

CHAPTER 278

ELECTRIC LIGHT AND POWER 1899-5

This Act came into operation on 8th December, 1899.

Amended by:

<i>1907-5</i>	<i>1966-5</i>	<i>1982-2</i>
<i>1953-31</i>	<i>1977-30</i>	<i>1992-16</i>
<i>1958-55</i>	<i>1967/168</i>	<i>1992-29</i>

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1979	1985	1995
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Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 278

ELECTRIC LIGHT AND POWER 1899-5

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FIRST SCHEDULE

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THIRD SCHEDULE

**BARBADOS****ELECTRIC LIGHT AND POWER
1899-5**

An Act to facilitate and regulate the supply and use of electricity for lighting and other purposes and to confirm certain provisional orders made under the Electric Light and Power Act, 1899.

[Commencement: 8th December, 1899]

Short title

1. This Act may be cited as the *Electric Light and Power Act*.

Interpretation

2. For the purposes of this Act

“company” means any body of persons, corporate or unincorporate;

“electricity” means electricity, electric current, electric energy or any like agency;

“electric line” means a wire or wires, conductor or other means used for the purpose of conveying, transmitting or distributing electricity, with any casing, coating, covering, tube, 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;

“local authority” means any authority having administrative jurisdiction over and within the area for which any order or special Act is sought to be obtained;

“private purposes” includes any purposes whatever to which electricity may for the time being be applicable, not being public purposes, except the transmission of any telegram;

“public purposes” means lighting any street or place belonging to or subject to the control of any local authority or any church or place of worship or any hall or building belonging to or subject to the control of any public authority or any public theatre, but does not include any other purpose to which electricity may be applied;

“road” means a public highway for carriages repaired at the public expense and not being a street, and any bridge forming part thereof and also any land by the side and forming part of any public highway;

“road authority” means the Chief Technical Director acting under the authority of the Minister responsible for Transport and Works;

[1966-5]

“street” means a public way repairable at the expense of the Minister and includes the footpaths of such way and any bridge forming part thereof;

“telegram” means any message or other communication transmitted or intended to be transmitted by means of electrical signals;

“telegraph” means a wire or wires used for the purpose of telegraphic or telephonic communication or any other method of communication by means of electric signals with any casing, coating, tube or pipe enclosing the same and any apparatus connected therewith for the purpose of such communication, and includes any apparatus for transmitting messages or other communications by means of electric signals;

“telegraphic line” means telegraphs, posts and any work and also any cables, apparatus, pneumatic or other tube, pipe or thing whatsoever used for the purpose of transmitting messages or maintaining telegraphic communication, and includes any portion of a telegraphic line;

“undertakers” and “undertaking” apply respectively to any local authority, company or person who may be authorised to supply electricity within any area and to every undertaking so authorised;

“works” includes electric lines and 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.

Prohibition of unauthorised supply

3. No local authority, company or person shall supply electricity in any area except under an Act or under a provisional order granted under this Act:

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.

Application of the Act

4.(1) This Act shall apply to every local authority, company or person who may, by any provisional order granted under this Act or by any special Act to be hereafter passed, be authorised to supply electricity within any area and to every undertaking so authorised, except so far as may be expressly provided by any such special Act.

(2) Every such provisional order and special Act is in this Act included in the expression “order or special Act.”

Granting of provisional order authorising supply of electricity

5.(1) The Minister may from time to time, by provisional order, grant to any local authority, company or person the right, which may include an exclusive right, to supply electricity for any public or private purposes within any area and for such period as the Minister may think proper, but subject to the following provisions of this section.

(2) A provisional order may be for any period, but the exclusive rights granted by an order shall not extend beyond the period of forty-two years from the commencement of the order granting such rights:

Provided that prior to the expiration of the period for which an order has been made a new order may be made granting rights, other than exclusive rights, to take effect from the date of the expiration of the order.

(3) No provisional order shall be of any force unless and until confirmed by an Act.

(4) Every local authority, company or person applying for a provisional order shall publish notice of their application by public advertisement in such manner and including such particulars as the Minister may from time to time direct or approve, and such order shall not be granted by the Minister 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 give to all parties interested to make representations or objections to the Minister with reference to the application.

(5) A provisional order may, subject to 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.

(6) The provisional order may make such regulations as to the limits within which and the conditions under which a supply of electricity is to be provided and for enforcing the performance by the local authority, company or person, of their duties in relation to such supply and for the revocation of the order where

the local authority, company or person fail to perform such duties and generally may contain such regulations and conditions as the Minister may deem expedient.

(7) Where in any area or part of an area in which any undertakers are authorised to supply electricity under any provisional order the undertakers are not themselves the local authority, the order 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 the road 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, as the Minister may think expedient.

(8) 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 the local authority by the applicants in such manner and for such time as the Minister may direct or approve.

(9) A provisional order may contain a power for the transfer thereof and the rights, powers and obligations thereunder with the approval of the Minister, and the sanction of Parliament:

Provided that no such transfer shall have any effect or validity unless it be made by deed or deeds and such deed or deeds are recorded at the Registration Office.

(10) 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 Minister and confirmed by an Act.

(11) The orders set out in the First and Second Schedules are hereby confirmed.

[1907-5]

Making of rules as to application

6.(1) The Minister may from time to time make, rescind, alter or vary rules, including forms, in relation to applications for provisional orders and to the payments to be made in respect thereof and to the publication of notices and advertisements and to 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 enquiries in such cases as he may think advisable and to any other matters arising under this Act.

(2) All such rules shall be published in the *Official Gazette* and in one newspaper of the Island and shall be of the same force as if enacted in this Act and shall be judicially noticed.

(3) Any rules made in pursuance of this section shall be laid before both Houses within three weeks after they are made, if Parliament is then sitting, and if Parliament is not then sitting, within three weeks after the beginning of the next session of Parliament.

Regulations to be inserted in provisional orders

7.(1) The undertakers shall be subject to such regulations and conditions as may be inserted in any 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 provided;
- (b) the securing of a regular and efficient supply of electricity;
- (c) 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 of inspection and enquiry from time to time by the Minister 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 order or special Act, where the undertakers have, in the opinion of the Minister, 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 matter in connection with the undertaking:

Provided that the Minister may, with the approval of Parliament from time to time make such regulations as he 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 order or special Act in relation thereto.

(2) Any regulations made or amended by the Minister shall, from and after the date thereof, have the like effect in every respect as though they had been originally inserted in the 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.

(3) Any local authority within any part of whose district electricity is authorised to be supplied under order or special Act may, in addition to any regulations which may be made under subsection (1) for securing the safety of the public, from time to time make, rescind, alter or repeal bye-laws for further securing such safety, and there may be annexed to any breach of such bye-laws such penalties as the local authority may think necessary:

Provided that no such bye-laws shall have any force or effect unless and until they have been confirmed by the Minister, with the approval of Parliament, and published in the *Official Gazette*.

Provisions to be incorporated with provisional order

8.(1) The following provisions of this section shall be incorporated with and form a part of every provisional order made under the authority of this Act.

(2) All electric lines placed above ground for electric lighting purposes shall be perfectly protected to the satisfaction of the Minister with the latest and most improved method of insulation, and whenever such insulation is found imperfect, defective or worn, the imperfect, defective or worn portion shall be at once repaired or replaced.

(3) The poles shall only be placed in such positions as are approved of by the road authority.

(4) The undertakers shall at their cost furnish the Barbados Telephone Company, Limited, with the necessary number twelve copper wire for a return metallic circuit on such parts of their telephone system as may be interrupted by induction from any electric line.

(5) The undertakers shall at their cost furnish the Barbados Telephone Company, Limited, with fuse boxes of the latest and most improved principle, to be placed one at each end of every telephone wire that is crossed by an electric line, such fuse boxes to be of a nature amply to protect telephone wires in case of contact with the electric line:

Provided always that if the undertakers supply electricity for any purpose other than lighting, the undertakers shall pay to the Barbados Telephone Company, Limited, so much of the expense incurred by them in counteracting the difficulties experienced by induction from the electric lines used for this purpose as may be allowed by arbitration.

(6) The undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of

any such regulations or conditions as aforesaid, unless such connection is, for the time being, approved of by the Minister and is made in accordance with the conditions, if any, of such approval, and such conditions shall have due regard to any existing use of earth connections for the purpose of telegraphic communications.

Expenses of local authority

9. Any expense incurred by a local authority under this Act and not otherwise provided for, including any expense incurred in connection with the obtaining by such local authority, or any opposition to the obtaining by any other local authority, company or person, of any order or special Act, may be defrayed out of any rates levied by such local authority or out of any moneys under their control.

General powers of undertakers under order, etc.

10. The undertakers may, subject to and in accordance with the provisions and restrictions of this Act and of any rules made by the Minister in pursuance of this Act and of any order or special Act authorising or affecting their undertaking, and for the purpose of supplying electricity, acquire such lands by agreement, construct such works, acquire such licences for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials or other things, enter into such contracts and generally do all such acts and things as may be necessary and incidental to such supply.

Power for local authority to contract in certain cases, etc.

11. Any local authority which has obtained an 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 order or special Act or in any part of such area, but no local authority, company or person shall, by 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 order or special Act, without the consent of the Minister.

Incorporation of certain enactments

12.(1) The provisions of the following Acts shall be incorporated with this Act, that is to say—

- (a) the *Land Acquisition Act*, Cap. 228, except the provisions 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; and
- (b) the provisions of the *Gas Works Act*, Cap. 279, with respect to the breaking up of 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 by the undertakers.

(2) For the purposes of this Act, in the construction of all the enactments incorporated by this section, the expression “the special Act” means this Act inclusive of any order or special Act and “the promoters” or “undertakers” and “the undertaking”, as the case may be, means the undertakers and the undertaking respectively under this Act.

(3) In the construction of the Land Acquisition Act, the expression “land” includes easements in or relating to lands.

(4) In the construction of the Gas Works Act, the said Act shall be construed as if the expression “gas” meant electricity, as if “pipes” meant “electric line”, and as if “works” meant works as defined by this Act, and as if the expression “within the limits of the special Act” meant the area within which the undertakers are authorised to supply electricity under any order or special Act.

(5) All offences, forfeitures, penalties and damages under the incorporated provisions of the said Acts, or any of them, may be prosecuted and recovered in manner by the said Acts respectively enacted in relation thereto.

Restriction on breaking up of private streets, railways and tramways

13.(1) Nothing in this Act or in the provisions of any Act incorporated herewith shall authorise or empower the undertakers to break up any street or road which is not repairable by the road authority, without the consent of the road authority, company or person by whom such street is repairable, except in pursuance of special powers in that behalf inserted in the order or special Act or with the consent in writing of the Minister.

(2) The Minister shall not in any case insert any such special powers in any provisional order or give any such consent, until notice has been given to such local authority, company or person by advertisement or otherwise as the Minister may direct, and an opportunity has been given to such road authority, company or person to state any objections they may have thereto.

Restriction as to works above ground

14.(1) Notwithstanding anything in this Act or in the provisions of any Act incorporated herewith, 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 road authority, and the road authority may require the undertakers forthwith to remove any electric line placed by them contrary to this section or may themselves remove the same and recover the expense of such removal from the undertakers in a summary manner.

(2) Where any electric line has been placed above ground by the undertakers in any position, a magistrate, upon complaint made, if he is 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 he may think fit.

Power to undertakers to alter position of pipes and wires

15.(1) Subject to this Act and the order or special Act authorising them to supply electricity and to any bye-laws made under this Act and any order or regulation made by the Public Utilities Board, the undertakers may alter the position of any pipes or wires, being under or upon 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 provisional order or special Act authorising the undertakers to supply electricity or, where no such manner is prescribed, as may be determined by arbitration.

(2) Any local or other public authority, company or person may in like manner alter the position of any electric line or works of the undertakers, being under or upon 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 alterations of the position of any pipes or wires by the undertakers.

[1953-31]

Compensation for damage

16.(1) In the exercise of the powers in relation to the execution of works given them under this Act or under any 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 the bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers.

(2) In case of difference, the amount and application of such compensation shall be determined by arbitration.

Undertakers not to prescribe special form of lamp or burner

17.(1) 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 is supplied by them under this Act and any order or special Act is used:

Provided 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 unduly or improperly to interfere with the supply of electricity supplied to any other local authority, company or person by the undertakers.

(2) Any dispute or difference which arises between the undertakers and any local authority, company or person entitled to be supplied with electricity under this Act or under any order or special Act, as to the matters aforesaid, shall be determined by arbitration.

No discrimination in charges

18. The undertakers shall not, in making any arrangements for a supply of electricity, show any undue preference to any local authority, company or person, but, save as is otherwise provided by the order or special Act authorising such supply, they may, subject to any order or regulation of the Public Utilities Board, make such charges for the supply of electricity as may be agreed upon.

Recovery of charges

19. Notwithstanding anything contained in the *Public Utilities Act*, Cap. 282, where any local authority, company or person neglects to pay any charge for electricity or any other sum due from them or him 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 so cutting off the supply of electricity, is fully paid, but no longer, discontinue the supply of electricity to such local authority, company or person.

Injuring work with intent to cut off supply of electricity

20. Any person who without lawful excuse damages any electric line or work with intent to cut off any supply of electricity shall be guilty of a misdemeanour and being convicted thereof shall be liable to imprisonment for 2 years, but nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provisions of this or under any other Act, or at common law, but so that no person is punished twice for the same offence.

[1992-16]

Repealed by 1992-29

21. *[Repealed by 1992-29.]*

Power of entry for ascertaining quantity of electricity consumed

22.(1) 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, meters, accumulators, fittings, works or apparatus belonging to the undertakers.

(2) The undertakers shall repair all damage caused by such entry, inspection or removal.

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

23. When 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 under any 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 or to be taken in execution under any process of a court or under any proceedings in bankruptcy against the person in whose possession the same may be.

Provision for protection of Government property

24.(1) No alteration in any Government telegraph line shall be made by the undertakers without the express sanction of the Minister.

(2) The undertakers shall not in the exercise of the powers conferred by this Act or any order or special Act lay down any electric line or do any other work for the supply or use of electricity whereby any Government telegraph line or the pipes or other works of the Crown or of the Barbados Gas Company, Limited* is or may be injuriously affected.

**[This Company has now ceased operations.]*
[1967/168]

(3) Before any such electric line is laid down or any work is done within three yards of any part of the Government telegraph line or of the pipes or other works of the Crown or of the Barbados Gas Company, Limited (other than the repairs or the laying of connections with mains where the direction of the electric lines so laid down crosses the Government telegraph line or the pipes or other works of the Crown or the Barbados Gas Company, Limited, 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 shall, not more than twenty-eight nor less than seven clear days before commencing such work, give notice in writing to the Minister or the Barbados Gas Company, Limited, as the case may be, specifying the course and nature of the work including the gauge of any

electric lines, and the undertakers or their agents shall conform with any reasonable requirements either general or special as may from time to time be made by the Minister or the Barbados Gas Company, Limited, with the approval of the Minister, for the purpose of preventing any Government telegraph line or pipes or works of the Crown or of the Barbados Gas Company, Limited from being injuriously affected by the said work.

(4) Any difference with respect to any requirements so made which may arise between the Minister and the undertakers or their agents or between the Barbados Gas Company, Limited, and the undertakers or their agents shall be determined by arbitration.

(5) In the event of any contravention of or wilful noncompliance with this section by the undertakers or their agents, the undertakers shall be liable to a penalty of forty-eight dollars for every day during which such contravention or noncompliance continues or, if the telegraph communication or the supply of water or gas is wilfully interrupted, of two hundred and forty dollars for every day on which such interruption continues:

Provided that nothing in this section shall subject the undertakers or their agents to a penalty under this section if they satisfy the court having cognisance of the case that the immediate execution of the works was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the Minister or the Barbados Gas Company, Limited, a notice in writing of the execution thereof stating the reason for executing the same without previous notice.

(6) For the purposes of this section, a Government telegraph line or pipes or works of the Crown or the Barbados Gas Company, Limited shall be deemed to be injuriously affected by a work, if telegraph communication by means of such line, or water or gas supply by means of such pipes or works, is, whether by induction or otherwise, in any manner affected by such work or by any use made of such work.

Restrictions as to placing of electric line, etc.

25.(1) Where any electric line or other work is laid down or erected in, over, along, across or under any street for the purpose of supplying electricity, or 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 is used for such purpose otherwise than under and subject to the provisions of an order or special Act, the Minister may, if he thinks fit, by notice in writing to be served upon the authority, company 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 Government telegraph lines and works lawfully placed in any position and used for communication as the Minister may, by or in pursuance of such notice, prescribe.

(2) In case of non-compliance with the said conditions or regulations, the Minister may require such authority, company or person to remove such electric line or work.

(3) Nothing in subsection (1) shall apply to any electric line or work laid down or erected by any authority, company or person for the supply of electricity generated upon any premises occupied by such authority, company or person to any other part of such premises.

Restrictions on use of electric lines

26.(1) Where any electric line or other work is used for the supply of electricity in such a manner as injuriously to affect any Government telegraph line or to affect the communication through any such line, the Minister may, by notice to be served upon the authority, company 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 Government telegraph lines and the communication through the same, as he may, by or in pursuance of such notice, prescribe.

(2) In default of compliance with such conditions and regulations, the Minister may require that the supply of electricity through such electric line or work shall be forthwith discontinued.

(3) Nothing in subsection (1) shall apply to the supply of electricity through any electric line or work laid down or erected under and subject to any order or special Act which may be used in accordance with any conditions or regulations prescribed by the Minister by or in pursuance of any notice given by him under this section.

Penalty for failure to comply with notice

27.(1) Any authority, company or person failing to comply with the requirements of any notice which may be served upon them or him under section 25 or 26 shall be liable to a penalty of forty-eight dollars for every such offence, and any magistrate, 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 he may think fit.

(2) Any notice authorised to be served under section 25 or 26 upon any authority, company or person may be served by the same being addressed to such authority, company or person and being left at or transmitted through the post to any office of such authority or company, or the usual or last known place of residence 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 notice it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

Power of Minister to require undertakers to sell

28.(1) Where any undertakers are authorised by a provisional order or special Act to supply electricity within any area, the Minister 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 special Act, from the date of the passing of the Act confirming such provisional order or 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 special Act, by notice in writing require such undertakers to sell, and thereupon the undertakers shall sell to the Crown their undertaking upon terms of paying the then value of all lands, buildings, works, materials and plant of the undertakers suitable to and used by them for the purpose of their undertaking, such value to be in case of difference determined by arbitration.

(2) The value of such lands and buildings, works, materials and plant shall be deemed to be the fair market value at the time of their 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 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, but without any addition in respect of compulsory purchase of goodwill or of any profits which may or might have been or be made from the undertaking or any similar considerations.

(3) The date from which such sale and purchase shall take effect, if the period granted by the provisional order or special Act is limited, shall be the date on which the period granted by the provisional order or special Act comes to an end, and from such date the lands, buildings, works, materials and plant so purchased as aforesaid shall vest in the Crown freed from any debts, mortgages or similar obligations of the undertakers or attaching to the undertaking.

[1967/168]

Proceedings on arbitration

29.(1) Where any matter is by this Act or by any order or special Act directed to be determined by arbitration, such matter shall, except as may be otherwise expressly provided, be referred to two arbitrators, one to be appointed by each party in difference and, in case of their disagreement, then to an umpire to be chosen by the arbitrators before entering on the consideration of the matters in dispute.

- (2) Where the arbitrators do not agree in selecting an umpire, the umpire shall be selected by lot, and where either of the parties neglects or refuses to name an arbitrator for the space of seven days next after a notice in writing so to do is given to the one party by the other party or names an arbitrator who refuses to act, then such dispute or question shall be settled by the arbitrator appointed by the other party alone.
- (3) The decision of the arbitrators or their umpire or of the arbitrator appointed by the other party alone, as the case may be, shall be final and binding on the parties in difference.
- (4) The cost of such arbitration shall be at the discretion of such arbitrators or their umpire or of the arbitrator appointed by the other party alone.
- (5) Every such arbitration shall be subject to the provisions of the *Arbitration Act*, Cap. 110.

Taking over and maintenance of undertaking in certain cases

30. Where at any time from bankruptcy or other cause the undertakers are unable to continue to supply electricity to any area for which they are authorised to supply electricity, it shall be lawful for the Minister to enter upon and take possession of all the works of the undertakers together with all wires and electric plant belonging thereto and, if he thinks fit, to maintain the same in working order for such time as may be necessary for the sale or other disposal of the same.

Saving of privileges

31. Nothing in this Act or in any order or special Act shall affect the exclusive privileges conferred upon the Minister by any Act for the time being in force relating to the Government telegraph or authorise or enable any local authority, company or person to transmit any message or to perform any of the incidental services of receiving, collecting or delivering messages or to give to any local authority, company or person any power, authority, or facility of any kind whatever in connection with the transmission of messages or the

performance of any of the incidental services of receiving, collecting or delivering messages.

Fees

31A. The undertakers shall, in return for the powers granted to them under this Act and by any other enactment, in respect of each year, pay to the Accountant-General such fee as the Minister, by order, determines.

[1977-30]

Recovery of penalties etc.

32.(1) All penalties imposed under or by virtue of this Act may be recovered in a summary manner before a magistrate.

(2) Any fee payable by virtue of section 31A that remains unpaid for a period of three months after the date on which it becomes payable is recoverable as a debt due to the Crown in civil proceedings before a magistrate for District A notwithstanding that the amount sought to be recovered exceeds the normal monetary limit on the jurisdiction of the magistrates' courts.

[1977-31]

FIRST SCHEDULE*(s. 5 (11))*

1. This Order may be cited as the Electric Light and Power Order, No. 1.

PRELIMINARY

2.(1) This Order shall be read and construed subject in all respects to the provisions of the Electric Light and Power Act; and, subject to subparagraph (2), the expressions to which, by Part I thereof, meanings are assigned shall have in this Order the same meanings.

(2) For the purposes of this Order, the expression—

“area of supply” means the area within which the Undertakers are for the time being authorised to supply energy under this Order;

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

“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;

“distributing main” means the portion of any main which is used for the purpose of giving origin to the service lines for the purposes of general supply;

“energy” means electrical energy, and, for the purposes of applying the provisions of the Act to this Order, electrical energy shall be deemed to be an agency within the meaning of electricity as defined in section 2 thereof;

“general supply” means the general supply of energy to ordinary consumers but does not include the supply of energy to any one or more particular consumers under special agreement;

“main” means an electric line which may be laid down or erected by the Undertakers in, over, along or across or under 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;

“power” means electrical power or the rate per unit of time at which energy is supplied;

“service line” means any electric line 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 Act” means the *Electric Light and Power Act, Cap. 278*.

ADDRESS AND DESCRIPTION OF THE UNDERTAKERS

3.(1) Subject to sub-paragraph (2), the Undertakers for the purposes of this Order are The Anglo-American Debenture Corporation, Limited, being a company incorporated under the Companies Acts of the United Kingdom Parliament with limited liability and having an office in the City of London.

(2) Where the undertaking, or any part thereof, is at any time purchased by or transferred to any other company or the local authority or local authorities, in accordance with the Act, such company or local authority shall, from the date of such purchase, be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the said company.*

**[The Undertakers are now the Barbados Light and Power Company, Limited.]*

AREA OF SUPPLY

4. Subject to this Order, the area of supply shall be the City of Bridgetown within the area as from time to time defined by statute and the environs of the City of Bridgetown within a distance of five miles of the limits of the City.

5. Subject to this Order and any order or regulation made by the Public Utilities Board, the Undertakers shall not supply energy or erect or lay down any electric lines or works beyond the area of supply.

[1953-31]

NATURE AND MODE OF SUPPLY

6.(1) Subject to the Act, the Undertakers shall have the exclusive right for the period of forty-two years to supply energy for all public and private purposes within the area of supply.*

**[See extension pursuant to the Second Schedule.]*

(2) Such energy shall be supplied only by means of such system as is approved by the Minister and subject to such regulations and conditions for securing the safety of the public and for ensuring a proper supply of energy as the Minister may from time to time impose.

(3) All electric lines placed above ground for electric lighting and power purposes shall be either perfectly protected to the satisfaction of the Minister with the latest and most improved method of insulation, or run as bare wires supported on insulators. In the former case, whenever the insulation is found imperfect, defective or worn, the imperfect, defective or worn portion shall be at once repaired or replaced; in the latter case, if the electric lines pass under or over bare telephone or telegraph wires at any point, efficient guard wires shall be fixed between the electric lines and such bare telephone or telegraph wires and such guard wires shall be connected to the earth in an efficient manner and shall be kept in proper repair so as to ensure a good connection with earth at all times.

(4) Wherever bare overhead wires on insulators are erected, proper lightning arrestors shall be provided so as to connect such wires with the earth in the event of their being struck by lightning.

The requirements of sub-paragraphs (3) and (4) shall be carried out by the Undertakers at their expense and to the satisfaction of the Minister.

(5) The Undertakers shall be at liberty to erect all necessary poles for the purposes of the undertaking in any street or road but such poles shall only be placed in such positions as are approved of by the road authority.

(6) The Undertakers shall at their cost furnish the Barbados Telephone Company, Limited, with the necessary number 12 copper wire for a return metallic circuit on such parts of their telephonic system as may be interrupted by induction from any electric line.

(7) The Undertakers shall at their cost furnish Cable and Wireless (W.I.), Limited, and the Barbados Telephone Company, Limited, with fuse boxes of the latest and most improved principle to be placed one at each end of every telegraph and telephone wire that is crossed by an electric line, such fuse boxes to be of a nature amply to protect telegraph and telephone wires in case of contact with the electric line:

Provided always that where the Undertakers supply electricity for any purpose other than lighting, the Undertakers shall pay to the Barbados Telephone Company, Limited, so much of the expenses incurred by them in counteracting the difficulties experienced by induction from the electric lines used for this purpose as may be allowed by arbitration.

(8) The Undertakers shall not permit any part of any circuit to be connected with the earth, except so far as may be necessary for carrying out the provisions of any such regulations or conditions mentioned in subparagraph (2), unless such connection is for the time being approved by the Minister and is made in accordance with the conditions, if any, of such approval, and such conditions shall have due regard to any existing use of earth connections for the purpose of telephonic or telegraphic communication.

(9) The Undertakers shall construct their mains and other works of all descriptions and shall work their undertaking in all respects with due regard to other electric circuits from time to time used or intended to be used for the purpose of telegraphic, telephonic or electric signalling communication or the currents in such circuits and shall use every reasonable means in the construction of their main and other works of every description, and the working of their undertaking,

to prevent injurious affection, whether by inductions or otherwise, to such electric circuits or the currents in such circuits.

(10) Where any question arises as to whether the Undertakers have constructed their mains or other works or worked their undertaking in contravention of sub-paragraph (9), such question shall be determined by arbitration, and the Undertakers shall be bound to make any alterations in, or additions to, their system which may be directed by the arbitrator. Nothing in sub-paragraphs (9) and (10) shall be held to deprive the owners of such electric circuits of any existing rights to proceed against the Undertakers by indictment, action or otherwise, in relation to any of the matters aforesaid.

(11) Any person within the area of supply may erect the necessary machinery and appliances and supply electricity to his dwelling-house and premises, factory, storehouse or building of any description or to any carriage or engine or for any other private purpose, provided that he does not sell or dispose of such electricity for a profit directly or indirectly.

WORKS

7.(1) Where the exercise of any of the powers of the Undertakers in relation to the execution of any works involve the placing of any works in, under, along, over or across any road, street or bridge, the Undertakers shall be subject to the regulations contained in this Act, and in addition thereto the following provisions shall have effect.

(2) Two weeks before commencing the execution of such works, (not being the repairs, renewals or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a notice upon the Chief Technical Director (hereinafter referred to as the Director) describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed, and the manner in which it is intended that such street or bridge, or any drain therein or thereunder, is to be interfered with and shall, upon being required to do so by the Director, from time

to time give any such further information in relation thereto as the Director may desire:

Provided always that the Director shall whenever required to do so by and at the expense of the Undertakers furnish them with plans showing the position of any drains or portions of drains to be affected by such works.

(3) The Director may, in his discretion, approve of any such works or plans, subject to such amendments or conditions as may seem fit or disapprove the same and may give notice of such approval or disapproval to the Undertakers.

(4) Where the Director approves any such works or plan, subject to any amendments or conditions with which the Undertakers are dissatisfied or disapproves any such works or plan, the Undertakers may appeal to the Minister, and the Minister may enquire into the matter and allow or disallow such appeal and approve any such works or plan, subject to such amendments or conditions as may seem fit or may disapprove the same.

(5) Where the Director fails to give any such notice of approval or disapproval to the Undertakers within two weeks after the service of the notice upon him, he shall be deemed to have approved such works and plan.

(6) Notwithstanding anything in the Act, the Undertakers shall not be entitled to execute any such works except so far as the same 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 Director or Minister under this Order, but where any such works, description and plan are so approved or deemed to be approved, the Undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the Act.

(7) Where the Undertakers make default in complying with any of the requirements or restrictions of this paragraph, they shall (in addition to any other compensation which they may be liable to make under the Act) make full compensation to the Director for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty of twenty-four dollars for every such default and in the case of a continuing offence to a

further penalty of five dollars every day after the first day during which such default continues:

Provided that the Undertakers shall not be subject to any such penalties, if the court having cognisance of the case is of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this paragraph so far as was reasonable under the circumstances.

(8) For the purposes of this Order, the expression “plan” means a plan drawn to a horizontal scale of at least six inches to one mile.

8.(1) Where the exercise of the powers of the Undertakers in relation to the execution of any works involve the placing of any works in, under, along, or across any street or part of a street, not repairable by the Director, or over or under any railway, tramway or canal, the following provisions shall have effect unless otherwise agreed between the parties interested.

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

(3) Every such notice shall contain a reference to this paragraph and direct the attention of the owner to whom it is given to the provisions thereof.

(4) Within two weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the

Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan shall be settled by arbitration and thereupon such question, unless settled by agreement, shall be settled by arbitration accordingly.

(5) In settling any question under this paragraph, an arbitrator shall have regard to any duties or obligations under which the owners may be in respect of such 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.

(6) Where no such requisition as in this paragraph mentioned is served upon the Undertakers or where, after any such requisition had 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 in the manner proposed by them or settled by such arbitration, cause to be executed the work specified in such notice and plan and may from time to time repair, renew and amend the same (provided that their character and position are not altered) but subject in all respects to the Act and only in accordance with the notice and plan so served by them, or such modifications thereof respectively as may have been so settled by arbitration or as may be agreed upon between the parties.

(7) All works to be executed by the Undertakers under this paragraph shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works.

(8) Where the repairs, renewals or amendment of any existing works, of which the character and position are not altered, involve any interference with any railway level crossing or with any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the two parties or in any case of emergency, give to the owners not less than twenty-four hours' notice before commencing to effect such repairs, renewals or amendment, and the owners shall be entitled by their officer to superintend the work, and the

Undertakers shall conform to such reasonable requirements as may from time to time be made by the owners or such officers.

(9) Where the Undertakers make default in complying with any of the requirements or restrictions of this paragraph, they shall, in addition to any other compensation which they may be liable to make under the 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 to a penalty of twenty-four dollars for every such default, and, in the case of a continuing offence, to a further penalty of five dollars for every day after the first day during which such default continues:

Provided that the Undertakers shall not be subject to any such penalties if the court having cognisance of the case is of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this paragraph so far as was reasonable under the circumstances.

9.(1) The Director and any body or person for the time being liable to repair any street or part of a street, or entitled to work any railway or tramway which the Undertakers are empowered to break up for the purpose of this Order, may, if they think fit, from time to time 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, tunnels or other works vested in or under the control or management of the Director or other body or person, as the case may be, and may from time to time amend or revoke any such notice by another notice similarly served.

(2) Where the Director or any such body or person, (in this paragraph referred to as the givers of the notice,) have or has given notice that they or he desire or desires to exercise or discharge any such specified powers and duties of the Undertakers, then, so long as such notice remains in force, the following provisions shall have effect, unless otherwise agreed between the parties interested.

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

(4) In addition to any other notices which they may be required to give under the Act, the Undertakers shall, not less than two days and not more than four days before the exercise or discharge of any such powers or duties so specified is required to be commenced, serve a requisition upon the givers of the notice, stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged.

(5) Upon receipt of any such requisition, 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 as the Undertakers would themselves be subject to in such exercise or discharge, so far as the same may be applicable.

(6) Where the givers of the notice decline or, for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the 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 had not been given to them by the givers of the notice.

(7) 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 may be necessary for the actual remedying of any defect from which the emergency arises, without serving any requisition on the givers of the notice, but in such case the Undertakers shall, within twelve hours after they begin to exercise or discharge such powers or duties, give information thereof in writing to the givers of the notice.

(8) Where the Undertakers exercise or discharge any such specified powers or duties otherwise than in accordance with this paragraph, they shall be liable to a penalty of twenty-four dollars for every offence and, in the case of a continuing offence, to a further penalty of five dollars for every day after the first day during which such offence continues:

Provided that the Undertakers shall not be subject to any such penalties if the court having cognisance of the case is of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this paragraph, so far as was reasonable under the circumstances.

(9) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this paragraph shall be paid to them by the Undertakers and may be recovered in a summary manner, and the magistrate hearing the case shall have power to determine the amount thereof.

(10) The givers of the notice may from time to time, if they think fit, require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this paragraph as may be determined by arbitration.

(11) Where the Undertakers fail to give any such security within seven days after being required to do so or, in case of difference, after such difference has been determined by a magistrate of the district (who is hereby directed to determine the same), they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this paragraph until such security has been duly given.

(12) Nothing in this paragraph 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 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 or other works or railway or tramway as in this paragraph mentioned.

10.(1) Seven days before commencing to construct any electric line or to supply energy through any electric line (excepting through existing lines of which the character and position are not altered) in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wires or lines lawfully laid down, or placed in any position, may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the body or person for the time being entitled to such wires or lines notice in writing, specifying the course, nature and gauge of such electric lines and the amount and nature of the currents intended to be sent along the same and the extent to and manner in which (if at all) earth returns are proposed to be used.

(2) Any body or person entitled to receive such notice may from time to time 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 such electric lines for the purpose of preventing such injurious affection and the Undertakers shall conform with such reasonable requirements as may from time to time be made by such body or person for the purpose of preventing the communication through such wires or lines from being injuriously affected.

(3) Nothing in this paragraph shall apply to repairs or renewals of any existing electric line so long as the course, nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

(4) Any difference which arises between any such body or persons and the Undertakers with respect to the reasonableness of any requirements so made shall be determined by arbitration.

(5) Where the Undertakers make default in complying with any of the requirements or restrictions of this paragraph, they shall make full compensation to the body or person entitled to any such wire or line for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty of five dollars for every such default and in the case of a continuing offence to a further penalty of one dollar for every day after the first day during which such default continues:

Provided that the Undertakers shall not be subject to any such penalties if the court having cognisance of the case is of opinion that the case was one of emergency and that the Undertakers complied with the requirements and restrictions of this paragraph so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or lines affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

11.(1) Where it appears to the Minister on the representation of any body or person affected thereby that any works of the Undertakers have been or are in course of being executed otherwise than according to the provisions of the Act, the Minister may, if he think fit, by order require the Undertakers to discontinue or remove such works until such provisions have been complied with or permit them to continue the same subject to such conditions for the due protection of the party making the representation or other party affected, as the Minister may impose.

(2) Where the Underwriters make default in complying with any such order, the Minister may if he is of the opinion that such default is wilful or unreasonably prolonged, temporarily suspend the operation of this Order as to any part of the area of supply in which the said works have been or are in course of being executed.

COMPULSORY WORKS

12.(1) The Undertakers shall, unless such mains are already constructed, within a period of two years after the commencement of this Order, construct 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 Table to this Order annexed and shall thereafter maintain the same.

(2) In addition to the mains hereinbefore specified, the Undertakers shall construct suitable and sufficient distributing mains for the purpose of general

supply throughout every other street or part of a street within the area of supply, upon being required to do so by the Public Utilities Board.

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(3) All such mains mentioned in sub-paragraph (2) (except already constructed) shall be constructed by the Undertakers within twelve months after any requisition in that behalf served upon them by the Public Utilities Board has become binding upon them.

13.(1) Twenty-eight days at the least before commencing to lay in any street any electric line (not being the repairs, renewals or amendments of existing lines of which the character and position are not altered) which is intended for supplying energy to any particular consumer and not for the purposes of general supply, the Undertakers shall serve upon the Director 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 such electric line and setting forth the effect of this paragraph.

(2) Where within the said period any two or more of such owners or occupiers require, in accordance with this Order, that a supply 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 such particular consumer.

14.(1) Where the Undertakers make default in laying down any distributing mains as required by the Public Utilities Board within the periods prescribed in that behalf respectively, they shall be liable to a penalty of five dollars in respect of every such default for each day during which such default continues.

(2) Where the Minister is of opinion in any case that such default is wilfully and unreasonably prolonged, he may, after considering any representation of the Director, revoke this Order as to the whole or any part of the area of supply or, if the Undertakers so desire, may, after having given an opportunity to the Director to make representations and objections with reference thereto, suffer the same to remain in force as to any such part thereof, subject to such conditions as

he may 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 this Order:

Provided that the Minister shall not revoke this Order as to part 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 such case the Minister shall not under this paragraph revoke this Order otherwise than as to the whole of the area of supply.

SUPPLY

15.(1) Subject to any order or regulation made by the Public Utilities Board, 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 this Order or under any regulations and conditions subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with this Order and all such regulations and conditions and they shall furnish and lay any electric lines that may be necessary for the purposes of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions in the following sub-paragraphs.

(2) 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 such owner or in the possession of such 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 such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

- (3) 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 such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence;
 - (b) enter into a written contract with the Undertakers 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 same 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 cent *per annum* on the outlay incurred by the Undertakers in providing any electric lines required under this paragraph to be provided by them for the purposes of such supply; and
 - (c) give to the Undertakers security for the payment to them of all moneys which may from time to time become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.
- (4) The Undertakers may, after they have given a supply of energy for any premises, by notice in writing require the owner or occupier of such premises, seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, where such owner or occupier has not already given such security or any security given has become invalid or is insufficient; and where any such owner or occupier fails to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.
- (5) Where the owner or occupier of any such premises uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purpose, or deals with it in any manner, so as unduly or improperly to interfere with the

efficient supply of energy to any other body or person by the Undertakers, the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues.

(6) 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 any other body or person.

(7) Any difference which arises under this paragraph as to any improper use of energy or as to any alleged defect in any electric lines, fittings or apparatus shall be determined by arbitration.

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

(2) 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 line by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered in a summary manner before a magistrate.

(3) Any difference which 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 paragraph shall be determined by arbitration.

17. The Undertakers, upon receiving reasonable notice from the Director requiring them to supply energy to any public lamps within the distance of twenty-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 purpose of general supply under this Order or under any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the Director may from time to time require to be supplied.

18.(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 this Order, they shall be liable to a penalty of five dollars in respect of every such default for each day after the third day on which any such default occurs and is notified in writing to the Undertakers.

(2) Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty of two dollars in respect of every such default for each such lamp and for each day on which any such default occurs.

(3) Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order, they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

(4) The penalties to be inflicted on the Undertakers under this paragraph shall in no case exceed in the aggregate the sum of one hundred and twenty dollars in respect of any defaults, not being wilful defaults, on the part of the Undertakers for any one day.

(5) In no case shall any penalty be inflicted in respect of any default, if the court having cognisance of the case is of opinion that such 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.

PRICE

19.(1) Subject to any order or regulation made by the Public Utilities Board and to this paragraph, the Undertakers may charge for energy supplied by them

to any ordinary consumer (otherwise than by agreement) either by the actual quantity of energy so supplied or by the electrical quantity contained in such supply.

(2) Before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the Minister by what method they propose to charge for energy supplied through such main and where the Undertakers have given such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the Minister and to every consumer who is supplied by them from such main.

[1953-31]

20. Subject to this Act and to the right of the consumer to require that he be charged according to some one or other of the methods above-mentioned, and subject to any order or regulation made by the Public Utilities Board, the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained, and may charge accordingly.

[1953-31]

21. Subject to any order or regulation made by the Public Utilities Board, 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 such charges shall be ascertained shall be settled by agreement between the Director and the Undertakers but shall not in any case exceed thirty-seven dollars and sixty-four cents per lamp *per annum*.

[1953-31]

ELECTRIC INSPECTORS

22.(1) The duties of an electric inspector under this 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 this Order, or of any regulations under this Order.

(2) In respect of these duties, an electric inspector shall be entitled to take such fees as may from time to time be prescribed by the Minister, who may also prescribe the manner in which, and the times at which, any such duties are to be performed.

23. Every electric inspector shall be paid such reasonable remuneration, if any, as may from time to time be determined by the Minister and voted by Parliament.

[1967/168]

24.(1) The Governor-General may, if he deem it necessary, appoint any electric inspector or other fit person or persons to enquire into 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 or as to the manner and extent in and to which the provisions of the Act and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with by the Undertakers.

(2) Any person appointed under this section, not being an electrical inspector, shall, for the purposes of his appointment, have all the powers of an electric inspector under this Order, and the expenses of such enquiry and report, to such

an amount as the Governor-General by his order certifies to be due, shall be paid by the Undertakers and shall be a debt due from the Undertakers to the Crown and recoverable in a summary manner with costs.

TESTING AND INSPECTION

25.(1) 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 such 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 may think expedient, but, except under the provisions of a special order in that behalf made by the Minister, he shall not be entitled to interfere with the mains of the Undertakers.

(2) The Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing.

(3) Such testings shall not be made in regard to any particular portion of a main oftener than once in any three months, except in pursuance of a special order in that behalf made by the Minister.

26. An electric inspector, if and when required to do so by any consumer, shall from time to time, on payment by such consumer of the prescribed fee, 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 this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

27. 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 from time to time be approved or prescribed by the Minister and shall from time to time take and

record, and keep recorded, such observations as the Minister may from time to time prescribe, and any observations so recorded shall be receivable as evidence.

28. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up or keep at or on their premises and any electric inspector appointed under this Order may from time to time examine and record the readings of such instruments and any reading so recorded shall be receivable in evidence.

29. An electric inspector appointed under this Order shall have the right of access at all reasonable hours to the premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order, and in case the same are not in order, he may require the Undertakers forthwith to have the same put in order.

30. 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 instrument of the Undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection.

31.(1) The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf.

(2) If 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 of five dollars and, in the case of a continuing offence, to a further penalty of one dollar for every day after the first day during which such offence continues.

32.(1) Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the Minister or to the consumer, as

the case may be, by whom he was required to make such testing and also to the Undertakers, and such report shall be receivable in evidence.

(2) Where the Undertakers or any consumer are or is dissatisfied with any report of any electric inspector, they or he may appeal to the Director against such report, and thereupon he shall enquire into and decide upon the matter of any such appeal, and his decision shall be final and binding on all parties.

33.(1) Save as otherwise provided by this Order or by any regulations under this Order, all fees and reasonable expenses of an electric inspector shall, unless agreed to, be ascertained by the Minister and shall be paid by the Undertakers, and may be recovered in a summary manner before a magistrate.

(2) Where the report of an electric inspector or the decision of the Director shows that any consumer was guilty of any default or negligence, such fees and expenses shall, on being ascertained as above-mentioned, be paid by such consumer or consumers as the Minister having regard to such report or decision shall direct, and may be recovered in a summary manner before a magistrate.

(3) In any proceedings for penalties under this Order any such fees and expenses incurred in connection with such proceedings shall be payable by the complainant or defendant as the court may direct.

METERS AND APPARATUS

34. The actual quantity of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as “ the value of the supply ”, shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under this Order.

35. Every electric 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 any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it fit to be so certified.

36.(1) Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall if required to do so by the consumer supply him with an appropriate meter and shall, if required to do so, fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises and execute all necessary works and do all necessary acts.

(2) Previously to supplying any such meter the Undertakers may require such consumer to pay them a reasonable sum in respect of the price of such meter or to give security therefor or, if he desires to hire such meter, may require him to enter into an agreement for the hire of such meters hereinafter provided.

37.(1) Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is under this Order to be ascertained, in proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

(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 shall, if the meter is found not to be in proper order, be paid by the consumer, but if the same is in proper order, all expenses connected therewith shall be paid by the Undertakers.

38. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto required for their undertaking for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers, or, in

case of difference, decided by the magistrate of the district, and the amount awarded shall be recovered by an execution issued by him in the usual way and shall be recoverable by the Undertakers in a summary manner before a magistrate.

39.(1) The Undertakers shall, unless the agreement of 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 such value, and in default of their so doing, the consumer shall not be liable to pay rent for the same during such time as such default continues.

(2) 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.

40.(1) Where 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 such consumer or to the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined on the application of either party by an electric inspector who shall order by which of the parties the cost of the proceedings shall be paid, and the decision of such inspector shall be final and binding on all parties.

(2) Subject as aforesaid, the register of the meter shall be conclusive evidence, in the absence of fraud, of the value of the supply.

41.(1) 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 such main, the Undertakers shall pay to such 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 such new method of charging.

(2) Such expenses may be recovered by the consumer from the Undertakers in a summary manner before a magistrate.

42.(1) 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 from time to time place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such customer or the number of hours during which such supply is given or the maximum amount of such supply or any other quantity or time connected therewith.

(2) Such meter or apparatus shall be of such construction and pattern and shall be fixed and connected with the service lines in such manner, as may be approved by the electric inspector and shall be supplied and maintained entirely at the cost of the Undertakers and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminus.

MAPS

43.(1) The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply on a horizontal scale of at least six inches to one mile and shall cause to be marked thereon the line of all their then existing mains and service lines and shall once in every year cause such map to be duly corrected so as to show the then existing lines.

(2) Every map so made or corrected by the Undertakers or a copy thereof, with the date expressed thereon of the last time when it was corrected, shall be kept by the Undertakers at their office within the area of supply; and a copy of every such map shall, within one month after the same is made or corrected, be served upon the Registrar and upon the local authority.

(3) If the Undertakers fail to comply with any of the requirements of this paragraph, they shall for every such offence be liable to a penalty of five dollars, and to a further penalty of one dollar for every day after the first day during which such offence continues.

NOTICES, ETC.

44. Notices, orders and other documents under this 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 Undertakers the signature thereof by their Secretary shall be sufficient authentication.

45.(1) Any notice, order or document, required or authorised to be served upon any body or person under this Order or under the Act, may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively—

- (a) in the case of the Minister, the office of the Minister;
- (b) in the case of the Director, the office of the Director;
- (c) in the case of any local authority, the office of such local authority;
- (d) in the case of any company having a registered office, the registered office of such company;
- (e) in the case of a company having an office or offices, but no registered office, the principal office of such company; and
- (f) in the case of any person, the usual or last known place of abode of such person.

(2) Any notice, order or document by this Order 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) Any notice, order or document by this Order required or authorised to be served on the owner or occupier of any premises may be served by delivering the same, 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 the notice on some conspicuous part of the premises.

(4) Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under this 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 such time, that is to say, Sunday, Christmas Day, Good Friday and any public holiday and any day appointed for public fast, humiliation or thanksgiving.

REVOCATION OF ORDER

46. Subject to any order or regulation of the Public Utilities Board, the Minister may revoke this Order as to the whole or any part of the area of supply at any time upon such terms as the Minister may direct, if the Undertakers shall fail to perform the duties imposed upon them by the Act or by this Order.

47.(1) Subject to any order or regulation of the Public Utilities Board, if the Minister at any time revokes this Order as to the whole or any part of the area of supply the following provisions shall have effect.

(2) The Minister shall serve a notice of such revocation upon the Undertakers and upon the several local authorities in whose districts the Undertakers' business is being conducted and shall in such notice fix a date at which such revocation shall take effect and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area, or part thereof as aforesaid, shall cease and determine absolutely or conditionally, as the Minister may direct;

(3) Within two months after the service of notices of such revocation by the Minister upon the Undertakers and the local authorities, the Minister if he thinks fit may by notice in writing require the Undertakers to sell to the Crown the undertaking upon terms of paying them 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 aforesaid, such value being agreed upon or estimated in a manner directed by the Act in the case of purchases under section 28.

(4) Where any purchase is so effected, the undertaking, or the part thereof so purchased, shall vest in the Crown freed from any debts, mortgages or similar obligations of the Undertakers or attaching to the undertaking.

TEMPORARY SUSPENSION OF ORDER

48.(1) Subject to any order or regulation of the Public Utilities Board, if the Minister at any time temporarily suspends the operation of this Order as to any part of the area of supply, the following provisions shall have effect.

(2) The Minister shall serve a notice of such suspension upon the Undertakers and upon the local authority and shall in such notice fix a date at which such suspension shall take effect.

(3) It shall be lawful for the electric inspector on direction in writing from the Director and after giving ten days' notice in writing to the Undertakers, unless the Director directs in writing that no such notice be given, to hire workmen, to procure materials and execute the works in respect of which any default has been made by the Undertakers in accordance with this Order.

(4) The cost of such labour, materials and works, certified under the hand of the Inspector, countersigned by the Director, shall be paid out of moneys voted for the purpose by Parliament, and on such payment being made, unless the amount is forthwith repaid by the Undertakers, the Attorney-General on behalf of the Government shall be entitled to have a receiver appointed to receive all the tolls and earnings of the Undertakers in priority to any other person as if a judgment of the High Court had been recovered for such amount.

(5) In any application for a receiver under this section it shall be sufficient for the Attorney-General to show that the money was paid by the Accountant-General on the certificate of the electric inspector, countersigned by the Director as aforesaid.

(6) Such suspension shall cease immediately upon the repayment of the sums paid under the foregoing provisions and any costs incurred in recovering those sums.

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(7) The Undertakers shall afford every proper facility to the electric inspector for the purpose of enabling him to carry out the provisions of this paragraph.

GENERAL PROVISIONS

49.(1) Where at any time it appears to the Minister or the local authority that—

- (a) the Undertakers are supplying energy by any system not approved by the Minister; or
- (b) any electric lines or works of the Undertakers are defective so as not to be in accordance with this Order, or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; or
- (c) the Undertakers' works or their supply of energy are or is attended with danger to the public safety,

the Minister may, if he thinks fit, by order in writing require the Undertakers to remedy the same so as to comply with such order within such period as may be therein limited in that behalf.

(2) If the Undertakers make default in complying with such order within the time so limited, they shall be liable to a penalty of twenty-four dollars for every day during which such default continues.

(3) Where the matter so required to be remedied is, in the opinion of the Minister, dangerous to the public safety, he may, if he thinks fit, by such an order forbid the use of such electric line or work as from such date as may be specified in that behalf, until the order is complied with, and if the Undertakers make use of any such electric line or work while the use thereof is forbidden, they shall be

liable to a penalty of four hundred and eighty dollars for every day during which such use continues.

(4) Where the Undertakers are supplying energy by means of a system not specified in this Order or approved by the Minister and fail to comply with any such order in respect thereof within the time therein limited in that behalf, the Minister may, if he thinks fit, revoke this Order.

50.(1) All regulations and conditions made under the Act, affecting the undertaking and for the time being in force, shall, within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and true copies thereof certified by or on behalf of the Undertakers shall be kept by them at their registered office within the area of supply and supplied to any person demanding the same at a price not exceeding twelve cents for each copy.

(2) If the Undertakers make default in complying with the provisions of this section, they shall be liable to a penalty of ten dollars and to a daily penalty of ten dollars.

51.(1) All costs and expenses of or incident to any application for any approval, consent or order of the Minister, including any tests which may be required to be made by the Minister for the purpose of determining whether the same should be given or made, to such an amount as may be certified to be due, shall be borne and paid by the applicant or applicants therefor.

(2) Where any approval is given by the Minister to any plan, pattern or specification, he may require such copies of the same as he may think fit to be prepared and deposited at the office of the Registrar at the expense of the applicant or applicants and may from time to time, as he may think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as he may think necessary.

52. Where the Minister, on the application of the Undertakers, gives any approval or grants any extension of any time limited for the performance of any

duties by the Undertakers or temporarily suspends the operation of or revokes this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted or such suspension or revocation made shall be published in the *Official Gazette* and in one other newspaper in the Island.

53. All the penalties under this Order or under any regulations, the recovery of which is not otherwise specially provided for, may be recovered in a summary manner.

54.(1) The right conferred by this Order on the Undertakers to use and supply electric energy shall be exercised only in accordance with the rules from time to time made under the Act and any orders and regulations made by the Public Utilities Board.

(2) In every case in which, so far as the same may be relevant, such rules may be complied with and subject nevertheless to section (2), the Undertakers shall be deemed to have taken all sufficient, reasonable and proper precautions for preventing injurious interference with gas and water pipes and other metallic pipes, with the electric wires and lines of other persons and the currents therein:

Provided that, subject to section 24, of the Act, nothing in this Order or in such rules shall be held to give any right of action or complaint against the Undertakers in respect of, or to protect, any electric wires, lines or apparatus, or the current therein, if 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 by such other persons to prevent injurious interference therewith, and with the currents therein, by or from other electric currents, subject to the provisions contained in subsection (5) of section 8 of the Act.

55. The Undertakers shall be answerable for all accidents, damages and injuries happening through the negligence of the Undertakers or of any person in their employment, in respect of any of the Undertakers' works, and shall save

harmless all authorities, bodies and persons by whom any street is repairable, their officers and servants, from all damages and costs in respect of such accidents, damages and injuries.

56. All ironwork, machinery, motors or material or stores of any sort required in constructing and making, and all ironwork, machinery and motors required in working any electric lighting system, or other works contemplated by this Order shall be free of any duty whatsoever imposed by any law of this Island.

57.(1) Nothing in this Order shall exonerate the Undertakers or their undertaking from the provisions of, or deprive the Undertakers of the benefit of, any general Act relative to electricity which may be passed after the commencement of this Order.

(2) Nothing in this Order shall exempt the Undertakers from any indictment, action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

58. The Undertakers may at any time and from time to time, with the consent of the Minister, transfer this Order to any person or company, and, when any such transfer has been made, all the rights, powers, authorities, obligations and liabilities of the Undertakers so transferring under and in respect of this Order shall be transferred to, vested in and be exercised by, and shall attach to, the person or company to whom the same is transferred in like manner as if this Order had been made to such person or company:

Provided that no such sale shall have any effect or validity until it shall have been approved by resolution of Parliament and has been made by deed and duly recorded in the Registration Office.

STORING OF PETROL

59.(1) The Undertakers are hereby authorised to erect on such parts of the lands on which their power works are erected or elsewhere as shall be approved

by the Minister and sanctioned by Parliament a suitable tank, receptacle or storehouse, to be likewise approved and sanctioned, for the storing and keeping of petrol, petroleum or other inflammable liquid fuel to be used in their power works.

(2) The landing, keeping and use of such petrol, petroleum or other inflammable liquid or fuel shall be subject to regulations to be made by the Minister and similarly sanctioned, and regulations so made shall have effect notwithstanding any Act.

TABLE 1*(para. 12(1))**LIST OF STREETS AND PARTS OF STREETS THROUGHOUT WHICH THE UNDERTAKERS ARE TO LAY DISTRIBUTING MAINS WITHIN A PERIOD OF TWO YEARS AFTER THE COMMENCEMENT OF THIS ORDER*

The Public Wharf; Broad Street; Lower Broad Street; Cheapside; Fontabelle as far as Lakes Folly; Trafalgar Square; Bay Street as far as the Bay Mansion; Tudor Street; Baxters Road; Barbarees Hill or Eagle Hall Road, to the entrance into Strathclyde; High Street; Roebuck Street as far as and including Harrison College; Constitution Road and Belmont to Government House; River Road; Collymore Rock as far as the corner of Culloden Road; Prince William Henry Street; Lucas Street; Coleridge Street; and White Park Road to the corner of Country Road.

SECOND SCHEDULE*(s.5(11))*

2. This Order may be cited as the *Electric Light and Power Order, No.*

2. For the purposes of this Order, the expression “the Act” shall mean the *Electric Light and Power Act, Cap. 278.*

3. The Undertakers for the purposes of this Order are The Barbados Electric Supply Corporation, Limited,* being a company incorporated under the Companies Acts of the United Kingdom with limited liability and having its registered office in the City of London:

**[The Undertakers are now the Barbados Light and Power Company, Limited.]*

Provided that if the undertaking or any part thereof is at any time purchased by or transferred to any other company in accordance with the Act, such company shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the said company.

4. Without prejudice to the rights conferred by the Order contained in the First Schedule, to the Act, it shall be lawful for the Undertakers, subject to that Order and to this Order, to supply energy for all public and private purposes as defined by the Act to take effect in the following manner

- (a) with respect to the area mentioned in paragraph 4 of the Order contained in the First Schedule, to the Act, from the date of the termination of the rights conferred by that Order to the date of the termination of the rights conferred in sub-paragraph (b);
- (b) with respect to the remainder of Barbados, for a period of 50 years from the 1st August, 1936.

5. The rights conferred by this Order shall not be exclusive rights, but, except where the context otherwise requires, in all other respects the rights and powers granted and conferred by this Order are subject to the terms and conditions set out in the Order contained in the First Schedule to the Act.

THIRD SCHEDULE*(s.5(11))*

1. This order may be cited as the *Electric Light and Power Order, No.*
- 3.

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2. Without affecting the rights conferred by the orders contained in the First and Second Schedules to the Act, the Barbados Light and Power Company may, subject to those orders and to this order, supply energy for all public and private purposes defined by that Act for a period of 42 years from 1st August, 1986.

3. The rights conferred by this order are not exclusive rights, but in all other respects the rights granted by this order are subject to the conditions set out in the First and Second Schedules to the Act.

4. In this Order reference to “the Act” means the *Electric Light and Power Act, Cap. 278*.