of Parliament or in an Order confirmed by or having the effect of an Act of Parliament. Provided always that this section shall not apply to any sub-station for the transformation and distribution of electrical energy or to any station which may be in existence and which shall not be extended beyond the limits of the site occupied by the buildings of such station at the time of the passing of this Act. Provided further that for the purposes of this section the station of the Westminster Electric Supply Corporation Limited at Horseferry Road in the city of Westminster shall be deemed to be a station in existence at the passing of this Act and that this section shall not apply to the sites now occupied by the following stations (that is to say):

The station of the Kensington and Knightsbridge Electric Lighting Company Limited at Kensington Court;

The station of the Westminster Electric Supply Corporation Limited at Davies Street Oxford Street;

The station of the Saint James' and Pall Mall Electric Light Company Limited at Mason's Yard Saint James'.

*Cf. s. 19 of the London Electric Supply Act, 1908, and notes thereto, ante, pp. 282, 283.*

For protec-  
tion of  
streets, etc.  
under control  
of Commis-  
sioners of  
Works.

**18.** [*This section is in similar terms to s. 20 of the London Electric Supply Act, 1908 (ante, p. 283).*]

For protec-  
tion of Royal  
Observatory,  
Greenwich.

**19.** If the Admiralty are of opinion that the generation or use of electrical energy under or for the purposes of this Act by the companies injuriously affects or is likely injuriously to affect any instrument or apparatus in or adjacent to the Royal Observatory at Greenwich including the magnetic pavilion or the efficient working of such instrument or apparatus the Admiralty may after such inspection and inquiry as they think proper require that the companies shall use such precautions including insulated returns

as the Admiralty may deem necessary for the prevention of such injurious affection and the companies shall forthwith comply with such requisition. For the purpose of this section any person authorised in writing by the Admiralty shall have access at all reasonable times to the works and apparatus of the companies who shall give all due facilities for the inspection. Provided always that in the event of any instrument or apparatus hereafter used in the said Observatory which may be of a different character and of materially greater delicacy than those used therein at the passing of this Act the Admiralty shall consider and may in their discretion determine to what extent the powers of this section should be exercised regard being had to the interests of the public as well as to the purposes of the instruments or apparatus as the case may be. The Admiralty Suits Act 1868 shall apply for the purposes of proceedings in regard to any breach of the provisions of this section or for injurious affection of the said Observatory or instruments or apparatus.

**Sect. 19.**

*Cf. s. 22 of the London Electric Supply Act, 1908, ante, p. 284.*

**20.** Nothing in this Act affects prejudicially any estate right Crown rights, power privilege or exemption of the Crown and in particular nothing herein contained authorises the companies to take use or in any manner interfere with any land or hereditaments (including the subsoil and under surface of any street road or footway) or any rights of whatsoever description belonging to His Majesty in right of his Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent the said commissioners are hereby authorised to give).

**21.** [*This section is in similar terms to s. 32 of the London Electric Supply Act, 1908 (ante, p. 292).*]

Copy of  
Act to be  
registered.

**22.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the companies.

Costs of Act.

## LONDON ELECTRIC SUPPLY ACT, 1910.

(10 EDW. 7 &amp; 1 GEO. 5, c. cxl.)

*An Act to constitute the London County Council the purchasing authority in respect of the undertakings of certain Electric Lighting Companies in London to which the London Electric Supply Act, 1908, does not apply, and for purposes incidental thereto.*  
[28th November 1910.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Extension of  
8 Edw. 7,  
c. clxvii,  
ss. 23 to 27,  
to scheduled  
companies.

1.—(1) Sections twenty-three to twenty-seven, both inclusive, of the London Electric Supply Act, 1908 (*a*) (which constitute the London County Council the purchasing authority of the undertakings of certain electric lighting companies, or of so much of such undertakings as is within the administrative county of London), shall apply to the companies mentioned in the Schedule to this Act as if those companies were included in the expression "London electric supply companies," wherever used in those sections, and each of those companies were included in the expression "a supply company," wherever so used, and for the purpose of those sections the undertakings of those companies shall include any lands, buildings, works, materials, and plant provided or constructed under the powers of the London (Westminster and Kensington) Electric Supply Companies Act, 1908.

(2) Each of the companies mentioned in the Schedule to this Act shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act in manner provided by section thirty-two of the London Electric Supply Act, 1908 (*b*), and that section shall apply accordingly as if herein re-enacted and in terms made applicable to this Act and to the companies mentioned in the Schedule to this Act.

(*a*) See *ante*, pp. 285 *et seq.*

(*b*) See *ante*, p. 292.

Short title.

2. This Act may be cited as the London Electric Supply Act, 1910.

## SCHEDULE.

## COMPANIES TO WHICH THE ACT APPLIES.

The Kensington and Knightsbridge Electric Lighting Company, Limited.

The Notting Hill Electric Lighting Company, Limited.

The St. James's and Pall Mall Electric Light Company, Limited.

The Westminster Electric Supply Corporation, Limited.

The Central Electric Supply Company, Limited.



## FORMS OF PROVISIONAL ORDER, POWER ACT, ETC.

	PAGE
Form of Provisional Order under the Electric Lighting Acts... ..	305
Special Clauses sometimes inserted in a Provisional Order or Confirmation Act ... ..	309
Form of Electric Power Act (Somerset and District Electric Power Act, 1903) ... ..	314
Special Clauses sometimes inserted in an Electric Power Act... ..	337
Form of Consent by the Board of Trade to the Construction of a Generating Station ... ..	339
Form of Consent by the Board of Trade to the Supply to Premises outside the Area of Supply ... ..	340

### FORM OF PROVISIONAL ORDER

#### UNDER SECTION 4 OF THE ELECTRIC LIGHTING ACT, 1882.

#### PROVISIONAL ORDER.

(SESSION .)

GRANTED BY THE BOARD OF TRADE UNDER THE ELECTRIC LIGHTING ACTS, 1882 TO 1909, TO *(name of undertakers)* IN RESPECT OF *(name of borough or district in which the area of supply is situated)*.

1. This Order may be cited as the                      Electric Lighting Short title.  
Order, 19 .

2. The provisions contained in the Schedule to the Electric Incorporation of the  
Lighting (Clauses) Act, 1899 (with the exception of sections 83                      Electric  
and 84 of that Schedule †), are incorporated with and form part                      Lighting  
of this Order.                      (Clauses) Act,  
1899.

3. The undertakers for the purposes of this Order and within Undertakers.  
the meaning of section 2 of the Schedule to the Electric Lighting  
(Clauses) Act, 1899, are the ‡ .

---

† In Scotch Orders s. 84 only, in Irish Orders s. 83 only, must be excepted.

‡ A company registered under the Companies Acts should be so described, and the address of the registered office should be added.

- Clause 4.** **4.** The area of supply for the purposes of this Order and within the meaning of section 4 of the Schedule to the Electric Lighting (Clauses) Act, 1899, shall be the area which is described in the First Schedule to this Order, and is more particularly delineated on the map deposited together with this Order at the Board of Trade by the undertakers, and signed by an assistant secretary to the Board of Trade.
- Area of supply.**
- Power to break up streets, etc.** **§5.** Subject to the provisions incorporated with this Order, the undertakers are specially authorised by this Order to break up the streets not repairable by the local authority which are mentioned in the Second Schedule to this Order, and the railways and tramways which are also mentioned in that Schedule.
- Compulsory works.** **6.** The streets and parts of streets throughout which the undertakers are to lay down suitable and sufficient distributing mains for the purposes of general supply within a period of two years after the commencement of this Order, as mentioned in section 21 of the Schedule to the Electric Lighting (Clauses) Act, 1899, are those mentioned in the Third Schedule to this Order.
- Maximum prices.** **7.** The maximum prices which may be charged by the undertakers as mentioned in section 32 of the Schedule to the Electric Lighting (Clauses) Act, 1899, are those stated in the Fourth Schedule to this Order.
- Deposit.** **§8.** The sum to be deposited or secured in pursuance of section 5 of the Schedule to the Electric Lighting (Clauses) Act, 1899, is           pounds.
- Commencement of Order.** **9.** This Order shall come into force upon the day when the Act confirming this Order is passed, and that day, for the purposes of the Electric Lighting (Clauses) Act, 1899, shall be the commencement of this Order.
- [N.B.—Where an Order is granted to a company or person having overhead wires already installed, a clause will be inserted providing for their removal except in special circumstances.]*

§ Sees. 12 of the Schedule to the Electric Lighting (Clauses) Act, 1899.

|| This provision is not required in the case of an Order granted to a local authority.

SCHEDULES.  

---

FIRST SCHEDULE.  

---

\*Area of supply—

---

## SECOND SCHEDULE.

Lists of streets not repairable by the local authority, railways, and tramways which may be broken up by the undertakers in pursuance of the special powers granted by this Order.

- (a) Streets :
  - (b) †Railways :
  - (c) Tramways :
- 

## THIRD SCHEDULE.

List of streets and parts of streets throughout which the undertakers are to lay down suitable and sufficient distributing mains for the purposes of general supply, within a period of two years after the commencement of this Order—

---

## FOURTH SCHEDULE.

*Maximum Prices.*

In this Schedule—

The expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

## SECTION 1.

Where the undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at

---

\* Where the area of supply consists wholly of recognised areas of government, such as boroughs, districts, or parishes, it will be described accordingly. In other cases detailed boundaries must be inserted, and a provision added, that in case of difference between the description in the Schedule and the area as delineated on the deposited map, the latter is to prevail.

† In ordinary cases the level crossings must be specified : In the case of a light railway or other railway running along the highway on the level, the length and position of the railway must be described.

**Schedules.** the following rates per quarter: For any amount up to twenty units, thirteen shillings and fourpence; and for each unit over twenty units, eightpence.

SECTION 2.

Where the undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this Schedule, the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the undertakers under the Board of Trade regulations.

SPECIAL CLAUSES SOMETIMES INSERTED  
IN A PROVISIONAL ORDER OR CON-  
FIRMING ACT.

1. (*Clause conferring Power to use Land for Erection of  
Generating Stations (a).)*

The undertakers may after they shall have acquired the land described in the Fifth Schedule to this Order use the same for the purposes of the undertaking authorised by this Order and may thereon erect, construct, maintain, use and work a station or stations together with all such buildings engines batteries dynamos accumulators and other plant machinery apparatus works and conveniences as may be necessary or suitable for generating electricity for the purpose of giving a supply under this Order.

(Section 8, *Budleigh Salterton Electric Lighting Order, 1911.*)

2. (*Clause conferring Power to Break up Roads outside Area  
of Supply (b).)*

(1) The undertakers may also for the purpose of connecting that part of the area of supply which comprises the borough of Deal with the part of such area which comprises the borough of Sandwich break up the road situate outside the area of supply which is known as the Deal and Sandwich Road between the said boroughs.

(2) The undertakers may also for the purpose of obtaining from the mayor aldermen and burgesses of the borough of Dover a supply of energy for distribution within the area of supply break up the road outside that area which is known as the Dover and Deal Road between the said borough of Dover and the urban district of Walmer.

(3) The undertakers shall in respect of the said roads have for the said purposes the same rights and be subject to the same obligations and liabilities as if such roads were situated within the area of supply.

(4) The power conferred upon the undertakers by this section shall not be exercisable without the consent of the authority company or person by whom the said roads are repairable or if that consent is withheld without the consent of the Board of Trade under section 13 of the Electric Lighting Act, 1882.

(Section 6, *Sandwich, Deal and Walmer Electric Lighting Order, 1911.*)

---

(a) See *ante*, p. 228.

(b) See *ante*, p. 230.

**Special  
Clause 3.****3. (Clause for the Protection of a County Council in respect of  
their Main Roads and Bridges (c).)**

4.—(1) Nothing in the [ ] Electric Lighting Order [ ] confirmed by this Act shall in any way limit or affect the powers of the [ ] County Council (in this section referred to as "the county council") to rebuild alter widen or repair the structure of any bridge upon which any work by the Order authorised shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the commencement of the Order.

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any portion of the undertaking by the Order authorised they shall prior to the commencement of such work give the undertakers one month's notice of their intention to carry out such works and if in order to avoid interruption to the supply by the undertakers of electrical energy it is in the opinion of the county bridge master necessary to temporarily remove the mains and other electrical appliances belonging to the undertakers from such bridge then the undertakers shall (and they are hereby authorised so to do) at their own expense temporarily carry their cables and wires across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council.

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the undertakers shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out.

(4) If any dispute arises between the county council and the undertakers with regard to this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

**4. (The "Bermondsey Clause" as inserted in Provisional  
Orders (d).)**

Revision of  
prices so as  
to balance  
revenue and  
expenditure.

1. The undertakers shall so soon as the annual statement of accounts of the undertaking under this Order has been filled up in the form prescribed by the Board of Trade under the Electric Lighting Act, 1882, publish in a newspaper circulating in the urban district (or area of supply) a notification that such statement

(c) As to the insertion of this clause, see *ante*, p. 34.

(d) As to this clause, see *ante*, p. 35.

of accounts has been filled up and that copies of it can be obtained at the offices of the undertakers at a price not exceeding one shilling a copy and such publication shall be in addition to and not in substitution for any publication prescribed by the Board of Trade under the Electric Lighting Act, 1882.

**Special  
Clause 4.**

2. The undertakers shall on the expiration of the fifth complete financial year after they have commenced to supply electrical energy under this Order and on the expiration of each third succeeding year reconsider and if necessary revise and thereafter maintain the scales of prices charged for electrical energy under this Order so that so far as is reasonably practicable no rate will be required for the purpose of defraying the future expenses of the said undertaking during the next three years:

Provided nevertheless that—

- (a) The prices to be charged shall not exceed the maximum prices which may be charged under this Order ;
- (b) The scales of prices so reconsidered and revised may be from time to time in like manner reconsidered and revised by the undertakers.

3. Nothing in this section contained shall prevent the undertakers from entering into contracts for periods which may extend beyond the periods at which any revision may take place under the provisions of this section on special terms under special circumstances not applicable to ordinary consumers but each such contract shall provide that the price to be charged for energy supplied under such contract shall either—

- (a) Be subject to revision at the next triennial revision provided for in this section ; or
- (b) Vary in the same proportion as the prices charged to ordinary consumers ;

Provided the undertakers shall not without their consent be required to accept any price lower than the minimum price mentioned in such contract.

4. There shall not be made against the district rate (*in London the general rate*) or any other rate for energy used by the undertakers for street lighting or any other purpose a charge at a higher price than that charged to consumers using energy for similar purposes and for the like hours of supply.

(*See, for example, s. 8 of the Rhondda Order, 1911, confirmed by the Electric Lighting Orders Confirmation (No. 2) Act, 1911.*)

#### 5. (*Clause for the Protection of Fisheries.*)

1. Before using the water of any river stream or lake for supplying power for the purpose of generating electricity for the undertaking the undertaker shall make and fix such channels fish

**Special  
Clause 5.**

passes gratings and other works and appliances for the protection of the fisheries of the river stream or lake in such position and of such form and mode of construction as the Board of Agriculture and Fisheries direct and the undertaker shall also carry out any alteration modification or addition which the Board of Agriculture and Fisheries may at any time direct in relation to these works and appliances as necessary or expedient for the proper protection of the fisheries.

2. The undertaker shall maintain any such works and appliances as so made and fixed for the time being and if the Board of Agriculture and Fisheries give notice to the undertaker that any such work or appliance requires repair or renewal the undertaker shall repair or renew it as directed by the Board within two months of the date on which the notice is given.

3. If the undertaker fail to comply with any of the provisions of this section he shall be liable for each failure on summary conviction to a penalty not exceeding twenty pounds and to further penalty not exceeding five pounds for each day on which the failure continues after conviction thereof.

(Section 9, *Leominster Electric Lighting Order*, 1911.)

6. (*Clauses requiring the Undertaking to be Transferred to a Company to be Formed, and Suspending the Operation of the Order in the meantime (c).)*

1. The powers given by this Order shall not be exercised unless within twelve months or such extended period not exceeding in the whole fifteen months as the Board of Trade allow after the commencement of the Act confirming this Order the undertakers transfer the undertaking authorised by this Order to a company to be called the [ ] Company Limited.

2. Within that period the undertakers may transfer and the said company may accept a transfer of the undertaking with the consent of and upon such terms and conditions as may be approved by the Board of Trade by deed to be approved by that Board and upon the date on which such transfer takes effect the rights powers authorities obligations and liabilities of the undertakers in respect of the undertaking shall subject to the provisions contained in the deed of transfer be transferred to and may be exercised by and shall attach to the said company and that company shall subject to the provisions of this Order become the undertakers for the purpose of this Order.

3. If the transfer authorised by this Order has not been completed within the period limited in that behalf in this section

(c) As to these clauses, see *ante*, p. 34.



the Board of Trade may revoke this Order upon the expiration of that period.

**Special  
Clause 6.**

Except for the purpose of enabling the said transfer to be made this Order shall not come into force until the day when the transfer takes effect and that day for the purposes of the Electric Lighting (Clauses) Act, 1899, shall be the commencement of this Order.

(Sections 9 and 12, *Budleigh Salterton Electric Lighting Order*, 1911.)

7. (*Clause enabling Undertakers to use Works and exercise Powers under one Order for giving a Supply under another Order (f).*)

For the purpose of carrying into effect the provisions of this Order and of affording a supply of electricity thereunder the undertakers may use their existing generating station and electric lines in the urban district of Harrow-on-the-Hill, and may use any electric mains pipes lines wires apparatus or conveniences of the undertakers in or on the roads and parts of roads mentioned in the Second Schedule to this Order and may for the purpose of laying down taking up altering removing or repairing any necessary mains pipes lines wires apparatus or conveniences exercise and enjoy in relation to the said roads and parts of roads mains pipes wires apparatus and conveniences all rights powers and privileges of undertakers under the Electric Lighting Acts 1882 to 1909 and the Electric Lighting (Clauses) Act, 1899.

(Section 5, *Harrow and District Electric Supply Order*, 1911.)

8. (*Alternative to Section 1 of the Fourth Schedule of the Model Form of Provisional Order.*)

Where the undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter :

- (a) For power purposes for each unit threepence ; and
- (b) For all other purposes for any amount up to twenty units ten shillings and for each unit over twenty units sixpence.

Provided that if in any year during which the undertakers are a limited company that company pay dividends exceeding five per cent. upon their capital then paid up the price charged by the undertakers in the twelve months succeeding the date upon which that dividend is paid shall be reduced by one eighth of a penny per unit for power and heating and by one farthing per unit for other purposes in respect of each one per cent. by which the dividend so paid exceeds five per cent. upon the capital.

(*Portishead and District Electric Lighting Order*, 1911.)

(f) As to the necessity for this clause, see *ante*, pp. 149, 209.

## SOMERSET AND DISTRICT ELECTRIC POWER ACT, 1903.

(3 Edw. 7, c. ccxiv.)\*

*An Act for incorporating and conferring powers on the Somerset and District Electric Power Company.* [11th August 1903.]

WHEREAS the erection of generating stations and works as hereinafter provided and the supply of electricity within the area of supply hereinafter defined would be of public and local advantage :

And whereas the persons in this Act named with others are willing at their own expense to construct such generating stations and works and to supply electricity within such area under the powers and subject to the conditions hereinafter contained and it is expedient that they be incorporated into a company for the purposes hereinafter mentioned (in this Act called " the Company ") and that the powers hereinafter contained be conferred on them :

And whereas plans and a section showing the situation and lines of the proposed work and plans showing the lands which may be taken or used compulsorily or by agreement under the powers of this Act with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the respective clerks of the peace for the counties of Somerset and Gloucester and are hereinafter referred to as the deposited plans and book of reference :

And whereas the aforesaid objects cannot be attained without the authority of Parliament :

May it therefore please your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :

Short title.

1. This Act may be cited as the Somerset and District Electric Power Act 1903.

Application  
of Electric  
Lighting  
Acts.

2. The provisions of the Electric Lighting Act 1888 and the Schedule to the Electric Lighting (Clauses) Act 1899 which are contained in the sections thereof hereinafter mentioned shall not

\* This Act contains all the provisions usually inserted in Electric Power Acts, and some which are not usually inserted in such Acts. The special Acts of the various power companies, however, differ considerably in their terms, and the Acts of any particular company must be referred to ascertain the powers and obligations of such company. Some special clauses are set out, *post*, pp. 337, 338.

apply to the company or their undertaking anything in either of the said Acts to the contrary notwithstanding (that is to say) : **Sect. 2.**

Sections 2 and 3 of the Electric Lighting Act 1888 and section 2 sub-section (2) and sections 3 5 7 8 9 21 to 29 30 (so far as regards a supply to authorised undertakers) 31 to 35 41 48 60 63 to 68 75 78 83 and 84 of the Schedule to the Electric Lighting (Clauses) Act 1899 and section 81 of the said Schedule shall not apply to any generating station or works erected on any of the lands described in the First Schedule to this Act :

But except as aforesaid the provisions of the said Act of 1888 and the said Schedule and the provisions of the Electric Lighting Act 1882 are incorporated with and form part of this Act.

The provisions of section 14 of the Schedule to the Electric Lighting (Clauses) Act 1899 shall extend and apply to the laying down and placing under this Act of any cables or other works in through under along or across the bed and foreshore of any river.

**3.** The following Acts and parts of Acts are (except where Incorporated expressly varied by this Act) incorporated with and form part of of general Acts, this Act (that is to say) :

The Companies Clauses Consolidation Act 1845 Part I. (Cancellation and surrender of shares) and Part III. (Debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts :

The Land Clauses Acts.

**4.** In this Act unless the context otherwise requires the several Interpretation words terms and expressions to which by the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings unless there be something to the contrary contained therein :

Provided that for the purposes of this Act the expression "electric supply company" in section 18 of the Schedule to the Electric Lighting (Clauses) Act 1899 shall include any local authority supplying or using electrical energy for any purpose :

In this Act—

The expression "the undertaking" means the undertaking by this Act authorised ;

The expression "the company" means the company incorporated by this Act who shall for the purposes of this Act be the undertakers within the meaning of the Electric Lighting Act 1882 and the Electric Lighting (Clauses) Act 1899 ;

The expression "the principal Acts" means the Electric Lighting Acts 1882 and 1888 and the Electric Lighting (Clauses) Act 1899 ;

The expressions "county council" and "local authority" mean with respect to each part of the area of supply the county council and local authority respectively for that part ;

**Sect. 4.**

The expression "authorised distributors" means—

Any local authority company body or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to give a supply of energy within any part of the area of supply as defined by this Act ;

The expression "authorised undertakers" means—

(1) Any authority authorised by any general or special Act to undertake or contract for the lighting of streets bridges or public places within any part of the area of supply as defined by this Act ;

(2) Any authorised distributors as defined by this Act.

As to rail-  
ways, tram-  
ways, etc.

5. The provisions of section 13 of the Electric Lighting Act 1882 and of section 12 of the Schedule to the Electric Lighting (Clauses) Act 1899 restricting the breaking up of tramways or railways where laid across or along any highway on the level or the roadway of or approaches to any bridge over any railway within the area of supply shall not apply to the company.

Company  
incorporated.

6. [The promoters] and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes hereinafter mentioned and for those purposes shall be and are hereby incorporated by the name of "The Somerset and District Electric Power Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property.

General  
purposes and  
powers of  
company.

7. The company shall be established for the purpose of constructing erecting laying down maintaining working and using electric generating stations and works and producing generating using and supplying electrical energy or power and generally carrying out the powers and purposes of this Act and the powers of the company shall include the acquisition construction erection maintenance enlargement alteration working and user or discontinuance sale letting and disposal of all such lands easements buildings collieries works machinery plant stock electric current wires lamps motors fittings meters and apparatus material matter and things the holding of patent and other rights and licences (not exclusive) and the exercise of such powers and doing of such works and supply of such material and products matter and things as may be necessary or convenient in for or in connexion with or arise or be used in the production generation use storage regulation transforming transmittal measurement distribution and supply of such energy or power or the fitting up and repairing of any such articles and things or for providing or working material matter and things for those purposes or any of them or otherwise carrying on the undertaking.

**8—19.** [*Relate to the Capital of the Company.*]**Sects. 8—19.**

**20.** When one hundred thousand pounds of the capital of the company shall have been subscribed under contract binding the parties thereto their heirs executors and administrators for the payment of the several sums in such portion of capital by them respectively subscribed it shall be lawful for the company to put in force the powers of this Act in relation to the compulsory taking of land. The deposit with the Board of Trade of a statutory declaration by two of the directors and the secretary of the company that the said sum of one hundred thousand pounds has been subscribed as aforesaid shall be sufficient evidence thereof.

Portion of capital to be subscribed before compulsory powers put in force.

**21—29.** [*Relate to Power to Borrow, and Directors.*]

**30.** The company may enter upon take hold and use the lands in the counties of Somerset and Gloucester shown on the deposited plans and described in the First Schedule to this Act or any of them or any part or parts thereof and may thereon erect maintain work and use stations for producing generating transforming using transmitting conveying and distributing energy or power or any material product matter or thing arising or used in the process of such generation or transformation with all buildings engines dynamos batteries accumulators storage works motors generators machinery appliances apparatus and conveniences and may produce generate transform use transmit convey and distribute energy power material products matters and things accordingly.

Lands for generating stations.

**31.** Nothing in this Act shall authorise the company to supply gas.

Act not to authorise supply of gas.

**32, 33.** [*Power to Construct a Bridge.*]**34.** [*For the Protection of a Landowner.*]

**35—38.** [*As to taking Houses of the Labouring Class, Easements by Agreement, Correction of Errors in deposited Plans and period for Compulsory Purchase of Lands.*]

**39.** Subject to the provisions of this Act the area of supply shall be—

Area of supply.

Those parts of the counties of Somerset Gloucester and Wilts and the city and county of Bristol hereinafter described namely :

In the county of Somerset The city and county borough of Bath the city and municipal borough of Wells the municipal borough of Glastonbury the urban districts of Radstock Midsomer Norton Shepton Mallet Frome and Street and the rural districts of Frome Shepton Mallet Wells Bath Keynsham and Clutton :

In the county of Gloucester The urban districts of Horfield and Kingswood and the rural districts of Warmley and Barton Regis and the parish of Pucklechurch in the rural district of Chipping Sodbury :

**Sect. 39.**

The whole of the city and county of Bristol :

In the county of Wilts—The urban districts of Bradford-on-Avon Melksham Westbury and Trowbridge and the rural districts of Melksham Bradford-on-Avon and Westbury.

For protection of county councils and district councils.

**40.\*** The words "the council" where used in this section shall be deemed to mean—

- (A) The council of any county where main roads or county bridges are or may be affected by or under the provisions of this Act ; or
- (B) The council of any district where any roads or bridges over which the district council shall have jurisdiction or for the repair of which they may be liable are or may be affected by or under the provisions of this Act.

In executing the works and exercising the powers by this Act authorised the following provisions shall have effect unless otherwise agreed on in writing between the council and the company (that is to say)

- (1) All electric lines to be laid in or along any roads repairable by the council shall as far as practicable be constructed and laid at the side thereof :
- (2) Any electric lines which shall be constructed or laid in upon across or alongside any bridge under the jurisdiction of or repairable by the council or any arch connected therewith shall be constructed or laid in upon across or alongside such bridge and arches as and in such manner as may be agreed on between the company and the council or as failing agreement may be settled by arbitration as herein-after provided and the company may notwithstanding anything in this Act or in the principal Acts construct lay down erect and maintain such electric lines accordingly :
- (3) All works of or connected with the laying down of any electric line along any road repairable by the council or over any bridge under the jurisdiction of or repairable by the council shall be so executed as not to stop or unreasonably interfere with the traffic of such road or bridge and all such works shall be proceeded with and completed with all possible despatch :
- (4) All works of the company so far as laid on or under any road street or public way shall be constructed of such strength as shall be fitted to support the weight of any heavy traffic without injury :
- (5) The company shall pay to the council the reasonable cost in relation to the examination of any plan served on them in accordance with the Electric Lighting (Clauses) Act 1899 and the superintendence authorised thereby or by the principal Acts of any works of the company such cost not

\* The provisions for the protection of road authorities differ considerably in the different Power Acts.

to exceed in any one case the sum of ten guineas in the case of a county council and the sum of five guineas in the case of a district council :

**Sect. 40.**

- (6) Nothing in this Act nor in the principal Acts shall in any way limit or affect the powers of the council to divert widen raise or improve any road or to remove alter widen raise or renew any bridge or the approaches thereto in alongside or near to which any electric lines of the company are laid or carried in the same manner as they might have done if this Act had not been passed without making any compensation to the company for any expense or loss to which the company may be put in consequence of the reasonable exercise of such powers. Any alteration of the position of any electric lines of the company necessitated by the diversion widening raising and improvement of such road or the removal alteration widening raising or renewal of such bridge shall be effected by and at the expense of the company and within such reasonable period as shall be required by the surveyor of the council and if in order to avoid interruption to the supply of electrical energy by the company it is necessary to do so the company may temporarily carry their electric lines overhead or at the side of any such road bridge or approaches in such manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the council. Provided that before such diversion widening improvement removal alteration raising or renewal of any such road or bridge shall be commenced the council shall give one month's notice in writing to the company of their intention to carry out such works and the council shall afford at the cost of the company reasonable facilities for temporarily carrying electric lines along the road or across the stream so as not to interrupt the continuous supply of energy :
- (7) The council shall not except in the case of their negligence be liable to any claim for damages in respect of any injury which may be caused to the electric lines of the company through the use by the council or their agents of a steam roller searifier or other similar appliance upon any road or bridge or through the reasonable exercise of any rights functions powers or privileges vested or to be vested in the council :
- (8) If owing to the abandonment of the undertaking or any part thereof any electric line laid under the powers of this Act under any road or bridge repairable by the council shall for the space of three years be disused and such disuser be proved to the satisfaction of the Board of Trade or if the powers of the company shall under the section of this Act

## Sect. 40.

the marginal note whereof is "Cesser of powers"<sup>a</sup> at any time cease the said Board may if they think fit by order sanction the removal of such electric line and the council may (subject however to any agreement between the council and the company providing for the removal of such electric line by the company) forthwith remove the same with all reasonable care and the company shall pay to the council the reasonable cost of such removal and of the reinstatement of the said road or bridge in which the same was laid and if the company fail to pay such cost within one month after the ascertainment of and application for the same the council may without any previous notice to the company (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of the materials of the electric line so removed either by public auction or private sale and for such sum or sums and to such person or persons as they think fit and may out of the proceeds of such sale pay and reimburse themselves the reasonable cost of such removal and reinstatement of the said road or bridge and the cost of the sale and the balance (if any) of the proceeds of the sale shall be paid over by the council to the company :

- (9) If any road repairable by the council is broken up by the company for the purposes of their undertaking or any bridge culvert drain pipe or other property of the council is damaged by the company the company shall repair such road bridge culvert drain pipe or other property to the reasonable satisfaction of the council and if the same is not so repaired the council may cause the necessary repairs to be done and may charge the cost against the company and the same shall be a debt due from the company to the council. Provided that the rights or obligations conferred or imposed by this section shall be in addition to and not in substitution for any rights or obligations conferred or imposed by such of the provisions of the principal Act (as defined in the Electric Lighting (Clauses) Act 1899) and in particular those of the Gasworks Clauses Act 1847 with respect to breaking up streets as are incorporated in the principal Act and set out in the Appendix to the Schedule of the Electric Lighting (Clauses) Act 1899 :
- (10) Notwithstanding anything in this Act contained if any difference arise between the company and the council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference.

<sup>a</sup> *I.e.*, s. 63, *post*, p. 335.



**41.** Except as in this Act otherwise expressly provided no electric lines shall be placed overhead along across or by the side of any main road or any county bridges and approaches under the jurisdiction of or repairable by the county council without the consent of the county council but such consent shall not be unreasonably withheld and if any question arises whether that consent is unreasonably withheld or not such question shall be decided by the Board of Trade and the reasonable costs charges and expenses incurred by the county council in relation to any reference to the Board of Trade under this section shall unless the Board of Trade certify that the action of the county council in the matter has been unreasonable be paid by the company.

**Sect. 41.**

As to overhead wires across main roads.

**42.—(1)** Any electric lines laid down by the company under the powers by this Act granted under any street shall be laid in such line or route and in a trench of such dimensions and in such position as may be agreed between the company and the local authority or as failing agreement shall be settled by the Board of Trade And the company shall show on the plan of the works to be served on such local authority in accordance with the provisions of the Electric Lighting (Clauses) Act 1899 incorporated with this Act the route proposed to be taken and the dimensions and position of the proposed trench.

As to route for electric lines.

(2) Where the local authority of any borough urban or rural district object to any proposed line of route on the ground that it would traverse the principal thoroughfares or busy streets of such borough or district or be otherwise inconvenient and indicate an alternative route or deviation which in the opinion of the Board of Trade is reasonable such alternative route or deviation shall be adopted.

(3) The reasonable costs charges and expenses incurred by any local authority in relation to any reference to the Board of Trade under this section or the section of this Act the marginal note whereof is "Overhead wires"\* shall unless the Board of Trade certify that the action of the local authority in the matter has been unreasonable be paid by the company.

Provided nevertheless that the provisions of sub-section 2 of this section shall not take away or prejudicially affect the rights of the Postmaster-General under section 14 of the Schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply in respect of such alternative route or deviation.

**43.** For the protection of the Great Western Railway Company (hereinafter referred to as "the Great Western Company") and of the Great Western and Midland Railway Companies jointly as owners of the Clifton Extension and Bristol Port and Pier Railways (hereinafter called "the joint companies") the following provisions shall apply:—

For protection of Great Western Railway Company and Great Western and Midland Railway Companies.

(1) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs

\* *I.L.*, s. 48, *post*, p. 327.

Sect. 43.

or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across under or adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the Great Western Company or the joint companies or the bridges approaches viaducts stations or other works or any level crossings over the said railways the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Western Company or the joint companies as the case may be and according to plans to be submitted to and reasonably approved by him in writing and within a reasonable time or in case of difference as may be determined by arbitration in the manner hereinafter provided :

- (2) All such works shall be done by and at the expense of the company except as in this section otherwise provided who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the Great Western Company or the joint companies or over the approaches to any such level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the company. Provided always that should the Great Western Company or the joint companies elect so to do where any mains pipes apparatus or other works require to be laid under or across any level crossing of their respective railways they may themselves lay the same at the reasonable costs charges and expenses of the company :
- (3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railway bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon :
- (4) If the Great Western Company or the joint companies at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railway bridges viaducts or works upon across over or under which any of the works of the company may have been constructed or laid the Great Western Company or the joint companies as the case may be may on giving to the company twenty-eight days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge then on giving as long a notice as possible divert support or carry the said works of the company across

over or under their lands railway bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that such works shall be done without unduly interfering with the electricity supply of the company :

Sect. 43.

- (5) Any additional expense which the Great Western Company or the joint companies may reasonably and properly incur in widening altering reconstructing or maintaining their railways or works by reason of the existence of any electric lines of the company across or under the same shall be paid by the company :
- (6) In the event of any of the telegraphic telephonic or electrical signal communications of the Great Western Company or the joint companies being at any time injuriously affected by induction or otherwise from the electric lines of the company the company shall at their own expense execute and do such remedial works as may be necessary for the protection of the Great Western Company and the joint companies :
- (7) Any dispute or difference which may arise between the Great Western Company or the joint companies and the company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company or the joint companies and the company or either of them.

**44.** For the protection of the London and South Western Railway Company and the Midland Railway Company as lessees of the Somerset and Dorset Railway (hereinafter referred to as "the lessee companies") the following provisions shall apply :

For protection of London and South Western and Midland Railway Companies.

- (1) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across under or adjoining or in any way affecting the railway lands and property now or hereafter belonging to leased used or occupied by the lessee companies or the bridges approaches viaducts stations or other works or any level crossings of the Somerset and Dorset Railway the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the lessee companies and according to plans to be submitted to and approved by him in writing and within a reasonable

Sect. 44.

- time or in case of difference as may be determined by arbitration in the manner hereinafter provided :
- (2) All such works shall be done by and at the expense of the company except as in this section otherwise provided who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the Somerset and Dorset Railway or over the approaches to any such level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the company Provided always that should the lessee companies elect so to do where any mains pipes apparatus or other works require to be laid under or across any level crossing of the Somerset and Dorset Railway they may themselves lay the same at the reasonable costs charges and expenses of the company :
- (3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railway bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railway or at to or from any station thereon :
- (4) If the lessee companies at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railway or to alter or repair their railway bridges viaducts or works upon across over or under which any of the works of the company may have been constructed or laid the lessee companies may on giving to the company twenty-eight days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge then on giving as long a notice as possible divert support or carry the said works of the company across over or under their lands railway bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that such works shall be done without unduly interfering with the electricity supply of the company :
- (5) Any additional expense which the lessee companies may reasonably and properly incur in widening altering reconstructing or maintaining the Somerset and Dorset Railway or the works connected therewith by reason of the existence of any electric lines of the company across or under the same shall be paid by the company :

- (6) In the event of any of the telegraphic telephonic or electrical signal communications of the lessee companies being at any time injuriously affected by induction or otherwise from the electric lines of the company the company shall at their own expense execute and do such remedial works as may be necessary for the protection of the lessee companies :
- (7) Any dispute or difference which may arise between the lessee companies and the company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the lessee companies and the Company or either of them.

Sect. 44.

45. The following provisions for the protection of the Bristol Tramways and Carriage Company Limited (in this section called "the tramways company") shall unless otherwise agreed between the tramways company and the company apply and have effect (that is to say) :

For protection of Bristol Tramways and Carriage Company, Limited.

- (1) For the purposes of this Act the expression "electric supply company" in section 18 of the Schedule to the Electric Lighting (Clauses) Act 1899 shall include the tramways company and the expression "operators" shall be deemed to include electric supply company :
- (2) The company shall not without the consent of the tramways company in writing place any electric line or work above the surface of the ground along or across any street or place in which any tramway post cable tube wire bracket apparatus or work of the tramways company is laid or situate. Provided that such consent shall not be unreasonably withheld and that if any question arises whether the consent is unreasonably withheld such question shall be referred to and decided by the Board of Trade :
- (3) The reasonable expense of the tramways company incurred in altering the position of any electric lines or works of the company under the powers of section 17 of the Schedule to the last-mentioned Act and any additional expense which the tramways company may reasonably and properly incur in altering or repairing their tramways posts cables tubes wires brackets apparatus or works by reason of the existence of any electric lines of the company along across or under any street road or place in which any tramway post cable tube bracket apparatus or work of the tramways company is laid or situate shall be paid to the tramways company by the company :
- (4) Where under this Act or any Act or provision incorporated therewith it is provided that any work shall be carried out

## Sect. 45.

to the satisfaction or under the superintendence or in conformity with the requirements of the tramways company or of any person on their behalf or in accordance with a plan to be submitted to or approved by them the tramways company themselves may at the reasonable cost in all things of the company execute such work.

For protection of Bristol Waterworks Company and West Gloucestershire Water Company.

46.\* The following provisions for the protection of the Bristol Waterworks Company and the West Gloucestershire Water Company (each of which is in this section called "the water company") shall in addition to the other provisions contained in this Act or in any Act incorporated with this Act unless otherwise agreed between the water company and the company be observed and have effect (that is to say):

- (1) The company shall make full compensation to the water company for any loss or damage which may occur to their main pipes and apparatus by fusion or electrolytic action caused by the exercise of any of the powers by this Act conferred upon the company
- (2) Where it shall be found necessary to temporarily support or to provide a suitable and proper foundation for any pipe or work of the water company the water company themselves may at the reasonable cost in all things of the company temporarily support or provide such suitable and proper foundation for such pipe or work.

Map of electric lines to be made and deposited.

47. The company shall cause a map to be made showing the line and the depth below the surface of all electric lines and other underground works and street boxes laid down under the powers of this Act and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The company shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all such electric lines and underground works and street boxes. The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the company at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof. The company may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The company shall if so required by the Board of Trade or the Postmaster-General or by the county council or local authority

\* As to this clause, see *ante*, p. 58.

supply to them or him without charge a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the company. Sect. 47.

If the company fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

48. The consent of a rural district council as the local authority to the placing of electric lines above ground under section 14 of the Electric Lighting Act 1882 and paragraph (b) of section 10 of the Schedule to the Electric Lighting (Clauses) Act 1899 shall not be unreasonably withheld and if any question arises whether that consent is unreasonably withheld or not that question shall be decided by the Board of Trade. Overhead wires.

49.—(1) It shall be lawful for the company within the area of supply to lay down maintain repair alter and use pipes for conveying water (but only for the purposes of the section of this Act the marginal note whereof is "Agreements with regard to supply of water, etc.") and any materials matters or things used by them in or resulting from the process of generating or transforming electricity to or from any generating station by this Act authorised and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as applicable extend and apply to the laying down repairing altering or removing of pipes for such purposes but the powers by this section conferred upon the company shall not be exercised within any city or borough without the consent of the local authority in each and every case. Power to lay down pipes.

(2) Where any pipe to be laid by the company under the powers of this section crosses over or under or is situate within three feet of any mains pipes or other works of any company or authority supplying water or gas the company shall give not less than seven days' notice of their intention so to lay the same to that company or authority and any such pipe shall be laid down under the superintendence and to the reasonable satisfaction of the engineer of that company or authority as the case may be.

50<sup>f</sup>. The powers of the company for the supply of energy under this Act shall be subject to the following restrictions (that is to say): Limitation of powers.

- (1) Energy shall be supplied by the company only—
  - (a) To authorised undertakers; and
  - (b) To persons requiring a supply for power:
- (2) The company shall not supply energy for lighting purposes except to authorised undertakers provided that the energy

\* *I.e.*, s. 67, *post*, p. 335.

† As to this clause, see *ante*, pp. 46, 53.

Sect. 50.

supplied to any person for power may be used by such person for lighting any premises on any part of which the power is utilised :

Provided that where energy is supplied for power within the area of supply of any authorised distributors the energy used by such person for such lighting purposes in any year except with the consent in writing of the authorised distributors shall not exceed the amount of energy used by such person for power :

For the purposes of this sub-section the duties of the electric inspector provided for by section 36 of the Electric Lighting (Clauses) Act 1899 shall include in addition to the duties provided for in that section the duty of inspecting from time to time of his own motion or on the application of any authorised distributors any premises within the area of any authorised distributors supplied with energy by the company in order to satisfy himself that the last preceding provision of this sub-section is duly observed :

If the Board of Trade on the report of the inspector shall be of opinion that the company has supplied or is supplying contrary to the provisions of this sub-section the company shall be liable to a penalty not exceeding ten pounds and a further penalty not exceeding two pounds for every day during which the offence continues :

- (3) The company shall not supply energy (except to authorised undertakers or to any railway tramway or water company or proprietors or trustees of any canal or navigation for power) in any area which at the date of the passing of this Act forms part of the area of supply of any authorised distributors without the consent in the case of each intended consumer of those distributors :

Provided that where any authorised distributors refuse or withhold such consent the company may appeal to the Board of Trade as to whether the consent of such authorised distributors is unreasonably refused or withheld and the Board of Trade may dispense with such consent if in their opinion it is unreasonably refused or withheld. The consent shall be deemed to be unreasonably refused or withheld if such authorised distributors are not willing and in a position to give the requisite supply upon reasonable terms and within a reasonable time and in considering what are reasonable terms and what is a reasonable time the Board of Trade shall amongst other things have regard to the terms upon which and the time within which the company are willing and able to give the supply.

Provided that any local authority which during the present or next ensuing session of Parliament may become authorised by licence or Provisional Order granted by the Board of Trade under



the principal Acts and confirmed by Parliament to supply energy within any part of the area of supply under this Act shall be deemed to have been at the date of the passing of this Act authorised distributors within the area of supply as defined by such licence or Order. **Sect. 50.**

**51.** For the protection of the mayor aldermen and citizens of the city of Bath and the mayor aldermen and burgesses of the borough of Wells (hereinafter respectively referred to as "the corporation" and as "the city" and "the borough") the following provision shall unless otherwise agreed have effect (that is to say): For protection of corporations of Bath and Wells.

The decision of the Board of Trade under the last preceding section of this Act that the consent of the corporation to the company supplying electricity within the city or the borough respectively has been unreasonably refused or withheld (so as to entitle the company to supply under this Act) shall apply only to each application or appeal to the Board of Trade.

**52.** For the protection of the lord mayor aldermen and burgesses of the city of Bristol (hereinafter respectively referred to as "the corporation" and "the city") the following in addition to the other enactments contained in this Act and the Acts incorporated herewith shall apply: For protection of lord mayor aldermen and burgesses of city of Bristol.

(1) The provisions of the section of this Act the marginal note whereof is "For protection of county councils and district councils" shall *mutatis mutandis* apply to the corporation and the city as it now exists or may be extended by any Act passed during either of the next two ensuing sessions of Parliament as if the corporation were "the council" within the meaning and for the purposes of that section and the word "road" where used in that section shall be deemed to mean and include the lands railways docks wharves and the works connected therewith and the streets roads rivers watercourses sewers drains electric and other apparatus property and works belonging to or under the control of the corporation:

(2) The determination of the Board of Trade under the section of this Act the marginal note whereof is "Limitation of powers" that the consent of the corporation to the company supplying energy within the city as it now exists or may be extended as aforesaid has been unreasonably withheld (so as to entitle the company to supply under this Act to any particular consumer) shall in each case relate only to the particular supply in respect of which the consent of the corporation shall have been withheld and shall not be deemed to authorise the company to supply energy within the city as it now exists or may be extended as aforesaid to any person other than the consumer to whose intended supply such determination shall relate.

\* *I.e.*, s. 40, *ante*, p. 318.

**Sect. 53.**  
As to applica-  
tion by local  
authorities  
for Provi-  
sional Orders.

**53.** Nothing in this Act shall prejudice any application which is now being made or may hereafter be made by any local authority company or person for a Provisional Order under the principal Acts for power to supply energy within the area of supply under this Act and in any Provisional Order to be granted after the passing of this Act by the Board of Trade authorising any local authority company or person to supply energy within the area of supply under this Act provision may be made as to the taking over of any supply then given by the company for use exclusively within the area of supply defined in such Order.

For protec-  
tion of mayor  
aldermen and  
burgesses of  
borough of  
Glastonbury.

**54.** For the protection of the mayor aldermen and burgesses of the borough of Glastonbury (hereinafter in this section referred to as "the corporation") the following provisions shall and unless otherwise agreed between the company and the corporation have effect (that is to say):

- (1) In the event of the corporation being authorised by Act of Parliament or by a licence or Provisional Order granted by the Board of Trade under the principal Acts to supply energy within the limits or any portion thereof throughout which they are authorised by the Glastonbury Corporation Gas Act 1900 to supply gas before the company shall be supplying energy throughout such limits the company shall not supply energy in any portion of such limits within which the corporation may be authorised to supply electricity without the consent of the corporation. Provided that if the corporation refuse or withhold such consent the company may appeal to the Board of Trade as to whether the consent of the corporation is unreasonably refused or withheld and the Board of Trade may dispense with such consent if in their opinion it is unreasonably refused or withheld. The consent shall be deemed to be unreasonably refused or withheld if the corporation are not willing and in a position to give the requisite supply upon reasonable terms and within a reasonable time and in considering what are reasonable terms and what is a reasonable time the Board of Trade shall amongst other things have regard to the terms upon which and the time within which the company are willing and able to give the supply:
- (2) The determination of the Board of Trade that the consent of the corporation to the company supplying energy within the area of supply of the corporation has been unreasonably withheld so as to entitle the company to supply under this Act shall apply only to each application or appeal to the Board of Trade and shall not be deemed to authorise the company to supply energy generally within the area of supply of the corporation.

**55.** The company shall upon being required to do so by any authorised undertakers give and continue to give to such undertakers at such point within the area of supply as such undertakers may reasonably require a supply of energy at a price not exceeding the prices respectively stated in the Second Schedule annexed to this Act and they shall furnish and lay such electric lines as may be necessary for the purpose of supplying to such undertakers at such point the maximum power with which such undertakers may be entitled to be supplied under this Act subject to the conditions following (that is to say):

**Sect. 55.**

Company to furnish supply of energy to authorised undertakers.

Authorised undertakers requiring a supply of energy as aforesaid shall—

Serve a notice upon the company specifying the point at which such supply is required to be given and the maximum power required to be supplied and the day upon which such supply is required to commence (not being an earlier day than a reasonable time after the date of the service of such notice having regard to the situation of the point at which such supply is required to be given and to the length of electric line required to be laid and plant required to be erected for affording such supply); and

Enter into a written contract with the company (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least seven years of such an amount that the payment to be made for the same shall not be less than twenty pounds per centum per annum on the outlay (excluding expenditure on generating plant then existing and any electric line then laid) incurred by the company in making provision for such supply:

Provided that any authorised undertakers (other than a local authority) so requiring a supply of energy shall give to the company (if required by them to do so) security for the payment of all moneys which may become due to the company under such contract:

Provided further that the company shall grant to any such undertakers as favourable terms and conditions for the supply of electricity as those granted by the company to any other authorised undertakers company or person whose circumstances are similar.

The maximum power with which any such authorised undertakers shall be entitled to be supplied shall be of such amount as shall be reasonable for the purpose for which such supply is required and shall not be increased except upon service of a fresh notice in accordance with the provisions of this section.

If any difference arises under this section such difference shall be determined by arbitration.

**56.** Any person other than an authorised undertaker to whom the company is under the powers of this Act entitled to give a supply of

As to supply to other than authorised undertakers.

**Sect. 56.** energy for power shall be entitled to require the company to give such a supply by serving a notice upon the company as hereinbefore provided in the case of authorised undertakers and entering into a binding contract to continue to receive and pay for a supply of energy upon such terms as failing agreement shall be fixed by a single arbitrator appointed by the Board of Trade and in fixing such terms (including a minimum annual sum to be paid to the company) the arbitrator shall have regard to the following amongst other considerations :

- (1) The period for which the person to whom the supply is to be given is prepared to bind himself to take energy :
- (2) The amount of energy required and the hours during which the company can be called upon to supply such energy :
- (3) The capital expenditure in connexion with the supply of such energy :
- (4) How far capital expended in connexion with such supply may become unproductive to the company upon the discontinuance of such supply.

Provided that any person so requiring a supply of energy shall give to the company (if required by them so to do) security for the payment of all moneys which may become due to the company under such contract.

Penalty for failure to supply.

**57.** Whenever the company make default in supplying energy to any authorised undertakers to whom they may be and are required to supply energy in accordance with the provisions of this Act they shall be liable in respect of each default to a penalty not exceeding ten pounds for each day on which the default occurs. Provided that the penalties to be inflicted on the company under this section shall not exceed in respect of any one default not being a wilful default on the part of the company the sum of five hundred pounds. And provided also that in no case shall any penalty be inflicted in respect of any default if the court are of opinion that the default was caused by inevitable accident or force majeure or was of so slight and unimportant a character as not materially to affect the value of the supply.

Notice of discontinuance of supply.

**58.** Any local authority company body or person supplied with energy by the company under this Act who are desirous of discontinuing to receive such supply shall give to the company twelve months' notice in writing of their intention to discontinue to receive such supply. Such notice may be given so as to expire at the end of the period for which the local authority company body or person have contracted to continue to receive and pay for such supply or at any subsequent date.

Maximum power.

**59.** The maximum power with which any person shall be entitled to be supplied shall be of such amount as such person may require

to be supplied with not exceeding what may be reasonably anticipated as his maximum consumption. **Sect. 59.**

If any difference arises between any such person and the company as to what may be reasonably anticipated as aforesaid such difference shall be determined by arbitration.

**60.** The prices to be charged by the company shall not exceed those respectively stated in that behalf in the Second Schedule to this Act annexed and in the case of authorised undertakers the maximum charges stated in the said Second Schedule shall include the cost of transforming the energy supplied if so required to such pressure and description of current as may be reasonably required. The company may charge for a supply of energy to authorised undertakers or persons supplied by them either by the actual amount of energy so supplied or by the electrical quantity contained in the supply or by such other method (to be approved by the Board of Trade) as may be agreed between the company and such undertakers or persons. **Stated prices.**

**61.—(1)** Except as hereafter provided the dividend payable by the company on the capital of the company in any year shall not exceed eight pounds in respect of every hundred pounds paid up of such capital and that rate of dividend is hereinafter referred to as "the standard rate of dividend." **Relation between price and dividend.**

(2) If in any year the average price per unit obtained by the company for energy supplied by them under this Act throughout their area of supply is less than two pence and one halfpenny per unit (hereinafter referred to as "the standard price") the dividend which the company is authorised to pay in that year may be increased in the ratio of five shillings per centum in respect of every one and a quarter per centum by which the average price charged by the company has been below the standard price.

(3) If in any year the average price per unit obtained by the company for energy supplied by them under this Act throughout their area of supply is more than the standard price the dividend which the company is authorised to pay in that year shall be reduced below the standard rate of dividend in the ratio of five shillings per centum for every one and a quarter per centum by which the average price so obtained by the company has been above the standard price.

(4) The company may in addition to the dividends authorised under this Act make good any deficiency in any previous dividends which have fallen below the standard rate of dividend.

**62.** The company shall not in any one year place to a reserve fund any greater sum than ten per centum on the paid-up capital of the company for the time being. Provided that if the profits earned by the company and available for that purpose do not permit of ten **Reserve fund.**

**Sect. 62.** — per centum being so placed to such reserve fund the deficiency in any previous years may be made up in subsequent years.

Revision of  
prices, etc.

**63.—(1)** The Board of Trade at any time after the expiration of a period of ten years from the passing of this Act on the application of the company the county council or of any three authorised undertakers or twenty persons otherwise supplied by the company under this Act may revise the maximum prices contained in the Second Schedule to this Act and the relation between price and dividend as fixed by this Act and the standard price as so fixed.

(2) The Board of Trade may if they think fit on the like application make a similar revision at the expiration of a period of ten years from the date at which the last such revision has taken place.

(3) On any such revision the Board of Trade may modify the provisions of this Act both as to the price and the relation between price and dividend so far as may be necessary to carry out their decisions on the revision.

Inspectors,  
etc.

**64.—(1)** The Board of Trade on the application of any persons supplied with energy by the company under the powers of this Act or of any authorised undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electrical inspectors under this Act and the Board of Trade may prescribe the fees to be taken by such inspector and the mode of application thereof and those fees shall be accounted for and applied as may be directed by the Board of Trade.

(2) The company shall whenever reasonably required by any local authority through whose district any trunk main is laid test and furnish a record of the testing of the portion of main within their district and in case the company fail to comply with the provisions of this sub-section any such local authority may apply to the Board of Trade to appoint an inspector for the purpose of testing such main and the foregoing provisions of this section shall apply to the appointment of such inspector and the company shall pay the cost of such testing.

Agreements.

**65.** The company and any authorised undertakers or any person to whom the company are entitled to give a supply of energy for power may subject to the provisions of this Act and the Acts incorporated herewith enter into and carry into effect contracts agreements and arrangements for and with respect to all or any of the following matters (that is to say):

The supply by the company to any authorised undertakers or any such person of energy plant fittings or materials;

The prices to be charged for and the terms and conditions of such supply;

The execution or exercise by any such undertakers or person on behalf of the company or by the company on behalf of such undertakers or person of any works or powers in reference to the supply or use of energy within the area of supply. **Sect. 65.**

**66.** Nothing contained in this Act shall prevent the company from applying and the company may apply for Provisional Orders under the Electric Lighting Acts 1882 and 1888: As to applications with regard to supply of Provisional Orders.

Provided that the company shall not at any time apply for any Provisional Order under the said Acts for power to supply energy within the city and county of Bristol as it now exists or may be extended by any Act passed during the next two ensuing sessions of Parliament.

**67.** The company on the one hand and the proprietors or trustees of any canal or navigation or other body or person or the owners or lessees of any tramway or tramroad on the other hand may enter into and carry into effect contracts agreements and arrangements for and with respect to the supply of water (other than potable water) to the company for condensing and other purposes of their undertaking or the running over and use by the company of any such tramway or tramroad for bringing to or taking from any generating station or works of the company coal material or things used in or produced thereat: Agreements with regard to supply of water, etc.

Provided that nothing in this section contained shall authorise any local authority or any water company to supply potable water to the company for use within the area of supply of any local authority or water company authorised by Act of Parliament or Order confirmed by Parliament to supply water:

Provided also that nothing in this Act shall avail to release any local authority from the restraint on the supply of water by local authorities contained in section 52 of the Public Health Act 1875.

**68.** Nothing in this Act shall authorise the company to supply water. Act not to authorise supply of water.

**69.** If within two years from the date of the passing of this Act the company have not substantially commenced their works for the purpose of carrying out their powers under this Act and if within four years after the date of the passing of this Act the company have not provided a generating station or generating stations sufficient in the opinion of the Board of Trade and are not in a position to supply therefrom the Board of Trade may on the application of any authorised undertaker and after hearing the parties order that the powers of the company under this Act shall cease as to the whole or any part of the area of supply and on any such order being made those powers shall cease accordingly. Cesser of powers.

**70.** [*Power to Pay Interest out of Capital.*]

**Sect. 71.** 71. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Recovery of demands under fifty pounds.

72. [*Works below High-water Mark not to be commenced without consent of Board of Trade.*]

As to placing cables, etc. under or across tidal water.

73. Notwithstanding anything contained in this Act any cables pipes or wires to be laid or placed by the company under or across any tidal water shall be laid or placed at such depth under or such height over the tidal water as the Board of Trade may require.

74. [*Saving Rights of Duchy of Cornwall.*]

75. [*Saving Rights of Crown.*]

Costs of Act.

76. All costs charges expenses and liabilities preliminary and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be borne and paid by the company.

#### THE SCHEDULES REFERRED TO IN THE FOREGOING ACT.

##### THE FIRST SCHEDULE.

###### LANDS FOR GENERATING OR POWER STATIONS.

(*Descriptions of Lands.*)

##### THE SECOND SCHEDULE.

In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

###### SECTION 1.

Where the company charges any consumer by the actual amount of energy supplied to him the company shall be entitled to charge such consumer at the following rate per quarter:—

- (A) For any quantity not exceeding the equivalent of four hundred hours of supply at the maximum power which has been demanded by such consumer at the rate of threepence per unit;
- (B) For any further quantity exceeding the equivalent of four hundred hours of supply at such maximum power at the rate of twopence per unit.

###### SECTION 2.

Where the company charges any consumer by the electrical quantity contained in the supply given to him the company shall be entitled to charge such consumer according to the rates set forth in section 1 of this Schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure of the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the company under any regulations made under this Act.



## SPECIAL CLAUSES SOMETIMES INSERTED IN AN ELECTRIC POWER ACT.

*(Clause Authorising the Transfer of Undertakings of Local  
Authorities and Others to Company.)*

1. The company may by agreement (but not otherwise) acquire from any local authority or other undertakers to whom a Provisional Order under the Electric Lighting Acts 1882 and 1888 shall have been or may be granted relating to a district or place within the company's area of supply the undertaking authorised by such Provisional Order and the powers rights authorities and privileges of the undertakers under such Provisional Order and any such undertakers to whom a Provisional Order has prior to the date of the passing of this Act been granted (whether such Order has been confirmed before or shall be confirmed after such date) may with the approval of the Board of Trade transfer their undertaking powers rights authorities and privileges to the company on such terms and conditions as may be agreed upon and in the event of the company so acquiring such undertaking powers rights authorities and privileges they shall be deemed to be the undertakers for all the purposes of the Provisional Order so acquired by them and the provisions of such Provisional Order shall apply to the supply of electricity by the company within the area of supply as defined by such Order Provided that (A) in the case of any Provisional Order granted prior to the year one thousand nine hundred to any local authority the provisions of the Electric Lighting (Clauses) Act 1899 shall from and after such transfer be deemed to have been incorporated with such Provisional Order and shall control and supersede such of the provisions of that Order as are at variance or inconsistent therewith and (B) none of the provisions of any Provisional Order so acquired by the company or of the Electric Lighting Acts 1882 and 1888 or of this Act shall extend to authorise the purchase by any local authority of any generating station or other works of the company used or required for the purposes of supplying any other portions of the company's area of supply.

2. Any capital moneys received by any local authority in respect of any transfer under this section shall be applied by such authority in manner provided by sub-section (2) of section 7 of the Schedule to the Electric Lighting (Clauses) Act 1899.

3. In the event of any Provisional Order and the undertaking thereby authorised being acquired by the company under this section the provisions of the Electric Lighting Act 1888 and the Electric Lighting (Clauses) Act 1899 shall subject to any modifications of those Acts made by any such Order apply to that

**Special  
Clauses.**

undertaking and where the undertakers are a local authority the said undertaking shall be deemed to be within the provisions of section 2 of the Electric Lighting Act 1888.

Provided that the periods at which the local authority may under the provisions of the said section repurchase the said undertaking or so much thereof as is within their jurisdiction shall be reckoned from the date of the acquisition thereof by the company.

(See section 4 of the Lancashire Electric Power Act, 1904.)

*(Alternative Schedule of Maximum Prices to be Charged in Respect of a Supply of Electrical Energy.)*

In this Schedule the expression "unit" shall mean the electrical energy contained in a current of 1,000 amperes flowing under an electric motive force of one volt during one hour.

The following are the maximum prices which the company are entitled to charge per quarter :

## SECTION I.

1. A standard charge for service at the rate of ten shillings per electrical horse power for the supply of which the company is required to make provision ; and

2. In addition a charge for current determined by meter after transforming as follows :

- (A) For the first 5,000 units consumed in any quarter at the rate of 3*d.* per unit ;
- (B) For all units consumed between 5,000 and 10,000 in any quarter at the rate of 2½*d.* per unit ;
- (C) For all units consumed between 10,000 and 20,000 in any quarter at the rate of 2½*d.* per unit ;
- (D) For all units consumed between 20,000 and 50,000 in any quarter at the rate of 2*d.* per unit ;
- (E) For all units consumed between 50,000 and 100,000 in any quarter at the rate of 1½*d.* per unit ;
- (F) For all units consumed between 100,000 and 200,000 in any quarter at the rate of 1*d.* per unit ;
- (G) Amounts over 200,000 units consumed in any quarter at the rate of ¾*d.* per unit ; or alternatively.

## SECTION II.

(1) For any quantity not exceeding the equivalent of one hundred hours of supply at the maximum power which has been demanded at the rate of fourpence per unit.

(2) For any further quantity exceeding the equivalent of one hundred and not exceeding two hundred hours of supply at such maximum power at the rate of twopence per unit.

(3) For any further supply exceeding the equivalent of two hundred hours of supply at such maximum power at the rate of one penny per unit.

(See Schedule 2 of the North Western Electricity and Power-Gas Act, 1903.)

## FORM OF CONSENT BY THE BOARD OF TRADE TO THE CONSTRUCTION OF A GENERATING STATION.\*

WHEREAS it is provided by section 2 of the Electric Lighting Act 1909 that it shall not be lawful for any undertakers except with the consent of the Board of Trade to construct any generating station on any land acquired by them after the thirty-first day of March one thousand nine hundred and nine unless the construction is authorised and the land is specified in a special Act or Provisional Order and the Board of Trade shall not in any case give such consent until notice has been given by advertisement or otherwise as the Board of Trade may direct to the local authority of the district in which the land is situate and to owners and lessees of land situate within three hundred yards of the land upon which the generating station is to be constructed and an opportunity has been given to such local authority owners and lessees of stating any objections they may have thereto.

And whereas the                      the undertakers under the                      Electric Lighting Order                      which Order was confirmed by the Electric Lighting Orders Confirmation (No.                      ) Act                      have applied to the Board of Trade under the said section for their consent to the construction of a generating station upon certain land in the of                      the site of which land is coloured                      on the plan attached hereto.

And whereas the undertakers have given notice of the application by advertisement and have served notices as directed by the Board of Trade on the                      the local authority under the said Order and on owners and lessees of land situate within three hundred yards of the land upon which the generating station is to be constructed.

And whereas an opportunity has been given to the said local authority owners and lessees of stating any objections they may have to the construction of the said generating station.

Now therefore the Board of Trade by virtue and in exercise of the powers conferred upon them by the said section do hereby consent to the construction of a generating station upon the land the site of which is coloured                      on the plan attached hereto.

Signed by order of the Board of Trade this                      day of                      19                      .  
Assistant Secretary,  
Board of Trade.

---

\* See s. 2 of the Electric Lighting Act, 1909, *ante*, p. 229.

FORM OF CONSENT BY BOARD OF TRADE  
TO THE SUPPLY TO PREMISES OUTSIDE  
THE AREA OF SUPPLY.\*

In the matter of an application by the                      under section 6  
of the Electric Lighting Act 1909 for permission to supply  
electricity to certain premises outside their area.

WHEREAS by the                      Electric Lighting Order                      confirmed by  
the Electric Lighting Orders Confirmation (No.                      ) Act                      ,

Company Limited (hereinafter called the "company") were  
authorised to supply electricity within the                      and the company  
are the undertakers for the purposes of the said Order.

And whereas the company are supplying electricity within the  
said area under the said Order.

And whereas by section 6 of the Electric Lighting Act 1909 it is  
(amongst other things) provided that where it is proved to the  
satisfaction of the Board of Trade that the occupier of any premises  
is desirous of obtaining a supply of electricity from any undertakers  
within whose area of supply those premises are not situate the  
Board of Trade may if the local authority within whose district the  
premises are situate and the undertakers (if any) authorised to  
supply electricity to such premises consent by Order permit the  
first-mentioned undertakers to give a supply to those premises on  
such terms and conditions as the Board think fit And it is further  
provided by the said section that any such Order by the Board of  
Trade may for the purposes of enabling a supply to be given there-  
under confer any such powers and impose any such duties on the  
undertakers as would have been conferred or imposed by the Electric  
Lighting Acts (which are defined to mean as respects England the  
Electric Lighting Acts 1882 and 1888) and as might have been  
conferred or imposed by Provisional Order if the premises and the  
route along which lines are to be laid for the purpose of giving the  
supply were within the area of supply of the undertakers anything  
in the special Act or Order relating to the undertaking to the  
contrary notwithstanding.

And whereas it is proved to the satisfaction of the Board of Trade  
that the occupiers of certain premises known as                      all situate in  
the                      district of                      (and not within the area of supply of the  
company) are desirous of obtaining a supply of electricity from the  
company.

And whereas the                      District Council being the local authority  
within whose district the said premises are respectively situate [and  
the                      company being the undertakers authorised to supply

\* See s. 6 of the Electric Lighting Act, 1909, *ante*, p. 234.

electricity to such premises] have given their [respective consents] [consent] to the company to give a supply to those premises.

**Form of  
Consent.**

Now therefore the Board of Trade by virtue of the power in that behalf conferred upon them by the said recited section do make this Order permitting the company to supply electricity to the said premises and for the purpose of enabling the said supply to be given the Board hereby confer upon the company power to open and break up so much of        as may be necessary for that purpose and to lay down and place therein electric lines and other works and from time to time to repair alter or remove the same as if the said roads were within the company's area of supply under the said Provisional Order and as if special powers had been thereby conferred upon the company to break up the said        .

Provided that in the exercise of the said power and as regards the maintenance and user of such electric lines and other works the company shall be subject to the same duties in all respects (including the duties imposed by provisions for the protection of the Postmaster-General and his telegraphic lines) as if the said premises and the said roads were within the said area of supply of the company.

Provided also that if at any time it is proved to the satisfaction of the Board of Trade that the        Company or other the undertakers then authorised to supply electricity in the district in which the said premises are situate are ready and willing to give a supply of electricity to the occupiers thereof on reasonable terms and to pay to the company a sum [equal to the capital expenditure incurred by the company in connection with the supply of electricity to the said premises less an allowance for depreciation to be determined in default of agreement by arbitration (which shall be subject to the Arbitration Act 1889)] or [to be determined by the Board of Trade or by an arbitrator to be appointed by the Board of Trade (†)] the Board may revoke this Order upon such terms as they think just and on this Order being revoked the provisions of section 67 of the Schedule to the Electric Lighting (Clauses) Act 1899 incorporated with the company's said Provisional Order of        with respect to the removal of works the reinstatement of streets and the payment of the costs of such removal and reinstatement shall in respect of the said electric lines and other works if and so far as the same shall not within three months of this Order being revoked be used by the said undertakers apply as if the said roads had been within the company's said area of supply and the said Provisional Order had been revoked.

---

† The terms inserted by the Board of Trade in each consent depend upon the circumstances of the case.

WILLIAM L. HARRIS  
UNIVERSITY OF CALIFORNIA  
LIBRARY

# RULES AND REGULATIONS, FORMS OF ACCOUNTS, ETC.

	PAGE
Rules made by the Board of Trade with respect to Applications for Provisional Orders ... ..	344
Memorandum of Procedure with regard to Applications to the Board of Trade for various Consents and Orders under the Electric Lighting Acts, 1882 to 1909 ... ..	356
Board of Trade Regulations (A) for Securing the Safety of the Public and (B) for Ensuring a Proper and Sufficient Supply of Electrical Energy ... ..	364
Board of Trade Regulations as to Extra High Pressure ... ..	379
Board of Trade Regulations for Overhead Lines ... ..	385
Regulations under s. 4 of the Electric Lighting Act, 1888 ... ..	387
Form of Byelaws under s. 13 of the Public Health Acts Amendment Act, 1890 ... ..	394
Forms of Accounts prescribed by the Board of Trade—	
(A) for a Local Authority ... ..	396
(B) for an Electric Lighting Company ... ..	404
Order in Council legalising new Denominations of Standards for Measurement of Electricity... ..	414
Board of Trade Electrical Standardizing Laboratory Table of Fees ...	416
Electricity Regulations made under the Factory and Workshop Acts, 1901 and 1907 ... ..	420
Electricity Rules made under the Coal Mines Act, 1911, for the Installation and Use of Electricity in Mines ... ..	430
Byelaws made by the London County Council under the London Overhead Wires Act, 1891 ... ..	440
Rules made by the London County Council as to the Testing of Electricity Meters, etc. ... ..	443
Regulations made by the London County Council for the Protection of Theatres from Fire ... ..	447
Report of the Joint Committee on Electrical Energy (Generating Stations and Supply), 1898 ... ..	459
List of Cases in which the Board of Trade have dispensed with Local Authorities' Consents under s. 1 of the Electric Lighting Act, 1888 ... ..	465
Particulars of Provisional Orders and Special Acts relating to the Supply of Electricity in London ... ..	468
Proposed Electricity Rules under the Metalliferous Mines Regulation Act, 1872 ... ..	475

## RULES

MADE BY THE BOARD OF TRADE IN PURSUANCE OF  
SECTION 5 OF THE ELECTRIC LIGHTING ACT, 1882,  
WITH RESPECT TO APPLICATIONS FOR PROVI-  
SIONAL ORDERS.

## A.—MODE AND TIME OF MAKING APPLICATION.

Memorial on  
or before  
21st  
December.

Rule I.—Every application for a Provisional Order must be made by memorial signed or sealed by, or on behalf of, the applicants, headed with a short title descriptive of the objects of the proposed application (corresponding with that at the head of the advertisement hereinafter mentioned, see Rule II.), addressed to the Board of Trade. The memorial must be lodged on or before the 21st day of December.

## B.—STEPS TO BE TAKEN BEFORE MAKING THE APPLICATION.

(a) *Notices which must be given.*

Public  
notice by ad-  
vertisement  
in October  
or November.

Rule II.—Applicants for a Provisional Order must, in the month of October or November, publish notice by advertisement of their intended application, and every such advertisement must contain the following particulars:

1. The objects of the application.
2. The address and description of the applicants.
3. A description of the proposed area of supply (if any).
4. The names of the streets (if any) in which it is proposed that electric lines shall be laid down within a specified time.
5. A list of the streets not repairable by a local authority and of the railways and tramways (if any) which the applicants propose to take special powers by the Order to break up.
6. The address of an office in London, and another office within the area of supply at which printed copies of the draft Order when applied for, and of the Order when made, can be obtained at a price of not more than one shilling each.
- 7.—(a) In the case of a Provisional Order to authorise the compulsory acquisition or the use of land for a generating station, a description of that land.\*

(b) In the case of a Provisional Order relating to the purchase of a generating station, mains or other works used solely for

\* At the time of proving the publication of the notice, the Board of Trade will require proof that at the date of the first publication of the notice no part of the land proposed to be compulsorily acquired belonged to any gas or water undertakers and was used or authorised to be used by them for the purposes of their undertaking. See s. 24, Electric Lighting Act, 1909.



supplying electricity within the districts of two or more local authorities, but not situated within any of those districts, a description of the position of the generating station, mains or other works to be purchased.

**Rule 2.**

(c) In the case of a Provisional Order for the constitution of a joint committee or joint board, the basis upon which the representation on, and the financial requirements of the joint committee or joint board and the contribution to the common fund by the constituent authorities are to be provided for.

The advertisement must in each case be headed with a short title, descriptive of the objects of the proposed application (corresponding with that at the head of the memorial), and it must state that every local or other public authority, company, or person desirous of bringing before the Board of Trade any objection respecting the application must do so by letter addressed to the Board of Trade, marked on the outside of the cover enclosing it, "Electric Lighting Acts," on or before the 15th day of January next ensuing, and that a copy of such objection must also be forwarded to the parliamentary agents or solicitors for the Order.

The advertisement must be inserted once at least in each of two successive weeks in one and the same local newspaper, circulating in the district or districts to which the application relates, or, in the case of an application under section 7 of the Electric Lighting Act, 1909, in the districts of the local authorities making the application, or in such other newspaper as the Board of Trade may direct; and once at least in the London, Edinburgh, or Dublin Gazette, according as the district or districts is or are situated in England, Scotland, or Ireland.

Rule III.—Any company or person intending to apply for a Provisional Order to authorise the distribution of electricity must on or before the 1st day of July in the year in which the application is made give notice to the local authority. (See section 4 (1), Electric Lighting Act, 1882.)†

Private notices :  
(i) On or before 1st July.

NOTE.—In a case where this notice has not been given the Board of Trade may notwithstanding grant the Order provided the local authority waives its right to receive the said notice. (See section 9, Electric Lighting Act, 1909.) The fact that such right has been waived must be proved in the same manner as the consent of a local authority. (See Rule IX.)

† Except in the case of an application by the local authority for the district a Provisional Order to authorise the distribution of electricity will not be granted by the Board of Trade except to the body or person by whom or on whose behalf the notice required by s. 4 (1) of the Electric Lighting Act, 1882, was given.

**Rule 4.**

(ii) On or  
before 1st  
November.

**Rule IV.**—Any local authority, company, or person intending to apply for a Provisional Order to authorise the distribution of electricity must, on or before the 1st day of November in the year in which the application is made, give notice of their intended application to every company or person authorised under statutory powers to distribute electricity within the area to which the proposed application relates; and any local authority, company, or person intending to apply for a Provisional Order to authorise the supply of electricity in bulk must, on or before the said date, give notice of their intended application to every local authority, company, or person authorised under statutory powers to supply electricity in bulk or to distribute electricity within the area to which the proposed application relates.

(iii) On or  
before 15th  
December.

**Rule V.**—In the case of a Provisional Order to authorise the compulsory acquisition of land for the purpose of a generating station, the applicants must on or before the 15th day of December in the year in which the application is made, serve a notice on the owners, or reputed owners, lessees, or reputed lessees, and occupiers of all lands intended to be so acquired as shown on the deposited plan, describing in each case the particular lands intended to be so acquired.

Every such notice as aforesaid shall be as nearly as may be in the form set out in the Schedule to these Rules.

**Rule VI.**—On or before the 15th day of December in the year in which the application is made for a Provisional Order to authorise the compulsory acquisition or the use of land for the purpose of a generating station, the applicants must serve a notice upon the local authority of the district in which the land is situate and upon all owners or reputed owners and lessees or reputed lessees of land situate within three hundred yards of the land proposed to be so acquired or used.\*

How private  
notice must  
be given.

**Rule VII.**—In any case where a local authority, company, or person is required to give notice to any local authority, company, or person, the notice must be given in writing, and must be served, either by leaving the same at the offices of the local authority or company or at the address of the person on or before the day prescribed in that behalf or by forwarding the same by post in a registered letter so that the same would in ordinary course of post be delivered on or before that date.

\* A generating station for the purposes of this Rule does not include a station for transforming, converting or distributing electrical energy. See s. 2 of the Electric Lighting Act, 1909.

**Rule 8.**

(b) *Consent which must be Obtained and how the same must be Proved.*

Rule VIII.—An application for a Provisional Order to authorise the distribution or the supply in bulk of electricity (other than an application from the local authority of the district which comprises the area of supply) or the breaking up of roads outside the applicants' area of supply, will not be entertained by the Board of Trade unless proof of the consent of every local authority having jurisdiction within the area of supply or within the districts in which the roads are situate, as the case may be, to the grant of the Order, or where any such consent has been refused a request from the applicants asking the Board of Trade to dispense with the consent of such local authorities as have not consented and giving the reasons for such request, is deposited with the Board of Trade on or before the 22nd day of February.

Consent of  
local  
authority.

Rule IX.—Where the consent of any local authority is required to the grant of a Provisional Order, the consent must be given by a resolution passed at a meeting of the local authority held after previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of the local authority are usually given; and the fact that such a resolution as aforesaid was duly passed must be proved by a certificate signed by the secretary or clerk to the local authority reciting a copy of the notice and of the resolution, and declaring that the notice was duly given and the resolution duly passed.†

How proved.

(c) *Deposits which must be made on or before the 30th November.*

Rule X.—The applicants must in each case deposit at the office of the Board of Trade on or before the 30th day of November a copy of the advertisement referred to in Rule II.

Deposits on  
or before  
30th Novem-  
ber:  
(i) With the  
Board of  
Trade.

In the case of a Provisional Order to authorise the distribution of electricity, the applicants must also deposit at the office of the Board of Trade a published map of the district on a scale of not less than six inches to a mile, or if there is no published map, then the best map procurable, showing the boundaries of the area of supply, and the streets in which it is proposed that electric lines shall be laid down within a specified time.

In the case of a Provisional Order to authorise the breaking up of roads, railways and tramways outside an area of supply, or the

† At the time of proving a consent of the local authority to the grant of a Provisional Order, the applicants must deposit with the Board of Trade a copy of any agreement relating to such consent.

**Rule 10.**

supply of electricity in bulk, the applicants must deposit at the office of the Board of Trade a similar map showing, as the case may be, the roads, railways and tramways proposed to be broken up, or the districts in which the supply in bulk is to be given.

In the case of a Provisional Order relating to the purchase of a generating station, mains or other works used solely for supplying electricity within the districts of two or more local authorities, but not situated within any of those districts, the applicants must deposit at the office of the Board of Trade a similar map showing the area of supply and the position of the generating station, mains and other works to be purchased.

In the case of a Provisional Order for the constitution of a joint committee or joint board the applicants must deposit at the office of the Board of Trade a similar map showing the districts or parts of districts in respect of which the joint committee or joint board is proposed to be constituted.

In the case of a Provisional Order to authorise the compulsory acquisition or the use of land for the purposes of a generating station, the applicants must deposit at the office of the Board of Trade a plan of the site of the land and, in the case of compulsory acquisition, a book of reference.

The plan must be on a scale of not less than a quarter of an inch to every hundred feet and must have shown thereon any building, yard, courtyard, land within the curtilage of any building, and any ground cultivated as a garden.

The book of reference must contain the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of all lands and houses proposed to be taken compulsorily and must describe such lands and houses respectively. It must also contain the names of the owners or reputed owners and lessees or reputed lessees of land situate within three hundred yards of the land upon which the generating station is to be constructed.

(ii) With  
certain local  
officials.

The applicants must also on or before the 30th day of November deposit a copy of the said advertisement and of the said maps or plan and book of reference for public inspection—

*In England or Ireland*, at the office of the clerk of the peace for every county, riding, or division, and at that of the local authority of every district

*In Scotland*, at the office of the principal sheriff clerk for every county, and where any county is divided into districts for sheriff court purposes, at the office of the sheriff clerk in each of such districts, and also at that of the local authority of every district

to which the application relates.

In the case of a Provisional Order relative to the administrative county of London, the applicants must also on or before the date aforesaid deposit a copy of the said maps, plan and book of reference at the office of the London County Council.

**Rule 10.**

(d) *Preparation of Draft Order.*

Rule XI.—The applicants must in each case prepare a draft of the proposed Order. Applicants must prepare draft Order.

The draft Order must be in print. It must be printed on one side only and each Schedule annexed must begin a new page.

The names and addresses of the parliamentary agents or solicitors for the Order must be printed on the outside of the draft.

There must be a notice at the end of the draft stating that objections are to be made by letter addressed to the Board of Trade, marked on the outside of the cover enclosing it "Electric Lighting Acts," and that the letter is to be sent to the Board of Trade on or before the 15th day of January next ensuing, and that a copy of the objections is to be forwarded to the parliamentary agents or solicitors for the Order.

The draft must, where the application is other than for the constitution of a joint committee or joint board, contain amongst other things— What draft Order must contain :

1. The address and description of the applicants.
2. A description of the proposed area of supply (if any), and in the case of a Provisional Order for authorising the supply of electricity in bulk, a description of the roads, railways and tramways along the route along which electric lines are to be laid for the purpose of giving the supply. (i) In case of an ordinary application.
- \*3. A statement of the purposes for which a supply is to be given, viz., any or all of the public or private purposes specified in section 3 of the Electric Lighting Act, 1882, or in bulk.
- \*4. Provisions concerning the breaking up of roads, railways, and tramways, where powers are sought to be obtained by the Order for those purposes.
- \*5. Conditions of supply.
- \*6. Provisions for securing the safety of the public from injury by shock, fire, or otherwise.
- \*7. Provisions for enforcing the performance by the undertakers of their duties in relation to the supply of electricity and for the

\* Except in the case of applications relating to the county of London, these particulars must not be set out at length in the draft Order, but must be provided for by the incorporation of the provisions contained in the Schedule to the Electric Lighting (Clauses) Act, 1899.

**Rule 11.** — revocation of the Order where the undertakers fail to perform such duties.

8. In the case of a Provisional Order to authorise the compulsory acquisition or the use of land for the purposes of a generating station, a description of such land.

9. In the case of a Provisional Order to authorise a supply of electricity at any point within an area to be used for purposes incidental to the working or lighting of a railway, tramway or canal (other than haulage or traction or the lighting of vehicles or vessels) partly within and partly without that area, a description of the railway, tramway or canal, the names of the districts in which the electricity is to be used and a statement of the purposes for which the supply is to be given.

10. In the case of a Provisional Order relating to the purchase of a generating station, mains or other works used solely for supplying electricity within the districts of two or more local authorities but not situate within any of those districts, a description of the generating station, mains or other works to be purchased, and a list of the districts to which electricity is supplied therefrom.

(ii) In case of an application for the constitution of a joint committee or joint board.

11. In the case of a Provisional Order for the constitution of a joint committee or joint board the draft Order must, in addition to such of the particulars hereinbefore stated as shall be applicable, contain :

- (a) A description of the purposes for which the committee or board is to be constituted.
- (b) Provisions for constituting the committee or board, for the appointment and removal of members, and for the meetings of the committee or board.
- (c) Provisions (1) relating to the financial arrangements between the proposed constituent authorities ; (2) for the appointment and remuneration of officers ; and (3) for settling differences between the committee or board and any of the constituent authorities.
- (d) Provisions as to audit of accounts.\*
- (e) Provisions for adapting the provisions of the Electric Lighting Acts, 1882 to 1909, or any Provisional Order in force in the area of supply or any part thereof to the case of the committee or board proposed to be constituted.

\* Where the accounts of one or more of the constituent authorities are subject to audit by an auditor appointed by a Government Department the draft Order must provide for the accounts of the joint committee or joint board being so audited.

C.—STEPS TO BE TAKEN WHEN MAKING THE APPLICATION.

**Rule 12.**

(a) *Deposits which must be made with the Board of Trade.*

Deposits with  
the Board of  
Trade.

Rule XII.—The applicants must in each case when lodging their memorial deposit with it—

1. Six printed copies of the draft Order.
2. A list of the local authorities in whose districts the area of supply (if any) is situated.
3. In the case of a Provisional Order relating to the purchase of a generating station, mains or other works used solely for supplying electricity within the districts of two or more local authorities but not situate within any of those districts, a list of the local authorities within whose districts the generating station, mains and other works are situate.
4. A list of the local authorities, companies, or persons (if any) authorised to supply electricity under statutory powers within the area of supply.
5. In the case of an application by a local authority, the following particulars :

- (a) The sum proposed to be expended on the undertaking :
- (b) Whether it is proposed to raise a loan for the purposes of the undertaking :
- (c) The rateable value of the district :
- (d) The amount of indebtedness and the borrowing powers of the applicants for all purposes :
- (e) The amount of the rates in the pound : and
- (f) A statement showing that a definite scheme (including an estimate of the cost) for the supply of electricity has been prepared and considered by the local authority, and a report by an electrical engineer on the proposed scheme.

In the case of a Provisional Order for the constitution of a joint committee or joint board there must be deposited with the memorial (in addition to such of the deposits hereinbefore specified as are applicable) the following particulars :

- (g) The rateable value of each of the districts of the proposed constituent authorities.
- (h) The amount of indebtedness and the borrowing powers of each of the proposed constituent authorities.
- (i) The amount of the rates in the pound in the district of each of the proposed constituent authorities.
- (j) A statement showing (where the proposal is not for the combination of existing undertakings actually worked) that a definite scheme (including an estimate of the cost) for the supply of electricity has been prepared and

**Rule 12.**

considered by the proposed constituent authorities and also a report by an electrical engineer on the proposed scheme.

- (k) A statement of the proportions in which the cost is to be defrayed by the proposed constituent authorities.
- (l) A copy of any agreement between the proposed constituent authorities relating to the application.

In the case of an application other than by a local authority, a statement of the capital proposed to be expended in connexion with the undertaking, and the mode in which such capital is to be provided.

In the case of a Provisional Order to authorise the breaking up of roads, railways or tramways outside an area of supply for the purpose of enabling electricity to be brought into that area from a generating station situated outside that area, there must also be deposited :

- (m) A list of the local authorities in whose districts the roads, railways or tramways are situate ;
- (n) A list of the roads, railways and tramways.

6. If the applicants are a company incorporated under the provisions of the Companies' Acts, a copy of the memorandum and articles of association.

7. A fee of £35 by cheque, payable to the Accountant-General of the Board of Trade, to cover ordinary expenses. If in consequence of inquiries or otherwise additional expense is incurred, the amount will be charged to the applicants and must be paid by them in addition to the ordinary fee.

(b) *Deposits which must be made at the Offices referred to in the Advertisement.*

Deposits at the offices referred to in the advertisement.

Rule XIII.—The applicants must on or before the 21st day of December deposit a sufficient number of printed copies of the draft Order at offices in London and within the area of supply specified in the advertisement hereinbefore mentioned (see Rule II.), such copies to be there furnished to all persons applying for them, at a price of not more than one shilling each.

(c) *Deposits which must be made with the Local Government Board, the Secretary for Scotland or the Local Government Board for Ireland.*

Deposits with Local Government Board, etc. in certain cases.

Rule XIV.—In the case of a Provisional Order for the constitution of a joint committee or joint board the applicants must, on or before the 21st day of December, deposit with the Local Government Board, the Secretary for Scotland, or the Local Government



Board for Ireland according as the application relates to an area of supply in England, Scotland, or Ireland, a copy of the draft Order and of every map, plan or other document required to be deposited with the Board of Trade.

**Rule 14.**

(d) *Deposit which must be made with the London County Council.*

Rule XV.—In the case of a Provisional Order relating to the administrative county of London the applicants must, on or before the 21st day of December, deposit a copy of the draft Order at the office of the London County Council who shall be entitled to make representations to and be heard by the Board of Trade thereon.

Deposit with the London County Council in certain cases

**D.—OBJECTIONS TO GRANT OF ORDER—HOW TO BE MADE.**

Rule XVI.—If any local or other public authority, company, or person desires to bring before the Board of Trade any objection respecting an application for a Provisional Order, they must do so by letter addressed to the Board of Trade, marked on the outside of the cover enclosing it, "Electric Lighting Acts," on or before the 15th day of January next after the application. A copy of the objection must also on or before the said date be furnished to the parliamentary agents or solicitors for the Order. If any local or other public authority, company, or person desires to have any clauses or other amendments inserted in the Order, they must deliver the same to the Board of Trade, and also to the parliamentary agents or solicitors for the Order, within the time limited for bringing objections.

Objections to grant of Order.

**E.—PROOF OF COMPLIANCE WITH THE ELECTRIC LIGHTING ACTS AND THE FOREGOING RULES.**

Rule XVII.—The parliamentary agents or solicitors for the Order must be prepared to prove compliance with the provisions of the Acts and the foregoing Rules by the 15th day of January, and all such proofs must be completed on or before the 22nd day of February. Six days' notice will be given of the day and hour at which such agents or solicitors are to attend for the purpose at the office of the Board of Trade, and printed forms of proof will accompany the notice. These forms must be filled up and brought with the requisite documents to the office of the Board of Trade at the time fixed for receiving proof.

Proof of compliance with Electric Lighting Acts and Rules.

**F.—STEPS TO BE TAKEN AFTER ORDER IS GRANTED.**

Rule XVIII.—When a Provisional Order has been granted by the Board of Trade and delivered to the applicants, they must

Deposits and publication and proof thereof.

**Rule 18.**

forthwith deposit printed copies for public inspection at the offices specified in Rule X., and must supply copies to all persons applying for the same, at a price of not more than one shilling each, and must further publish the same as the Board of Trade may direct.

Proof of compliance with this Rule must be made within one month from the grant of the Order in such manner as the Board of Trade may direct.

Deposit of  
published  
map with  
Board of  
Trade.

Rule XIX.—Where in a Provisional Order granted by the Board of Trade a deposited map is referred to, the promoters must within one month from the grant of the Order deposit at the Board of Trade a published map on a scale of not less than six inches to a mile, or if there is no published map then the best map procurable, showing the area of supply. The map must be mounted on linen, and must be certified as correct as regards its district by the clerk or surveyor to every local authority having jurisdiction within the area of supply.

G.—PROCEDURE WHEN BOARD OF TRADE HAVE REFUSED TO GRANT A PROVISIONAL ORDER AND APPLICANTS PROPOSE TO PROCEED BY PRIVATE BILL (SECTION 4 OF THE ELECTRIC LIGHTING ACT, 1909).

Notice for  
private Bill  
after rejection  
of  
application  
for Provisional Order.

Rule XX.—In any case where the Board of Trade refuse to grant a Provisional Order to authorise a supply of electricity in bulk, on the ground that the matter ought to be dealt with by private Bill, and the applicants intend to proceed by private Bill, the notice required by section 4, sub-section 2, of the Electric Lighting Act, 1909, informing all opponents of that intention must be served by being addressed to each opponent or his parliamentary agent or solicitor within fourteen days from the date of the Board's refusal to grant the Provisional Order.

H. LLEWELLYN SMITH,  
Secretary.

The Board of Trade,  
29th July, 1910.

NOTE.—When applications for Provisional Orders to authorise the distribution of electricity within the district of any local authority are received by the Board of Trade from that local authority, and also from any other authority, company, or person, the Board of Trade will give a preference to the application of the local authority of the district in every case where, in the opinion of the Board of Trade, no special circumstances exist which render such a preference inexpedient.

In cases of applications for a Provisional Order, to which objection is made by any person locally interested, the Board

of Trade will, if they consider it expedient, hold a local inquiry, of which due notice will be given.

**Note.**

These rules are in addition to any requirements relating to applications for Provisional Orders which are contained in the Standing Orders of Parliament.

*Schedule referred to in Rule V.*

Form of Notice to Landowners and Others.

*(Insert Title of Order.)*

SIR,

We beg to inform you that application is intended to be made to the Board of Trade for a Provisional Order under the Electric Lighting Acts, 1882 to 1909, and under the above-named short title, and that the property mentioned in the annexed Schedule or some part thereof, in which we understand you are interested as therein stated, will be liable to be taken compulsorily for the purposes of a generating station.

We also beg to inform you that a plan of the said land with a book of reference thereto have been or will be deposited on or before the 30th November, for public inspection at the office of [specify the office (*if in England or Ireland*) of the clerk of the peace for the county, riding or division and of the local authority of the district (*if in Scotland*) of the sheriff clerk for the county, of the sheriff clerk for the district (if any) and of the local authority of the district] on which plan your property is designated by the numbers in the annexed Schedule.

If there should be any error or misdescription in the annexed Schedule, we shall feel obliged by your informing us thereof at your earliest convenience, that we may correct the same without delay.

If you desire to bring before the Board of Trade any objection respecting the said application, you must do so by letter addressed to the Board of Trade marked on the outside of the cover enclosing it "Electric Lighting Acts" on or before the 15th day of January next, and a copy of the objection must be furnished to us.

We are, etc.,

Schedule referred to in the foregoing notice describing the property therein alluded to :

Description of Property.	Number on Plan.	Owner.	Lessee.	Occupier.

## ELECTRIC LIGHTING ACTS, 1882 TO 1909.

### MEMORANDUM OF PROCEDURE TO BE ADOPTED IN REGARD TO APPLICATIONS TO THE BOARD OF TRADE WITH RESPECT TO THE FOLLOWING MATTERS:

A.—*Application by undertakers for consent of Board of Trade under section 13 of the Electric Lighting Act, 1882, to break up any street not repairable by the local authority, or any railway or tramway which they are not empowered to break up under their Order or Special Act (a).*

1. The applicants must give notice of the application, by advertisement or otherwise, as the Board of Trade may direct, to the authority, company, or person by whom the street, railway or tramway is repairable.

The notice should be as nearly as may be in the Form A. (b) set out in the Appendix hereto.

2. The application must contain an accurate description of the street, railway or tramway to which it relates, and must be accompanied by a map or plan on a scale of not less than six inches to the mile, showing the street, railway or tramway to which the application relates.

3. Proof that these requirements have been complied with must be made by the applicants forwarding to the Board of Trade—

- (a) A copy of the newspaper containing the advertisement (if any) and a copy of the notice served on the authority, company or person by whom the street, railway or tramway is repairable ; and
- (b) An affidavit or stamped statutory declaration to the effect that all authorities, companies or persons by whom the street, railway or tramway is repairable have been served with the notice referred to, with a list of such authorities, companies or persons as an exhibit.

B.—*Application by undertakers for consent of the Board of Trade under section 2 of the Electric Lighting Act, 1909, to construct a generating station on land acquired after the 31st day of March, 1909, otherwise than under statutory authority (c).*

1. The applicants must give notice of the application, by advertisement or otherwise, as the Board of Trade may direct, to

(a) See *ante*, p. 97.

(b) See *post*, p. 361.

(c) See *ante*, p. 229.

**Memo-  
randum.**

the local authority of the district in which the land is situate and to owners and lessees of lands situate within 300 yards of the land upon which the generating station is to be constructed.

The notices should be as nearly as may be in the Forms B. and C. (d) respectively as set out in the Appendix hereto.

2. The application must contain an accurate description of the land on which the station is to be constructed, and must be accompanied by a plan showing the site in some distinctive colour.

3. A copy of the plan must be deposited for public inspection at the office of the local authority of the district in which the land is situate, or in such other office as the Board of Trade may direct.

4. Proof that these requirements have been complied with must be made by the applicants forwarding to the Board of Trade—

- (a) A copy of the newspaper containing the advertisement (if any), a copy of the notice served on the local authority of the district in which the land is situate, and of that served on owners and lessees ; and
- (b) An affidavit or stamped statutory declaration to the effect that the said local authority and owners and lessees have been served with the notice referred to, with a list of the owners and lessees as an exhibit, and that a plan showing the site of the land has been deposited for public inspection at the office of the local authority of the district, or in such other office as the Board of Trade may have directed.

C.—*Application by undertakers for Order of Board of Trade under section 4 (3) of the Electric Lighting Act, 1909, permitting supply of electricity in bulk to other undertakers, where the supply can be given without breaking up any streets except such as the undertakers giving or the undertakers receiving the supply are authorised to break up (e).*

1. The applicants must give notice of the application by advertisement in such manner as the Board of Trade may direct, and notice in writing to all undertakers authorised to supply electricity in bulk or otherwise in the area to which the application relates.

The notice should be as nearly as may be in the Form D. (f) set out in the Appendix hereto.

The Board of Trade may, in certain cases, also require the applicants to give notice to the local authorities of the districts affected by the application.

---

(d) See *post*, p. 362.

(e) See *ante*, p. 232.

(f) See *post*, p. 363.

**Memo-  
randum.**

2. The application must contain—
  - (a) A description of the undertakers proposed to be supplied in bulk ;
  - (b) A description of the streets (if any) proposed to be broken up for the purpose of giving the supply ; and
  - (c) A statement of the terms and conditions on which the supply is proposed to be given.
3. The application must be accompanied by—
  - (a) A map on a scale of not less than six inches to the mile, showing the area of supply of the applicants and that of the undertakers proposed to be supplied ;
  - (b) A list of other undertakers (if any) authorised to supply electricity in bulk or otherwise in the last named area ; and
4. Proof that the above requirements relating to notices have been complied with must be made by the applicants forwarding to the Board of Trade—
  - (a) A copy of the newspaper containing the advertisement, and a copy of the notice given to undertakers authorised to supply electricity in the area to which the application relates ; and
  - (b) An affidavit or stamped statutory declaration to the effect that all undertakers affected by the application have been served with the notice referred to, with a list of such undertakers as an exhibit.
5. Any costs or charges which may be incurred by the Board of Trade in connection with the application must be paid by the applicants.

*D.—Application by undertakers for consent of Board of Trade under section 5 (1) of the Electric Lighting Act, 1909, to supply electricity to railways, tramways or canals, for the purposes of haulage or traction and the lighting of vehicles or vessels used thereon (g).*

1. The applicants must give notice of the application by advertisement in such manner as the Board of Trade may direct, and notice in writing to all undertakers authorised to supply electricity in the districts, or any of them, traversed by the railway, tramway or canal, or portion thereof, as the case may be, on which the proposed supply is to be used.

The notice should be as nearly as may be in the Form E. (h) set out in the Appendix hereto.

(g) See *ante*, p. 233.

(h) See *post*, p. 363.

Memo-  
randum.

2. The application must specify the point within the area of supply of the applicants at which the supply is to be given, and must contain a description of the railway, tramway or canal, or portion thereof, as the case may be, on which the electricity is to be used, and full particulars of the purposes for which and the terms and conditions on which the supply is to be given.

3. Proof that the above requirements relating to notices have been complied with must be made by the applicants forwarding to the Board of Trade—

- (a) A copy of the newspaper containing the advertisement and a copy of the notice given to undertakers authorised to supply electricity in the districts in which the electricity is to be used ; and
- (b) An affidavit or stamped statutory declaration to the effect that all undertakers affected have been served with the notice referred to, with a list of such undertakers as an exhibit.

E.—*Application by undertakers for Order of Board of Trade under section 6 of the Electric Lighting Act, 1909, permitting them to give a supply of electricity to premises situate outside their area of supply (i).*

1. The application must be made in respect of specific premises and not in respect of an addition to the area of supply of the applicants.

2. The application must be accompanied by—

- (a) A map or plan on a scale of not less than 6 inches to the mile having marked thereon, in some distinctive colour, the route of the electric lines proposed to be placed for the purpose of giving the supply, the names of any streets in or along which the said electric lines are to be placed, and the situation of the premises proposed to be supplied ;
- (b) A list of the streets and any railways or tramways proposed to be broken up for the purpose of giving the supply, showing separately those streets (if any) which are not repairable by the local authority, and an affidavit or stamped statutory declaration to the effect that the streets repairable by the local authority are so repairable ;
- (c) Proof of the consent of the local authority in whose district the premises are situate and of the undertakers (if any) authorised to supply electricity to the premises forming

---

(i) See *ante*, p. 234.

**Memo-  
randum.**

the subject of the application, or evidence that those consents are unreasonably withheld ;

- (d) A statement of the terms and conditions on which the supply is proposed to be given ; and
- (e) An affidavit or stamped statutory declaration to the effect that the applicants are not by any Act of Parliament specifically prohibited from supplying electricity within the area in which the premises are situate.

3. The consent of the local authority, if given, should be given in pursuance of a resolution passed at a meeting of the local authority held after previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of the local authority are usually given, and the fact that such a resolution was duly passed should be proved by a certificate signed by the clerk of the local authority reciting a copy of the notice and of the resolution, and declaring that the notice was duly given and the resolution duly passed.

4. The consent of any undertakers being a company authorised to supply electricity to the premises, if given, should be proved by a certificate signed by the manager or secretary to the company.

5. In cases where for the purposes of giving the supply the applicants require to break up any street not repairable by the local authority or any railway or tramway they must (unless the authority, company or person by whom that street, railway or tramway is repairable consent to the breaking up thereof) apply to the Board of Trade under section 13 of the Electric Lighting Act, 1882, for the written consent of the Board authorising and empowering the applicants to break up that street, railway or tramway in the manner provided in this memorandum (see page 1).

6. Any costs or charges which may be incurred by the Board of Trade in connection with the application must be paid by the applicants.

*F.—Application by local authority for consent of Board of Trade under section 7 (2) of the Electric Lighting Act, 1909, to transfer of rights of purchase to another local authority (j).*

1. The application must be made in pursuance of a resolution of the local authority passed at a meeting of the local authority held after previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of the local authority are usually given, and the fact that such a resolu-



Memo-  
randum.

tion was duly passed should be proved by a certificate signed by the clerk to the local authority reciting a copy of the notice and of the resolution and declaring that the notice was duly given and the resolution duly passed.

2. The application can only be made in respect of the undertaking of a company which is situate within the districts of more than one local authority.

3. In the case of an undertaking authorised before the 1st day of April, 1910, the application must be accompanied by evidence that the company owning the undertaking consent to the transfer.

4. With the application there must be forwarded a draft deed of transfer containing the terms and conditions (if any) on which the transfer is proposed to be made and any consequential provisions which may be necessary for giving effect to the transfer.

5. The applicants must, if so required by the Board of Trade, publish notice of the application in such manner as the Board may direct.

6. Any costs or charges which may be incurred by the Board of Trade in connection with the application must be paid by the applicants.

NOTE.—Where in this memorandum provision is made for notice being given to a local authority, the London County Council shall in respect of any application relating to the county of London be deemed to be a local authority.

---

## APPENDIX.

### FORM A.

FORM OF NOTICE ON APPLICATION FOR CONSENT TO BREAK UP STREETS,  
ETC. UNDER SECTION 13 OF THE ELECTRIC LIGHTING ACT, 1882.

#### ELECTRIC LIGHTING ACT, 1882.

[*Title of Order or special Act.*]

Notice is hereby given that an application has been made to the Board of Trade by the [*insert name of undertakers*] for the consent of the Board, under section 13 of the Electric Lighting Act, 1882, to the said [*insert name of undertakers*] breaking up for the purposes of the [*insert title of Order or special Act*] the undermentioned streets not repairable by the local authority [*railway, tramway*], viz. [*set out description of streets, railway or tramway*].

Any person interested and wishing to object to the application may do so by letter addressed to the Board of Trade (H. Department), 7, Whitehall Gardens, London, S.W., within one month from the date hereof.

[*To be signed on behalf of the undertakers.*]

*Address of undertakers  
and date.*

---

**Memo-  
randum.****FORM B.****FORM B.**

FORM OF NOTICE, BY ADVERTISEMENT AND TO THE LOCAL AUTHORITY, OF APPLICATION FOR CONSENT OF BOARD OF TRADE UNDER SECTION 2 OF THE ELECTRIC LIGHTING ACT, 1909, TO CONSTRUCT A GENERATING STATION ON LAND ACQUIRED OTHERWISE THAN UNDER STATUTORY AUTHORITY.

**ELECTRIC LIGHTING ACT, 1909.**

[*Title of Order or special Act.*]

Notice is hereby given that an application has been made to the Board of Trade by the [*insert name of undertakers*] for the consent of the Board under section 2 of the Electric Lighting Act, 1909, to construct a generating station for the purposes of the [*insert title of Order or special Act*] on [*insert description of site*].

A plan shewing the site of the land in question has been deposited for public inspection at [*insert the address of the office of the local authority, or such other office as may have been directed by the Board of Trade*].

Any person having a statutory right under the section to state objections to the application may do so by letter addressed to the Board of Trade (H. Department), 7, Whitehall Gardens, London, S.W., within one month from the date thereof.

[*To be signed on behalf of the undertakers.*]

Address of undertakers  
and date.

**FORM C.**

C.—FORM OF NOTICE TO OWNERS AND LESSEES OF APPLICATION FOR CONSENT OF BOARD OF TRADE UNDER SECTION 2 OF THE ELECTRIC LIGHTING ACT, 1909, TO CONSTRUCT A GENERATING STATION ON LAND ACQUIRED OTHERWISE THAN UNDER STATUTORY AUTHORITY.

[*Address of undertakers and date.*]

**ELECTRIC LIGHTING ACT, 1909.**

[*Title of Order or special Act.*]

Sir,

I beg to inform you that an application has been made to the Board of Trade by the [*insert name of undertakers*] for the consent of the Board under section 2 of the Electric Lighting Act, 1909, to construct a generating station for the purposes of the [*insert title of Order or special Act*] on [*insert description of site*]. Certain land of which I understand you are the owner or lessee is situate within three hundred yards of the site above described.

A plan showing the site has been deposited for public inspection at [*insert address of office of the local authority or such other office as may have been directed by the Board of Trade*].

Any objection you may have to the said application should be addressed to the Board of Trade (H. Department), 7, Whitehall Gardens, London, S.W., within one month from the date hereof.

I am, etc.,

[*To be signed on behalf of the undertakers.*]

## FORM D.

Memo-  
randum.

FORM D.

FORM OF NOTICE, BY ADVERTISEMENT AND TO UNDERTAKERS, OF APPLICATION TO BOARD OF TRADE FOR AN ORDER UNDER SECTION 4 (3) OF THE ELECTRIC LIGHTING ACT, 1909, PERMITTING SUPPLY OF ELECTRICITY IN BULK.

## ELECTRIC LIGHTING ACT, 1909.

[*Title of Order or special Act.*]

Notice is hereby given that an application has been made to the Board of Trade by the [*insert name of applicants*] the undertakers under the [*insert title of Order or special Act*] for an Order permitting the said undertakers to supply electricity in bulk to the [*insert name or names of undertakers to whom supply in bulk is to be given*].

Any person affected and wishing to state objections to the application may do so by letter addressed to the Board of Trade (H. Department), 7, Whitehall Gardens, London, S.W., within one month from the date hereof.

[*To be signed on behalf of the applicants.*]

*Address of applicants  
and date.*

## FORM E.

FORM OF NOTICE, BY ADVERTISEMENT AND TO UNDERTAKERS, OF APPLICATION TO BOARD OF TRADE FOR THEIR CONSENT UNDER SECTION 5 (1) OF THE ELECTRIC LIGHTING ACT, 1909, TO SUPPLY ELECTRICITY TO RAILWAYS, TRAMWAYS OR CANALS FOR HAULAGE OR TRACTION AND THE LIGHTING OF VEHICLES OR VESSELS USED THEREON.

## ELECTRIC LIGHTING ACT, 1909.

[*Title of Order or special Act.*]

Notice is hereby given that an application has been made to the Board of Trade by the [*insert name of applicants*] as undertakers under the [*insert title of Order or special Act*] for the consent of the Board to the said undertakers to supply electricity at a point within their area of supply to the [*insert name of railway, tramway or canal*] for the purposes of [*state purposes, which must be limited to haulage or traction on the said railway, tramway or canal situate partly within and partly without the said area of supply, or the lighting of vehicles or vessels used thereon, and specify portion of the railway, tramway or canal on which the electricity is to be used*].

Any person affected and wishing to state objections to the application may do so by letter addressed to the Board of Trade (H. Department), 7, Whitehall Gardens, London, S.W., within one month from the date hereof.

[*To be signed on behalf of applicants.*]

*Address of applicants  
and date.*

## BOARD OF TRADE REGULATIONS (a) :

- (A), FOR SECURING THE SAFETY OF THE PUBLIC ; AND  
(B), FOR ENSURING A PROPER AND SUFFICIENT SUPPLY OF  
ELECTRICAL ENERGY.

### *Definitions.*

#### Definitions.

In the following Regulations—

The expression “the Order” means the

The expression “the undertakers” means the undertakers for the purposes of the Order.

The expression “consumer’s wires” means any electric lines on a consumer’s premises which are connected with the service lines of the undertakers at the consumer’s terminals.

The expression “sub-station” means any premises in which energy is transformed or converted for the purpose of supply to consumers, and which are large enough to admit the entrance of a person after the transforming or converting apparatus is in position, provided that for the purpose of these Regulations any place within any such premises which is used solely for some purpose other than such transformation or conversion shall not be deemed to form part of a sub-station.

The expression “overhead line” means any electric line which is placed above ground and in the open air.

The expression “pressure” means the difference of electrical potential between any two conductors through which a supply

(a) These Regulations are made by the Board of Trade under s. 6 of the Electric Lighting Act, 1882, and s. 10 of the Schedule to the Electric Lighting (Clauses) Act, 1899, or (where the last mentioned Act is not applicable) the corresponding section of the special Act or Order (see *ante*, pp. 80, 156). The present forms were settled in 1909, and applied both to new and existing undertakings. The Board of Trade, in fact, keep five different sets of Model Regulations. These respectively apply to (1) Local Authorities—Provinces ; (2) Companies—Provinces ; (3) Companies—London ; (4) Local Authorities—London ; (5) Local Authorities—both London and Provinces in the case of Orders granted in 1883. These are all substantially the same. The Form No. 2 alone is here set out, and any differences are noted.

Further Regulations are made as to extra high pressure, *post*, p. 379, and as to overhead wires for low pressure and medium pressure (continuous), and for low pressure (alternating), *post*, p. 385.

of energy is given, or between any part of either conductor and the earth; and subject to the variations allowed by No. B 3 of these Regulations—

Regulations

- (a) Where the conditions of the supply are such that the pressure at any pair of consumer's terminals does not exceed 250 volts, the supply shall be deemed a low pressure supply;
- (b) Where the conditions of the supply are such that the pressure exceeds 250 volts but does not exceed 650 volts, the supply shall be deemed a medium pressure supply;
- (c) Where the conditions of the supply are such that the pressure exceeds 650 volts but does not exceed 3,000 volts, the supply shall be deemed a high pressure supply; and
- (d) Where the conditions of the supply are such that the pressure exceeds 3,000 volts, the supply shall be deemed an extra high pressure supply.

The expressions "factory" (b), "workshop," and "quarry" have the same meaning as in the Factory and Workshop Act, 1901.

The expression "mine" means a mine to which the Coal Mines Regulation Act, 1887 (c), or the Metalliferous Mines Regulation Act, 1872 (cc), applies.

Where these Regulations require any metallic body to be "efficiently connected with earth," it shall be connected with the general mass of earth in such manner as will ensure at all times an immediate and safe discharge of electrical energy.

Other expressions to which meanings are assigned in the Order or in the Electric Lighting Acts, 1882 and 1888, have the same respective meanings in these Regulations.

#### A.—REGULATIONS FOR SECURING THE SAFETY OF THE PUBLIC.

##### *General.*

1. The pressure of a supply delivered to any consumer shall not exceed the limit of low pressure, except for special purposes, for

Pressure  
of supply to  
consumers.

(b) "Factory" in the Factory and Workshop Act, 1901 (1 Edw. 7, c. 22), includes "'electrical stations,' that is to say, any premises or that part of any premises in which electrical energy is generated or transformed for the purpose of supply by way of trade or for the lighting of any street, public place or public building, or of any hotel or of any railway, mine or other industrial undertaking." See s. 149 and Part I. of the Sixth Schedule of that Act.

(c) Now replaced by the Coal Mines Act, 1911; as to which, see *ante*, p. 61.

(cc) See *ante*, p. 62.

**Regulations** which a medium pressure supply may be given on the consumer undertaking to comply with the following conditions :

(a) Where the supply is for power purposes—

- (1) The frame of every electric motor shall be efficiently connected with earth.
- (2) The consumer's wires forming the connections to motors, or otherwise in connection with the supply, shall be, as far as practicable, completely enclosed in strong metal casing efficiently connected with earth, or they shall be fixed in such a manner that there shall be no danger of any shock.
- (3) The supply to every motor shall be controlled by means of an efficient cut-off switch, placed in such a position as to be easily handled by the person in charge of the motor, and connected so that by its means all pressure can be cut off from the motor itself, and from any regulating switch, resistance or other device in connection therewith.
- (4) Switches, efficient fuses or other automatic circuit-breakers shall be provided, so as to protect the circuits from excess of current, and all switches and cut-outs shall be so enclosed and protected that there shall be no danger of any shock being obtained in the ordinary handling thereof, or of any fire being caused by their normal or abnormal action.
- (5) A notice shall be fixed in a conspicuous position at every motor and switch board in connection with the supply forbidding unauthorised persons to touch the motors or apparatus.

(b) Where the supply is for arc lamps in series—

- (1) The consumer's wires forming the connections to the arc lamps, or otherwise in connection with the supply, shall be, as far as practicable, completely enclosed in strong metal casing efficiently connected with earth, or they shall be fixed in such a manner that there shall be no danger of any shock.
- (2) The supply to every arc lamp shall be controlled by means of an efficient cut-off switch, placed in such a position as to be easily handled by the person in charge of the arc lighting, and connected so that by its means all pressure can be cut off from the arc lamp itself, and from any regulating switch, resistance or other device in connection therewith. Provided that where the arc lamps are connected in series across

the outer conductors of a three-wire system, it shall be **Regulations** sufficient if one such switch be provided for each series of arc lamps.

- (3) Switches, efficient fuses or other automatic cut-outs shall be provided, so as to protect the circuits from excess of current, and all switches and cut-outs shall be so enclosed and protected that there shall be no danger of any shock being obtained in the ordinary handling thereof, or of any fire being caused by their normal or abnormal action.
- (c) Where the supply is for incandescent lamps in series—
  - (1) The consumer's wires forming the connections to the incandescent lamps, or otherwise in connection with the supply, shall be completely enclosed in strong metal casing and this casing together with the switches and lamp holders, if metallic, shall be efficiently connected with earth.
  - (2) Switches, efficient fuses or other automatic cut-outs shall be provided, so as to protect the circuits from excess of current, and all switches and cut-outs shall be so enclosed and protected that there shall be no danger of any shock being obtained in the ordinary handling thereof, or of any fire being caused by their normal or abnormal action.

Where the supply is for any special purpose other than those above mentioned, or where the pressure of the supply exceeds the limits of medium pressure it shall be subject to such other regulations as the Board of Trade may from time to time prescribe.

This Regulation shall not apply within the premises of a factory, a workshop, a mine, or a quarry.

2. When the pressure between the outer conductors of a three-wire system exceeds 250 volts and the three wires of the system or two pairs of wires are brought into a consumer's premises, the supply shall be given to two pairs of terminals arranged in such a manner that there shall be no danger of any shock, and the wiring from those terminals shall be kept distinct.

This Regulation shall not apply within the premises of a factory, a workshop, a mine, or a quarry.

3. An extra high pressure supply shall not be given to any consumer's premises other than a factory, a workshop, a mine, a quarry, or electric traction works, waterworks, sewerage or drainage works; and no such supply shall be given to electric traction works, waterworks, sewerage or drainage works, except

Introduction of three-wire system into consumer's premises.

Extra high pressure supply to consumer's premises.

**Regulations** with the consent of the Board of Trade and subject to such Regulations as the Board may prescribe (*d*).

Minimum size of conductors.

4. The sectional area of the conductor in any electric line laid or erected in any street after the date of these Regulations shall not be less than that of a strand of seven wires, each of which is of No. 20 standard wire gauge, and the sectional area of every wire in a strand forming any such conductor shall not be less than that gauge.

This Regulation shall not apply in the case of an electric line placed in a lamp-post.

Insulation test of low pressure and medium pressure mains.

5. Every low pressure and medium pressure main shall be tested for insulation after having been placed in position and before it is used for the purposes of supply, the testing pressure being the maximum pressure to which it is intended to be subjected in use, and in any case at least 200 volts, and the undertakers shall duly record the results of the tests of each main, or section of a main.

Maintenance of insulation.

6. The insulation of every complete circuit used for the supply of energy, including all machinery, apparatus, and devices forming part of, or in connection with, that circuit, shall be so maintained that the leakage current shall not under any conditions exceed one-thousandth part of the maximum supply current; and suitable means shall be provided for the indication and localisation of leakage. Every leakage shall be remedied without delay.

Every such circuit shall be tested for insulation at least once in every week, and the undertakers shall duly record the results of the testings.

Provided that where any part of any electric circuit is connected with earth, either in accordance with these Regulations or with the approval of the Board of Trade, the provisions of this Regulation shall not apply to that part of that circuit so long as the connection with earth exists.

Testing of insulation of all parts of high pressure circuit.

7. A high pressure circuit shall not be brought into use unless the insulation of every part thereof has withstood the continuous application, during half-an-hour, in the case of every electric line of a pressure twice the maximum pressure to which it is intended to be subjected in use, and, in the case of every machine, device, or apparatus, of a pressure 50 per cent. greater than the said maximum pressure.

The undertakers shall duly record the results of each test.

Circuit-breaker for high pressure mains, etc.

8. Every high pressure main, conductor, or other apparatus shall be protected by a suitable fuse or automatic circuit-breaker.

(*d*) For these further Regulations, see *post*, p. 379.



Provided that it shall not be incumbent upon the undertakers to provide such a fuse or circuit-breaker for the outer conductor of a concentric main which is, with the approval of the Board of Trade, efficiently connected with earth. Regulations

9. In every case where a high pressure supply is transformed for the purpose of supply to one or more consumers, some suitable automatic and quick-acting means shall be provided to protect the consumer's wires from any accidental contact with or leakage from the high pressure circuit, either within or without the transforming apparatus. Trans-formers.

This Regulation shall not apply within the premises of a factory, a workshop, a mine, or a quarry, where the high pressure transformer is under the jurisdiction of the Home Office.

10. The metallic portion of every high pressure transformer, with the exception of the conductors thereof, shall be efficiently connected with earth. Connection of trans-formers with earth.

This Regulation shall not apply within the premises of a factory, a workshop, a mine, or a quarry, where the high pressure transformer is under the jurisdiction of the Home Office.

11. Where any portion of any electric line or any support for an electric line is exposed in such a position as to be liable to cause injury from lightning, it shall be efficiently protected against such liability. Protection from lightning.

12. Where any accident by explosion or fire, or any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury has occurred at any part of any electric line or work, the undertakers shall give immediate notice thereof to the Board of Trade (e). Report of accidents to Board of Trade.

#### *Overhead Lines.*

13. Overhead lines shall not after the date of these Regulations be erected or maintained except in accordance with such Regulations as the Board may prescribe (f); provided that this Regulation shall not apply to any electric lines which have been erected at the date of these Regulations so long as those lines are maintained in accordance with any Regulations of the Board of Trade which are in force and applicable thereto at that date and with any requirements of the Board made thereunder. Overhead lines.

---

(e) See also s. 38 of the Schedule to the Electric Lighting (Clauses) Act, 1899, and the Notice of Accidents Acts, 1834 and 1906, *ante*, p. 185.

(f) See these Regulations, *post*, p. 385.

**Regulations***Electric Lines other than Overhead Lines.*

Construction of receptacles for electric lines.

14. All conduits, pipes, casings, and street boxes used as receptacles for electric lines shall be constructed of durable material, and where laid under carriageways shall be of ample strength to prevent damage from heavy traffic, and reasonable means shall be taken by the undertakers to prevent accumulation of gas in such receptacles.

Crossing pipes, etc.

15. Where any electric line crosses, or is in proximity to, any metallic substance, special precautions shall be taken by the undertakers against the possibility of any electrical charging of the metallic substance from the line or from any metal conduit, pipe, or casing enclosing the line.

Electric continuity of metal conduits, pipes, and casings of high pressure line.

16. All metal conduits, pipes, or casings containing any high pressure electric line shall be efficiently connected with earth, and shall be so jointed and connected across all street boxes and other openings as to make good electrical connection throughout their whole length.

Precautions to be taken when bare conductors are used.

17. Where the conductors of electric lines placed in any conduit are not continuously covered with insulating material they shall be secured in position, and no unfixed, uninsulated material of a conducting nature shall be contained in the conduit. No such conductor shall be at a pressure exceeding 300 volts from earth.

Adequate precautions shall also be taken to ensure that no accumulation of water shall take place in any part of the conduit, and to prevent any dangerous access of moisture to the conductors or the insulators.

The insulators of any such electric line shall be so disposed that they can be readily inspected, but this requirement shall not apply to any such insulators which before that (*sic*) date of these Regulations were not required by any Regulation then in force to be so capable of ready inspection.

High pressure lines laid above ground or in subways.

18. Every portion of any high pressure electric line placed above the surface of the ground, or in any subway not in the sole occupation of the undertakers, shall be completely enclosed either in a tube of highly insulated material embedded in brickwork, masonry, or cement concrete, or in strong metal casing efficiently connected with earth.

Protection for the surface of the ground and electric lines.

19. Where any high pressure electric line is laid beneath the surface of the ground, efficient means shall be taken to render it impossible that the surface of the ground or any neighbouring electric line or conductor shall become charged by leakage from the high pressure electric line.

SCOTT LAW LIBRARY

20. A high pressure electric line shall not be used for the supply of energy before it has been completely laid, properly jointed, examined, and tested, or until it is in the sole charge of the undertakers, and every such line shall during its use be in the sole charge of the undertakers.

**Regulations**  
Completion  
and control  
of high  
pressure  
lines.

*Sub-stations and Street Boxes.*

21. Sub-stations shall be established in suitable places and shall be in the sole occupation and charge of the undertakers. Sub-stations shall be erected above ground wherever possible, but where necessarily underground, due provision shall be made for ventilation and for drainage.

Sub-stations.

22. In addition to the provisions contained in Regulation 14 to the construction of receptacles for electric lines, the following conditions shall be observed with respect to street boxes :

Street boxes.

- (a) The covers of all street boxes shall be so secured that they cannot be opened except by means of a special appliance.
- (b) The covers of all street boxes containing high pressure apparatus other than cables shall be connected to strips of metal laid immediately underneath the street, and efficient means shall be taken to render it impossible that the covers or other exposed parts of these boxes, or any adjacent material forming the surface of the street, shall become electrically charged, whether by reason of leakage, defect, or otherwise.
- (c) Where street boxes are used as transformer chambers, reasonable means shall be taken to prevent as far as possible any influx of water, either from the adjacent soil or by means of pipes ; and in the case of any such street box exceeding one cubic yard in capacity, ample provision shall be made, by ventilation or otherwise, for the immediate escape of any gas which may by accident have obtained access to the box, and for the prevention of danger from sparking.
- (d) All street boxes shall be regularly inspected for the presence of gas, and if any influx or accumulation is discovered, the undertakers shall give immediate notice to the authority or company whose gas mains are laid in the neighbourhood of the street box.
- (e) Where mains at different pressures pass through the same street box they shall be readily distinguishable from one another.

23. The maximum power supplied to any underground sub-station or street box shall not, without the consent of the Board

Maximum  
power in  
case of

**Regulations of Trade,** exceed 30 kilowatts in the case of a sub-station or street box containing a single transformer, or 75 kilowatts in the case of a sub-station or street box containing two or more transformers.

underground sub-station, etc.

*Consumer's Premises.*

Responsibility of undertakers for their lines, etc. on consumer's premises.

Fire risks.

Main fuses or circuit-breakers.

Treatment of service lines and apparatus on consumer's premises.

Transformers and high pressure apparatus to be enclosed in metal, etc.

Connection to consumer's premises not to be made where leakage would result.

Discontinuance of supply on

24. The undertakers shall be responsible for all electric lines, fittings, and apparatus belonging to them, or under their control, which may be upon a consumer's premises, being maintained in a safe condition and in all respects fit for supplying energy.

25. In delivering the energy to a consumer's terminals the undertakers shall exercise all due precautions so as to avoid risk of causing fire on the premises.

26. A suitable safety fuse or other automatic circuit-breaker shall be inserted in each service line within a consumer's premises as close as possible to the point of entry, and contained within a suitable locked or sealed receptacle of fireproof construction, except in cases where the service line is protected by fuses in a street box; but no fuse or automatic circuit-breaker shall be inserted in the intermediate conductor of a three-wire system.

27. All service lines and apparatus placed on a consumer's premises shall be highly insulated and thoroughly protected against injury to the insulation or access of moisture, and any metal forming part of the electric circuit shall not unless efficiently connected with earth be exposed so that it can be touched. All electric lines shall be so fixed and protected as to prevent the possibility of electrical discharge to any adjacent metallic substance.

28. Where the general supply of energy is a high pressure supply, and transforming apparatus is installed on a consumer's premises, the whole of the high pressure service lines, conductors, and apparatus, including the transforming apparatus itself, so far as they are on the consumer's premises, shall be completely enclosed in solid walls, or in strong metal casing efficiently connected with earth and securely fastened throughout.

29. The undertakers shall not connect a consumer's wires with their mains unless they are reasonably satisfied that the connection would not cause a leakage from those wires or fittings exceeding one ten-thousandth part of the maximum supply current to the premises; and where the undertakers decline to make such connection they shall serve upon the consumer a notice stating their reasons for so declining.

30. If the undertakers are reasonably satisfied, after making all proper examination by testing or otherwise, that a leakage

exists at some part of a consumer's wires or fittings of such extent as to be a source of danger, any officer of the undertakers, duly authorised by them in writing, or, if the undertakers so require, an electric inspector, may, for the purpose of discovering whether the leakage exists at any part of a circuit within or upon any consumer's premises, by notice require the consumer at some reasonable time after the service of the notice to permit him to inspect and test the wires and fittings belonging to the consumer and forming part of the circuit.

**Regulations**  
discovery of  
leakage on  
consumer's  
premises.

In any case where the undertakers require the services of an electric inspector under this Regulation they shall pay him the prescribed fee.

If on any such testing the officer or the electric inspector discovers a leakage from the consumer's wires exceeding one ten-thousandth part of the maximum supply current to the premises, or if the consumer does not give all due facilities for inspection and testing, the undertakers shall forthwith discontinue the supply of energy to the premises in question, giving immediate notice of the discontinuance to the consumer, and shall not recommence the supply until they are reasonably satisfied that the leakage has been removed. This Regulation shall not affect any power contained in the Order or otherwise enabling the undertakers to discontinue the supply.

31. If any consumer is dissatisfied with the action of the undertakers in refusing to give, or in discontinuing or in not recommencing the supply of energy to his premises, the wires and fittings of that consumer shall, on his application and on payment of the prescribed fee, be tested for the existence of leakage by an electric inspector.

Appeal to  
electric  
inspector.

This Regulation shall be endorsed on every notice given under the provisions of either of the two last preceding Regulations.

#### *Arc Lighting.*

32. Arc lamps used in any street for public lighting shall be so fixed as not to be in any part at a less height than 10 feet from the ground.

Height from  
ground.

33. All arc lamps shall be so guarded as to prevent pieces of ignited carbon or broken glass falling from them, and shall not be used in situations where there is any danger of the presence of explosive dust or gas.

Arc lamps to  
be guarded.

#### *Connection of Circuits with Earth.*

34. Where the pressure of a supply between the adjacent conductors of a three-wire system of mains exceeds 125 volts, the

Connection  
with earth of  
a three-wire  
system.

**Regulations** intermediate conductor shall be connected with earth in accordance with the following conditions :

- (a) The connection with earth of the intermediate conductor shall be made at one point only on each distinct circuit, namely, at the generating station, sub-station, or transformer, and the insulation of the circuit shall be efficiently maintained at all other parts.
- (b) The current from the intermediate conductor to earth shall be continuously recorded, and if it at any time exceed one-thousandth part of the maximum supply current, steps shall be immediately taken to improve the insulation of the system.

#### *Penalties.*

Penalties for default.

35. If the undertakers make default in complying with any of the preceding Regulations, they shall on conviction be liable to a penalty not exceeding £10 for every such default, and to a daily penalty (*per*) not exceeding £10.

The recovery of a penalty under these Regulations shall not affect the liability of the undertakers to make compensation in respect of any damage or injury which may be caused by reason of the default.

#### B (g).—REGULATIONS FOR ENSURING A PROPER AND SUFFICIENT SUPPLY OF ELECTRICAL ENERGY.

Undertakers to provide constant supply.

1. From the time when the undertakers commence to supply energy through any distributing main, they shall maintain a

(*per*) For definition of "daily penalty," see s. 1 of the Schedule to the Electric Lighting (Clauses) Act, 1899.

(g) The Regulations under heading B. do not occur in the Board of Trade Regulations (5) for Orders granted in 1883 (see footnote, p. 364). The reason is that in Orders of that date Regulations on the subject to which the heading B. relates were included in the Order itself. The following is now inserted in new Regulations for these 1883 Orders :

#### "B.—REGULATIONS FOR ENSURING A PROPER AND SUFFICIENT SUPPLY OF ELECTRICAL ENERGY.

Undertakers to provide constant supply.

"The Regulations as to supply on the parallel system contained in section 27 of the Order shall be varied as follows :

- "(1) In Regulation (c) the higher limit of standard pressure shall in the case of continuous currents be 250 volts for ordinary purposes and 650 volts for special purposes in place of 200 volts, and in

supply sufficient for the use of all the consumers for the time being entitled to be supplied from that main; and that supply shall, except so far as the Board of Trade may otherwise from time to time permit, be constantly maintained, and in the case of continuous currents, without change of polarity. Provided that, for the purposes of testing, or for any other purposes connected with the efficient working of the undertaking, the authority by whom the electric inspector is appointed may give permission to the undertakers to discontinue the supply at such intervals of time and for such periods as that authority may think expedient. When the supply is so discontinued, or the polarity is changed, notice to all persons likely to be affected shall be given of such discontinuance, or change, and of the probable duration thereof.

**Regulations**

2. The system of distributing mains shall be separated into sections corresponding approximately to the different feeders, and these sections shall be interconnected only through suitable circuit breakers or fuses, arranged so as to be easily inspected.

Measures for restricting area liable to stoppage.

3. Before commencing to give a supply of energy to any consumer, the undertakers shall declare to that consumer the constant pressure at which they propose to supply energy at his terminals. The pressure so declared shall be constantly maintained, subject to a variation not exceeding 4 per cent. above or below the declared pressure, under any conditions of supply which the consumer is entitled to receive, or such other variation as the Board of Trade may from time to time allow, and shall not be altered or departed from to an extent greater than that variation except by consent of the local authority (*h*) (*hh*), and upon such terms and conditions as the local authority (*h*) (*hh*) may impose, and after public notice has been given during a period of one month, in such manner as the local authority (*h*) (*hh*) may require, of the intention of the undertakers to apply for consent to alter the same. If the local authority (*hh*) refuse to consent to an

Fixing of declared pressure at consumer's terminals.

the case of alternating currents shall be 250 volts for ordinary purposes and 650 volts for special purposes in place of 100 volts, subject however to the other provisions of that Regulation.

"(2) The percentage of difference of potential under Regulation (g) shall be one per centum or such other percentage as the Board of Trade may from time to time approve in place of two and a half per centum."

(*h*) In the Regulations (1) for Local Authorities—Provinces, "the Board of Trade" is substituted for "the local authority."

(*hh*) In the Regulations (3) for Companies—London, and (4) for Local Authorities—London, "the county council" is substituted for "the local authority."

**Regulations** alteration or impose any terms or conditions with which the undertakers are dissatisfied, the undertakers may appeal to the Board of Trade, whose decision shall be final (*i*).

Provided that any Regulations in force at the date of these Regulations whereby the consent of any consumer (or in default thereof the consent of the Board of Trade) was then required to a change in the declared constant pressure to that consumer's premises shall, notwithstanding anything in these Regulations, continue of full force and effect in the case of any consumer whose consent was then so required, and shall apply in that case as if it had been expressly set out in these Regulations (*j*).

Fixing of  
system and  
declared  
frequency.

4. Before commencing to give a supply of energy to any consumer, the undertakers shall declare to that consumer the system which they propose to adopt, whether alternating or continuous current, and, in the case of alternating current, the frequency,

(*i*) This sentence is omitted in the Regulations (1) for Local Authorities—Provinces.

(*j*) The Regulations in force in 1909, when the present Regulations were settled, contained the following proviso :

"Provided that no change shall be made in the pressure of the supply to any premises which at the date of these Regulations are supplied with energy by the undertakers except with the consent of the consumer.

"But where the consumer withholds his consent after the undertakers have offered to comply with the general terms and conditions imposed by the local authority" and, if not required to do so under those terms and conditions, also to pay the reasonable cost of or incidental to the change (including compensation for any loss or damage incurred in consequence of the change), the undertakers may appeal to the Board of Trade, and that Board may, if they think fit, give their consent to the change on such terms and conditions as they impose, and the consent of the Board so given shall for the purpose of this Regulation have the same effect as the consent of the consumer.

"The Board of Trade may, if they think it necessary in any case, refer to a single arbitrator appointed by them to determine what terms and conditions it would be proper to impose under this provision in case the consent of the Board is given.

"Any such arbitration shall be subject to the like provisions as an arbitration in pursuance of a special Act under Part I. of the Board of Trade Arbitrations, etc. Act, 1874, and shall also be subject to the provisions of the Arbitration Act, 1889, as if the arbitration were pursuant to a submission, except that the powers under the last-mentioned Act with respect to the costs of the reference and award shall be exercised by the Board of Trade instead of by the arbitrator."

\* The form above inserted is that applicable to provincial companies. In County of London Orders, the London County Council was substituted for the "local authority." In the case of provincial local authorities the Board of Trade was substituted for "local authority."



that is to say, the number of complete periods per second at which they propose to supply. The system and frequency so declared shall be maintained subject, as respects frequency, to a variation not exceeding  $2\frac{1}{2}$  per cent. above or below the declared frequency, and shall not be altered or departed from except by consent of the local authority (*k*) (*kk*), and upon such terms and conditions as the local authority (*k*) (*kk*) may impose, and after public notice has been given during a period of one month, in such manner as the local authority (*k*) (*kk*) may require, of the intention of the undertakers to apply for consent to alter the same. If the local authority refuse to consent to an alteration or impose any terms or conditions with which the undertakers are dissatisfied, the undertakers may appeal to the Board of Trade, whose decision shall be final (*l*).

5. If the undertakers make default in complying with any of these Regulations as to supply, they shall, subject to the provisions of the Order, be liable on conviction to a penalty not exceeding £5 for every such default, and to a daily penalty not exceeding £5.

These Regulations are made subject to the power of the Board of Trade to make such further or other Regulations as they may think expedient; and nothing in these Regulations shall be construed to authorise the undertakers to lay any electric line or work their undertaking otherwise than in accordance with the Order and the principal Act, or to supply energy otherwise than by a system for the time being approved of by the Board of Trade under the Order.

These are the Regulations and conditions for securing the safety of the public and for ensuring a proper and sufficient supply of electrical energy, made by the Board of Trade under the provisions of the Electric Lighting Acts, 1882 and 1888 (*m*), and of the

(*k*) In the Regulations (1) for Local Authorities—Provinces, “the Board of Trade” is substituted for “the local authority.”

(*kk*) In the Regulations (3) for Companies—London, and (4) for Local Authorities—London, “the county council” is substituted for “the local authority.”

(*l*) This sentence is omitted in the Regulations (1) for Local Authorities—Provinces.

(*m*) This will in future, it is presumed, be altered to the Electric Lighting Acts, 1882 to 1909.

**Regulations** \_\_\_\_\_, referred to in the letter from the Board of Trade to the \_\_\_\_\_, of the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_, and that date shall be deemed to be the date of these Regulations (u).

Assistant Secretary,  
Board of Trade.

(u) The concluding paragraph of the Regulations (5) for Orders granted in 1883 is as follows :

" These are the Regulations and conditions for securing the safety of the public and for ensuring a proper and sufficient supply of electrical energy, made by the Board of Trade under the provisions of the Electric Lighting Acts, 1882 and 1888, and of the \_\_\_\_\_, referred to in the letter from the Board of Trade to the \_\_\_\_\_, of the 30th day of June, one thousand nine hundred and nine.

" Except as hereinafter mentioned the date of these Regulations shall be the 1st day of July, 1909.

" As to so much of any electrical station as was constructed before the 1st day of July, 1908, the date of these Regulations shall be the 1st day of January, 1910.

" Assistant Secretary,  
" Board of Trade."

## BOARD OF TRADE REGULATIONS AS TO EXTRA HIGH PRESSURE (a).

(A), FOR SECURING THE SAFETY OF THE PUBLIC; AND

(B), FOR ENSURING A PROPER AND SUFFICIENT SUPPLY OF  
ELECTRICAL ENERGY.

1. The obligations imposed by these Regulations are in addition Construction  
to and not in substitution for the obligations imposed by the and effect.  
Regulations of (b), and these Regulations and those Regula-  
tions are to be read and construed together.

### *Definitions.*

2. In these Regulations the expression "authorised distributors" Definitions.  
means any local authority, company, body, or person authorised  
by Act of Parliament or Provisional Order confirmed by Par-  
liament to give a general supply of energy within the area of  
supply or any part thereof.

### A.—REGULATIONS FOR SECURING THE SAFETY OF THE PUBLIC.

3. An extra high pressure main shall not be brought into use Testing of  
unless, after it has been placed in position and before it is used insulation of  
for the purposes of supply, the insulation of every part thereof all parts of  
has withstood the continuous application, during half-an-hour, of an extra high  
pressure exceeding the maximum pressure to which it is intended pressure  
main.  
to be subjected in use, that is to say—in the case of every electric  
line to be used for a pressure not exceeding 10,000 volts twice the  
said maximum pressure, and in the case of a line to be used for  
a pressure exceeding 10,000 volts, a pressure exceeding the said  
maximum pressure by 10,000 volts; and the undertakers shall  
record the results of the tests of each main or section of a main.

4. Every extra high pressure main shall be protected by Circuit-  
a suitable fuse or automatic circuit-breaker, but in the case of breaker for  
extra high  
a concentric main that fuse or circuit-breaker shall not be pressure  
mains.  
inserted in any external conductor thereof which is connected  
with earth.

---

(a) See note, *ante*, p. 364. "Extra high pressure" in the Regulations  
means pressure exceeding 3,000 volts. See *ante*, p. 365.

(b) See these Regulations, *ante*, pp. 364 *et seq.*

**Regulations**

Prevention  
of leakage  
in trans-  
formers.

Electric  
continuity  
of metal  
conduits,  
pipes and  
casings.

Extra high  
pressure lines  
laid above  
ground or  
in subways.

Prevention  
of leakage  
from extra  
high pressure  
mains.

Extra high  
pressure  
mains for  
single phase  
supply.

Completion  
and control  
of extra high  
pressure  
lines.

5. In every case where an extra high pressure supply is transformed or converted to a reduced pressure, some suitable automatic and quick-acting means shall be provided to protect the reduced pressure circuits from any accidental contact with or leakage from the extra high pressure system, either within or without the transforming or converting apparatus.

6. All metal conduits, pipes, or casings containing any extra high pressure electric line shall be efficiently connected with earth, and shall be so jointed and connected across all street boxes and other openings so as to make good electrical connection throughout their whole length.

7. Every portion of any extra high pressure electric line placed above the surface of the ground, otherwise than in a sub-station, or in any subway not in the sole occupation of the undertakers, shall be completely enclosed either in a tube of highly insulated material embedded in brickwork, masonry, or cement concrete, or in strong metal casing efficiently connected with earth.

8. Where extra high pressure mains for three-phase supply consist of insulated conductors laid together, provision shall be made to ensure that neither the ground nor any neighbouring electric line or conductor can become charged by leakage from any such main.

Where this provision is made by a copper strip under a lead sheath, that strip shall be not less than sixteen-thousandths of an inch in thickness, and where it is made by steel wires outside a lead sheath, each of those wires shall be not less than one-tenth of an inch in diameter.

Where the mains are enclosed in a lead sheath, that sheath shall be not less than one-tenth of an inch in thickness, and shall be permanently and efficiently connected with earth.

9. Extra high pressure mains for single phase supply and all cables connected therewith shall consist either of two concentric conductors or of separate conductors. Where concentric conductors are used the insulation shall be maintained efficiently throughout except that the outer conductor shall be connected with earth at one point, and where separate conductors are used, provision shall be made as in the case of mains for three phase supply to ensure that neither the ground nor any neighbouring electric line or conductor can become charged by leakage.

10. An extra high pressure electric line shall not be brought into use for the supply of energy before it has been completely laid, properly jointed, examined, and tested, or until it is in the sole charge of the undertakers, and every such line shall during its use be in the sole charge of the undertakers.

**Regulations***Street Boxes.*

11. Extra high pressure mains shall not pass through the Street boxes. same street box with other mains, unless they are enclosed in strong metal casing; and street boxes containing extra high pressure mains shall not contain pipes for water, gas, or other service, or electric mains belonging to another undertaking, provided that any such street box may contain telephone wires belonging to the undertakers.

*Sub-stations.*

12. Sub-stations supplied at extra high pressure shall be Sub-stations. established in suitable places and shall be in the sole occupation of the undertakers or of an authorised distributor, or in the joint occupation of the undertakers and of an authorised distributor.

13. Sub-stations constructed below the surface of any street after the date of these Regulations, to which an extra high pressure is to be given shall not contain switches or other apparatus than transformers. Sub-stations constructed below streets.

14. The transforming apparatus at any sub-station supplied at extra high pressure shall be so arranged that there shall be no danger of any mains connected therewith being charged to any pressure beyond the limits of pressure for which those mains are intended. Transforming apparatus in a sub-station.

15. In delivering the energy to a sub-station at extra high pressure the undertakers shall exercise all due precautions so as to avoid risk of causing fire on the premises. Fire risks.

16. All extra high pressure electric lines and apparatus placed in a sub-station shall be highly insulated and thoroughly protected against injury to the insulation or access of moisture, and any metal forming part of the electric circuit shall not unless efficiently connected with earth be exposed so that it can be inadvertently touched. All such lines shall be so fixed and protected as to prevent the possibility of electrical discharge to any adjacent metallic substance. Treatment of electric lines and apparatus in sub-stations.

17. The officers of the Board of Trade shall be entitled to enter at all times any of the generating or sub-stations of the undertakers supplying or supplied at an extra high pressure, and to make any such examination and tests of the mains, machines, transformers, or other apparatus in use in those stations, as may appear to them necessary, and the undertakers shall afford all due facilities for any such examination and tests. Examination by Board of Trade.

**Regulations***Connection of Circuits with Earth.*

Connection  
of circuits  
with earth.

18. Where any extra high pressure circuit is connected with earth, the connection shall be made at one point only, namely, at the generating station, sub-station or transformer, and the insulation of the circuit shall except at that point be efficiently maintained throughout.

Neutral  
point of star  
winding.

19. The neutral point of the star winding of each distinct three-phase circuit, used for extra high pressure, may be connected with earth, or may be insulated. If connected with earth through a resistance, that resistance shall be sufficiently low to ensure that the fuse or automatic circuit-breaker in the mains shall act.

If the neutral point is not connected with earth, a separate electrostatic voltmeter placed in a conspicuous position in the generating station shall be connected between each distinct circuit and earth ; and if the indications of the voltmeters show that the insulation of any of the circuits is faulty, immediate steps shall be taken to restore the insulation.

*Penalties.*

Penalties for  
default.

20. If the undertakers make default in complying with any of the preceding Regulations as to supply at extra high pressure, they shall on conviction be liable to a penalty not exceeding £10 for every such default, and to a daily penalty not exceeding £10.

The recovery of a penalty under these Regulations shall not affect the liability of the undertakers to make compensation in respect of any damage or injury which may be caused by reason of the default.

### B.—REGULATIONS FOR ENSURING A PROPER AND SUFFICIENT SUPPLY OF ELECTRICAL ENERGY.

Undertakers  
to provide  
constant  
supply.

1. From the time when the undertakers commence to supply energy through any distributing main at extra high pressure, they shall maintain a supply sufficient for the use of all the authorised distributors and consumers for the time being entitled to be supplied from that main ; and that supply shall be constantly maintained.

Limit of  
power in  
extra high  
pressure  
main.

2. A main for an extra high pressure supply shall not without the consent in writing of the Board of Trade, be used for the transmission of more than 1,000 kilowatts unless adequate provision is made for an emergency supply in the event of the breakdown of the main.

3. Before commencing to give a supply of energy at extra high **Regulations** pressure to any authorised distributor, the undertakers shall declare <sup>Fixing of</sup> to that authorised distributor the minimum pressure at which they <sup>declared</sup> propose to supply energy at his terminals. Energy shall be <sup>pressure at</sup> supplied at a pressure not less than the minimum so declared and <sup>consumer's</sup> not exceeding that minimum by more than  $12\frac{1}{2}$  per cent. ; provided that the Board of Trade may, if they think fit, allow an alteration in the minimum so declared upon such terms and conditions as they may think expedient, and after public notice has been given during a period of one month, in such manner as the Board of Trade may require, of the intention of the undertakers to apply for consent to alter the minimum so declared.

4. Before commencing to give a supply of energy at extra high <sup>Fixing of</sup> pressure to any authorised distributor, the undertakers shall declare <sup>system and</sup> to that authorised distributor the frequency, that is to say, the <sup>declared</sup> number of complete periods per second at which they propose frequency. to supply. The frequency so declared shall be 50 or 25 complete periods per second, and shall be constantly maintained subject to a variation not exceeding  $2\frac{1}{2}$  per cent., and shall not at any time be altered or departed from to an extent greater than that variation except by consent of the Board of Trade, and upon such terms and conditions as the Board of Trade may impose, and after public notice has been given during a period of one month, in such manner as the Board of Trade may require, of the intention of the undertakers to apply for consent to alter the same.

5. If the undertakers make default in complying with any <sup>Penalty for</sup> of these Regulations as to supply at extra high pressure, they <sup>default.</sup> shall, subject to the provisions of the Order, be liable on conviction to a penalty not exceeding £5 for every such default, and to a daily penalty not exceeding £5.

These Regulations are made subject to the power of the Board of Trade to make such further or other Regulations as they may think expedient ; and nothing in these Regulations shall be construed to authorise the undertakers to lay any electric line or work their undertaking otherwise than in accordance with the Order and the principal Act, or to supply energy otherwise than by a system for the time being approved of by the Board of Trade under the Order.

These Regulations are, so far as they relate to factories and mines, in addition to and not in substitution for any Regulations made by a Secretary of State under any Act relating to factories or mines (c).

---

(c) See these Regulations, *post*, pp. 420, 430.

**Regulations** These are the Regulations and conditions for securing the safety of the public and for ensuring a proper and sufficient supply of electrical energy, made by the Board of Trade under the provisions of the Electric Lighting Acts, 1882 and 1888, and of the \_\_\_\_\_, referred to in the letter from the Board of Trade to the \_\_\_\_\_, of the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_, and that date shall be deemed to be the date of these Regulations.

Assistant Secretary,  
Board of Trade.

---

2001 UNIVERSITY LAW LIBRARY



## REGULATIONS

FOR OVERHEAD LINES PRESCRIBED BY THE BOARD OF TRADE UNDER No. A 13 OF THE REGULATIONS FOR SECURING THE SAFETY OF THE PUBLIC, MADE BY THE BOARD UNDER THE ELECTRIC LIGHTING ACTS, 1882 AND 1888 (a), AND THE ORDER, , FOR LOW PRESSURE AND MEDIUM PRESSURE CONTINUOUS CURRENT SUPPLY AND FOR LOW PRESSURE ALTERNATING CURRENT SUPPLY.

1. The interval between any two wooden poles used singly as <sup>Maximum intervals between supports.</sup> supports for an overhead line shall not exceed 200 feet ; provided that where the line makes an angle at any such pole, the interval between that and the next pole shall not exceed 150 feet. In the case of supports other than single wooden poles the intervals between the supports shall be such as may be prescribed by the Board of Trade.

2. Every support for an overhead line shall be of a durable <sup>Factors of safety.</sup> material, and shall be properly stayed against forces due to wind pressure, change of direction of the line, or unequal lengths of span. The factor of safety shall be for overhead lines at least 5, and for wooden poles at least 10, and for iron or steel structures at least 6, taking the maximum possible wind pressure at 30 pounds per square foot. No addition need be made for a possible accumulation of snow.

3. All overhead lines shall be attached to insulators, and shall <sup>Attachment of overhead lines.</sup> be so guarded that they cannot fall away from the support.

4. An overhead line, placed after the date of these Regulations, <sup>Height from ground, etc.</sup> shall not in any part thereof be at a less height from the ground than 22 feet, except with the consent of the Board of Trade, and shall not be accessible to any person without the use of a ladder or other special appliance.

5. Where a supply is given by overhead lines on the three-wire <sup>Three-wire system.</sup> system, the positive and negative conductors shall be placed side by side above the intermediate conductor. The intermediate conductor shall consist of two wires placed side by side at a distance apart greater than that between the positive and negative conductors, and connected in each span by two cross wires placed in such a manner that in the event of either the positive or negative conductor breaking it shall fall on one at least of the cross wires.

---

(a) See *ante*, p. 369.

**Regulations**

Supply from  
two-wire  
system.

6. Where a supply is given by overhead lines from a two-wire system, with the negative conductor connected with earth, the positive conductor shall be placed above the negative conductor in such a manner that in the event of breakage it must fall on the negative conductor.

Service lines  
from over-  
head lines.

7. Service lines from overhead lines shall be led as directly as possible to insulators firmly attached to some portion of the consumer's premises which is not accessible to any person without the use of a ladder or other special appliance. Every portion of any service line which is outside a building, and is accessible therefrom, shall be efficiently protected by insulating material.

Angle of  
crossing  
thorough-  
fares.

8. Where an overhead line crosses a street, the angle between the line and the direction of the street at the place of crossing shall not be less than 60 degrees, and the spans shall be as short as possible.

Lines  
crossing  
metallic  
substance.

9. Where an overhead line crosses, or is in proximity to, any other wire or metal, precautions shall be taken by the undertakers against the possibility of the line coming into contact with the other wire or metal or of the other wire or metal coming into contact with the line by breakage or otherwise.

Maintenance.

10. Every overhead line, including its supports and all the structural parts and electrical appliances and devices belonging to or connected with the line, shall be duly and efficiently supervised and maintained as regards both electrical and mechanical conditions.

Disused  
overhead  
lines to be  
removed.

11. The undertakers shall remove any overhead line upon ceasing to use it for the supply of energy, unless upon so ceasing they satisfy the Board of Trade that they intend to bring it into use again within a reasonable time.

These Regulations are made subject to the power of the Board of Trade to make such further or other Regulations as they may think expedient.

These are the Regulations with respect to overhead wires referred to in the letter from the Board of Trade to the of the day of , one thousand nine hundred and , and that date shall be deemed to be the date of these Regulations.

Assistant Secretary, Board of Trade.

## REGULATIONS

PRESCRIBED BY THE BOARD OF TRADE UNDER SECTION FOUR OF THE ELECTRIC LIGHTING ACT, 1888 (a).

### REGULATIONS.

#### *Definitions.*

In the following Regulations :

Definitions.

The expression "energy" means electrical energy, and for the purpose of the Electric Lighting Act, 1888, and these Regulations, electrical energy shall be deemed to be an agency within the meaning of the word "electricity" as defined in the Electric Lighting Act, 1882.

The expression "owner" means any body or person owning or using or entitled to use any electric lines or works, upon whom notice has been served by the Board of Trade requiring that such electric lines or works shall be continued and used only in accordance with these Regulations.

The expression "consumer" means any body or person supplied with energy by the owner.

The expression "sub-station" means any premises in which energy is transformed or converted for the purpose of supply to consumers, and which are large enough to admit the entrance of a person after the transforming or converting apparatus is in position, provided that for the purpose of these Regulations any place within any such premises which is used solely for some purpose other than such transformation or conversion shall not be deemed to form part of a sub-station.

The expression "overhead line" means any electric line which is placed above ground and in the open air.

The expression "service line" means an electric line through which energy may be supplied or intended to be supplied by the owner to any premises other than the premises where the energy is generated.

The expression "pressure" means the difference of electrical potential between any two conductors through which a supply of

---

(a) As to the purpose and substance of these Regulations, see notes to s. 4 of Electric Lighting Act, 1888, *ante*, p. 140.

**Regulations** energy is given, or between any part of either conductor and the earth; and

(a) Where the conditions of the supply are such that the pressure at any pair of consumer's terminals does not exceed 250 volts, the supply shall be deemed a low pressure supply.

(b) Where the conditions of the supply are such that the pressure exceeds 250 volts but does not exceed 650 volts, the supply shall be deemed a medium pressure supply.

Other expressions to which meanings are assigned in the Electric Lighting Acts, 1882 and 1888, have the same respective meanings in these Regulations.

*General.*

Regulations  
not to imply  
power to  
interfere  
with streets.

Pressure  
exceeding  
250 volts.

Pressure  
exceeding  
650 volts.

Insulation  
test.

Precautions  
against shock  
or fire.

Protection  
from  
lightning.

1. Nothing in these Regulations shall be deemed to authorise the owner to break up or interfere with any street.

2. Where the pressure of the supply exceeds 250 volts, all wires, switches and metal work in connection with the supply shall be so enclosed or shall be fixed in such a manner that there shall be no risk of any shock being obtained by inadvertence or in the ordinary handling thereof.

3. Where the pressure of the supply exceeds 650 volts, the supply shall be subject to such further Regulations as the Board of Trade may make, or shall be given on such conditions as they may prescribe.

4. The insulation of every electric circuit (whether connected with earth in accordance with these Regulations or not) including all machinery and apparatus, forming part of or in connection with that circuit, shall be so maintained that the leakage current shall not exceed one-thousandth part of the maximum current; and suitable means shall be provided for the indication and localization of leakage. Every leakage shall be remedied without delay. Every such circuit shall be periodically tested for insulation.

5. In the use or delivery of energy, the owner shall exercise all due precautions so as to avoid the risk of causing electric shock or fire, and shall be responsible for all electric lines, fittings and apparatus belonging to him, or under his control, being maintained in a safe condition.

6. Any electric line or any support therefor exposed to liability to injury from lightning, shall be efficiently protected against such liability.

7. All mains below ground shall be so laid and protected as to avoid risk of damage by accumulation of gas or leakage of electric current.

**Regulations**  
Protection  
of mains.

8. Where any accident by explosion or fire, or any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury has occurred at any part of any electric line or other works, the owner shall give immediate notice thereof to the Board of Trade (b).

Reports of  
accidents to  
Board of  
Trade.

9. Every reasonable means shall be employed in the placing and use of electric lines to prevent injurious affection, whether by induction or otherwise, to any electric lines or other works of the Postmaster-General or the telegraphic communication through any such lines.

Precautions  
against  
injurious  
affection by  
induction.

10. (a) The owner on receipt of these Regulations shall forthwith serve upon the Postmaster-General a notice describing every electric line used for the supply of energy, together with a plan showing the mode and position in which such electric line is laid.

Notice to  
Postmaster-  
General.

(b) The Postmaster-General, upon consideration of such notice and plan, may require such alteration in the position and mode of laying, or mode of use of such electric line, or compliance with such other conditions as he may think necessary for the due protection of his electric lines or other works, and any failure on the part of the owner to comply with such requirements shall be deemed to be a non-compliance with these Regulations.

(c) Any notice required to be served upon the Postmaster-General under these Regulations may be served by being addressed to him, and left at, or transmitted through the post to the General Post Office, London, and any notice required to be served on the owner may be served by being addressed to him and left at, or transmitted through the post to, his office or last known place of address.

*Overhead Lines for Low Pressure and Medium Pressure Continuous Current Supply and for Low Pressure Alternating Current Supply.*

11. All overhead lines shall be attached to insulators, and shall be so guarded that they cannot fall away from the support.

Attachment  
of overhead  
lines.

12. An overhead line shall not in any part thereof be at a less height from the ground than 22 feet, except with the consent of

Height from  
ground, etc.

(b) See also the Notice of Accidents Acts, 1894 and 1906.

**Regulations** the Board of Trade, and shall not be accessible to any person without the use of a ladder or other mechanical means.

Angle of crossing thoroughfares.

13. Where an overhead line crosses a street, the angle between the line and the direction of the street at the place of crossing shall, where practicable, be 60 degrees at least, and the spans shall be as short as possible.

Lines crossing metallic substance.

14. Where an overhead line crosses, or is in proximity to, any wire or metal, precautions shall be taken by the owner against the possibility of the line coming into contact with the wire or metal, or of the wire or metal coming into contact with the line by breakage or otherwise.

Strength of supports.

15. Every support for an overhead line shall be of a durable material, and shall be properly stayed against forces due to wind pressure, change of direction of the line, or unequal lengths of span.

Maximum intervals between supports.

16. The interval between any two wooden poles used singly as supports for an overhead line shall not exceed 200 feet. In the case of supports other than single wooden poles the intervals between the supports shall be such as may be prescribed by the Board of Trade.

Factors of safety.

17. The factor of safety shall be for overhead lines at least 5, and for wooden poles at least 10, and for iron or steel structures at least 6, taking the maximum possible wind pressure at 30 pounds per square foot. No addition need be made for a possible accumulation of snow.

Service lines from overhead lines.

18. Service lines from overhead lines shall be led as directly as possible to insulators firmly attached to some portion of the consumer's premises which is not accessible to any person without the use of a ladder or other special appliance. Every portion of any service line which is outside a building, and is within 7 feet from the building, shall be efficiently protected by insulating material.

Maintenance.

19. Every overhead line, including its supports and all the structural parts and electrical appliances and devices belonging to or connected with the line, shall be duly and efficiently supervised and maintained as regards both electrical and mechanical conditions.

Supply from two-wire system.

20. Where a supply is given by overhead lines from a two-wire system, with the negative conductor connected with earth, the positive conductor shall be placed above the negative conductor in such a manner that in the event of breakage it must fall on the negative conductor.

21. Where a supply is given by overhead lines on the three-wire system, the positive and negative conductors shall be placed side by side above the intermediate conductor. The intermediate conductor shall consist of two wires placed side by side at a distance apart greater than that between the positive and negative conductors, and connected in each span by two cross wires, placed in such a manner that in the event of either the positive or negative conductor breaking it shall fall on one at least of the cross wires.

**Regulations**

Supply from three-wire system.

22. The owner shall remove any overhead line upon ceasing to use it for the supply of energy, unless upon so ceasing he satisfies the Board of Trade that he intends to bring it into use again within a reasonable time.

Disused overhead lines to be removed.

23. Overhead lines for pressures exceeding medium pressure continuous current or low pressure alternating current shall be subject to such further regulations as the Board of Trade may make or such conditions as they may prescribe.

Overhead lines for other pressures.

#### *Sub-stations and Transformers.*

24. Sub-stations shall be established in suitable places and shall be in the sole occupation and charge of the owner and subject to any requirements of the Home Office. Where transformers are used in any other premises (not being sub-stations as defined for the purposes of these regulations) they shall be so guarded and protected as to avoid the risk of causing electric shock.

Sub-stations and transformers.

#### *Compulsory connection of a Three-wire System with Earth.*

25. Where the pressure of a supply between the adjacent conductors of a three-wire system of mains exceeds 125 volts, the intermediate conductor shall be connected with earth, in accordance with the following conditions :

Compulsory connection with earth of a three-wire system.

- (a) The connection with earth of the intermediate conductor shall be made at one point only on each distinct circuit, namely, at the generating station, sub-station, or transformer, and the insulation of the circuit shall be efficiently maintained at all other parts.
- (b) The current from the intermediate conductor to earth shall be continuously recorded, and if at any time exceed one-thousandth part of the maximum supply current, steps shall be immediately taken to improve the insulation of the system.

**Regulations**

Optional  
connection  
with earth  
of other  
circuits.

*Optional connection of other Circuits with Earth.*

26. The owner may, with the approval of the Board of Trade given with the concurrence of the Postmaster-General (but not otherwise), connect any other circuit with earth, provided the following conditions are complied with (namely):

*I.—General.*

- (1) The connection with earth shall be made only where energy is delivered to each circuit, that is to say, at a generating station, sub-station or transformer, and shall be made at a neutral point in the circuit and in such a manner as will ensure at all times an immediate and safe discharge of energy.
- (2) The connection with earth shall be efficiently maintained, except when it is interrupted by means of a switch or link for the purpose of periodical tests for ascertaining whether any current is passing by means of the connection to earth.
- (3) The insulation of the mains shall be efficiently maintained at all other parts.
- (4) Tests shall be periodically made to ascertain whether any current is passing by means of the connection to earth, and if at any time the current so passing exceeds one-thousandth part of the maximum supply current of the circuit, steps shall be immediately taken to improve the insulation.

*II.—Special.*

A.—Separate or three- or four-core mains used for alternating current where a low pressure supply is given between a phase and the neutral point or where the pressure between any two conductors exceeds 250 volts.

The connection with earth shall be made in the case of

- (a) A single-phase supply, at the neutral point on the winding of the transformer;
- (b) A two-phase three-wire supply, by means of the third wire;
- (c) A two-phase four-wire supply, at the neutral point on the winding;
- (d) A three-phase three-wire or four-wire supply, at the neutral point on the star winding.



B.—Concentric mains used either for continuous or for alter-**Regulations**  
nating current.

The connection with earth shall be made by means of the external conductor.

---

Nothing in these Regulations shall be deemed to be in substitution for Regulations made under the Factory and Workshop Act, 1901 (*e*) ; the Coal Mines Regulation Act, 1887 (*d*) ; and the Metalliferous Mines Regulation Act, 1872 (*e*).

---

N.B.—These Regulations are prescribed subject to the power of the Board of Trade to prescribe such further or other Regulations as they may think expedient.

---

(*c*) See these Regulations, *post*, p. 420.

(*d*) Now replaced by the Coal Mines Act, 1911. See the Regulations made thereunder, *post*, p. 430.

(*e*) See *ante*, p. 62, and *post*, p. 475.

---

## FORM OF BYELAWS

BY URBAN AUTHORITIES UNDER SECTION THIRTEEN  
OF PUBLIC HEALTH ACTS AMENDMENT ACT, 1890 (*a*).

BYELAWS MADE IN PURSUANCE OF PART II. OF THE PUBLIC HEALTH  
ACTS AMENDMENT ACT, 1890, BY THE LOCAL BOARD FOR THE  
DISTRICT OF \_\_\_\_\_, ACTING AS THE URBAN SANITARY  
AUTHORITY FOR THE SAID DISTRICT, AND HEREINAFTER  
REFERRED TO AS THE URBAN AUTHORITY.

I. All posts, wires, tubes, and other apparatus which have been or may hereafter be stretched or placed over, along, or across any street for the purpose of any telegraph, telephone, lighting, railway signalling, or other purpose, and not exempted from the operation of these byelaws by or under the provisions of the above-mentioned Act, must be stretched and placed in conformity with the following rules :

- (1) Every wire or tube must be so stretched or placed as not to be at any point at a less height above the street than *thirty feet* where it crosses the street, and elsewhere than *eighteen feet*, except with the consent in writing of the urban authority.

Provided that where a wire or tube is stretched or placed along a bridge which is carried over any street it may be stretched or placed at a less height than as above mentioned, so that it be not lower at any point than the structure of the bridge at that point.

- (2) Every wire or tube must be securely attached to adequate supports of durable material and construction, and such supports must be situate at distances of not more than *one hundred and fifteen yards* apart, except in any case where the urban authority consent in writing to an increased length of span.

(*a*) See the notes to s. 6 of Electric Lighting Act, 1882. These byelaws must be confirmed by the Board of Trade (Public Health Acts Amendment Act, 1890, s. 13). They do not apply to electric undertakings authorised by the Electric Lighting Acts, 1882 to 1888. They will be applicable to the class of undertakings dealt with by s. 4 of the Act of 1888 (see *ante*, p. 140). The Public Health Acts Amendment Act, 1890, is an adoptive Act merely. It does not apply to the administrative county of London, as to which, see the London Overhead Wires Act, 1891 (*ante*, p. 251), and the byelaws made thereunder (*post*, p. 440). Section 13 (*c*) of the Act of 1890 requires notice of the intended submission for confirmation of any byelaws to be given by advertisement in a local newspaper circulating in the district, and by circular to any company or person owning or leasing any post, wire, tube, or other apparatus to which any byelaw is intended to apply, and any such company or person may appear before the Board of Trade and object to any byelaw.

## Byelaws.

- (3) Every support must be efficiently secured against forces due to wind pressure, change of direction of wires, and unequal lengths of span.
- (4) Every wire or tube attached to a chimney, wall, or other part of a building must be efficiently supported by angle plates of iron or other device approved by the urban authority.
- (5) Every wire or tube must be so stretched, placed, and maintained, and every support, appliance, insulator, and other apparatus used in connection with such wire or tube must be so constructed and maintained as not to be dangerous or to cause obstruction to the public.
- (6) On reasonable notice being given by the urban authority to the owner of any wire or tube, access at all reasonable times for the purpose of the inspection and examination of such wire or tube, and every support and other apparatus used in connection therewith must be given or secured by such owner to the urban authority, their officers, and servants.

II. All wires and tubes, and all supports and other apparatus used in connection therewith, which are stretched or placed otherwise than in conformity with these byelaws, are hereby prohibited and must be removed.

III. Every wire or tube, after it has ceased to be used for the purpose for which it was stretched or placed, or for some similar or other proper purpose, must be removed unless its owners intend within a reasonable time again to take it into use.

IV. Notice in writing of every wire or tube stretched or placed above, over, along, or across any street must be given to the urban authority, signed by the owner of such wire or tube, or his agent, and containing particulars of the use or intended use of the wire or tube, the nature and position of the several supports, and the lengths of span between the several supports. Such notice must be given, in the case of wires or tubes stretched or placed before these byelaws come into operation, within *six months* thereafter, and, in the case of wires or tubes stretched or placed after these byelaws come into operation, within one month after the same are stretched or placed.

V. Any person who causes any post, wire, tube, or other apparatus to be stretched or placed for any of the above-mentioned purposes otherwise than in conformity with these byelaws, or who fails to remove any such things as are required by these byelaws to be removed, is liable to a penalty not exceeding *five pounds* for each offence, and to a daily penalty not exceeding *forty shillings*.

## ELECTRIC LIGHTING

FORM OF ACCOUNTS PRESCRIBED (a) BY THE

Electric

THE

Year ending

No. I.—STATEMENT AS TO LOANS AUTHORISED FOR THE PURPOSES  
(LICENSE) prior

Amounts Sanctioned,	Amount Borrowed,		
	At per Cent.	At per Cent.	Total.

Dr.

No. II.—CAPITAL ACCOUNT for the

	Expenditure up to 31st March, 19 .	Expended during the Year.	Total Expenditure to 31st March, 19 .
	£ s. d.	£ s. d.	£ s. d.
<i>To Expenditure to 31st March, 19 .</i>			
<i>Expenditure since that Date.</i>			
1. To lands, including law charges incidental to acquisition.			
2. To value of lands appropriated for electrical purposes, as per contra.			
3. To buildings - - - -			
4. To machinery - - - -			
5. To accumulators at generating and distributing stations.			
6. To mains, including cost of laying the mains and services.			
7. To transformers, motors, etc. -			
8. To meters, and fees for certifying			
9. To electrical instruments, etc. -			
10. To general stores (cable, mains, lamps).			
11. To purchase of patents or patent rights.			
12. To transfer to sinking fund of value of lands sold, as per contra.			
13. To amount applied to the reduction of principal of borrowed money from value of lands sold, as per contra.			
14. To other items (to be specified) -			
Total expenditure -			
To balance of capital account -			
		£	

(a) See s. 9 of the Electric Lighting Act, 1882,



Form of  
Accounts  
of Local  
Authority.

Dr.

No. III.—REVENUE ACCOUNT for

	£ s. d.	£ s. d.
<i>A.—To generation of Electricity.</i>		
1. To coals or other fuel, including dues, carriage, unloading, storing, and all expenses of placing the same on the works.		
2. To oil, waste, water, and engine-room stores		
3. To wages at generating stations		
4. To repairs and maintenance, as follows :		
Buildings		
Engines, boilers		
Dynamoes, exciters, transformers, motors, etc.		
Other machinery, instruments, and tools.		
Accumulators and accessories		
Less received for old material		
5. To other items (to be specified)		
<i>B.—To distribution of Electricity.</i>		
1. To wages and other remuneration to lineamen, fitters, labourers.		
2. To repairs, maintenance, and renewals of mains of all classes, including materials and laying the same.		
Less amounts refunded		
3. To repairs, maintenance, and renewals of transformers, meters, switches, fuses, and other apparatus on consumers' premises, together with cost of materials and lamps sold, as per contra.		
4. To repairs, maintenance, and renewals of apparatus at distributing stations.		
<i>C.—To Public Lamps.</i>		
1. To attending and repairs		
2. To renewals of lamps		
<i>D.—To Royalties, etc.</i>		
1. To royalties, etc., payable for use of patents or patent processes.		
<i>E.—To Rents, Rates, and Taxes.</i>		
1. To rents payable		
2. To rates and taxes		
Carried forward	£	

# FORM OF ACCOUNTS—LOCAL AUTHORITY.

399

the Year ending 31st March, 19 .

Cr.

Form of  
Accounts  
of Local  
Authority.

	£ s. d.	£ s. d.	£ s. d.
1. By Balance from last account -			
Less bad debts written off -			
2. By sale of current per meter at per B. T. U.			
3. By sale under contracts - - - - -			
4. By public lighting - - - - -			
5. By rental of meters and other apparatus on consumers' premises.			
6. By sale and repairs of lamps, arc or incandescent.			
By sale and repairs of other apparatus - -			
7. By royalties, licenses, etc. - - - - -			
8. By rents receivable - - - - -			
9. By fees for inspection of maps - - - - -			
10. By other items (to be specified) - - - - -			
Carried forward - - -	£		

Form of  
Accounts  
of Local  
Authority.

Dr.

No. III.—REVENUE

	£ s. d.	£ s. d.
<b>F.—To Management Expenses.</b>		
1. To salaries, viz.:		
Engineers' department - - - -		
Accountant and clerical staff - - -		
2. To salaries or commissions of collectors - - -		
3. To stationery and printing - - - -		
4. To general establishment charges - - -		
<b>G.—To Law and Parliamentary Charges.</b>		
1. To law expenses - - - - -		
<b>H.—To Special Charges.</b>		
1. To insurances, etc. - - - - -		
2. To expenses for certification of meters - - -		
Total expenditure - - - - -		
Amount carried to net revenue account - - -		
Balance carried to next account to provide for bad debts.		
	£	

Dr.

No. IV.—NET

	£ s. d.
1. To interest on mortgage debt accrued due to date - - -	
2. To instalments of principal of money borrowed - - -	
3. To amount transferred to sinking fund where such fund is authorised.	
4. To expenses of executing the Order (License) not included in III. and not chargeable to capital.	
5. To payments to reserve fund, where such fund is authorised by the Order (License).	
6. To sum applied to local rate - - - - -	
To balance carried forward - - - - -	
	£

Dr.

No. V.—SINKING

	Stock.	£ s. d.
	£ s. d.	
1. To amount paid for purchase of (nature of invest- ment to be specified).		
2. To stock sold during period of account - - -		
3. To amount of principal of borrowed money repaid.		
To amount of balance to next account - - -		
	£	





**Form of  
Accounts  
of Local  
Authority.**

Dr.

No. VI.—RESERVE

	Stock.	£ s. d.
1. To amount paid for purchase of (nature of investment to be specified).	£ s. d.	
2. To stock sold - - - - -	- - - - -	
3. To sum transferred to Revenue Account	- - - - -	
To amount of balance to next account - - -	- - - - -	
	£	

Dr.

No. VII.—GENERAL

	£	s.	d.
<i>Liabilities.</i>			
1. To capital account : Amount received as per Account No. II.	-		
2. To sundry creditors - - - - -	-		
3. To net revenue account : balance at credit thereof - - -	-		
4. To sinking fund account - - - - -	-		
5. To reserve fund account - - - - -	-		
6. To other items (to be specified) - - - - -	-		
	£		

June, 19 .

NO. VIII.—STATEMENT OF ELECTRICITY

Quantity Generated in B. T. Units.	Quantity Sold.		
	Public Lamps.	By Contract.	Private Consumers by Meter.

# FORM OF ACCOUNTS—LOCAL AUTHORITY.

403

## FUND ACCOUNT.

Cr.

Form of  
Accounts  
of Local  
Authority.

	Stock.	£ s. d.
	£ s. d.	
1. By balance brought from last account - -		
2. By amount transferred from Net Revenue Account.		
3. By stock purchased - - - - -		
4. By amount realised by sale of stock (nature of stock to be specified).		
£		

## BALANCE SHEET.

Cr.

<i>Assets.</i>	£ s. d.
1. By capital account: Amount expended for works as per Account No. II.	
2. By stores on hand at 31st March, 19 : £ s. d.	
Coal - - - - -	
Oils, waste, etc. - - - - -	
General - - - - -	
3. By sundry debtors for current supplied to 31st March, 19 .	
4. By other debtors - - - - -	
5. By securities held (cost price) - - - - -	
6. By other items (to be specified) - - - - -	
7. By cash with Treasurer - - - - -	
8. By cash in hand - - - - -	
£	

Chairman.  
Clerk.

## GENERATED, SOLD, ETC.

Quantity Used on Works.	Total Quantity Accounted for.	Quantity not Accounted for.	Number of Public Lamps.	Total Maximum Supply Demanded.

**Form of  
Accounts  
of  
Company.**

**FORM OF ACCOUNTS PRESCRIBED BY THE BOARD**

Electric Lighting

THE

Year ending

No. I.—STATEMENT OF SHARE CAPITAL APPROPRIATED FOR THE PURPOSES OF

On the 31st

Description of Capital.	Authorised by.	Number of Shares Issued.	Nominal Amount of Shares.

No. II.—STATEMENT OF LOAN CAPITAL APPROPRIATED FOR THE PURPOSES OF

On the 31st

Description of Loan.	Amounts Borrowed.			
	At per cent.	At per cent.	At per cent.	Total.

(a) A somewhat similar form has been prescribed Electric Power for Supply Com-

FORM OF ACCOUNTS—COMPANY.

405

Form of  
Accounts  
of  
Company.

OF TRADE FOR AN ELECTRIC LIGHTING COMPANY (a).

Order (License).

COMPANY.

31st December, 19 .

THE UNDERTAKING AUTHORISED BY THE ABOVE-MENTIONED ORDER (LICENSE).

December, 19 .

Called-up per Share.	Total Paid-up.	Issued not Paid-up.	Remaining Unissued.	Total Amount Authorised.

THE UNDERTAKING AUTHORISED BY THE ABOVE-MENTIONED ORDER (LICENSE).

December, 19 .

Remaining Borrowing Powers.	Total Amount of Borrowing Powers.	

Total Share Capital Paid-up, see No. I. - - - £

„ Loan „ Borrowed, see No. II. - - - £

Total Capital received - - - £

panies with whose Acts s. 9 of the Electric Lighting Act, 1882, is incorporated.

**Form of  
Accounts  
of  
Company.**

Dr.

No. III.—CAPITAL  
For the Year ending

	Expenditure up to 31st December, 19 .	Expended during the Year.	Total Expenditure to 31st December, 19 .
	£ s. d.	£ s. d.	£ s. d.
<i>To Expenditure to 31st December, 19 .</i>			
<i>Expenditure since that Date.</i>			
1. To lands, including law charges incidental to acquisition.			
2. To buildings . . . . .			
3. To machinery . . . . .			
4. To accumulators at generating and distributing stations.			
5. To mains, including cost of laying the mains.			
6. To transformers, motors, etc. .			
7. To meters, and fees for certifying under the Act.			
8. To electrical instruments, etc. .			
9. To general stores (cable, mains, lamps).			
10. To purchase of patents or patent rights.			
11. To cost of license, Provisional Order, etc.			
12. To special items . . . . .			
Total expenditure . . . . .			
To balance of Capital Account .			
		£	

Provision for depreciation of works is made by a debit of £ to

Dr.

No. IV.—REVENUE  
For the Year ending

	£ s. d.	£ s. d.
<i>A.—To Generation of Electricity.</i>		
1. To coals or other fuel, including dues, carriage, unloading, storing, and all expenses of placing the same on the works.		
2. To oil, waste, water, and engine-room stores.		
Carried forward . . . . .		

# FORM OF ACCOUNTS—COMPANY.

407

ACCOUNT.

31st December, 19 .

Cr.

**Form of  
Accounts  
of  
Company.**

	Receipts up to 31st December, 19 .	Received during Year.	Total Receipts to 31st December, 19 .
	£ s. d.	£ s. d.	£ s. d.
By ordinary shares of £ - - -			
„ do. do. of £ - - -			
„ preference do. of £ - - -			
„ debenture stock - - -			
„ mortgages and bonds - - -			
„ amounts received in anticipation of calls.			
„ sale of patents or patent rights, etc.			
„ other receipts (to be specified) -			
		£	

Revenue Account transferred to Depreciation Fund Account, No. VII.

ACCOUNT.

31st December, 19 .

Cr.

	£ s. d.	£ s. d.
1. By sale of current per meter at per B. T. U.		
2. By sale under contracts - - -		
3. By public lighting - - -		
Carried forward - - -		

Form of  
Accounts  
of  
Company.

Dr.

No. IV.—REVENUE

	£	s.	d.	£	s.	d.
Brought over - - -						
3. To proportion of salaries of engineers, superintendents, and officers, as certified by the managing director, chairman, or engineer.						
4. To wages and gratuities at generating stations -						
5. To repairs and maintenance, as follows :						
1. Buildings - - - -						
2. Engines, boilers - - -						
3. Dynamos, exciters, transformers, motors, etc.						
4. Other machinery, instruments, and tools.						
5. Accumulators and accessories.						
Less received for old material						
6. To special items - - - - -						
<i>B.—To Distribution of Electricity.</i>						
1. To proportion of salaries of superintendents and officers, as certified by managing director, chairman, or engineer.						
2. To wages and gratuities to linesmen, fitters, labourers.						
3. To repairs, maintenance, and renewals of mains of all classes, including materials and laying the same.						
Less amounts refunded - - -						
4. To repairs, maintenance, and renewals of transformers, meters, switches, fuses, and other apparatus on consumers' premises.						
5. To repairs, maintenance, and renewals of apparatus at distributing stations.						
<i>C.—To Public Lamps.</i>						
1. To attending and repairs - - - - -						
2. To renewals of lamps - - - - -						
<i>D.—To Royalties, etc.</i>						
To royalties, etc., payable for use of patents or patent processes.						
Carried forward - - -						



FORM OF ACCOUNTS—COMPANY.

409

ACCOUNT—continued.

Cr.

Form of  
Accounts  
of  
Company.

	£ s. d.	£ s. d.
Brought over - - -		
4. By rental of meters and other apparatus on consumers' premises.		
5. By sale and repairs of lamps, are or in- candescent.		
„ sale and repairs of other apparatus -		
6. By royalties, licenses, etc. - - -		
7. By rents receivable - - - - -		
8. By transfer fees - - - - -		
9. By other items (to be specified) - -		
Carried forward - - -		

Form of  
Accounts  
of  
Company.

Dr.

No. IV.—REVENUE

	£	s.	d.	£	s.	d.
Brought over - -						
<i>E.—To Rents, Rates, and Taxes.</i>						
1. To rents payable - - - - -						
2. To rates and taxes - - - - -						
<i>F.—To Management Expenses.</i>						
1. To directors' remuneration - - - - -						
2. To salaries of managing engineers, secretary, accountants, clerks, messengers, as certified by managing director, chairman, or engineer.						
3. To salaries or commissions of collectors - -						
4. To stationery and printing - - - - -						
5. To general establishment charges - - - -						
6. To auditors of company - - - - -						
7. To auditor appointed under the provisions of the Order.						
<i>G.—To Law and Parliamentary Charges.</i>						
1. To law expenses - - - - -						
<i>H.—To Depreciation.</i>						
1. To depreciation in respect of leasehold works -						
2. Ditto buildings - -						
3. Ditto plant, machinery, etc.						
<i>I.—To Special Charges.</i>						
1. To insurances, superannuation, etc. - - -						
2. To expenses for certification of meters - -						
Total expenditure - - - - -						
Balance carried to net revenue - -						
	£					

Dr.

No. V.—NET

	£	s.	d.
1. To interest on debentures accrued due to date - - -			
2. To interest on mortgages and bonds accrued due to date - -			
3. To interest on temporary loans accrued due to date - - -			
4. To dividend on preference stocks - - - - -			
5. To balance applicable to dividend on ordinary stock or shares			
	£		

## 411

Cr.

Form of  
Accounts  
of  
Company.

Cr.

	£	s.	d.	£	s.	d.	£	s.	d.
1. By balance from last account									
Less dividend paid									
By amount carried to reserve fund									
2. By balance brought from revenue account (No. IV.)									
3. By interest on money at deposit									
				£					

Form of  
Accounts  
of  
Company.

Dr.

No. VI.—RESERVE

	£	s.	d.
1. Amount paid out for . . . . .			
2. Amount of balance to next account . . . . .			
	£		

Dr.

No. VII.—DEPRECIATION

	£	s.	d.
1. To balance . . . . .			
	£		

Dr.

No. VIII.—GENERAL

*Liabilities.*

	£	s.	d.
1. To capital account : Amount received as per Account No. III.			
2. To sundry tradesmen and others, due on construction of plant and machinery, fuel, stores, etc., to 31st December, 19 .			
3. To sundry creditors on open accounts . . . . .			
4. To net revenue account : balance at credit thereof . .			
5. To reserve fund account       "       "       "       "			
6. To depreciation fund account   "       "       "       "			
	£		

March, 19 .

No. IX.—STATEMENT OF

Quantity Generated in B.T. Units.	Quantity Sold.			Total Sold.
	Public Lamps.	By Contract.	Private Consumers by Meter.	

# FORM OF ACCOUNTS—COMPANY.

413

## FUND ACCOUNT.

Cr.

Form of  
Accounts  
of  
Company.

- |   |   |   |   |   |  |
|---|---|---|---|---|--|
| 1. By balance brought from last account       | - | - | - | - |  |
| 2. By amount brought from net revenue account | - | - | - | - |  |
| 3. By interest on amount invested             | - | - | - | - |  |
| (Description of Investments to be specified.) |   |   |   |   |  |

£ s. d.

£

## FUND ACCOUNT.

Cr.

- |  |   |   |   |   |  |
|--|---|---|---|---|--|
| 1. By balance from last account                            | - | - | - | - |  |
| 2. By interest on investments                              | - | - | - | - |  |
| 3. By amount brought from revenue account (see No. IV. H.) | - | - | - | - |  |
| (Description of Investments to be specified.)              |   |   |   |   |  |

£ s. d.

£

## BALANCE SHEET.

Cr.

### Assets.

£ s. d.

- |  |   |    |    |
|--|---|----|----|
| 1. By capital account : Amount expended for works as per Account No. III.              |   |    |    |
| 2. By stores on hand at 31st December, 19 :  | £ | s. | d. |
| Coal   | - | -  | -  |
| Oils, waste, etc.  | - | -  | -  |
| General  | - | -  | -  |
| 3. By sundry debtors for amounts paid on account of contracts in course of completion. |   |    |    |
| 4. By preliminary expenses   | - | -  | -  |
| 5. By sundry debtors for current supplied to 31st December, 19                         | - | -  | -  |
| 6. By other debtors  | - | -  | -  |
| 7. By cash at bankers :  | £ | s. | d. |
| Messrs.  | - | -  | -  |
| Messrs.  | - | -  | -  |
| Messrs. (amount on deposit)  | - | -  | -  |
| 8. By cash in hand   | - | -  | -  |

£

Chairman.  
Manager and Secretary.

## ELECTRICITY GENERATED, SOLD, ETC.

Quantity used on Works.	Total Quantity accounted for.	Quantity not accounted for.	Number of Public Lamps.	Total Maximum Supply demanded.

## ORDER IN COUNCIL

LEGALISING NEW DENOMINATIONS OF STANDARDS  
FOR THE MEASUREMENT OF ELECTRICITY (a).*At the Court at Buckingham Palace, the 10th day of January, 1910.**Present: The King's Most Excellent Majesty in Council.*

WHEREAS by "The Weights and Measures Act, 1889," it is, among other things, enacted that the Board of Trade shall from time to time cause such new denominations of standards for the measurement of electricity as appear to them to be required for use in trade to be made and duly verified.

And whereas by Order in Council dated the 23rd day of August, 1894, her late Majesty Queen Victoria, by virtue of the power vested in her by the said Act, by and with the advice of her Privy Council, was pleased to approve the several denominations of standards set forth in the Schedule thereto as new denominations of standards for electrical measurement.

And whereas in the said Schedule the limits of accuracy attainable in the use of the said denominations of standards are stated as follows :

For the ohm within one hundredth part of one per cent.

For the ampere within one tenth part of one per cent.

For the volt within one tenth part of one per cent.

And whereas, at an International Conference on Electrical Units and Standards held in London in the month of October, 1908, the international electrical units corresponding with the said denominations of standards were defined as follows :

The international ohm is the resistance offered to an unvarying electric current by a column of mercury at the temperature of melting ice 14·4521 grammes in mass of a constant cross sectional area and of a length of 106·300 centimetres.

The international ampere is the unvarying electric current which when passed through a solution of nitrate of silver in water deposits silver at the rate of 0·00111800 of a gramme per second.

The international volt is the electrical pressure which when steadily applied to a conductor whose resistance is one international ohm will produce a current of one international ampere.

And whereas it has been made to appear to the Board of Trade to be desirable that the denominations of standards for the measurement of electricity should agree in value with the said international electrical units within the said limits of accuracy attainable.

(a) This Order was made in consequence of the report of the International Conference on Electrical Units and Standards held in England in October, 1908. The total number of delegates to the conference was forty-six, representing the following countries: America (United States), Austria, Belgium, Brazil, Chili, Colombia, Denmark and Sweden, Ecuador, France, Germany, Great Britain, Guatemala, Hungary, Italy, Japan, Mexico, Netherlands, Paraguay, Russia, Spain, Switzerland, and British Colonies (Australia, Canada, Crown Colonies, and India). The Minutes and Report of the Conference were published by the Stationery Office in 1909.

And whereas the denominations of standards made and duly verified in 1894 and set forth in the Schedule to the said Order in Council have been again verified.

**Order  
in Council.**

And whereas the Board of Trade are advised that the said denominations of standards agree in value with the said international electrical units within the said limits of accuracy attainable, except that in the case of the ohm the temperature should be 16·4 c. in place of 15·4 c. as specified in the Schedule to the said Order in Council.

And whereas it has been made to appear to the Board of Trade that the said denominations of standards should be amended so that the aforesaid exception may be remedied.

Now, therefore, his Majesty, by virtue of the power vested in him by the said Act, by and with the advice of his Privy Council, is pleased to revoke the said Order in Council dated the 23rd day of August, 1894, and is further pleased to approve the several denominations of standards set out in the Schedule hereto as denominations of standards for the measurement of electricity.

ALMERIC FITZROY.

#### "SCHEDULE ABOVE REFERRED TO.

##### "I. *Standard of Electrical Resistance.*

"A standard of electrical resistance denominated one ohm agreeing in value within the limits of accuracy aforesaid with that of the international ohm and being the resistance between the copper terminals of the instrument marked 'Board of Trade Ohm Standard Verified, 1894 and 1909,' to the passage of an unvarying electrical current when the coil of insulated wire forming part of the aforesaid instrument and connected to the aforesaid terminals is in all parts at a temperature of 16·4 c.

##### "II. *Standard of Electrical Current.*

"A standard of electrical current denominated one ampere agreeing in value within the limits of accuracy aforesaid with that of the international ampere and being the current which is passing in and through the coils of wire forming part of the instrument marked 'Board of Trade Ampere Standard Verified, 1894 and 1909,' when on reversing the current in the fixed coils the change in the forces acting upon the suspended coil in its sighted position is exactly balanced by the force exerted by gravity in Westminster upon the iridioplatinum weight marked A and forming part of the said instrument.

##### "III. *Standard of Electrical Pressure.*

"A standard of electrical pressure denominated one volt agreeing in value within the limits of accuracy aforesaid with that of the international volt and being one hundredth part of the pressure which when applied between the terminals forming part of the instrument marked 'Board of Trade Volt Standard Verified, 1894 and 1909,' causes that rotation of the suspended portion of the instrument which is exactly measured by the coincidence of the sighting wire with the image of the fiducial mark A before and after application of the pressure and with that of the fiducial mark B during the application of the pressure these images being produced by the suspended mirror and observed by means of the eyepiece.

"In the use of the above standards the limits of accuracy attainable are as follows:

"For the ohm, within one hundredth part of one per cent.

"For the ampere, within one tenth part of one per cent.

"For the volt, within one tenth part of one per cent.

"The coils and instruments referred to in this Schedule are deposited at the Board of Trade Standardizing Laboratory, 8, Richmond Terrace, Whitehall, London."

## BOARD OF TRADE ELECTRICAL STANDARDIZING LABORATORY.

1. The Board of Trade are now prepared to receive electrical instruments for examination or testing at their Electrical Standardizing Laboratory at 8, Richmond Terrace, Whitehall (*a*).

2. The only classes of electrical instruments which can be received at present for examination or testing are such as are intended for the measurement of electrical pressure, current, power, quantity, energy, or resistance.

3. Meters for the measurement of quantity or energy cannot be received with a view to certification for use in connection with the supply given by undertakers under Electric Lighting Orders.

4. Instruments may be personally delivered at the laboratory for testing between the hours of ten a.m. and two p.m., or may be forwarded by post or other delivery. In every case instruments must be accompanied by a form of application which may be obtained from the laboratory.

5. The Board of Trade, or the officers of the Board, will not be responsible for any damage to any instrument, either in transport or while at the laboratory, nor for any loss sustained in consequence of the time that may elapse before the instrument is returned.

6. Instruments will not be received which are not plainly marked with the name of the manufacturer and an identification number.

7. Instruments will not be returned until all money due for fees or other charges incurred has been paid.

8. Every instrument submitted must be provided with suitable terminals or leads, so that it can be readily connected to the testing circuit without soldering.

9. All indicating instruments must have their dials plainly marked with a suitable scale, which may be of equal or of unequal divisions.

10. The points of testing required must be specified in electrical units (volts, amperes, etc.), stating whether alternating or continuous or both, and not in numbers referring to the scale on the instrument.

11. The laboratory charges on any instrument may be paid by post office order or postal order if the instrument is to be forwarded by post or other delivery, or in cash by the person authorised to remove the instrument. All payments should be made to the Assistant-Secretary, Finance Department, Board of Trade, Whitehall Gardens, S.W.

12. A certificate of test will be forwarded by post after the instrument has been removed.

13. The attached scale of fees for examination or testing of electrical instruments for the measurement of resistance, current, or electrical pressure, has been approved by the Treasury under s. 8 of "The Weights and Measures Act, 1899" (*b*).

T. H. W. PELHAM,  
Assistant-Secretary, Board of Trade.

October 7, 1897.

(*a*) Application for examination or testing of electrical instruments at the Board of Trade Electrical Standardizing Laboratory must be made on a printed form provided by the Board of Trade for the purpose. Other forms are provided in connection with the examination or testing; and these are procurable at the Board of Trade.

(*b*) Amended by the Weights and Measures Act, 1904 (4 Edw. 7, c. 28).



BOARD OF TRADE ELECTRICAL STANDARDIZING  
LABORATORY.Table of  
Fees.

TABLE OF FEES FOR EXAMINATION OR TESTING OF ELECTRICAL INSTRUMENTS FOR THE MEASUREMENT OF RESISTANCE, CURRENT, OR ELECTRICAL PRESSURE.

	£	s.	d.
1. For an instrument intended to be used as a sub-standard and submitted for special examination and testing - - -	3	0	0
If required to be kept under observation for a period longer than one month; for each additional month or part of a month - - - - -	1	0	0
2. For ordinary direct-reading instruments: for testing at three points:			
Voltmeter for continuous pressure only:			
Not exceeding 200 volts - - - - -	0	5	0
Exceeding 200 and not exceeding 500 volts - - - - -	0	6	0
Exceeding 500 and not exceeding 2,000 volts - - - - -	0	7	6
Voltmeter for alternating pressure only:			
Exceeding 20 and not exceeding 2,000 volts - - - - -	0	7	6
Exceeding 2,000 and not exceeding 10,000 volts - - - - -	0	10	0
Extra fee if tests are to be made at one stated frequency of alternation - - - - -	0	2	0
Voltmeter for both continuous and alternating pressures, or for alternating at two frequencies:			
Exceeding 20 and not exceeding 2,000 volts - - - - -	0	10	0
Ammeter for continuous current only:			
Not exceeding 200 amperes - - - - -	0	5	0
Exceeding 200 and not exceeding 500 amperes - - - - -	0	7	6
Exceeding 500 and not exceeding 1,000 amperes - - - - -	0	10	0
Exceeding 1,000 and not exceeding 2,500 amperes - - - - -	0	15	0
Ammeter for alternating current only:			
Not exceeding 500 amperes - - - - -	0	7	6
Extra fee if tests are to be made at one stated frequency of alternation - - - - -	0	2	0
Ammeter for both continuous and alternating currents:			
Not exceeding 500 amperes - - - - -	0	10	0
Watt-meter—continuous current—for testing at three points:			
Not exceeding 200 volts or 200 amperes - - - - -	0	12	0
Exceeding these limits up to 2,000 volts, or 2,500 amperes - - - - -	0	15	0
Watt-meter—alternating current—for testing at three points:			
Not exceeding 10,000 volts or 1,000 amperes - - - - -	1	0	0
For each point tested beyond three points in any direct-reading instrument an addition of 20 per cent. will be made to the amount of fee.			
In the case of any direct-reading instrument if arranged to record, and if the accuracy of such record is required to be verified:			
Extra fee for every record verified - - - - -	0	2	6
3. For instruments reading by an adjustment to zero, an increase of 50 per cent. on the fees for similar direct-reading instruments will be charged.			

Table of  
Fees.

4. For determining the constants of integrating meters (c) at three rates within their range of measurement :

Quantity meter, continuous current only :

Up to a maximum rate of 25 amperes	-	-	-	-	0	10	0			
Up to a maximum rate exceeding 25 and not exceeding 100 amperes	-	-	-	-	-	0	15	0		
Up to a maximum rate exceeding 100 and not exceeding 500 amperes	-	-	-	-	-	-	1	0	0	
Up to a maximum rate exceeding 500 and not exceeding 2,000 amperes	-	-	-	-	-	-	-	1	10	0

Quantity meter, alternating current :

Up to a maximum rate of 25 amperes :										
If to be tested at one frequency of alternation	-	-	-	-	-	0	10	0		
If to be tested at two frequencies, or at one frequency of alternation, and with continuous current	-	-	-	-	-	0	15	0		
Up to a maximum rate exceeding 25 and not exceeding 100 amperes :										
If to be tested at one frequency	-	-	-	-	-	0	15	0		
If to be tested at two frequencies, or at one frequency of alternation, and with continuous current	-	-	-	-	-	1	2	6		
Up to a maximum rate exceeding 100 and not exceeding 500 amperes :										
If to be tested at one frequency	-	-	-	-	-	1	0	0		
If to be tested at two frequencies, or at one frequency of alternation, and with continuous current	-	-	-	-	-	1	10	0		

Energy meter, continuous current only :

Up to a maximum rate of 10,000 watts	-	-	-	-	-	0	15	0
Up to a maximum rate exceeding 10,000 and not exceeding 50,000 watts	-	-	-	-	-	1	0	0
Up to a maximum rate exceeding 50,000 and not exceeding 200,000 watts	-	-	-	-	-	1	10	0

Energy meter, alternating current (d) :

Up to a maximum rate of 20,000 watts :										
If to be tested at one frequency	-	-	-	-	-	1	0	0		
If to be tested at two frequencies, or at one frequency of alternation, and with continuous current	-	-	-	-	-	1	10	0		
Up to a maximum rate exceeding 20,000 watts and not exceeding 100,000 watts :										
If to be tested at one frequency	-	-	-	-	-	1	10	0		
If to be tested at two frequencies, or at one frequency of alternation, and with continuous current	-	-	-	-	-	2	5	0		

For each rate tested beyond three rates in any meter an addition of 20 per cent. will be made to the amount of fee.

5. For testing resistances and standard cells :

For a resistance coil of not less than 1 ohm resistance to an accuracy of 0.01 per cent.	-	-	-	-	-	0	5	0
For a resistance coil of resistance between 1 ohm, and 10 <sup>5</sup> ohm, to an accuracy of 0.1 per cent.	-	-	-	-	-	0	5	0

(c) These instruments will only be accepted for testing if intended to be used as sub-standards or for scientific purposes.

(d) No greater alternating current than 500 amperes can be measured.

	£	s.	d.	Table of Fees.
5. For testing resistances and standard cells— <i>continued</i> .				
For a box of resistance coils with Wheatstone bridge, Post Office or dial pattern, to an accuracy of 0.1 per cent., per coil tested	-	-	-	0 0 6
With a minimum fee of	-	-	-	0 2 6
For a coil of standard form to highest accuracy obtainable at one temperature	-	-	-	0 10 0
For determining the E.M.F. of a Clark's standard cell at one temperature	-	-	-	0 5 0
For testing resistances and standard cells at two different and determined temperatures the fee to be charged will be twice that specified above, with an additional charge of 5s. for each instrument.				

In the case of all the above-mentioned tests, except tests of standard instruments, integrating meters, and resistances, the fees charged will be reduced by one-third if from six to twelve similar instruments are submitted at the same time, and by one-half if the number exceeds twelve.

CONDITIONS UNDER WHICH INSTRUMENTS ARE RECEIVED FOR EXAMINATION OR TESTING AT THE BOARD OF TRADE ELECTRICAL STANDARDIZING LABORATORY.

1. The only class of electrical instruments which can be received at present for examination or testing are such as are intended for the measurement of electrical pressure, current, power, quantity, energy, or resistance.

2. Meters for the measurement of quantity or energy cannot be received with a view to certification for use in connection with the supply given by undertakers under Electric Lighting Orders.

3. The Board of Trade, or the Officers of the Board, will not be responsible for any damage of any instrument, either in transport or while at the laboratory, nor for any loss sustained in consequence of the time that may elapse before the instrument is returned.

4. Instruments will not be received which are not plainly marked with the name of the manufacturer and an identification number.

5. Instruments will not be returned until all money due for fees or other charges incurred has been paid.

6. Every instrument submitted must be provided with suitable terminals or leads, so that it can be readily connected to the testing circuit without soldering.

7. All indicating instruments must have their dials plainly marked with a suitable scale, which may be of equal or unequal divisions.

8. The points of testing required must be specified in electrical units (volts, amperes, etc.), stating whether alternating or continuous or both, and not in numbers referring to the scale on the instrument.

## FACTORY AND WORKSHOP ACTS, 1901 AND 1907.

### ELECTRICITY REGULATIONS (a)

*Made by the Secretary of State for the Generation, Transformation, Distribution and Use of Electrical Energy in Premises under the Factory and Workshop Acts, 1901 and 1907.*

Whereas the generation, transformation, distribution, and use of electrical energy in any factory or workshop, or any place to which the provisions of s. 79 of the Factory and Workshop Act, 1901, are applied by that Act, have been certified in pursuance of the said section to be dangerous :

I hereby, in pursuance of the powers conferred upon me by that Act, make the following Regulations, and direct that they shall apply in all places before mentioned.

These Regulations shall come into force on the 1st July, 1909, except as regards such parts of electrical stations as were constructed before the 1st July, 1908, in respect of which they shall come into force on the 1st January, 1910.

#### *Duties.*

It shall be the duty of the occupier to comply with these Regulations.  
And it shall be the duty of all agents, workmen, and persons employed to conduct their work in accordance with these Regulations.

#### *Definitions.*

" *Pressure* " means the difference of electrical potential between any two conductors, or between a conductor and earth as read by a hot wire or electrostatic volt-meter.

" *Low pressure* " means a pressure in a system normally not exceeding 250 volts where the electrical energy is used.

" *Medium pressure* " means a pressure in a system normally above 250 volts, but not exceeding 650 volts, where the electrical energy is used.

" *High pressure* " means a pressure in a system normally above 650 volts, but not exceeding 3,000 volts, where the electrical energy is used or supplied.

" *Extra-high pressure* " means a pressure in a system normally exceeding 3,000 volts, where the electrical energy is used or supplied.

" *System* " means an electrical system in which all the conductors and apparatus are electrically connected to a common source of electro-motive force.

" *Conductor* " means an electrical conductor arranged to be electrically connected to a system.

" *Apparatus* " means electrical apparatus, and includes all apparatus, machines, and fittings in which conductors are used, or of which they form a part.

(a) See *ante*, p. 60.

"*Circuit*" means an electrical circuit forming a system or branch of a Regulations system.

"*Insulating stand*" means a floor, platform, stand, or mat

"*Insulating screen*" means a screen

"*Insulating boots*" means boots

"*Insulating gloves*" means gloves

"*Covered with insulating material*" means adequately covered with insulating material of such quality and thickness that there is no danger.

"*Bare*" means not covered with insulating material.

"*Live*" means electrically charged.

"*Dead*" means at, or about, zero potential, and disconnected from any live system.

"*Earthed*" means connected to the general mass of earth in such manner as will ensure at all times an immediate discharge of electrical energy without danger.

"*Substation*" means any premises, or that part of any premises, in which electrical energy is transformed or converted to or from pressure above medium pressure, except for the purpose of working instruments, relays, or similar auxiliary apparatus; if such premises or part of premises are large enough for a person to enter after the apparatus is in position.

"*Switchboard*" means the collection of switches or fuses, conductors, and other apparatus in connection therewith, used for the purpose of controlling the current or pressure in any system or part of a system.

"*Switchboard passage-way*" means any passage-way or compartment large enough for a person to enter, and used in connection with a switchboard when live.

"*Authorised person*" means (a) the occupier, or (b) a contractor for the time being under contract with the occupier, or (c) a person employed, appointed, or selected by the occupier, or by a contractor as aforesaid, to carry out certain duties incidental to the generation, transformation, distribution, or use of electrical energy, such occupier, contractor, or person being a person who is competent for the purposes of the Regulation in which the term is used.

"*Danger*" means danger to health or danger to life or limb from shock, burn, or other injury to persons employed, or from fire attendant upon the generation, transformation, distribution, or use of electrical energy.

"*Public supply*" means the supply of electrical energy (a) by any local authority, company, or person authorised by Act of Parliament or Provisional Order confirmed by Parliament or by licence or Order of the Board of Trade to give a supply of electrical energy; or (b) otherwise under Board of Trade Regulations.

#### *Exemptions.*

1. Nothing in Regulations 2, 3, 4, 7, 9, 10, 11, 15, 16, 17, 21, 22, 23, 24, 25, 26, 28, 29, 30, and 31 shall apply, unless on account of special circumstances the Secretary of State shall give notice to the occupier that this exemption does not apply—

(a) To any system in which the pressure does not exceed low pressure direct or 125 volts alternating;

(b) In any public supply generating station, to any system in which the pressure between it and earth does not exceed low pressure;

**Regulations** (c) In any above-ground substation for public supply, to any system not exceeding low pressure.

2. Nothing in these Regulations shall apply to any service lines or apparatus on the supply side of the consumer's terminals, or to any chamber containing such service lines or apparatus, where the supply is given from outside under Board of Trade Regulations; provided always that no live metal is exposed so that it may be touched.

3. If the occupier can show, with regard to any requirement of these Regulations, that the special conditions in his premises are such as adequately to prevent danger, that requirement shall be deemed to be satisfied; and the Secretary of State may by Order direct that any class of special conditions defined in the Order shall be deemed for the purposes of all or any of the requirements of these Regulations adequately to prevent danger, and may revoke such Order.\*

4. Nothing in these Regulations shall apply to any process or apparatus used exclusively for electro-chemical or electro-thermal or testing or research purposes; provided such process be so worked and such apparatus so constructed and protected and such special precautions taken as may be necessary to prevent danger.

5. The Secretary of State may, by Order, exempt from the operation of all or any of these Regulations any premises to which any Special Rules or Regulations under any other Act as to the generation, transformation, distribution or use of electrical energy apply; and may revoke such Order.

6. The Secretary of State may, if satisfied that safety is otherwise practically secured, or that exemption is necessary on the ground of emergency or special circumstances, grant such exemption by Order, subject to any conditions that may be prescribed therein; and may revoke such Order.

7. Nothing in these Regulations shall apply to domestic factories or domestic workshops.

*Regulations.*

1. All apparatus and conductors shall be sufficient in size and power for the work they are called upon to do, and so constructed, installed, protected, worked and maintained as to prevent danger so far as is reasonably practicable.

2. All conductors shall either be covered with insulating material, and further efficiently protected where necessary to prevent danger, or they shall be so placed and safeguarded as to prevent danger so far as is reasonably practicable.

3. Every switch, switch fuse, circuit-breaker, and isolating link shall be: (a) so constructed, placed, or protected as to prevent danger; (b) so constructed and adjusted as accurately to make and to maintain good contact; (c) provided with an efficient handle or other means of working, insulated from the system, and so arranged that the hand cannot inadvertently touch live metal; (d) so constructed or arranged that it cannot accidentally fall or move into contact when left out of contact.

4. Every switch intended to be used for breaking a circuit and every circuit-breaker shall be so constructed that it cannot with proper care be

\* See such an Order, *post*, p. 427.

left in partial contact. This applies to each pole of double-pole or multipole switches or circuit-breakers. **Regulations**

Every switch intended to be used for breaking a circuit and every circuit-breaker shall be so constructed that an arc cannot accidentally be maintained.

5. Every fuse, and every automatic circuit-breaker used instead thereof, shall be so constructed and arranged as effectively to interrupt the current before it so exceeds the working rate as to involve danger. It shall be of such construction or be so guarded or placed as to prevent danger from over-heating, or from arcing or the scattering of hot metal or other substance when it comes into operation. Every fuse shall be either of such construction or so protected by a switch that the fusible metal may be readily renewed without danger.

6. Every electrical joint and connection shall be of proper construction as regards conductivity, insulation, mechanical strength and protection.

7. Efficient means, suitably located, shall be provided for cutting off all pressure from every part of a system, as may be necessary to prevent danger.

8. Efficient means suitably located shall be provided for protecting from excess of current every part of a system, as may be necessary to prevent danger.

9. Where one of the conductors of a system is connected to earth, no single-pole switch, other than a link for testing purposes or a switch for use in controlling a generator, shall be placed in such conductor or any branch thereof.

A switch, or automatic or other cut-out may, however, be placed in the connection between the conductor and earth at the generating station, for use in testing and emergencies only.

10. Where one of the main conductors of a system is bare and uninsulated, such as a bare return of a concentric system, no switch, fuse, or circuit-breaker shall be placed in that conductor, or in any conductor connected thereto, and the said conductor shall be earthed.

Nevertheless, switches, fuses, or circuit-breakers may be used to break the connection with the generators or transformers supplying the power; provided that in no case of bare conductor the connection of the conductor with earth is thereby broken.

11. Every motor, converter and transformer shall be protected by efficient means suitably placed, and so connected that all pressure may thereby be cut off from the motor, converter or transformer as the case may be, and from all apparatus in connection therewith; provided, however, that where one point of the system is connected to earth, there shall be no obligation to disconnect on that side of the system which is connected to earth.

12. Every electrical motor shall be controlled by an efficient switch or switches for starting and stopping, so placed as to be easily worked by the person in charge of the motor.

In every place in which machines are being driven by any electric motor, there shall be means at hand for either switching off the motor or stopping the machines if necessary to prevent danger.

13. Every flexible wire for portable apparatus, for alternating currents or for pressures above 150 volts direct current, shall be connected to the

**Regulations** system either by efficient permanent joints or connections, or by a properly constructed connector.

In all cases where the person handling portable apparatus or pendant lamps with switches, for alternating current or pressures above 150 volts direct current, would be liable to get a shock through a conducting floor or conducting work or otherwise, if the metal work of the portable apparatus became charged, the metal work must be efficiently earthed; and any flexible metallic covering of the conductors shall be itself efficiently earthed and shall not itself be the only earth connection for the metal of the apparatus. And a lampholder shall not be in metallic connection with the guard or other metal work of a portable lamp.

In such places and in any place where the pressure exceeds low pressure, the portable apparatus and its flexible wire shall be controlled by efficient means suitably located, and capable of cutting off the pressure, and the metal work shall be efficiently earthed independently of any flexible metallic cover of the conductors, and any such flexible covering shall itself be independently earthed.

14. The general arrangement of switchboards shall, so far as reasonably practicable, be such that—

- (a) All parts which may have to be adjusted or handled are readily accessible.
- (b) The course of every conductor may where necessary be readily traced.
- (c) Conductors, not arranged for connection to the same system, are kept well apart, and can where necessary be readily distinguished.
- (d) All bare conductors are so placed or protected as to prevent danger from accidental short circuit.

15. Every switchboard having bare conductors normally so exposed that they may be touched, shall, if not located in an area or areas set apart for the purposes thereof, where necessary be suitably fenced or enclosed.

No person except an authorised person, or a person acting under his immediate supervision, shall for the purpose of carrying out his duties have access to any part of an area so set apart.

16. All apparatus appertaining to a switchboard and requiring handling, shall so far as practicable be so placed or arranged as to be operated from the working platform of the switchboard, and all measuring instruments and indicators connected therewith shall, so far as practicable, be so placed as to be observed from the working platform. If such apparatus be worked or observed from any other place, adequate precautions shall be taken to prevent danger.

17. At the working platform of every switchboard and in every switchboard passage-way, if there be bare conductors exposed or arranged to be exposed when live so that they may be touched, there shall be a clear and unobstructed passage of ample width and height, with a firm and even floor. Adequate means of access, free from danger, shall be provided for every switchboard passage-way.

The following provisions shall apply to all such switchboard working platforms and passage-ways constructed after January 1st, 1909, unless the bare conductors, whether overhead or at the sides of the passage-ways,



are otherwise adequately protected against danger by divisions or screens **Regulations**  
or other suitable means :

- (a) Those constructed for low-pressure and medium-pressure switch-boards shall have a clear height of not less than 7 ft., and a clear width measured from bare conductor of not less than 3 ft.
- (b) Those constructed for high-pressure and extra high-pressure switch-boards, other than operating desks or panels working solely at low-pressure, shall have a clear height of not less than 8 ft., and a clear width measured from bare conductor of not less than 3 ft. 6 in.
- (c) Bare conductors shall not be exposed on both sides of the switch-board passage-way unless either (i) the clear width of the passage is in the case of low-pressure and medium-pressure not less than 4 ft. 6 in., and in the case of high-pressure and extra high-pressure not less than 8 ft., in each case measured between bare conductors, or (ii) the conductors on one side are so guarded that they cannot be accidentally touched.

18. In every switchboard for high-pressure or extra high-pressure :

- (a) Every high-pressure and extra high-pressure conductor within reach from the working platform or in any switchboard passage-way shall be so placed or protected as adequately to prevent danger.
- (b) The metal cases of all instruments working at high-pressure or extra high-pressure shall be either earthed or completely enclosed with insulating covers.
- (c) All metal handles of high-pressure and extra high-pressure switches, and, where necessary to prevent danger, all metal gear for working the switches, shall be earthed.
- (d) When work has to be done on any switchboard, then, unless the switchboard be otherwise so arranged as to secure that the work may be carried out without danger, either (i) the switchboard shall be made dead, or (ii) if the said switchboard be so arranged that the conductors thereof can be made dead in sections, and so separated by permanent or removable divisions or screens from all adjoining sections of which the conductors are live, that work on any section may be carried out without danger, that section on which work has to be done shall be made dead.

19. All parts of generators, motors, transformers, or other similar apparatus, at high-pressure or extra high-pressure, and within reach from any position in which any person employed may require to be, shall be, so far as reasonably practicable, so protected as to prevent danger.

20. Where a high-pressure or extra high-pressure supply is transformed for use at a lower pressure, or energy is transformed up to above low-pressure, suitable provision shall be made to guard against danger by reason of the lower-pressure system becoming accidentally charged above its normal pressure by leakage or contact from the higher-pressure system.

21. Where necessary to prevent danger, adequate precautions shall be taken either by earthing or by other suitable means to prevent any metal other than the conductor from becoming electrically charged.

**Regulations** 22. Adequate precautions shall be taken to prevent any conductor or apparatus from being accidentally or inadvertently electrically charged when persons are working thereon.

23. Where necessary adequately to prevent danger, insulating stands or screens shall be provided and kept permanently in position, and shall be maintained in sound condition.

24. Portable insulating stands, screens, boots, gloves, or other suitable means shall be provided and used when necessary adequately to prevent danger, and shall be periodically examined by an authorised person.

25. Adequate working space and means of access, free from danger, shall be provided for all apparatus that has to be worked or attended to by any person.

26. All those parts of premises in which apparatus is placed shall be adequately lighted to prevent danger.

27. All conductors and apparatus exposed to the weather, wet, corrosion, inflammable surroundings or explosive atmosphere, or used in any process or for any special purpose other than for lighting or power, shall be so constructed or protected, and such special precautions shall be taken as may be necessary adequately to prevent danger in view of such exposure or use.

28. No person except an authorised person or a competent person acting under his immediate supervision shall undertake any work where technical knowledge or experience is required in order adequately to avoid danger ; and no person shall work alone in any case in which the Secretary of State directs that he shall not. No person except an authorised person, or a competent person over 21 years of age acting under his immediate supervision, shall undertake any repair, alteration, extension, cleaning, or such work where technical knowledge or experience is required in order to avoid danger, and no one shall do such work unaccompanied.

Where a contractor is employed, and the danger to be avoided is under his control, the contractor shall appoint the authorised person, but if the danger to be avoided is under the control of the occupier, the occupier shall appoint the authorised person.

29. Instructions as to the treatment of persons suffering from electric shock shall be affixed in all premises where electrical energy is generated, transformed, or used above low pressure ; and in such premises, or classes of premises, in which electrical energy is generated, transformed, or used at low pressure, as the Secretary of State may direct.

30. Every sub-station shall be substantially constructed, and shall be so arranged that no person other than an authorised person can obtain access thereto otherwise than by the proper entrance, or can interfere with the apparatus or conductors therein from outside ; and shall be provided with efficient means of ventilation and be kept dry.

31. Every sub-station shall be under the control of an authorised person, and none but an authorised person or a person acting under his immediate supervision shall enter any part thereof where there may be danger.

32. Every underground sub-station not otherwise easily and safely accessible shall be provided with adequate means of access by a door or trap-door, with a staircase or ladder securely fixed and so placed that no

live part of any switchboard or any bare conductor shall be within reach of a person thereon : Provided however that the means of access to such sub-station shall be by a doorway and staircase (a) if any person is regularly employed therein, otherwise than for inspection or cleaning, or (b) if the sub-station is not of ample dimensions and there is therein either moving machinery other than ventilating fans, or extra high pressure.

H. J. GLADSTONE,  
One of his Majesty's Principal  
Secretaries of State.

Home Office, Whitehall,  
23rd December, 1908.

NOTE.—Any person who fails to comply with these regulations is liable to be prosecuted and fined. Printed copies of these regulations must be kept posted up in conspicuous places in all premises to which they apply. A printed copy must also be supplied by the occupier to any person affected by them on his or her application. (Factory and Workshop Act, 1901, sections 85 and 86.)

---

#### FACTORY AND WORKSHOP ACTS, 1901 AND 1907.

*Order dated 28th July, 1909, made by the Secretary of State under Exemption 3 of the Regulations for the Generation, Transformation, Distribution and Use of Electrical Energy in Premises under the Factory and Workshop Acts, 1901 and 1907.*

In pursuance of Exemption 3 of the above Regulations, I hereby direct that in rooms, other than electrical stations, in which the following special conditions are observed, viz. :

- no electrical energy is used except at low pressure, nor for any purpose other than lighting by means of incandescent lamps ; and
- the floor is of wood or otherwise insulating ; and
- there is no machinery or other earthed metal with which a person handling any non-earthed lamp fittings or any portable lamp is liable to be in contact ; and
- no process rendering the floor wet is carried on ; and
- no live conductor is normally exposed so that it may be touched ;

such conditions shall be deemed for all the purposes of the Regulations adequately to prevent danger.

H. J. GLADSTONE,  
One of his Majesty's Principal  
Secretaries of State.

Home Office, Whitehall,  
28th July, 1909.

---

## Regulations

## FACTORY AND WORKSHOP.

## SPECIAL EXCEPTIONS :—MEAL HOURS—ELECTRICAL STATIONS.

*Order of the Secretary of State, dated March 11, 1903, granting Special Exceptions :—as to Meal Hours in Electrical Stations.*

In pursuance of the power conferred on me by section 40 (4) of the Factory and Workshop Act, 1901, I hereby direct that the following special exceptions, namely :

- (a) An exception permitting young persons employed in a factory or a workshop to have the times allowed for meals at different hours of the day ; and
- (b) An exception permitting young persons during the times allowed for meals in the factory or workshop to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on ;

shall extend to young persons above the age of 16 employed in electrical stations subject to the following conditions :

(1) For the purpose of ensuring that a reasonable temperature shall be maintained as required by section 6 of the Act, thermometers shall be provided, maintained and kept in working order in suitable positions in each room where such young persons are employed ;

(2) Sufficient and suitable sanitary accommodation complying with the requirements of any special order made by the Secretary of State under section 9 of the Act shall be provided ;

(3) The exception shall apply only to young persons employed as assistants to adults who are actually present with them during the whole time of their employment.

This Order shall come into force on the 1st April, 1903.

A. AKERS-DOUGLAS,

One of his Majesty's Principal  
Secretaries of State.

Home Office, Whitehall,  
11th March, 1903.

## FACTORY AND WORKSHOP.

## SPECIAL EXCEPTION :—NIGHT EMPLOYMENT OF YOUNG PERSONS—ELECTRICAL STATIONS.

*Order of the Secretary of State, dated March 11, 1903, granting Special Exception :—as to Night Employment of Young Persons in Electrical Stations.*

In pursuance of the power conferred on me by section 54, sub-section (4), of the Factory and Workshop Act, 1901, I hereby direct that the special exception by which a male young person may be employed during the night shall extend to male young persons of the age of 16 and upwards employed

in electrical stations, subject to the conditions prescribed in sub-section (1) **Regulations** of the said section 54 and to the following further conditions :

(1) For the purpose of ensuring that a reasonable temperature shall be maintained as required by section 6 of the Act, thermometers shall be provided, maintained and kept in working order in suitable positions in each room where such young persons are employed ;

(2) Sufficient and suitable sanitary accommodation complying with the requirements of any special order made by the Secretary of State under section 9 of the Act shall be provided ;

(3) The exception shall apply only to young persons employed as assistants to adults who are actually present with them during the whole time of their employment.

This Order shall come into force on the 1st April, 1903.

A. AKERS-DOUGLAS,  
One of his Majesty's Principal  
Secretaries of State.

Home Office, Whitehall,  
11th March, 1903.

---

## REGULATIONS

MADE UNDER THE COAL MINES ACT, 1911

(1 & 2 Geo. 5, c. 50), s. 60 (a).

### SPECIAL RULES FOR THE INSTALLATION AND USE OF ELECTRICITY IN MINES.

These Rules shall not apply in the case of any apparatus used above ground except such as may directly affect the safety of persons below ground.

#### *Duties.*

It shall be the duty of the mine owner, agent, and manager to comply with and enforce the Rules.

And it shall be the duty of all workmen and persons employed to conduct their work in accordance with the Rules.

#### *Definitions.*

"*Pressure*" means the difference of electrical potential between any two conductors, or between a conductor and earth as read by a hot wire or electro-static volt-meter.

"*Low Pressure*" means a pressure in a system normally not exceeding 250 volts where the electrical energy is used.

"*Medium Pressure*" means a pressure in a system normally above 250 volts, but not exceeding 650 volts, where the electrical energy is used.

"*High Pressure*" means a pressure in a system normally above 650 volts, but not exceeding 3,000 volts, where the electrical energy is used or supplied.

"*Extra-high Pressure*" means a pressure in a system normally exceeding 3,000 volts, where the electrical energy is used or supplied.

"*System*" means an electrical system in which all the conductors and apparatus are electrically connected to a common source of electro-motive force.

"*Concentric System*" means a system in which the circuit in a conductor or conductors, called the inner conductor, is completed through one or more conductors, called the outer conductor, arranged so that the inner conductor is insulated and the outer conductor is disposed over the insulation of, and more or less completely around, the inner conductor.

"*Conductor*" means an electrical conductor arranged to be electrically connected to a system.

"*Apparatus*" means electrical apparatus, and includes all apparatus, machines, and fittings in which conductors are used, or of which they form a part.

"*Circuit*" means an electrical circuit forming a system or branch of a system.

"*Covered with insulating material*" means adequately covered with insulating material of such quality and thickness that there is no danger.

"*Metallic covering*" means iron or steel armouring, with or without a **Regulations** lead or other metallic sheath as the conditions of the case may require, or an iron or steel pipe surrounding two or more conductors.

"*Bare*" means not covered with insulating material.

"*Live*" means electrically charged.

"*Dead*" means at, or about, zero potential, and disconnected from any live system.

"*Open Sparking*" means sparking which owing to the lack of adequate provision for preventing the ignition of inflammable gas external to apparatus would ignite such inflammable gas.

"*Earthed*" means connected to the general mass of earth in such manner as will ensure at all times an immediate discharge of electrical energy without danger.

"*Earthing system*" means an electrical system in which all the conductors are earthed.

"*Switchgear*" means switches or fuses, conductors, and other apparatus in connection therewith, used for the purpose of controlling the current or pressure in any system or part of a system.

"*Authorized person*" means a person appointed in writing by the manager of the mine to carry out certain duties incidental to the generation, transformation, distribution, or use of electrical energy in the mine, such person being a person who is competent for the purposes of the rule in which the term is used.

"*Electrician*" means a person appointed in writing by the manager of the mine to supervise the apparatus in the mine and the working thereof, such person being a person who is over 21 years of age, and is competent for the purposes of the rule in which the term is used.

"*Danger*" means danger to health or danger to life or limb from shock, burn, or other injury to persons employed, or from fire or explosion attendant upon the generation, transformation, distribution, or use of electrical energy.

"*Use*" of electricity means the conversion of electricity into mechanical energy, heat, or light for the purpose of providing mechanical energy, heat, or light.

#### RULES.

##### 1. *The Use of Electricity prohibited in certain Places.*

The use of electricity is prohibited in any part of a mine where on account of the risk of explosion of gas or coal-dust such use would be dangerous to life.

In case any difference of opinion shall arise between an inspector of mines and an owner under this rule, the same shall be settled as provided in section 42 of the Coal Mines Regulation Act, 1887.

##### 2. *Notices for H. M. Inspector.*

Notices shall be sent to the Inspector of the district, on the forms prescribed by the Secretary of State, as follows, namely :—

- (i) Notice of any existing apparatus. To be sent within one month from the date on which these Rules come into force at the mine.

- Regulations**
- (ii) Notice of the intention to introduce apparatus into any mine, or into any ventilating district in any mine.
  - (iii) Notice of the intention to introduce or re-introduce electricity into any mine where the use of electricity has previously been prohibited under Rule 1.
  - (iv) An annual return giving the size and type of apparatus, and any particulars which may be required by the Secretary of State as to the circumstances of its use. To be sent on or before the twenty-first day of January in every year.

If the inspector of the district does not object in writing, within one calendar month from the receipt by him of the notice, to the carrying out of either of the intentions specified in the second or third notices, the owner shall be entitled to carry out such intention or intentions.

Provided that this Rule shall not apply to telephones and signalling apparatus.

### 3. *Plan.*

A proper plan on the same scale as that kept at the mine in fulfilment of the requirements of the Coal Mines Regulation Act, 1887, shall be kept in the office at the mine showing the position of all fixed apparatus in the mine, other than cables, telephones, and signalling apparatus. The said plan shall be corrected as often as may be necessary to keep it reasonably up to date, and it shall be produced to an inspector of mines at any time on his request.

### 4. *Notices for Workmen.*

The following notices, constructed of durable material, shall be exhibited where necessary :

- (i) A notice prohibiting any person other than an authorised person from handling or interfering with apparatus.
- (ii) A notice containing directions as to procedure in case of fire. This notice shall be exhibited in every place containing apparatus, other than cables, telephones and signalling apparatus.
- (iii) A notice containing directions as to the restoration of persons suffering from the effects of electric shock.
- (iv) A notice containing instructions how to communicate with the person appointed under Rule 11 (a). This notice shall be exhibited at the shaft bottom.

### 5. *Lighting, Telephones, and Fire Buckets.*

(a) In all places lighted by electricity where a failure of the electric light would be likely to cause danger, one or more safety lamps or other proper lights shall be kept continuously burning.

(b) Efficient telephonic or other equivalent means of communication shall be provided for communicating between the place in which the switchgear provided under Rule 11 (a) is erected and the shaft bottom or main distributing centre in the pit.

(c) Fire buckets of suitable capacity, filled with clean dry sand ready for immediate use in extinguishing fires, shall be kept in every place containing apparatus, other than cables, telephones and signalling apparatus.



**Regulations***6. Housing of Apparatus and Working Space.*

(a) Where necessary to prevent danger or mechanical damage transformers and switchgear shall be placed in a separate room, compartment, or box.

(b) Unless the apparatus is so constructed, protected, and worked as to obviate the risk of fire, no inflammable material shall be used in the construction of any room, compartment, or box containing apparatus, or in the construction of any of the fittings therein. Each such room, compartment, or box shall be substantially constructed and shall be kept dry.

(c) Adequate working space and means of access clear of obstruction and free from danger shall be provided for all apparatus that has to be worked or attended to by any person, and all handles intended to be operated shall be conveniently placed for that purpose.

*7. The Construction of Apparatus and the Insulation of a System.*

(a) All apparatus and conductors shall be sufficient in size and power for the work they may be called upon to do, and so constructed, installed, protected, worked, and maintained as to prevent danger so far as is reasonably practicable.

(b) All insulating material shall be chosen with special regard to the circumstances of its proposed use. It shall be of mechanical strength sufficient for its purpose, and so far as is practicable, it shall be of such a character or so protected as fully to maintain its insulating properties under working conditions of temperature and moisture.

(c) Every part of a system shall be kept efficiently insulated from earth, except that (i) the neutral point of a polyphase system may be earthed at one point only; (ii) the mid-voltage point of any system, other than a concentric system, may be earthed at one point only; and (iii) the outer conductor of a concentric system shall be earthed. Where any point of a system is earthed it shall be earthed by connection to an earthing system at the surface of the mine.

(d) Efficient means shall be provided for indicating any defect in the insulation of a system.

*8. Earthing.*

(a) All metallic sheaths, coverings, handles, joint-boxes, switchgear frames, instrument covers, switch and fuse covers and boxes, and all lamp-holders, unless efficiently protected by an earthed or insulating covering made of fire resisting material, and the frames and bedplates of generators, transformers, and motors (including portable motors), shall be earthed by connection to an earthing system at the surface of the mine.

(b) Where the cables are provided with a metallic covering constructed and installed in accordance with Rule 12 (e), such metallic covering may be used as a means of connection to the earthing system. All the conductors of an earthing system shall have a conductivity at all parts and at all joints at least equal to 50 per cent. of that of the largest conductor used solely to supply the apparatus a part of which it is desired to earth. Provided that no conductor of an earthing system shall have a cross-sectional area of less than .022 of a square inch.

**Regulations** (c) All joints in earth conductors and all joints to the metallic covering of the cables shall be properly soldered or otherwise efficiently made, and every earth conductor shall be soldered into a lug for each of its terminal connections. No switch, fuse, or circuit breaker shall be placed in any earth conductor.

This rule shall not apply (except in the case of portable apparatus) to any system in which the pressure does not exceed low pressure direct current or 125 volts alternating current.

*9. Use of High or Extra-High Pressure Current.*

(a) Where electricity is distributed at a pressure higher than medium pressure (i) it shall not be used without transformation to medium or low pressure except in fixed machines in which the high or extra-high pressure parts are stationary; and (ii) motors under 20 H.P. shall be supplied with current through a transformer stepping down to medium or low pressure.

(b) Where energy is transformed, suitable provision shall be made to guard against danger by reason of the lower pressure apparatus becoming accidentally charged above its normal pressure by leakage from or contact with the higher pressure apparatus.

*10. Switchgear, etc.*

Switchgear and all terminals, cable ends, cable-joints and connections of apparatus shall be constructed and installed so that—

- (i) All parts shall be of mechanical strength sufficient to resist rough usage.
- (ii) All conductors and contact areas shall be of ample current carrying capacity and all joints in conductors shall be properly soldered or otherwise efficiently made.
- (iii) The lodgment of any matter likely to diminish the insulation, and of coal-dust on or close to live parts shall be prevented.
- (iv) All live parts shall be so protected or enclosed as to prevent accidental contact by persons and danger from arcs or short circuits, fire or water.
- (v) Where there may be risk of igniting gas, coal-dust, or other inflammable material, all parts shall be so protected as to prevent open sparking.

*11. Control of the Supply of Current.*

(a) Properly constructed switchgear for cutting off the supply of current to the mine shall be provided at the surface of the mine, and during the time any cable is live a person authorised to operate the said switchgear shall be available within easy reach thereof.

Lightning arresters, properly adjusted and maintained, shall be provided where necessary to prevent danger.

(b) Efficient means, suitably placed, shall be provided for cutting off all pressure from every part of a system, as may be necessary to prevent danger.

(c) Such efficient means shall be provided for cutting off all pressure automatically from the part or parts of the system affected in the event of a fault, as may be necessary to prevent danger. **Regulations**

(d) Every motor shall be controlled by switchgear for starting and stopping, so arranged as to cut off all pressure from the motor and from all apparatus in connection therewith, and so placed as to be easily worked by the person appointed to work the motor.

(e) If a concentric system is used no switch, fuse, or circuit breaker shall be placed in the outer conductor, or in any conductor connected thereto, except that, if required, a reversing switch may be inserted in the outer conductor at the place where the current is being used. Nevertheless, switches, fuses, or circuit breakers may be used to break the connection with the generators or transformers supplying the electricity; provided that the connection of the outer conductor with the earthing system shall not thereby be broken.

#### 12. *Cables.*

All cables, other than flexible cables for portable apparatus and signalling wires, shall comply with the following requirements:

(a) They shall be covered with insulating material (except that the outer conductor of a concentric system may be bare). The lead sheath of lead-sheathed cables and the iron or steel armouring of armoured cables shall be of not less thickness respectively than is recommended by the Engineering Standards Committee.\*

(b) They shall be efficiently protected from mechanical damage and supported at sufficiently frequent intervals and in such a manner as adequately to prevent danger and damage to the cables.

(c) Concentric cables, or two-core or multi-core cables protected by a metallic covering, or single-core cables protected by a metallic covering which shall contain all the conductors of the circuit, shall be used (i) where the pressure exceeds low pressure; (ii) where the roadway conveying the cables is also used for mechanical haulage; and (iii) where there may be risk of igniting gas, coal-dust, or other inflammable material.

Provided that if the medium pressure direct current system is used (i) two single-core cables protected by metallic coverings may be used for any circuit if the said metallic coverings are bonded together by earth conductors so placed that the distance between any two consecutive bonds is not greater than 100 feet measured along either cable, and (ii) two single-core cables covered with insulating material efficiently protected otherwise than by a metallic covering may be used in gate roads (except in gate roads which are also used for mechanical haulage, or where there may be risk of igniting gas, coal-dust or other inflammable material) for the purpose of supplying portable apparatus.

(d) Cables unprotected by a metallic covering shall be properly secured by some non-conducting and readily breakable material to efficient insulators.

(e) The metallic covering of every cable shall be (i) electrically continuous throughout; (ii) earthed, if it is required by Rule 8 (a) to be earthed, by a connection to the earthing system of not less conductivity

\* Report No. 7, Revised March, 1910.

**Regulations** than the same length of the said metallic covering ; (iii) efficiently protected against corrosion where necessary ; (iv) of a conductivity at all parts and at all joints at least equal to 50 per cent. of the conductivity of the largest conductor enclosed by the said metallic covering ; and (v) where there may be risk of igniting gas, coal-dust, or other inflammable material, so constructed as to prevent as far as is practicable any fault or leakage of current from the live conductors from causing open sparking.

Provided that where two single-core cables protected by metallic coverings bonded together in accordance with Rule 12 (c) are used for a circuit, the conductivity of each of the said metallic coverings at all parts and at all joints shall be at least equal to 25 per cent. of the conductivity of the conductor enclosed thereby.

(f) Cables and conductors where joined up to motors, transformers, switchgear, and other apparatus, shall be installed so that (i) they are mechanically protected by securely attaching the metallic covering (if any) to the apparatus ; and (ii) the insulating material at each cable end is efficiently sealed so as to prevent the diminution of its insulating properties. Where necessary to prevent abrasion or to secure gas-tightness there shall be properly constructed bushes.

#### 13. *Portable Apparatus.*

(a) Flexible cables for portable apparatus shall be two-core or multi-core and covered with insulating material which shall be efficiently protected from mechanical damage. If a flexible metallic covering be used either as the outer conductor of a concentric system or as a means of protection from mechanical damage the same shall not alone be used to form an earth conductor for the portable apparatus.

(b) Every flexible cable for portable apparatus shall be connected to the system and to the portable apparatus itself by a properly constructed connector.

(c) At every point where flexible cables are joined to main cables a switch capable of entirely cutting off the pressure from the flexible cables shall be provided.

(d) No lampholder shall be in metallic connection with the guard or other metal work of a portable lamp.

#### 14. *Supervision and Working of Apparatus.*

(a) Every person appointed to work, supervise, examine, or adjust any apparatus shall be competent for the work that he is set to do. No person except an electrician or a competent person acting under his supervision shall undertake any work where technical knowledge or experience is required in order adequately to avoid danger.

(b) Within one calendar month from the date on which these Rules come into force at any mine an electrician shall be appointed in writing by the manager to supervise the apparatus. If necessary for the proper fulfilment of the duties detailed in the succeeding sections of this rule, the manager shall also appoint in writing an assistant or assistants to the electrician.

(c) The electrician shall be in daily attendance at the mine. He shall be responsible for the fulfilment of the following duties, which shall be carried

out by him or by an assistant or assistants duly appointed under sub-section (b): (i) the thorough examination of all apparatus (including the testing of earth conductors and metallic coverings for continuity) as often as may be necessary to prevent danger; and (ii) the examination and testing of all new apparatus, and of all apparatus re-erected in a new position in the mine before it is put into service in the new position.

Provided that in the absence of the electrician for more than one day the manager shall appoint in writing an efficient substitute.

(d) The electrician shall keep at the mine a log-book made up of daily log-sheets kept in the form prescribed by the Secretary of State. The said log-book shall be produced at any time to an inspector of mines on his request.

(e) Should there be a fault in any circuit the part affected shall be made dead without delay, and shall remain so until the fault has been remedied.

(f) All apparatus shall be kept clear of obstruction and free from dust, dirt and moisture, as may be necessary to prevent danger.

Inflammable or explosive material shall not be stored in any room, compartment, or box containing apparatus, or in the vicinity of apparatus.

(g) Adequate precautions shall be taken by earthing or other suitable means to discharge electrically any conductor or apparatus, or any adjacent apparatus if there is danger therefrom, before it is handled, and to prevent any conductor or apparatus from being accidentally or inadvertently electrically charged when persons are working thereon. While lamps are being changed the pressure shall be cut off.

Provided that this section shall not apply to the cleaning of commutators and slip rings working at low or medium pressures.

(h) The person authorised to work an electrically driven coal-cutter or other portable machine shall not leave the machine while it is working, and shall, before leaving the working place, ensure that the pressure is cut off from the flexible trailing cable which supplies such coal-cutter or other portable machine. Trailing cables shall not be dragged along by the machine when working.

(i) Every flexible cable shall be examined periodically (if used with a portable machine, at least once in each shift by the person authorised to work the machine), and if found damaged or defective it shall forthwith be replaced by a spare cable in good and substantial repair. Such damaged or defective cable shall not be further used underground until after it has been sent to the surface and there properly repaired.

*15. The use of Electricity where Inflammable Gas is likely to be present.*

In any part of a mine in which inflammable gas, although not normally present, is likely to occur in quantity sufficient to be indicative of danger, the following additional requirements shall be observed:

- (i) All cables, apparatus, signalling wires and signalling instruments, shall be constructed, installed, protected, worked and maintained, so that in the normal working thereof there shall be no risk of open sparking.
- (ii) All motors shall be constructed so that when any part is live all rubbing contacts (such as commutators and slip-rings) are so arranged or enclosed as to prevent open sparking.

- Regulations** (iii) The pressure shall be switched off apparatus forthwith if open sparking occurs, and during the whole time that examination or adjustment disclosing parts liable to open sparking is being made. The pressure shall not be switched on again until the apparatus has been examined by the electrician or one of his duly appointed assistants and the defect (if any) has been remedied or the adjustment made.
- (iv) Every electric lamp shall be enclosed in an air-tight fitting, and the lamp globe itself shall be hermetically sealed.
- (v) A safety lamp shall be provided and used with each motor when working, and should any indication of fire-damp appear from such safety lamp, the person appointed to work the motor shall forthwith cut off the pressure therefrom and report the matter to a deputy or over-man or other official.

*16. Shot Firing.*

- (a) Current from lighting or power circuits shall not be used for firing shots.
- (b) Shot-firing cables shall be covered and protected as provided by Rule 13 (a) for flexible cables. Adequate precautions shall be taken to prevent them from touching other cables and apparatus.

*17. Signalling.*

- (a) Where electricity is used for signalling the pressure in any one circuit shall not exceed 25 volts.
- (b) Contact-makers shall be so constructed as to prevent the accidental closing of the circuit.
- (c) Adequate precautions shall be taken to prevent signal and telephone wires from touching cables and other apparatus.

*18. Electric Relighting of Safety Lamps.*

- (a) All relighting apparatus shall be so constructed, worked and maintained as to preclude the accumulation of explosive gas within it.
- (b) Relighting apparatus shall not be used in any part of a mine to which Rule 15 applies.
- (c) Where relighting apparatus is used a suitable station or stations shall be chosen, and relighting apparatus shall not be used in any other place in the mine.
- (d) Relighting stations shall be in charge of authorised persons, and no person other than the said authorised persons shall use the relighting apparatus.
- (e) All safety lamps shall be examined by an authorised person appointed under sub-section (d) hereof before being relighted, and again examined before being issued.

*19. Locomotives.*

- (a) Haulage by electric locomotives on the overhead trolley wire system is prohibited in any part of a coal mine.

(b) Haulage by electric locomotives on the overhead trolley wire system may be used in mines other than coal mines, and haulage by storage battery locomotives may be used in any mine, with the consent in writing first obtained of the Secretary of State in all cases, and subject to such conditions affecting safety as may be prescribed by him. Regulations

*20. Exemptions.*

(a) Any of the foregoing requirements shall not apply in any case in which exemption is obtained from the Secretary of State on the ground either of emergency or special circumstances, on such conditions as the Secretary of State may prescribe.

(b) The requirements of the foregoing Rules which relate to the construction of cables and other apparatus shall not before the 1st day of January, 1920, apply to any apparatus which was in use before the 1st day of June, 1911, and which had been constructed or had before the 1st day of June, 1911, been adapted so as to comply with the requirements relating to the construction of electrical apparatus in mines in force before that date, unless the inspector of the district, by written notice served on the owner, agent, or manager as regards either all or any of the said requirements of the foregoing rules so directs. If the owner, agent, or manager within 14 days after the receipt of such notice objects to comply with the requirements specified in the notice, the matter shall be referred, in accordance with regulations made by the Secretary of State as to procedure and costs, to a referee agreed upon between the Secretary of State and the objector, or, in default of agreement, appointed by the Lord Chief Justice of England, or, in Scotland, by the Lord President of the Court of Session.

---

## OVERHEAD WIRES.

### BYELAWS MADE BY THE LONDON COUNTY COUNCIL IN PURSUANCE OF THE LONDON OVERHEAD WIRES ACT, 1891.\*

[N.B.—The Act (see s. 18) does not extend to any wire placed by any person for his private use over land belonging to him or in his occupation, which does not extend over any street, and is so constructed and placed that neither the wire nor any support thereof or attachment thereto would be liable to fall into any public street.]

In these byelaws—

The expression "the Act" means the London Overhead Wires Act, 1891.

The expression "wire" has the same meaning as in the Act, except that it does not include any support or attachment.

The expression "cable" means any covered or insulated wire, of which the diameter to the outside of the covering exceeds twice the diameter of the bare wire, and where more wires than one are enclosed in the same covering or insulation, includes all such wires and covering, without reference to diameter.

#### *General.*

1. The company shall deliver to the council and the local authority full particulars of the material and gauge of the wires of the company, and the nature and position of the several supports, and the length of span between the several supports. The company shall also deliver to the council a plan, on a scale of not less than 25 inches to the mile, showing the routes of such wires and the position of the supports, or at their option shall cause the routes of such wires and the position of the supports to be marked upon a map to be supplied for the purpose at the office of the council.

#### *Existing Wires.*

2. In the case of wires or supports existing at the date of the approval of these byelaws the company shall comply with the requirements of byelaw 1 within six months after that date.

#### *New Wires.*

3. In the case of new wires or supports placed after the date of the approval of these byelaws, the company shall comply with the requirements of byelaw 1 within one month after the placing thereof.

4. A wire shall not be placed so as at any point to be at a less height above the ground than 20 feet, or where it crosses a street 35 feet, or at a

\* *Ante*, p. 251.



**Byelaws.**

less height above the roof of any building than 6 feet, except where it is brought into any building for use in that building, or is attached to a chimney or other part of a building in accordance with these byelaws.

5. Every wire shall be supported at intervals not exceeding 115 yards unless permission in writing be obtained from the council and the local authority for a longer span.

6. Every support for a wire shall be of durable material, and properly stayed against forces due to wind pressure, change of direction of the wires, and unequal length of span ; and all independent conductors and suspending wires shall be securely attached to the supports.

7. The factor of safety for all stresses arising from the weight of conductors and suspending wires shall be at least four at a temperature of 22° F. The factor of safety for all other parts of the structures shall be at least ten, taking the maximum possible wind pressure against a support acting in a horizontal direction at 30 lb. per square foot. No addition need be made for a possible accumulation of snow.

8. Every support for a wire shall be marked in such manner to be approved in the case of each company by the council as to identify the company to whom it belongs.

9. Where a support is used for the wires of more than one company, the company owning the support shall be responsible for the support and the attachment of the wires thereto.

10. No cable shall exceed one pound per lineal foot in weight ; and every cable shall be carried by independent suspending wires and attached to the same by efficient slings.

11. Every iron or steel wire, and every iron or steel support or attachment, shall be efficiently protected from oxydation.

12. All poles erected on buildings as supports for wires, unless fixed through the roof, shall be carried on shoes or saddles properly protected from oxydation and shall be efficiently stayed, so that in the event of a pole breaking it shall be impossible for it to fall into any street.

13. Every wire, attached to a chimney, wall, or other part of a building, shall be efficiently supported by angle plates of iron or bronze or other device approved by the local authority.

14. Every wire support and attachment shall be duly and efficiently supervised and maintained by the company.

15. No wire support or attachment shall be in such a condition that danger to the public using the streets may be apprehended therefrom, and the company to whom any wire, support, or attachment being in such condition belongs, shall be guilty of an offence against these byelaws.

16. No wire support or attachment shall remain erected after it has ceased to be in use, unless the company intend within a reasonable time to take it again into use, and give notice of such intention to the council and the local authority.

17. On reasonable notice being given by the council or the local authority to the company, access at all reasonable times for the purpose of inspection of the company's wires, supports, and attachments shall be given or secured by the company to the inspectors of the council and the local authority.

**Byelaws.***Penalties.*

18. Any company or person failing to comply with any of these byelaws, or of the provisions of the London Overhead Wires Act, 1891, or delivering any particulars which to their or his knowledge are incorrect, shall be guilty to an offence against these byelaws, and shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for each day during which such offence is continued after conviction thereof.

Sealed, by Order,

H. DE LA HOOKE,

Clerk of the Council.

(L.S.)

Approved on behalf of the Board of Trade.

HENRY G. CALCRAFT,

Secretary.

July 29th, 1892.

## RULES

MADE BY THE LONDON COUNTY COUNCIL, WITH  
THE APPROVAL OF THE BOARD OF TRADE, AS TO  
TESTING ELECTRICITY METERS, Etc.\*

### LONDON COUNTY COUNCIL.

#### ELECTRIC LIGHTING ACTS AND ORDERS.

*Rules as to testing Electricity Meters, etc., and Scales of Fees prescribed by the  
London County Council on 29th March, 1898, and approved by the Board  
of Trade on 17th June following.*

#### *Meters in use upon a consumer's premises.*

(1) Upon any application being received by the Council in connection with any difference arising between any consumer and the undertakers as to the accuracy of any meter, an appointment will be made with the consumer and the undertakers for an inspector to attend at the premises of the consumer. The inspector will take charge of the meter, which is not to be disconnected from the circuit except in his presence, and then only by the undertakers.

(2) The inspector will, as far as possible, ascertain before such disconnection takes place whether the meter is properly fixed and connected with the circuit, and whether it appears to be in good working order.

(3) If the meter be not one requiring to be tested for synchronism, it will then be removed under the supervision of the inspector to the Council's office, 42, Cranbourne Street, to be there tested for accuracy.

(4) If the meter be of a type requiring to be tested for synchronism, it will, if necessary after disconnection from the circuit, and before removal from its position, be sealed up by the inspector and run for at least 24 hours without current being allowed to pass through the main coils, and at the end of that time or of such longer time as may be convenient, the result will be ascertained by the inspector and the meter then removed in the manner before indicated.

(5) Before removing the meter, the inspector will ascertain as accurately as possible the total current which may be taken if all the current-consuming devices connected with the installation are put on to the circuit, and also the average and the maximum normal current.

(6) If the inspector considers it desirable, he will also, with the concurrence of the applicant and upon payment of the prescribed fee, test the insulation resistance of the meter as fixed, and of the house installation connected therewith.

(7) In the case of meters which can, under certain circumstances, register without current passing through the main coils, the inspector will make a careful examination to ascertain whether such registration is effected.

---

\* The revision of these rules is now under consideration.

**Rules.**

(8) The tests for accuracy will be made at the Council's meter-testing station, 42, Cranbourne Street.

(9) In the case of meters which before being fixed shall have been tested by the Council and passed as correct meters, the meters will be tested for starting current and at one or more quarter loads, and if the results be approximately the same as those obtained in the previous tests the meters will be considered correct. (A meter shall be considered to be "correct" when the registration shown by the dials is within  $2\frac{1}{2}$  per cent. of absolute accuracy at all points above one-twentieth load.)

(10) In the case of meters which have not been tested and sealed by the Council before fixing, the tests will be made at the average load used by the consumer, if this can be ascertained.

(11) In cases where the meter has been removed from the consumer's premises before any application for testing is made to the Council, it may nevertheless be tested for accuracy, but a note will be attached to the report stating that the meter was removed from the consumer's premises before it was tested, and that the Council has no means of ascertaining whether its condition is the same as it was when so fixed.

(12) At least one test will be made of every meter by a dial reading, and the dial works will be further examined to ascertain that the gearing is properly proportioned.

(13) The report of the inspector, or a copy thereof, will be sent both to the consumer and to the undertakers by the engineer in charge of the Council's meter-testing station.

(14) All fees for testing shall, unless the Council otherwise order, be paid in advance by the applicant to the cashier of the Council at its office in Spring Gardens.

(15) Within one week after the completion of the test the meter will be handed at Cranbourne Street to the representative of the owner, unless circumstances shall have arisen which render a further test desirable.

(16) For all meters of a pattern approved by the Board of Trade, any recommendations made by that Board with regard to testing will be followed as far as circumstances admit.

#### SCALE OF FEES FOR TESTING ELECTRICITY METERS, ETC.

##### *Single or disputed meters*

used or to be used in any district for which the Council is the statutory authority.

For testing a single meter of any description				s.	d.
			up to 50 amperes capacity	10	0
Do.	do.	do.	of capacity from 50 to 100 amperes	20	0
Do.	do.	do.	of capacity from 100 to 200 amperes	25	0
Do.	do.	do.	of capacity from 200 to 400 amperes	30	0

For testing each "disputed" meter the charge shall be as above, and no reduction shall be made if a number of disputed meters be sent in together.

**Rules.**

*Batches of meters.*

For testing meters, delivered at and removed from the testing-station free of cost to the Council, any work necessary for adjusting inaccurate or defective meters being charged for extra—

CLASS 1.—Meters without shunt coils and not requiring to be fixed for testing, up to 50 ampères capacity, if sent in in batches of not fewer than 10 of the same size and make, each				s.	d.
Do.	do.	do.	from 50 to 100 ampères capacity, each	6	6
Do.	do.	do.	from 100 to 200 ampères capacity, each	9	0
				12	0

CLASS 2.—Meters with shunt coils or requiring to be fixed for testing, up to 50 ampères capacity, if sent in in batches of not less than 10 of the same size and make, each				s.	d.
Do.	do.	do.	from 50 to 100 ampères capacity, each	7	0
Do.	do.	do.	from 100 to 200 ampères capacity, each	10	0
				13	0

CLASS 3.—Meters requiring fixing and synchronising, or adjusting after fixing, up to 50 ampères capacity, if sent in in batches of not less than 10 of the same size and make, each				s.	d.
Do.	do.	do.	from 50 to 100 ampères capacity, each	8	0
Do.	do.	do.	from 100 to 200 ampères capacity, each	12	0
				17	6

CLASS 4.—Meters for multiple circuits will be charged for according to the number of circuits.

CLASS 5.—Meters which require to be tested on a circuit absorbing considerable power will be charged for at special rates.

*A reduction of 10 per cent. from these prices to be allowed when 20, and of 25 per cent. when 50, meters of the same make and capacity are sent in at the same time.*

Partial re-tests made on any meter after adjustment will be charged, according to amount of work involved, at one-fourth to one half of the fee charged for "single or disputed" meters of the same capacity.

*Inspection in situ.*

s. d.

For examining in position after fixing, and certifying if found correct, any single meter (which has already been tested for accuracy at the Council's testing-station) within a radius of three miles from Cranbourne Street	2	6
Do. do. do. any distance from three to six miles	3	6

For examining in position after fixing, where a number of meters in the same district, and within a reasonable distance of each other can be inspected on the same day, £1 for the services of the inspector for the entire day, or 15s. for half a day. A further charge of 6d. will be made for each certificate.

## Rules.

*Electric pressure.*

s. d.

For taking a record of "pressure" at any consumer's house within three miles of the testing-station, such record extending over 24 hours - - - - -

10 6

If such record extends over two or more consecutive periods of 24 hours, for each succeeding period - - - - -

5 0

*Service lines.*

For testing a single pair of service lines - - - - -

10 0

In difficult cases (in addition to the fee of 10s.), for every hour or part of an hour occupied after the first two hours - - -

5 0

For testing any installation for insulation resistance to earth, where the time occupied is less than two hours - - -

10 0

For every hour or part of an hour after the first two hours - - -

5 0

NOTE.—The above fees are to include omnibus fare for the inspector and assistant, but all other travelling expenses and cost of carriage of meters, etc. (if any), to be charged in addition.

Scaled by order,

C. J. STEWART,

(L.S.)

*Clerk of the Council.*

Approved by the Board of Trade,

T. H. W. PELHAM,

*Assistant Secretary, Board of Trade.*

17th June, 1898.

## PROTECTION OF THEATRES, ETC. FROM FIRE.

By the Metropolis Management and Building Acts Amendment Act, 1878 (41 & 42 Vict. c. 32), it is provided by s. 12 that—

“The Board (a) may from time to time make, alter, vary, and amend such Regulations as they may think expedient with respect to the requirements for the protection from fire of houses or other places of public resort within the metropolis to be kept open for the public performance of stage plays, and of houses, rooms, or other places of public resort within the metropolis containing a superficial area for the accommodation of the public of not less than five hundred square feet, to be kept open for public dancing, music, or other public entertainment of the like kind, under the authority of letters patent from her Majesty, her heirs or successors, or of licences by the Lord Chamberlain of her Majesty's Household, or by any justices of the peace, or by any court of quarter sessions, which may be granted for the first time after the passing of this Act; and may by such regulations prescribe the requirements as to position and structure of such houses, rooms, or places of public resort which may, in the opinion of the Board, be necessary for the protection of all persons who may frequent the same against dangers from fires which may arise therein or in the neighbourhood thereof: Provided that the Board may from time to time in any special case dispense with or modify such Regulations, or may annex thereto conditions if they think it necessary or expedient so to do.

Power to Board to make regulations with respect to new theatres and certain new music halls for protection from fire.

Under the powers of the above Act the London County Council, as the successors of the Metropolitan Board of Works, under s. 40 (8) of the Local Government Act, 1888 (51 & 52 Vict. c. 41), have made and issued the following regulations on the subject of the protection of theatres, etc. from fire:

### LONDON COUNTY COUNCIL.

#### THE PROTECTION OF THEATRES, ETC. FROM FIRE.

*Regulations made by the Council on 25th March, 1902, and 13th November, 1906, with respect to the fitting and use of electric lighting plant, heating apparatus, steam boilers, machinery, etc. for all purposes in theatres, houses, rooms, and other places of public resort within the Administrative County of London.*

In these regulations the expression “such premises” means a theatre, house, room, or other place of public resort within the Administrative County of London to be kept open for the public performance of stage-plays, or for public dancing, music or other public entertainment of a like

Interpretation of “such premises.”

(a) The Metropolitan Board of Works.

**Regulations** kind, under the authority of letters patent from his Majesty the King, his heirs or successors, or of licences by the Lord Chamberlain of his Majesty's Household, or by the London County Council.

*Electric Lighting.*

**Sanction of Council to be obtained to all work.** (1) Before the installation of the electric light, or any electrical work or apparatus, and before any alterations or additions to the electric installation are commenced, the sanction of the Council shall be obtained to what is proposed to be done. For this purpose plans showing the approximate positions of the lights, and specifications, together with full particulars of the work it is proposed to carry out, and drawings of proposed switchboards, shall be forwarded to the clerk of the Council, to whom also complete drawings shall be sent on completion of the work.

**High pressure.** (2) The term high pressure means in all cases throughout these regulations pressure above 240 volts.

**Tests.** (3) Where the electric light is installed in such premises, it shall be on condition that a competent electrical engineer shall certify in writing, to the satisfaction of the Council, once in twelve months that the system is in proper working order.

Tests may also be made by the officials of the Council from time to time.

**Main circuits.** (4) All such premises when lighted by electric light shall have at least three separate and distinct main circuits.

These circuits shall be—

(A) for the stage.

(B) and (C) for the auditorium, corridors, exits, and all parts of the house open to the public.

The circuits B and C shall be so arranged that approximately half the lights in each division of the auditorium and half those in each corridor, exit, etc. shall be on B and the other half on C circuit.

As far as practicable, the lights on the two circuits shall be placed alternately.

The two circuits shall not be combined in one fitting, nor shall the wires or leads for one circuit be placed in the same box, tube, or casing, etc., as those of another circuit, except as provided in regulation No. 8 for internally illuminated exit notice boxes, when special precautions must be taken to prevent risk of connection.

(5) The main leads, etc. for circuit A shall, where possible, be kept entirely on the stage side of the proscenium wall, and those for B and C entirely on the auditorium side of that wall. If it is desired to control a portion of the lights in the auditorium from the stage board (circuit A,) this will be permitted if a sufficient number of lights, for safety purposes, be maintained on circuits B and C in each portion of the auditorium, entirely independent of the stage. The number and position of such lights shall be subject to the approval of the Council.

**Supply by public lighting company, etc.** (6) When the current is supplied by a public lighting company, or corporation, these circuits shall be taken separately from the street mains, each circuit being taken from a separate box and where practicable from a separate pair of mains. Where transformers are installed on the premises, separate transformers, with fuses, switches, and other apparatus, shall be used for each of the three circuits, and the transformers, etc. for circuits



B and C shall be placed in separate rooms, or in detached strong iron cases **Regulations** placed well apart, and the primary and secondary mains properly protected, or shall be divided by an incombustible partition. The transformer rooms, etc. must be kept clear of lumber.

(7) Where supply is given on the three-wire system, circuits A and B or Three-wire A and C may be supplied from the two sides of that system, but the other system. circuit, C or B, shall be taken from a separate connection with the street mains.

(8) The supply for the three main circuits may be taken from the mains Independent of independent companies, but in such case special precautions must be companies. taken to prevent accidental connection.

Change-over switches may also be used if approved by the Council.

Change-over switches.

Additional means of lighting in such premises for use in the event of the gas or the electric light being extinguished, shall be provided for the auditorium, corridors, passages, exits, and staircases, by a sufficient number of oil or candle lamps, of a pattern to be approved by the Council, properly secured to an unflammable base and placed, if possible, out of reach of the public. This shall not apply where there is (a) a complete installation of both gas and electric light, or (b) two complete systems of electric lighting from separate companies, or (c) two complete systems from one company if specially approved by the Council for the purposes of these regulations. In cases (b) and (c), however, the exit notices shall be provided with independent means of lighting or with lights on both systems.

Additional means of lighting.

All lamps (or lights) on both systems in the staircases, corridors, passages and exits (including the exit notices) shall be kept alight during the whole time the public are in such premises.

No mineral oils shall be used in oil lamps.

(9) No unlicensed premises or parts of premises not included in a licence shall be supplied with electric current from the mains or apparatus used for the licensed premises, except as provided in Regulation No. 43.

Unlicensed premises.

(10) Dressing rooms and other parts of the premises used by the staff shall be lighted to the satisfaction of the Council.

Dressing rooms.

(11) In all circumstances complete metallic circuits shall be employed.

Metallic circuits.

Gas and water pipes shall never form part of any circuit.

(12) The main circuits A, B, and C shall be sub-divided as may be necessary.

Sub-circuits.

The number of lamps shall be so sub-divided that no sub-circuit shall carry more than 10 amperes in the case of the auditorium, corridors, etc., or 40 amperes in the case of the stage; and each sub-circuit shall start from a distributing board. If the supply be given at a higher pressure than 100 volts, the current in the sub-circuit shall be correspondingly reduced. Where arc lamps are permitted in the auditorium under Regulation No. 36 larger circuits may be allowed for such lamps.

The same sub-circuit shall not be used for arc lamps and incandescent lamps.

Lights outside buildings shall be on sub-circuits entirely independent of inside lights. These outside sub-circuits may carry any current not exceeding 40 amperes if at 100 volts, or correspondingly less at any higher pressure. By sub-circuit is meant a circuit rising from double pole fuses on a distributing board direct to the lamps or current-consuming device.

Except as provided for in Regulation No. 55 circuits for power or heating purposes shall be kept distinct and separate from lighting circuits.

**Regulations** (13) All conductors used within buildings shall be of tinned copper, having a conductivity equal to not less than 98 per cent. of that of pure copper, and shall be so proportioned to the work they have to do that the current density in any conductor shall not exceed a ratio of 1,000 ampères per square inch.

Where a number of lights, as in the footlights, battens, etc., are supplied under control of one switch, and protected by one single or double pole cut-out, as the case may be, the conductors shall be maintained throughout of such a section that they will be effectually protected by the cut-outs against heating.

**Insulation.** (14) The conductors shall be insulated with pure and vulcanised india-rubber of approved quality.

The insulation resistance shall be not less than 600 megohms per statute mile for the largest cable in the class as defined by the Cable Makers' Association, at 60 degrees Fahr., after one minute's electrification, when tested with at least 400 volts, and after 48 hours' immersion in water. If the pressure of the supply be above 115 volts the insulation resistance shall not be less than 2,000 megohms per statute mile in lieu of the 600 specified above. Certificates of test shall be supplied to the Council if required.

(15) If it is desired to use any other means of insulation than that above specified, special permission shall be obtained from the Council, and no material shall be used which is not waterproof, or protected by waterproof covering, or which will soften at a temperature below 170 degrees Fahr.

(16) The insulated conductors shall be protected on the outside by stout tape or braiding impregnated with preservative compound.

**Flexible conductors.** (17) Flexible conductors (if composed of wires smaller than No. 25 S.W.G., shall be of untinned copper wire; if composed of larger wire, the wire shall be tinned) shall be insulated with pure and vulcanised india-rubber and have an insulation resistance of not less than 600 megohms per statute mile when tested as above, and shall be protected on the outside by a stout braiding and rubber tube where necessary (for instance, in the orchestra). Should any of these flexible conductors be damaged, they shall be at once replaced. No flexible conductor smaller than 35/40 S.W.G. shall be used.

No circuit of this nature shall carry more than 10 ampères if the pressure of the supply be not over 100 volts, if the supply be given at a higher pressure the current shall be correspondingly reduced, and each circuit shall be protected by a fuse on each pole. The restriction to 10 ampères shall not apply to batten circuits.

**Conductors, etc., special precautions.** (18) No metal work in connection with the circuits shall be exposed or so fixed or constructed as to be liable to cause a short circuit.

(19) In all cases conductors conveying currents of high electro-motive force inside buildings, shall be specially and exceptionally insulated. They shall be enclosed in screw-jointed and earthed iron or steel tubing; or armoured cable may be used for supply authorities' services.

Any such conductors or any fittings between which high pressure exists or is liable to exist shall be so separated as to prevent any risk of shock to person or of short circuiting.

**Joints.** (20) Joints in conductors shall be avoided, but when unavoidable, they shall be electrically and mechanically perfect. Soldering fluids shall not be used in making such joints, and no joints shall be made in iron barrel.

(21) All conductors shall be efficiently protected from mechanical injury. **Regulations**

Where conductors pass through or within walls, fire-proof floors, or ceilings, they shall be protected by iron pipes or by glazed stoneware or porcelain tubes, and precautions shall be taken to prevent the possibility of fire or water passing along the course of the conductors. Conductors must not be placed where liable to be heated by gas jets, steam pipes, or other appliances.

Conductors,  
fixing and  
protection.

(22) In special cases, or where necessary for protection from the depredations of rats, mice, or other vermin, armoured cables may be used.

These need receive no further mechanical protection, but the armouring shall be efficiently earthed.

(23) Lead covered cables shall not be used unless protected by external armour of iron or steel or enclosed in substantial iron pipes or tubes.

(24) Metal fastenings for fixing conductors shall not be used without special permission. When permitted, some additional covering shall be used to protect the conductor from mechanical injury at the points of support.

(25) If casing be used, it shall be of hard wood, *e.g.*, teak or oak, or on the auditorium side of the proscenium wall American whitewood casing of good quality may be used and each conductor shall be laid in a separate groove, unless previous permission be obtained from the Council to vary this condition. In no circumstances shall wires of opposite poles be laid in the same groove, nor wires of the same polarity belonging to different circuits A, B and C. The cover shall be secured with screws at the outer edges.

Casing shall, as far as possible, be placed in sight, and the conductors shall always be accessible.

Casing shall not be used where it is liable to injury from weather or leakage of water, nor shall it be recessed into plaster.

(26) No soft or fusible metal tubing shall be used to contain conductors, nor shall any tubing which is not water-tight be embedded in walls or plaster or floors. Split tubing must not be used.

(27) Where iron pipe or tube is used as a mechanical protection it shall be bushed where necessary, and properly bushed inspection boxes shall be used. All metallic tubing shall be efficiently earthed, and shall be provided with screw joints or other means of ensuring a good and permanent electrical connection, which must be continuous with boxes and other fittings.

(28) All external conductors shall be specially insulated and laid in iron pipes properly jointed and bushed, and of ample size. In no case shall conductors belonging to different circuits (A, B and C) be run in the same barrel or be carried through the same boxes.

External  
conductors.

Such iron pipes shall be protected where necessary, and securely fixed and supported when not underground.

(29) Where there is a stage, it shall, if possible, be lighted by electric light only. Special care shall be taken that all works in connection with the lighting of the stage are carried out in as substantial a manner as possible.

(30) A switchboard fitted with the necessary switches, cut-outs, and other fittings for the control and regulation of the stage lighting shall be fixed in some convenient position, preferably overlooking the stage.

This board shall be inaccessible to all but the persons employed at such premises to work it.

**Regulations** A platform with proper means of access thereto shall be provided, where necessary, for the convenient operation of the board, and such platform shall be of fire-resisting construction, with hardwood floor (teak or oak) for insulating purposes.

Connections shall be made where possible at the front of the board; if the connections are made at the back of the board there shall be a space of not less than 3 feet between the wall and the back of the board, or such larger space as may be necessary to ensure the thimbles and connections being at all times easily accessible, or, as an alternative in the case of wires not larger than 7/18 S.W.G., provision may be made by hinging the board or placing it on rollers for rendering the back of the board accessible without breaking the connections or dismounting the board.

Footlights,  
etc.

(31) Lamps, on battens, footlights, etc., shall be protected by stiff wire guards, so arranged that no scenery or other inflammable material can come in contact with the lamps, and shall be properly protected from everything liable to cause a short circuit.

(32) No readily combustible material shall be used in connection with any lamps in such a manner that it may come in contact with the lamps or conductors.

(33) No soft or readily inflammable wood shall be used in connection with the lamps, and all wood shall be protected by unflammable material from the possibility of ignition by an arc between any two parts of two conductors, or by heated particles from any conductor or part of a conductor which may connect together the two main conductors.

Stage  
sockets.

(34) The sockets for the stage shall be of hard wood, vulcanite, or slate, with metal guards, care being taken to avoid risk of ignition, and they shall be of specially substantial construction, and where circuits of different potential are run, stage sockets shall be of such pattern as to prevent wrong connections being made.

Battens.

(35) The leads to the battens and movable lengths shall be specially guarded, particularly at the points where they join on to the battens, etc., and a sufficient length shall be allowed to prevent the leads receiving any injury through any movement of the battens, and this part of the leads shall be protected by leather or stout waterproof canvas hose, properly fixed.

The battens shall be suspended by at least three ropes attached to insulators on the battens. Where spans are used they shall be of chain or wire rope, and shall be attached to insulators on the battens.

Arc lamps.

(36) In any such premises arc lamps shall not be used in the auditorium or in any part open to the public without special permission from the Council.

When they are used in any part of such premises special precautions shall be taken to guard against danger from falling glass or incandescent particles of carbon.

All parts of the lamps, lanterns, and fittings which are liable to be handled (except by the persons employed to trim them) shall be insulated from the framework.

Any exposed portion of the metal work of an arc lamp liable to become heated to a temperature sufficient to cause a conflagration by contact with scenery or other inflammable material shall be protected by a wire guard.

In no case shall arc lamps be suspended by the conductors.

Cut-outs.

(37) All circuits shall be efficiently protected by cut-outs, placed in positions easily accessible to the staff, but inaccessible to the public. Such

cut-outs shall be permanently marked with the maximum current they are intended to carry. **Regulations**

All cut-outs shall be of such pattern and be fixed in such a position as to admit of quick replacement.

All circuits carrying a current of 10 amperes or more shall be provided with a cut-out on each conductor, and the two fuses shall not come in the same compartment or on the same base.

All cut-outs shall be so constructed that fused metal in falling cannot cause a short circuit or an ignition.

All cut-outs shall be so marked as to show what circuit or lamps they control.

(38) All exposed metal work, such as fittings, switch and cut-out overs, etc., shall be efficiently insulated from the circuits. **Switches, cut-outs, etc.**

All switches, cut-outs, ceiling roses, wall sockets and lamp holders, shall have unflammable bases and covers.

All switches and cut-outs shall have sufficient length of break, and shall be constructed so as to prevent the risk of formation of an arc. All lamp holders shall be of bayonet-socket form and shall be fitted with porcelain bridges or some equivalent separation between poles.

All switches shall be of ample size to carry the currents for which they are intended without heating, and shall be so constructed that it will be impossible for them to remain in any position intermediate between the "on" and the "off" positions, or to permit of a permanent arc or short circuit.

(39) All fittings shall be suspended in an approved manner, and special care taken to avoid risk of suspension failing from any cause. **Fittings.**

(40) Combined gas and electric fittings shall not be used.

Any electric light pendants or brackets in the auditorium and front of the house generally shall be at least 6 ft. 8 in. above the floor to the lowest projecting part of the fitting.

No electrical fitting or apparatus of any description shall be so fixed or arranged that under any circumstances can it interfere with the proper working of the safety curtain.

(41) All switch and fuse boards which are not fitted with front connections shall be so mounted as to give instant and easy access to the connections at the back of the board, and shall be provided with dividing strips between poles, both at back and in front, and proper lock-up cases with glass fronts, the glass (unless plate of adequate thickness) shall be protected with a wire guard or boxes with lids and sides rendered fireproof by asbestos sheeting; or some equivalent method may be used. Switch and fuse boards shall be fixed in accessible positions where they will not obstruct passages or exit ways.

(42) Resistances for regulating the power of the lights or motors or for other purposes shall be mounted on incombustible bases, and shall be so protected and placed at such a distance from any combustible material that no part of the resistance, if broken, can fall on such material or vice versa. Adequate ventilation shall be provided.

Principal resistances shall be placed in a fire-resisting room properly ventilated and reserved for the purpose. Liquid resistances with side or bottom connections shall be provided with proper trays and stands.

Tracker wires outside the fire-resisting room shall be so installed and shielded that in the event of breakage, slackness or other displacement contact with live conductors will be impossible.

**Regulations**

Generating  
plant.

(43) Where the supply of current is derived from special plant on the premises or under the control of the licensee, such plant must in all cases be approved by the Council. It must be in duplicate. Such duplication may be provided either by not fewer than two separate boilers, engines, dynamos, and switchboards, each capable of supplying the maximum ordinary load, or, in lieu of one engine and dynamo, a battery of approximately equal capacity for a minimum period of five hours, and such battery shall be fully charged before the commencement of every performance, or another alternative may be adopted by obtaining a full supply from the mains of a public company or borough council through proper change-over switches. The position and the construction of the change-over switches shall be subject to the approval of the Council. Where gas engines are used, a battery or other duplicate supply shall be provided, gas engines alone shall not be accepted as sufficient. No unlicensed building or unlicensed portion of a building shall be supplied from any part of the installation of the licensed part of the building unless the installation in such unlicensed portion is open to inspection and testing by the Council. The switch-boards and their fittings must be to the satisfaction of the Council.

(44) Boilers, steam engines, gas engines and dynamos, when used for the supply of electricity to such premises, shall be placed in such positions as shall be sanctioned by the Council.

All necessary provision shall be made for keeping the temperature of the engine-rooms within proper limits.

Gas engines.

(45) Gas engines shall be placed in rooms so adequately and continuously ventilated that no explosive mixture of gas can accumulate by any leakage through the engine in the event of any of the gas cocks being left turned on.

A hood connected with a pipe carried into the external air shall be fixed over the ignition tube when this is used.

Batteries.

(46) Primary or secondary batteries shall be placed in rooms adequately ventilated to the outside air. These rooms shall be of fire-proof construction with fire resisting doors and shall be used for no other purpose.

The batteries shall be well insulated.

Trans-  
formers.

(47) Transformers used to transform either direct or alternating currents, together with the switches and cut-outs connected therewith, shall be placed in a fire and moisture proof structure adequately ventilated to the outside air, properly lighted and accessible to the management and used for no other purpose.

(48) Where the primary current is of high potential, such structure shall be preferably outside the building.

No part of such apparatus shall be accessible except to the persons in charge of its maintenance.

(49) The outer case, if metallic, of all transformers, high tension switches and fuses, shall be efficiently connected to earth.

(50) Proper labels indicating the circuit controlled shall be affixed to all transformers, main switches, fuses, etc.

(51) No transformer which, under normal conditions of load, heats to above 130 degrees Fahr., shall be used.

(52) Transformer circuits shall be so arranged that in no circumstances shall a contact between the primary and the secondary coils lead an electro-motive force of high pressure into the building.

(53) The insulation resistance of a system of distribution shall be such **Regulations** that the greatest leakage from any conductor to earth, when all branches are switched on, shall not exceed one sixty-thousandth part of the total current intended for the supply of the said lamps and motors; the test being made at approximately double the usual working electro-motive force. **Insulation resistance.** Provided that this rule shall not be held to justify a lower insulation resistance than 10,000 ohms.

(54) The generating plant and switching gear shall be in the hands of Supervision. thoroughly competent manipulators, and the engine room (if any) shall be inaccessible to the public, and shall have at least one independent entrance. Where there is an electrical installation a properly qualified man must be in charge of such installation.

(55) Motors or electrical heating apparatus shall, if permitted, be subject **Motors, etc.** to special conditions, but electric fans and similar motors not taking more than 300 watts may be used if separately wired from fuses on a proper distributing board.

(56) A plan of the wiring shall be always kept in a prominent position in **Plan of wiring.** the office of the manager of such premises.

(57) In all cases in which it is desired to instal temporary lighting, notice **Temporary lighting.** shall be given to the Clerk of the Council in writing as long as possible before it is desired to commence the work.

Wires and cables shall be adequately and firmly fixed, and shall be similar to the wires already specified in these regulations, and in all cases where the wires are within reach of the public, they shall be cased.

All joints shall be soldered and taped if used for more than one week, and if used less than a week the wire shall be soldered if larger than 7/20 S.W.G., or its equivalent. In either case the joints shall be taped.

In portable fittings and appliances all joints excepting those connecting the fittings, etc. to the permanent installations shall be soldered.

The circuits shall be sub-divided as much as possible, no sub-circuit exceeding 10 amperes, at 100 volts, or correspondingly less at higher pressures.

All temporary work shall be immediately removed when no longer required for the purpose for which it was installed.

In the case of temporary work on the stage, all connections to the permanent installation shall be removed immediately after each performance in which they are used unless permission be obtained to the contrary.

Such special conditions as may be requisite in each case will be attached to the consent of the Council to the use of temporary electrical work.

(58) Whenever the safety curtain is lowered all lights in the auditorium, **Miscellaneous.** etc. shall be immediately lighted.

(59) All main switches, fuses, etc. which are the property of the electric supply company must be distinguished by being coloured red with a white band.

(60) At least one pair of india-rubber gloves must be provided for the use of the electricians in connection with the electric lighting arrangements as a precaution in the event of high voltage occurring. The gloves must be kept on the stage switchboard and be kept in good order.

(61) At least one bucket, filled with dry sand, must be kept in some accessible position on the stage in readiness for use in dealing with an electric fire, and one must also be kept in each of the intake rooms.

**Regulations***Steam Boilers, Heating Apparatus, etc.*

- Fire places. (1) No fire-place shall be formed in any portion of the auditorium or stage of such premises, and no system of heating which involves the use of naked lights will be permitted within the stage risk.
- Guards for fire-places or stoves. (2) All open fire-places or stoves in any part of such premises shall be protected by strong fixed iron-wire guards and fenders of not more than 1½ in. mesh completely enclosing the whole. A part of the guard or fender may be made to open for all necessary purposes.
- System of heating. (3) The system of heating may be by hot air, low pressure hot water, or low pressure steam. The high pressure hot water system with sealed pipes will not be permitted.
- The term "low pressure" in the case of hot water shall be understood to mean the pressure due to the vertical head of water between the boiler and the supply cistern; and in the case of steam it shall be understood to mean a maximum pressure of fifteen pounds per square inch above the pressure of the atmosphere.
- Position and surroundings of boiler, furnace, etc. (4) Every furnace, boiler, oven or other apparatus for heating or steam raising shall be placed in a position to be approved by the Council, and the construction, ventilation and management of the chamber, room, or compartment in which it may be placed, and of any fixtures or fittings that may be affected by heat must also be to the Council's satisfaction.
- Width of gangways not to be diminished. (5) All hot water or steam pipes, or coils, shall be recessed in the walls or shall be otherwise arranged so as not to diminish the clear width of the gangways, corridors, etc. Where the pipes are placed in trenches below the level of the floor and covered by grids or gratings, such trenches shall be sufficiently large to admit of being thoroughly cleaned out from time to time as may be required or directed.
- Pipetrenches. (6) Any radiator, length of piping or other hot surface placed in those parts of the premises to which the public has access shall if considered necessary by the Council be protected with stout wire guards, securely fixed in position.
- Radiators to be protected. (7) Every boiler or heating apparatus shall be tested by hydraulic pressure when new, and annually thereafter, to twice the working pressure, in the presence of an official of the Council, the cost of any such test being borne entirely by the licensee of the premises. This test will not be required when the boiler or apparatus is insured with an approved boiler insurance company, in which case a certificate, or a duplicate thereof, of a recent test made by the company, must be sent annually to the Clerk of the Council for inspection.
- Inspection and testing of apparatus. (8) Every boiler, whether hot water or steam, shall be provided with a dead-weight or spring safety-valve, of sufficient area, which shall be set to blow off at the approved pressure, and shall be so locked up as to prevent any unauthorised person adding to the load on it, whilst also permitting the attendant to lift the valve or turn it on its seat at any time. The safety valve must be attached either direct to the boiler or by means of a special stand-pipe of size, form and material to be approved by the Council, and must be so placed as to be protected from soot and dirt.
- Type and position of safety-valve. The safety-valve shall not in any circumstances be placed on the circulating pipes.
- Supply cisterns. (9) Every hot water boiler must have an independent water supply cistern, and the supply pipe to the boiler must be at all times open to the



atmosphere. The supply cistern and all pipes in exposed situations shall be adequately protected against the action of frost. **Regulations**

(10) All pipes, except such as may be of copper, are to be of stout wrought iron or wrought steel tubing, or of a strong section of cast iron or cast steel; and all wrought iron or wrought steel feed pipes below  $1\frac{1}{2}$  inches internal diameter must be galvanised internally. **Material of piping.**

(11) Steam boilers may be worked at any approved pressure, but if such pressure exceeds 15 lbs. per square inch above the atmosphere, an efficient reducing valve and a safety-valve of the same type as that required on the boiler must be fitted. These valves must be so placed that no higher pressure than 15 lbs. per square inch above the atmosphere can ever be reached in any part of the system or piping outside of the boiler house or compartment. An approved pressure gauge must, in these cases, be fitted on the low pressure side of the reducing valve. This regulation shall not apply to steam used solely for driving electric generating plant installed under Regulations Nos. 43 and 44. **Working pressures, reducing valves, etc.**

(12) No coal, coke, wood or other combustible material is to be so stored or placed that it will be affected by the heat of the furnace, boiler or other heating apparatus. **Disposal of combustible material.**

(13) Where it is desired for stage effects to use apparatus or connections that would not comply with these regulations, application, accompanied by full details, should be made to the Council, and such apparatus, etc. must not be used until the Council's permission has been obtained. **Steam boilers for stage effects.**

When it is proposed to make use of a steam boiler that has not previously been inspected by the Council's officers and approved, a notice of seven clear days must be given to the Council before putting the boiler to work.

When such a boiler, having been inspected and approved, at one theatre is transported to another for use under exactly similar conditions, further inspection and approval may not be requisite, but the necessary seven days' notice must be given to the Council, and a recent certificate issued by the boiler insurance company must always be in the custody of the person who is in responsible charge of the boiler and must be produced to the Council's officers on demand.

(14) Where a boiler is not a fixture on the premises, but may be transported from time to time to other licensed premises, it must bear some approved and permanent stamp or mark that will serve to identify it with the boiler referred to in the certificates granted by the boiler insurance company. **Identification of portable boiler.**

(15) All lifts, hoists, moving machinery, etc., shall be installed, guarded and protected with a view to the prevention of accidents to the public or employees. **Lifts, machinery, etc.**

#### *Arbitration.*

In the event of any difference or dispute arising between the Council and the licensee of such premises as to any works which are required, by these regulations, to be executed to the satisfaction or approval of the Council or are not definitely specified, or, in the case of alterations to any such premises where the installation has already been approved by the Council, as to the extent, if any, to which these regulations shall apply to such installation, such difference or dispute shall be referred to an arbitrator to be appointed by the President of the Institution of Electrical Engineers at the request of either party, and such arbitrator shall hear, and, having regard to the **Arbitration.**

**Regulations** standard required in the foregoing regulations, determine the same, and may either confirm the requirements of the Council or may confirm the same with such modification as he may think proper or refuse to confirm the same, and the decision of such arbitrator as to the requirements of the Council and the reasonableness of the same and the persons by whom, and the proportions in which, the costs thereof are to be paid shall be final and conclusive and binding upon all parties.

In case of any reference as aforesaid, compliance with the requirements in dispute may be postponed until after the day upon which such reference shall be decided, and the same if confirmed in whole or part shall only take effect as from such day.

G. L. GOMME,  
*Clerk of the Council.*

NOTE.—Inspections made by the Council's officers must not be taken as guaranteeing the safety or efficiency of any plant or apparatus or any part of the installation.

County Hall, Spring Gardens, S.W.

## REPORT OF THE JOINT COMMITTEE ON ELECTRICAL ENERGY (GENERATING STATIONS AND SUPPLY), 1898.

In March, 1898, a Joint Committee of the House of Lords and House of Commons was appointed to consider and report :

- (1) Whether, notwithstanding the provisions of section 12 (1) of the Electric Lighting Act, 1882, powers should be given in any cases for acquiring land compulsorily for generating stations ; and, if so, under what conditions as respects liability for nuisance, notices to surrounding owners, and otherwise ;
- (2) Whether compulsory powers of acquiring land for generating stations, if proper to be given in any case, should be given where the proposed site is not within the area of supply ;
- (3) Whether, in case of a generating station, however acquired, not being situate within the area of supply, power should be given for the breaking up of streets between the generating station and the boundary of the area of supply ;
- (4) Whether powers should be given in any case for the supply of electrical energy over an area including districts of numerous local authorities, involving plant of exceptional dimensions and high voltage ; and, if such powers may properly be given, whether any, and what, conditions should be imposed—
  - (a) With respect to system and plant, and to the construction and location of generating stations, in view of the powers of purchase conferred upon local authorities by sections 2 and 3 of the Electric Lighting Act, 1888.
  - (b) With respect to the relations of the promoters to other undertakers and to local authorities within parts of the area ;
- (5) Under what conditions (if any) ought powers to be conferred upon promoters seeking to supply electrical energy to other undertakers and not directly to consumers.

The Committee, which was presided over by Viscount Cross, took evidence and heard counsel representing various electric supply companies and municipal corporations. In their report (Parliamentary Paper, 1898, No. 213) they say :

**Report of  
Joint  
Committee  
of 1898.**

Compulsory  
powers for  
land.

Nuisance.

Notices.

"The Committee have heard all the witnesses tendered by the several parties and have agreed upon the following answers to the several questions referred to them :

" Question 1.

" (a) The proved public advantages of electrical energy in the generation of light and power warrant in their opinion the granting to undertakers of compulsory powers for acquiring sites for generating stations and lands or easements for pipes and mains therefrom, and other works.

" (b) Provision should be made for the granting of these powers in the Provisional Orders of the Board of Trade, subject to confirmation by Parliament (*a*). Such provision would facilitate a continuance of the existing practice, according to which more or less uniform conditions under which undertakers are to work are provisionally settled by the Board of Trade. Procedure by Private Bill should be reserved, as at present, for exceptional cases.

" (c) Such powers may be given either to local authorities or to incorporated companies, whether the incorporation be by special Act or Provisional Order (*b*) or under the Companies Acts.

" (d) With respect to liability for nuisance, they are of opinion that where the site for a generating station is acquired under compulsory powers, and is specified in the Provisional Order or special Act, the undertakers should not be subjected to any further liability than that which, according to Lord BLACKBURN (*Geddis v. Bann Reservoir*, 3 App. Cas. 455) (*c*), is imposed by the common law in the case of persons exercising statutory powers and duties. On the other hand, where the site for a generating station is acquired by agreement, they think the undertakers ought to be subject to the liability imposed by the common law.

" (e) With respect to notices, they think that the existing practice as to notices to the local authorities, and also to

(a) See now Electric Lighting Act, 1909, s. 1, *ante*, p. 228.

(b) There is no power at present to incorporate a company by Provisional Order under the Electric Lighting Acts.

(c) Lord BLACKBURN's opinion is in these words: "It is now thoroughly well established that no action will lie for doing that which the legislature has authorised, if it be done without negligence, although it does occasion damage to anyone; but an action does lie for doing that which the legislature has authorised if it be done negligently. And I think that if by a reasonable exercise of the powers either given by statute to the promoters, or which they have at common law, the damage could be prevented, it is, within this rule, negligence not to make such reasonable use of their powers."

owners, lessees, and occupiers of lands proposed to be taken should be followed (*d*).

Report of  
Joint  
Committee  
of 1898.

"With respect to notices in gazettes and newspapers, they do not suggest any amendment of the existing procedure.

"The amendment of the Electric Lighting Acts, necessary to empower the Board of Trade to grant compulsory powers, will, they assume, comprise provisions for notices and other matters of procedure, for which precedents are found in the Housing of the Working Classes Act, 1890, and in the Light Railways Act, 1896 (*e*).

"Question 2.

"Subject to the above observations, the Committee are of opinion that compulsory powers for the acquisition of land for a generating station, and lands or easements for pipes and mains and other works to the area of supply, may also properly be given where the proposed site is not within the area of supply (*f*). The local authorities for the district or districts in which the site is, and the owners, lessees, and occupiers, should have the same notices and the same *locus standi* as if that district were the area of supply. Provision also should be made for serving notices to local authorities and owners, etc. of districts or land through whose districts or land mains are to be run from the generating station to the area or areas of supply (*g*).

"Question 3.

"In the case of powers being given for the erection of a generating station outside the area of supply, they think that powers may properly be given for laying the mains in streets leading from the generating station to the boundaries of the area of supply. In such case the local authority liable to maintain these streets should have the same option of themselves breaking up and reinstating the streets at the undertakers' expense as is now given in the Provisional Orders to local authorities within the area of supply, and should be empowered accordingly (*h*).

"The Committee are of opinion that while it may be advisable to maintain the veto of local authorities as to the erection of overhead wires, given by section 14 of the Act of 1882, in respect of other electric wires, it is not advisable

(*d*) See the Rules made by the Board of Trade under s. 5 of the Electric Lighting Act, 1882, and s. 1 of the Electric Lighting Act, 1909, *ante*, p. 344.

(*e*) See s. 1, Electric Lighting Act, 1909, *ante*, p. 228.

(*f*) See s. 1, Electric Lighting Act, 1909, *ante*, p. 228.

(*g*) See Rules made by the Board of Trade under the Electric Lighting Acts, *ante*, p. 344.

(*h*) See s. 3, Electric Lighting Act, 1909, *ante*, p. 230.

Report of  
Joint  
Committee  
of 1898.

Overhead  
wires.

that in the case of overhead wires for traction purposes the local authority, other than the London County Council and county boroughs, should have an absolute veto. While due weight should be given by the Board of Trade to the representations of local authorities, the Committee think that in the case of wires for purposes of traction it would be sufficient to give a *locus standi* to such local authorities.

“Questions 4—5.

Bulk supply  
over districts  
of numerous  
local autho-  
rities.

“Where sufficient public advantage is shown, powers may be given for the supply of electrical energy over an area including districts of numerous local authorities, and involving plant of exceptional dimensions and high voltage. The Committee further think that undertakings of this character may properly be authorised on conditions differing in some respects from those imposed by and under the existing Acts.

“Among the undertakers referred to in the preceding paragraph will be found undertakers supplying energy chiefly in bulk or wholesale to other undertakers, whether local authorities or companies, whose areas of supply are wholly or partly within the area of such bulk or wholesale supplying company, and who distribute the energy so obtained to consumers (i).

Purchase by  
local  
authorities.

“As to giving compulsory powers of purchase of undertakings to local authorities, the Committee, without questioning the policy of Parliament in having given such powers, observe :

“*First.* That when the power of purchase was granted in 1882 and 1888, no such schemes of supplying energy in bulk were contemplated as are now before Parliament.

“*Secondly.* That when the power of purchase was thus granted the question then before Parliament was chiefly one of light ; whereas the evidence given before the Committee shows that although electric light is at present the predominant feature of the enterprises now before the public and Parliament, the application of electrical energy in the form of power to an infinite variety of other purposes is likely to be in the near future the predominant feature and function of these undertakings.

Electric  
energy as  
power.

“*Thirdly.* It does not appear to them that an undertaking supplying energy in bulk at high voltage and in comparatively few mains is as a rule so desirable for the local authority to acquire as a low voltage undertaking with many distributing mains.

(i) See s. 4 of the Electric Lighting Act, 1909, *ante*, p. 231 ; and as to the Power Acts, see *ante*, p. 45.

"The Committee think the provisions of the Electric Lighting Act, 1888, enabling the local authority to purchase an undertaking after a term of years, inapplicable, as a general rule, to the case of an undertaker supplying energy in bulk at high voltage, but there may be special cases where it is desirable that the local authorities should have the right to purchase reserved to them. To meet such cases they suggest that the Board of Trade should have power to insert the purchase clause in the Provisional Order, if the local authorities concerned can, in the opinion of the Board, show good cause for such a course.

**Report of  
Joint  
Committee  
of 1898.**

Bulk under-  
takings and  
high voltages.

"It is to be observed that the exemption from liability to compulsory purchase would not prevent local authorities, either alone or in combination with other local authorities, from applying for powers to purchase, but each case would have to be judged on its merits, and such conditions imposed as might be thought fit (j).

"In cases of the exemption from liability to purchase, it would be specially expedient in the interest of the consumers that some kind of sliding scale, as in the case of gas undertakings, should be imposed (jj).

"In connection with this question of purchase under section 2 of the Act of 1888, evidence has been given to the effect that with a view to secure in London one and the same time for the execution of the powers, the Board of Trade have in some cases imposed upon undertakers a less term than forty-two years within which they are liable to be purchased.

Purchase of  
undertakings  
in county of  
London.

"The Committee suggest that if the full period of forty-two years is not granted, and if a substantially shorter period is imposed by the Board of Trade, the terms of purchase should in each case be reconsidered (k).

"The Committee consider that the provisions of the Electric Lighting Act, 1888, which require the consent of the local authority as a condition precedent to the granting of a Provisional Order, should be amended. In their opinion, the local authority should be entitled to be heard before the Board of Trade, but should not have, so to speak, a provisional veto, only to be dispensed with in special cases by the Board of Trade (l).

Consent of  
local authority.

"With respect to conditions, the Committee think it reasonable that where a local authority, or company having power to supply light within a certain area of supply, seeks to obtain compulsorily land for a generating station outside that area, it should not be

Supply to  
outside areas.

(j) See ss. 7 and 8, Electric Lighting Act, 1909, *ante*, pp. 235, 236.

(jj) As to this, see *ante*, p. 56.

(k) The question of purchase in London has now been dealt with by the London Electric Supply Act, 1908; the London (Westminster and Kensington) Electric Supply Companies Act, 1908; and the London Electric Supply Act, 1910. See *ante*, p. 41.

(l) No legislative effect has been given to this recommendation.

**Report of  
Joint  
Committee  
of 1898.**

**Purchase.**

allowed, except where Parliament or the Board of Trade decide otherwise, to supply from that generating station any area outside the area of supply of such authority or company (*m*).

"With regard to the powers of purchase conferred by section 2 of the Act of 1888, they are of opinion that local authorities should be empowered to purchase undertakings partly outside their area of supply on terms agreed upon by the Board of Trade (*n*).

**"PROVISIONAL ORDERS.**

**Connection  
with earth.**

"The ordinary clause which forbids any connection with the earth, except with the approval of the Board of Trade and the concurrence of the Postmaster-General, should be inserted in every case.

**Protection of  
telegraphs  
and tele-  
phones.**

"As to protection of telegraphs and telephones the clauses now inserted in Provisional Orders seem to be sufficient in all ordinary cases: And regulations to protect the public can be made by the Board of Trade under section 6 of the Act of 1882.

**Gas and  
water pipes.**

"The clauses which protect gas and water pipes have worked satisfactorily, and should be continued, but the Committee would direct attention to the observations of Mr. PREECE as regards the difficulty arising from the working of tramways by trolley wires. His suggestion as to a strong 'control clause' should be carefully considered.

**Liability of  
plant to  
distress.**

"They are disposed to concur generally with Lord MORLEY and Sir C. BOYLE in thinking that as compulsory powers are given solely for the benefit of the public, it would be desirable to make some provision against these companies being subject to foreclosure on mortgage, and against their rolling stock and plant being liable to distress."

(*m*) As to the powers of such an authority or company, see s. 4 of the Schedule to the Electric Lighting (Clauses) Act, 1899, and notes thereto, *ante*, p. 149.

(*n*) See s. 7 of the Electric Lighting Act, 1909, *ante*, p. 235.



## CASES

IN WHICH THE BOARD OF TRADE HAVE DISPENSED  
WITH THE CONSENT OF THE LOCAL AUTHORITY  
UNDER SECTION 1 OF THE ELECTRIC LIGHTING  
ACT, 1888.

The following List was handed in by Sir COURTENAY BOYLE, K.C.B., then Permanent Secretary to the Board of Trade, when giving evidence before the Select Committee of the House of Commons in the Session of 1899 on the Bill to confirm a Provisional Order granted by the Board of Trade to the Charing Cross and Strand Electricity Supply Corporation, Limited, for the City of London. The Order was duly confirmed. See the Electric Lighting Order Confirmation (No. 20) Act, 1899 (62 & 63 Vict. c. cclxxv):

1889.

VESTRY OF ST. JAMES', WESTMINSTER.—The London Electric Supply Order, 1889. The vestry supported application of another company (The Metropolitan), but in allotting districts after Major Marindin's inquiry, the Board of Trade gave this district to the London company.

ST. MARGARET AND ST. JOHN, WESTMINSTER. — The vestry desired to retain power to supply in their own hands; they attended Major Marindin's inquiry, but would not come to any decision. The Board of Trade divided the district between three companies—the London and Westminster, the Kensington, and the Knightsbridge.

ST. SAVIOUR'S DISTRICT BOARD OF WORKS. — The London Electric Supply Order, 1889. Details arranged at Major Marindin's inquiry but formal consent not given and Board of Trade dispensed.

LAMBETH VESTRY.—The London Electric Supply Order, 1889. Metropolitan Order, 1889.—Formal consent not given. Consent dispensed with after Major Marindin's inquiry.

WANDSWORTH DISTRICT BOARD OF WORKS.—Consent not given—question of details. The Board of Trade dispensed after Major Marindin's inquiry (Metropolitan Company).

1890.

MOSS SIDE LOCAL BOARD.—Moss Side and Stretford Order. The local authority originally consented, but subsequently objected to any other district being included in the Order.

1891.

CHELSEA VESTRY.—St. Luke Chelsea Order. The local authority objected to certain powers *re* appointment of electric inspectors being given to the London County Council.

**Cases where** 1893.

**Consent  
dispensed  
with.**

NEWMARKET LOCAL BOARD.—The local authority objected on details. Question of overhead wires and breaking up streets during race weeks.

1894.

GUILDFORD.—The local authority wanted power to purchase after thirty years on Electric Lighting Act terms. The promoters objected, but agreed to thirty-five years. The local authority would not consent and the Board of Trade dispensed.

1895.

STRAND DISTRICT BOARD OF WORKS.—Charing Cross Company's Order. The local authority wanted certain provisions put in Order as to construction of works, which the Board of Trade were not prepared to accept.

GRANGE URBAN DISTRICT COUNCIL	} Windermere and
ULVERSTON URBAN DISTRICT COUNCIL	
ULVERSTON RURAL DISTRICT COUNCIL	

The local authorities wished certain provisions put in the Order which the Board of Trade considered should be left to agreement.

TOXTETH PARK URBAN DISTRICT COUNCIL.—Liverpool Order, 1895.

The Order repealed the Order granted in 1891 and 1892 relating to Liverpool and Toxteth Park. The local authority objected to the application of the proposed new provisions to their district, but as the Liverpool Corporation consented and were extending boundaries to include Toxteth Park, the Board of Trade dispensed with the district council's consent.

1899.

CITY OF LONDON CORPORATION.—Case now before Committee.

GATESHEAD.—The corporation wanted certain provisions inserted in the Order which the Board of Trade considered should be left to agreement.

The following are later instances of consent being dispensed with by the Board of Trade :

1900.

BATTERSEA ORDER.—See Special Report by the Board of Trade, Parliamentary Paper Cd. 195 of 1900.

FRESHWATER AND TOTLAND (I.W.) ORDER.—Parliamentary Paper Cd. 195 of 1900.

MARYLEBONE ORDER.—Parliamentary Paper Cd. 195 of 1900.

ROYAL LEAMINGTON SPA ORDER.—Parliamentary Paper Cd. 195 of 1900.

STAINES, EGHAM AND CHERTSEY ORDER.—Parliamentary Paper Cd. 195 of 1900.

1901.

ST. MARYLEBONE ORDER.—See Parliamentary Paper Cd. 533 of 1901.

NEWBURY ORDER.—See Parliamentary Paper Cd. 584 of 1901.

PENGE ORDER.—See Parliamentary Paper Cd. 643 of 1901.

Cases where  
Consent  
dispensed  
with.  
—

1902.

POKESDOWN ORDER.—Parliamentary Paper Cd. 1130 of 1902.

1903.

KILMALCOLM, SANDWICH, ETC., STROOD AND DARTFORD, AND WILMSLOW ORDERS.—Parliamentary Paper Cd. 1605 of 1903.

1904.

BOTHWELL, HOUGHTON-LE-SPRING AND DISTRICT, KILPATRICK, KINGSWOOD, NORTHAMPTON AND DISTRICT, AND SHETTLESTON ORDERS.—Parliamentary Paper Cd. 2125 of 1904.

1905.

BRENTFORD ORDER.—Parliamentary Paper Cd. 2548 of 1905.

1906.

EAST BARNET, GOMERSAL, HIGHAM FERRERS, ETC., AND UXBRIDGE AND DISTRICT ORDERS.—Parliamentary Paper Cd. 3029 of 1906.

1909.

WALTON-ON-THE-NAZE ORDER.—Parliamentary Paper Cd. 4724 of 1909.

1910.

ARDROSSAN, SALTCOATS AND SMETHWICK ORDERS.—Parliamentary Paper Cd. 221 of 1910.

1911.

MACCLESFIELD ORDER.—Parliamentary Paper Cd. 5667 of 1911.

1912.

ALTRINCHAM AND BOWDEN ORDER.—Parliamentary Paper Cd. 6250 of 1912.

ROTHWELL AND DISTRICT ORDER.—Parliamentary Paper Cd. 6250 of 1912.

# SPECIAL ACTS AND ORDERS RELATING TO THE SUPPLY OF ELECTRICITY IN LONDON.

## APPENDIX

To the Special Report of the Select Committee of the House of Commons on the London County Council (Electric Supply) Bill, 1906 (Parliamentary Paper 219 of 1906), containing particulars of the Orders held by Local Authorities and Companies for Areas in the County of London, and the extent to which Competition within those Areas has been authorised, and of Special Acts authorising the Compulsory Acquisition of Land for Power Stations and other Purposes in respect of various Parts of the County of London. No alteration has been made since 1906 in the position shown by Tables A. and B.

TABLE A.  
ORDERS GRANTED TO LOCAL AUTHORITIES.

Borough.	Date of Order.	Area of Supply.	Competition.
Battersea - -	1896	The borough - -	Nil.
Bermondsey - -	1899 and 1902	The parishes of Bermondsey and Rotherhithe.	London Electric Supply Corporation, Limited.
Bethnal Green - -	1899	The borough - -	Nil.
Fullham - -	1897	" - -	Nil.
Hackney - -	1893	" - -	Nil.
Hammersmith - -	1893	" - -	Nil.
Hampstead - -	1892	" - -	Nil.
Islington - -	1893	" - -	Nil.
Poplar - - -	1893	" - -	Nil.
St. Marylebone - -	1901	" - -	Nil.
St. Pancras - -	1883	" - -	Nil.
Shoreditch - -	1892	" - -	Nil.
Southwark - -	1897	The parish of Newington.	London Electric Supply Corporation, Limited.
Stepney - -	1900 and 1902	The borough - -	Nil.
Stoke Newington - -	1893 and 1902	" - -	Nil.
Woolwich - -	1905	" - -	Nil.

TABLE B.

## ORDERS GRANTED TO COMPANIES.

London  
Special  
Acts and  
Orders.

Borough.	Undertakers.	Date of Order.	Area of Supply.	Competition.
Bermondsey.	London Electric Supply Corporation, Limited.	1889	The borough.	As to the parishes of Bermondsey and Rotherhithe: Bermondsey Borough Council. As to remainder of borough: County of London Electricity Supply Company, Limited.
"	County of London Electric Supply Company, Limited.	1895	The parishes of St. Olave, St. Thomas and St. John, Horsleydown.	London Electric Supply Corporation, Limited.
Camberwell.	County of London Electric Supply Company, Limited.	1896	The borough, except a small portion in the south.	As to the northern part: London Electric Supply Corporation, Limited.
"	London Electric Supply Corporation, Limited.	1890	The northern part of the borough.	County of London Electric Supply Company, Limited.
"	South Metropolitan Electric Light and Power Company, Limited.	1890 and 1894	A small part at south of borough.	Nil.
Chelsea.	Chelsea Electricity Supply Company, Limited.	1886	The borough.	London Electric Supply Corporation, Limited.
"	London Electric Supply Corporation, Limited.	1889	"	Chelsea Electricity Supply Company, Limited.
City of London.	City of London Electric Lighting Company, Limited.	1890 and 1891	The city.	Charing Cross, West End and City Electricity Supply Company, Limited.
"	Charing Cross, West End and City Electricity Supply Company, Limited.	1899	"	City of London Electric Lighting Company, Limited.
Deptford.	London Electric Supply Corporation, Limited.	1889	The borough.	Nil.

**London  
Special  
Acts and  
Orders.**

TABLE B.—*continued.*

Borough.	Undertakers.	Date of Order.	Area of Supply.	Competition.
Finsbury	County of London Electric Supply Company, Limited.	1892	The borough	As to Clerkenwell: London Electric Supply Corporation, Limited.
"	London Electric Supply Corporation, Limited.	1889	The parish of Clerkenwell	County of London Electric Supply Company, Limited.
Greenwich	London Electric Supply Corporation, Limited.	1889	North western part of the borough.	Except as to small portion: South Metropolitan Electric Light and Power Company, Limited.
"	South Metropolitan Electric Light and Power Company, Limited.	1897 and 1899	The borough	As to part in north: London Electric Supply Corporation, Limited.
Holborn	Metropolitan Electric Supply Company, Limited.	1889	"	As to the part north of Oxford Street and High Holborn: County of London Electric Supply Company, Limited. As to part south of Oxford Street and High Holborn: Charing Cross, West End and City Electricity Supply Company, Limited.
"	County of London Electric Supply Company, Limited.	1897 and 1898	Part of borough north of Oxford Street and High Holborn.	Metropolitan Electric Supply Company, Limited.
"	Charing Cross, West End and City Electricity Supply Company, Limited.	1898	Part of borough south of Oxford Street and High Holborn.	Metropolitan Electric Supply Company, Limited.
Kensington	*Notting Hill Electric Lighting Company, Limited.	1889 and 1895	Part of borough.	Nil.
"	*Brompton and Kensington Electricity Supply Company, Limited.	1889	"	Nil.
"	*Kensington and Knightsbridge Electric Lighting Company, Limited.	1889	"	Nil.

\* The borough with the exception of a small part of what was Kensal Town is divided among these three companies.

TABLE B.—*continued.*London  
Special  
Acts and  
Orders.

Borough.	Undertakers.	Date of Order.	Area of Supply.	Competition.
Lambeth	South London Electric Supply Corporation, Limited.	1892	The borough except small parts in the north and south.	Nil.
"	London Electric Supply Corporation, Limited.	1889	Small part of borough in the north.	Nil.
"	South Metropolitan Electric Light and Power Company, Limited.	1890 and 1894	Small part of borough in the south.	Nil.
Lewisham	South Metropolitan Electric Light and Power Company, Limited.	1890, 1894, 1897, 1899, and 1901	The borough	Nil.
Paddington	Metropolitan Electric Supply Company, Limited.	1890 (and Act of 1905)	The borough	Nil.
Southwark	London Electric Supply Corporation, Limited.	1889 and 1890	The borough	In the parishes of Christchurch and St. Saviour's: City of London Electric Lighting Company, Limited.  As to the parish of Newington: The borough council.  As to the parish of St. George-the-Martyr: County of London Electric Supply Company, Limited.
"	City of London Electric Lighting Company, Limited.	1891	The parishes of Christchurch and St. Saviour.	London Electric Supply Corporation, Limited.
"	County of London Electric Supply Company, Limited.	1892	The parish of St. George-the-Martyr.	London Electric Supply Corporation, Limited.
Wandsworth	County of London Electric Supply Company, Limited.	1892	The borough	Nil.
Westminster (City).	Westminster Electric Supply Corporation, Limited.	1889 and 1891	Part of city	London Electric Supply Corporation, Limited.

London  
Special  
Acts and  
Orders.

TABLE B.—*continued.*

Borough.	Undertakers.	Date of Order.	Area of Supply.	Competition.
Westminster (City).	London Electric Supply Corporation, Limited.	1889 and 1897	Part of city	Westminster Electric Supply Corporation, Limited.
"	Kensington and Knightsbridge Electric Lighting Company, Limited.	1889	Small part of city in the west.	Nil.
"	Metropolitan Electric Supply Company, Limited.	1889†	Part of city in the east.	London Electric Supply Corporation, Limited. Charing Cross, West End and City Electricity Supply Company, Limited.
"	Charing Cross, West End and City Electricity Supply Company, Limited.	1889 and 1895	Part of city in the centre and east.	London Electric Supply Corporation, Limited, and Metropolitan Electric Supply Company, Limited.
"	St. James and Pall Mall Electric Light Company, Limited.	1890	Part of city in the centre.	London Electric Supply Corporation, Limited.

† This was a special Act, the Metropolitan Electric Lighting Act, 1889 (52 & 53 Vict. c. cxvii).

TABLE C.  
SPECIAL ACTS RELATING TO THE COUNTY OF LONDON.

Act.	Undertakers.	Purposes.
Chelsea Electricity Supply Company's Act, 1898.	Chelsea Electric Supply Company, Limited.	Compulsory acquisition of lands for the erection of generating stations.
Metropolitan Electric Supply Company Acts, 1898 and 1901.	Metropolitan Electric Supply Company, Limited.	Compulsory acquisition of lands for the erection of generating stations in Willesden and Acton, and power to lay down mains to their areas of supply.
Central Electric Supply Company's Acts, 1899 and 1905.	Central Electric Supply Company, Limited.	Compulsory acquisition of lands for the erection of generating stations in St. Marylebone, and to supply electrical energy in bulk to the St. James and Pall Mall Electric Light Company, Limited, and the Westminster Electric Supply Corporation, Limited.



TABLE C.—*continued.*London  
Special  
Acts and  
Orders.

Act.	Undertakers.	Purposes.
Kensington and Notting Hill Electric Lighting Companies' Act, 1899.	Kensington and Knightsbridge Electric Lighting Company, Limited, and the Notting Hill Electric Lighting Company, Limited.	Compulsory acquisition by the two companies jointly of lands for the erection of generating stations in the parish of St. Mary Abbots, Kensington.
St. James and Pall Mall Electric Light Companies' Act, 1899.	St. James and Pall Mall Electric Light Company, Limited.	Compulsory acquisition of lands for erection of generating stations in the parish of St. James, Westminster.
City of London Electric Lighting Act, 1900.	City of London Electric Lighting Company, Limited.	Compulsory acquisition of lands for erection of generating stations in the parish of St. Saviour, Southwark.
Charing Cross and Strand Electricity Supply Corporation, Limited (Further Powers) Act, 1900.	Charing Cross, West End and City Electricity Supply Company, Limited.	Compulsory acquisition of lands for erection of generating station in West Ham; power to lay mains to connect the station with their areas of supply and power to supply electrical energy in bulk to local authorities along the line of route of the mains.
Notting Hill Electric Lighting Act, 1901.	Notting Hill Electric Lighting Company, Limited.	Compulsory acquisition of lands for erection of generating station in the parish of St. Mary Abbots, Kensington.
Blackheath and Greenwich District Electric Light Company's Act, 1903.	South Metropolitan Electric Light and Power Company, Limited.	Acquisition of undertakings in Greenwich, Lewisham and district; power to lay mains outside area of supply and to supply electricity in bulk to undertakers in adjoining districts.
St. Marylebone Electric Lighting Act, 1904.	Metropolitan Borough Council of St. Marylebone.	Compulsory acquisition of land for generating station in St. Marylebone and power to borrow for purchase of the undertaking of the Metropolitan Electric Supply Company, Limited, in St. Marylebone.
County of London Electric Supply Company's Act, 1905.	County of London Electric Supply Company, Limited.	Compulsory acquisition of lands for generating stations, etc., in Camberwell, Wandsworth, Southwark and Finsbury, and power to supply electricity to railways, tramways, etc.
Metropolitan Electric Supply Company (Various Powers) Act, 1905.	Metropolitan Electric Supply Company, Limited.	Power to supply electricity in bulk in the boroughs of St. Marylebone, Hampstead and Fulham (and in an area in Middlesex); power to lay mains in the boroughs of Kensington and Hammersmith, and power to supply electricity to railways, tramways, etc.

London  
Special  
Acts and  
Orders.

TABLE C.—*continued.*

Act.	Undertakers.	Purposes.
North Metropolitan Electric Power Supply Act, 1905.	North Metropolitan Electric Power Supply Company.	Power to supply electricity to authorised undertakers and authorised users in Stoke Newington, and to supply in bulk to authorised undertakers in districts adjoining the company's area of supply.

Other special Acts relating to electric supply undertakings in the County of London not mentioned in the above Tables are :

Act.	Undertakers.	Purposes.
Kensington, Knightsbridge and Chelsea Electric Lighting Act, 1893.	Kensington and Knightsbridge Electric Lighting Company, Limited.	Confirming an agreement for the transfer to the Kensington and Knightsbridge Electric Lighting Company, Limited, of the undertaking by the South Kensington Electric Lighting Order, 1889.
City of London Electric Lighting Act, 1893.	City of London Electric Lighting Company, Limited.	Amending the City of London Electric Lighting Orders, 1890 and 1891.
London Electric Supply Act, 1908.	Undertakers in London generally.	See <i>ante</i> , pp. 296–304.
London (Westminster and Kensington) Electric Supply Companies' Act, 1908.		
London Electric Supply Act, 1910.		

Some local authorities supplying electrical energy have obtained special statutory provisions dealing with their undertakings: Hackney (6 Edw. 7, c. xcxi); St. Marylebone (4 Edw. 7, c. xli); St. Pancras (6 Edw. 7, c. xciv); Stoke Newington (3 Edw. 7, c. vii, also confers powers on Hackney and Islington); and Woolwich (3 Edw. 7, c. clxxvii; 5 Edw. 7, c. clxi).

## PROPOSED SPECIAL RULES FOR THE INSTALLATION AND USE OF ELECTRICITY IN MINES.\*

These rules shall not apply in the case of any apparatus used above ground except such as may directly affect the safety of persons below ground.

### *Duties.*

It shall be the duty of the mine owner, agent, and manager to comply with and enforce the rules.

And it shall be the duty of all workmen and persons employed to conduct their work in accordance with the rules.

### *Definitions.*

"*Pressure*" means the difference of electrical potential between any two conductors, or between a conductor and earth as read by a hot wire or electro-static volt-meter.

"*Low pressure*" means a pressure in a system normally not exceeding 250 volts where the electrical energy is used.

"*Medium pressure*" means a pressure in a system normally above 250 volts, but not exceeding 650 volts, where the electrical energy is used.

"*High pressure*" means a pressure in a system normally above 650 volts, but not exceeding 3,000 volts, where the electrical energy is used or supplied.

"*Extra-high pressure*" means a pressure in a system normally exceeding 3,000 volts, where the electrical energy is used or supplied.

"*System*" means an electrical system in which all the conductors and apparatus are electrically connected to a common source of electro-motive force.

"*Concentric System*" means a system in which the circuit in a conductor or conductors, called the inner conductor, is completed through one or more conductors, called the outer conductor, arranged so that the inner conductor is insulated and the outer conductor is disposed over the insulation of, and more or less completely around, the inner conductor.

"*Conductor*" means an electrical conductor arranged to be electrically connected to a system.

"*Apparatus*" means electrical apparatus, and includes all apparatus, machines, and fittings in which conductors are used, or of which they form a part.

"*Circuit*" means an electrical circuit forming a system or branch of a system.

\* The above special rules are proposed to be made by the Secretary of State under the Metalliferous Mines Regulation Act, 1872 (as to which, see *ante*, p. 62). Owing to objections (at present under consideration) the rules have not yet come into force.

**Proposed  
Special  
Rules.**

"*Covered with insulating material*" means adequately covered with insulating material of such quality and thickness that there is no danger.

"*Metallic coveing*" means iron or steel armouring, with or without a lead or other metallic sheath as the conditions of the case may require, or an iron or steel pipe surrounding two or more conductors.

"*Bare*" means not covered with insulating material.

"*Live*" means electrically charged.

"*Dead*" means at, or about, zero potential, and disconnected from any live system.

"*Open Sparking*" means sparking which owing to the lack of adequate provision for preventing the ignition of inflammable gas external to apparatus would ignite such inflammable gas.

"*Earthed*" means connected to the general mass of earth in such manner as will ensure at all times an immediate discharge of electrical energy without danger.

"*Earthing system*" means an electrical system in which all the conductors are earthed.

"*Switchgear*" means switches or fuses, conductors, and other apparatus in connection therewith, used for the purpose of controlling the current or pressure in any system or part of a system.

"*Authorised person*" means a person appointed in writing by the manager of the mine to carry out certain duties incidental to the generation, transformation, distribution, or use of electrical energy in the mine, such person being a person who is competent for the purposes of the rule in which the term is used.

"*Electrician*" means a person appointed in writing by the manager of the mine to supervise the apparatus in the mine and the working thereof, such person being a person who is over 21 years of age, and is competent for the purposes of the rule in which the term is used.

"*Danger*" means danger to health or danger to life or limb from shock, burn, or other injury to persons employed, or from fire or explosion attendant upon the generation, transformation, distribution, or use of electrical energy.

"*Use*" of electricity means the conversion of electricity into mechanical energy, heat, or light for the purpose of providing mechanical energy, heat, or light.

## RULES.

### 1. *Notices for H.M. Inspector.*

Notices shall be sent to the Inspector of the district, on the forms prescribed by the Secretary of State, as follows, namely :

- (i) Notice of any existing apparatus. To be sent within one month from the date on which these rules come into force at the mine.
- (ii) Notice of the intention to introduce electricity into any mine.
- (iii) An annual return giving the size and type of apparatus, and any particulars which may be required by the Secretary of State as to the circumstances of its use. To be sent on or before the twenty-first day of January in every year.

Provided that this rule shall not apply to telephones and signalling apparatus.

### 2. *Plan.*

A proper plan on the same scale as that kept at the mine in fulfilment of the requirements of the Metalliferous Mines Regulation Act, 1872, shall be kept in the office at the mine showing the position of all fixed apparatus in the mine, other than cables, telephones and signalling apparatus. The said plan shall be corrected as often as may be necessary to keep it reasonably up to date, and it shall be produced to an inspector of mines at any time on his request.

### 3. *Notices for Workmen.*

The following notices, constructed of durable material, shall be exhibited where necessary :

- (i) A notice prohibiting any person other than an authorised person from handling or interfering with apparatus.
- (ii) A notice containing directions as to procedure in case of fire.
- (iii) A notice containing directions as to the restoration of persons suffering from the effects of electric shock.
- (iv) A notice containing instructions how to communicate with the person appointed under Rule 10 (a). This notice shall be exhibited at the main distributing centre in the mine.

### 4. *Lighting, Telephones, and Fire Buckets.*

(a) In all places lighted by electricity where a failure of the electric light would be likely to cause danger, one or more proper lights shall be kept continuously burning.

(b) Efficient telephonic or other equivalent means of communication shall be provided for communicating between the place in which the switchgear provided under Rule 10 (a) is erected and the main distributing centre in the mine.

(c) Fire buckets of suitable capacity, filled with clean dry sand ready for immediate use in extinguishing fires, shall be kept where necessary.

### 5. *Housing of Apparatus and Working Space.*

(a) Where necessary to prevent danger or mechanical damage transformers and switchgear shall be placed in a separate room, compartment, or box.

(b) Inflammable material shall not be used in the construction of any room, compartment, or box containing apparatus, or in the construction of any of the fittings therein where the use of such material would be likely to cause danger in case of fire. Each such room, compartment, or box shall be substantially constructed and shall be kept dry.

(c) Adequate working space and means of access clear of obstruction and free from danger shall be provided for all apparatus that has to be worked or attended to by any person, and all handles intended to be operated shall be conveniently placed for that purpose.

### 6. *The Construction of Apparatus and the Insulation of a System.*

(a) All apparatus and conductors shall be sufficient in size and power for the work they may be called upon to do, and so constructed, installed,

**Proposed  
Special  
Rules.**

protected, worked, and maintained as to prevent danger so far as is reasonably practicable.

(b) All insulating material shall be chosen with special regard to the circumstances of its proposed use. It shall be of mechanical strength sufficient for its purpose, and so far as is practicable, it shall be of such a character or so protected as fully to maintain its insulating properties under working conditions of temperature and moisture.

(c) Every part of a system shall be kept efficiently insulated from earth, except that (i) the neutral point of a polyphase system may be earthed at one point only; (ii) the mid-voltage point of any system, other than a concentric system, may be earthed at one point only; and (iii) the outer conductor of a concentric system shall be earthed.

(d) Efficient means shall be provided for indicating any defect in the insulation of a system.

**7. Earthing.**

(a) All metallic sheaths, coverings, handles, joint-boxes, switchgear frames, instrument covers, switch and fuse covers and boxes, and all lampholders, unless efficiently protected by an earthed or insulating covering made of fire resisting material, and the frames and bedplates of generators, transformers, and motors (including portable motors), shall be earthed by connection to an earthing system of which the main connection to earth shall be readily accessible for inspection and testing.

(b) Where the cables are provided with a metallic covering constructed and installed in accordance with Rule 11 (c), such metallic covering may be used as a means of connection to the earthing system. All the conductors of an earthing system shall have a conductivity at all parts and at all joints at least equal to 50 per cent. of that of the largest conductor used solely to supply the apparatus a part of which it is desired to earth. Provided that no conductor of an earthing system shall have a cross-sectional area of less than  $\cdot 022$  of a square inch.

(c) All joints in earth conductors and all joints to the metallic covering of the cables shall be properly soldered or otherwise efficiently made, and every earth conductor shall be soldered into a lug for each of its terminal connections. No switch, fuse, or circuit breaker shall be placed in any earth conductor.

This rule shall not apply (except in the case of portable apparatus) to any system in which the pressure does not exceed low pressure direct current of 125 volts alternating current.

**8. Use of High or Extra-high Pressure Current.**

(a) Where electricity is distributed at a pressure higher than medium pressure (i) it shall not be used without transformation to medium or low pressure except in fixed machines in which the high or extra-high pressure parts are stationary; and (ii) motors under 20 H.P. shall be supplied with current through a transformer stepping down to medium or low pressure.

(b) Where energy is transformed, suitable provision shall be made to guard against danger by reason of the lower pressure apparatus becoming accidentally charged above its normal pressure by leakage from or contact with the higher pressure apparatus.

*9. Switchgear, etc.*

Switchgear and all terminals, cable ends, cable-joints and connections of apparatus shall be constructed and installed so that—

- (i) All parts shall be of mechanical strength sufficient to resist rough usage.
- (ii) All conductors and contact areas shall be of ample current carrying capacity and all joints in conductors shall be properly soldered or otherwise efficiently made.
- (iii) The lodgment of any matter likely to diminish the insulation on or close to live parts shall be prevented.
- (iv) All live parts shall be so protected or enclosed as to prevent accidental contact by persons and danger from arcs or short circuits, fire or water.
- (v) Where there may be risk of igniting inflammable material, all parts shall be so protected as to prevent open sparking.

*10. Control of the Supply of Current.*

(a) Properly constructed switchgear for cutting off the supply of current to the mine shall be provided at the surface of the mine, and during the time any cable is live a person authorised to operate the said switchgear shall be available within easy reach thereof.

Lightning arresters, properly adjusted and maintained, shall be provided where necessary to prevent danger.

(b) Efficient means, suitably placed, shall be provided for cutting off all pressure from every part of a system, as may be necessary to prevent danger.

(c) Such efficient means shall be provided for cutting off all pressure automatically from the part or parts of the system affected in the event of a fault, as may be necessary to prevent danger.

(d) Every motor shall be controlled by switchgear for starting and stopping, so arranged as to cut off all pressure from the motor and from all apparatus in connection therewith, and so placed as to be easily worked by the person appointed to work the motor.

(e) If a concentric system is used no switch, fuse, or circuit breaker shall be placed in the outer conductor, or in any conductor connected thereto, except that, if required, a reversing switch may be inserted in the outer conductor at the place where the current is being used. Nevertheless, switches, fuses, or circuit breakers may be used to break the connection with the generators or transformers supplying the electricity; provided that the connection of the outer conductor with the earthing system shall not thereby be broken.

*11. Cables.*

All cables, other than flexible cables for portable apparatus and signalling wires, shall comply with the following requirements:

- (a) They shall be covered with insulating material (except that the outer conductor of a concentric system may be bare). The lead sheath of lead-sheathed cables and the iron or steel armouring of armoured

**Proposed  
Special  
Rules.**

- cables shall be of not less thickness respectively than is recommended by the Engineering Standards Committee.\*
- (b) They shall be efficiently protected from mechanical damage and supported at sufficiently frequent intervals and in such a manner as adequately to prevent danger and damage to the cables.
  - (c) Concentric cables, or two-core or multi-core cables protected by a metallic covering, or single-core cables protected by a metallic covering which shall contain all the conductors of the circuit, shall be used where the pressure exceeds medium pressure direct current or low pressure alternating current.
  - (d) Where the presence of inflammable material would be likely to cause danger in case of fire, cables unprotected by a metallic covering shall be properly secured by some non-conducting and readily breakable material to efficient insulators.
  - (e) The metallic covering of every cable shall be (i) electrically continuous throughout; (ii) earthed, if it is required by Rule 7 (a) to be earthed, by a connection to the earthing system of not less conductivity than the same length of the said metallic covering; (iii) efficiently protected against corrosion where necessary; (iv) of a conductivity at all parts and at all joints at least equal to 50 per cent. of the conductivity of the largest conductor enclosed by the said metallic covering; and (v) where there may be risk of igniting inflammable material, so constructed as to prevent as far as is practicable any fault or leakage of current from the live conductors from causing open sparking.
  - (f) Cables and conductors where joined up to motors, transformers, switchgear, and other apparatus, shall be installed so that (i) they are mechanically protected by securely attaching the metallic covering (if any) to the apparatus; and (ii) the insulating material at each cable end is efficiently sealed so as to prevent the diminution of its insulating properties. Where necessary to prevent abrasion there shall be properly constructed bushes.

**12. Portable Apparatus.**

- (a) Flexible cables for portable apparatus shall be two-core or multi-core and covered with insulating material which shall be efficiently protected from mechanical damage. If a flexible metallic covering be used either as the outer conductor of a concentric system or as a means of protection from mechanical damage the same shall not alone be used to form an earth conductor for the portable apparatus.
- (b) Every flexible cable for portable apparatus shall be connected to the system and to the portable apparatus itself by a properly constructed connector.
- (c) At every point where flexible cables are joined to main cables a switch capable of entirely cutting off the pressure from the flexible cables shall be provided.
- (d) No lampholder shall be in metallic connection with the guard or other metal work of a portable lamp.

---

\* Report No. 7, Revised March, 1910.



13. *Supervision and Working of Apparatus.*

(a) Every person appointed to work, supervise, examine, or adjust any apparatus shall be competent for the work that he is set to do. No person except an electrician or a competent person acting under his supervision shall undertake any work where technical knowledge or experience is required in order adequately to avoid danger.

(b) Within one calendar month from the date on which these rules come into force at any mine an electrician shall be appointed in writing by the manager to supervise the apparatus. If necessary for the proper fulfilment of the duties detailed in the succeeding sections of this rule, the manager shall also appoint in writing an assistant or assistants to the electrician.

(c) The electrician shall be in daily attendance at the mine. He shall be responsible for the fulfilment of the following duties, which shall be carried out by him or by an assistant or assistants duly appointed under section (b): (i) the thorough examination of all apparatus (including the testing of earth conductors and metallic coverings for continuity) as often as may be necessary to prevent danger; and (ii) the examination and testing of all new apparatus, and of all apparatus re-erected in a new position in the mine before it is put into service in the new position.

Provided that in the absence of the electrician for more than one day the manager shall appoint in writing an efficient substitute.

(d) The electrician shall keep at the mine a log-book made up of daily log-sheets kept in the form prescribed by the Secretary of State. The said log-book shall be produced at any time to an inspector of mines on his request.

(e) Should there be a fault in any circuit the part affected shall be made dead without delay, and shall remain so until the fault has been remedied.

(f) All apparatus shall be kept clear of obstruction and free from dust, dirt and moisture, as may be necessary to prevent danger.

Inflammable or explosive material shall not be stored in any room, compartment, or box containing apparatus, or in the vicinity of apparatus.

(g) Adequate precautions shall be taken by earthing or other suitable means to discharge electrically any conductor or apparatus, or any adjacent apparatus if there is danger therefrom, before it is handled, and to prevent any conductor or apparatus from being accidentally or inadvertently electrically charged when persons are working thereon. While lamps are being changed the pressure shall be cut off.

Provided that this section shall not apply to the cleaning of commutators and slip rings working at low or medium pressures.

(h) The person authorised to work an electrically driven portable machine shall not leave the machine while it is working, and shall, before leaving the working place, ensure that the pressure is cut off from the flexible trailing cable which supplies such portable machine. Trailing cables shall not be dragged along by the machine when working.

(i) Every flexible cable shall be examined periodically (if used with a portable machine, at least once in each shift by the person authorised to work the machine), and if found damaged or defective it shall forthwith be replaced by a spare cable in good and substantial repair. Such damaged or defective cable shall not be further used underground until after it has been sent to the surface and there properly repaired.

Proposed  
Special  
Rules.

---

14. *Shot Firing.*

(a) Current from lighting or power circuits shall not be used for firing shots.

(b) Shot-firing cables shall be covered and protected as provided by Rule 12 (a) for flexible cables. Adequate precautions shall be taken to prevent them from touching other cables and apparatus.

15. *Signalling.*

(a) Where electricity is used for signalling the pressure in any one circuit shall not exceed twenty-five volts.

(b) Contact-makers shall be so constructed as to prevent the accidental closing of the circuit.

(c) Adequate precautions shall be taken to prevent signal and telephone wires from touching cables and other apparatus.

16. *Locomotives.*

Haulage by electric locomotives on the overhead trolley wire system, and haulage by storage battery locomotives may be used with the consent in writing first obtained of the Secretary of State in all cases, and subject to such conditions affecting safety as may be prescribed by him.

17. *Exemption.*

Any of the foregoing requirements shall not apply in any case in which exemption is obtained from the Secretary of State on the ground either of emergency or special circumstances, on such conditions as the Secretary of State may prescribe.

---

PART II.

THE LAW RELATING TO ELECTRIC  
TRACTION.



## PART II.

INTRODUCTION—	PAGE
ELECTRIC TRACTION ... ..	487
TRAMWAYS ... ..	487
RAILWAYS... ..	493
LIGHT RAILWAYS ... ..	495
TROLLEY VEHICLES ... ..	496
RAILWAYS (ELECTRICAL POWER) ACT, 1903 ... ..	499
RULES made by the Board of Trade under the Railways (Electrical Power) Act, 1903 ... ..	502
MODEL CLAUSE regulating the use of Electrical Power on RAILWAYS or TRAMWAYS ... ..	507
Other MODEL CLAUSES relating to the use of Electrical Power inserted in TRAMWAY Acts and Orders ... ..	510
Other MODEL CLAUSES inserted in RAILWAY Acts autho- rising the use of Electrical Power ... ..	519
REGULATIONS AND BYELAWS made by the Board of Trade as regards Electrical Power on TRAMWAYS and LIGHT RAILWAYS... ..	522
REGULATIONS made by the Board of Trade as to TRAM- WAYS and LIGHT RAILWAYS for regulating the use of Electrical Power ; for preventing fusion and electrolytic action ; and for minimising injurious interference with electric wires, lines and apparatus ... ..	525
REGULATIONS as to the London County Council Tramways...	520
REGULATIONS as to guard wires on Electric TRAMWAYS and LIGHT RAILWAYS ... ..	538
REGULATIONS made by the Board of Trade under Railway Acts as to insulated and uninsulated returns ; for pre- venting fusion or electrolytic action ; and minimising injurious interference with electric wires, lines and apparatus ... ..	542
RECOMMENDATIONS in Report of Joint Committee on Electric Powers (Protective Clauses), 1893 ... ..	545



## INTRODUCTION.

---

### ELECTRIC TRACTION.

ELECTRICITY is now employed as the motive power on many <sup>Electric</sup> of the railways and on nearly all the tramways in the United <sup>traction.</sup> Kingdom. It is beyond the scope of the present work to deal with the general conditions under which such railways and tramways may be constructed and worked, except so far as such conditions relate specially to the use of electricity (*a*).

### TRAMWAYS.

Tramways are authorised either by special Act or by Provisional Tramways. Order made by the Board of Trade under the Tramways Act, 1870 (33 & 34 Vict. c. 78), and confirmed by Parliament. The Tramways Act provides by s. 34, one of the sections of the Act which apply to every tramway authorised by any Provisional Order or Act of Parliament, that "all carriages used on any tramway shall be moved by the power prescribed by the special Act" (which expression includes a Provisional Order), "and where no such power is prescribed, by animal power only."

For many years Provisional Orders and Acts authorised the use, <sup>Mechanical</sup> with the consent of the Board of Trade, of mechanical power <sup>power.</sup> on the tramway, subject to certain regulations which were set out in a Schedule to the Order or Act, and to any regulations which might be added thereto or substituted therefor by any order which the Board of Trade might make from time to time (as they were thereby authorised to do) for securing to the public all reasonable protection against danger in the exercise of the powers of the Order or Act with respect to the use of mechanical power on such tramways. The regulations set out in the Schedule to the Order or Act had no special reference to the use of electricity. The Orders and Acts did not contain a "no nuisance" clause.

The question of the liability of tramway promoters under such <sup>Liability of</sup> an Order for damage done by electric currents used in working <sup>tramway pro</sup> <sup>motors for</sup>

---

(*a*) For the general law as to railways, see Browne and Theobald's Law of Railway Companies, 4th ed., and for the general law as to tramways and light railways, see Robertson's Tramways Acts.

damage by  
escape of  
electricity.  
*National  
Telephone  
Co. v. Baker.*

the tramways arose in the case of *National Telephone Co. v. Baker*, before KEKEWICH, J. ([1893] 2 Ch. 186). The facts of the case were as follows: The National Telephone Company carried on business throughout the United Kingdom under licence from the Postmaster-General for a term of years, supplying telephonic communication, principally by what was called the "Telephone Exchange" system. The system was worked on what was known as the "single wire system," the electric circuit being completed by the earth—that is, each end of the wire passed into the earth, which thus acted as return conductor. At Leeds the company had been in operation since 1880, and at the time of the action there were 1,200 subscribers and separate wires. In 1888 the corporation of Leeds obtained a Provisional Order authorising them to construct certain specified tramways, with all proper rails, works, and conveniences. The Order contained the then usual mechanical powers as outlined above.

The corporation's tramway was open for traffic in 1891. It was worked by the defendant under an agreement between himself and the corporation whereby (*inter alia*) he undertook to provide the cars, rolling stock and plant necessary for working the tramways on the system of electrical traction adopted by the Thomson-Houston International Electric Company, and to be responsible for all damage arising out of accidents or injuries in consequence of the working of the tramway. The written consent of the Board of Trade to the use of electrical power on the tramway was duly given, but this consent did not specify the particular method to be used. The Thomson-Houston system adopted by the defendant was what is commonly known as the "single-trolley system," and consisted of a single overhead conducting wire connected with the tramcar by a trolley and line carrying the electric current to the car, which current operated a motor or motors on the car, the current returning by the rails and by an uninsulated copper conductor running under the roadway parallel to the rails and connected with each rail. The telephone company complained that the effect of the working of the tramway was to cause such an electrical disturbance to their telephone wires as to render them practically useless, and by their action they sought an injunction to restrain the defendant from using the tramway in such a manner as to occasion a nuisance to them as owners or users of telephone lines and electric circuits within the borough, or as the owners or users of the telephone exchange system established in the borough, or in such a manner as to injure, disturb or interfere with the property or business of the company.

After the action had been set down for trial, KEKEWICH, J., with the consent of both parties, directed Mr. Macrory, Q.C., to



ascertain by inquiry and experiment in the presence of representatives on each side, and to report to the court how far, if at all, the plaintiffs' telephone system had been interfered with by the defendant's tramways, with liberty to employ an assistant. After a series of experiments Mr. Macrory reported that the plaintiffs' telephone system was seriously interfered with by the working of the tramways by the defendant.

*National  
Telephone  
Co. v. Baker.*

When the action came on for trial, many English and American electricians of eminence were called as witnesses on either side as to the various systems of supplying electrical power for tramway purposes. The learned judge held upon this point that the weight of evidence was in favour of the system used by the defendant, and which had been largely in use in the United States of America.

From the evidence on both sides it appeared that the use by the telephone company of a "metallic return"—that is, of a second wire, unconnected with earth—to carry the current back would afford a complete cure for the disturbance complained of, though it was proved that nearly the whole of the company's telephone business throughout the country was carried on by means of the single-wire system.

In the course of his judgment, KEKEWICH, J., observed: "Assuming the action to be maintainable on the principle of *Fletcher v. Rylands* (1868), L. R. 3 H. L. 330 (*b*), the defendants rely on two answers to the plaintiffs' claim. First, they say that the plaintiffs might, by an alteration of their system—that is, by the adoption of what is known as the 'metallic return'—prevent the disturbance complained of; and, secondly, they say that they (the defendants) are acting under statutory powers, and that if in the proper exercise of those powers they injure the plaintiffs they are free from blame. The first answer is, to my mind, without foundation. The man who complains of his land being thrown out of cultivation by the incursion of water escaping from his neighbour's reservoir must not be told that he has no right of action, because if he had interposed a wall, or otherwise taken care to protect himself, the water would not have reached his land." With regard to the second answer of the defendants to the plaintiffs' claim, the learned Judge observed: "The defendants' authority is derived under a Provisional Order confirmed by Act of Parliament. . . . The defendants are expressly authorised to use electrical power, and the Legislature must be taken to have

(*b*) It was decided by the House of Lords in that case that the general rule of law is that if a person brings on to his own land any matter such as a large body of water which, if it escapes, may prove injurious to his neighbour's property, he is liable to make compensation for any injury that may accrue from the escape of such matter, and that it is no defence that there was no default or negligence on his part.

*National  
Telephone  
Co. v. Baker.*

contemplated it, and to have condoned by anticipation any mischief arising from the reasonable use of such power." With regard to the "single-trolley" system employed by the defendant, the learned Judge observed: "My conclusion from the evidence is that the defendants' system is, on the whole, the best which practical science has yet discovered; but there is no occasion really to go as far as this. It is enough to say, and about this I entertain no doubt, that it is at least as good as any other . . ." (c).

*Joint  
Committee  
on Electric  
Powers  
(Protective  
Clauses),  
1893.*

Shortly after the decision in the case of *National Telephone Co. v. Baker*, above referred to, a Joint Committee of the House of Lords and of the House of Commons (presided over by Viscount Cross) was appointed (May, 1893) "to consider and report whether the grant of statutory powers to use electricity ought to be qualified by any prohibition or restriction as to earth return circuits, or by any provisions as to leakage, induction or similar matters, and if so, in what cases and under what conditions. And if the Joint Committee are of opinion that any such prohibition, restriction or provision should be enforced to settle the necessary clauses."

*Cape Town  
Case.*

(c) Cf. *Eastern and South African Telegraph Co. v. Cape Town Tramways Co.*, [1902] A. C. 381. There the defendants had statutory powers to construct and work electric tramways subject to a provision that "the company (the defendants) specially undertakes that in the event of any electric leak taking place, and damage being thereby caused by electrolysis or otherwise," the defendants should make compensation. The defendants employed the overhead trolley system, using the rails as a return. Their statutes required the consent of the city council to be obtained to the use of the rails as a return, and such consent was duly obtained, subject (*inter alia*) to a condition that "if a greater leakage is discovered than would render it possible for the current to be reversed in the manner above indicated the same shall be localised and removed as soon as practicable and the running of the cars shall be stopped unless the leak is so localised and removed within twenty-four hours." Stray currents from the defendants' tramways entered the sheathing of the plaintiffs' cable in Table Bay, and induced irregular currents in the cable, and so interfered with the plaintiffs' telegraphic signals. The Supreme Court of Cape Colony held that the defendants were not liable to compensate the plaintiffs, and the Privy Council affirmed their decision. The judgment of the Judicial Committee contains the following passage: "The first question, then, is, was it a leak, either in the sense of the statutory undertaking or of this condition, that sent out this electricity which reached the cable? For if so, the stipulated liability has been incurred. Their lordships are unable to think that it was. The language of both the statutory undertaking and of the condition seems to point to some defect in apparatus not contemplated as a condition of the working of the system. But the departure of the electricity from the rails arose from no defect, but from the necessary condition of things, if the tramcars were to run and the rails to be used as a return. The evidence shows clearly that, if uninsulated (as was the case here), the rails of necessity conduct home to the central station only some of the electricity, the rest leaving the rails and going afield. Giving to the word 'leak' whatever expansion may be appropriate to its extension to electricity, their lordships do not consider the event which has occurred to fall within the undertaking and condition. The escape was, on the contrary, a natural incident of the operations legalised under the statutes."

The National Telephone Company, the Postmaster-General, Joint Committee on Electric Powers (Protective Clauses), 1893. railway companies, electric tramway companies and electric underground railway companies, electric lighting companies, municipal corporations in England and Scotland, the London County Council, the Tramway Institute of Great Britain and Ireland, and gas and water companies were represented before the Committee.

It appeared in the course of the inquiry that in fifty-two instances up to the end of the previous session statutory powers to work tramways or railways by electricity were qualified by the insertion of protective clauses (*d*).

The Committee reported in July, 1893, against insisting upon electrical tramways using an insulated return conductor, but recommended that the Board of Trade should have power to make regulations to secure the best system of working electrical tramways and railways having regard to the expense involved by such regulations and to the effect thereof upon the commercial prospects of the undertaking. The Committee also agreed upon a clause to be inserted in all Bills and Provisional Orders intended to authorise undertakers, other than electric lighting undertakers, to use large electric currents (*e*).

The clause agreed upon by the Joint Committee was subsequently revised, and in its revised form it has been inserted in every Act or Order made since 1893, authorising the electrical working of a tramway. In its latest form it will be found set out, *post*, p. 507. The other clauses authorising or regulating the use of electrical power upon a tramway have now been reduced to a common form and as inserted in the Model Bill of the House of Lords for 1911 will be found set out, *post*, p. 510. Joint Committee clause.  
Model Bill clauses.

One of these clauses requires the Board of Trade to make regulations "for securing to the public all reasonable protection against danger arising from the use under the Act (or Order) of mechanical power on the tramways and for regulating the use of electrical power." The Board of Trade, therefore, make Regulations under every Act or Order applicable to the particular undertaking. The Regulations vary in accordance with the system of electric traction proposed, whether overhead, surface contact or conduit (*f*). Board of Trade Regulations.

(*d*) The clauses had not been uniform, and were known respectively as "The Plymouth Clause," "The West Metropolitan Clause," "The Wellingborough Clause," and "The Weston Clause." The Plymouth clause had been inserted in thirty-eight cases, the West Metropolitan clause in nine cases, the Wellingborough clause in two cases, and the Weston clause in three cases. The clauses will be found in the Report of the Joint Committee, Parliamentary Paper 331 of 1893, pp. 8—10.

(*e*) The recommendations in the Report (Parliamentary Paper, No. 331, of 1893) are set out later, p. 545.

(*f*) See the form of these Regulations, *post*, pp. 522, 525, 538. Three different sets of Regulations are generally made under each Act or Order. (1) Regulations "as

Opposition by  
gas and water  
companies.

In the session of 1900 and subsequent sessions, Bills and Orders to authorise the construction or working of electrical tramways were opposed by gas and water companies with a view to obtaining the insertion of clauses imposing upon the tramway owners the liability to make compensation for injury to gas and water pipes by fusion or electrolytic action caused by currents generated or used for purposes of electric traction upon the tramways. In two instances (9) clauses were inserted by a Committee of the House of Lords and appear in the Acts as passed. In other instances Committees of both Houses of Parliament refused to insert a clause, but in many Bills and Orders clauses were inserted by agreement. The clause usually inserted was the "Sheffield clause" taken from the Sheffield Corporation Act, 1901, which was in the following terms:

Sheffield  
clause.

"Provided that notwithstanding anything contained in the said Acts or this Act, if it be proved that any injury or damage to any mains, pipes, or apparatus of the Sheffield United Gaslight Company shall have resulted from fusion or electrolytic action caused by any currents generated or used for the purpose of electric traction on any of the tramways for the time being belonging to the corporation, nothing in the said Acts or this Act shall relieve the corporation from any liability to make compensation for such injury or damage which would have existed but for the passing of the said Acts and this Act" (Electrician, March 22nd, 1901, p. 836; J.L. of G. L., March 25th, 1901, p. 829).

Special  
clauses deal-  
ing with  
electrolysis  
not inserted.

In the case of the Bill for the Beckenham Urban District Council Act, 1903, a Committee of the House of Lords inserted a clause providing that nothing in the Act should relieve the urban district council from liability to make compensation for injury to the pipes of a gas company from electrolysis resulting from the use of electric current on any of the tramways authorised by the Act. On the third reading of the Bill the House of Lords after debate struck out the clause. In the following session similar clauses for the protection of gas and water mains were inserted by a Committee of the House of Commons in the Bill for the Torquay Tramways Act, 1904, but were struck out in the House of Lords by the Lord Chairman. The clauses were restored by the Select Committee of the House of Lords on the Bill, but were again

regards electrical power" on the tramway; (2) Regulations "for regulating the use of electrical power; for preventing fusion or injurious electrolytic action of or on gas or water pipes, or other metallic pipes, structures or substances; and for minimising, as far as is reasonably practicable, injurious interference with the electric wires, lines and apparatus of parties other than the company and the currents therein, whether such lines do or do not use the earth as a return"; and (3) Regulations as to guard wires.

(9) The London County Council Tramways (Electrical Powers) Act, 1900, and the Sheffield Corporation Act, 1901.

struck out by the Lord Chairman. On the third reading of the Bill a motion for the insertion of the clauses was made, but was rejected, and the Bill was passed without them. Since the decisions in the Beckenham and Torquay Bills the uniform practice has been to refuse to allow the insertion in Tramway Acts of special clauses dealing with damage by electrolysis (*h*). The ground of the refusal to insert such clauses is that under the clause settled by the Joint Committee of 1893, the Board of Trade are to make Regulations dealing with the matter, and that if the existing Regulations are not sufficient they should be amended, but that it has not been shown that the existing Regulations are insufficient (*i*).

This policy has also been adopted by the Board of Trade in the case of Tramway Orders, and although protective clauses dealing with fusion or electrolysis were formerly allowed to be inserted by agreement, they are not now permitted.

Such clauses will not be allowed in the case of Orders made under the Private Legislation Procedure (Scotland) Act, 1899.

### RAILWAYS.

The Railways Clauses Consolidation Act, 1845 (8 & 9 Vict. c. 20), which is incorporated with every Act authorising the construction of a railway, and passed after May 8th, 1845, enacts that "it shall be lawful for the company to use and employ locomotive engines or other moving power, and carriages and waggons to be drawn or propelled thereby" (s. 86), and empowers the company "for the purpose of constructing the railway" to "erect and construct such . . . engines, machinery, apparatus and other works and conveniences as they think proper," and from time to time to "alter, repair, or discontinue the before-mentioned works or any of them, and substitute others in their stead," and to do "all other acts necessary for making, maintaining, altering, or repairing, and using the railway" (s. 16).

Under the powers so conferred many railways theretofore worked by steam power have been adapted for, and are now worked by, electric traction. In such cases there are no provisions specially applicable to the use of electricity, and, provided that the system adopted is a proper one and is worked without negligence, the

Liability for  
injury.

(*h*) See a note to that effect appended to the Joint Committee Clause in the Model Bill of the House of Lords.

(*i*) In the session of 1904 the Barnet Gas and Water Bill, and the South Suburban Gas Company's Bill were introduced containing clauses for the protection of the pipes of the promoters from damage by electrolytic action. The clause in the former Bill was struck out by the Committee of the House of Commons, and the clause in the latter was withdrawn by the promoters.

company will not be liable for any injury which may result to others from the use of electricity on the railway or the escape of current (*k*).

Electric Lighting Act, 1909, s. 5.

If, however, a railway company obtain a supply of electricity under s. 5 of the Electric Lighting Act, 1909, from any local authority, company or person who are authorised by an Act of Parliament or Provisional Order under the Electric Lighting Acts to supply electricity in any area for use on a railway situate partly within and partly without that area, the railway company must not use the electricity in such manner as to cause, or to be likely to cause, any interference with Government observatories or laboratories, or observatories or laboratories erected, owned or managed in pursuance of any statutory enactment (*l*).

Many railway companies, especially underground and "tube" railway companies, have obtained special Acts authorising them to construct or adapt their railways for working, and to work them by electric traction. In all such Acts special provisions will be found regulating the use of electricity for working the railway.

Protective clauses.

In Acts passed prior to 1893 various special clauses were inserted for the protection of the Postmaster-General, and other owners of telegraphic and telephonic wires, and the owners of electric signalling apparatus and gas and water pipes, especially with reference to interference with the working of their electric lines or apparatus, or injury by fusion or electrolytic action to their gas or water pipes, but no general clause dealing with these matters was inserted.

Model clauses as to use of electrical power.

Since 1893, however, certain general clauses, including the model clause settled on the lines of the clause recommended by the Joint Committee of 1893, have been inserted in all Acts authorising the working of a railway by electricity.

These clauses in their latest form are set out, *post*, pp. 507, 519.

The clauses empower the railway company, subject to the provisions of the Act and to any Regulations to be prescribed by the Board of Trade, to work the traffic on the railway by electrical power, to acquire and use lands for generating stations, to acquire patent rights and non-exclusive licences in relation to the use of electrical power, and require them to employ either insulated returns or uninsulated returns of low resistance to comply with the Board of Trade Regulations, and to observe certain provisions for protection of the Postmaster-General.

(*k*) *Vaughan v. Taff Vale Rail. Co.* (1860), 5 H. & N. 679; *Hammermith Rail. Co. v. Brand* (1869), L. R. 4 H. L. 171; *National Telephone Co. v. Baker*, [1893] 2 Ch. 186, *supra*, p. 488.

(*l*) Electric Lighting Act, 1909, s. 5 (3), *ante*, p. 233. The sub-section would not apply where the whole of the railway for which the electricity is taken is within the area of supply, because the supply would not then be received under s. 5.

The present practice of Parliament is to require the insertion of the model clauses and to refuse to allow the insertion in Bills authorising the use of electricity on railways of special clauses for protection against fusion or electrolytic action or interference with electric wires, and a note to that effect is appended to the model clauses in the House of Lords Model Bill.

The Board of Trade Regulations are made under each Act and, subject to any necessary adaptations in particular cases, are made in a common form which is set out, *post*, p. 542.

By the Railways (Electrical Power) Act, 1903 (3 Edw. 7, c. 30), passed with the object of facilitating the introduction of electrical power on railways, the Board of Trade were empowered to make Orders authorising a railway company (amongst other things) to use electricity, to construct and maintain generating stations and other electrical works, to make agreements for the supply of electricity, to subscribe to any electrical undertaking which would facilitate the supply of electricity to the company, and to issue new capital for any of these purposes (*m*). An Order so made has the effect of an Act of Parliament, but if it authorise the compulsory acquisition of land it has no operation until confirmed by Parliament (*n*).

The Board of Trade are to be satisfied that public notice has been given of the application for the Order, and are to consider any objections to the application, and they may hold a local inquiry (*o*).

Rules have been made by the Board of Trade under the Act (*p*).

The Act expressly provides that nothing in it is to affect any powers which a railway company may have independently of the Act (*q*).

It is believed that no Order has yet been made under this Act.

### LIGHT RAILWAYS.

By the Light Railways Act, 1896 (59 & 60 Vict. c. 48), a Light Railway Commission, consisting of three Commissioners, to be styled the Light Railway Commissioners, was established, with power to authorise, under the conditions mentioned in the Act, the construction of Light Railways. The Order of the Light Railway Commissioners is provisional only, and has no effect until confirmed by the Board of Trade. When confirmed by the Board of Trade,

(*m*) Section 1, *post*, p. 499.

(*n*) Section 1 (2) and s. 2, *post*, p. 500.

(*p*) Section 5, *post*, p. 501. See these Rules set out, *post*, p. 502.

(*q*) Section 6, *post*, p. 501.

(*o*) Section 3, *post*, p. 500.

Board of  
Trade Regu-  
lations.

Railways  
(Electrical  
Power) Act,  
1903.

Light Rail-  
ways Act,  
1896.

the Order has effect as if enacted by Parliament (s. 10). The Order may contain provisions giving the necessary powers for constructing and working the railway (s. 11).

The light railways authorised may be either on lands to be acquired by the promoters or on public roads.

Provisions  
of Light  
Railways  
Order as to  
electrical  
power.

In the former case the provisions of the Order are more or less the same as those of an ordinary railway Act, but the Order either expressly provides that it is not to authorise the company to use electrical power as motive power on the railway, or it expressly authorises the use of such power subject to the provisions of the Order, which include provisions for the making of Regulations by the Board of Trade regulating the use of electrical power and for the protection of the Postmaster-General, and the Joint Committee Clause of 1893.

In the latter case (light railways on public roads) the provisions of the Order are, in the main, similar to those of a tramway Bill, and contain clauses as to the use of electrical power which do not materially differ from the analogous clauses in such a Bill. The Joint Committee Clause of 1893 is always inserted (*r*).

The Board of Trade, under the authority of each Light Railway Order, make Regulations applicable to the individual case. The form of Regulations follow those in use in the case of tramways *mutatis mutandis* (*a*).

### TROLLEY VEHICLES.

Trolley  
vehicles.

In the session of 1910, the corporations of Bradford and Leeds obtained statutory powers (*b*) to work railless trolley vehicles, and are now successfully working such vehicles on public roads. The vehicles are propelled by electricity transmitted to the vehicles by means of an overhead trolley system similar to that used on tramways. There are, however, no rails, and therefore a second overhead wire is used as a return conductor.

In the session of 1911, five Acts (*c*) were passed conferring similar powers on local authorities and one on a company (*d*).

---

(*r*) The Light Railway Commissioners have issued model forms of Light Railway Orders adapted for the various kinds of railways which are usually authorised by such Orders.

(*a*) See *ante*, p. 491.

(*b*) Bradford Corporation Act, 1910 (10 Edw. 7 & 1 Geo. 5, c. cxvii); Leeds Corporation Act, 1910 (10 Edw. 7 & 1 Geo. 5, c. cxliv).

(*c*) Aberdare Urban District Council Act, 1911 (1 & 2 Geo. 5, c. cix); Chiswick Urban District Council Act, 1911 (1 & 2 Geo. 5, c. cxii); Halifax Corporation Act, 1911 (1 & 2 Geo. 5, c. cxiii); Northampton Corporation Act, 1911 (1 & 2 Geo. 5, c. lxiv); Rotherham Corporation Act, 1911 (1 & 2 Geo. 5, c. cxvi).

(*d*) Brighton, Hove and District Railless Traction Act, 1911 (1 & 2 Geo. 5, c. cx).



In the case of four of the Acts obtained by local authorities the powers were deferred to a certain date, and the consent of the Board of Trade was required in order that the working of the systems already authorised might be tested.

In the session of 1912 six Acts and one Order were passed authorising the construction and working of trolley vehicles by local authorities (*e*) and one by a company (*f*).

The provisions of these Acts are in the main the same. They empower the undertakers to use electric trolley vehicles on certain specified routes, and for that purpose to erect posts and wires in the streets. Where the undertakers are empowered to work electric tramways, many of the provisions of their tramways Act, including those as to working by electricity, are applied to the trolley vehicles. Where the undertakers are not so empowered the Act authorising the working of the trolley vehicles contains all the provisions inserted in tramways Acts authorising and regulating the use of electricity, including the Joint Committee Clause of 1893.

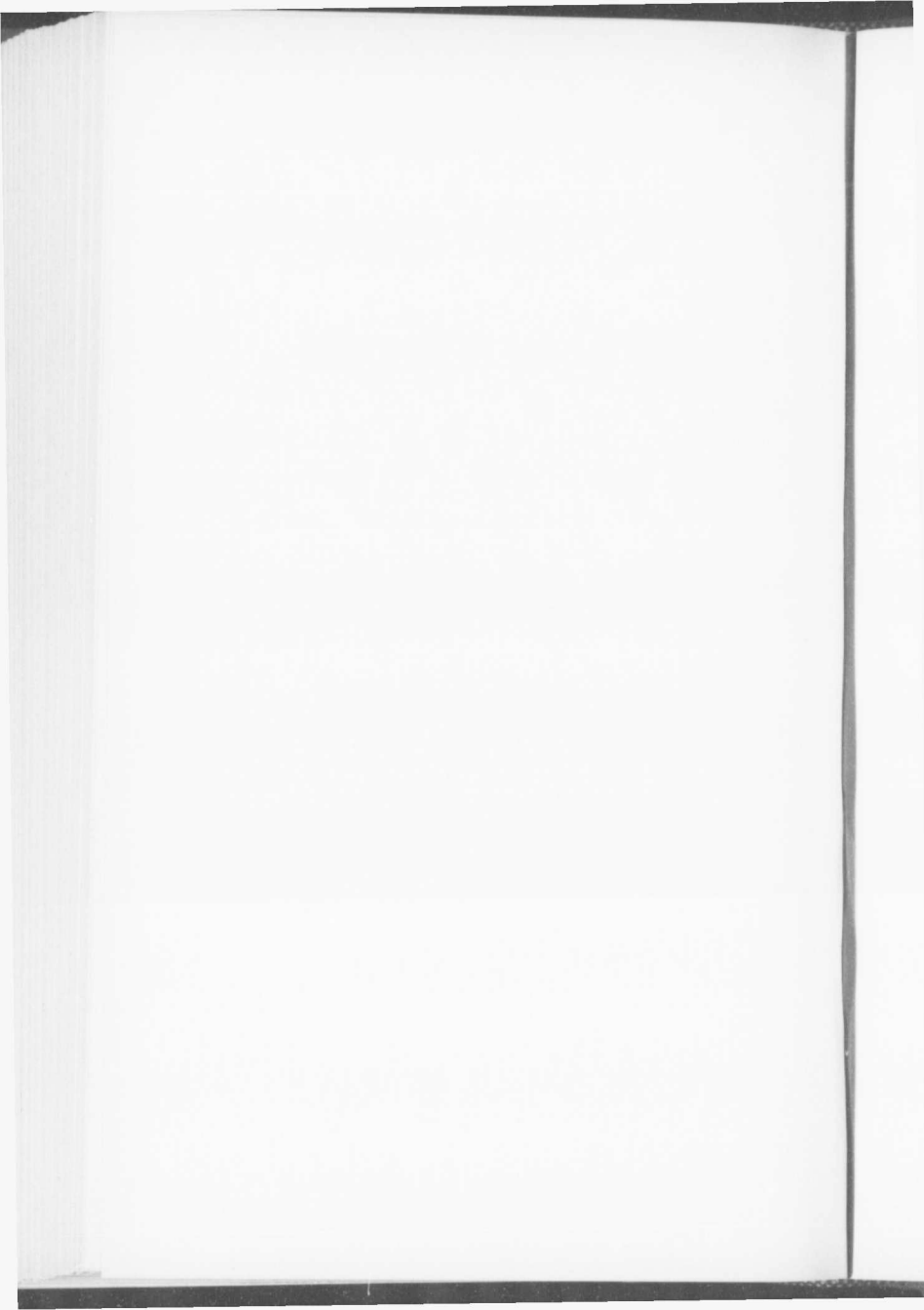
The Acts provide that the trolley vehicles are not to be deemed light locomotives within the meaning of the Locomotives on Highways Act, 1896, or any byelaws or regulations thereunder, or motor cars within the meaning of the Motor Car Act, 1903.

A provision is also inserted in the Acts obtained by local authorities empowering the Board of Trade to make Provisional Orders to be confirmed by Parliament authorising the use of trolley vehicles on any other route within the district of the local authority (*g*).

(*e*) Birmingham Corporation Act, 1912; Brighton Corporation Act, 1912; Hove Corporation Act, 1912; Keighley Corporation Act, 1912; Ramsbottom Urban District Railless Traction Act, 1912; Stockport Corporation Act, 1912; Bradford Corporation Trolley Vehicles Order, 1912. The Sheffield Corporation Bill has not yet received the Royal assent.

(*f*) North Ormesby South Bank Normanby and Grangetown Railless Traction Act, 1912.

(*g*) The Bradford Corporation Trolley Vehicles Order, 1912, was made under such a provision contained in the Bradford Corporation Act, 1910.



## RAILWAYS (ELECTRICAL POWER) ACT, 1903.

(3 EDW. 7, c. 30).

*An Act to facilitate the Introduction and Use of Electrical Power  
on Railways.* [14th August 1903.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

**1.** *Introduction of electrical power under Orders of Board of Trade.*]—(1) With the object of facilitating the introduction and use of electrical power on railways, the Board of Trade may, upon the application of a railway company, make Orders for all or any of the following purposes, namely :

- (a) authorising a railway company (a) to use electricity in addition to or in substitution for any other motive power, and for any other purpose ;
- (b) authorising the company to construct and maintain generating stations or other electrical works on any land belonging to the company ;
- (c) authorising agreements between the company and any body corporate or other person for the supply to the company of electrical power or the supply to or use by the company of any electrical plant or equipment ;
- (d) sanctioning any modification of any working agreement, so far as the modification is agreed to between the parties thereto, and is consequential on the introduction or use of electrical power ;
- (e) authorising the company to subscribe to any electrical undertaking which will facilitate the supply of electricity to the company ;
- (f) securing the safety of the public ;
- (g) authorising the issue of new capital by the company for any of the purposes of this Act ;
- (h) any other matters, whether similar to the above or not, which may be considered ancillary to the objects of the Order, or expedient for carrying those objects into effect.

**Sect. 1.**

(2) An Order made by the Board of Trade under this Act shall, on coming into operation, have effect as if enacted by Parliament.

(a) As to the power of railway companies, to whom the Railways Clauses Consolidation Act, 1845, applies, to use electric traction on their railways, see *ante*, p. 493.

*2. Acquisition of land for electrical works.*—(1) An Order under this Act may contain provisions authorising the acquisition of land by any railway company for the purpose of constructing generating stations or other electrical works, but, if power is given by Order to acquire the land otherwise than by agreement, the Order shall not come into operation, so far as it gives that power, unless confirmed by Parliament, and the Board of Trade may bring in a Bill for confirming the Order.

(2) If while a Bill confirming any such Order is pending in either House of Parliament a petition is presented against the Order, the Bill, so far as it relates to the Order, may be referred to a Select Committee, or, if the two Houses of Parliament think fit so to order, to a Joint Committee of those Houses, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills.

The Order can apparently only be opposed in Parliament so far as it gives power to acquire land compulsorily.

*3. Board of Trade inquiries.*—(1) Before making an Order under this Act the Board of Trade shall be satisfied that the public notice required by rules made under this Act (a) of the application for the Order has been given, and shall consider any objections made by the council of any county, any local authority, or other person, to the application in accordance with those rules, and give to those by whom the objection is made an opportunity of being heard, and, if after consideration the Board decide that the objection should be upheld, the Board shall not make the Order or shall modify the Order so as to remove the objection.

(2) The Board of Trade may, if they think fit, hold a local inquiry for the purpose of considering any application for an Order under this Act, and the Board of Trade Arbitrations, etc. Act, 1874 (b), shall apply to any inquiry so held as if—

- (a) the inquiry was held on an application made in pursuance of the special Act; and
- (b) the parties making the application for the Order and any person objecting to any such application were parties

to the application within the meaning of section three of Sect. 3.  
that Act.

(a) The rules are set out *post*, p. 502.

(b) The Board of Trade Arbitrations, etc. Act, 1874, is set out *ante*, pp. 119 *et seq.*

4. *Expenses and fees.*—(1) The Board of Trade may (with the concurrence of the Treasury as to number and remuneration) appoint or employ such persons as appear to them to be required for carrying this Act into effect, and the remuneration of such persons, and any other expenses of the Board of Trade under this Act, shall be defrayed out of moneys provided by Parliament.

(2) There shall be charged, in respect of proceedings under this Act before the Board of Trade, such fees as may be fixed by the Treasury on the recommendation of the Board of Trade.

5. *Power to Board of Trade to make rules.* The Board of Trade may make such rules as they think necessary for regulating the notices and advertisements to be given of any application for an Order under this Act or otherwise for the purposes of this Act, and any other matter which they think expedient to regulate by rule for the purpose of carrying this Act into effect.

See these rules, *post*, p. 502.

6. *Interpretation, saving, short title, and commencement.*—(1) In this Act the expression "railway company" includes a company or person working a railway (a) under lease or otherwise.

(2) Nothing in this Act shall affect any powers which a railway company may have independently of this Act (b).

(3) This Act may be cited as the Railways (Electrical Power) Act, 1903.

(4) This Act shall come into operation on the first day of January nineteen hundred and four.

(a) This would include a light railway authorised by an Order under the Light Railways Act, 1896.

(b) As to these powers, see *ante*, p. 493.

## RULES,

DATED FEBRUARY 17, 1904, MADE BY THE BOARD OF  
TRADE WITH RESPECT TO APPLICATIONS UNDER  
THE RAILWAYS (ELECTRICAL POWER) ACT, 1903 (a).

### *Notice of Proposed Application.*

1. *Notice by Advertisement.*—Notice (hereinafter referred to as "the notice") of intention to apply to the Board of Trade for an Order under the Railways (Electrical Power) Act, 1903 (hereinafter referred to as "the Act") must be published by advertisement, in each of two consecutive weeks,

- (a) in the London, Edinburgh, or Dublin Gazette, according as the general offices of the railway company applying for the Order (hereinafter called "the promoters") are situate in England, Scotland, or Ireland, respectively ;
- (b) in at least one local newspaper circulating in every county or borough or urban district in which is situate any part of that portion of the railway to which the Order applied for relates ; and
- (c) if it is proposed to take lands or to construct works in any county or borough or urban district other than the foregoing, then in at least one local newspaper circulating in that county, borough, or urban district.

A copy of each of the gazettes or newspapers containing these advertisements must be sent, when published, to the Board of Trade.

2. *Contents of Notice.*—The notice must be subscribed with the name and address of the promoters or their responsible agents and must

- (a) state generally the objects of the intended application ;
- (b) if it be intended to modify any working agreement, specify the company or person with whom such agreement subsists ;
- (c) if it is proposed to take any land under the Order applied for, describe the land proposed to be taken, stating the quantity thereof and the purpose for which it is proposed to take it ;
- (d) name (1) a place where copies of the draft Order will be obtainable on payment of not exceeding one shilling per copy, and where (if it is proposed to take any lands) a plan of the lands to be taken and a book of reference to the plan made in accordance with these Rules and in these Rules referred to as the plan and book of reference will be deposited for inspection and (2) a date, not later than three weeks after the first advertisement of the notice, after which copies of the draft Order will be so obtainable and the plan and book of reference will be so on deposit for inspection ;
- (e) state that any objections must be made in writing to the Board of Trade in accordance with these Rules, and a copy thereof sent to the promoters.

---

(a) See this Act, *ante*, p. 499.

Rule 3.  
—

3. *Deposits with Local Authorities.*—Copies of the draft Order (and, if lands are proposed to be taken, of the plan and book of reference) must be deposited by the promoters within three weeks after the first advertisement of the notice, with the clerk of the council of any county, borough, or urban district in which any part of that portion of the railway to which the Order applied for relates, or any works proposed to be constructed or any lands proposed to be taken are situate.

4. *Deposits with Government Departments.*—A copy of the draft Order and of the notice must be deposited by the promoters within three weeks after the first advertisement of the notice with the Treasury, the Postmaster-General, the Commissioners of Works, and the Commissioners of Inland Revenue, and, in any case in which lands are proposed to be taken within 300 yards of land belonging to the Crown or to the Duchies of Cornwall or Lancaster, at the offices of the Commissioners of Woods, the Duchy of Cornwall, or the Duchy of Lancaster, as the case may be. A copy of the plan and book of reference, if any, must at the same time be deposited with the Commissioners of Works.

In the case of railways in Scotland a copy of the draft Order and of the notice must also be deposited with the Secretary for Scotland, and in the case of railways in Ireland with the Chief Secretary to the Lord Lieutenant and with the Commissioners of Public Works, Ireland, at their respective offices in Dublin.

5. *Notice to Railway Companies having Running Powers.*—If any other railway company has running powers over that portion of the railway to which the Order applied for relates, a copy of the draft Order and of the notice must be sent to each such company within three weeks after the first advertisement of the notice.

6. *Mode of Making Objection.*—Any objection to an application to the Board of Trade for an Order under the Act must be made in writing to the Assistant Secretary, Railway Department, Board of Trade, within three months after the first advertisement of the notice, and a copy must at the same time be sent to the promoters or their solicitors or agents.

7. *Notice as to Commons.*—If the promoters propose to take under the Order any part of a common as defined by section 21 of the Light Railways Act, 1896, or any easement over or affecting any such common, they must send intimation in writing within three weeks after the first advertisement of the notice to the Board of Agriculture and Fisheries, describing the common affected and the mode in which it is affected.

8. *Deposit of Plans, etc.*—If lands are proposed to be taken, the plan and book of reference referred to in the notice must be deposited by the promoters within three weeks after the first advertisement of the notice at the place named in the notice, and shall be open to inspection at all reasonable times.

The promoters shall supply copies of the draft Order on payment of not exceeding one shilling per copy at the place and after the date named for that purpose in the notice.

*Plans and Book of Reference.*

9. *Plans.*—Every plan made for the purpose of these Rules must be drawn to a scale of not less than four inches to the mile, and must describe the

**Rule 9.** lands intended to be taken, and unless the whole of such plan shall be upon a scale of not less than a quarter of an inch to every one hundred feet, an enlarged plan shall be added of any building, yard, courtyard, or land within the curtilage of any building, or of any ground cultivated as a garden, proposed to be taken, on a scale of not less than a quarter of an inch to every one hundred feet.

10. *Book of Reference.*—The book of reference made for the purpose of these Rules shall contain the names of the owners and reputed owners, lessees or reputed lessees, and occupiers of all lands and houses proposed to be taken, and shall describe such land and houses respectively.

*Notices to Owners, Lessees, and Others.*

11. *Service of Notices on Landowners and Others.*—Within three weeks after the first advertisement of the notice the promoters must serve a notice on the owners or reputed owners, lessees or reputed lessees, and occupiers of all lands intended to be taken describing in each case the particular lands intended to be taken, and inquiring whether the person so served assents to or dissents from the taking of such lands, and requesting him to state any objections he may have to such lands being taken.

Every such notice shall be in the form set out in the Schedule to these Rules, or in a form to the like effect.

*Application to the Board of Trade.*

12. *Documents to Accompany Application.*—Every application to the Board of Trade for an Order must be made within a month after the first advertisement of the notice, and must be under the seal of the railway company applying for the Order, and must be accompanied by—

- (a) three copies of the draft Order and notice, and, if it is proposed to take land under the Order, of the plan and book of reference ; and
- (b) if it is proposed to raise additional capital, an estimate of the expenses to be incurred for the purposes of the Order, including the expense of acquiring land, and of the incidental expenses ; and
- (c) a list, with their postal addresses of the owners or reputed owners, lessees or reputed lessees, and occupiers on whom notices have been served ; and
- (d) a list of the councils with whom copies of the draft Order have been deposited under these Rules.

13. *Documents to Accompany or Follow Applications.*—(a) A statement so far as can be made, whether the owners or reputed owners, lessees or reputed lessees, and occupiers, on whom notices have been served in each case assent, dissent, or are neuter, must be deposited with the Board of Trade on or before the last day of the month after the month in which application was made ;

(b) such proofs must be furnished as the Board of Trade may require of compliance with these Rules before they take the application into consideration ;

(c) a certificate that the members of the railway company applying for the Order have assented to the application by such a resolution as is required by the Standing Orders of Parliament in the case of an application



to Parliament by such company must be deposited with the Board of Trade before an Order will be granted. Rule 13.

14. *Service of Notices.*—Notices and any other documents required or authorised to be served under these Rules may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or, where addressed to the owner or occupier of the premises, by delivering the same or a true copy thereof to some person on the premises; or if there is no person on the premises who can be so served, then by fixing the same on some conspicuous part of the premises; they may also be served by post by a prepaid letter.

Any notice by these Rules required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description.

#### *Fees.*

15. *Fees Payable to Board of Trade.*—On or before lodging any application the under-mentioned fee, which has been fixed by the Treasury, on the recommendation of the Board of Trade, must be paid by the promoters to the Board of Trade by cheque in favour of an Assistant Secretary of the Board of Trade, viz.:

for each application—the sum of £50.

#### *General.*

16. All communications to the Board of Trade should be on foolscap paper and written on one side only and should be addressed to—

The Assistant Secretary,  
Railway Department,  
Board of Trade, S.W.

17. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of Parliament.

FRANCIS J. S. HOPWOOD,  
*Secretary.*

Board of Trade,  
7, Whitehall Gardens, S.W.  
17th February, 1904.

### SCHEDULE.

#### FORM OF NOTICE TO LANDOWNERS AND OTHERS.

SIR,

WE beg to inform you that application is intended to be made to the Board of Trade on behalf of the Railway Company for an Order under the Railways (Electrical Power) Act, 1903, and that the property mentioned in the annexed Schedule or some part thereof, in which we understand you are interested as therein stated, will or may be required for the purposes of the said Order.

We also beg to inform you that a plan relating to the said application and a book of reference thereto have been or will be deposited with the clerks of the [*specify county and other councils as the case may be*] on or before [*state the date*] for public inspection, on which plan your property is designated by the numbers set forth in the annexed Schedule.

## RULES UNDER RAILWAYS (ELECTRICAL POWER) ACT, 1903.

**Schedule.** As we are required to report whether you assent to or dissent from the proposed undertaking, you will oblige us by writing your answer of assent or dissent in the form left herewith, and by stating any objections you may have to your property being taken and returning the same to us with your signature on or before the day of            next; and if there should be any error or misdescription in the annexed Schedule, we shall feel obliged by your informing us thereof at your earliest convenience, that we may correct the same without delay.

We are, etc.,

SCHEDULE REFERRED TO IN THE FOREGOING NOTICE DESCRIBING THE  
PROPERTY THEREIN ALLUDED TO.

Parish, Town- ship, Townland, or extra Parochial Place.	Number on Plans.	Description.	Owner.	Lessees.	Occupier.

I, the undersigned, assent to [*dissent from*] my property being taken for the proposed work [*and my objections are that*].

## MODEL CLAUSE

REGULATING THE USE OF ELECTRICAL POWER  
ON RAILWAYS OR TRAMWAYS (a).

The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages :

Provisions  
as to use of  
electrical  
power.

- (1) The company shall employ either insulated returns or uninsulated metallic returns of low resistance.
- (2) The company shall take all reasonable precautions in constructing, placing, and maintaining their electric lines and circuits, and other works of all descriptions, and also in working their undertaking so as not injuriously to affect, by fusion or electrolytic action, any gas or water pipes or other metallic pipes, structures, or substances, or to interfere with the working of any wire, line, or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic, telephonic, or electric signalling communication or the currents in such wire, line or apparatus :
- (3) The electrical power shall be used only in accordance with the Board of Trade Regulations, and in such regulations provisions shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes, structures, or substances, and for minimising, as far as is reasonably practicable, injurious interference with the electric wires, lines, and apparatus of other parties and the currents therein, whether such lines do or do not use the earth as a return :
- (4) The company shall be deemed to take all reasonable and proper precautions against interference with the working of any wire, line, or apparatus if and so long as they adopt and employ, at the option of the company, either such insulated returns or such uninsulated metallic returns of low resistance, and such other means of preventing injurious interference with the electric wires, lines, and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade

(a) This is the latest form taken from the House of Lords Model Bill for 1911, of the clause settled by the Joint Committee of 1893, as to which see *ante*, p. 491. The Model Bill contains the following note : " In Bills containing this clause, provisions rendering the company liable in any event for injurious interference with pipes or wires of other parties are not allowed."

Model Clause.

Regulations, and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wires, lines 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 including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the company and any other party with respect to anything in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade, or at the option of the Board by an arbitrator to be appointed by the Board, and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

Observatories protection.

- (7) (b) *When any department of his Majesty's Government represents to the Board of Trade that the use of electrical power under this Act injuriously affects, or is likely to injuriously affect, any instruments or apparatus, whether electrical or not, used in any observatory or laboratory belonging to or under the control of that department, the Board of Trade after such inspection or inquiry as they may think proper may, by their Regulations, require the company to use such reasonable and proper precautions, including insulated returns, as the Board of Trade may deem necessary for the prevention of such injurious affection. For the purposes of this sub-section any inspector of the Board of Trade may, during his inspection of the company's works and apparatus, be accompanied by any person or persons appointed in that behalf by the Government department concerned, and the company shall give all due facilities for the inspection. Provided always that in the case of any observatory or laboratory established after the passing of this Act or of any instruments or apparatus hereafter used in any existing observatory or laboratory which may be of greater delicacy than those used therein at the passing of this Act, the Board of Trade shall consider to what extent,*

---

(b) London district and elsewhere in neighbourhood of observatories, etc.

*if any, it is expedient in the interests of the public that the powers of this sub-section should be exercised, regard being had to the site of the observatory or laboratory, or the purposes of the instruments or apparatus, as the case may be (c).*

**Model  
Clause.**

- (8) (d) The company using electrical power contrary to the provisions of this Act, or of the Board of Trade Regulations, shall for every such offence be subject to a penalty not exceeding ten pounds, and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade, if in their opinion the company in the use of electrical power under the authority of this Act have made default in complying with the provisions of this Act or the Board of Trade Regulations, may by order direct the company to cease to use electrical power, and thereupon the company shall cease to use electrical power, and shall not again use the same unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.
- (9) The expression "company" in this section includes licensees and any person owning, working, or running carriages over any railway [*or tramway*] of the company.

(c) Sub-section (7) is the outcome of various representations made to the Board of Trade on the subject of the matters therein referred to. The Board of Trade appointed a small expert committee to investigate carefully the amount of magnetic disturbance produced in the neighbourhood of electrical tramways and railways constructed and working under Board of Trade Regulations, and to report. After obtaining the Report of the Committee, the Board of Trade arranged a conference between representatives of the Board of Trade, the Government observatories and laboratories, and of the electric railway and tramway interests. The conference is reported in the *Electrician*, November 16th, 1900, p. 131. The sub-section above referred to is the result of that conference.

(d) This sub-section does not occur in this place in Tramway Acts or Orders or in Light Railways Orders, because in these cases special provisions on the subject are elsewhere inserted. See model clause, *post*, p. 511.

## OTHER MODEL CLAUSES

RELATING TO THE USE OF ELECTRICAL POWER  
INSERTED IN TRAMWAY ACTS AND ORDERS.

Power to  
erect  
generating  
station.

1. The company may erect maintain and use, on the lands described in the First Schedule to this Act (*a*) annexed, a station or stations for producing and generating transforming storing and applying electrical power with all such buildings engines batteries dynamos accumulators and other plant machinery apparatus works and conveniences as may be necessary or suitable for those purposes and may produce generate transform store use and apply such power accordingly, but the company [shall not create or permit any nuisance on such lands, and] (*b*) shall not erect any generating station except upon the said lands [or the lands described in the Act] (*b*).

As to  
electrical  
works, etc.

2.—(1) The company may, in under or over the surface of the streets or roads in which the tramways by this Act (*a*) authorised will be situate, or in which it may be necessary so to do in order to connect the tramways with any generating station, construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus, and may make and maintain openings and ways for the purpose of working the tramways by electrical power, and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act (*a*) open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder : Provided as follows :

- (a) All posts and apparatus erected by the company under the powers of this Act (*a*) in any street or road shall be of such design as the local authority may approve and shall be placed in such position as the local authority and road authority may approve : Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade ;
- (b) The route in which any electrical apparatus is to be laid or erected for the purpose of connecting the tramways with a generating station shall be approved by the local

(*a*) Or Order.

(*b*) The words in square brackets appear in the Model Bill, but tramway companies have usually obtained powers to construct and work generating stations on specified lands without being made liable for any nuisance committed thereby.

authority and the road authority, within whose jurisdiction each portion of the route is situate.

**Model  
Clause 2.**

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

**3.** The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (c) (that is to say):

Provisions as  
to motive  
power.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :

(2) The Board of Trade shall make regulations (in this Act (d) referred to as "the Board of Trade Regulations") for securing to the public all reasonable protection against danger arising from the use under this Act (d) of mechanical power on the tramways and for regulating the use of electrical power :

(3) The company (e) or any [other] company or person using any mechanical power on the tramways contrary to the provisions of this Act (d) or the Board of Trade Regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :

(4) The Board of Trade if they are of opinion—

(A) That the company or such [other] company or person have or has made default in complying with the provisions of this Act (d) or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or—

(B) That the use of mechanical power as authorised under this Act (d) is a danger to the passengers or the public ;

may by order either direct the company or such [other] company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose, and the company or such [other] company or person

(c) "Mechanical power" is defined in Acts and Orders passed or made in recent years to include electrical and every other motive power except steam or animal power.

(d) Or Order.

(e) Or corporation, district council, or as the case may be.

**Model  
Clause 3.**

shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Alteration of  
telegraph  
lines of  
Postmaster-  
General.

**4.** Notwithstanding anything in this Act (*f*) contained, if any of the works authorised to be executed by this Act (*f*) involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of Section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of Section 30 of the Tramways Act 1870) to any such alteration.

For protec-  
tion of Post  
Office  
telegraph  
lines.

**5 (g).** In the event of any tramways of the company being worked by electricity the following provisions shall have effect :

- (1) The company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by his Majesty's Postmaster-General and the currents in such telegraphic lines, and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the company as to compliance with this sub-section shall be determined by arbitration :
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the company of their electric lines and works or by the working of the undertaking of the company, the company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs), the company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work

(f) Or Order.

(g) This clause is proper to be used also in the case of above-ground railways worked by electricity.



including the gauge of any wire, and the company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the company as to any requirement so made shall be determined by arbitration :

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the company's works or to the working of the undertaking, the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the company enter any of the company's works for the purpose of inspecting the company's plant and the working of the same, and the company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General, and shall produce for the inspection of the Postmaster-General the records kept by the company pursuant to the Board of Trade regulations (h) :
- (5) In the event of any contravention of or wilful non-compliance with this section by the company or their agents the company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency, and that they forthwith served on the

---

(h) Where this clause is applied to a company having a separate electrical undertaking, this sub-section may be confined to the works "by this Act authorised" and to the generation of electrical energy "for the purposes of this Act."

**Model  
Clause 5.**

postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof, stating the reason for doing or executing the same without previous notice :

- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final, and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the company or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the company by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the company" includes their lessees and any person owning working or running carriages on any of the tramways of the company.

Use of tram-  
way posts by  
Postmaster-  
General.

**6.—(1)** It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the company in connection with the tramways authorised by this Act (*i*), and to lengthen, adapt, alter and replace such posts, standards and brackets for the purpose of supporting any telegraph, and from time to time to alter any telegraph so supported, subject to the following conditions :

- (a) In placing, maintaining, or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways :

---

(i) Or Order.

**Model  
Clause 6.**

- (b) The Postmaster-General shall give to the company not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section, and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers, and the manner in which it is proposed to use the posts, standards and brackets, and also the maximum strain and the nature and direction of such strain. Any difference as to any matter referred to in such notice shall be determined as hereinafter provided :
- (c) Unless otherwise agreed between the Postmaster-General and the company the Postmaster-General shall pay the expense of lengthening, adapting, altering or replacing under the provisions of this section any post, standard or bracket, and the expense of providing and maintaining any appliances, or making any alteration, rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways, or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the company or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :
- (d) Unless otherwise agreed, or in case of difference determined as hereinafter provided, all telegraphs shall be attached to the posts, standards or brackets below the level of the trolley wires, and on the side of such posts or standards farthest from the trolley wires. Any difference as to the conditions of attachment shall be determined as hereinafter provided :
- (e) Unless otherwise agreed, no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (f) The Postmaster-General shall cause all attachments to posts, standards, or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper state of condition and repair :
- (g) The Postmaster-General shall make good to the company and shall indemnify them against any loss, damage, or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General

**Model  
Clause 6.**

of the powers conferred upon him by this section, unless such loss, damage, or expense be caused by or arise from gross negligence on the part of the company their officers or servants :

- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post, standard, or bracket used by him, and also to the annual cost of the maintenance and renewal of any such post, standard, or bracket, as having regard to the respective interests of the company and the Postmaster-General in the use of the post, standard, or bracket, and to all the circumstances of each case, may be agreed upon between the Postmaster-General and the company or, failing agreement, determined as hereinafter provided :
- (i) The company shall not be liable for any interference with, or damage, or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways, or by any accident arising thereon, or by the authorised use by the company of electrical energy, unless such interference, damage, or injury be caused by gross negligence on the part of the company, their officers, or servants :
- (j) If it shall become necessary or expedient to alter the position of, or remove any post, standard, or bracket, the Postmaster-General shall, upon receiving twenty-eight days' notice thereof, at his own expense, alter or remove the telegraph supported thereby, or at his option retain the post, standard, or bracket, and pay the company the value of the same. Provided that if the company or the body having the control of the street or public road object to the retention of the post, standard, or bracket by the Postmaster-General, a difference shall be deemed to have arisen, and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the company from using their posts, standards, or brackets for the support of any of their electric wires and apparatus in connection with their tramways, or shall take away any existing right of the local authority of using the posts, standards, or brackets of the company in connection with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and the local authority in relation to the use of the posts, standards, or brackets by the Postmaster-General and the local authority respectively shall be determined as hereinafter provided.

**Model  
Clause 6.**

[ (2) (k) Nothing in this section contained shall prevent the corporation from using their posts, standards, or brackets for the support of any of their electric wires and apparatus, whether in connection with their tramways or other municipal undertakings, or shall take away any existing right of the corporation of permitting the use by any company or person of their posts, standards, or brackets in connection with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts, standards, or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.]

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act, 1878, for the settlement of differences relating to a street or public road.

(4) In this section—the expression “company” includes their lessees; the expression “telegraph” has the same meaning as in the Telegraph Act, 1869, and other expressions have the same meaning as in the Telegraph Act, 1878.

**7. (1)** The company may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power :

Attachment  
of brackets  
in buildings.

Provided that—

- (1) Where in the opinion of the company any consent under this section is unreasonably refused, they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building, but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the company notice in writing requiring the attachments to be removed. Where

(k) To be substituted where the promoters are a local authority.

(l) This clause is not inserted in Tramway Orders.

**Model  
Clause 7.**

such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1) :

- (3) The owner may require the company to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

Apparatus  
used for  
mechanical  
power to be  
deemed part  
of tramway.

8. The provisions of sections 26 to 33 [(m) and 41] of the Tramways Act, 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the company for the purposes of mechanical power were parts of the tramway.

Byelaws.

9. Subject to the provisions of this Act (n) the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages :

For regulating the emission of smoke or steam from engines used on the tramways :

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety :

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages :

For providing for the due publicity of all byelaws and Board of Trade Regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

(m) Reference to s. 41 should be omitted in local authorities' Bills.

(n) Or Order.

## OTHER MODEL CLAUSES

INSERTED IN RAILWAY ACTS AUTHORISING THE  
USE OF ELECTRICAL POWER.

1. Subject to the provisions of this Act and of any regulations to be prescribed by the Board of Trade (in this Act referred to as the Board of Trade Regulations) (a) the company may work the traffic on the railway by electrical power and for that purpose may lay down along the railway and maintain and use mains lines and apparatus for transmitting electrical energy.

Railway may  
be worked  
by electrical  
power.

2. Subject to the provisions of this Act the company may appropriate and use as stations for generating electrical energy and for providing and working thereon engines dynamos and other electrical plant and works the lands described in the Schedule but the company [shall not create or permit any nuisance on such lands and] (b) shall not erect any generating station except upon the said lands [or the lands described in the Act].

Lands for  
generating  
station.

3. The company may acquire and hold patent and other rights and licences (not being exclusive) in relation to the use of electrical power for the purposes of this Act.

Power to  
hold patent  
rights.

4. (c) In the event of the railways of the company or any part thereof being worked by electricity the following provisions shall have effect:

Clause for  
protection of  
Postmaster-  
General.

- (1) The company shall so construct their electric lines and works of all descriptions and shall so work their undertaking in all respects as to prevent any interference whether by induction or otherwise with the telegraphic lines from time to time laid down or used by the Postmaster-General or with telegraphic communication by means of such lines:
- (2) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the

(a) See these Regulations, *post*, p. 542.

(b) The words in square brackets above appear in the Model Bill, but railway companies have usually obtained powers to construct and work generating stations on specified lands without being made liable for any nuisance committed thereby.

(c) This clause is required to be inserted in Bills for underground electric railways.

Model  
Clause 4

---

company is injuriously affected, and he is of opinion that such injurious affection is or may be due to the construction of the company's works or to the working of the undertaking, the engineer-in-chief of the Post Office or any person appointed in writing by him may, at all times when electrical energy is being generated by the company, enter any of the company's works for the purpose of inspecting the company's plant and the working of the same; and the company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General, and shall produce for the inspection of the Postmaster-General the records kept by the company pursuant to the Board of Trade regulations:

- (3) If a telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the company be injuriously affected, and he is unable to ascertain whether such injurious affection is caused by the company or by any other persons generating or using electrical currents for traction purposes, the Postmaster-General may give notice to the company requiring them to make at such times as he may specify such experiments (by working their generating stations running their cars or otherwise working any part of their undertaking, or in case of continuous working by stopping the current generated for the purpose of their undertaking at such times as would not unduly interfere with the traffic) as he may deem necessary to enable him to discover which of the undertakings causes the disturbance, and such tests shall be carried out by the company as and when required by the Postmaster-General:
- (4) In the event of any contravention of or wilful non-compliance with this section by the company or their agents the company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues, or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:
- (5) This section shall not apply to any telegraphic line of the Postmaster-General laid down or placed by him on or along the railway:



- (6) In this section the expression "electric line" has the same meaning as in the Electric Lighting Act 1882 and the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878 :
- (7) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the company by indictment action or otherwise in relation to any of the matters aforesaid.
- 

**Model**  
**Clause 4.**

TRAMWAY (OR LIGHT RAILWAY (*a*)).

REGULATIONS AND BYELAWS, DATED 191 , MADE BY  
THE BOARD OF TRADE AS REGARDS ELECTRICAL POWER  
ON THE TRAMWAYS (*b*).

The Board of Trade, under and by virtue of the powers conferred upon them in this behalf, do hereby make the following Regulations for securing to the public reasonable protection against danger in the exercise of the powers conferred by Parliament with respect to the use of electrical power on the [overhead trolley system] on all or any of the tramways on which the use of mechanical power has been authorised by the (hereinafter called "the tramways"):

And the Board of Trade do also hereby make the following byelaws with regard to the use of electrical power on all or any of such tramways.

*Regulations.*

I. Every motor carriage used on the tramways shall comply with the following requirements, that is to say:

- (a) It shall be fitted, if and when required by the Board of Trade, with an apparatus to indicate to the driver the speed at which it is running.
- (b) The wheels shall be fitted with brake blocks, which can be applied by a screw or by other means, and there shall be in addition an adequate electric brake.

[NOTE.—Where for a considerable distance the gradients are 1 in 15 or steeper, the following will be added to this regulation:

"and a slipper brake or other track brake approved by the Board of Trade for use on the tramways."]

- (c) It shall be conspicuously numbered inside and outside.
- (d) It shall be fitted with a suitable lifeguard, and with a special bell to be sounded as a warning when necessary.
- (e) It shall be so constructed as to enable the driver to command the fullest possible view of the road.

II. No trailer carriage shall be used on the tramways without the consent of the Board of Trade except

- (a) in the case of the removal of a disabled carriage,
- (b) for the conveyance of salt, sand and other materials or stores for the purposes of the tramway undertaking.

When trailer carriages are used for the conveyance of salt, etc., under (b) the following requirements shall be complied with:

- (1) More than one trailer carriage shall not be attached to any motor carriage.

---

(*a*) Laid along public roads.

(*b*) Made under the model clause set out, *ante*, p. 511.

(2) No passengers shall be carried in any motor carriage to which a Regulations trailer carriage is attached.

(3) The trailer carriage shall be fitted with efficient brakes and there shall be a man on the trailer carriage to attend to the brakes.

III. Every carriage used on the tramways for the conveyance of passengers shall be so constructed as to provide for the safety of passengers, and for their safe entrance to, exit from, and accommodation in such carriage.

IV. Every carriage on the tramways, or where two carriages are coupled together, the front carriage shall, during the period between one hour after sunset and one hour before sunrise or during fog, carry a lamp so constructed and placed as to exhibit a white light visible within a reasonable distance to the front, and every carriage or where two carriages are coupled together, the rear carriage shall carry a lamp so constructed and placed as to exhibit a red light visible within a reasonable distance to the rear.

V. The speed at which the carriages shall be driven or propelled along the tramways shall not exceed the rate of :  
miles an hour

VI. The electrical pressure or difference of potential between the overhead conductors used in connexion with the working of the tramways and the earth, or between any two such conductors, shall in no case exceed 550 volts. The electrical energy supplied through feeders shall not be generated at or transformed to a pressure higher than 650 volts, except with the written consent of the Board of Trade, and subject to such regulations and conditions as they may prescribe.

VII. The overhead conductors used in connexion with the working of the tramways shall be securely attached to supports, the intervals between which shall not, except with the approval of the Board of Trade, exceed 120 feet, and they shall be in no part at a less height from the surface of the street than 20 feet, except where they pass under railway bridges.

VIII. The overhead conductors shall be divided up into sections not exceeding (except with the special approval of the Board of Trade) one-half of a mile in length, between every two of which shall be inserted an emergency switch so enclosed as to be inaccessible to pedestrians.

IX. Each separate insulator on the overhead conductors shall be tested not less frequently than once in a month, and any insulator found to be defective shall at once be removed and an efficient insulator substituted.

X. All electrical conductors fixed upon the carriages in connexion with the trolley wheel shall be formed of flexible cables protected by india-rubber insulation of the highest quality, and additionally protected wherever they are adjacent to any metal so as to avoid risk of the metal becoming charged.

XI. The trolley standard of every double-deck carriage shall be electrically connected to the wheels of the carriage in such manner as either to prevent the possibility of the standard becoming electrically charged from any defect in the conductors contained within it or in the event of the standard becoming electrically charged to give a distinctive and continuous warning signal to the driver or conductor. No passenger shall be allowed to travel on the upper deck of a carriage as long as there is risk of electric shock.

[NOTE.—This regulation will not apply to the trolley base on the top cover of double-deck carriages.]

**Regulations** XII. An emergency cut-off switch shall be provided and fixed so as to be conveniently reached by the driver in case of any failure of action of the controller switch.

XIII. If and whenever telegraph, telephone, or other wires, unprotected with a permanent insulating covering, cross above, or are liable to fall upon, or to be blown on to, the overhead conductors of the tramways, efficient guard wires shall be erected and maintained at all such places (c).

XIV. Every guard wire shall be bonded to the rails through its support at each end and at intervals of not more than five spans.

XV. Every pole supporting a gas-lamp bracket shall be efficiently bonded to the rails.

XVI. Where any accident by explosion or fire, or any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury, has occurred in connexion with the electric working of the tramways, immediate notice thereof shall be given to the Board of Trade.

*Penalty.*

NOTE.—The using electrical power on the tramways contrary to any of the above regulations is, for every such offence, subject to a penalty not exceeding £10; and also in the case of a continuing offence, to a further penalty not exceeding £5 for every day during which such offence continues after conviction thereof.

*Byelaws.*

I. The entrance to and exit from the carriages shall be by the hindermost or conductor's platform except at a terminus when the carriages are stationary. Provided that this byelaw shall not apply to carriages approved by the Board of Trade with one man only in charge.

II. The carriages on the tramways shall be brought to a standstill as soon as possible whenever it is necessary to avoid impending danger and on all occasions immediately before reaching the following points :

III. A printed copy of these regulations and byelaws shall be kept in a conspicuous position inside of each carriage in use on the tramways.

*Penalty.*

NOTE.—Any person offending against or committing a breach of any of these byelaws is liable to a penalty not exceeding forty shillings.

The provisions of the Summary Jurisdiction Acts, with respect to the recovery of penalties, are applicable to the penalties for the breach of these regulations or byelaws.

Signed by order of the Board of Trade, this            day of            191 .

Assistant Secretary, Board of Trade.

(c) See further regulations as to guard wires, *post*, p. 538.

## REGULATIONS

MADE BY THE BOARD OF TRADE UNDER THE PROVISIONS OF SPECIAL TRAMWAYS ACTS OR LIGHT RAILWAY ORDERS AUTHORISING LINES ON PUBLIC ROADS; FOR REGULATING THE USE OF ELECTRICAL POWER; FOR PREVENTING FUSION OR INJURIOUS ELECTROLYTIC ACTION OF OR ON GAS OR WATER PIPES OR OTHER METALLIC PIPES, STRUCTURES, OR SUBSTANCES; AND FOR MINIMISING AS FAR AS IS REASONABLY PRACTICABLE INJURIOUS INTERFERENCE WITH THE ELECTRIC WIRES, LINES, AND APPARATUS OF PARTIES OTHER THAN THE COMPANY, AND THE CURRENTS THEREIN, WHETHER SUCH LINES DO OR DO NOT USE THE EARTH AS A RETURN (a).

FIRST MADE, MARCH, 1894.

REVISED, APRIL, 1903.

FURTHER REVISED, AUGUST, 1904.

FURTHER REVISED, MAY, 1908.

FURTHER REVISED, APRIL, 1910.

### *Definitions.*

In the following regulations—

The expression "energy" means electrical energy.

The expression "generator" means the dynamo or dynamos or other electrical apparatus used for the generation of energy.

The expression "motor" means any electric motor carried on a car and used for the conversion of energy.

The expression "pipe" means any gas or water pipe or other metallic pipe, structure, or substance.

The expression "wire" means any wire or apparatus used for telegraphic, telephonic, electrical signalling, or other similar purposes.

The expression "current" means an electric current exceeding one thousandth part of one ampere.

The expression "the company" has the same meaning as in the Tramways Act [Light Railways Order].

### *Regulations.*

1. Any dynamo used as a generator shall be of such pattern and construction as to be capable of producing a continuous current without appreciable pulsation.

2. One of the two conductors used for transmitting energy from the generator to the motors shall be in every case insulated from earth, and is hereinafter referred to as the "line"; the other may be insulated throughout, or may be uninsulated in such parts and to such extent as is provided in the following regulations, and is hereinafter referred to as the "return."

3. Where any rails on which cars run or any conductors laid between or within three feet of such rails form any part of a return, such part may be

---

(a) The model clauses under which these regulations are made are set out *ante*, pp. 507, 510.

**Regulations** uninsulated. All other returns or parts of a return shall be insulated, unless of such sectional area as will reduce the difference of potential between the ends of the uninsulated portion of the return below the limit laid down in Regulation 7.

4. When any uninsulated conductor laid between or within three feet of the rails forms any part of a return, it shall be electrically connected to the rails at distances apart not exceeding 100 feet by means of copper strips having a sectional area of at least one-sixteenth of a square inch, or by other means of equal conductivity.

5. (a) When any part of a return is uninsulated it shall be connected with the negative terminal of the generator, and in such case the negative terminal of the generator shall also be directly connected, through the current-indicator hereinafter mentioned, to two separate earth connections which shall be placed not less than 20 yards apart.

(b) The earth connections referred to in this regulation shall be constructed, laid, and maintained so as to secure electrical contact with the general mass of earth, and so that, if possible, an electro-motive force, not exceeding four volts, shall suffice to produce a current of at least two amperes from one earth connection to the other through the earth, and a test shall be made once in every month to ascertain whether this requirement is complied with.

(c) Provided that in place of such two earth connections the company may make one connection to a main for water supply of not less than three inches internal diameter, with the consent of the owner thereof and of the person supplying the water, and provided that where, from the nature of the soil or for other reasons, the company can show to the satisfaction of the Board of Trade that the earth connections herein specified cannot be constructed and maintained without undue expense the provisions of this regulation shall not apply.

(d) No portion of either earth connection shall be placed within six feet of any pipe except a main for water supply of not less than three inches internal diameter which is metallically connected to the earth connections with the consents hereinbefore specified.

(e) When the generator is at a considerable distance from the tramway the uninsulated return shall be connected to the negative terminal of the generator by means of one or more insulated return conductors, and the generator shall have no other connection with earth; and in such case the end of each insulated return connected with the uninsulated return shall be connected also through a current indicator to two separate earth connections, or with the necessary consents to a main for water supply, or with the like consents to both in the manner prescribed in this regulation.

(f) The current indicator may consist of an indicator at the generating station connected by insulated wires to the terminals of a resistance interposed between the return and the earth connection or connections, or it may consist of a suitable low-resistance maximum demand indicator. The said resistance, or the resistance of the maximum demand indicator, shall be such that the maximum current laid down in Regulation 6 (i) shall produce a difference of potential not exceeding one volt between the terminals. The indicator shall be so constructed as to indicate correctly the current passing through the resistance when connected to the terminals by the insulated wires before-mentioned.

6. When the return is partly or entirely uninsulated the company shall in the construction and maintenance of the tramway (a) so separate the uninsulated return from the general mass of earth, and from any pipe in the vicinity; (b) so connect together the several lengths of the rails; (c) adopt such means for reducing the difference produced by the current between the potential of the uninsulated return at any one point and the potential of the uninsulated return at any other point; and (d) so maintain the efficiency of the earth connections specified in the preceding regulations as to fulfil the following conditions, viz.:

- (i) That the current passing from the earth connections through the indicator to the generator or through the resistance to the insulated return shall not at any time exceed either two amperes per mile of single tramway line or five per cent. of the total current output of the station.
- (ii) That if at any time and at any place a test be made by connecting a galvanometer or other current-indicator to the uninsulated return and to any pipe in the vicinity, it shall always be possible to reverse the direction of any current indicated by interposing a battery or three Leclanché cells connected in series if the direction of the current is from the return to the pipe, or by interposing one Leclanché cell if the direction of the current is from the pipe to the return.

The owner of any such pipe may require the company to permit him at reasonable times and intervals to ascertain by test that the conditions specified in (ii) are complied with as regards his pipe.

7. When the return is partly or entirely uninsulated a continuous record shall be kept by the company of the difference of potential during the working of the tramway between points on the uninsulated return. If at any time such difference of potential between any two points exceeds the limit of seven volts, the company shall take immediate steps to reduce it below that limit.

8. The current density in the rails shall not exceed nine amperes per square inch of the cross sectional area.

9. Every electrical connection with any pipe shall be so arranged as to admit of easy examination, and shall be tested by the company at least once in every three months.

10. Every line and every insulated return or part of a return except any feeder shall be constructed in sections not exceeding one-half of a mile in length, and means shall be provided for isolating each such section for purposes of testing.

11. The insulation of the line and of the return when insulated, and of all feeders and other conductors, shall be so maintained that the leakage current shall not exceed one-hundredth of an ampere per mile of tramway. The leakage current shall be ascertained not less frequently than once in every week before or after the hours of running when the line is fully charged. If at any time it should be found that the leakage current exceeds one-half of an ampere per mile of tramway the leak shall be localised and removed as soon as practicable, and the running of the cars shall be stopped unless the leak is localised and removed within 24 hours. Provided that where both line and return are placed within a conduit this regulation shall not apply.

**Regulations** 12. The insulation resistance of all continuously insulated cables used for lines, for insulated returns, for feeders, or for other purposes, and laid below the surface of the ground, shall not be permitted to fall below the equivalent of 10 megohms for a length of one mile. A test of the insulation resistance of all such cables shall be made at least once in each month.

13. Any insulated return shall be placed parallel to and at a distance not exceeding three feet from the line when the line and return are both erected overhead, or eighteen inches when they are both laid underground.

14. In the disposition, connections, and working of feeders, the company shall take all reasonable precautions to avoid injurious interference with any existing wires.

15. The company shall so construct and maintain their system as to secure good contact between the motors and the line and return respectively.

16. The company shall adopt the best means available to prevent the occurrence of undue sparking at the rubbing or rolling contacts in any place and in the construction and use of their generator and motors.

17. Where the line or return or both are laid in a conduit the following conditions shall be complied with in the construction and maintenance of such conduit :

- (a) The conduit shall be so constructed as to admit of examination of and access to the conductors contained therein and their insulators and supports.
- (b) It shall be so constructed as to be readily cleared of accumulation of dust or other *débris*, and no such accumulation shall be permitted to remain.
- (c) It shall be laid to such falls and so connected to sumps or other means of drainage, as to automatically clear itself of water, without danger of the water reaching the level of the conductors.
- (d) If the conduit is formed of metal, all separate lengths shall be so jointed as to secure efficient metallic continuity for the passage of electric currents. Where the rails are used to form any part of the return they shall be electrically connected to the conduit by means of copper strips having a sectional area of at least one-sixteenth of a square inch, or other means of equal conductivity, at distances apart not exceeding 100 feet. Where the return is wholly insulated and contained within the conduit, the latter shall be connected to earth at the generating station or sub-station through a high resistance galvanometer suitable for the indication of any contact or partial contact of either the line or the return with the conduit.
- (e) If the conduit is formed of any non-metallic material not being of high insulating quality and impervious to moisture throughout, the conductors shall be carried on insulators the supports for which shall be in metallic contact with one another throughout.
- (f) The negative conductor shall be connected with earth at the station by a voltmeter and may also be connected with earth at the generating station or sub-station by an adjustable resistance and current-indicator. Neither conductor shall otherwise be permanently connected with earth.



- (g) The conductors shall be constructed in sections not exceeding one-half a mile in length, and in the event of a leak occurring on either conductor that conductor shall at once be connected with the negative pole of the dynamo, and shall remain so connected until the leak can be removed.
- (h) The leakage current shall be ascertained daily, before or after the hours of running, when the line is fully charged, and if at any time it shall be found to exceed one ampere per mile of tramway the leak shall be localised and removed as soon as practicable, and the running of the cars shall be stopped unless the leak is localised and removed within 24 hours.

18. The company shall, so far as may be applicable to their system of working, keep records as specified below. These records shall, if and when required, be forwarded for the information of the Board of Trade.

Number of cars running.

Number of miles of single tramway line.

*Daily Records.*

Maximum working current.

Maximum working pressure.

Maximum current from the earth plates or water-pipe connections (*vide*

Regulation 6 (i) ) where the indicator is at the generating works.

Fall of potential in return (*vide* Regulation 7).

Leakage current (*vide* Regulation 17 (h) ).

*Weekly Records.*

Leakage current (*vide* Regulation 11).

Maximum current from the earth plates or water-pipe connections (*vide*

Regulation 6 (i) ) where a maximum demand indicator is used.

*Monthly Records.*

Condition of earth connections (*vide* Regulation 5).

Minimum insulation resistance of insulated cables in megohms per mile (*vide* Regulation 12).

*Quarterly Records.*

Conductance of joints to pipes (*vide* Regulation 9).

*Occasional Records.*

Specimens of tests made under provisions of Regulation 6 (ii).

Board of Trade,  
7, Whitehall Gardens, S.W.  
April, 1910.

The Board of Trade will be prepared to consider the issue of regulations for the use of alternating currents for electrical traction on application.

## TRAMWAY.

### LONDON COUNTY COUNCIL TRAMWAYS.

*Regulations, dated March 21, 1910, made by the Board of Trade under the Provisions of sections 3 and 4 of the London County Tramways (Electrical Power) Act, 1900, section 8 of the London County Council (Tramways and Improvements) Act, 1902, and section 16 of the London County Council (Tramways and Improvements) Act, 1904, for Regulating the use of Electric Power on the Twin Wire Overhead Trolley System; and for Minimising as far as is reasonably practicable Injurious Interference with the Electric Wires, Lines, and Apparatus of Parties other than the London County Council and the Currents therein, whether such Lines do or do not use the Earth as a Return.*

#### *Definitions.*

In the following regulations—

The expression "energy" means electrical energy.

The expression "generator" means the dynamo or dynamos or other electrical apparatus used for the generation of energy.

The expression "motor" means any electric motor carried on a car and used for the conversion of energy.

The expression "wire" means any wire or apparatus used for telegraphic, telephonic, electrical signalling, or other similar purposes.

The expression "current" means an electric current exceeding one-thousandth part of one ampère.

The expression "the council" means the London County Council and includes lessees, licensees, and any person owning, working, or running carriages over any tramway of the council.

#### *Regulations.*

1. Any dynamo used as a generator shall be of such pattern and construction as to be capable of producing a continuous current without appreciable pulsation.

2. The two conductors used for transmitting energy from the generator to the motors shall be in every case insulated from earth, and are herein-after referred to as the "line."

3. Every line shall be constructed in sections not exceeding one-half of a mile in length, and means shall be provided for isolating each such section for purposes of testing.

4. The insulation of the line, and of all feeders and other conductors, shall be so maintained that the leakage current shall not exceed one-hundredth of an ampère per mile of tramway. The leakage current shall be ascertained not less frequently than once in every week before or after the hours of running when the line is fully charged. If at any time it should be found that the leakage current exceeds one-half of an ampère per mile of tramway, the leak shall be localised and removed as soon as practicable, and the

running of the cars shall be stopped unless the leak is localised and removed Regulations within 24 hours.

5. The insulation resistance of all continuously insulated cables used for lines, for feeders, or for other purposes, and laid below the surface of the ground, shall not be permitted to fall below the equivalent of 10 megohms for a length of one mile. A test of the insulation resistance of all such cables shall be made at least once in each month.

6. In the disposition, connections, and working of feeders the council shall take all reasonable precautions to avoid injurious interference with any existing wires.

7. The council shall so construct and maintain their system as to secure good contact between the motors and the line.

8. The council shall adopt the best means available to prevent the occurrence of undue sparking at the rubbing or rolling contacts in any place and in the construction and use of their generator and motors.

9. The council shall, so far as may be applicable to their system of working, keep records as specified below. These records shall, if and when required, be forwarded for the information of the Board of Trade.

Number of cars running.

Number of miles of single tramway line.

*Daily Records.*

Maximum working current.

Maximum working pressure.

*Weekly Records.*

Leakage current (*vide* Regulation 4).

*Monthly Records.*

Minimum insulation resistance of insulated cables in megohms per mile (*vide* Regulation 5).

*Occasional Records.*

Localisation and removal of leakage, stating time occupied.

Particulars of any abnormal occurrence affecting the electric working of the tramways.

Signed by order of the Board of Trade, this 21st day of March, 1910.

W. F. MARWOOD,

Assistant Secretary, Board of Trade.

## TRAMWAY.

### LONDON COUNTY COUNCIL TRAMWAYS.

*Regulations, dated March 22, 1910, made by the Board of Trade under the Provisions of sections 3 and 4 of the London County Tramways (Electrical Power) Act, 1900, section 18 of the London County Council (Tramways and Improvements) Act, 1901, section 8 of the London County Council (Tramways and Improvements) Act, 1902, section 12 of the London County Council (Subways and Tramways) Act, 1902, section 9 of the London County Council (Tramways and Improvements) Act, 1903, section 16 of the London County Council (Tramways and Improvements) Act, 1904, section 6 of the London County Council (Tramways and Improvements) Act, 1906, section 7 of the London County Council (Tramways and Improvements) Act, 1907, and section 17 of the London County Council (Tramways and Improvements) Act, 1908, for Regulating the use of Electrical Power on the Underground Conduit System and Ordinary Overhead Trolley System; for Preventing Fusion or Injurious Electrolytic Action of or on Gas or Water Pipes, or other Metallic Pipes, Structures, or Substances, and for Minimising as far as is reasonably practicable Injurious Interference with the Electric Wires, Lines, and Apparatus of Parties other than the London County Council, and the Currents therein, whether such Lines do or do not use the Earth as a Return.*

#### *Definitions.*

In the following regulations—

The expression “energy” means electrical energy.

The expression “generator” means the dynamo or dynamos or other electrical apparatus used for the generation of energy.

The expression “motor” means any electric motor carried on a car and used for the conversion of energy.

The expression “pipe” means any gas or water pipe or other metallic pipe, structure, or substance.

The expression “wire” means any wire or apparatus used for telegraphic, telephonic, electrical signalling, or other similar purposes.

The expression “current” means an electric current exceeding one-thousandth of an ampère.

The expression “the council” means the London County Council, and includes lessees, licensees, and any person owning, working, or running carriages over any tramway of the council.

#### *Regulations.*

1. Any dynamo used as a generator shall be of such pattern and construction as to be capable of producing a continuous current without appreciable pulsation.

2. One of the two conductors used for transmitting energy from the generator to the motors shall be in every case insulated from earth, and is

hereinafter referred to as the "line"; the other may be insulated throughout, or may be uninsulated in such parts and to such extent as is provided in the following regulations, and is hereinafter referred to as the "return."

3. Where any rails on which cars run or any conductors laid between or within three feet of such rails form any part of a return, such part may be uninsulated. All other returns or parts of a return shall be insulated, unless of such sectional area as will reduce the difference of potential between the ends of the uninsulated portion of the return below the limit laid down in Regulation 7.

4. When any uninsulated conductor laid between or within three feet of the rails forms any part of a return, it shall be electrically connected to the rails at distances apart not exceeding 100 feet by means of copper strips having a sectional area of at least one-sixteenth of a square inch, or by other means of equal conductivity.

5.—(a) When any part of a return is uninsulated it shall be connected with the negative terminal of the generator, and in such case the negative terminal of the generator shall also be directly connected, through the current-indicator herein mentioned, to two separate earth connexions which shall be placed not less than 20 yards apart.

(b) The earth connexions referred to in this regulation shall be constructed, laid, and maintained so as to secure electrical contact with the general mass of earth, and so that an electro-motive force, not exceeding four volts, shall suffice to produce a current of at least two amperes from one earth connexion to the other through the earth, and a test shall be made at least once in every month to ascertain whether this requirement is complied with.

(c) Provided that in place of such two earth connexions the council may make one connexion to a main for water supply of not less than three inches internal diameter, with the consent of the owner thereof and of the person supplying the water, and provided that where, from the nature of the soil or for other reasons, the council can show to the satisfaction of an inspecting officer of the Board of Trade that the earth connexions herein specified cannot be constructed and maintained without undue expense, the provisions of this regulation shall not apply.

(d) No portion of either earth connexion shall be placed within six feet of any pipe except a main for water supply of not less than three inches internal diameter which is metallically connected to the earth connexions with the consents hereinbefore specified.

(e) When the generator is at a considerable distance from the tramways the uninsulated return shall be connected to the negative terminal of the generator by means of one or more insulated return conductors, and the generator shall have no other connexion with earth; and in such case the end of each insulated return connected with the uninsulated return shall be connected also through a current-indicator to two separate earth connexions, or with the necessary consents to a main for water supply, or with the like consents to both in the manner prescribed in this regulation.

(f) If the current-indicator cannot conveniently be placed at the connexion of the uninsulated return with the insulated return, this instrument may consist of an indicator at the generating station, connected by insulated wires to the terminals of a resistance interposed between the return and

**Regulations** the earth connexion or connexions. The said resistance shall be such that the maximum current laid down in Regulation 6 (i) shall produce a difference of potential not exceeding one volt between the terminals. The indicator shall be so constructed as to indicate correctly the current passing through the resistance when connected to the terminals by the insulated wires before mentioned.

6. When the return is partly or entirely uninsulated the council shall in the construction and maintenance of the tramways (a) so separate the uninsulated return from the general mass of earth, and from any pipe in the vicinity; (b) so connect together the several lengths of the rails; (c) adopt such means for reducing the difference produced by the current between the potential of the uninsulated return at any one point and the potential of the uninsulated return at any other point; and (d) so maintain the efficiency of the earth connexions specified in the preceding regulations as to fulfil the following conditions, viz.:

- (i) That the current passing from the earth connexions through the indicator to the generator, or through the resistance to the insulated return, shall not at any time exceed either two ampères per mile of single tramway line or five per cent. of the total current output of the station.
- (ii) That if at any time and at any place a test be made by connecting a galvanometer or other current-indicator to the uninsulated return and to any pipe in the vicinity, it shall always be possible to reverse the direction of any current indicated by interposing a battery of three Leclanché cells connected in a series if the direction of the current is from the return to the pipe, or by interposing one Leclanché cell if the direction of the current is from the pipe to the return.

In order to provide a continuous indication that the condition (i) is complied with, the council shall place in a conspicuous position a suitable, properly connected, and correctly marked current-indicator, and shall keep it connected during the whole time that the line is charged.

The owner of any such pipe may require the council to permit him at reasonable times and intervals to ascertain by test that the conditions specified in (ii) are complied with as regards his pipe.

7. When the return is partly or entirely uninsulated a continuous record shall be kept by the council of the difference of potential during the working of the tramways between points on the uninsulated return. If at any time such difference of potential between any two points exceeds the limit of seven volts, the council shall take immediate steps to reduce it below that limit.

8. The current density in the rails shall not exceed nine ampères per square inch of the cross sectional area.

9. Every electrical connexion with any pipe shall be so arranged as to admit of easy examination, and shall be tested by the council at least once in every three months.

10. Every line and every insulated return or part of a return except any feeder shall be constructed in sections not exceeding one-half of a mile in length, and means shall be provided for isolating each such section for purposes of testing.

11. The insulation of the line and of the return when insulated and of all feeders and other conductors, shall be so maintained that the leakage current shall not exceed one-hundredth of an ampère per mile of tramway. The leakage current shall be ascertained not less frequently than once in every week before or after the hours of running when the line is fully charged. If at any time it should be found that the leakage current exceeds one-half of an ampère per mile of tramway, the leak shall be localised and removed as soon as practicable, and the running of the cars shall be stopped unless the leak is localised and removed within 24 hours. Provided that where both line and return are placed within a conduit this regulation shall not apply.

12. The insulation resistance of all continuously insulated cables used for lines, for insulated returns, for feeders, or for other purposes, and laid below the surface of the ground, shall not be permitted to fall below the equivalent of 10 megohms for a length of one mile. A test of the insulation resistance of all such cables shall be made at least once in each month.

13. Any insulated return shall be placed parallel to and at a distance not exceeding three feet from the line when the line and return are both erected overhead, or eighteen inches when they are both laid underground.

14. In the disposition, connexions, and working of feeders the council shall take all reasonable precautions to avoid injurious interference with any existing wires.

15. The council shall so construct and maintain their system as to secure good contact between the motors and the line and return respectively.

16. The council shall adopt the best means available to prevent the occurrence of undue sparking at the rubbing or rolling contacts in any place and in the construction and use of their generator and motors.

17. Where the line or return or both are laid in a conduit the following conditions shall be complied with in the construction and maintenance of such conduit :

- (a) The conduit shall be so constructed as to admit of examination of and access to the conductors contained therein and their insulators and supports.
- (b) It shall be so constructed as to be readily cleared of accumulation of dust or other debris, and no such accumulation shall be permitted to remain.
- (c) It shall be laid to such falls and so connected to sumps, or other means of drainage, as to automatically clear itself of water without danger of the water reaching the level of the conductors.
- (d) If the conduit is formed of metal, all separate lengths shall be so jointed as to secure efficient metallic continuity for the passage of electric currents. Where the rails are used to form any part of the return they shall be electrically connected to the conduit by means of copper strips having a sectional area of at least one-sixteenth of a square inch, or other means of equal conductivity, at distances apart not exceeding 100 feet. Where the return is wholly insulated and contained within the conduit, the latter shall be connected to earth at the generating station or sub-station

## Regulations

through a high resistance galvanometer suitable for the indication of any contact or partial contact of either the line or the return with the conduit.

- (e) If the conduit is formed of any non-metallic material not being of high insulating quality and impervious to moisture throughout, the conductors shall be carried on insulators the supports for which shall be in metallic contact with one another throughout.
- (f) The negative conductor shall be connected with earth at the generating station or sub-station by a voltmeter, and may also be connected with earth at the generating station or sub-station by an adjustable resistance and current-indicator. Neither conductor shall otherwise be permanently connected with earth.
- (g) The conductors shall be constructed in sections not exceeding one-half a mile in length, and in the event of a leak occurring on either conductor that conductor shall at once be connected with the negative pole of the dynamo, and shall remain so connected until the leak can be removed.
- (h) The leakage current shall be ascertained daily, before or after the hours of running, when the line is fully charged, and if at any time it shall be found to exceed one ampère per mile of tramway the leak shall be localised and removed as soon as practicable, and the running of the cars shall be stopped unless the leak is localised and removed within 24 hours.

18. The council shall, so far as may be applicable to their system of working, keep records as specified below. These records shall, if and when required, be forwarded for the information of the Board of Trade.

Number of cars running.

Number of miles of single tramway line.

*Daily Records.*

Maximum working current.

Maximum working pressure.

Maximum current from the earth plate or water pipe connexions (*vide* Regulation 6 (i)).

Fall of potential in return (*vide* Regulation 7).

Leakage current (*vide* Regulation 17 (h)).

*Weekly Records.*

Leakage current (*vide* Regulation 11).

*Monthly Records.*

Condition of earth connexions (*vide* Regulation 5).

Minimum insulation resistance of insulated cables in megohms per mile (*vide* Regulation 12).

*Quarterly Records.*

Conductance of joints to pipes (*vide* Regulation 9).



*Occasional Records.*

Any tests made under provisions of Regulation 6 (ii).

Localisation and removal of leakage, stating time occupied.

Particulars of any abnormal occurrence affecting the electric working of the tramways.

19. The regulations made by the Board of Trade in this behalf, dated the 6th day of July, 1908, and the 16th day of March, 1909, are hereby rescinded.

Signed by order of the Board of Trade, this 22nd day of March, 1910.

W. F. MARWOOD,  
Assistant Secretary, Board of Trade.

---

## GUARD WIRES ON ELECTRIC TRAMWAYS AND LIGHT RAILWAYS LAID ON PUBLIC ROADS (a).

### REGULATION.

If and whenever telegraph, telephone, or other wires, unprotected with a permanent insulating covering, cross above, or are liable to fall upon, or to be blown on to, the overhead conductors of the tramways [or railways], efficient guard wires shall be erected and maintained at all such places.

### EXPLANATORY MEMORANDUM.

NOTE.—The expression “ telegraph wire ” in this memorandum includes all telegraph, telephone, and other wires referred to in the above regulation.

For the purpose of this memorandum, telegraph wires are divided into two classes, namely :

- (a) Wires weighing less than 100 lbs. per mile (No. 14. S.W.G.).
- (b) Wires weighing 100 lbs. per mile (No. 14. S.W.G.) or more.

Each guard wire erected after the date of this memorandum should be well earthed at each end, and at intervals of not more than five spans. The resistance to earth should be sufficiently low to insure that a telegraph wire falling on and making contact with the guard wire and the trolley wire at any time will cause the circuit breaker protecting that section to open.

The earth connection should be made by connecting the guard wire through the support to the rails by means of a copper bond. When first erected, the resistance to earth of the guard wires should be tested, and periodical tests should be made to prove that the earth connection is efficient.

Guard wires should be, in general, of galvanised steel, but in manufacturing districts in which such wires are liable to corrosion bronze or hard drawn copper wires should be used.

The gauge of the guard wire should not be less than seven strands of No. 16 or one of No. 8 wire.

The supports for the guard wires should be rigid and of sufficient strength for their purpose, and at each support each guard wire should be securely bound in or terminated.

The rise of the trolley boom should be so limited that if the trolley leaves the wire it will not foul the guard wires.

### TELEGRAPH WIRES CROSSING TROLLEY WIRES.

*Class (a).—Wires weighing less than 100 lbs. per Mile.*

The guard wires may be of the cradle or hammock type, attached to the arms of telegraph poles. It is necessary that the spans should be short ; and if required an additional pole or poles should be set.

(a) See *ante*, p. 524.

- (1) Where there is one trolley wire, two guard wires should be erected Regulation. (Fig. 1).

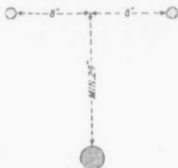


FIG. 1.

- (2) Where there are two trolley wires at a distance not exceeding 12 feet apart, two guard wires should be erected (Fig. 2).

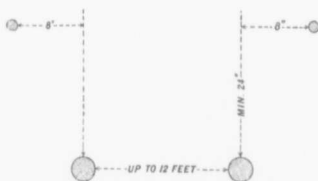


FIG. 2.

- (3) In special cases, at junctions or curves, where parallel guard wiring would be complicated, two guard wires only will generally suffice if so erected that a falling wire must fall on them before it can fall on the trolley wire.

*Class (b).—Wires weighing 100 lbs. or more per Mile.*

- (4) Where there there is only one trolley wire, two guard wires should be erected (Fig. 3).

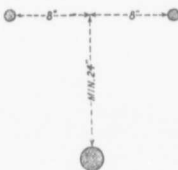


FIG. 3.

**Regulation.** (5) Where there are two trolley wires not more than 15 inches apart, two guard wires should be erected (Fig. 4).

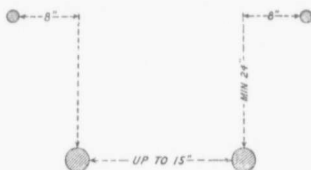


FIG. 4.

(6) Where there are two trolley wires and the distance between them exceeds 15 inches, but does not exceed 48 inches, three guard wires should be erected (Fig. 5).



FIG. 5.

(7) Where the distance between the two trolley wires exceeds 48 inches, each trolley wire should be separately guarded (Fig. 6).



FIG. 6.

(8) It is desirable, where possible, to divert telegraph wires from above trolley junctions and trolley wire crossings, and undertakers should endeavour to make arrangements to that effect with the owners of telegraph wires.

TELEGRAPH WIRES PARALLEL TO TROLLEY WIRES.

Regulation.

*Classes (a) and (b).*

(9) Where telegraph wires not crossing a trolley wire are liable to fall upon or to be blown on to a trolley wire, a guard wire should be so erected that a falling wire must fall on the guard wire before it can fall on the trolley wire.

If the trolley wire is within the angle formed by the vertical plane of a telegraph wire, and an imaginary plane drawn at an angle of  $45^{\circ}$  from the uppermost telegraph wire on the side nearest to the trolley wire, a guard wire should be erected on span wires or on the brackets. This indicates the minimum requirements. In very exposed situations or for heavy routes of wires, more than one guard wire may be needed.

(10) When guard wires are attached to other supports than the trolley poles they should be connected with the rails at one point at least.

(11) When it is possible that a telegraph wire may fall on an arm or a stay, or a span wire, and so slide down on to a trolley wire, guard hooks should be provided.

GENERAL.

(12) Minimum guarding requirements for Classes (a) and (b) are provided for in this memorandum, but in exceptional cases, such as in very exposed positions, or for unusually heavy telegraph wires, special precautions should be taken.

Board of Trade,  
7, Whitehall Gardens,  
London, S.W.,  
March, 1911.

## REGULATIONS

PRESCRIBED BY THE BOARD OF TRADE UNDER THE PROVISIONS  
OF SECTION            OF THE            RAILWAY ACT, 19    , FOR  
REGULATING THE EMPLOYMENT OF INSULATED RETURNS, OR  
OF UNINSULATED METALLIC RETURNS OF LOW RESISTANCE;  
FOR PREVENTING FUSION OR INJURIOUS ELECTROLYTIC  
ACTION OF OR ON GAS OR WATER PIPES OR OTHER METALLIC  
PIPES, STRUCTURES, OR SUBSTANCES; AND FOR MINIMISING  
AS FAR AS IS REASONABLY PRACTICABLE INJURIOUS INTER-  
FERENCE WITH THE ELECTRIC WIRES, LINES, AND APPARATUS  
OF PARTIES OTHER THAN THE COMPANY, AND THE CURRENTS  
THEREIN, WHETHER SUCH LINES DO OR DO NOT USE THE  
EARTH AS A RETURN.

### *Definitions.*

In the following regulations—

The expression "energy" means electrical energy.

The expression "generator" means the dynamo or dynamos or other electrical apparatus used for the generation of energy.

The expression "motor" means any electric motor carried on a train and used for the conversion of energy.

The expression "pipe" means any gas or water pipe or other metallic pipe, structure, or substance.

The expression "the company" has the same meaning or meanings as in the            Railway Act, 19    .

### *Regulations.*

1. Any machine used as a generator shall be of such pattern and construction as to be capable of producing a continuous current without appreciable pulsation.

2. One of the two conductors used for transmitting energy from the generator to the motors shall be in every case insulated from earth by means of insulators of a strong and durable material so shaped as to offer great resistance to surface leakage, and is hereinafter referred to as the "line"; the other may be similarly insulated throughout, or may be uninsulated in such parts and to such extent as is provided in the following regulations, and is hereinafter referred to as the "return."

3. Where any rails on which trains run or any conductors laid within the metal-lined tunnels in which the railway is constructed form any part of a return, such part may be uninsulated. All other returns or parts of a return shall be insulated.

4. When any uninsulated conductor forms any part of a return, it shall be electrically connected to the rails at distances apart not exceeding 100 feet by means of copper strips having a sectional area of at least one-sixteenth of a square inch, or by other means of equal conductivity.

5. When any part of a return is uninsulated it shall be connected with the negative terminal of the generator, and in such case the negative

terminal of the generator shall also be directly connected to the iron or other metal plates forming the lining of the tunnels unless this lining is otherwise connected to the rails. In each case the connection shall be made through a suitable current indicator.

6. The iron or other metal plates forming the lining of the tunnels shall be so made and connected together as to form a continuous metal tube.

7. Where any pipe is brought into the tunnel from outside, except any pipe belonging to the company which is not in metallic connection with or laid within six feet of any other pipe, means shall be provided to secure that no portion of the pipe outside the metal tube shall be in metallic connection with the tube or with any conductor of electricity within the tube.

8. When the rails form any part of the return they shall either be electrically connected, at intervals not exceeding 100 yards, to the metal tube by metallic conductors which will not be appreciably heated by a current of 100 amperes, or they shall not be in any metallic connection with the metal tube except by means of the connections to the negative terminal of the generator. In the latter case the rails shall be supported by sleepers of wood, and they shall be of such sectional area and so connected at joints and from one line of rails to another, and where necessary to supplementary conductors or feeders, that the difference of potential between the rails and the metal tube shall not in any part and under any working conditions exceed 10 volts. A test shall be made at least once in each month.

9. When the return is partly or entirely uninsulated a daily record shall be kept by the company of the difference of potential during the working of the railway between any two points of the uninsulated return at the time when the load is greatest. If at any time such difference of potential exceeds the limit of seven volts, the company shall take immediate steps to reduce it below that limit.

10. Every line and every insulated return shall be constructed in sections, and means shall be provided at or near each station for breaking the connection between sections.

11. The leakage current shall be tested daily before and after the hours of running with the working pressure and duly recorded. Should the amount of this at any time appear to indicate a fault of insulation, steps shall at once be taken to localise and remove it.

12. The company shall, so far as may be applicable to their system of working, keep records as specified below. These records shall be preserved for a period of twelve months, and shall, if and when required, be forwarded for the information of the Board of Trade.

#### *Daily Records.*

No. of trains running.

Maximum working current.

Maximum working pressure.

Maximum current from the rails to generator.

Maximum current from the metal tube to generator.

Leakage current (*vide* Regulation 11).

Fall of potential in return (*vide* Regulation 9).

**Regulations**  

---

*Monthly Records.*

Maximum difference of potential between rails and metal tube (*vide* Regulation 8).

*Occasional Records.*

Localisation and removal of leakage, stating time occupied.

Particulars of any abnormal occurrence affecting the electric working of the railway.

Signed by order of the Board of Trade this       day of       , 19   .

Assistant Secretary, Board of Trade.

NOTE.—These Regulations only apply to railways constructed underground in metal-lined tunnels.

---



## RECOMMENDATIONS

IN REPORT OF THE JOINT COMMITTEE OF THE  
HOUSE OF LORDS AND HOUSE OF COMMONS,  
PRESIDED OVER BY VISCOUNT CROSS, ON  
ELECTRIC POWERS (PROTECTIVE CLAUSES),  
1893 (a).

After referring to the evidence given and the parties represented, the Report proceeds as follows :

Report of  
Joint Committee on  
Protective  
Clauses, 1893.

"The Committee have heard all the witnesses tendered by the several parties, and have agreed upon the following clause, to be inserted in all Bills and Provisional Orders which authorise the undertakers, other than electric lighting undertakers, to use large electric currents, viz. :

### " CLAUSE

"To be inserted in all Bills and Provisional Orders which authorise any company, corporation, or person, collectively referred to as 'the undertakers,' to use larger electric currents for other than electric lighting purposes.

Clauses  
suggested  
by Joint  
Committee  
of 1893.

*"(Some modifications of Form may be required to meet the circumstances of particular cases.)*

"(1) The undertakers shall, in the use of electric power under the provisions of this Act [Order], employ either insulated returns or uninsulated metallic returns of low resistance. [This clause not to apply in the case of railways, tramways or tramroads in which the motive power is entirely self-contained.]

"(2) The undertakers shall take all reasonable precautions in constructing, placing, and maintaining their electric lines and circuits, and other works of all descriptions, and also in working their undertaking so as not injuriously to affect, by fusion or electrolytic action, any gas or water pipes, or other metallic pipes, structures, or substances.

"(3) The exercise of the powers by this Act [Order] conferred with respect to the use of electric power, shall be subject to the regulations set forth in the Schedule to this Act [Order], and to any regulations which may be added thereto or substituted therefor, respectively, by any order which the Board of Trade

---

(a) Parliamentary Paper (No. 331 of 1893), see *ante*, pp. 490, 491.

Recom-  
mendations.

may, and which they are hereby empowered to make from time to time, as or when they may think fit, for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance, for preventing fusion or injurious electrolytic action of or on gas or water pipes, or other metallic pipes, structures, or substances, and for minimising, as far as is reasonably practicable, injurious interference with the electric wires, lines, and apparatus of other parties and the currents therein, whether such lines do or do not use the earth as a return.

“(4) The undertakers using electric power contrary to the provisions of this Act [Order], or to any of the regulations set forth in the Schedule to this Act [Order], or to any regulation added thereto or substituted therefor by any Order made by the Board of Trade under the authority of this Act [Order], shall, for every such offence be subject to a penalty not exceeding *ten* pounds, and also in the case of a continuing offence to a further penalty not exceeding *five* pounds for every day during which such offence continues after conviction thereof: Provided always, that, whether any such penalty has been recovered or not, the Board of Trade, in case in their opinion the undertakers in the use of electric power under the authority of this Act [Order] have made default in complying with the provisions of this Act [Order], or with any of the regulations set forth in the Schedule to this Act [Order], or with any regulation which may have been added thereto or substituted therefor as aforesaid, may by order direct the undertakers to cease to use electric power, and thereupon the undertakers shall cease to use electric power, and shall not again use the same, unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

“(5) The undertakers shall take all reasonable and proper precautions in constructing, placing, and maintaining their electric lines, circuits, and other works, of any description, and in using their electric lines, circuits, and other works so as not injuriously to interfere with the working of any wire, line, or apparatus, from time to time used for the purpose of transmitting electric power, or of telegraphic, telephonic, or electric signalling communication, or the currents in such wire, line, or apparatus. Provided always that the undertakers shall be deemed to take all such reasonable and proper precautions as aforesaid, if and so long as they adopt and employ, at the option of the undertakers, either such insulated returns or such uninsulated metallic returns of low resistance, and such other means of preventing injurious interference with the electric wires, lines, and apparatus of other parties, and the currents therein, as the Board of Trade shall direct, and in giving such

directions the Board shall have regard to the expense involved, and to the effect thereof upon the commercial prospects of the undertaking. Provided also that at the expiration of        years from the passing of this Act [Order] nothing in this sub-section shall operate to give any right of action in respect of, or to protect any electric wires, lines, 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, including the use of an insulated return, have been taken to prevent injurious interference therewith, and with the currents therein, by or from other electric currents. If any difference arises between the undertakers and any other party with respect to anything in this sub-section contained, such difference shall, unless the parties otherwise agree, be determined by the Board of Trade, or at the option of the Board by an arbitrator to be appointed by the Board; and the costs of such determination shall be in the discretion of the Board, or of the arbitrator, as the case may be.

Recom-  
mendations.

"(6) Nothing in this section shall apply to the use of any electric line, circuit, or work of any company, corporation, or person authorised by Act of Parliament, or Provisional Order confirmed by Parliament, to supply energy for electric lighting purposes, so far as such use is limited to such purposes" (*b*).

The Joint Committee also agreed upon the following resolutions in the nature of recommendations:

Recom-  
mendations  
of Joint  
Committee  
of 1893.

"(1) The Committee, having regard to the evidence before them, are of opinion that it is not in the present state of electrical science to the interest of the public to insist upon electrical tramways using an insulated return conductor, and that such insistence would retard the development of electric traction.

"(2) The chief objections which have been urged before the Committee to an uninsulated return conductor are, first, the interference by leakage and induction with telephones; secondly, the interference by leakage and induction with railway signals; thirdly, the damage to systems of gas and water pipes by the action of leakage currents.

"(3) They are of opinion that the best known means of overcoming the first of these disturbances, is by providing an insulated return conductor for the telephones, and they have the less hesitation in recommending this course as the evidence shows that telephone construction is already tending in this direction, and that better results are secured to the public by the use of a twisted metallic circuit insulated entirely from the earth.

(*b*) For the form of the Model Clause as now in use, see *ante*, p. 507.

**Recommendations.**

"(4) The second objection deserves serious consideration on account of the danger to the public, but the Committee are of opinion that the disturbance may be remedied at comparatively small expense by the adoption of an insulated metallic return by the railway companies.

"(5) They consider that, although electric tramway and electric railway companies should be allowed to use the wheels of carriages and the rails to complete the electric circuit, the currents should be produced and used in such a manner as to mitigate as far as is practicable any injurious effect to telephonic communication.

"(6) The Committee are of opinion that it is desirable in every way to facilitate the use of complete insulated metallic circuits for telephones, and for this end they recommend that statutory powers be granted enabling telephone undertakers to lay their wires underground.

"(7) The danger from fusion or electrolytic action appears to the Committee to have arisen from a faulty system of constructing electric tramways, and they are of opinion that it can be reduced by improved methods of construction so as to be practically negligible.

"(8) The Committee therefore recommend that the Board of Trade shall, in virtue of the powers to be conferred upon them by each Act or Order, make regulations to secure the best system of working electric tramways and railways, having regard to the expense involved by the carrying out of such regulations, and to the effect thereof upon the commercial prospects of the undertaking. The regulations to provide, *inter alia*,—

"(a) That a return conductor, if in contact with the ground, shall be of such section and resistance as to have no difference of potential sufficient to set up injurious leakage currents in the earth.

"(b) That, both with regard to the structure of the line and to the method of generation and use of the electrical current, everything shall be maintained up to the standard required by the Board of Trade; but, if the regulations are altered after the use of electric power on the line has been sanctioned, the undertakers shall not be required to alter the structure or method of working of the line to conform to the more recent regulations, except for the public safety, or unless it shall be proved to the satisfaction of the Board of Trade that any system of metallic pipes or structures is being substantially injured by the action of electricity escaping from the conductors, or for purposes other than public safety or injury to pipes or structures which the Board may think right, provided that the alterations do not in such last case cause substantial additional expenditure.

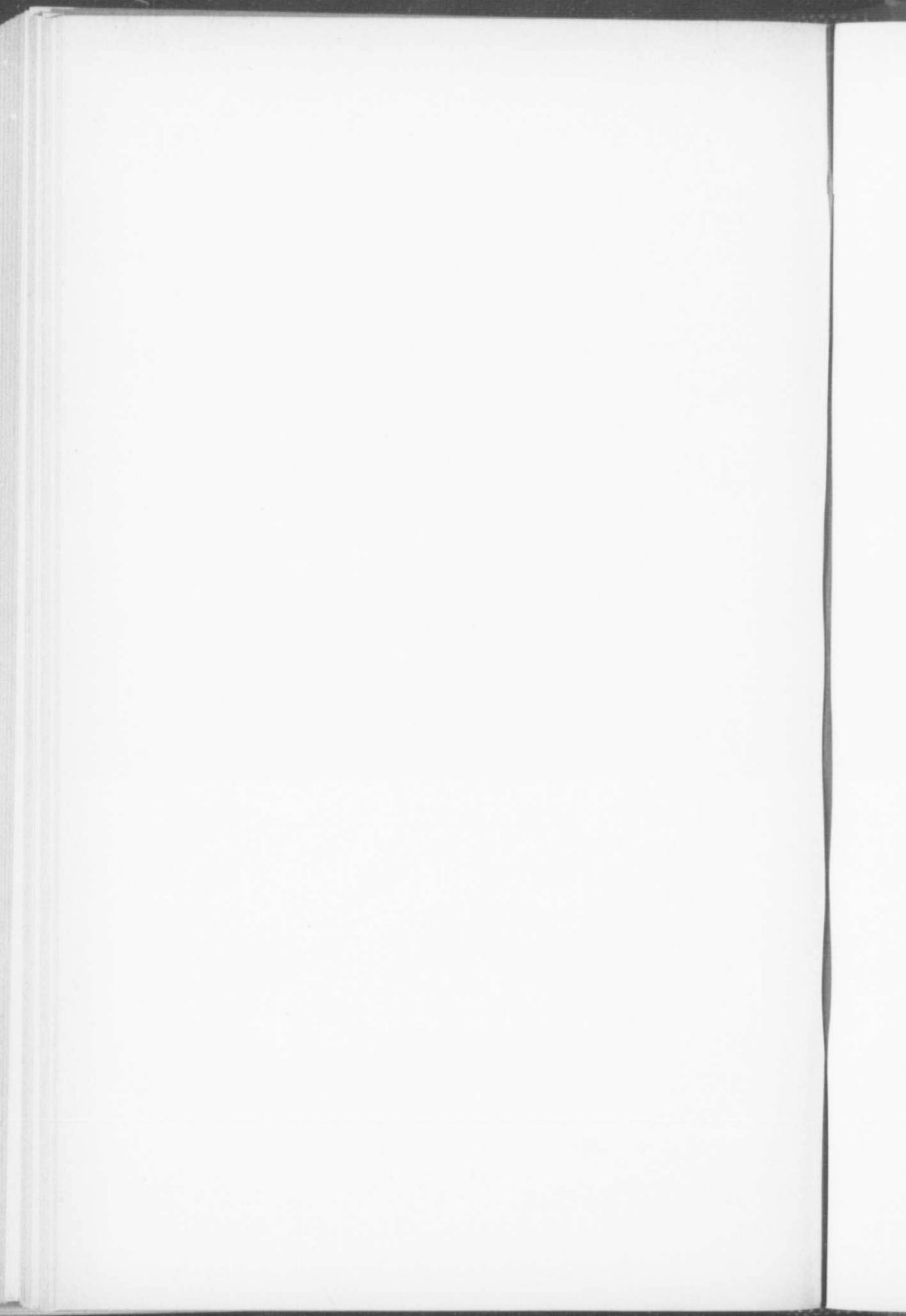
“(c) That all such electrical tests shall be applied to the line by the undertakers as the Board of Trade may think necessary, and that a record of these tests shall be kept for the information of the Board of Trade. Recom-  
mendations.

“(d) That the Board of Trade shall have all reasonable facilities for making any tests they may think necessary, in addition to those recorded by the undertakers to enable them to ensure the maintenance of satisfactory conditions.

“(9) That the Committee regards with apprehension a large extension of the system of overhead wires in crowded centres.

“(10) It appears to the Committee to be just that undertakers proposing to use large currents should be required to give ample notice to those using small currents to enable them to protect themselves by insulation, and that with this view, and in reference to the clause agreed upon, a period of two years may fairly be allowed to telephone and telegraph companies from the date of the passing of any Act [Order].”

---



## ELECTRIC RAILWAY CASES.

The Electric Railway Act, R. S. O. 1897, Ch. 209, confers power upon Electric Railway Companies to purchase land, construct railways, erect power houses and other necessary buildings to produce electricity and lease or sell electricity not required for the railway and to convey persons and goods to construct an electric telegraph and telephone line in connection with the railway and power under the Telegraph Companies Act R. S. O. 1897, Ch. 192, is given to the Electric Railway for the purpose of constructing working and protecting their own line.

*Speed to be reduced near Crossing*

Motor men should shut off power at a certain distance before reaching a crossing, and failure to do so is a question of negligence for a jury (*Brenner v. Toronto R. W. Company* (1906), 13 O. L. R. 423; (1908) 40 S. C. R. 540).

*Over-crowding*

The plaintiff when travelling by a train of the defendants' was forced by over-crowding to resort to the platform outside one of the cars, and for better protection sat down on the second step, and while so sitting was thrust out by a swerve of the train, which made the people standing on the platform press up against him suddenly. This caused him to lose his balance, and one of his legs protruding was struck by some fixture on the track and he sustained injuries. *Held*, that the defendants were liable (*Burriss v. Pere Marquette R. W. Company* (1904), 9 O. L. R. 259. But see *Simpson v. Toronto and York Radial R. W. Company* (1907), 16 O. L. R. 31).

The plaintiff was travelling on a car of the defendants' railway. The car was over-crowded. The plaintiff desired to alight and the conductor signalled to stop, which was done. Before the plaintiff could alight someone, a passenger, signalled to go on, and in the starting plaintiff was injured. It was held by the Divisional Court that the question of negligence was one for the jury, and should not have been withdrawn (*Haigh v. Toronto R. W. Company* (1910), 21 O. L. R. 601, and see *Nichols v. Lynn and Boston R. R. Company* (1897),

168 Mass. 528. *North Chicago Street R. W. Company v. Cook*, 145 Ill. 551. *Breuner v. Toronto R. W. Company* (1907), 15 O. L. R. 195. *Woolsey v. Canadian Northern R. W. Company* (1908), 11 O. W. R. 1030).

*Power of Railway and Municipal Board to make Orders and Regulations*

The Ontario Railway and Municipal Board has power under Sections 63 and 64 of the Ontario Railway and Municipal Board Act, 1906, to make an order requiring the Toronto Railway Company to repair, renew, and restore to a suitable and satisfactory condition the tracks and superstructures in use upon a certain street in the city of Toronto formerly in the town of Toronto junction over which the company operated its tracks; and there was jurisdiction to make the order notwithstanding the absence from the record of Toronto Suburban Street Railway Company.

The Toronto Railway Company is a street railway within section 2 (21) of the Ontario Railway Act, 1906, and section 164, which provides for the case of a railway becoming dangerous from lack of repairs or renewals, applies to street railways; and the Board has power under that Act to deal with such a situation that is of danger to the public independently of the agreements between the Municipality and the Railway Company (*Re City of West Toronto and Toronto R. W. Company* (1911), 25 O. L. R. 9).

Under an agreement made between two municipalities and confirmed by the Statute 8 Edw. VII. Ch. 80 (O), an Act respecting the city of Fort William, one of the municipalities was on payment of the amount of the award to become the owner of a part of an electric railway which theretofore had been owned by the other although operated in both municipalities, and the whole road was to be operated and managed by a Board of the Commissioners constituted in the manner provided for in the Statute and agreement. The amount awarded having been paid to the appellants, a Board of Commissioners who had been operating the railway for the municipality which owned it retaining control, management, and possession of the railway, and refusing to permit compliance with the provisions of the agreement and enactment in regard to its operation and management, the Ontario Railway and Municipal Board was applied to, and such compliance was enforced by its order.

*Held*, that the Board did not thereby exceed the power conferred upon it by the Ontario Railway and Municipal Act, 1906 (*Re Port Arthur Electric Street Railway* (1909), 18 O. L. R. 376).



*When Special Act may prevail over the Electric Railway*

Section 9 of the special Act, 1 Edw. VII. Ch. 92 (O), incorporating the defendant company, enacted that the provisional directors may agree to pay for the services of persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking or for the purchase of the right of way, and any agreement so made shall be binding on the company.

*Held*, that the express language of the special Act prevails over the general provision s. 44 of the Electric Railway Act, R. S. O. 1897, Ch. 209, all the clauses of which except so far as inconsistent, were by section 12 of the special Act incorporated with and deemed to be part of the special Act, and therefore the provisional directors had power to bind the company by making the contract sought to be enforced (*Setkirk v. Windsor Essex and Lake Shore Rapid R. W. Company* (1910), 21 O. L. R. 109).

*Control over Service of Toronto Railway Company by City Engineer*

The rule as to stopping places on the Toronto Railway Company and the speed and service is to be determined by the city engineer and approved by the city council (*The Corporation of the City of Toronto v. The Toronto Railway Company* (1906), 12 O. L. R. 534, 11 O. L. R. (1905), 103).

*Special Care required of Electric Railway Companies*

"When a person or corporation is permitted to operate a dangerous vehicle upon a highway, that permission carries with it a corresponding duty of great care and watchfulness to avoid injury to others using the highway. The user of the highway for rapid transit purposes, though lawful and expressly sanctioned by the Legislature, is nevertheless so perilous to the wayfarer that those in charge of the rapidly moving vehicle ought at all times to watch for the unwary and negligent foot passenger, and they cannot escape from this duty by asserting that they did not in fact perceive the plaintiff's danger." Per Middleton, J. (*Jones v. Toronto and York R. W. Company* (1911), 23 O. L. R. 331; and see *Rice v. Toronto R. W. Company* (1910), 22 O. L. R. 446; *Burman v. Ottawa Electric R. W. Company* (1910), 21 O. L. R. 446; *Jones v. Toronto and York Radial R. W. Company* (1910), 21 O. L. R. 421).

An indictment alleged that defendants neglected to take reasonable care and precaution to avoid endangering the lives and safety of the public. *Held*, that the indictment was good and a conviction of the defendants was properly sustainable on the evidence (*The King v. The Toronto R. W. Company* (1905), 10 O. L. R. 26).

*Fender in Front of Car*

By the Statute 1 Edw. VII. Ch. 25, s. 1 (O),<sup>1</sup> an Act to amend the Street Railway Act, it is provided that a street railway company, when operating any portion of their line by means of electricity, shall use "in the front of each motor car a fender." *Held*, that what is meant by the front of the car is that end of it which when the car is in motion is the furthest forward in the sense that it would first meet a person or an object moving in the opposite direction; and the defendants operating a car for a distance of twelve hundred feet with the fender at the back instead of the front, as so defined, were liable to the penalty prescribed by the Statute (*City of Toronto v. Toronto R. W. Company* (1905), 10 O. L. R. 730).

*Use of Gong*

By one of the regulations forming part of the agreement between the corporation of the City of Ottawa and the Ottawa Electric R. W. Company validated by 57 Vict. Ch. 76 (O) under which the defendants operated their cars on the city's highways, it was provided that each car was to be supplied with a gong to be sounded by the driver when the car approached to within fifty feet of each crossing. The plaintiff was aware that it was the usual practice to sound the gong at crossings and he expected it to be done.

In an action brought by the plaintiff against the Ottawa Electric R. W. Company for damages for injuries sustained, it was held that failure to comply with the precaution of sounding the gong on approaching a crossing was evidence of negligence in the conduct of the car and the question of whether the gong was sounded was for the jury (*Wallingford v. Ottawa Electric R. W. Company* (1907), 14 O. L. R. 382).

The plaintiff, a cyclist, was riding between the tracks and behind a southbound car on the defendants' railway. The car stopped. The plaintiff's course was to turn to the right if he wished to go on. That course was barred to him by reason of the defendants having banked it up with snow and so created a situation of danger. The plaintiff turned to the left and was injured by a northbound car. The question of whether the northbound car sounded the gong or not and whether the plaintiff contributed to his own injury were held to be for the jury (*Preston v. Toronto R. W. Company* (1906), 13 O. L. R. 369).

Failure to sound gong and reduce speed on the approach of another tram is negligence (*Winnipeg Electric Street R. W. Company v. Bell* (1906), 15 Manitoba Reports 338, 37 S. C. R. 515; *Montreal Street R. W. Company v. Deslongchamps* (1906), 37 S. C. R. 685).

On a dark night in or near a village and on a public highway it is

<sup>1</sup> Amended by 3 Edw. VII. c. 77.

necessary to give warning of the approach of an electric car (*Ford v. Metropolitan Railway Company* (1902), 4 O. L. R. 29; and see *O'Hearn v. Town of Port Arthur* (1902), 4 O. L. R. 209).

#### *Assessment of Plant*

Although a Street Railway Company is operated as a continuous system through all the wards of a city, the portion of the rails, poles, and wires in each ward must be assessed in that ward, and in making the assessment the rails, poles and wires must be treated as material situate in the ward and not as necessary portions of a going concern operated in several wards (*In re London Street Railway Company Assessment* (1900), 27 O. A. R. 83; and see *Bell Telephone Company v. City of Hamilton* (1898), 25 O. A. R. 351). The rails, poles, and wires of the Toronto R. W. Company are subject to assessment (*In re Toronto R. W. Company Assessment* (1898), 25 O. A. R. 135).

#### *Duty of Motorman to use Care*

The motorman of an electric car is not necessarily guilty of negligence because he does not at once stop the car at the first notice that a horse is being frightened either at the car or at something else. All that can be expected is that the motorman shall proceed carefully, and it is in each case a question whether that had been done (*Robinson v. Toronto Ry. Company* (1901), 2 O. L. R. 18; and see *Myers v. Brantford Street R. W. Company* (1900), 27 O. A. R. 513).

The plaintiff, who was driving a carriage with a pair of horses, stopped near a railway crossing to allow a train to pass. An electric car of the defendants coming in the opposite direction stopped on the other side of the railway crossing for the same reason. The plaintiff's horses were frightened by the train and became restive, and after the train passed the plaintiff waved his hand to the motorman of the electric car as a signal, as he contended, not to start the car. The horses were apparently under control and the motorman started the car, when the horses became frightened again and ran away. *Held*, that as the plaintiff's signal was ambiguous, and as there was apparently no danger the motorman could not be said to have been guilty of negligence, and therefore the defendants were not liable (*Myers v. Brantford Street Railway* (1900), 27 Ont. App. Reps. 513).

#### *Excessive Speed*

Excessive speed constitutes negligence in an Electric Railway Company (*Toronto Railway Company v. Mulrany* (1907), 38 S. C. R. 327).

Although a street railway may be permitted by its Charter to run its cars on the public streets at high rates of speed, it is not therefore relieved from the duty of exercising proper care to prevent accidents (*Lines v. Winnipeg Electric Street Railway Company* (1896), 11 Man. L. R. 77).

When a car was on a down grade and going at an excessive speed it was incumbent on the servants of the company to exercise a very high degree of skill and care in order to control it if danger was threatened to anyone on the highway (*Halifax Electric Tramway Company v. Inglis* (1900), 32 N. S. Rep. 117, 30 S. C. R. 256).

#### *Negligence of Tramway Companies*

(*Morton v. British Columbia Electric Ry. Company* (1910), 15 B. C. R. 187; *Winter v. British Columbia Electric Ry. Company* (1908), 15 B. C. R. 81; *Dynes v. British Columbia Ry. Company* (1910), 15 B. C. R. 429.)

As to what constitutes negligence when a car is running backwards see *Balfour v. Toronto R. W. Company* (1903), 5 O. L. R. 735.

#### *Negligence of Conductor*

(*Dawdy v. Hamilton, Grimsby and Beamsville Electric R. W. Company* (1902), 5 O. L. R. 92; and see *Sydney and Glace Bay Railway Company v. Lott* (1909), 41 N. S. 153; 42 S. C. R. 220; *Rowan v. Toronto Railway Company (Negligence)* (1899), 29 S. C. R. 717.)

The tracks of a street railway are on a public highway which all have the right to use. Therefore, though entitled to the right of way over these tracks, a street railway company is from the fact of the tracks being on a street under the obligation in running its cars to exercise much greater care in guarding against accidents to people on its tracks than would be case of a trunk railway company, whose tracks are on its own private right of way over which others have no right to travel (*Seymour v. Winnipeg Electric Railway Company* (1910), 19 Man. L. R. 412; *Hill v. Winnipeg Electric Ry. Co.* (1911), 21 M. L. R. 442; *Shondra v. Winnipeg Electric Ry. Co.* (1911), 21 M. L. R. 622).

It may be stated generally that the escape of electricity from wires suspended over streets through any other wire that may come in contact with them must be prevented so far as it can be done by the exercise of reasonable care and diligence. The escape of electricity from broken telephone wires to trolley wire of a tramway should be prevented by guards erected by the tramway company (*Hinman v. Winnipeg Electric Railway Company* (1906), 16 Man. L. R. 16; *Royal Electric Company v. Hébert*, 32 S. C. R. 462 followed).

In compliance with an order made by the Ontario Railway and Municipal Board, the front platforms of the defendants' cars were enclosed by a vestibule having a swing door fastened by a spring lock inside. The plaintiff attempted to enter the car by that door and was injured in doing so. *Held*, no negligence on part of defendants (*McGraw v. Toronto R. W. Company* (1901), 18 O. L. R. 154; and see *London Street Railway Company v. Brown* (1901), 2 O. L. R. 53; 31 S. C. R. 642).

The motorman of an electric car may be a "person who has charge or control" within the meaning of s. 3 of the Workmen's Compensation Act, R. S. O. (1897), Ch. 160, and if he negligently allows an open car to come in contact with a passing vehicle whereby the conductor, who is standing on the side in discharge of his duty, is struck and injured, the electric company is liable in damage for such injuries (*Toronto Railway Company v. Snell*, 27 O. A. R. 151, affirmed by S. C. (1901), 31 S. C. R. 241).

#### *American Cases on Electric Railway*

While the right of a street railway to that part of the street on which its tracks are laid is not an exclusive one, yet the rights are superior to those of the general public, except at street crossings, when the rights of both are equal (*Farnsworth v. Tampa Electric Co.* (1912), 57 So. 233).

So long as common user of the streets exists in the public, it is the duty of a street railway company to exercise such watchful care as will prevent accidents or injury to persons who, without negligence on their own part, may not at the moment be able to get out of the way of a passing car (*Seib Central Pennsylvania Traction Co.* (1911), 47 Pa. Super. Ct. 228).

A street car motorman is bound to keep a vigilant watch for persons who may be on the tracks, and to exercise ordinary care by looking out for persons driving on the track in front of the car (*St. Louis Carbonating and Mfg. Company v. United Railways Co. of St. Louis* (1911), 141 S. W. 904).

A street railroad does not have the exclusive right to its part of the street, but must keep a constant look-out for a clear track and have its car under reasonable control (*Payne v. Waterloo C. F. & N. Ry. Co.* (1911), 133 N. W. 781).

A street railway is required to lessen the speed of its car at street crossings and give notice of their approach (*Louisville Railroad Co. v. Sheehan's Administratrix* (1912), 142 S. W. 221, 146 Ky. 168).

Motormen in charge of street cars must use care to prevent injury to persons and property with which cars are likely to come in contact,

and such care must be proportional to the danger incident to the operation of the cars and the duty is a general one resting on the motorman at all times and under all circumstances (*Indianapolis Traction and Terminal Company v. Croly* (1911), 96 N. E. 973).

A motorman is bound to keep a look-out for one prone as well as one erect on the track (*Birmingham Railway Light and Power Company v. Fuqua* (1911), 56 So. 578).

A street railway company owes the same duty to use ordinary care to avoid personal injury to others and is subject to the same liability for failure to do so as other private corporations and individuals in absence of express or implied statutory limitation (*Cockburn v. Connecticut Company* (1911), 81 A. 241; 81 Conn. 654).

# INDEX.

---

## A.

### ABOVE-GROUND ELECTRIC LINES, 6, 19, 20.

*See also* OVERHEAD WIRES.

of unauthorised undertakers, 6.  
in London, 38.  
under Power Acts, 52.

### ABOVE-GROUND WORKS, 6, 19, 20.

*See also* OVERHEAD WIRES.

of unauthorised undertakers, 6.

provisions of Electric Lighting Act, 1882—

undertakers not to place any electric lines above-ground, along, over,  
or across any street without express consent of local authority, 19,  
20, 98, 99.

local authority may require undertakers to remove, where placed  
contrary to s. 14 of Act of 1882, 99.

local authority may themselves remove and recover expenses, 99.

court of summary jurisdiction may order removal notwithstanding  
consent of local authority, 99, 100.

action by householder for injunction, 99, 100.

special provisions in the special Acts of various municipal corporations  
authorising removal of unauthorised, 100.

London Overhead Wires Act, 1891, 6, 43, 251.

the Act set out, 251.

*See more fully under* LONDON OVERHEAD WIRES ACT, 1891.

byelaws made by London County Council under, 440.

under Power Acts, 52.

in London Orders consent of County Council and Board of Trade  
required, 38, 43, 156.

provisions of Electric Lighting (Clauses) Act, 1899, 156.

undertakers not to place any electric line above-ground except with  
express consent of the Board of Trade and local authority, 156.  
except where premises in sole occupation or control of under-  
takers, 156.

so much of any service line necessarily so placed for  
the purposes of supply, 156.

Board of Trade regulations regarding overhead lines, 369, 385, 389.  
overhead lines—

definition of, in Board of Trade Regulations, 364, 387.

factors of safety, 385, 390.

maximum interval between supports, 385, 390.

construction and erection of supports, 385, 390.

attachment of overhead lines, 385, 389.

height from ground, 385, 389.

service lines from, 386, 390.

angle of crossing thoroughfares, 386, 390.

crossing or in proximity to metallic substance, 386, 390.

maintenance, 386, 390.

disused aerial lines to be removed, 386, 391.

three-wire system, 367, 385, 391.

supply from two-wire system, 386, 390.

## INDEX.

### ABOVE-GROUND WORKS—*continued.*

- extra-high pressure lines, 380.
- removal of, where used contrary to regulations of Board of Trade, 140.
- Power Acts provide that consent of rural district council to, shall not be  
    "unreasonably withheld, 52.
- powers of Board of Trade, 52.

### ACCIDENTALLY DAMAGING

- undertakers' pipes, etc., satisfaction to be made for, 223.

### ACCIDENT, INEVITABLE,

- defence to proceedings for failure to supply, 181, 182.

### ACCIDENTS, 31, 60.

- liability of undertakers for, 31, 202.
- provisions of Electric Lighting (Clauses) Act, 1899, 31, 181, 185, 186, 202.
- when default caused by "inevitable accident" or *force majeure* will  
        excuse penalty, 181.
- what is "inevitable accident," 182.
- notice to Board of Trade of accident by explosion or fire, or other  
        accident causing, or likely to have caused, loss of life or  
        personal injury, 31, 185.
- penalty for default, 186.
- inquiry by Board of Trade, 186.
- accidentally breaking or damaging pipe, pillar or lamp of under-  
        takers, 223.
- provisions of Board of Trade Regulations—
  - accidents by explosion or fire, etc., to be reported to Board of Trade,  
        penalty for default, 374. 369, 389.
- provisions of Notice of Accidents Acts, 1894 and 1906—
  - notice to Board of Trade of, and inquiry into accidents in certain  
        employments and industries, 60, 186.
- provisions of London Overhead Wires Act, 1891—
  - liability for accidents, 43, 255.

### ACCOUNTS, 30.

- of borough councils in London must deal separately with supply of  
    electric fittings, 265.
- provisions of Electric Lighting Act, 1882, 87.
- amended by Electric Lighting Act, 1909, 238.
- form of, prescribed by Board of Trade for local authorities, 396.  
        for companies, 404.
- audit of, in the case of local authorities, 87, 126—133.  
    companies, 87, 152, 153.
- provisions of Power Acts, 56.
- s. 9 of Act of 1882 as to accounts generally incorporated, 56.
- s. 6 of Schedule to Act of 1899 as to audit also incorporated, 56.

### ACCUMULATORS

- and other fittings and works of undertakers not subject to distress, etc.,  
    of undertakers, power to enter premises to remove, 110. 110, 111.
- electric accumulator works certified to be dangerous or injurious to health  
    under Factory and Workshop Act, 1901, 61.
- special regulations issued in regard to, 61.

### ACQUISITION

- of authorised undertakings by power companies, 57.
- land, compulsory, for generating stations, 228, 229, 344.
- under Railways (Electrical Power) Act, 1903, 500.

### ADDRESS

- and description of applicants for a Provisional Order, etc., 344.
- See NOTICE.



## INDEX.

### ADJUSTMENT

- of local authorities' areas of supply in London, 259.
- company's and local authority's areas of supply in London, 259.

### ADMIRALTY,

- protection of, under London Electric Supply Act, 1908, 284.
- London Electric Supply Companies Act, 1908, 302.

### ADVANCES TO LONDON UNDERTAKINGS

- by London County Council after notice to purchase, 41, 288—290.

### ADVERTISEMENT

- of application to Board of Trade for—
  - consent to supply railways, tramways, etc., 233.
  - licence or Order (Act of 1882, s. 3 (5), and ss. 4, 6), 11, 74, 344.
- Provisional Order by which it is proposed to acquire land for generating station, 228, 229.
- intention to construct generating station on land purchased by agreement, 229, 230.
- of Board of Trade to authorise supply in bulk by order, 232.
- intended application for Provisional Order, 12, 344.
- Board of Trade rules requiring public advertisements, 344.

### AERIAL LINES,

- See* ABOVE-GROUND WORKS AND OVERHEAD WIRES.

### AGREEMENT

- as to price of supply, 25.
- for mutual assistance by undertakers in London, 42, 268, 296.
- maximum prices for power supplied under, 42.
- under Power Acts to take over authorised undertakings, 49, 57.
- construction of generating stations on land acquired by, 229, 230.
- to transfer part of area of supply in London, 260.
- between companies in London to supply electricity for street lighting, 260.
- no power given by Electric Lighting Acts, 1882 and 1888, to take land except by, 96.
- See further, LAND.*
- laying electric line under special, 175.
- charges by, 183.
- between Postmaster-General and electric lighting company, as to use of trenches, tubes, pipes, etc., 91.
- for supply of electricity exempt from stamp duty, 241.

### ALTERED AREAS

- in London, map of, 262.

### ALTERATION OF PIPES AND WIRES,

- undertakers may alter position of pipes and wires under street, etc., which interfere with exercise of their powers, 18, 19, 101, 167—170.
- conditions under which this may be done, 101, 167.
- compensation and arbitration, 101, 162.
- elaborate provisions regarding the exercise of this power in Schedule to Act of 1899, 167—170.
- notice, plan, arbitration, etc., 167—170.
- penalty on undertakers, 169, 170.
- provision for cases of emergency, 169, 170.
- provisions of Light Railway Orders as to, 102.
- Tramway Acts and Orders as to, 101, 102.

### ALTERATION OF PRICE OR METHOD OF CHARGE,

- after expiration of every period of five years, 24, 25, 182, 183.
- in Power Acts, 55.

## INDEX.

ALTERATION OF STANDARD PRESSURE. *See* PRESSURE.

AMPERE, 25.

standard of electrical current, defined by Order in Council, 25, 414, 415.  
limits of accuracy attainable in use of ampère standard, 415.

ANGLE

of overhead line crossing thoroughfares, 386, 390.

APPARATUS. *See* FITTINGS.

APPEAL

from register of meter, 25.

to Board of Trade. *See* BOARD OF TRADE.

APPLICATION

to Board of Trade for licence or order, 7, 9—14, 77—79, 344, 356.

Board of Trade authorised to make, and when made, rescind, alter, or  
repeal rules regarding, 79.

rules must be laid before Parliament, 79.

rules now in force, 344 *et seq.*

for orders or licences must be made by memorial to Board of Trade,  
procedure thereupon, 344 *et seq.*, 356 *et seq.*

dates and periods to be observed, 11—13, 344, 356.

to Board of Trade for consent to break up private streets, etc., 97, 98, 361.  
of revenue by local authority, 153.

capital moneys, 154.

Act of 1882 to Scotland, provision for, 124.

to Ireland, 125.

and recovery of penalties, 201.

APPLICATIONS FOR PROVISIONAL ORDERS,

rules governing, 344, 355.

ARBITRATION, 19, 32, 55, 119.

list of the various matters required to be determined by, under the  
Electric Lighting Acts, 121.

as to terms of supply by power company, 55.

where any matter is to be determined by arbitration, Board of Trade to  
appoint an engineer or other fit person, 119.

Board of Trade Arbitrations, etc., Act, 1874, 119.

Board of Trade inquiry, expenses of arbitration, etc., 119.

in altering position of pipes or wires under streets authorised to be broken  
up, 101.

when undertakers' wires interfere with docks, basins, or other works on  
land adjoining canal, 102.

to determine compensation for damage done by undertakers, 103.

where lamp or burner used which unduly or improperly interferes with  
supply to other consumers, 104.

where difficulties arise between undertakers and the Postmaster-General,  
113.

as to value of undertaking on transfer by a company to a local authority,  
135.

in connection with works in streets not repairable by local authority or  
county council, 162, 163.

any railway, tramway, or canal, 162, 163.

the last-mentioned works, requisition, etc., 163.

when altering the position of pipes or wires under streets which interfere  
with undertakers' powers, 167, 168.

digging trench for laying main lines near sewer, drain, watercourse,  
etc. or gas, water, or electric company's pipes, 170, 171.

## INDEX.

### ARBITRATION—*continued*.

- where telegraphic or telephonic lines are injuriously affected by induction or otherwise, 173, 174.
- in regard to requisition served by owners of any such telegraphic, telephonic, etc. wires or lines, 173, 174.
- as to guarantee where undertakers served with requisition to lay distributing mains, 177.
- as to requisition by undertakers requiring supply to be taken for longer period than three years, 176, 177.
- where difference arises as to any improper use of energy or alleged defect in lines, fittings, or apparatus of consumers, 179.
- as to maximum power which a consumer may require to be supplied, 180.
- price of supply to public lamps, 184.
- number of testing stations to be established, distance from main, etc., 187.
- value of undertaking of a company where order revoked and local authority requires them to sell, 196.
- expense of removing undertakers' works by local authority where company's order is revoked, 197.

### ARBITRATORS

- to be nominated by Board of Trade, 32.

### ARCHES

- of railways not to be injured, 173.

### ARC LAMPS, 366.

- to be guarded, 373.
- height from the ground, 373.
- penalties, 374.

### AREA

- through which connecting mains of local authorities are laid, may require a supply, 272.

### AREA OF SUPPLY, 5, 6, 16.

- authorised undertakers confined to, 5, 9, 10, 149.
- unauthorised undertakers may not commence supply in, 6.
- purchase of works by local authorities outside, 10.
- joint exercise of powers within two, 10.
- power to break up roads within, 16.
  - beyond, 151, 230.
- supply to premises outside, 24, 234, 340.
  - of electricity in bulk outside, 36.
  - form of consent by Board of Trade, 340.
- defined in Electric Lighting Act, 1909, 244.
  - London Electric Lighting Areas Act, 1904, 263.
  - London (Etc.) Electric Supply Companies Act, 1908, 296.
- Act of 1882, s. 6, requires limits to be defined in order or licence, 74, 80.
- rules of the Board of Trade regarding description of, 349.
- definition of, in Act of 1899, 149.
- prohibition of supply beyond, 5, 149.
- revocation for contravention, 149.
  - exceptions, 149, 150, 234.
- orders in favour of local authorities under Electric Lighting Act, 1909, 149, 233.
  - other undertakers under Electric Lighting Act, 1909, 149, 150, 233.
- map of, 193.
- transfer of, in London, 40, 259.
- of local authorities in London, adjusted, 259.
- altered, in London, map of, 262.
- laying mains beyond, in London, 42.
- supply of power to railways, tramways, etc. in London, partly outside,  
*See also* BOARD OF TRADE REGULATIONS ; STREETS. 274, 299.

## INDEX.

### ARREARS

- entitle undertaker to refuse to supply, 241.
  - even when in respect of other premises, 241.
- due by consumer, not recoverable from incoming tenant, 224, 225.
- security may be required for, before giving or after commencing to give supply, 179, 180.

### ARTICLES OF ASSOCIATION

- must be deposited by company applying for Provisional Order, 352.

### ASSIGNMENT OF POWERS. *See further, TRANSFER.*

- of undertakers under Provisional Order, etc. not to be made unless provided for in Order, 93.
- provisions in London Orders and Acts regarding purchase by local authority, 139, 285, 301, 304.
- of powers of company to local authority under Act of 1888, 119, 135.
  - after revocation, 196.
- arbitration to settle price, 135.

### ASSISTANCE, MUTUAL

- agreement for, between London undertakings, 42.
- between London undertakers, 268—274, 296—299.
- as between borough councils in London, 301.

### ASSOCIATION

- of undertakers for purposes of a supply in bulk, 241.

### ATTORNEY-GENERAL

- will sue for injunction to restrain illegal borrowing, 86.
- need not be joined for highways wrongly broken up within area of supply, 209.

### AUDIT

- of accounts of undertakers being a local authority, 30, 126—131.
  - company, 30, 152.
  - power companies, 56.
- See further* SCOTLAND and IRELAND.

### AUDITORS

- of accounts of undertakers, reports by, 238.
- returns to Parliament, 238.

### "AUTHORISED DISTRIBUTORS" and "AUTHORISED UNDERTAKERS," 15, 53—55.

- authorised distributors, definition of, 53.
- prohibited from supplying electricity outside their area, 5 n.
  - except in certain cases, 5 n.
- capital of, 15.
  - Board of Trade must be satisfied as to, 15.
  - only may be supplied by power companies, 53.
  - may require a supply from power companies, 55.
  - acquisition of powers of, by power companies, 57.
  - not subject to competition by unauthorised undertakers, 243.
  - supply of energy to, under Power Acts, 53—55.
  - definition of, in Somerset and District Electric Power Act, 1903, 316.

## B.

### BANK HOLIDAY

- not to be reckoned in computation of number of days, 195.

## INDEX.

### BANK OF ENGLAND, GOVERNOR OF,

to determine how much stock may be issued by London County Council  
in part payment for electric supply undertakings, 288, 304, 305.

### BASINS,

protection of persons having power to construct, on land near to any  
canal, and whose access may be interfered with by wires, 102.

*See* CANAL.

### BERMONDSEY CLAUSE, 35.

### BLACK SMOKE. *See* SMOKE.

### BOARD, JOINT. *See* JOINT.

### BOARD OF TRADE,

authorised to grant licences, 7, 74.

orders, 9, 77.

to approve system of supply, 20.

to order remedy of defects, 20, 53.

to forbid use of electric line or work, 20.

authorised to make rules in relation to applications for licences or orders,  
payments in respect thereof, and publication of notices  
and advertisements, 79.

rules made by, 344 *et seq.*

to insert certain regulations in licences and orders regarding  
limits, supply, price, etc., 20, 80, 81.

to make other regulations from time to time regarding safety  
of the public, and for ensuring a proper and sufficient  
supply of electrical energy, 20, 80, 81.

regulations made in pursuance of above powers, 364.

to make regulations in the case of works existing otherwise  
than under licence, order or special Act, 140, 141.

regulations made in pursuance of the above power,  
387.

may dispense with consent of local authority in case of Provisional  
Orders, 134.

cases in which they have so dispensed, 465.

approval of plans by, 19.

revision of prices by, 25.

in case of power companies, 55.

regulations for preventing change of system, 24.

pressure, 24.

proceedings of, under London Electric Lighting Areas Act, 1904, 263.

orders, etc. of, under London Electric Lighting Areas Act, how proved,

powers of, under Electric Lighting Act, 1909, 228 *et seq.* 263.

leave of, required before constructing generating station on land purchased  
by agreement, 229.

may by Provisional Order—

authorise supply of electricity for public or private purposes, 77.

supply of electricity to railways, tramways and canals,  
233.

breaking up of streets outside area of supply, 230.

supply in bulk, 231.

permit local authorities to exercise powers jointly, 236.

may postpone transfer of area in London, 261.

approve agreements for mutual assistance between London under-  
takers, 269, 296.

may consent—

to construction of generating station, 229, 356.

form of, 339.

to supply to premises outside area of supply, 234, 359.

form of, 340.

# INDEX.

## BOARD OF TRADE—*continued*.

may consent—*continued*.

to breaking up private streets, etc., 97, 356.

to supply of electricity in bulk to other undertakers, 357.

to railways, tramways, canals, 358.

to transfer rights of purchase from one local authority to another, deposits with, by applicant for Provisional Order, 351, 352. 360.

parliamentary returns by, on auditors' reports, 238.

Arbitrations, etc. Act, 1874, 32, 119.

power of, to relieve gas undertakers from obligation to supply gas in certain cases, 121, 122.

annual report by, 122.

to prescribe form of accounts, 87.

forms of accounts prescribed by, for a local authority, 396.

company, 404.

electrical standardizing laboratory—rules for examination or testing of electrical instruments, 416, 419.

fees payable for, 417.

definition of "Board of Trade regulations" in Act of 1899, 147.

security for execution of works, to the satisfaction of, 151.

to appoint competent and impartial person to audit accounts of companies' undertakings, 152.

mode and systems of supply to be approved by, 156.

consent of, to placing line above-ground, 19, 156.

in case of power companies, 55.

*See ABOVE-GROUND WORKS.*

approval of, in the case of any part of any circuit being connected with earth, 156.

powers of, in connection with—

street boxes, etc., 158.

execution of works in streets not repairable by local authority, 157.

laying of electric lines near sewers, gas or water pipes, etc., 170.

distributing mains to be laid, 175, 176.

revocation of order in various events, as to which, *see* REVOCATION.

requisition by owners or occupiers desiring to be supplied, 175—177.

methods of charging for supply, 182.

maximum prices, 182.

appointment of electric inspectors, 184—186.

inquiries into accidents, 186.

testing of mains, 186.

establishment of testing stations, 187.

instruments to be kept at testing stations, 187, 188.

appeal from electric inspector, 188.

fees and expenses of electric inspector, 188, 189.

meters, 190—193.

certifying of meters, 191.

correctness of meters, 192.

map of area of supply, 193.

purchase by local authority of undertaking of company where order revoked, 196.

undertaking of local authority where order revoked, 198.

remedying of system and works, 20, 53, 198, 199.

mortgages where the undertakers are a company, 202, 203.

regulations of, how published, 199.

inquiries. *See* INQUIRY.

service of notices on, 194.

proceedings of, 200.

approval and consent of, how given, 200.

notice of approval of, to be given by advertisement, 200, 201.

railways authorised to be supplied with electric power with consent of, 233.

*See further*, RAILWAY.

tramways and light railways authorised to be worked by electric power, 233, 487, 495.

*See further*, TRAMWAY and LIGHT RAILWAYS.

## INDEX.

### BOARD OF TRADE—*continued*.

leakage and electrolysis, action of, in connection with. *See under* LEAKAGE AND ELECTROLYSIS.

### BOARD OF TRADE REGULATIONS.

in regard to limits, price, etc., to be inserted in orders, 80, 81.  
for securing the safety of the public from personal injury, or from fire or otherwise, authorised to be made, and from time to time amended, form of regulations now in use, 364. 80, 81.  
may be amended or repealed from time to time, 80, 81.  
to be printed by undertakers and copies kept for sale, 199.  
penalty for default, 199.  
definition of, in Act of 1899, 147.  
in regard to fixing standard of pressure, 374.  
powers of local authority, 375, 377.  
Board of Trade, 374, 377.  
under Factory and Workshop Acts, 1901 and 1907, 420.  
exceptions from, 428.  
under Coal Mines Act, 1911, 430.  
Metalliferous Mines Regulation Act, 1872 (proposed), 475.  
for use of electrical power by railways, 495, 542.  
light railways, 496, 522, 525, 538.  
tramways, 491, 522, 525, 538.

### BOARD OF TRADE RULES.

for applications under Railways (Electrical Power) Act, 1903, 501, 502  
*et seq.*  
regarding procedure for obtaining licences or orders authorised to be made by Act of 1882, 11—14, 79, 80.  
see the rules set forth, 344.  
may be rescinded, altered, or repealed, 79, 80.  
summary of dates and periods to be observed in application for orders or licences, 11.  
proposed, under Metalliferous Mines Regulation Act, 1872, 475.

### BOARD OF TRADE UNIT,

definition of, 25, 308.

### BOATS

propelled by electricity, lighting of, in London, 274, 299.

### BOOK OF REFERENCE,

on application for Provisional Order, 348.

### BOROUGH COUNCILS, METROPOLITAN.

may supply electric fittings in London, 264.  
not manufacture electric fittings in London, 265.  
charge for electric fittings in London, 265.  
borrow for supply of electric fittings in London, 265.

### BOROUGH FUNDS ACT, 1872,

Provisional Order not "a local and personal bill" within meaning of, 78.  
local authority seeking order, need not comply with requirements of, 78.  
no application for licence or order can be made by local authority unless resolution at special meeting after one month's notice, 74.

### BORROW,

local authority, when undertakers, may, 15, 83, 84, 242.  
consent of Local Government Board necessary in England, 84, 128, 129.  
London County Council in London, 84.  
Secretary for Scotland in Scotland, 84, 131, 227.  
Electric Lighting (Scotland) Act, 1902, 130, 143.  
Irish Local Government Board in Ireland, 84, 132, 133.  
restrictions as to exercise of borrowing powers, 84.  
periods of repayment, 85.  
(Scotland), 227.

# INDEX.

## BORROW—*continued*.

- form of mortgage, register, and transfer of, 85.
- accounts must be kept and audited, 30, 87, 128—133.
- provisions and restrictions as to borrowing and the repayment of loans  
(*see* SCHEDULE TO ACT OF 1882), 85, 86, 128—133, 242.
- illegal borrowing may be restricted by injunction, 86.
- undertakers being a company may, on the security of mortgages of the  
undertaking, 202, 203.
- on transfer by company, mortgages not to remain a charge,  
196, 202, 203.
- power to, under Power Acts, 50.

## BORROWING

- by borough councils in London, for supply of electric fittings, 265.

## BOUNDARY,

- lighting of boundary streets in London, 260.
- of county of London, where altered, 262.

## BOXES,

- access to, under London Electric Supply Act, 1908, 279.
- London (Etc.) Electric Supply Companies Act, 1908, 301.

## BRACKETS,

- attachment of, to buildings—model clause in Tramway Acts, 517.

## BREACH OF CONTRACT

- to supply electricity, 181.

## BREAKING UP STREETS, 18, 95, 208.

- outside area of supply, 151, 230. *And see* STREETS.
- after transfer of area in London, 261.
- by local authority, 262.
- provisions of Gasworks Clauses Act, 1847, relating to, incorporated,  
18, 95, 96, 208 *et seq.*
- power to break up streets under superintendence, 208 *et seq.*
- what is a "street," 208.
- consequences of, without parliamentary authority, 209.
- indictment, 209, 210.
- injunction, 209, 210.
- penalties under Highway Act, 1835, 209.
- Public Health Act, 1875, 210.
- proceedings by owner of *solum* of roads, etc., 211.
- street authority may exercise power of undertakers to break up streets  
etc., 165.
- how far subsoil of street vested in road authority, 210.
- saving for rights of owner, etc., of any mines or minerals to work the  
same, 124, 215.
- injury caused to pipes, lines, etc., by steam rollers, 216.
- metropolitan subways, 217.
- undertakers not to enter on private land without consent, 97, 98, 217, 218.
- notice to be served on road authority before breaking up, 219.
- superintendence, etc., 219, 220.
- plan, and what particulars the same must contain, 219, 220.
- reinstatement, 220, 222.
- streets to be fenced and lighted while opened, 220, 221.
- penalty for delay in reinstating, 221.
- in case of delay, road authority may reinstate and recover expenses, 222.
- liability for negligence of contractor, 213, 214.
- restriction on breaking up of private streets, railways and tramways, 97,  
when Board of Trade may authorise, 97, 98, 356. 98, 344, 356.
- nothing in Board of Trade regulations under Act of 1888, s. 4, shall be  
deemed to authorise, 388.
- special section dealing with street boxes, 158 *et seq.*
- cases in relation to the construction of street boxes, 159 *et seq.*
- special section requiring notice of works with plan to be served on the  
Postmaster-General and local authority, 160.



## INDEX.

### BREAKING UP STREETS—*continued.*

- special section requiring notice, etc.—*continued.*
- provisions as to streets not repairable by local authority, 97, 98,
- the like as to railways, tramways, and canals, 97, 162. 162.
- where undertakers seek to alter position of pipes or wires
- which interfere with the exercise of their powers,
- 167—170.
- regarding the laying of electric lines near sewers, drains,
- etc., or gas or water pipes, or other electric lines, 170.
- protection of telegraphic and telephonic wires, 173.
- use of subways in metropolis, 217.

### BRIDGES,

- breaking up surface of, 209.
- soil of, 18, 209.
- under Power Acts, 51.

### BROMPTON AND KENSINGTON ELECTRIC SUPPLY COMPANY, LIMITED, 293.

### BUILDING,

- laying lines through, 18.
- placing of pipes, etc., against, not without consent, 217, 218.
- attachment of brackets to—model clause in Tramway Acts, 517.
- special, generating stations are, within London Building Act, 1894, 44.

### BUILDING ACT, LONDON, 1894, 44.

### BUILDING ACTS (AMENDMENT) ACT, LONDON, 1905, 44.

*See* LONDON, COUNTY OF.

### BUILDINGS, PUBLIC,

- protection of, in London, 281, 302.

### BULK, SUPPLY IN, 36, 42, 45 *et seq.*, 148, 149.

- association of undertakers for purposes of, 241.
- Provisional Order for, 9, 231.
- notices of application for, 12, 346.
- requires consent of local authority, 134.
- by order of Board of Trade, when permissible, 232.
- notices, etc., 357.
- outside area of supply, 36, 148—150, 241.
- See* AREA OF SUPPLY.
- in London, 42, 268, 296.
- under provisions of Power Acts, 45.
- under Electric Lighting Act, 1909, 149, 150, 231, 232.
- defined in Electric Lighting Act, 1909, 244.

### BULK SUPPLY MAINS,

- compulsory purchase of, in London, 298.

### BURNER,

- undertakers not entitled to prescribe any special form of, 22, 23, 104.
- proviso as to unduly or improperly interfering with supply of electricity
- to other consumers, 22, 104.
- arbitration in such case, 104.

### BYELAWS,

- as to overhead wires in London, 44, 440.
- Act of 1882 authorises the making of, by local authorities, for safety of
- the public, subject to confirmation by Board of Trade, 81.
- none such made and confirmed, 81.
- where local authorities are themselves undertakers, 81.
- under Public Health Act, (Amendment) Act, 1890, 81, 82.
- form of, 394.
- as to use of electrical power on tramways and light railways, 524.

## INDEX.

### C.

- CAMBERWELL**,  
purchase of electric undertaking in, 290.
- CANAL**,  
where undertakers' works are near and interfere with, 19, 20, 102, 162, 163.  
access to docks, basins, or other works, adjoining canal, 102.  
arbitration in such cases, 19, 102, 163.  
execution by undertakers of works over or under, 162—163  
notice to be given in such case with plan, 162.  
requisition by canal company, 162, 163.  
works, arches, conveniences, etc., of canal company not to be injured, 173.  
supply of power to, in London, 274, 299.  
when partly without area of supply, 233.
- CAPITAL**,  
no clause in Provisional Orders fixing amount of, 15.  
of companies, regulated by their memorandum, 15.  
required by local authority may be borrowed with consent of Local Government Board, 15, 83, 126 *et seq.*  
required by local authority in London, consent of London County Council, 126 *et seq.*  
statement of, proposed to be expended, etc., to be deposited at Board of Trade on application for a licence or order by a company, 352.  
sum proposed to be expended, to be similarly deposited by a local authority, 351.  
under Power Acts, 50.
- CENTRAL ELECTRIC SUPPLY COMPANY, LIMITED**, 268, 294, 295, 305.
- CERTIFYING METERS**, 25, 189—193.  
provisions of Electric Lighting Act, 1909, 238.
- CESSER**  
of undertakers' powers under Power Acts where works not commenced, 49, 57.
- CHARGES**. *See* PRICE, REVISION, and SUPPLY.  
for electric fittings, supplied by borough councils in London, 265.  
increase of, after notice to purchase London undertakings, 287, 304—305.  
recovery of, 26, 106 *et seq.*
- CHARING CROSS, WEST END AND CITY ELECTRICITY SUPPLY COMPANY, LIMITED**, 286, 290, 291, 293.
- CHELSEA ELECTRICITY SUPPLY COMPANY, LIMITED**, 293.
- CHRISTMAS DAY**,  
when not to be reckoned in computation of number of days, 195.
- CHURCH**,  
lighting of, within "public purposes," 74.
- CINEMATOGRAPH**,  
use of electric light for, 62.
- CIRCUIT**  
with earth forbidden except under Board of Trade regulations, 20, 156.  
applies to power companies, 52.
- CIRCUIT-BREAKER**. *See* CUT-OFF.
- CITY OF LONDON**,  
purchase of electric undertakings in, 290.
- CITY OF LONDON ELECTRIC LIGHTING COMPANY, LIMITED**, 286, 290, 293.

## INDEX.

### CIVIL DEBT,

- rent or price due for energy, or for hire, or fixing of meter, must be recovered not as a penalty, but as a, 26, 96, 97, 224, 225.
- how recovered in a court of summary jurisdiction, 96, 97.
- recovery as a, of expenses incurred by undertakers in cutting off electricity from premises, 96, 225.
- remuneration of auditor of company's accounts, 152.
- expenses incurred by undertakers on alteration by consumer of his maximum power, 180.
- of providing new meters where method of charge altered, 192, 193.
- provision of Act of 1899 as to Scotland, 206.

### CLAUSES

- for prevention of electrolysis from tramways, 491, 507.

### COAL MINES. *See* MINES.

### COIN METERS,

- general power to let for hire "any meter" and "any fittings thereto," 191.

### COMMISSIONERS OF WORKS,

- protection of, 242.
- consent of, to erection of generating station, in London, 43.
- protection of, in London, 281—284, 302.

### COMMITTEE, JOINT. *See* JOINT BOARD.

### COMMITTEE OF PARLIAMENT. *See* JOINT COMMITTEES.

### COMPANIES CLAUSES ACTS

- incorporated in Power Acts, 50.
- altering memorandum with a view to supplying electric light, 78, 79.

### COMPANIES CONSOLIDATION ACT, 1908.

- application of, to authorised undertakings, 203.

### COMPANY

- may apply for and obtain licence or Provisional Order, 7, 9, 74, 77—79.
- on application for Provisional Order must deposit memorandum and articles of association, 351, 352.
- altering memorandum of association with a view to supplying electric light, 78.
- defined in Act of 1882 to mean "any body of persons corporate or unincorporate," 123.
- when, may be required to sell and transfer undertaking to local authority, 135.
- in London, 139.
- arbitration to settle price, 135.
- transfer to, of undertaking of a local authority, 93.
- must keep accounts. *See* ACCOUNTS and AUDIT.

### COMPENSATION,

- section as to, in Electric Lighting Act, 1882, 31, 103.
- (Clauses) Act, 1899, 31, 202.
- Gasworks Clauses Act, 1847, 208.
- undertakers to do as little damage as may be, and make, 31, 103, 208.
- arbitration in such case, 31, 103.
- and fine for injury to telegraphic line of Postmaster-General, 116.
- to Postmaster-General and local authority in case of non-compliance with section regarding works in or under public streets, 161.
- in case of failure to comply with terms of section regarding exercise of powers in streets not repairable by local authority, etc., 164.
- alteration of pipes or wires which interfere with the exercise of powers of undertakers, 169, 170.

## INDEX.

### COMPENSATION—*continued.*

- in connection with laying of lines near sewers or gas or water pipes, etc., 171.
- in case of injuriously affecting telegraphic or telephonic wires, 174.
- for electrolytic action on gas or water pipes, etc.—
- model clause for preventing damage being caused, 507.
- in the case of Power Acts, 57, 326.

### COMPETITION

- permitted between undertakers in London, 6, 40, 135.
- but not in the provinces, 135.
- from unauthorised undertakers, 6, 135, 243.
- Act of 1888 provides that grant of licence or order within any area shall not hinder or restrict granting of another licence or order to others within the same area, 134.

### COMPLIANCE

- with rules of Board of Trade to be proved, 12, 13, 353.
- last day for proving, February 22nd, 12, 13, 353.
- six days' previous notice of the day and hour must be given, 353.

### COMPULSORY PURCHASE

- of bulk supply mains in London, 298.
- land, now authorised by Electric Lighting Act, 1909, and orders thereunder, 17, 18, 96, 228.
- under Power Acts, 50—52.
- undertaking of company, under Act of 1888, 26, 27, 33, 119, 135, 196.
- power company, 46, 49.
- by local authority, of the undertaking of a company whose order has been revoked, 196.
- report of Lord Cross's committee regarding land for generating stations, easements for pipes, mains, etc., 17, 460.
- report of Lord Cross's committee regarding compulsory purchase of undertakings by local authorities, 17, 462.
- report of Lord Cross's committee regarding compulsory acquisition of lands or easements for pipes, mains, or other works beyond area of supply, 461.
- Light Railways Act, 1896, orders under, may allow, 496.
- Railways (Electrical Power) Act, 1903, orders under, may allow, 500.

### COMPULSORY SUPPLY,

- consumer may demand a, 21, 22, 106, 178.
- in London, 39.
- conditions under which such supply may be obtained, 21, 22, 106, 178, 179.
- in London, 39.
- See further, CONSUMER and SUPPLY.*

### COMPULSORY WORKS

- provided for by Provisional Order, 20—24, 174, 175.
- in case of power companies, 55.
- distributing mains for general supply throughout every street specified in Sched. III. of Order, 21, 22, 174, 308.
- further distributing mains in remainder of area of supply, 174, 175.

### CONCLUSIVE EVIDENCE. *See EVIDENCE.*

### CONDUCTORS.

- See the Board of Trade regulations, 364—393.*
- minimum size of, 368.

### CONFIRMATION

- of Provisional Order may be opposed, 10, 77, 79.
- See further, PROVISIONAL ORDER.*

### CONNECTING MAINS FOR MUTUAL ASSISTANCE,

- power to lay, in London, 269—272, 297.

## INDEX.

### CONSENT

- of local authority required for licence, 74.
  - now required for order also, 11, 134.
  - Board of Trade may dispense with, 11, 134.
  - special report in above case, 11, 134.
- instances where Board of Trade have dispensed with, 465.
- report of Lord Cross's committee on subject of consent of local authority, 459 *et seq.*
- Board of Trade rules as to consent of local authorities, 347.
- of local authority to laying of lines in streets by power companies, 52.
- Local Government Board, etc., to local authorities borrowing, 83, 84,
  - in Scotland, 130, 131. 128, 129.
  - in Ireland, 132, 133.
- Commissioners of Works to erection of generating stations in London,  
*See DATES AND PERIODS TO BE OBSERVED.* 43.

### CONSENT OF BOARD OF TRADE

- to construction of generating station, 229.
  - form of, 339.
- supply to premises outside area of supply, 234.
  - form of, 340.
- breaking up of private streets, 18, 95, 157, 208.
- And see BOARD OF TRADE.*

### CONSTANT PRESSURE

- provided for, in Board of Trade regulations, 23, 374 *et seq.*

### CONSTANT SUPPLY,

- undertakers to provide,—required by Board of Trade regulations, 23, 374.
- proviso as to discontinuing for purposes of testing, etc., 375.

### CONSUMER

- must give notice to undertaker of intention to quit premises, 241.
- definition of, in Board of Trade regulations under s. 4 of Act of 1888,  
Act of 1899, 147. 387.
- obligation on undertakers to supply electricity to, 22, 104.
- may be required to enter into a written contract and also give security,  
no undue preference to be shown by undertakers, 25, 105. 104, 179.
- no special form of lamp or burner to be prescribed, 104.
- undertakers not to control or interfere with use of electricity by, 104.
- proviso for protecting other consumers from undue or improper inter-  
ference with supply, 104.
- conditions on which consumers may demand a supply, 22, 104, 105, 178,  
contract and security, 179. 179.
- price, 105, 182, 183.
- lines, fittings, and apparatus of, to be in good order and condition, 179.
- maximum power which may be demanded by, 180.
  - arbitration in case of difference, 180.
- when supply may be cut off. *See CUTTING OFF SUPPLY OF ENERGY.*
- power to enter premises of, 110.
- undertakers' fittings in possession of, not liable to distress, etc., 110, 111.
- where meter belongs to, he must keep it in repair, 191.
  - undertakers, they keep in repair, 192.
- having separate supply, 23, 239.
- in arrear, may be refused further supply, 26, 34, 108.
  - even in respect of other premises, 241.
- premises of, regulations affecting lines and works within, 366, 372.
  - responsibility of undertakers for their wires within, 372.
  - fire risks, 372.
  - main fuses or circuit-breakers, 372.
  - insulation and protection of lines and apparatus upon, 372.
  - transformers and high pressure apparatus, 372.
  - undertakers not to make connection where leakage would  
result, 372.
  - discontinuance of supply where leakage, 373.
  - appeal to electric inspector, 373.

## INDEX.

- CONSUMERS' TERMINALS,  
definition of, in Act of 1899, 147.  
declared pressure at, 375.  
variation of pressure at, 375 *et seq.*  
*See further, PRESSURE.*
- CONSUMERS' WIRES,  
definition of, in Board of Trade regulations, 364.
- CONTRACT  
between undertakers and consumer, 22.  
general powers of undertakers to, 87, 92.  
local authority having obtained licence, order, or special Act may contract  
for works for supply of electricity, 92, 93.  
no contract or assignment to be made transferring undertaking of local  
authority, 93, 238.  
formalities regarding, with local authorities, 90.  
consumer may be required to enter into written, and also to give  
security, 104, 179.  
cases decided on various special contracts, 105—108.  
to supply electricity, breach of, 181.  
stamp duty on, 183, 241.
- CONTRACTORS,  
when undertakers liable for the negligence of, 213 *et seq.*  
not protected by Public Authorities Protection Act, 1893, 215.
- CORNWALL, DUCHY OF, 292.
- CORPORATION OF CITY OF LONDON,  
rights to purchase city undertakings, 290.
- COSTS  
of London County Council in connection with purchase of London  
undertakings, 290.  
of local authority, incurred in promoting or opposing Provisional Orders,  
etc., 82, 83.
- COUNTY COUNCIL,  
definition of, in Act of 1899, 147.  
special provisions for protection of, 34, 310.  
*See further, LONDON COUNTY COUNCIL.*
- COUNTY OF LONDON. *See LONDON, COUNTY OF.*
- COUNTY OF LONDON ELECTRIC SUPPLY COMPANY, LIMITED,  
290, 291, 293.
- COURT OF SUMMARY JURISDICTION. *See SUMMARY JURISDICTION.*
- CROSS'S, LORD, COMMITTEE OF 1893 (PROTECTIVE CLAUSES),  
report of, 545.  
clause suggested by, 545.  
recommendations of, 547.
- CROSS'S, LORD, COMMITTEE OF 1898,  
joint committee of both Houses, 1898, on Electrical Energy (Generating  
Stations and Supply), 459 *et seq.*
- CROSSING  
thoroughfares, angle of overhead lines, 386, 390.  
overhead lines crossing metallic substance, 386, 390.
- CROWN,  
rights, protection of, under London (etc.) Electric Supply Companies  
Act, 1908, 303.  
saving of rights of, in foreshore, 203.
- CUT-OFF,  
extra high pressure electric main shall be protected by suitable automatic  
quick-acting, 379.  
switch for arc lamps, 366.  
where supply is for power purposes, 366.

## INDEX.

### CUTTING ELECTRIC LINES

a felony, 28, 109.

### CUTTING OFF SUPPLY OF ENERGY

upon failure to pay charge for electricity or other sum due to undertakers

in respect of supply, 26, 34, 108, 109, 241.

on discovery of leakage on consumer's premises, 373.

appeal to electric inspector, 373.

for purpose of testing, etc., 186, 375.

upon failure of consumer to give security after seven days' notice, 179.

if consumer uses any form of lamp or burner, or uses energy supplied so

as to unduly or improperly interfere with supply to others, 179.

recovery of cost of, as a civil debt, 97, 225.

case decided as to right of, 109.

*See further, DISCONTINUING SUPPLY.*

## D.

### DAMAGE,

undertakers to cause as little, as may be, 31, 103, 208.

full compensation to be made, 31, 103, 208.

arbitration to determine, 103.

section as to compensation in Electric Lighting Act, 1882, 103.

Electric Lighting (Clauses) Act, 1899, 202.

Gasworks Clauses Act, 1847, 208.

compensation to Postmaster-General and local authority in case of non-compliance with section regarding works in or under streets, 161.

in case of failure to comply with terms of section regarding exercise of

powers in streets not repairable by local authority, etc., 164.

alteration of pipes or wires which interfere with the exercise

of powers of undertakers, 169, 170.

in connection with the laying of lines near sewers, or gas or water pipes, etc., 171.

in case of injuriously affecting telegraphic or telephonic wires, 174.

"damages, cost, or expenses," method of recovering, 96, 97.

penalty for wilfully damaging undertakers' works, 223.

satisfaction for accidentally damaging, 223, 224.

penalty for injuring pipes, meters or fittings, 224.

### DANGEROUS TRADES,

enactment of Factory and Workshop Act, 1901, as to, 59—61.

electric accumulator works certified to be, 61.

special regulations regarding, 61.

### DATES AND PERIODS TO BE OBSERVED

in applications for licences or orders, 11—13.

### DAYS,

where something to be done within a certain number of days from notice,

Sunday, Christmas Day, etc., not to be reckoned, 195.

### DEATH,

accidents causing. *See ACCIDENTS.*

### DEBT, TOTAL,

of local authority. *See TOTAL DEBT.*

### DEDICATION OF LAND TO PUBLIC USE,

cases as to, 218.

### DEFAULT. *See PENALTIES.*

### DEFECTS, REMEDY OF,

may be ordered by Board of Trade, 20, 198.

in cases of power companies, 53.

### DEFINITIONS, 123, 146, 244, 251, 263, 268, 295, 364, 379, 387, 420, 430, 440;

475, 525, 530, 532.

## INDEX.

### DELAY

by undertakers in reinstating streets, 221, 222.

### DEMAND NOTE

must show charges for electric fittings separately, in London, 265.

### DENOMINATIONS.

new, of standards for the measurement of electricity, 414.

Order in Council, 414.

### DEPOSIT, 12, 344, 352—354.

memorial for licence or order must be deposited, 12, 344.

undertakers applying for licence or order must deposit draft copies of licence or order in print, 351, 352.

of map of proposed area of supply, at Board of Trade, 347.

the like map for public inspection in office of clerk of the peace and of the local authority, 348.

list of local authorities in proposed area of supply, 351.

list of authorities, companies, or persons (if any) authorised to supply within the area, 351.

list of roads, railways and tramways (if any) in area, 352.

statement of capital proposed to be expended, 352.

of memorandum and articles of association where proposed undertakers are a company incorporated under the Companies Acts, 352.

a fee of £35 by cheque to cover expenses, 352.

at Board of Trade of objections to the granting of order or licence, 353.

clauses and other amendments sought to be inserted, or security by undertakers, not a local authority, 151. 353.

by applicants for Provisional Order in London, 353.

### DEPOSITED MAP,

definition of the expression, in Act of 1899, 147.

*See further, PLAN.*

### DIFFERENCES. *See* ARBITRATION.

### DISABILITIES

imposed upon undertakers, 29.

### DISCONTINUING SUPPLY.

upon failure to pay charge for electricity or other sum due to undertakers in respect of supply, 26, 34, 108, 241.

on discovery of leakage on consumer's premises, 373.

appeal to electric inspector, 373.

upon failure of consumer to give security after seven days' notice, 179.

if consumer uses any form of lamp or burner, or uses energy supplied so as to unduly or improperly interfere with supply to others, 179.

recovery of cost of, as a civil debt, 97, 225.

provisions as regards temporarily, 375.

*See further, CUTTING OFF SUPPLY.*

### DISCOUNTS,

special section in some Acts authorising, 35.

### DISPUTES. *See* ARBITRATION.

### DISTRESS. *See* FITTINGS.

electric lines, meters, accumulators, fittings, works, or apparatus of undertakers not liable to, or to be taken in execution under process against the person in whose possession the same may be, 28, 110, 191, 240, 241.

report of Lord Cross's committee as to rolling stock and plant being liable to, 464.

### DISTRIBUTING MAINS,

suitable and sufficient, to be laid down within two years for general supply in streets specified in Special Order, 21, 174, 308.

further, in rest of defined area of supply, 21, 174, 175.

requisition in regard to the laying of additional, 21, 174, 175.

conditions on which the laying of, may be required, 21, 174—178.



# INDEX.

- DISTRIBUTING MAINS—*continued*.  
in London, 39, 176.  
definition of, in Act of 1899, 146.  
*See further*, TESTING and ELECTRIC INSPECTOR.
- DISTRIBUTORS, AUTHORISED,  
may be supplied by power companies, 53.
- DISTRICT. *See* LOCAL AUTHORITY.
- DISTRICT AUDITORS ACT, 1879,  
audit of accounts of local authorities, 129.  
*See further*, AUDIT.
- DISUSED ELECTRIC LINES,  
power to remove, from streets, 52.
- DIVIDENDS  
of power companies limited by special Act, 56.
- DOCK,  
supply of power to, in London, 274, 299.
- DOCKS,  
protection of persons having power to construct, on land near to any canal, and whose access may be interfered with by wires, 102.  
*See further*, CANAL.
- DOCUMENTS,  
to be deposited at Board of Trade on application for licence or order, 347,  
Local Government Board, 352. 351, 354.  
with Secretary for Scotland, 352.  
London County Council, 353.  
*See further*, DEPOSIT.
- DRAFT,  
of Provisional Order, 349, 350.  
preparation of, 349.  
contents of, 349, 350.  
proposed order must be deposited at Board of Trade in print, 349, 351.  
Local Government Board, etc., 352.  
copies of draft to be sold to all persons applying, at price not exceeding  
one shilling, 352.  
*See further*, DEPOSIT.
- DRAINS. *See* SEWERS.
- DUCHY OF CORNWALL, 292.
- DUTY, STAMP. *See* STAMP DUTY.

## E.

- EARTH,  
circuit with, forbidden except subject to Board of Trade regulations, 20,  
applies to power companies, 52. 156, 364 *et seq.*  
connection, provisions regarding, in Act of 1899, 156.  
Board of Trade regulations, 364 *et seq.*  
report of Lord Cross's committee, 1898, 464.
- EASEMENTS,  
"land" to include, 96.
- ELECTRICAL CURRENT,  
ampère, the standard of, 415.
- ELECTRICAL ENERGY  
for haulage, traction, etc., 233.  
in London, 274, 299.

## INDEX.

- ELECTRICAL PRESSURE,  
voltage, the standard of, 415.
- ELECTRICAL RESISTANCE,  
ohm, the standard of, 415.
- ELECTRICAL STANDARDIZING LABORATORY  
of Board of Trade, 416.  
fees charged at, 417 *et seq.*  
of London County Council, 443.
- ELECTRICAL STATIONS, 59, 61.  
*And see STATIONS.*
- ELECTRICITY,  
definition of, in Act of 1882, 123.  
"energy" is the phrase employed in Provisional Orders, and in Act of  
1899, 123, 146.  
obligation on undertakers to supply, 21—24, 104, 178, 179.  
power companies to supply, 55.  
*See further, SUPPLY.*  
charges for, 105.  
penalty for fraudulently using undertakers', 110, 223.  
injuring works of undertakers with intent to cut off supply of, 28, 109.  
for haulage, traction, etc., 150, 233.  
in London, 274, 299.  
*See also POWER ACTS.*
- ELECTRIC INSPECTOR,  
appointment of, 24, 184.  
in county of London by London County Council, 38, 184.  
in case of power companies, 53.  
duties of, 24, 38, 53, 184, 185.  
in London, 443.  
remuneration of, 24, 38, 53, 185.  
notice of accidents and inquiries, 185, 186.  
electric inspectors may be required by Board of Trade  
to inquire and report, 186.  
testing of mains, 186.  
undertakers not responsible for interruption of supply caused by electric  
inspector when testing, 186.  
notice, access, hours, etc., 186.  
testing of works, and supply on consumer's premises, 186, 187.  
undertakers to establish testing stations, 187.  
dispute, arbitration, etc., 187.  
undertakers to keep instruments on premises, 187, 188.  
readings of instruments to be taken, 188.  
may test undertakers' instruments, 188.  
representation of undertakers at testings, 188.  
facilities for testings to be given by undertakers, 188.  
to report results of testing, 188.  
expenses of, 188, 189.  
to certify meters, 190.  
powers of, where differences as to correctness of meter, 192.  
appeal to, when supply discontinued for leakage, etc., 373.  
special provisions in Power Act as to appointment, duties, etc., of, 334.
- ELECTRIC LIGHTING ACT, 1882, 73.  
arrangement of sections of, 67, 68.
- ELECTRIC LIGHTING ACT, 1888, 134.  
arrangement of sections of, 68.
- ELECTRIC LIGHTING ACT, 1909, 228.  
arrangement of sections of, 72.
- ELECTRIC LIGHTING ACTS,  
scope and meaning of, 5, 6.

## INDEX.

- ELECTRIC LIGHTING (SCOTLAND) ACT, 1890,** 143.  
     arrangement of sections of, 68.
- ELECTRIC LIGHTING (SCOTLAND) ACT, 1902,** 227.  
     arrangement of sections of, 72.
- ELECTRIC LIGHTING (CLAUSES) ACT, 1899,** 14, 145.  
     arrangement of sections of and of schedule to, 69.  
     not applicable to London, 14.
- ELECTRIC LINE,**  
     general powers to lay, 87, 88.  
     of undertakers on consumers' premises not liable to distress, etc., 110.  
         power to enter to remove, 110.  
         *See further, DISTRESS.*
- definition of, in Act of 1882, 123.  
     in public streets or bridges, 160, 161.  
         streets not repairable by local authority, 162.  
     over or under railways, tramways, and canals, 102, 162.  
     alteration by undertakers of pipes, wires, etc., under streets, 167.  
     near sewer, drain, or gas or water pipes or other electric lines, 170.  
     undertakers not to injuriously affect telegraphic or telephonic wires, 173.  
     laying of, in subways. *See SUBWAYS.*  
         under special agreement, 175.  
     inspection of, by electric inspector, 184.  
     testing of, 184, 186.  
     insulation test of, 368, 379, 388.  
     leakage, 370, 372, 373, 380.  
     protection from lightning, 369, 388.  
     overhead lines, 369, 385, 389.  
         *See further, ABOVE-GROUND WORKS AND OVERHEAD WIRES.*  
     construction of receptacles for, 370.  
     crossing metallic substance, 370.  
     electrical continuity of metal conduits, pipes and casings, 370.  
     precautions to be taken when bare conductors are used, 370.  
     extra-high pressure, placed above ground, 380.  
     undertakers responsible for their lines on consumers' premises, 372.  
     treatment of electric lines and apparatus on consumers' premises, 372.  
     are lighting, 373.
- ELECTRIC MAIN.** *See MAINS.*  
     defined in London Electric Supply Act, 1908, 268.  
     London (Etc.) Electric Supply Companies Act, 1908, 296.
- ELECTRIC TRACTION,** 487 *et seq.*  
     *See also TRACTION.*  
     overhead wires for, report of Lord Cross's committee that consent of local authority should not be required, 461, 462.
- ELECTROLYSIS.** *See LEAKAGE AND ELECTROLYSIS.*  
     from tramways, 488—493, 507.  
     railways, 493, 507.  
     provisions against, in Power Acts, 58.  
     instance of, 326.
- EMBANKMENTS**  
     in London, 40.
- EMERGENCY,**  
     cases of, provided for—  
         telegraphic lines of Postmaster-General, 112.  
         street boxes, 158.  
         lines in or under public streets, 166.  
         streets not repairable by local authority, 162—164.  
         railways, tramways and canals, 162—164.  
         alteration of pipes, wires, etc., under street, 169, 170.  
         laying lines near sewers, gas or water pipes, etc., 171.  
         telegraphic and telephonic wires, 174.

## INDEX.

### ENERGY, ELECTRICAL,

definition of, in Act of 1899, 146.

*See further* ELECTRICITY.

deemed to be goods, etc., within Stamp Act, 1891, 241.

supply of, for haulage, traction, etc., in London, 274, 299.

### ENSURING PROPER AND SUFFICIENT SUPPLY,

regulations of the Board of Trade for, 374.

### ENTRY ON PREMISES,

power of undertakers to enter premises supplied, 110.

undertakers supplying meters at request of consumers entitled to enter premises, 192.

### ESSEX, SEWERS COMMISSIONERS OF,

protection of, under London Electric Supply Act, 1908, 276.

### EVIDENCE,

observations of readings of undertakers' instruments receivable as, 187.

readings of instruments recorded by electric inspector receivable in, 188.

report of electric inspector, of results of testing, receivable in, 188.

register of meter (in absence of fraud) conclusive, 192.

case in which held not conclusive, 192.

documents, sealed by Board of Trade or signed by secretary or assistant secretary, 200.

certificate signed by President of Board of Trade, to be conclusive, 200.

what shall be *prima facie*, of intention to alter meters, etc., 224.

### EXECUTION. *See* DISTRESS.

### EXECUTION OF WORKS,

authority for, 87, 88, 157.

security for, 21, 22, 151.

system to be approved in writing by Board of Trade, 156.

notice of, in various cases. *See under* NOTICE.

### EXEMPTION

from stamp duty of contracts for supply of electricity, 241.

*See* STAMP DUTY.

### EXPENSES

of local authority in promoting or opposing Provisional Orders, etc., how

to be defrayed, 82, 83.

electric inspector, 188, 189.

providing new meters where method of charge altered, 192, 193.

application of money received by local authority, 153.

### EXTRA HIGH PRESSURE,

definition of, in Board of Trade regulations, 365.

limitations of, 365, 367, 382.

special Board of Trade regulations as to, 379.

## F.

### FACTORY AND WORKSHOP ACTS, 1901 AND 1907, 59—61.

works for generating or transforming electricity come within, 59.

electric accumulator works certified to be dangerous or injurious under, 61.

special regulations in regard to such works, 61.

electricity regulations under, 420 *et seq.*

### FAILURE. *See* PENALTIES.

by undertakers to lay distributing mains, 21, 22, 175.

in London, 39.

## INDEX.

### FIRE,

- provisions of London Building Acts as to, 44.
- precautions to avoid, on consumers' premises, 372, 381, 388.
- regulations of London County Council for protection of theatres, 447.

### FITTINGS, ELECTRIC,

- let by undertakers, remain their property, though fixed to premises, 239.
- paid for by instalments, remain property of undertakers, 240.
- what powers companies and municipal corporations have to supply, 40, 111.
- not liable to distress or to be taken in execution against the person in whose possession the same may be, 28, 110.
- of undertakers, power to enter premises to remove, 110.
- consumer must be in good order and condition, etc., to enable him to demand supply, 179.
- supply of, in London by metropolitan borough councils, 264.
- manufacture of, in London by metropolitan borough councils, 265.
- charges for, in London by metropolitan borough councils, 265.
- borrowing for, in London by metropolitan borough councils, 265.

### FIXTURES, ELECTRIC,

- property of undertakers, 28, 239, 240.

### FOOTPATH, PUBLIC, 209.

### FORBID USE OF LINE,

- Board of Trade may, owing to defects, 20, 199.

### *FORCE MAJEURE,*

- defence to proceedings for failure to supply, 23, 181.

### FORECLOSURE,

- Report of Lord Cross's committee as to whether companies borrowing on security of the undertaking by mortgages, should be liable to, 464.
- remedies on mortgages of undertakings, 202, 203.

### FORECOURT, 209.

### FORESHORE,

- saving rights of the Crown in the, 203.
- of rivers, cables, etc., in or across under Power Acts, 162.

### FORM,

- of lamp or burner not to be prescribed by undertakers, 104.
- byelaws under Public Health Acts Amendment Act, 1890, 394.
- accounts prescribed by Board of Trade for a local authority, 396.
- the like for a company, 404.
- Board of Trade regulations, 364.
- Provisional Order, 306.
- notice on application to break up streets under Act of 1882 (s. 13), 361.
- to construct generating station, 362.
- for order to supply in bulk, 363.
- consent to supply for haulage, etc., 363.

### FORM OF CONSENT

- by Board of Trade,
- to construction of generating station, 339.
- supply to premises outside area of supply, 340.

### FUSE,

- or other automatic circuit-breaker, 368, 372, 379.

## G.

### GAS

- company desirous of supplying electricity, 78.
- incorporation of various sections of Gasworks Clauses Acts, 1847 and 1871, 95, 96, 157, 207—226.

## INDEX.

### GAS—*continued.*

- incorporated sections set out, 208—226.
- for above purpose "gas" means "electricity," 96, 207.
- when Board of Trade may relieve gas undertakers of obligation to supply, 121.
- street boxes to be provided with ventilation, etc., for immediate escape of, 370, 371.
- regular inspection of street boxes for the presence of, 371.
- provisions regulating the laying of electric lines, etc., near gas or water pipes, etc., 170, 381.

### GAS COMPANIES,

- protection of, under London Electric Supply Act, 1908, 278.
- from electrolysis from tramways, 492.

### GAS UNDERTAKERS,

- protection of, in respect of land required for generating stations, 243, 244.

### GENERAL ACTS,

- undertakers not to be exempt from provisions of future, 124, 205.

### GENERAL SUPPLY,

- definition of, in Act of 1899, 23, 147.
- See further, SUPPLY.*

### GENERATING STATION, 17, 18.

- not to be constructed except under statutory authority, 18.
- erection of, in London, 43, 282, 302.
- Acts excepting, in London, 44.
- construction of, under Power Acts, 50, 51.
- purchase of land for—
  - by agreement, 88, 89, 229, 230.
  - compulsorily, 88, 89, 228, 229.
  - notice of order for, 88.
- proceedings for nuisance in respect of, 203—205.
- model clause for erection of—
  - by tramway, 510.
  - railway, 519.
- Lord Cross's committee of 1898, as to generating stations, etc., 17, 459.
- See Cross's, LORD, COMMITTEE OF 1898.*
- Standing Orders as to Bills requiring land for, 88, 89, 229.
- Board of Trade Rules as to Orders requiring land for, 88, 346, 356.
- Order of Home Secretary, exempting from lime-washing, in certain cases, 60.
- construction of, 229.
  - form of consent by Board of Trade, 339.
- defined in Electric Lighting Act, 1909, 244.
- Provisional Order for purchase of—
  - notices, 344, 345.
- Provisional Order for construction of—
  - notices, 346.

### GENERATING STATION, OUTSIDE AREA OF SUPPLY,

- purchase of, by local authority, 27, 235.

### GOOD FRIDAY,

- when not to be reckoned in computation of number of days, 195.

### GREENWICH OBSERVATORY,

- protection of—
  - under London Electric Supply Act, 1908, 284.
  - London (Etc.) Electric Supply Companies Act, 1908, 302.

### GUARD WIRES

- on electric tramways, Regulations of Board of Trade as to, 538.

## INDEX.

### H.

- HAULAGE,**  
supply of electricity for, 150, 233.  
electrical energy for, in London, 274, 299.
- HEIGHT,**  
from ground, of overhead lines, 369, 385,  
of arc lamps, 373.
- HIGH PRESSURE,**  
definition of, in Board of Trade Regulations, 365.  
extra, defined, 365.  
limitations of, 382. *And see* EXTRA HIGH PRESSURE.  
testing of insulation of all parts of any high-pressure circuit, 368.  
automatic circuit-breaker for high-pressure mains, conductors or other apparatus, 368.  
transformers, 369.  
lines laid above ground or in subways, to be completely enclosed, 370.  
beneath the surface of the ground, 370.  
transformers and high-pressure apparatus on consumers' premises, to be completely enclosed in solid walls or in strong metal casing efficiently connected with earth, 372.
- HIGHWAY ACT, 1835,**  
penalty under, for breaking up streets, 209.
- HIRE OF METERS, 25.**
- HOOR,**  
power to enter premises supplied at all reasonable times, 110.  
hours of access to street boxes, 158.  
testing of mains by electric inspector, 186.  
day and, for proving compliance, six days' notice of, 353.
- HOUSES, ATTACHING BRACKETS TO,**  
special clauses for, 36.  
model clause in Tramway Acts, 517.
- HOUSING OF THE WORKING CLASSES ACT, 1903, 155.**

### I.

- INCORPORATION**  
of company for Provisional Order, 15.  
under Power Acts, 50.
- INDICTMENT,**  
for breaking up streets without authority, 209.  
when undertakers not exempted from, for nuisance, 89, 203.  
*See* NUISANCE.
- INDUCTION, ELECTRICAL,**  
protection of telegraphic lines of Postmaster-General, 112, 389.  
to telegraphic and telephonic wires, 173.  
protection against, 58, 173, 323, 325.  
*See* BOARD OF TRADE REGULATIONS.
- INJUNCTION**  
to restrain breaking up of streets without authority, 209, 210.  
nuisance from electric works, cases regarding, 89, 90, 203.  
*See* NUISANCE.

## INDEX.

### INJURIOUSLY AFFECTING

- telegraphic line of Postmaster-General, 112, 389.
- lines in relation to, 113.
- wires or lines used for telegraphic, telephonic, or electric signalling communication, 173.
- where fittings of consumer injuriously affect use of energy by undertakers or other persons, undertakers not bound to afford supply, 179.
- See further, COMPENSATION.*

### INJURY,

- See DAMAGE and INJURIOUSLY AFFECTING.*
- protection from, by lightning, 369, 388.
- personal, regulations for securing the safety of the public from, 80, 81, 364, 379, 385, 387, 447, 522.
- accidents causing or likely to have caused, to be reported by undertakers to Board of Trade, 185, 186.
- See further, ACCIDENTS.*
- by steam rollers, 216.
- traction engine, 216.
- to meters, 224.
- works of undertakers with intent to cut off supply of electricity, 109.
- telegraphic line of Postmaster-General, 112, 173.
- or telephonic wires, 173.
- liability for, by railways using electricity, 493.

### INNER TEMPLE, HONOURABLE SOCIETY OF,

- protection of, under London Electric Supply Act, 1908, 276.

### INQUIRY BY BOARD OF TRADE,

- before granting licences or orders, 13, 79.
- into cause of any accident affecting the safety of the public, 186.
- See further, ACCIDENTS.*
- under Railways (Electrical Power) Act, 1903, 500.

### INSOLVENCY OF UNDERTAKERS, 33.

### INSPECTION. *See ELECTRIC INSPECTOR and ENTRY ON PREMISES.*

### INSPECTORS, ELECTRICAL, 24.

- And see ELECTRIC INSPECTOR.*
- in London, 38.
- of overhead wires, 255.
- case of power companies, 53.

### INSTALMENTS,

- fittings paid for by, remain property of undertakers, 240.

### INSTRUMENTS,

- Board of Trade standard instruments for measurement of electricity, 415.
- electrical instruments received at Board of Trade electrical standardizing laboratory for examination or testing, 416—419.
- fees for, 417—419.
- suitable and proper, to be kept by undertakers on their premises, 187.
- of undertakers, electric inspector may test, 188.
- representation of undertakers at testing, 188.
- undertakers to give facilities for testing, 188.
- report of results of testing, 188.
- expenses of electric inspector, 188.
- meter. *See METERS.*

### INSULATION,

- material used for insulating electric lines or apparatus, 368.
- regulation as to testing every main for, 368.
- maintenance of, 368.
- testing of, of all parts of any high pressure circuit, 368.
- precautions to be taken when bare conductors are used, 370.



## INDEX.

### INTEREST

on loans by London County Council, to London undertakings, 289.

### INTERPRETATION,

section in Act of 1882, 123.

Electric Lighting (Scotland) Act, 1890, 144.

Board of Trade Regulations under Act of 1882, 364.  
1888, s. 4, 387.

Schedule to Act of 1899, 146.

Electric Lighting Act, 1909, 244.

London Overhead Wires Act, 1891, 251.

London Electric Lighting Areas Act, 1904, 263.

London Electric Supply Act, 1908, 268.

London (Westminster, etc.) Electric Supply Companies Act,  
1908, 294.

### INTERVENING DISTRICTS

through which connecting mains of local authority are laid may demand  
a supply, 272.

### INVENTIONS,

power to hold patented or protected processes, inventions, etc.—

under Electric Lighting Acts, 87.

Power Acts, 316.

Railway Acts, 519.

### IRELAND,

application of the Act of 1882 to, 125.

1899 to, 195, 206.

1909 to, 245.

Public Health (Ireland) Act, 1878, 125, 132, 206.

local authorities in, may borrow for electric lighting purposes, 87, 132.

consent required, audit of accounts, local rate, etc., 132.

## J.

### JOINT BOARD,

for supply of electric energy for lighting purposes, 10, 236, 345.

Provisional Order for constituting, 236, 345 *et seq.*

rules for application, 345.

### JOINT COMMITTEE CLAUSE

for prevention of electrolysis from tramways, 491.

### JOINT COMMITTEES OF BOTH HOUSES OF PARLIAMENT,

1893. Electric Powers (Protective Clauses), 490, 545.

1898. Electrical Energy (Generating Stations and Supply), 17, 459.

### JOINT EXERCISE

of powers granted to local authorities by Provisional Orders, 236.

### JUDGE. See SUMMARY JURISDICTION.

### JUSTICES. See further, SUMMARY JURISDICTION.

jurisdiction of, in connection with breaking up of streets, 220.

recovery of penalties before, 96, 97, 201.

See further, PENALTIES.

liability of, to charges for electricity, not to disqualify from acting, 226.

## K.

### KENSINGTON AND KNIGHTSBRIDGE ELECTRIC LIGHTING COMPANY, LIMITED, 268, 294, 295, 305.

### KENT, COMMISSIONERS OF SEWERS OF,

protection of, under London Electric Supply Act, 1908, 276.

### KITSON CLAUSE, 47, 53, 327.

## INDEX.

### L.

#### LABORATORIES,

protection of, against supply of power in London for haulage, traction, etc., 274, 299.

#### LABORATORIES, GOVERNMENT,

protection of, 233.

#### LAMBETH,

purchase of electric undertaking in, 291, 292.

#### LAMP,

undertakers not entitled to prescribe any special form of, 22, 104.  
proviso as to unduly or improperly interfering with supply of electricity to other consumers, 22, 104.  
arbitration in such case, 104.  
accidentally damaging pipes, posts, or lamps of undertakers, 223.  
supply to public. *See* PUBLIC LAMPS.  
etc. *See* ARC LAMPS.

#### LAND. *See also* PRIVATE LAND, STREETS, ETC.

under Electric Lighting Acts, 1882 and 1888—  
may be taken only by agreement, 16, 87, 88, 96.  
no limit as to quantity in the case of companies, 16, 88.  
limit of five acres in the case of local authorities, 16, 88, 154.  
includes easements in or relating to, 95, 96.  
under Electric Lighting (Clauses) Act, 1899—  
undertakers who are local authorities may acquire lands by purchase or on lease, 16, 154.  
power to use such lands, 154.  
houses of the labouring class, 155.  
under Electric Lighting Act, 1909—  
may be taken compulsorily for generating stations, 17, 18, 88, 228, 229.  
notice of intention to ask for powers to take land compulsorily,  
Board of Trade Rules, 88, 344. 88, 228, 344, 353.  
Standing Orders of both Houses, 88, 89, 229.  
Report of Lord Cross's Committee, 1898, 17, 459.  
*See further*, NUISANCE.  
under Light Railways Act, 1896, 496.  
Power Acts, power is given to take land compulsorily, 50, 52.  
Railways (Electrical Power) Act, 1903, 500.

#### LANDS CLAUSES ACTS,

incorporation of, with Electric Lighting Acts, subject to certain exceptions, 95, 96, 228, 246.  
in construction of, land (by the Act of 1882) includes easements in or relating to lands, 96.  
interpretation of, in Act of 1882, 123.  
incorporation of, with Power Acts, 50.  
as to powers to take land compulsorily. *See under* LAND and COMPENSATION.

#### LARCENY,

person maliciously or fraudulently abstracting, consuming, using, etc., electricity, guilty of simple, 28, 110.

#### LEAKAGE AND ELECTROLYSIS

from tramways, 487, *et seq.*  
joint committee on Electric Powers (Protective Clauses), 1893, 490.  
clause suggested by the joint committee, 545.

## INDEX.

### LEAKAGE AND ELECTROLYSIS—*continued*.

- recommendations of joint committee, 547.
- form of model clause now in use for protection against damage by, 507.
- model clause is inserted in Tramway Acts authorising electric traction,  
493.
  - in Railway Acts and Light Railway Orders authorising  
electric traction, 494.
- provisions in Board of Trade regulations in regard to leakage—
  - prevention, testing for, and remedying of, 368, 370.
  - from high pressure system, 370.
  - connection not to be made, where leakage would result, 372.
  - discontinuing supply to consumer on discovery of, 373.
  - consumers' fittings may be tested for, 373.
- provisions of Power Acts in relation to, 58.
- regulations of Board of Trade for preventing—
  - in case of tramways and light railways, 525.
  - London County Council tramways, 530, 532.
  - railways, 542.

### LESSEES

- of land to be compulsorily acquired for generating station, entitled to
  - notice of Provisional Order, 228, 229.
  - within 300 yards of proposed generating station entitled to  
notice, 229, 230.
- notice to, of application for Provisional Order, 12, 346.

### LETTING OF ELECTRICAL FITTINGS,

- special clause permitting, 35.

### LEVEL,

- tramways or railways crossing highway on the, 157.
- special provisions of Power Acts as to, 98, 158.

### LIABILITY FOR INJURY

- by railways using electrical power, 493.

### LIABILITY OF UNDERTAKERS

- for nuisance, 31.
- to compensate for damage, 31.
- for accidents, 31.

### LICENCE,

- Board of Trade authorised to grant, to any local authority or person, 7,  
period of, 7, 74—77. 74—77.
- consent of local authority required, 7, 74.
  - inquiry, 74.
- how applied for, 74.
- regulations to be inserted in licences, 75.
- local authority desiring to apply for, must pass resolution after one  
month's notice, 74.
- not to be granted until after lapse of three months from advertise-  
ment, 74.
- now practically obsolete, 7.

### LIGHT RAILWAYS,

- appointment of light railway commissioners, 495.
- effect of order of commissioners when confirmed by Board of Trade, 495.
- provisions of Order as to electrical power, 496.
- regulations and byelaws of Board of Trade for use of electrical power  
on, 522.

### LIGHTING VEHICLES AND BOATS,

- supply of electrical energy for, in London, 274, 299.

## INDEX.

- LIGHTNING,**  
protection from, 369, 388.
- LIME-WASHING,**  
order of Home Secretary as to, under Factory and Workshop Act, 1901, 60.
- LIMITS OF SUPPLY.** *See* AREA OF SUPPLY.
- LINES, ELECTRIC.** *See* FITTINGS.  
of undertakers, remain their property, though fixed to premises, 239.
- LIQUIDATOR OF COMPANY**  
not a next tenant, 109.
- LIST**  
of local authorities to be deposited at Board of Trade, 351.  
authorities, companies, or persons already authorised to supply within area, 351.  
roads, railways and tramways (if any), 352.  
Power Acts, 47.
- LOAN TO LONDON UNDERTAKINGS**  
by London County Council after notice to purchase, 41, 288, 290.
- LOANS.** *See* BORROW AND MORTGAGES.  
by local authorities under Electric Lighting Acts not part of "total debt," 242.
- LOCAL AUTHORITY,**  
notice to, of application for Provisional Order, 11, 345.  
waiver of, 345.  
consent of, to application for Provisional Order, 11.  
proof of, 12, 13, 347.  
revocation of Provisional Order of, 33.  
application of revenue from undertaking by, 30.  
consent of, for overground wires, 19.  
definition of, in Act of 1882, 122.  
in Scotland, 125.  
may obtain licence or order, 7—11, 74—79.  
consent of, to licence, required by Act of 1882, 11, 74.  
to order required by Act of 1888, 11, 79, 134.  
only to be given by resolution after notice, 11, 79.  
applies to orders for supply in bulk, 134.  
Board of Trade may dispense with consent in case of a Provisional Order, 11, 79, 134.  
special report in such case, 11, 134.  
instances of such dispensation, 465.  
as road authority. *See* BREAKING UP STREETS.  
authorised to make byelaws for safety of public in addition to those made by the Board of Trade, 81.  
none such made, 81.  
byelaws by, under s. 13 of the Public Health Acts Amendment Act, 1890, 81, 82, 394.  
expenses of, in promoting or opposing Provisional Orders, etc., 82.  
power of, to borrow, 83, 84.  
restrictions as to exercise of borrowing powers, 84—86.  
accounts to be kept and audited, 87, 126—133, 238.  
form of accounts prescribed by Board of Trade, 87.  
limited power to acquire land, 16, 88, 154.  
*See further, LAND.*  
contracts of, 92, 93.  
on obtaining Provisional Order may contract for works or supply, 20, 92—95.

# INDEX.

## LOCAL AUTHORITY—*continued.*

- the lighting of any street or place belonging to, is within "public purposes," 74.
- may exercise powers of undertakers for breaking up streets, 19, 75, 165.
- in Scotland, 125.
  - delegation by certain local authorities in Scotland, 143.
  - amount and period of repayment of loans for electric lighting, 227.
- purchase of undertaking from a company, repealed provisions of Act of 1882, 119.
- provision of Act of 1888 as to purchase, terms, arbitration, etc., 26, 27, 135.
- terms of purchase in Act of 1888 may be varied by Provisional Order, county of London Orders, 38—41. 26, 27, 139.
- powers of, under Electric Lighting (Clauses) Act, 1899, relating to—
  - security and accounts, 151, 152.
  - the placing of lines above ground, 156.
  - purchase and use of land by local authorities, 88, 92, 154.
- See further, LAND.*
- street boxes, 158.
- electric works in or under public streets or bridges, 160—162.
- exercise of powers of undertakers to break up streets, 165.
- electric lines near sewers, etc., 170.
- revocation of order on failure of undertakers to lay down mains, 175,
- requisition by, on undertakers to lay mains, 178. 176.
- supply to public lamps, 180.
- price and method of charging, 182.
- maximum prices, 182.
- price to public lamps, 184.
- appointment of electric inspectors, 184.
- remuneration of electric inspectors, 185.
- establishment of testing stations, 187.
- map of area of supply, 193, 194.
- application of money received by, 153.
  - of moneys arising from disposal of lands, 155.
- protection of officers and members of, from personal liability, 155.
- service of notices, 194.
- revocation of order where undertakers insolvent, 195.
  - undertaking cannot be carried on with profit, 195.
  - by consent of, 196.
- where order in favour of a company revoked, 196, 197.
- publication of regulations, 199.
- extension of time, 201.
  - notice of application for, 201.
- recovery and application of penalties, 201.
- protection of, under Public Authorities Protection Act, 1893, 28, 29.
- officers of, not personally liable, 28, 155.
- transfer of undertaking from, to a company, not permitted, 93, 94, 238.
- See further, under TRANSFER.*
- consent of rural district council not to be unreasonably withheld under Power Acts, 32, 99, 156.
- preference given to, in competing applications, 13, 78, 354.
- areas of supply of, in London, adjusted, 259.
- special provisions in Acts of, relating to electric supply, 35, 36.
  - as to supplying, in London, 42.
- consent of, to laying of lines by power companies, 52.
- may exercise powers granted by Provisional Order jointly, 236.
- accounts of, provisions of Electric Lighting Act, 1909, 238.
- consent of, necessary to breaking up of streets outside area of supply,
  - not to be unreasonably withheld, 230, 231. 230, 231.
  - to supply of electricity to premises outside area of supply, not to be unreasonably withheld, 234. 234.
- right of, to purchase undertaking, may include works outside district, 235, 236.
- for the purposes of the London Electric Supply Act, 1908, 271.

## INDEX.

### LOCAL AUTHORITY—*continued*.

- for the purposes of the London (etc.) Electric Supply Companies Act, 1908, 298.
- for Middlesex, under London Electric Supply Act, 1908, 271.
- owning connecting mains, must supply intervening area, 272.
- may waive notice under s. 4 of Electric Lighting Act, 1882, 236.
- not entitled to notice under s. 4 of Electric Lighting Act, 1882, unless distribution of electricity is proposed, 236.
- loans of, under Electric Lighting Acts, not part of "total debt," 242.

### LOCAL GOVERNMENT BOARD

- may concur in joint exercise of powers under Provisional Orders by local authorities, 236.
- deposits with, by applicant for Provisional Order, 352.
- consent of, to borrowing, etc., 128, 129.
- approval of, on purchase and use of land by local authority, 154.

### LOCAL INQUIRY. *See* INQUIRY BY BOARD OF TRADE.

### LOCAL LOANS ACT, 1875,

- powers of borrowing under, 83, 87.

### LOCAL RATE,

- expenses of local authority may be defrayed out of, 82.
- definition of, 126—132.

### LONDON, 37 *et seq.*

- Acts relating specially to, 247 *et seq.*
- adjustment of areas in, 259, 260.
- transfer of areas in, by agreement, 260—262.
- supply of electric fittings in, by metropolitan borough councils, 264.
- manufacture of electric fittings in, by metropolitan borough councils, 265.
- charges for electric fittings in, by metropolitan borough councils, 265.
- borrowing for electric fittings in, by metropolitan borough councils, 265.
- compulsory purchase of bulk supply mains in, 298.

### LONDON BUILDING ACT, 1894, 159.

*See* LONDON, COUNTY OF.

### LONDON, CITY OF,

- Commissioners of Sewers of, merged in City Corporation, 91.
- members of corporation "directly or indirectly interested or concerned in contract," 91, 92.
- "reasonable expenses" of electric inspector in, 188, 189.
- provisions of London Overhead Wires Act, 1891, relating to, 251—258.
- See* LONDON OVERHEAD WIRES ACT, 1891.
- purchase of undertakings in, 290.

### LONDON COUNTY COUNCIL,

- powers of, in relation to London undertakings, 15, 38—44.
- consent of, to loan of local authority, 15, 126, 127.
- appeal to Local Government Board, 15, 126, 127.
- purchasing authority in respect of London undertakings, 41.
- period and terms of purchase, 41, 139, 285 *et seq.*, 301, 304.
- advance of moneys to undertakings after notice to purchase, 41.
- may lay connecting mains for purposes of London (etc.) Electric Supply Companies Act, 1908, 298.
- protection of, under London Electric Supply Act, 1908, 279.
- London (etc.) Electric Supply Companies Act, 1908, 301.
- purchasing authority for London Electric Supply Companies, 285, 293, 301, 304, 305.
- may issue stock in part payment for London electric supply undertakings, 288, 304, 305.

## INDEX.

### LONDON COUNTY COUNCIL—*continued*.

- may issue stock for purposes of London Electric Supply Act, 1908, 290.  
1910, 304
- deposits with, on application for Provisional Orders, 349, 353. —305.
- borrowing powers of, 126, 127.
- audit of accounts of, 126, 127.
- powers of Metropolitan Board of Works transferred to, 126, 127.
- powers under London Overhead Wires Act, 1891, 251 *et seq.*
- rules of, in regard to testing meters, 443.
- regulations of, in regard to protection of theatres, etc., from fire, 447.
- byelaws made by, under London Overhead Wires Act, 1891, 440.
- tramways, regulations of Board of Trade as to use of electrical power on, 530, 532.

*See further, LONDON, COUNTY OF, and SUBWAYS.*

### LONDON COUNTY COUNCIL (GENERAL POWERS) ACT, 1906,

- arrangement of sections, 248.
- Act set out, 264.

### LONDON, COUNTY OF,

- electric supply undertakings in, 37—44.
  - authorised by Provisional Order, 37.
  - not governed by Electric Lighting (Clauses) Act, 1899, 37.
  - Provisional Orders of, differ from other Provisional Orders, 38—44.
    - date of purchase, 38.
- agreement between undertakings in, for mutual assistance, 42, 268, 296.
  - laying mains for purposes of, beyond area, 42, 269, 297.
  - rights of local authorities in regard to, 42, 270, 298.
- supply of energy of railways by undertakers in London, 42, 274, 299.
- erection of generating station in, 43, 282, 302.
- points in which a Provisional Order in, differs from other Provisional Orders, 38 *et seq.*
  - subways, 279.
  - saving for embankment, park, and open space vested in county council, 279.
  - purchase, 38, 136, 285—288, 301, 304.
  - maximum price and revision of price, 182, 183.
- competition and overlapping in, 40, 135.
- establishment of testing stations by the London County Council, 38, 443.
  - rules made by the London County Council with approval of Board of Trade, 443.
- protection of theatres and places of public resort from fire, 447.
  - regulations made, 447.
- London Overhead Wires Act, 1891, 251.
  - See under LONDON OVERHEAD WIRES ACT, 1891.*
- London Building Act, 1894, street boxes held to be within, 159, 160.
- London Electric Lighting Areas Act, 1904, 259.
- London County Council (General Powers) Act, 1906, 264.
- London Electric Supply Act, 1908, 266.
- London (Westminster and Kensington) Electric Supply Companies Act, 1908, 294.
- London Electric Supply Act, 1910, 304.

### LONDON DOCKS,

- supply of power to, 274, 299.

### LONDON ELECTRIC LIGHTING AREAS ACT, 1904,

- arrangement of sections, 248.
- Act set out, 259.

### LONDON ELECTRIC SUPPLY ACT, 1908,

- arrangement of sections, 248.
- Act set out, 266.

## INDEX.

- LONDON ELECTRIC SUPPLY ACT, 1908—*continued*.  
definitions of terms in, 268.  
copy of, to be registered, 292.  
fee for registration of, 292.
- LONDON ELECTRIC SUPPLY ACT, 1910,  
arrangement of sections, 250.  
Act set out, 304.
- LONDON ELECTRIC SUPPLY COMPANIES  
purchaseable by London County Council, 38—41, 284—293, 301, 304, 305.  
list of, 293, 305.
- LONDON ELECTRIC SUPPLY CORPORATION, LIMITED, 293.
- LONDON GOVERNMENT ACT, 1899, 259, 262, 265.  
transfer of powers and duties under Acts of 1882 and 1888 to the borough  
councils, 126.  
*See further, LONDON, COUNTY OF.*
- LONDON OVERHEAD WIRES ACT, 1891,  
London County Council authorised to make byelaws, 6, 43, 82.  
byelaws made by London County Council, 440.  
the Act set out at length, 251.  
Act or byelaws not to apply to undertakings acting under special  
Act, Provisional Order, or licence under Electric Lighting  
Acts, 43, 251, 257.  
not to apply to private wires under certain conditions, 251, 257.  
overhead wires for lighting purposes not to be allowed except  
to statutory undertakers, 251, 257.  
new overhead wires not to be placed except in accordance with  
byelaws, 253.  
rights over private property not to be acquired except by agree-  
ment, 253.  
byelaws authorised to be made by London County Council, 253.  
enforcement of byelaws, 253.  
inspectors of overhead wires to be appointed, 255.  
removal of overhead wires, 255.  
liability for accidents, 255.  
arbitrator where any matter is referred to arbitration, 256.  
notice of legal proceedings, 256.  
penalties and application, 256.
- LONDON (WESTMINSTER AND KENSINGTON) ELECTRIC SUPPLY  
COMPANIES ACT, 1908,  
arrangement of sections, 249.  
Act set out, 294.  
definition of terms in, 295, 296.  
copy of, to be registered, 303.  
costs of, 303.
- LONGFORD RIVER,  
protection of, under London Electric Supply Act, 1908, 284.

## M.

- MAIN,  
definition of, in Act of 1899, 146.  
*See DISTRIBUTING MAINS and TESTING AND INSPECTION.*
- MAIN, ELECTRIC,  
defined in London Electric Supply Act, 1908, 268.  
London (etc.) Electric Supply Companies Act, 1908, 296.
- MAINS, BULK SUPPLY,  
compulsory purchase of, in London, 298.



## INDEX.

- MAINS, CONNECTING,**  
power to lay, in London, 269—271, 297, 298.
- MAINS, DISTRIBUTING,**  
obligation to lay, 21, 22, 174.  
requisition to lay, 21, 174.  
in London, 39.  
laying of, under Power Acts, 51, 53.
- MAINTENANCE**  
of insulation, 368, 388.  
overhead line efficiently, as regards both electrical and mechanical conditions, 369, 386, 390.
- MANAGER AND RECEIVER,**  
not an incoming tenant, 109.  
*See* TENANT.
- MANUFACTURE**  
of electric accumulators a "dangerous trade," 61.
- MAP,**  
deposit of, by applicant for Provisional Order, 12, 347, 348.  
definition of "deposited map" in Act of 1899, 147.  
of area of supply to be made and kept by undertakers, 193, 194.  
to be from time to time corrected and sections made, 193, 194.  
and sections to be open to inspection, 193.  
penalty for default, 194.  
in London, 39.  
of electric lines laid by power companies, 52.  
Power Acts generally require map of electric lines to be deposited, 52.  
*See further,* PLAN. 329.
- MAXIMUM**  
intervals between supports of overhead line, 369, 385, 390.
- MAXIMUM POWER**  
which consumer may demand, 23, 180.  
alteration of, expenses, arbitration, 180.
- MAXIMUM PRICE, 24, 25, 182, 183.**  
revision of, 237.  
of power supplied in London, under agreement between undertakings, 42,  
by power companies, 55. 272, 299.  
for power purposes under London agreement for mutual assistance, 272—274, 299.
- MEAL HOURS**  
of young persons in electrical stations, 61.
- MEASUREMENT**  
of electricity, new standards for, 414.  
by meter, 189.  
*See further,* METERS.
- MECHANICAL POWER**  
on tramways, use of, 487.
- MEMORANDUM OF ASSOCIATION,**  
altering, so as to include power to obtain Provisional Order and supply electricity, 78.  
must be deposited by company applying for Provisional Order, 352.
- MEMORIAL**  
by applicants for Provisional Order, 12, 344.  
applications for licences or orders to be made by, 344.

## INDEX.

METALLIC RETURN,  
use of, 489.

METALLIFEROUS MINES REGULATION ACT, 1872, 62.  
proposed rules under, 475.

### METER

testing and examination of, 24.  
for ascertaining value of supply, 25, 189.  
to be certified by inspector, 25, 190.  
may be supplied by consumer, 25.  
must be supplied by undertakers, if required, 25, 190.  
repair of, 25, 191.  
disconnecting, 25, 191.  
certification of, provisions of Electric Lighting Act, 1909, 238.  
in London, 238, 300.  
of undertakers, power to enter premises to remove, 110.  
not liable to distress, or to be taken in execution against the person in  
whose possession the same may be, 110.  
amount of energy supplied to be ascertained by appropriate, 25, 189.  
to be certified as correct by electric inspector, 25, 190, 238.  
"certified meter," 190, 238.  
electric inspector to examine and certify on payment of prescribed fee, 24,  
undertakers' officer, etc., may enter premises, 190, 191. 190.  
consumers not to connect or disconnect without notice, 191.  
consumer owning meter to keep in repair, 25, 191.  
undertakers may let for hire, with "any fittings thereto," 191.  
to keep meter let for hire in repair, 25, 192.  
differences as to correctness of, to be settled by inspector, 192.  
when to be conclusive evidence, 192.  
expense of providing new, where method of charge altered, 192, 193.  
undertakers may place, to measure supply or check measurement, 193.  
for measuring "power" supply under London agreement for mutual  
assistance, 273, 299.  
testing of, in London, 38, 443.  
Power Acts, provisions of, regarding, 55, 189.

METHODS OF CHARGING. *See* PRICE.

METROPOLIS MANAGEMENT ACT, 1855, 262.

METROPOLITAN BOARD OF WORKS,  
powers of, transferred to London County Council, 126.

METROPOLITAN BOROUGH COUNCILS,  
may supply electric fittings in London, 264.  
not manufacture electric fittings in London, 265.  
charge for electric fittings in London, 265.  
borrow for supply of electric fittings in London, 265.  
powers of, under Electric Lighting Acts, 126, 285.

METROPOLITAN DISTRICT RAILWAY,  
protection of, under London Electric Supply Act, 1908, 275.

METROPOLITAN ELECTRIC SUPPLY COMPANY, LIMITED, 286,  
293.

METROPOLITAN WATER BOARD,  
protection of, under London Electric Supply Act, 1908, 276.  
London (etc.) Electric Supply Companies Act, 1908,  
301.

MIDDLE TEMPLE, HONOURABLE SOCIETY OF,  
protection of, under London Electric Supply Act, 1908, 276.

## INDEX.

MIDDLESEX COUNTY COUNCIL, 271.

MINES AND MINERALS,  
saving for rights of owner, etc., of any, to work the same, 124, 215.

MINES, COAL,  
use of electricity in, 61.  
restrictions on, 61.  
regulations for, 430.

MINES, METALLIFEROUS,  
proposed rules for use of electricity in, 62, 475.

MINIMUM  
size of conductors, 368.

MODEL CLAUSE  
enabling local authorities to supply electric fittings, etc., 111.  
regulating use of electrical power on railways or tramways, 507.  
relating to use of electrical power inserted in Tramway Acts and Orders,  
power to erect generating station, 510. 510 *et seq.*  
as to electrical works, etc., 510.  
provisions as to motive power, 511.  
alteration of telegraph lines of Postmaster-General, 512.  
for protection of Post Office telegraph lines, 512.  
use of tramway posts by Postmaster-General, 514.  
attachment of brackets in buildings, 517.  
apparatus used for mechanical power to be deemed part of tramway,  
byclaws, 518. 518.  
inserted in Railway Acts authorising the use of electrical power, 519 *et seq.*  
railway may be worked by electrical power, 519.  
lands for generating station, 519.  
power to hold patent rights, 519.  
for protection of Postmaster-General, 519.

MONOPOLY, 6.  
granting of licence or order now confers, 6, 134, 243.  
except in London, 40, 135.

MORTGAGES,  
undertakers being a company may borrow on security of, of the under-  
taking, 29, 30, 202, 203.  
on transfer to local authority, under Act of 1888, s. 2, mortgages shall not  
be a charge on the undertaking, 30, 196, 202, 203.  
mortgage deed to be indorsed with notice to that effect, 203.  
*See further, BORROW.*  
of authorised undertaking do not confer on mortgagees a power of sale,  
203.

MOTIVE POWER. *See* TRACTION.

MUNICIPAL CORPORATIONS ACT, 1835, 128, 129.  
1882, 128, 129.

MUSEUMS,  
protection of, in London, 281, 302.

MUTUAL ASSISTANCE,  
agreement for, between London undertakings, 42, 268, 296.  
price of power supplied under, 272, 299.  
*See* AGREEMENT.  
as between borough councils in London, 301.

## INDEX.

### N.

#### NAVIGATION,

supply of power to, in London, 274, 299.

#### NEGLIGENCE, 17.

of contractors, liability of undertakers for, 213 *et seq.*

report of Lord Cross's committee as to whether undertakers should be responsible for nuisance or only for, 17, 459.

*See further under* NUISANCE.

#### NEIGHBOURING DISTRICT. *See under* AREA OF SUPPLY.

#### NIGHT EMPLOYMENT

of young persons in electrical stations, 61.

#### NON-STATUTORY COMPANY. *See* UNAUTHORISED UNDERTAKERS.

liable to byelaws under Public Health Acts Amendment Act, 1890 (adoptive), 394.

regulations of Board of Trade under s. 4 of Act of 1888, 140—142, 387.

byelaws under London Overhead Wires Act, 1891, 253, 440.

#### NORTHUMBERLAND CLAUSE, 35.

#### NOTICE

of removal by customer, 26, 241.

connection of meters, 25, 191.

disconnection of meters, 26, 191.

accidents to Board of Trade, 31, 60, 185.

intention to proceed by Private Bill, when Provisional Order refused, 231, 354.

of Board of Trade to authorise supply in bulk by order, 232.

to local authority under s. 4 of Electric Lighting Act, 1882—

may be waived by local authority, 236, 346.

need not be given except where distribution of electricity is proposed, 236.

of application for consent of Board of Trade to supply railways, tramways, etc., 233.

of person requiring power supply under London agreements for mutual assistance, 273, 299.

by advertisement of intended application for Provisional Order, 12, 344.

contents of, 344, 345.

to purchase London Electric Supply Companies by London County Council, 286, 301, 304, 305.

of Provisional Order to owners, lessees and occupiers—

of land to be compulsorily acquired for generating stations, 228, 229.

within 300 yards, of intention to construct generating station, 229,

preliminary to obtaining licences or orders, 11, 12. 230, 346.

*See* LICENCE and PROVISIONAL ORDER.

resolution after one month's notice—a preliminary step where local authorities are undertakers, 11.

by promoters to local authority of district proposed to be supplied, 11, 77,

to purchase undertaking of company, 26, 135. 79, 345.

in London, 41.

the like, where order of company revoked, 196.

provisions in Board of Trade Rules relating to, 345, 346.

under Telegraph Act, 1878, 115.

of works with plan before breaking up streets, 18, 19, 160, 219, 220.

in London, 39.

# INDEX.

## NOTICE—*continued*.

- of works with plan to be served on Postmaster-General and local authority, 160.
- in the case of private streets, railways, tramways and canals, 162.
  - street authority desiring to exercise powers of breaking up, 165, 166.
  - Power Acts limit the period of notice, 167.
  - alteration of pipes, wires, etc., under streets, 167, 168.
  - laying electric lines near sewers, or gas, or water pipes, 170.
  - County of London Orders, 171.
  - lines near telegraphic or telephonic wires, subways, 173.
  - electric line under special agreement, 21, 175.
  - a consumer requiring a supply, 178.
- to consumer requiring security, 179.
- of objection to price and method of supply, 182.
- of accidents, 60, 185, 186.
- See further, ACCIDENTS.*
- may be printed or written, 194.
- service of, 194, 226.
- of application for extension of time and approval of Board of Trade, 200, 201.
- where an act is to be done within a specified number of days after, when Sunday, Christmas Day, etc., not to be reckoned, 195.
- forms of. *See FORM.*
- private, of application for Provisional Order, 345, 346.

## NOTTING HILL ELECTRIC LIGHTING COMPANY, LIMITED, 268, 294, 295, 305.

## NUISANCE, 16, 17, 31, 51.

- in London, Commissioners of Works may proceed against authorised undertakers for, 282, 302.
- caused by use of electricity on tramways, 488 *et seq.*
  - railways, 493 *et seq.*
- a clause was generally inserted in Provisional Orders, providing that undertakers should not be exonerated from indictment action or other proceeding for, 16, 89.
- s. 81 of Schedule to Electric Lighting (Clauses) Act, 1899, so provides, 16, 203.
- Joint Committee Electrical Energy (Generating Stations and Supply), 1898, 17, 459.
  - reference included *inter alia* question of acquiring land compulsorily for generating stations and the question of nuisance, 17, 459.
  - report of committee against nuisance clause where the land for site is acquired under compulsory powers, 17, 459.
  - leaving company only liable for negligence, 17, 459.
  - Goddie v. Proprietors of Bann Reservoir*, 17, 203, 459.
- where land is authorised to be taken compulsorily, 17, 89, 90, 228.
- no liability for, under Power Acts, 51.
- black smoke, cases as to, 205 n.
- cases relating to nuisance, 89.

## O.

### OBJECTIONS

- to grant of Provisional Order, 13, 353.

### OBJECTORS

- to licences or orders, how to proceed, 13, 353.

### OBLIGATION TO SUPPLY. *See SUPPLY.*

## INDEX.

### OBLIGATIONS OF UNDERTAKERS, 20—24.

*And see* SUPPLY and REQUISITION.

to lay down distributing mains, 21, 22, 174 *et seq.*

afford supply of electricity, 22—24, 104, 178.

in case of power companies, 53.

in London, 39, 42.

### OBSERVATORIES, LABORATORIES, Etc.,

protection of, against supply of power in London for haulage, traction,  
etc., 274, 299.

clause for protection of, 233.

### OBSERVATORY, GREENWICH,

protection of, under London Electric Supply Act, 1908, 284.

London (etc.) Electric Supply Companies Act, 1908,  
302.

### OCCUPIERS

may require undertakers to lay distributing mains, 21.

give a supply, 22.

of land to be compulsorily acquired for generating stations, entitled to  
notice of Provisional Order, 228, 229.

within 300 yards of proposed generating station, entitled to  
notice, 229, 230.

notice to, of application for Provisional Order, 12, 346.

### OFFENCES

in respect of electric works, etc., 28.

### OFFICIAL RECEIVER

not an "incoming tenant," 109.

### OHM, 25.

standard of electrical resistance defined by Order in Council, 25, 414, 415.

limits of accuracy attainable in ohm standard, 414.

### OIL,

emission of, causing nuisance in London, 282, 302.

### OPERATORS,

definition of, in s. 18 of the Schedule to Act of 1899, 170.

*See further under* PIPES.

### ORDER,

Provisional. *See* PROVISIONAL ORDER.

in Council, legalising new denominations of standards for the measure-  
ment of electricity, 414, 415.

Standing Orders. *See* STANDING ORDERS.

of Board of Trade under Railways (Electrical Power) Act, 1903, 499 *et seq.*

Electric Lighting Act, 1909, 232, 234.

London Electric Supply Act, 1908, 272.

### OVERHEAD WIRES, 6, 19, 20, 43, 52.

*See also* ABOVE-GROUND WORKS.

of unauthorised undertakers, 6.

provisions of Electric Lighting Act, 1882—

undertakers not to place any electric line above-ground, along,  
over, or across any street without express consent of local  
authority, 19, 98, 156.

local authority may require undertakers to remove, where placed  
contrary to s. 14 of Act of 1882, 98.

themselves remove and recover expenses, 99.

court of summary jurisdiction may order removal notwithstanding  
consent of local authority, 99.

special provisions in the special Acts of various municipal corporations  
authorising removal of unauthorised, 100.

## INDEX.

### OVERHEAD WIRES—*continued*.

action by a householder for injunction, 99.

London Overhead Wires Act, 1891, 43, 251.

the Act set out, 251.

*See more fully under* LONDON OVERHEAD WIRES ACT, 1891.

byelaws made by London County Council under, 440.

in London Orders consent of county council and Board of Trade required, 156.

provisions of Electric Lighting (Clauses) Act, 1899—

undertakers not to place any electric line above-ground except with express consent of Board of Trade and local authority, 156.

exception where premises in sole occupation or control of undertakers, 156.

of so much of any service line necessarily so placed for the purposes of supply, 156.

Board of Trade regulations regarding overhead lines, 385.

overhead lines—

definition of, in Board of Trade regulations, 364.

maximum interval between supports, 385, 390.

construction and erection of supports, 385, 390.

attachment of overhead lines, 385, 389.

height from ground, 385, 389.

service lines from, 386, 390.

angle of crossing thoroughfares, 386, 390.

crossing or in proximity to metallic substance, 386, 390.

maintenance, 386, 390.

disused overhead lines to be removed, 386, 391.

extra high pressure lines above ground or in subways, 380.

of power companies, 52.

Power Acts provide that consent of rural district council to, shall not be unreasonably withheld, 99, 156.

appeal to Board of Trade, 99, 156.

### OVERLAPPING. *See* COMPETITION.

### OWNER,

definition of, in regulations under s. 4 of Act of 1888, 387.

*See* CONSUMER and SUPPLY.

### OWNERS

may require undertakers to lay distributing mains, 21.

give a supply, 22.

notice to, of application for Provisional Orders, 12, 346.

of land to be compulsorily acquired for generating station entitled to

notice of Provisional Order, 228, 229, 346.

within 300 yards of proposed generating station entitled to notice, 346.

### OXIDES OF SULPHUR GAS

causing nuisance in London, 282, 302.

## P.

### PALACES, ROYAL,

protection of, in London, 282, 302.

### PARKS, Etc.,

in London, 40.

vested in London County Council—

protection of, under London Electric Supply Act, 1908, 279.

London (etc.) Electric Supply Companies Act,

1908, 301.

### PARKS, ROYAL,

protection of, in London, 281, 302.

## INDEX.

### PARLIAMENT,

confirmation of Provisional Order by, 77, 79.  
joint committees of. See JOINT COMMITTEES.

### PARLIAMENTARY RETURNS

on reports of auditors on undertaker's accounts, 238.

### PATENTED OR PROTECTED PROCESSES,

undertakers may acquire, under Electric Lighting Acts, 87.  
Railway Acts, 519.  
Power Acts, 316.

### PENALTY, 32, 33.

for failure to lay distributing mains, 32, 33, 175.  
give a supply, 32, 33, 178, 181.  
on part of a power company, 55.  
failure of undertakers to keep for sale copies of accounts, 87.  
delay in reinstating streets, 221.  
fraudulently using energy, 110, 223.  
wilfully removing or damaging pipes, etc., 223.  
injuring meters, 224.  
under Highway Act, 1835, for breaking up streets without authority, 209.  
Public Health Act, 1875, for the like, 210.  
Act of 1882 authorises regulations enforceable by, 80.  
defaults, subject to—  
removing, etc., covering of street boxes during hours other than those  
prescribed by local authority, 158.  
works in, under, etc., public streets or bridges, 160, 161.  
streets not repairable by local authority, 162, 164.  
as to breaking up streets where local authority undertake that work,  
165, 166.  
altering position of pipes, wires, etc., which interfere with  
undertakers' powers, 167, 169.  
laying of electric lines (other than service lines) near sewers or gas or  
water pipes, or other electric lines, 170, 171.  
telegraphic and telephonic wires, 173, 174.  
in laying distributing mains, 33, 175.  
affording supply to owner or occupier, 178, 181.  
supplying public lamps, 180.  
energy in accordance with Board of Trade regula-  
tions, 181.  
giving notice of accident, 185, 186.  
affording facilities for inspection and testing, 188.  
connecting or disconnecting meters without notice, 191.  
keeping, etc., map of area of supply, 194.  
abating or discontinuing work on order of Board of Trade,  
199.  
obeying order of Board of Trade forbidding use of line or work,  
199.  
keeping for sale copies of Board of Trade regulations, 199.  
complying with regulations (A.) for securing the safety of the  
public, 374.  
(B.) for supplying energy, 377.  
breaking up streets otherwise than as authorised, 221.  
not serving notice on Postmaster-General before beginning work,  
115.  
not complying with reasonable requirements of Postmaster-General,  
115.  
destroying or injuring telegraphic line of Postmaster General, 116.  
obstructing Postmaster-General in placing, maintaining, or repairing  
telegraphic line, 117.  
failure to comply with requirements of any notice served by Board  
of Trade or Postmaster-General, 140, 141.



# INDEX.

## PENALTY—*continued*.

definition of "daily penalty" in Act of 1899, 147.

recovery of, 201.

and application of, under Act of 1899, 201.

prosecution for, and recovery of, under Telegraph Acts, 117.

for using power supply, under London agreement for mutual assistance,  
for lighting, 273, 299.

## PERIODS.

dates and, to be observed in applications for licences or orders, 11—13.

## PERSON,

order or licence may be granted to, 7, 9, 74, 77.

## PIPES,

alteration of position of, under streets, etc., where exercise of undertakers'  
powers interfered with, 19, 101, 167, 168.

laying electric lines near, 19, 170.

in London, 39.

placing pipes, etc. against buildings. *See* BUILDINGS.

*See further*, ALTERATION OF PIPES AND WIRES, POSTMASTER-GENERAL,  
and LEAKAGE AND ELECTROLYSIS.

## PLAN. *See also* MAP.

where undertakers propose to break up streets for laying pipes, etc., 160,  
particulars which such plan must show, 160—163, 229. 219.

in London, 38.

section of Act of 1899—

requiring notice of works with plan to be served on Postmaster-  
General and local authority, 160.

as to notice of works with plan in the case of streets not repairable  
by a local authority, 162, 163.

in the case of railways, tramways, and canals, 162, 163.

as to notice of works with plan where undertakers seek to alter  
position of pipes or wires, etc., which interfere with the exercise  
of powers, 167, 168.

definition of, in Act of 1899, 147.

finer on undertakers for not having constructed according to plan, 221.

## POSTMASTER-GENERAL, 18, 19, 38.

Electric Lighting Act, 1882—

various provisions in s. 26, 112.

incorporated provisions of Telegraph Acts, 113 *et seq.*

s. 35 as to saving for privileges of, 124.

decision in *Attorney-General v. Edison Telephone Co.*, 76.

Electric Lighting (Clauses) Act, 1899—

plan of works to be served on (s. 14), 160.

protection of telegraphic and telephonic wires (s. 20), 173.

saving for (s. 79), 203.

Power Acts, 52.

agreement between, and electric lighting company as to use of trenches,  
tubes, pipes, etc. of the company, 91.

saving of rights of, under Public Health Acts Amendment Act, 1890, 82.  
provisions where undertakers propose to lay electric line within ten yards  
of a telegraphic line of, 112.

legal proceedings by, enactment as to, 117.

differences between, and undertakers to be determined by arbitration, 113.

liability of undertakers to fines, 113.

saving in the case of a work of emergency, 113.

provision in Telegraph Act, 1878, as to work done in pursuance of special  
Acts which involve alteration in telegraphic line, 115.

liability of, for damage, 103.

protection of, against supply of power in London for haulage traction.  
etc., 274, 299.

## INDEX.

### POSTMASTER-GENERAL—*continued*.

- protection of, in respect of connecting mains, 271, 298.
- under London Overhead Wires Act, 1891, 257.
- against tramways worked by electricity, 512—514.
- railways worked by electricity, 519.

### POSTPONEMENT

- of transfer of area in London, 261.

### POWER. *See also* POWER ACTS.

- supply of, in London, under agreements for mutual assistance, 268—274,
  - maximum price of, 272, 299.
  - terms of, 273.
  - for haulage traction, etc., 274, 299.
- definition of, in Act of 1899, 146.
- limit of, in extra high pressure electric line, 382.
- report of Lord Cross's committee as to schemes for supplying energy to other undertakers and not directly to consumers, 462.
- See* MAXIMUM POWER.

### POWER ACT.

- example of (Somerset and District Electric Power Act, 1903), 314—336.

### POWER ACTS, 45.

- rights under, 45.
- purchase of, by local authority, 46.
- list of, 47.
- Kitson clause, 47.
- maximum prices under, 48.
- agreements under, to take over Provisional Orders, 49.
- are special Acts within Electric Lighting Acts, 1882 to 1909, 49.
- Electric Lighting Clauses Act, 1899, 49.
- exclude provisions of Electric Lighting Acts as to purchase by local authority, 49.
- incorporate Lands Clauses Acts, 50.
- Companies Clauses Acts, 50.
- acquisition of land under, 50, 51.
- construction of generating stations under, 50, 51.
- laying down mains under, 51.
- system and mode of supply under, 52.
- power and obligation to supply under, 53.
- meters under provisions of, 55.
- prices under provisions of, 55.
- dividends under provisions of, 56.
- accounts under provisions of, 56.
- audit under provisions of, 56.
- not to prejudice applications for orders by other persons, 57.
- acquisition of undertakings by agreement under, 57.
- cesser of powers under, 57.
- special protective clauses in, 57, 58.
- transfer of powers under, 57, 94, 337.
- provisions in, in regard to nuisance, 51. *See* NUISANCE.
- restrictions of s. 13 of 1882 Act and s. 12 of Schedule to 1899 Act as regards railways and tramways on level, generally excluded from Power Acts, 98, 158.
- consent of rural district council not to be unreasonably withheld to overhead wires, 52, 99, 156.
- powers of Board of Trade, 52, 99, 156.
- capital and borrowing powers, 50.
- Somerset and District Electric Power Act, 1903, set out p. 314 *et seq.*

### POWER COMPANIES. *See* POWER ACTS.

- incorporation of, 50.
- application of Electric Lighting Acts to, 49.

## INDEX.

### POWER COMPANIES—*continued.*

- acquisition of land by, 50.
- construction of generating stations by, 51.
- laying down of mains by, 51, 52.
- construction of works by, 51, 52.
- supply by, 52—55.
- meters of, 55.
- prices of, 55.
- dividends, 55.
- accounts and audits, 56.
- relations of, to new undertakers in area, 57.

### POWER PURPOSES

- defined in London Electric Supply Act, 1908, 273.
- maximum price of supply for, under London agreements for mutual assistance, 273, 299.
- penalty for using supply for, for lighting, 273, 299.

### POWERS,

- transfer of, restrictions on, 238, 239.
- See* TRANSFER.
- cesser of. *See* CESSER AND REVOCATION.

### PREFERENCE,

- no undue preference allowed, 25, 105 *et seq.*

### PRESSURE,

- definition of, in Board of Trade regulations, 364, 387.
- sub-station, 364, 387.
- constant, 23.
- definition of extra-high, 365.
- limitation of, 382.
- extra-high, regulations as to conductors, 380.
- testing of insulation of all parts at any high pressure circuit, 368, 379.
- circuit-breaker for high, lines, 368, 379.
- in mains during supply, 365, 375, 382.
- declared, at consumer's terminals, 375, 383.
- variation of, at consumer's terminals, 375, 383.

### PRICE, 24, 55.

- And see* CUTTING OFF SUPPLY OF ENERGY AND RECOVERY OF CHARGES.
- methods of charging, 24, 182.
- or rent due for electricity to be recovered as a civil debt, 96, 97, 224, 225.
- usual provisions contained in Provisional Orders as to, 105, 307.
- maximum prices, 24, 25, 182, 183, 237.
- Board of Trade unit defined, 25.
- revision of maximum prices and methods of charge every five years, 182,
- county of London orders, 183. 183, 237.
- by agreement, 183.
- to public lamps, where undertaking in hands of company, etc., 184.
- under Power Acts, 55.
- of power supplied in London by agreement between undertakings, 42,
- 272, 299.
- increase of, after notice to purchase London undertakings, 287, 304, 305.

### PRINCIPAL ACT,

- meaning of, in Electric Lighting (Scotland) Act, 1890, 144.
- in Electric Lighting (Clauses) Act, 1899, 146.

### PRINTING,

- draft of Provisional Order required to be deposited with Board of Trade must be printed, 349.
- of notices under Telegraph Act, 1878, 118.
- notices under Act of 1899 may be partly or wholly in, 194.
- order as granted must be printed, 353, 354.

## INDEX.

PRIVATE BILL,  
notices of, 231.

PRIVATE LAND, STREETS, ETC.,  
laying lines through, 18.

Electric Lighting Act, 1882—  
restriction on breaking up of street, etc., not repairable by local  
authority, 97, 98.  
special authority in Provisional Orders, 307.  
definition of "street," 123.

Electric Lighting (Clauses) Act, 1899—  
restriction on breaking up of street, etc., not repairable by local  
authority, 162, 163.

the authority to break up is contained in the Provisional Order,  
railways and tramways, 162, 163. 307.

Gasworks Clauses Act, 1847—  
undertakers not to enter on private land without consent, 217—219.  
right of entry on premises—  
power of undertakers to enter premises supplied, 110.  
supplying meters, 190.

PRIVATE NOTICES  
of an application for Provisional Order, 345.

PRIVATE PURPOSES,  
definition of, 74.  
conditions under which undertakers may be compelled to supply elec-  
tricity for, 104, 178.

PROFITS,  
revision of prices and method of charge every seven years, 182, 183.  
of power companies, generally limited to 8 per cent., 56.

PROHIBITION  
of supply beyond area, 149.  
overhead wires, 98, 156.  
*See further, OVERHEAD WIRES.*

PROOF  
of compliance with rules of Board of Trade. *See COMPLIANCE.*

PROTECTION  
of undertakers and their property, 28.  
local authorities, under Public Authorities Protection Act, 1893, 28, 29.  
local authorities, their members, officers, etc., from personal liability,  
under Public Health Act, 1875, 28, 155.  
public, under Public Health Acts Amendment Act, 1890, 81, 82.  
mines, 124, 215.  
canals and of persons constructing docks, basins, or other works  
adjoining canals, 19, 102, 162—164.  
every high pressure electric line conductor or other apparatus by a  
suitable automatic circuit-breaker, 368, 379.  
consumers' wires by some suitable automatic and quick-acting means,  
where high pressure supply transformed, 369.  
from lightning, 369, 388.  
of service lines, 372, 386.  
telegraphic wires, etc., of Postmaster-General. *See POSTMASTER-  
GENERAL.*  
sewers, gas or water pipes, or other electric lines, 170—172.  
railway or canal companies, 162, 163, 173.  
telegraphic and telephonic wires, 173, 174.  
the rights of the Crown in the foreshore, 203.  
*And see FORESHORE.*  
theatres in London from fire, 447.

## INDEX.

### PROTECTION CLAUSES

in Power Acts, 57, 58.

respect of railways using electrical power, 494.

### PROVISIONAL ORDER,

Board of Trade authorised to grant, 9, 77.

application for, must be made by memorial, 10, 344.

local authority intending to apply for, must first pass special resolution after a month's notice, 11, 74, 77.

special notice on or before July 1st, to local authority of proposed area, 11, 77, 345.

local authority applying for, have a preference, 13, 78, 354.

local inquiry, 13, 79, 354, 355.

copies of draft, to be kept for sale, 352, 353.

when made, to be kept for sale, 353, 354.

consent of local authority required, 11, 134.

power of Board of Trade to dispense with such consent, 11, 134.

granting of, confers no monopoly, except as against unauthorised persons commencing to supply, 6, 134.

requires confirmation by Parliament, 10, 77, 79.

confirmation may be opposed, 10, 77.

proceedings after order or licence granted, 10, 13, 353, 354.

dates and periods to be observed in application for, 11—13.

special notice in writing to every authority, company, or person authorised to supply electricity in area, 12, 346, 347.

public advertisements during October and November, 12, 13, 344.

deposit of copy of public advertisement with Board of Trade, 12, 347.

when memorial must be lodged, 12, 344.

shall not be granted by Board of Trade until expiration of three months from first publication of advertisement, 13, 74.

objectors to be heard, 13, 79, 353.

"clauses or other amendments" to be delivered to Board of Trade, 13, 353.

compliance must be proved with Board of Trade rules, 12, 13, 353.

repeal or amendment of, 10, 32, 33.

in London area, 38—44.

does not incorporate Electric Lighting (Clauses) Act, 1899, 37.

Board of Trade rules regarding application for, 344.

consent of local authorities, 347.

notices, 344—346.

application and deposits, 347—353.

draft of, to be deposited with Board of Trade, 351.

various deposits to be made with Board of Trade, 351.

application for, in area of power company, 57.

regulations to be inserted regarding limits, regular supply, safety of public, price, inspection and inquiry, 80, 81.

further regulations to be made by Board of Trade from time to time regarding safety of the public, and ensuring a proper and sufficient supply of energy, 81.

regulations of the Board of Trade now in use, 364.

purchase by local authority of undertaking authorised by, 26, 27, 119, 135.

terms and conditions of, 26, 27, 135.

county of London orders, 41, 136.

See LONDON, COUNTY OF.

power to vary terms of sale, 139.

form of, 305.

points in which county of London, differs from provincial, 38.

under Tramways Act, 1870, 487 *et seq.*

electric traction, 487 *et seq.*

model clause as to use of electrical power inserted in, 491, 507.

Board of Trade regulations, 522, 525, 538.

for London County Council tramways, 530, 532.

other model clauses contained in Tramway Acts, 510.

Railways (Electrical Power) Act, 1903, 499.

## INDEX.

### PROVISIONAL ORDER—*continued*.

- scope of, under Electric Lighting Act, 1909, 228, 229.
- authorising compulsory acquisition of land for generating station, 228,
- notice of, to owners, lessees, and occupiers, 228, 229.
- may authorise breaking up of streets outside area of supply, 230.
- supply of electricity in bulk, 231.
- compulsorily, 231.
- notices for, available for private Bill, 231.
- may authorise supply of electricity to railways, tramways and canals, 233.

### PROVISIONAL ORDERS,

- rules governing applications for, 344—355.

### PUBLICATION

- of advertisement for licence or order, 12, 74—79, 344, 345.
- Board of Trade rules requiring public advertisements, 344, 345.
- of draft Provisional Order and sale of copies to public, 351, 352.
- order or licence when made, and sale of copies, 353, 354.
- Board of Trade regulations, and sale of copies, 199.
- accounts of undertakers, 87.

### PUBLIC AUTHORITIES' PROTECTION ACT, 1893.

- provisions of, 28, 29.
- See further*, PROTECTION.
- does not apply to independent contractors, 215.

### PUBLIC BUILDINGS,

- protection of, in London, 281, 302.

### PUBLIC HEALTH ACTS,

- Public Health Act, 1875, 82, 128, 129, 155, 206, 242.
- Public Health Act, 1875 (Support of Sewers), Amendment Act, 1883, 215.
- Public Health Acts Amendment Act, 1890, 81, 100, 142, 394.
- byelaws under, 394.
- not applicable to London, 82.
- Public Health (London) Act, 1891, 156, 205.
- Public Health (Scotland) Act, 1867, 131.
- Public Health (Scotland) Act, 1897, 114, 131.
- Public Health (Ireland) Acts, 1878 to 1896, 125, 132, 133.
- Public Health Acts Amendment Act, 1907, 155.

### PUBLIC LAMPS,

- conditions entitling local authority to demand a supply of energy to, 23, 180.
- price of supply to, to be settled by arbitration if not agreed, 23, 184.

### PUBLIC PURPOSES,

- definition of, 74.

### PURCHASE,

- by local authority from company of undertaking ; provisions regarding, 26, 27, 119, 135, 196.
- terms of sale may be varied by Provisional Order, 139.
- of undertaking in London, 38, 40, 41, 284, 293, 301, 304, 305.
- City of London, 290.
- Camberwell, 290.
- Lambeth, 291.
- of power company, 46, 49.
- by local authority may include works outside district, 235, 236.
- by local authority from company of undertaking where order has been revoked, 196.
- company of undertaking of local authority, not now permitted, 93, 94.

## INDEX.

### PURCHASE—*continued*.

- of land by agreement, 16, 87, 88, 95.
  - by companies not limited as to quantity, 16, 88.
  - local authorities limited, 16, 88.
  - compulsorily, 16—18, 88—90, 228.
  - See further*, LAND.
- compulsory, of bulk supply mains in London, 298.

### PURCHASE-MONEY

- for London electric supply undertakings, how payable, 288, 304, 305.

## Q.

### QUANTITY,

- charges based upon, 24.
- amount of energy supplied to consumer must be ascertained by meter unless otherwise agreed, 189.
- See further*, METER.
- of land purchasable by agreement. *See* PURCHASE.

### QUITTING,

- notice by consumer before, 26, 34, 241.

## R.

### RAIL-LESS TRACTION, 496.

### RAILWAY,

- restriction on breaking up of—
  - under Electric Lighting Acts, 18, 97, 98, 157, 162, 163, 173.
  - Power Acts, 51.
- restrictions under s. 13 of 1882 Act and s. 12 of Schedule to 1899 Act, as regards railways or tramways on level, generally excluded from Power Acts, 98, 158.
- definition of, in Act of 1899, 147.
- execution by undertakers of works over or under any, 162.
  - notice to be given in such case with plan, 162.
  - requisition by, arbitration, etc., 163.
- tunnels, arches, works, or conveniences belonging to, not to be injured, 173.
- supply of electricity to, 16, 233.
- in London, 42, 274, 299.
- Railways Clauses Consolidation Act, 1845, 97, 493.
- use of electricity on, 493.
  - liability for injury, 493.
- Electric Lighting Act, 1909, s. 5, 494.
- protective clauses, 494.
- model clause as to use of electrical power on, 494, 507.
- other model clauses as to use of electrical power on, 519.
- Board of Trade Regulations, 495, 542.
- Railways (Electrical Power) Act, 1903, 495.
  - Act set out, 499.
- Railways Construction Facilities Act, 1864, 120.
- Light Railways Act, 1896, 114, 495.
- protection of, against electric mains laid under London Electric Supply Act, 1908, 275.

### RAILWAYS (ELECTRICAL POWER) ACT, 1903, 495.

- Act set out, 499.
- applications under, 502.
- Board of Trade Rules for, 502.

## INDEX.

- "REASONABLE EXPENSES"  
of an electric inspector, what are, 188, 189.
- RECEIVER  
of authorised undertaking may be appointed, 203.
- RECOVERY OF CHARGES  
for energy, etc., as a civil debt in court of summary jurisdiction, 26, 96,  
97, 224, 225.  
by action in court of competent jurisdiction, 26, 97, 225.  
undertakers authorised to cut off supply in certain cases, 26, 34, 108.  
*See CUTTING OFF SUPPLY OF ENERGY.*
- REFERENCE, BOOK OF,  
on application for Provisional Order, 348.
- REFUSE-DESTRUCTOR,  
nuisance caused by, in London, 282, 302.
- REFUSAL TO SUPPLY,  
when permitted, 108, 241.
- REGENT'S CANAL DOCK,  
supply of power to, 274, 299.
- REGULATIONS  
required by Act of 1882, s. 6, to be inserted in licences or orders, relating  
to limits, supply, safety of public, price, etc., 20, 80, 364.  
further regulations from time to time to be made and altered by Board  
of Trade, 80, 81.  
form of regulations now in use, 81, 364.  
to be printed by undertakers, and copies kept for sale, 199.  
penalty for default, 199.  
in London, 39, 199.  
definition of, in Act of 1899, 147.  
under Act of 1888, s. 4, with regard to works existing otherwise than  
under any licence, order, or special Act, 6, 140, 141.  
form of regulations in use under that section, 387.  
Factory and Workshop Acts, 1901 and 1907, 50, 420.  
publication of, 59.  
may not be contracted out of, 59.  
Coal Mines Act, 1911, 430.  
for protection of theatres, etc., from fire, 447.  
installation and use of electricity in mines (proposed under  
Metalliferous Mines Act, 1872), 475.  
use of electrical power by—  
railways, 495, 542.  
light railways, 496, 522, 525, 538.  
tramways, 491, 522, 525, 538.  
London County Council tramways, 530, 532.  
*See further, BOARD OF TRADE REGULATIONS.*
- REINSTATEMENT, 90.
- REMEDYING OF SYSTEM AND WORKS,  
by order of Board of Trade, 20, 33, 198, 199.  
in case of power companies, 53.  
where system in use is not approved by Board of Trade, 20, 33.  
any part of circuits connected with earth, 198, 199.  
electric line placed above-ground, 198, 199.  
electric lines or works defective and not in accordance with Board  
of Trade regulations, 198, 199.  
any work is attended with danger to public safety, 198, 199.  
or affects telegraphic line of Postmaster-General, etc., 198, 199.



## INDEX.

### REMOVAL

notice of, by customer, 26, 34, 241.

### RENT. *See* PRICE.

recovery of, or charge due for electricity, 26, 96, 97, 224, 225.

### REPAYMENT

of loans by local authorities in England, 83, 126.  
Scotland, 130, 227.  
Ireland, 83, 132.

### REPORT,

annual, to be made by Board of Trade, 122.  
of accident by explosion or fire, etc., to be made to Board of Trade, 31,  
*See further, ACCIDENTS.* 186.  
Board of Trade may hold inquiry, 186.  
by electric inspector of results of testing of undertakers' instruments, 188.

### REQUISITION

by owners and occupiers requiring supply of energy, 21, 22, 174, 175.  
proceedings thereupon, 174, 175.  
in London, 39.  
manner in which requisition is to be made, 176.  
by a local authority, 178.  
railway company for arbitration as to works, 163.

### RESTRICTION

on transfer of undertakers' powers, 93, 238.

### RESTRICTIONS UPON UNDERTAKERS, 29.

on breaking up of private streets, railways, tramways, etc. *See* PRIVATE  
LAND, STREETS, ETC.  
as to above-ground works, 98.  
*See* ABOVE-GROUND WORKS.  
on electric lines or works existing without licence, order, or special Act,  
140, 387.  
under s. 13 of 1882 Act and s. 12 of Schedule to 1899 Act, as regards rail-  
ways or tramways on level, generally excluded from Power Acts, 98, 158.

### RETURN, PARLIAMENTARY,

on reports of auditors on undertakers' accounts, 238.

### REVENUE. *See* LOCAL AUTHORITY and APPLICATION.

application of, 30.  
by undertakers, being a local authority, 30, 153.  
of power companies, 56.

### REVISION

of charges and methods of supply, 25, 30, 183, 237.

### REVOCAION

of Provisional Order by Board of Trade—  
generally, 20, 32, 33, 75.  
if (without authority) undertakers purchase or acquire or associate  
themselves with any other company, etc., supplying energy, 32,  
33, 148.  
undertakers supply energy or lay down lines or works beyond area  
of supply, 33, 149.  
fail to show they are in a position to discharge duties,  
etc., or to make deposit or give required  
security, 33, 151.  
lay down distributing mains within periods  
prescribed, 33, 174—176.  
are insolvent, 33, 195.  
undertaking cannot be carried on with profit, 33, 195.  
local authority undertakers and works are not executed, 33, 195, 196.

## INDEX.

### REVOCATION—*continued.*

- by consent, 33, 196.
- if undertakers fail to comply with Order of Board of Trade to abate or continue supplying otherwise than by means of a system approved,
  - 33, 198, 199.
- illegal continuance of works above-ground, or danger to public, etc.,
  - 33, 198, 199.
- power of local authority to purchase undertaking of company when order of company revoked, 196.
- provisions where order in favour of local authority revoked, 198.
- Power Acts, 49, 57.

### RIGHT TO PURCHASE UNDERTAKING

- may include works outside district of local authority, 235, 236.

### RIVER THAMES,

- bed of, 40.

### ROAD

- defined in Electric Lighting Act, 1909, 244.
- power to break up, 16, 18.
- list of, not repairable by local authority, to be advertised, 344.
- power and conditions of laying lines and works in, when not repairable by local authority, 162—164.
- See further, STREET; PRIVATE LAND.*

### ROYAL PALACES AND PARKS,

- protection of, in London, 281, 302.

### RULES

- of Board of Trade. *See* BOARD OF TRADE RULES.
- of London County Council for testing of meters, 443.
- governing applications for Provisional Orders, 344—355.

### RURAL DISTRICT COUNCIL,

- provision in Power Acts that consent of, should not be unreasonably withheld, 52, 99, 156.
- powers of Board of Trade, 52, 99, 156.

## S.

### ST. JAMES AND PALL MALL ELECTRIC LIGHT COMPANY, LIMITED, 268, 294, 295, 305.

### ST. KATHARINE'S DOCKS,

- supply of power to, 274, 299.

### SAFETY,

- Board of Trade authorised to make regulations for safety of public, 6, 20.
- form of regulations so made, 365 *et seq.* 52, 80.
- amendment and repeal from time to time, 80.
- local authority authorised to make byelaws for safety of public, 80.
- none such made, 81.
- under Public Health Acts Amendment Act, 1890, 81, 82, 394.
- restrictions as to above-ground works. *See* ABOVE-GROUND WORKS.
- remedying of system and works where work of undertakers attended with danger to public, 198, 199.
- See further, ABOVE-GROUND WORKS; BOARD OF TRADE REGULATIONS; and OVERHEAD WIRES.*

### SALE. *See* PURCHASE.

- of meters, 25, 189—191.
- in London, 264.

## INDEX.

### SALE—*continued.*

- of electrical fittings, special clause permitting, 35.
- copies of accounts of undertakers, 87.
- draft Provisional Order, 352.
- Provisional Order or licence when made, 353, 354.
- Board of Trade Regulations, 199.

### SCOTLAND.

- application of Act of 1882 to, 124.
  - Act of 1909 to, 245.
- repeal by Act of 1890, of Schedule relating to, in Act of 1882, 130, 143.
- the new Schedule applicable to, 130.
- local authorities in, 130, 131.
- delegation by certain local authorities in, 143.
- local authorities in, may borrow for the purpose of electric lighting, 83, 86, 130, 131.
  - Act of 1902 enacts no limit on borrowing powers but repayment within thirty years, 227.
- Secretary for Scotland, consent necessary to borrowing by local authority in, 131.
- audit of accounts in, 131.
- recovery of price, etc., in, 125, 206, 225.
- sheriff. *See* SHERIFF and SUMMARY JURISDICTION.
- Lands Clauses Consolidation (Scotland) Act, 1845, 125.
- Railways Clauses Consolidation (Scotland) Acts, 1845 and 1860, 97.
- General Police and Improvement (Scotland) Act, 1862, 131.
- Public Health (Scotland) Act, 1867, 131.
- Burghs Gas Supply (Scotland) Act, 1876, 130.
- Local Government (Scotland) Act, 1889, 131.
- Electric Lighting (Scotland) Act, 1890, 130, 143.
  - 1902, 227.
- Burgh Police (Scotland) Act, 1892, 130, 131.
- Burghs Gas Supply (Scotland) Act, 1893, 130.
- Public Health (Scotland) Act, 1897, 114, 131.
- Town Councils (Scotland) Act, 1900, 131.
- Electric Lighting (Scotland) Act, 1902, 227.

### SEA,

- saving rights of Crown in foreshore, 203.

### SECRETARY FOR SCOTLAND. *See* SCOTLAND.

- deposits with, by applicants for Provisional Orders, 352.

### SECURITY

- on which loans may be contracted by local authorities, 126—132.
- for execution of works, by undertakers, 15, 151.
  - not required from local authorities, 15, 151.
- by owners or occupiers requiring—
  - distributing mains, 21, 177.
  - supply, 179.
    - nature and amount of, by deposit or otherwise, 200.
    - court of summary jurisdiction may determine, 200.
- of public from injury by shock, fire, or otherwise. *See* BOARD OF TRADE REGULATIONS and SAFETY.
- for meter supplied by undertakers, 190.

### SEPARATE SUPPLY, 23.

- supply to a consumer who has a, 180, 239.
- premises having, in London, 281, 299.

### SERVICE LINES

- from overhead lines, 386, 390.
- protection of consumers' wires by some suitable automatic and quick-acting means, where high pressure supply transformed, 369.

## INDEX.

### SERVICE LINES—*continued.*

- definition of, in Act of 1899, 146.
- restriction on the placing of electric lines other than, near sewers or water pipes or other electric lines, 170—172.
- street boxes to be used by undertakers only for the purpose of leading off, 158.

### SEWERAGE BOARD, MAIN,

- of West Kent, protection of, under London Electric Supply Act, 1908, 276.

### SEWERS

- of London County Council, protected under—
  - London Electric Supply Act, 1908, 279.
  - London (etc.) Electric Supply Companies Act, 1908, 301.
- not to be opened, etc., except under superintendence, 18, 219.
- in London, 39.
- undertakers not authorised to alter position of, 167.
- provisions regulating the laying of electric lines, etc., near, 170.
- commissioners of, in city of London, merged in city corporation, 91, 252.
- tunnelled, 209.
- provisions of Public Health (Support of Sewers) Amendment Act, 1883, 215.

### SEWERS COMMISSIONERS

- of Essex and Kent, protection of, under London Electric Supply Act, 1908, 276.

### SHEFFIELD CLAUSE, 492.

### SITE OF WORKS. *See* GENERATING STATION.

### SLIDING SCALE,

- Power Acts, 56.

### SLOT METERS. *See* COIN METERS.

### SMOKE,

- black, provision of Public Health (London) Act, 1891, as to, 205.
- cases with regard to convictions for, 205.
- consumption of, 242.
- in London, 281, 282, 302.

### SOMERSET AND DISTRICT ELECTRIC POWER ACT, 1903,

- set out pp. 314—336.

### SOUTH LONDON ELECTRIC SUPPLY CORPORATION LIMITED, 291, 293.

### SOUTH METROPOLITAN ELECTRIC LIGHT AND POWER COMPANY, LIMITED, 293.

### SPACES, OPEN,

- in London, 40.

### SPECIAL ORDER,

- definition of, in Act of 1899, 146.

### SPECIAL STATUTORY PROVISIONS IN PROVISIONAL ORDERS OR CONFIRMING ACTS, 33—36.

- as to terms of purchase, 33.
- transfer of powers, 34, 312.
- "stand-by" clause, 34. *And see* 249.
- Bermondsey clause, 35, 310.
- as to protection of county councils, 34, 310.
- in Acts of local authorities, 35, 36.
- Power Acts, 57, 314—336.

## INDEX.

- STAMP ACT, 1891,  
electrical energy deemed to be "goods," etc., within, 241.
- STAMP DUTY  
on agreements for supply of electricity, 92, 241.
- STANDARDS  
for measuring electricity, 25, 414, 415.
- "STAND-BY" CLAUSE, 34, 239.  
in London, 281, 299.
- STANDING ORDERS  
as to description in notice and Bill of generating stations (where procedure is by Bill), 88, 89.  
petitions against confirming Acts, 79.
- STATION, ELECTRICAL, 59.  
regulations relating to, 59.  
young persons in, 61.  
night employment of, 61.  
meal times of, 61.
- STEALING  
electricity, 110, 223, 224.
- STEAM ROLLERS,  
injury to gas and water pipes, etc., by, 216.
- STOCK, LONDON COUNTY COUNCIL,  
may be issued in part payment for London electric supply undertakings,  
288, 304, 305.
- STREET,  
breaking up of, 18, 95, 160, 208.  
    *See* BREAKING UP STREETS.  
    outside area of supply, 230.  
under control of Commissioners of Works, in London, 283, 302.  
definition of, in Act of 1882, 98, 123.  
restriction on breaking up private, 18, 35, 97, 162.  
    *See* PRIVATE LAND, STREETS, ETC.  
breaking up of, under Power Acts, 51, 52.  
how far subsoil of, vested in road authority, 210.  
arches, etc., under carriageway, 212.  
construction of street boxes, 158, 159, 371, 381.  
laying of electric mains and works in public streets or bridges, 160—162.  
    lines and works in streets not repairable by local authority, or near railway, tramway, or canal, 162—164.  
authority may exercise power of undertakers to break up, 165—167.  
alteration of pipes, wires, etc., under, which interfere with exercise of undertakers' powers, 167—170.  
laying of electric lines, etc., near sewers, or gas, or water pipes, or other electric lines, 170—172.  
subways in metropolis. *See* SUBWAYS.  
power to remove disused electric lines of power companies from, 52.
- STREET BOXES,  
special section in Act of 1899 regarding, 158, 159.  
exclusive use and sole control of undertakers, 158.  
materials of, 158, 371.  
local authority with approval of Board of Trade may prescribe hours of access, 158.  
penalty on undertakers, 158.  
    saving for cases of emergency, 158.  
regulation of Board of Trade regarding, 371, 381.

## INDEX.

### STREET BOXES—*continued.*

- covers to be secured, 371.
- means must be taken to render it impossible that covers, etc. shall become electrically charged, 371.
- where street boxes used as transformer chambers, 371.
- must be regularly inspected for presence of gas, 371.
- held to be within London Building Act, 1894, 159.

### STREET LIGHTING. *See* PUBLIC LAMPS.

- of boundary streets in London, agreements for, 269.

### SUBSOIL OF STREETS,

- how far vested in road authority, 210, 211.

### SUBWAYS

- for connection of premises on either side of the road, 218.
- constructed under Metropolitan Subways Act, 1868, 217.
- London County Council (Subways) Act, 1893, 217.
- special clauses inserted in county of London orders as to use of, for electric lines, 39, 40.
- arbitration to fix rent for use of, 39, 40.
- of London County Council—
  - protected under London Electric Supply Act, 1908, 279.
  - London (etc.) Electric Supply Companies Act, 1908, 301.

### SULPHUR, OXIDES OF,

- causing nuisance in London, 281, 282, 302.

### SUMMARY JURISDICTION,

- recovery of charges in court of, 97, 225.
- penalties, 225.

#### *See* RECOVERY OF CHARGES.

- mode of enforcing order of a court of, for removal of overhead wires, 100.
- Summary Jurisdiction Act, 1848, 97.
- 1879, 97.
- 1884, 97.
- recovery of remuneration of auditor of company's accounts, as a civil debt, 152.
- when court of, may abate rigour of penalties provided, 158, 161, 164, 166, 169, 171, 174.
- recovery of expenses under section authorising street authority to exercise powers of the undertakers to break up, 166.
- as a civil debt of expenses incurred by undertakers on alteration by consumer of his maximum power, 180.
- fees and reasonable expenses of electric inspector, when to be ascertained by a court of, 188, 189.
- recovery of expenses of providing new meters where method of charge altered, as a civil debt, 192, 193.
- determination of amount of security by way of deposit or otherwise, 200.
- recovery and application of penalties as provided by Summary Jurisdiction Acts, 201.
- sheriff, in Scotland, exercises power of, 206.
- See* PENALTIES.

### SUMMONS OR WARRANT,

- several names may be included, 226.
- sums may be included, 226.

### SUNDAY,

- when not to be reckoned in computation of number of days, 195.

### SUPPLY,

- separate, 23, 180, 239.
- in London, 281, 299.

## INDEX.

### SUPPLY—*continued*.

- refusal of, when permitted, 108, 224, 241.
- beyond area of supply, prohibited, 33, 149.
- exceptions, 149, 150, 228—235.
- See further*, AREA OF SUPPLY.
- to area through which connecting mains of local authorities are laid in London, 272.
- of power, outside area, 228—235.
- in London, 274.
- electric fittings in London, 264.
- value of. *See* VALUE.
- consumer may demand a, 22, 104, 178.
- conditions under which such demand may be made, 22, 104, 178—180.
- in London, 39.
- from power companies, 54.
- no undue preference, 25, 105.
- no special form of lamp or burner to be prescribed, 22, 104.
- Board of Trade regulations for securing proper and sufficient, 80, 374, 382.
- when, may be cut off. *See* CUTTING OFF SUPPLY OF ENERGY.
- to public lamps, conditions under which local authority may demand, 23, 180.
- undertakers not responsible for interruption of, caused by electric inspection and testing, 186.

### SUPPLY, AREA OF. *See* AREA OF SUPPLY.

- of local authorities in London adjusted, 259.
- authority and company in London adjusted, 259.

### SUPPLY IN BULK,

- association of undertakers for purposes of, 241.
- And see* BULK.
- may be authorised by Provisional Order, 231, 232.
- Order of Board of Trade, 232.

### SUPPORT, RIGHT OF, 215.

- right to work mines saved under the Act of 1882, 124, 215.
- See further*, MINES AND MINERALS.

### SUPPORTS,

- maximum intervals between, of overhead lines, 385, 390.
- construction and erection of supports, 385, 390.
- attachment of overhead lines to, 385, 389.

### SYSTEM OF SUPPLY, 20, 156, 198.

- to be approved by Board of Trade, 20, 156.
- not to be altered without consent of Board of Trade, 23, 24.
- remedying of, on representation of Board of Trade, 20, 198, 199.
- where any part of system is connected with earth, 198, 199.
- any electric line placed above ground, 199.
- electric lines or works not in accordance with regulations, 199.
- any work is attended with danger to public, 199.
- affects telegraphic line of Postmaster-General, 199.
- by power companies, 52.
- remedying defects in, 53.

## T.

### TELEGRAM,

- definition of, in Telegraph Act, 1869, 76.
- Act of 1882, 123.

### TELEGRAPH,

- definition of, in Telegraph Acts, 1863 and 1869, 76.
- protection of telegraphic wires, etc., of Postmaster-General, 112, 173, 174,
- See further*, POSTMASTER-GENERAL, 203, 512, 520.

## INDEX.

### TELEGRAPHIC OR TELEPHONIC WIRES,

- definition of "telegraphic line" in Act of 1899, 147.
- protection of, from injury by induction or otherwise, 173.
- use of guard wires in connection with, 538.

*See further, POSTMASTER-GENERAL.*

### TELEPHONE,

- within the definition of "telegraph" in Telegraph Acts 1863 and 1869, 76.

### TENANT,

- incoming, not responsible for arrears, 26, 108, 109, 224, 225.
- may be required to enter into a written contract, 104, 179.
- security may be required before giving, or after commencing to give supply, 179.
- position of a manager and receiver, 109.
  - official receiver, 109.
  - liquidator of a company, 109.
  - trustee in bankruptcy, 109.

### TESTING AND INSPECTION 24, 38, 53,

- generally, 24.
- in London, 38.
- in case of power companies, 53.
- appointment of electric inspector, 24, 38, 53, 184.
  - duties of, 184.
  - remuneration of, 185.
- testing of mains, 186.
  - works and supply on consumers' premises, 186, 187.
  - stations, 187.
- undertakers to keep instruments on premises, 187.
- readings of instruments, 188.
- testing undertakers' instruments, 188.
- representation of undertakers at testings, 188.
- facilities for testing to be given by undertakers, 188.
- report of results of testing, 188.
- expenses of electric inspector, 188.
- of electricity meters by London County Council, 443.
  - rules prescribed, 443.
- every main to be tested for insulation before use, 368.
- of all parts of any high pressure circuit, 368, 379.

### THAMES,

- bed of river, 40.

### THEATRE,

- lighting of, within "public purposes," 74.
- power of London County Council to make regulations with regard to protection of, from fire, 447.
- regulations so made, 447.

### THREE-WIRE SYSTEM,

- regulations of Board of Trade, 367, 385, 391.

### TIMES. *See also DAYS and HOUR.*

- dates and periods to be observed in applications to Board of Trade for licences or orders, 11—13.

### TOTAL DEBT

- of local authorities does not include money borrowed under Electric Lighting Acts, 242.

### TRACTION, ELECTRIC, 487 *et seq.*

- overhead wires for, report of Lord Cross's committee as to consent of local authority, 461, 462.



# INDEX.

## TRACTION, ELECTRIC—*continued*.

- supply of electricity for, to railway, tramway, etc., partly within and partly without limits, 16, 233.
- in London, 42, 274, 299.
- tramways authorised to be worked by, 487 *et seq.*
- railways authorised to be worked by, 493 *et seq.*
- light railways authorised to be worked by, 495 *et seq.*

## TRACTION ENGINE.

- injury by, to gas and water pipes, 216.

## TRAMWAY, 487 *et seq.*

- restrictions on breaking up of, 18, 97, 157, 162.
- restrictions under s. 13 of 1882 Act and s. 12 of Schedule to Act of 1899 as regards railways or tramways on level generally excluded from Power Acts, 51, 52, 98, 158.
- definition of, in Act of 1899, 147.
- supply of power to, 16, 233.
- in London, 42, 274, 299.
- execution by undertakers of works over or under any, 162—164.
- notice to be given in such case with plan, 162.
- requisition, arbitration, etc., 163.
- use of mechanical power on, 487.
- nuisance caused by use of electrical power on, 488.
- use of insulated return on, 489—491.
- electrolysis from, 488—493.
- joint committee clause for prevention of, 491—493.
- Sheffield clause, 492.
- model clause regulating use of electrical power on, 507.
- other model clauses relating to use of electrical power on, 510 *et seq.*
- regulations and byelaws of Board of Trade for use of electrical power on, 522, 525.
- of London County Council, regulations of Board of Trade for use of electrical power on, 530, 532.

## TRANSFER

- of undertaking from company to local authority, 26, 119, 135, 139, 196.
- a local authority to a company, restriction on, 29, 93, 94.
- now forbidden, unless authorised by terms of order or Act, 93, 238, 239.
- of company to a local authority where order has been revoked, 196—198.
- special provisions as to, 34.
- of power company, 46—49.
- in London, 40, 41.
- And see PURCHASE.*
- area in London, 259—261.
- postponement of, by Board of Trade, 261.
- map of, altered areas, 262.
- questions arising upon, to be settled by Board of Trade, 262.
- parts of area of supply in London from company to—
- local authority, 260.
- company by agreement, 260.
- electric undertaking from local authority to company, 57, 94.
- example of clause for, 337.

## TRANSFORMER,

- regulations of Board of Trade, 369, 372, 380, 381, 391.

## TRANSFORMING STATION

- distinguished from generating station, 12, 229, 346.

## INDEX.

TRUSTEE IN BANKRUPTCY,  
when a "next tenant," 109.

TROLLEY VEHICLES, 496.

TUBE AND OTHER RAILWAYS WORKED BY ELECTRICITY. *See*  
RAILWAY.

### TUNNELS.

undertakers not to injure tunnels, etc., of railways, 173.

*See further, RAILWAY.*

railway, distinguished from tunnelled sewers, 162, 209.

of London County Council—

protection of, under London Electric Supply Act, 1908, 279.

London (etc.) Electric Supply Companies Act,  
1908, 301.

*See* SUBWAYS.

### TWO-WIRE SYSTEM,

regulations of Board of Trade, 386, 390.

## U.

### UNAUTHORISED UNDERTAKERS. *See* NON-STATUTORY COMPANY.

supply of electricity by, 5, 6.

subject to Board of Trade regulations, 5, 6, 140, 387.

Postmaster-General's requisitions, 6, 140.

overhead wires of, 6, 140, 389, 394.

in London, 43, 440.

may not compete with authorised undertakers, 6, 243.

### UNDERGROUND ELECTRIC RAILWAYS COMPANY,

protection of, under London Electric Supply Act, 1908, 275.

### UNDERTAKERS. *See* AUTHORISED UNDERTAKERS.

defined in Electric Lighting Act, 1909, 244.

if required, to provide meters on sale, 25, 190.

hire, 25, 190.

authorised, not subject to competition by unauthorised undertakers, 6, 243.

transfer of powers of, restrictions on, 26, 238, 239.

*And see* TRANSFER.

consent of—

to other undertakers without their area, supplying premises within  
area, 234.

not to be unreasonably withheld, 234.

who may be, under Electric Lighting Acts, 1882—1909, 11, 77—79, 244.

local authorities, companies, or persons, 11, 77—79.

proceedings to obtain Provisional Order. *See* PROVISIONAL ORDER.

sale of undertaking by. *See* PURCHASE and TRANSFER.

obligations of, 20—24. *See* SUPPLY.

revocation of Provisional Order. *See* REVOCATION.

penalties for failures or defaults. *See* PENALTIES.

### UNDUE PREFERENCE,

undertakers not to show, 25, 105.

### UNIT

of Board of Trade, definition of, 25, 308.

UNPROFITABLE UNDERTAKING, 33, 195.

## INDEX.

### USE

- of any special form of lamp or burner not to be prescribed by undertakers, 104.
- electricity by consumer, undertakers not to interfere with, 104.
- consumer not to use any lamp or burner so as to unduly or improperly interfere with supply to others, 104.

## V.

### VALUE

- of undertaking when purchased by local authority, how to be ascertained, 26, 27, 119, 135, 136, 196—198.
- in County of London Orders, 41, 136, 285—287.
- See further, PURCHASE.*
- supply of energy afforded, 25, 189.
- See PRICE.*

### VARYING

- terms of sale of a company's undertaking to a local authority, Provisional Order may provide for, 139.
- of price and method of supply, 182, 183.
- revision after expiration of every period of seven years, 183.
- Power Acts, 55, 56.
- pressure of supply, 375, 383.

### VEHICLES

- propelled by electricity, lighting of, in London, 274, 299.

### VETO

- of local authority. *See CONSENT.*

### VOLT. *See PRESSURE.*

- standard for measuring electricity, 25.
- of electrical pressure, 25.
- defined by Order in Council, 25, 415.
- limits of accuracy attainable in use of Board of Trade volt standard, 414.
- testing for insulation, testing pressure at least 200 volts, 368.
- not exceeding 250 volts deemed low pressure supply, 365.
- 650 volts deemed medium pressure supply, 365.
- 3,000 volts deemed high pressure supply, 365.
- exceeding 3,000 volts deemed extra high pressure supply, 365.

### VOLTAGE, HIGH,

- when schemes involving plant of exceptional dimensions and, may be sanctioned, 45 *et seq.*
- report of Lord Cross's committee thereon, 463.

## W.

### WAIVER

- of notice to local authority, 11, 236, 345.

### WARRANT

- or summons, several names may be included, 226.

### WASTE OR MISUSE

- of electricity, 95, 110, 207, 223, 224.

### WATER,

- power companies given power to lay pipes for, 52.
- companies, protection of, from electrolysis from tramways, 492.
- in respect of pipes in streets, 170.
- in London, 171, 172, 266.

## INDEX.

- WATERCOURSE,  
protection of, in London, 279, 301.
- WATERWORKS,  
supply of power to, in London, 274, 299.
- WEIGHTS AND MEASURES ACT, 1889, 25.  
Order in Council legalising new denominations of standards for the measurement of electricity, 414, 415.
- WEST KENT MAIN SEWERAGE BOARD,  
protection of, under London Electric Supply Act, 1908, 270.
- WESTMINSTER,  
purchase of electric undertakings in, 299, 304, 305.
- WESTMINSTER ELECTRIC SUPPLY CORPORATION, LIMITED,  
268, 294, 295, 305.  
excluded from clause protecting Commissioners of Works, 242.
- WINDING UP  
of authorised undertaking, 203.
- WIRES UNDER STREETS, ETC.,  
alteration of, by undertakers where they interfere with exercise of powers of undertakers, 19, 101, 167—170.  
*See further, ALTERATION OF PIPES AND WIRES.*
- WIRING REGULATIONS. *See under* BYELAWS and REGULATIONS.
- WORKHOUSE, 59.
- WORKS,  
definition of, in Act of 1882, 123.  
authority to execute, 87, 157.  
security for execution of. *See* SECURITY.  
of undertakers on consumer's premises, power to enter and remove, 110.  
existing otherwise than under licence, order, or special Act, 140.  
notice before commencing, in various cases. *See under* NOTICE.  
under Power Acts, 51.
- WORKS, COMMISSIONERS OF,  
protection of, 242, 283, 302.  
powers of, 242, 281.
- WORKSHOP,  
regulations for use of electricity in, 59, 420.

## INDEX TO CANADIAN NOTES.

---

### A.

ABANDONMENT OF EXPROPRIATION PROCEEDINGS, 246*l*.

AGREEMENT,

construction of, to supply current, 246*gg*.  
diverting current contrary to, 246*gg*.

APPLICATION

of ratepayers to corporation which has not contracted with power commission, 246*h*.

ASSESSMENT, 246*ff*.

### C.

CARE,

utmost degree of, required in use of electric power, 246*n*.  
special, required of electric railway companies, 549*e*.

CHIEF JUSTICE OF ONTARIO,

powers under Municipal Power Works Act, 3 Edw. VII., c. 25, 246*g*.

CITIES AND TOWNS,

power to pass by-laws for supply of light and heat, 246*d*.

COMMISSION,

municipal corporation may appoint, 246*f*.  
consolidated municipal acts, 246*d*.

COMMISSIONERS,

power to take land, 246*h*.  
powers under 3 Edw. VII., c. 25, 246*f*.

COMPANIES,

how formed, 246*b*.  
possessing franchise compelled to furnish power along its lines, 246*l*.

COMPENSATION

after abandonment of expropriation proceedings, 246*l*.

CONSUMERS,

rates chargeable to, 246*g*.

COUNCIL

to request commissioners to supply power, 246*i*.

CURRENT,

diverting contrary to agreement, 246*gg*.

### D.

DISTRIBUTION PLANTS,

expropriation of, for municipalities, 246*k*.

## INDEX TO CANADIAN NOTES.

### E.

- ERECTION OF POLES,
  - consent of municipality to, 246cc.
- EXCESSIVE
  - speed on street railways, 549c.
  - charge for power, 246n.

### F.

- FIXTURES, 246cc.
- FENDER
  - in front of electric cars, 549d.
- FLOODING LANDS, 246k.

### G.

- GONG,
  - use of, on electric railways, 549d.

### H.

- HYDRO ELECTRIC POWER COMMISSION,
  - Power Commission Act, 1912, 246j.
  - powers of, 246k.
  - local distribution of power, 246h.
  - application of ratepayers to corporation which has not contracted with, 246h.
  - excessive charges for power, 246n.
  - council to request commission to supply, 246i.
  - police villages contracts with, 246j.
  - water powers, 246l.
  - flooded lands and improving powers, 246k.
  - distribution plants, expropriation of, for municipalities, 246k.
  - abandonment of expropriation proceedings, compensation, 246l.
  - underground wiring, order for, 246p.
  - tunnels and conduits, construction of, by municipal corporation, 246p.
  - works constructed under contract with, control of, 246s.

### I.

- LOCAL DISTRIBUTION OF POWER, 246i.

### M.

- MOTORMAN,
  - duty of, to use care, 549e.
- MUNICIPAL CORPORATIONS, POWERS OF, 62a.
  - to manufacture light and heat, 246c.
  - to sell light and heat, 246c.
  - to construct works, 246c.
  - to buy out existing companies, 246c.
  - to fix price to be paid by private consumers, 246c.
  - for transmission of electricity over streets, 246c.
  - to sell surplus energy, 246c.
  - to pass by-laws for, 62b.
  - to submit by-laws for, 246cc.
  - operating street railways, 246cc.
  - telephones, 246cc.
  - to appoint Commission, 62b, 246f.
  - to break up streets, 246c.
  - under Consolidated Municipal Acts, 246d.
  - under Power Commission Act of 1912, 246m.
  - to sell energy to persons outside municipality, 246f.

## INDEX TO CANADIAN NOTES.

MUNICIPAL RAILWAY BOARD, 1906, 549*b*.  
may require companies to take precautions, 246*c*.

### N.

NEGLIGENCE OF CONDUCTOR ON STREET RAILWAY, 549*f*.  
of street railway companies, 549*f*.

NUISANCE, 246*cc*.

### O.

ONUS OF PROOF, 246*ff*.

OVERCROWDING OF ELECTRIC CARS, 549*a*.

### P.

PLANT, ASSESSMENT OF, ON STREET RAILWAYS, 549*e*.

POLES, ERECTION OF, 246*cc*.  
consent of municipality to, 246*cc*.

POLICE VILLAGE,  
a municipal corporation for purposes of Power Commission Act, 246*j*.  
contracts with, 246*j*.

POWER COMMISSIONS ACT, 1912, 246*j*.

POWER WORKS,  
municipalities may construct works for development and transmission,  
246*c*.  
extension of works, 246*c*.  
Board of Commissioners, 246*c*.  
duties as to supplying municipalities interested, 246*f*.  
municipalities not to exceed legal amount of taxes, 246*f*.  
works within limits of Niagara Falls Park, 246*g*.  
surplus power to be supplied to persons on line of supply, 246*g*.  
making unauthorized connection with, 246*g*.  
grants of land to Commissioners, 246*g*.  
existing contracts not affected, 246*g*.

PROOF, ONUS OF, 246*ff*.

### R.

RATEPAYERS,  
may apply to municipal corporation for power, 246*i*.  
steps to be taken to obtain power by, 246*i*.

### S.

STREET RAILWAYS,  
assessment of plant of, 549*e*.  
duty of motorman to use care, 549*e*.  
excessive speed on, 549*e*.  
duty to maintain guard wires, &c., 246*e*.  
duty to prevent pipes, &c., from being damaged, 246*e*.  
duty to afford facilities for interchange of traffic, 246*e*.  
speed to be reduced near crossing, 549*a*.  
overcrowding, 549*a*.  
gong, use of, on, 549*d*.  
fender in front of car on, 549*d*.  
special Act may prevail over Act of, 549*e*.  
speed, excessive, on street railways, 549*e*.  
superstructures, 246*ff*.

## INDEX TO CANADIAN NOTES.

### STREET RAILWAYS—*continued*

control over service of, in Toronto, by city engineer, 549c.  
special care required of, 549c.  
subject to Municipal Board Act, 1906, 549b.  
American cases on, 549g, 549h.  
negligence of, 549f.  
negligence of conductor of, 549f.

### STREETS,

power of municipality to regulate, 246dd.

## T.

TORONTO RAILWAY COMPANY, 549c.

### TUNNELS,

construction of, by Municipal Corporations, 246p.

## U.

UNDERGROUND WIRING, 246p.

## V.

VILLAGES AND TOWNSHIPS INCORPORATED,

may submit by-laws for supply of electric power, 246e.

## W.

WATER POWER, 246l.



