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ELECTRIC SUPPLY.

MELBOURNE ELECTRIC SUPPLY COMPANY ACT 1924, No. 3377.

AMENDMENTS TO ORDER No. 89, 1913,

UNDER THE ELECTRIC LIGHT AND POWER ACT 1896, No. 1413.

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AMENDMENTS TO ORDER No. 89, 1913,

UNDER THE ELECTRIC LIGHT AND POWER ACT 1896, No. 1413.

It is recommended that, pursuant to Section 16 of the Melbourne Electric Supply Company Act 1924, the Governor in Council make the following additions to, and amendments, and variations of the Order made under the Electric Light and Power Act 1896, and cited as "The Melbourne Electric Supply Company Limited Electric Lighting Order, Number 89, 1913," that is to say:—

The following amendments, additions, and variations shall be operative on and after the date of publication in the Government Gazette of the Order approving them:—

Clause 1, reading as follows, shall remain unaltered.

PRELIMINARY.

Short title.

1. This Order may be cited as The Melbourne Electric Supply Company Limited Electric Lighting Order No. 89, 1913.

That Clause 2 be varied and added to so as to read as follows:—

Interpretation.

2. The *Electric Light and Power Act 1915* is in this Order referred to as "the Act"; and the several words, terms, and expressions to which by the Act meanings are assigned, shall have in this Order the same respective meanings, provided that in this Order the several expressions following shall have the meanings respectively assigned to them:—

"Electricity Commissioners" shall mean the State Electricity Commission of Victoria constituted under the State Electricity Commission Acts:

"Minister" shall mean the responsible Minister of the Crown for the time being administering the Act:

"Agreement" shall mean and include the Agreement dated the 18th day of June, 1924, between the Honorable Sir Arthur Robinson, K.C.M.G., His Majesty's Attorney-General for the State of Victoria, and the responsible Minister of the Crown administering the State Electricity Commission Acts for and on behalf of His Majesty's Victorian State Government of the one part and the Melbourne Electric Supply Company Limited of the other part a copy of which Agreement is set out in the First Schedule of the *Melbourne Electric Supply Company Act 1924*, and also any Agreement modifying or varying such Agreement:

"Works" shall mean and include all works as defined in the Act and all power-houses and necessary appurtenances and constructions thereto or in connexion therewith, all overhead or underground mains, service lines, substations, poles, and other erections or things necessary to be made or done in connexion with the carrying on of the undertaking:

"Energy" shall mean 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 the *Electric Light and Power Act 1915*:

"Power" shall mean electrical power or the rate per unit of time at which energy is supplied:

"Pressure" means the difference of electrical potential between any two conductors through which a supply of energy is given, or between any part of either conductor and the earth:

"High-pressure" and "extra high-pressure" respectively are used in relation to electric lines, conductors, circuits, and apparatus according to the conditions of the supply delivered through the same or particular portions thereof:

"Main" shall mean any electric line which may be laid down or erected by the undertakers in or along 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:

"Service line" shall mean 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:

"Distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

"General supply" shall mean the general supply of energy to consumers:

"Area of supply" shall mean the area within which the undertakers are, for the time being, authorized to supply energy under the provisions of this Order:

"Consumer" shall mean any body or person supplied, or entitled to be supplied, with energy by the undertakers:

"Consumer's terminals" shall mean 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:

"Telegraphic line" means line of communication of electric telegraph or telephone constructed or maintained for or by the Board of Land and Works, or the Victorian Railways Commissioners, for the purposes of the Railways Acts, or any Act amending the same, or any Act thereby repealed; and any such telegraphic line shall be deemed to be injuriously affected where telegraphic or telephonic communication by means of such line is, whether through induction or otherwise, in any manner affected:

"Railway" shall include any tramroad, that is to say, any tramway other than a tramway as hereinafter defined:

"Tramway" shall mean any tramway laid along any street:

"Daily penalty" shall mean a penalty for each day on which any offence is contigued after conviction thereof:

"First Schedule," "Second Schedule," and "Third Schedule" shall mean the First, Second, and Third Schedules to this Order annexed respectively:

"Deposited map" shall mean the map of the area of supply deposited with the Electricity Commissioners by the undertakers together with this Order and signed by the Minister:

"Plan" shall mean a plan drawn to a horizontal scale of at least 1 inch to 88 feet, and, where possible, a section drawn to the same horizontal scale as the plan and to a vertical scale of at least 1 inch to 11 feet, with such detail plan and sections as may be necessary.

Clause 3 shall remain unaltered.

That the following new clause, to be numbered 3A be inserted after the present Clause 3:—

3A. The undertakers shall fulfil, perform and observe all the conditions, covenants and stipulations of and contained in the Agreement and in accordance with the terms thereof by the undertakers to be fulfilled, performed and observed.

That Clause 4 be amended to read as follows:—

4. Subject to the provisions of this Order, the undertakers for the purposes of this Order shall be The Melbourne Electric Supply Company Limited, whose registered office is at 19 Queen-street, Melbourne. Description of undertakers.

That Clause 5, reading as follows, remain unaltered:—

5. Subject to the provisions of this Order, the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red marginally. Area of supply.

That present Clause 6 be repealed.

That the following new clause be inserted after Clause 5:—

6. Subject to the provisions of this Order and the Act, the undertakers may use and supply energy within the areas of supply for all public and private purposes as defined by the said Act, provided as follows:—

- (1) Such energy shall be used and supplied only by means of some system which shall be approved by the Governor in Council, and subject to such regulations and conditions for securing the safety of the public, and to such conditions for insuring a proper and sufficient supply of energy as the Governor in Council may impose; and to the provisions of the Agreement and of the *Melbourne Electric Supply Company Act 1924*.
- (2) Notwithstanding anything contained in this Order, the consent of the Electricity Commissioners to the erection of any overhead lines for purposes of transmission and/or distribution of energy shall be and be deemed to be subject to the condition that upon the giving to the undertakers by the Electricity Commissioners of such notice as is deemed necessary the undertakers shall remove such or such part of their overhead lines as may be directed, and shall replace them by conductors laid underground.
If the undertakers fail to remove and to place any line or part thereof underground after having been required so to do in accordance with this section, they shall be liable to a penalty not exceeding Ten pounds for every such offence, and to a daily penalty not exceeding Five pounds; and the Electricity Commissioners may make an order authorizing the removal of any such electric line by any person and on such terms as may to them seem fit.
- (3) In the event of the undertakers at any time receiving any supply of energy from the Electricity Commissioners for the purpose of any supply by this Order authorized, the undertakers shall not lay, construct, erect, or operate any electric line within the said area of supply whereby any energy is or is to be transmitted or distributed at a pressure exceeding 6,600 volts without express permission, in writing, of the Electricity Commissioners first had and obtained.
- (4) 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 connexion is for the time being approved of by the Electricity Commissioners, and is to be made in accordance with the conditions (if any) of such approval.

That present Clause 7 be repealed.

That present Clause 8 be repealed.

That present Clause 9 be repealed.

That present Clause 10 be numbered Clause 7.

That present Clause 11 be repealed, and that in lieu thereof there be inserted after the clause to be numbered 7 as aforesaid the following clause, to be numbered 7A, that is to say:—

Street boxes
or chambers
and other
works in streets.

7A. (a) Subject to the provisions of this Order and the Act, and any regulations made under the Act, the undertakers may construct in or on any street such works as may be necessary for purposes in connexion with the supply of energy.

(b) Every substation constructed shall be for the exclusive use of the undertakers and under their sole control, except so far as the Governor in Council may otherwise order, and shall be used by the undertakers only for the purpose of leading off service lines and other distributing conductors, or, for examining, testing, regulating, measuring, directing, or controlling the supply of energy, or for examining or testing the condition of the mains or other portions of the works; or for other like purposes connected with the undertaking; and the undertakers may place therein transformers, meters, switches, and any other suitable and proper apparatus for any of the above purposes.

Every substation shall be constructed of such materials, and shall be constructed and maintained by the undertakers in such manner as not to be a source of danger.

(c) Where the exercise of any of the powers of the undertakers in relation to the execution of any works will involve the placing of any works in, on, under, along or across any street or public bridge, the following provisions shall have effect:—

Notice of works
with plan to be
served on the
local council,
&c.

- (i) One month before commencing the execution of such works (not being service lines or repairs, renewals or amendments of existing works of which the character and position are not altered), the undertakers shall serve a notice upon the local council, or where

in any municipal district there are pipes, sewers, drains or tunnels, which are not under the management of the local council, but are under the charge or control of some public board, commissioners or trustees other than the local council, upon such board, commissioners or trustees, as the case may be, 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 sewer, drain, or tunnel therein or thereunder, is to be interfered with; and shall, upon being required to do so by the local council, or the said board, commissioners, or trustees, give them any such further information in relation thereto as they may desire.

- (ii) The local council, or the said board, commissioners, or trustees may, in their discretion, approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove of the same, and may give notice of such approval or disapproval to the undertakers.
- (iii) Where the local council, or the said board, commissioners, or trustees approve of any such works or plan subject to any amendments or conditions with which the undertakers are dissatisfied or disapprove of any such works or plan, the undertakers may appeal to the Electricity Commissioners who may inquire into the matter and allow or disallow such appeal, and approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove of the same.
- (iv) If the local council, or the said board, commissioners, or trustees fail to give any such notice of approval or disapproval to the undertakers within one month after the service of the notice upon them, they shall be deemed to have approved of such works and plan.
- (v) Notwithstanding anything in this Order or the Act, the undertakers shall not be entitled to execute any such works as above specified, except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the local council and the said board, commissioners, or trustees or by the Electricity Commissioners as above mentioned; but where any such works, description and plan are so approved or to be deemed to be approved the undertakers may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and the Act, and may use, operate, uphold and maintain the works so executed.
- (vi) If the undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the Act) make full compensation to the local council and the said board, commissioners or trustees for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding Five pounds for every such default, and to a daily penalty not exceeding Two pounds: Provided that the undertakers shall not be subject to any such penalties as aforesaid if the Court having cognizance of the case shall be of opinion that the case was one of emergency, and that the undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

That present Clause 12 be repealed.

That the following new clauses, to be numbered 8 and 9 respectively, be inserted after the new Clause 7A aforesaid, that is to say:—

8. Where the erection of any poles or other structures or works, or the laying underground of any mains under the provisions of this Order and of the regulations made under the Act will necessitate their being placed over, alongside, or across any pipes, drains, sewers, culverts, or other works or structures which are not under the management of the undertakers but are under the charge and control of some statutory corporation, public board, commissioners, or trustees, other than the undertakers, or where such poles, underground mains, structures, or other works of the undertakers will be so located as to be liable to interfere with proper maintenance and use of such pipes, drains, sewers, culverts, or other works or structures, the undertakers shall give to the owners thereof one month's notice, in writing, of their intention to carry out such works, or to lay such mains as aforesaid, and the owners of or the corporation or body controlling such pipes, sewers, drains, culverts, or other works or structures may thereupon state what

Notice of
works with
plan to be
served on
certain
authorities.

measures (if any) they require to be taken for the protection of their property; or the owners may notify the undertakers that they themselves will carry out the work on behalf of and at the expense of the undertakers. If any difference arise between the undertakers and such owners as to the manner in which such work is to be carried out or as to the cost thereof, such difference shall be referred to the Electricity Commission, which shall decide as to the terms of settlement of any matters so arising.

9. Nothing in the last preceding section shall exempt the undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic or electric line of the Board of Land and Works, or the Victorian Railways Commissioners being at any time injuriously affected by the undertakers' works or their supply of energy.

That present Clause 13 be numbered 10.

That present Clause 14 be numbered 11, and be amended by omitting the words commencing and including "Where any such council, body or person (in this section referred to as 'the givers of the notice') down to and including "until such security has been duly given" in paragraph (h), so that Clause to be numbered 11 shall read as follows:—

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

11. Any council, body or person for the time being liable to repair any street or part of a street, or entitled to work any tramway or railway which the undertakers may be empowered to break up for the purposes of this Order, may, if they think fit, serve a notice upon the undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, tramway, tunnels, or other works vested in or under the control or management of such council, body, or person, and may amend or revoke any such notice by another notice similarly served.

Provided that nothing in this section shall in any way affect the rights of the undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or 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 section mentioned.

That the following new clause to be numbered 12 be inserted after the said clause to be numbered 11:—

For protection
of railway
and canal
companies.

12. In the exercise of any of the powers of this Order relating to the execution of works, the undertakers shall not in any way injure the railways, tunnels, arches, works or conveniences belonging to the Victorian Railways Commissioners, any railway or canal company, nor obstruct or interfere with the working of the traffic passing along any railway or canal.

That present Clause 15 be repealed.

That present Clause 16 be repealed, and the following new clause to be numbered 13 be inserted in lieu thereof, that is to say:—

13. Where the undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or to construct other works near to which any sewer, drain, pipe, watercourse, defence, main, syphon, electric line or other works under the jurisdiction or control of the local council, or of any public board, commissioners, trustees or gas, electric supply or water company, has been lawfully placed or where any local council or any public board, commissioners, trustees or gas, electric supply or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or to construct other works near to which any lines or works of the undertakers have been lawfully placed, the undertakers, or such local council, public board, commissioners or trustees, or such gas, electric supply or water company (as the case may be) in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the local council, or to such public board, commissioners, or trustees or to such gas, electric supply or water company or to the undertakers (as the case may be), in this section referred to as the "owners," not less than three days' notice before commencing to dig or sink such trench or to construct such other works as aforesaid and such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, main, syphon, electric line or other work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto:

Where the operators find it necessary to undermine, but not to alter the position of any pipe, electric line or other work aforesaid, they shall temporarily support the same in position during the execution of their works, and before completion provide a suitable and proper foundation for the same where so undermined.

On completion of their works the operators shall not leave any sewer, drain, pipe, watercourse, defence, main, syphon, electric line or other work of the owners in such condition as to endanger public safety or convenience or in any worse condition or position as regards operation, maintenance or value than obtained before the commencement of the operators' works.

Where the operators (being the undertakers) lay any electric line, crossing or liable to touch any mains, pipes, lines, services or other works belonging to any local council or to any public board, commissioners, trustees or to any gas, electric supply or water company, the conducting portions of such electric line shall be effectively insulated in a manner approved by the Electricity Commissioners and the undertakers shall not, except with the consent of such local council, public board, commissioners, trustees or gas, electric supply or water company (as the case may be) and of the Electricity Commissioners, lay their electric lines so as to come into contact with any such mains, pipes, lines, services or other works, or, except with the like consent, employ any such mains, pipes, lines, services or other works as conductors for the purpose of their supply of energy.

That the following new clause to be numbered 14 be inserted after the said new clause to be numbered 13, that is to say:—

14. Where any tree or hedge obstructs or interferes with the construction, maintenance or working of any electric line which is being constructed or is owned by the undertakers, or will or is likely to interfere with the maintenance or working of such a line, the undertakers may either at their own expense lop or cut the tree, or may give notice to the owner if he can be found and otherwise the occupier of the land on which the tree is growing, requiring him to lop or cut it so as to prevent the obstruction or interference, and if within seven days after the giving of such notice the owner has failed to comply therewith to the reasonable satisfaction of the undertakers, the undertakers may lop or cut the tree as aforesaid and may in the case of a tree planted after the construction of the line charge the owner or occupier (as the case requires) with the cost of so lopping or cutting that tree.

Provided that where any such tree is growing in a street, road or other public place the undertakers shall not lop or cut it unless either they have previously served upon the authority having control of the street, road or other public place notice as aforesaid requiring such authority to do the work or they have notified such authority of their intention to inspect and where necessary cut and lop trees in that street, road or place so as to permit of the authority having a representative present when the tree is being lopped or cut.

That present Clause 17 be repealed.

That present Clause 18 be numbered 15, and be amended by the omission of the words "the Postmaster-General," so as to read as follows:—

15. (1) The undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions, and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line (the property of the Board of Land and Works, or the Victorian Railways Commissioners) from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, where such wire or line is in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the undertakers and the owner of any such wire or line as to whether the undertakers have constructed, laid down, or placed their electric lines or other works, or worked their undertaking in contravention of this sub-section, and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby, such question shall be determined by such Judge of County Courts as the Governor in Council shall appoint; and such Judge may direct the undertakers to make any alterations to, or additions to, their system so as to comply with the provisions of this section, and the undertakers shall make such alterations or additions accordingly.

For protection
of telegraphic
and telephonic
wires.

(2) Seven clear days before commencing to lay down or place any electric line, or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected, the undertakers shall, unless otherwise agreed between the parties interested, give to the owner of such wire or line, notice in writing specifying the course, nature, and gauge of such electric line, and the manner in which such electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be

used; and any owner entitled to receive 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 using of such electric line, for the purpose of preventing such injurious affection; and the undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid:

If any difference arises between any such owner and the undertakers with respect to the reasonableness of any requirements so made, such difference shall be determined by such Judge of County Courts as the Governor in Council shall appoint.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line, and the amount and nature of the current transmitted thereby, are not altered.

(3) If in any case the undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding Five pounds for every such default, and to a daily penalty not exceeding Forty shillings: Provided that the undertakers shall not be subject to any such penalties as aforesaid if the Court having cognisance of the case shall be of opinion that the case was one of emergency, and that the undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the undertakers were ignorant of the position of the wire or line affected thereby, and that such ignorance was not owing to any negligence on the part of the undertakers.

(4) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

That present Clause 19 reading as follows be numbered 16:—

Mains do. to be laid down in streets specified in Second Schedule, and in remainder of area of supply.

16. (1) The undertakers shall, within a period of two years after the commencement of this Order, lay down or erect 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 Second Schedule, and shall thereafter maintain the same.

(2) In addition to the mains hereinbefore specified, the undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down or erect suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down or erected by the undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them, or such further time as may in any case be approved of by the Governor in Council.

That present Clause 20 be repealed.

That present Clause 21, reading as follows, be numbered 17, that is to say:—

Manner in which requisition is to be made.

17. Any requisition requiring the undertakers to provide distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street, or, where the local council has the control and management of the public lamps in such street and part of a street, by the local council.

Every such requisition shall be signed by the persons making the same or by the local council (as the case may be), and shall be served upon the undertakers.

Forms of requisition shall be kept by the undertakers at their office, and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local council on application for the same, and any requisition so supplied shall be deemed valid in point of form.

That present Clauses 22 and 23 be amended to read as follows, and that the said clauses be numbered respectively 18 and 19:—

Provisions on requisition by owners or occupiers.

18. Where any such requisition is made by any such owners or occupiers as aforesaid, the undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom the requisition is signed, stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take, or will guarantee that there shall be taken, a supply of energy for three years, and such longer

period as the Electricity Commissioners shall approve of such amount in the aggregate (to be specified by the undertakers in such notice) as will, at the relevant rates of charge, produce annually such reasonable sum as shall be specified by the undertakers in such notice: Provided that in such notice the undertakers shall not without the authority of the Electricity Commissioners specify any sum exceeding 20 per centum upon the expense of providing the required mains plant and apparatus or alterations or additions to existing mains plant and apparatus which may be necessary for the purpose of giving the supply.

Where such notice is served the requisition shall not be binding on the undertakers unless within 28 days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the undertakers an agreement severally executed by such persons or some of them, binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above referred to produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section, nor unless sufficient security for the payment to the undertakers of all moneys which may become due to them from such persons under such agreement is offered to the undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the undertakers consider that the requisition is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Governor in Council, who, after such inquiry, if any, by the Electricity Commissioners, as they shall think fit, may, on the recommendation of the Electricity Commissioners, by order, either determine that the requisition is unreasonable, and shall not be binding upon the undertakers, or may authorize the undertakers by their notice to require a supply of energy to be taken for such longer period than three years, and to specify such sum or percentage, whether calculated as hereinbefore provided or otherwise, as shall be fixed or directed by the Order, and the terms of the above-mentioned agreement shall be varied accordingly.

In case of any such appeal to the Governor in Council, any notice by the undertakers under this section may be served by them within fourteen days after the decision of the Governor in Council.

If any difference arises between the undertakers and any persons signing any such requisition as to any such notice or agreement, such difference shall, subject to the provisions of this section and to any decision of the Electricity Commissioners or the Governor in Council as aforesaid, be determined by arbitration.

19. Where any such requisition is made by the local council it shall not be binding on the undertakers unless at the time when such service is effected, or within fourteen days thereafter, there be tendered to the undertakers (if required by them) an agreement executed by the local council and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition was made as may be under their management and control, regard being given to the circumstances of the case by the Electricity Commissioners, whose decision shall be binding.

Provisions on requisition by local council.

That present Clause 24 be numbered 20, and be amended to read as follows:—

SUPPLY.

20. The undertakers shall, upon being required to do so by the owner or occupier of any premises situate within 50 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 any regulations and conditions, subject to which they are authorized to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and for all such regulations and conditions as aforesaid, and they shall furnish and lay or erect any electric lines that may be necessary for the purpose 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 following (that is to say):—

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid or erected 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 or erect for a greater distance than 60 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.

Every owner or occupier of premises requiring a supply of energy shall—

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; and

Enter into a written contract with the undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years, and of such longer period as the Electricity Commissioners shall approve of such an amount that the payment to be made for the same, at the relevant rate or rates of charge for the time being charged by the undertakers for a supply of energy to consumers within the area of supply, shall not be less than Twenty pounds per centum per annum on the outlay incurred by the undertakers in providing any plant apparatus or electric lines or alterations or additions to existing plant apparatus or electric lines required under this section to be provided by them for the purpose of such supply, and give to the undertakers (if required by them so to do) security for the payment to them of all moneys which may 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.

Provided always that 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, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail 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.

Provided also that if the owner or occupier of any such premises as aforesaid uses or connects to the supply any form of lamp burner, or other apparatus calculated to, or uses the energy supplied to him by the undertakers for any purposes, or deals with it in any manner so as to unduly or improperly 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, or appears in the reasonable judgment of the undertakers likely to continue.

Provided also that the undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the undertakers or by other persons.

Provided also that no body or person shall be entitled to demand or continue to receive for the purposes of a standby supply only from the undertakers a supply of electricity for any premises having a separate supply of electricity or a supply (in use or ready for use for the purposes for which the standby supply of electricity is required) of gas, steam or other form of energy unless he has agreed with the undertakers to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such standby supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises. The sum to be so paid shall be determined in default of agreement by the Electricity Commissioners or an engineer appointed by the Electricity Commissioners for the purpose.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or apparatus, such difference shall be determined as prescribed by the Act.

That present Clause 25 be numbered 21.

That present Clause 26 be numbered 22, and amended to read as follows:—

Supply of
energy to
public lamps.

22. The undertakers upon receiving reasonable notice from the local council requiring them to supply within the area of supply energy to any public lamps within the distance of 75 yards from any public lighting supply main of the undertakers shall give and continue to give a supply of energy to such lamps in such quantities as the local council may require to be supplied.

That present Clause 27 be numbered 23, and amended to read as follows:—

23. 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 not exceeding One shilling in respect of every such default for each day on which any such default occurs. Penalty for failure to supply.

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 not exceeding One shilling in respect of every such default for each such lamp, and for each day on which any such default occurs.

Whenever the undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorized 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.

Provided that the penalties to be inflicted on the undertakers under this section shall in no case exceed in the aggregate the sum of Fifty pounds in respect of any defaults not being wilful defaults on the part of the undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the Court having cognisance of the case shall be of opinion that such default was caused by accident, drought or unavoidable cause or was of so slight or unimportant a character as not materially to affect the value of the supply, or was due to a failure of any supply received in bulk by the undertakers.

That the following new clause, to be numbered 24, be inserted after the clause numbered 23 as aforesaid:—

24. Notwithstanding anything in this Order or the Act, any supply given by the undertakers, whether pursuant to the compulsory provisions of this Order or not, may be given upon and subject to such conditions as to charges and otherwise as may be approved or prescribed by the Electricity Commissioners.

That present clauses numbered 28 to 36 (both numbers inclusive) be repealed, and the following new clauses, to be numbered successively 25 to 30, as shown hereunder, be inserted in their stead, that is to say:—

CONDITIONS FOR INSURING A PROPER AND SUFFICIENT SUPPLY OF ELECTRICAL ENERGY.

25. The system of supply shall be carried out within such different portions of the area of supply as may from time to time be prescribed by the Electricity Commissioners either on one or other of the three phase or direct current systems respectively. Subject to the provisions of this Order and the Agreement, supply under one or other of these systems shall be maintained, and shall be available to all applicants in respect of the system obtaining in that portion of the area of supply within which the supply is desired, unless and except in so far as the Electricity Commissioners may otherwise permit, either generally or in special cases; and any such permission shall be given only on such terms as the Electricity Commissioners shall, in their discretion, consider equitable to all parties concerned, and shall apply to variations of only such features of the system as it expressly covers. System of supply.

26. In case it becomes necessary to stop the supply through any portion of a main for more than one hour for the purpose of repairs or for any other reason, reasonable notice shall be given by the undertakers to every consumer affected thereby except in cases of emergency. Provisions as regards stoppage.

27. Before commencing to give a supply of energy to any consumer, the undertakers shall declare to that consumer the constant pressure at which they propose to supply energy at his terminals. The pressure so declared shall be constantly maintained, subject to a variation not exceeding 4 per cent. above or below the declared pressure, under any conditions of supply which the consumer is entitled to receive, or such other variation as the Electricity Commissioners may from time to time allow, and shall not be altered or departed from to an extent greater than that variation except by consent of the Electricity Commissioners, and upon such terms and conditions if any as they may impose, and after public notice has been given during a period of one month in such manner as they may require, and of the intention of the undertakers to apply for consent to alter same. Declared pressure at consumer's terminals.

28. Where a three phase supply is given, the frequency, that is to say, the number of complete periods per second, of the system of supply shall be maintained, subject to a variation not exceeding 2½ per cent. above or below the standard frequency of 50 cycles, and shall not be altered or departed from except pursuant to the agreement or by consent of the Electricity Commissioners; and upon Frequency.

such terms and conditions, if any, as the Electricity Commissioners may impose, and after public notice has been given during a period of one month, in such manner as the Electricity Commissioners may require, of the intention of the undertakers to apply for consent to alter same.

Distributing
mains to be
separated into
sections.

29. The system of distributing mains shall be separated into sections corresponding approximately to the different feeders, and these sections shall be interconnected only through suitable circuit-breakers or fuses, arranged so as to be easily inspected.

Penalty for
default.

30. If the undertakers make default in complying with any of the conditions as to supply contained in the five preceding sections, they shall, subject to the provisions of this Order, be liable on conviction to a penalty not exceeding Five pounds for every such default, and to a daily penalty not exceeding Five pounds.

That present clauses numbered 37 and 38 be repealed, and the following new clause, to be numbered 31, be inserted in their stead, that is to say:—

Charges.

31. Notwithstanding anything in this Order or the Act the undertakers may charge for energy supplied by them to any consumer according to such tariffs as the Electricity Commissioners shall from time to time consistently with the terms of the Agreement lay down or approve. The Company may (subject to such approval) charge new consumers or consumers changing their residence according to a two-part tariff while offering other consumers the option between that tariff and a rate per unit supplied.

That present clauses numbered 39 to 42 (both numbers inclusive) be repealed, and the following clauses, to be numbered successively 32 to 35, as shown hereunder be inserted in their stead, that is to say:—

ELECTRIC INSPECTORS.

Appointment of
electric
inspectors.

32. The Electric Inspector of the Electricity Commissioners and any authorized member of his staff shall be and shall have the powers and duties of an Electric Inspector under this Order.

33. 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 the provisions of this Order or of any regulations of the Governor in Council.

Notice of
accidents and
inquiries by
Electricity
Commissioners.

34. Where any accident of direct or indirect electric origin, and of such kind as to have caused or to be likely to have caused loss of life or personal injury has occurred at any part of any electric line or work, the undertakers shall give immediate notice thereof to the Electricity Commissioners.

35. The Electricity Commissioners may direct any electric inspector or appoint any other fit person or persons to inquire and report as to the cause of any accident affecting the safety of any persons or property, which may have been occasioned by or in connexion with the undertakers' works, whether notice of the accident has or has not been received from the undertakers, or as to the manner and extent in and to which the provisions of this Order and the Act, and of any regulations under the Act, so far as such provisions affect the safety of the public, have been complied with by the undertakers; and any person appointed under this section, not being an electric inspector, shall, for the purposes of his appointment, have all the powers of an electric inspector under this Order.

That the words "the Minister" wherever appearing in present Clause 43 be amended to read "the Electricity Commissioners."

That present Clause 43 be numbered 36, and be amended by the insertion after the word "undertakers" (where first occurring) of the words "by an Electric Inspector" so as to read as follows:—

TESTING AND INSPECTION.

Testing of
mains.

36. On the occasion of the testing of any main of the undertakers by an electric inspector, 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 Electricity Commissioners, he shall not be entitled to have access to or interfere with the mains of the undertakers at any points other than those at which the undertakers have reserved for themselves access to the said mains: Provided that the undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any

such testing as aforesaid: Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Electricity Commissioners.

That present Clause 44, reading as follows, be numbered 37:—

37. An electric inspector, if and when required to do so by any consumer shall, on payment by the 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 the provisions of this Order, and the regulations and conditions subject to which they are for the time being authorized to supply energy.

Testing of works and supply on consumer's premises.

That present Clause 45 be repealed.

That present Clauses 46 to 52 (both numbers inclusive) be numbered successively 38 to 44 as shown hereunder and amended to read as follows:—

38. The undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Electricity Commissioners, and shall take and record, and keep recorded, such observations as the Electricity Commissioners may prescribe.

Undertakers to keep instruments in their premises.

39. The undertakers shall keep in efficient working order all instruments which they are required by or under this Order to have in readiness for testing, and any electric inspector appointed under this Order may examine and record the readings of such instruments.

Readings of instruments to be taken.

40. Any electric inspector appointed by the Electricity Commissioners shall have the right to have access at all reasonable hours to the testing stations and premises of the undertakers for the purpose of testing the electric lines and instruments of the undertakers, and ascertaining if 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.

Electric inspector may test undertakers' instruments.

41. The undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the undertakers by any electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere with the testing or inspection.

Representation of undertakers at testing.

42. 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; and in case the undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding Five pounds, and to a daily penalty not exceeding One pound.

Undertakers to give facilities for testing.

43. 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 authority or person by whom he was requested to make such testing and to the undertakers.

Report of result of testing.

If the undertakers or any such person are or is dissatisfied with any report of any electric inspector, they or he may appeal to the Electricity Commissioners against such report, and thereupon the Electricity Commissioners shall inquire into and decide upon the matter of any such appeal, and their decision shall be final and binding on all parties.

44. Save as otherwise provided by this Order, or by any regulations, reasonable expenses of an electric inspector shall, unless agreed, be ascertained by the Electricity Commissioners, and shall be paid by the undertakers.

Expenses of electric inspector.

Provided that where the report of an electric inspector, or the decision of the Electricity Commissioners shows that any consumer was guilty of any default or negligence, such expenses shall, on being ascertained as above mentioned, be paid by such consumer or consumers as the Electricity Commissioners, having regard to such report or decision, shall direct, and may be recovered summarily as a civil debt.

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the Court may direct.

That present clauses numbered 53 to 63 (both numbers inclusive) be repealed, and the following clauses, to be numbered successively 45 to 56 as shown hereunder, be inserted in lieu thereof, that is to say:—

METERS.

45. The amount of energy supplied by the undertakers to any consumer under this Order, or the electrical quantity contained in such supply in this Order referred to as "the value of the supply," shall, except as otherwise agreed between

Meters to be used except by agreement.

such consumer and the undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order, or by such other method as may for the time being be approved by the Governor in Council.

Undertakers to provide means for ensuring correctness of meters supplied to consumers.

46. The undertakers shall provide and set up suitable and proper means and appliances to the satisfaction of the Electricity Commissioners, for the testing of meters intended to measure supply to consumers, and shall test and adjust to correctness all such meters prior to their being installed upon a consumer's premises; provided that a meter shall be deemed to have been correctly adjusted if its departure from correctness as ascertained by means and appliances as aforesaid does not exceed $1\frac{1}{2}$ per cent. at any point between one-fifth load and full load, or such other permissible departure from correctness as the Electricity Commissioners may from time to time prescribe.

Meter to be certified.

47. A meter shall be considered to be duly certified under the provisions of this Order if it be identical in construction and design with any meter certified by an electric inspector appointed under this Order to be a meter capable of ascertaining the value of the supply within such limits of error as may, as respects meters of the class to which the meter belongs, be allowed by the Electricity Commissioners, and to be of some construction and pattern approved by the Electricity Commissioners, and every such meter is hereinafter referred to as a "certified meter": Provided that, where any alteration in construction or design is made in any certified meter, that meter shall cease to be a certified meter unless and until it is again certified as a certified meter under the provisions of this Order.

Inspector to certify meters.

48. An 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 used or intended to be used for ascertaining the value of the supply, and shall certify it as a certified meter if he considers it entitled to be so certified, and the inspector shall, on the like requisition and payment, examine the manner in which any such meter has been fixed and connected with the service lines, and shall certify that it has been fixed and connected with the service lines in some manner approved by the Electricity Commissioners, if he considers that it is entitled to be so certified.

Undertakers to supply meters.

49. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the undertakers shall supply an appropriate certified meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and for such purposes may authorize and empower any officer or person to enter upon such premises at all reasonable times and execute all necessary works and do all necessary acts; provided that the undertakers may require the consumer to enter into an agreement for the hire of such meter as hereinafter provided.

Meters not to be disconnected by consumer.

50. No consumer or other person shall disconnect any meter used or to be used under this Order for ascertaining the value of the supply from any electric line through which energy is supplied by the undertakers. If any person acts in contravention of this section the undertakers may forthwith discontinue the supply, and if this section be contravened by any other person than the consumer, such person shall be liable to a penalty of forty shillings for each offence.

Power to the undertakers to let meters.

51. The undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such rental, 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 Electricity Commissioners, and such remuneration shall be recoverable by the undertakers summarily as a civil debt. Such hire and rental shall be in accordance with a uniform scale or scales of charges to all consumers, and shall be only in consideration of the value of and cost of maintenance of such meter. All such scales of charges shall be subject to review by the Electricity Commissioners and to such alteration and amendment as they may deem just.

Undertakers to keep meter let for hire in repair.

52. 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. 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.

Differences as to correctness of meter to be settled by inspector.

53. If any difference arise between any consumer and the undertakers as to whether any meter whereby the value of the supply is ascertained 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 upon the application of either party by an electric inspector, and such inspector shall decide by which of the parties the costs of and incidental to the proceedings before him shall be paid.

54. Where any consumer who is supplied with energy by the undertakers from any distributing main is owner of 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, and such expenses may be recovered by the consumer from the undertakers summarily as a civil debt.

Undertakers to pay expenses of providing new meters where method of charge altered.

55. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer, or the number of hours during which such supply is given, or the maximum power taken by such consumer, or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern, and shall be fixed and connected with the service lines in some manner approved by the Electricity Commissioners, and shall be supplied and maintained entirely at the cost of the undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the undertakers and the consumer's terminals.

Undertakers may place meters to measure supply or to check measurement thereof.

56. If a dispute arise between any consumer and the undertakers as a consequence of a meter intended to measure energy supplied to a consumer having failed wholly or intermittently during some specified period to register the energy supplied to such consumer, then, upon appeal, an electric inspector shall determine, as nearly as possible, the amount of energy actually or most probably supplied, and shall decide what sum, if any, may be demanded by the undertakers in respect of such period.

That present Clause numbered 64 be repealed, and in lieu thereof the following clauses to be numbered respectively 57 and 58 be inserted, that is to say:—

MAPS.

57. The undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply, and shall cause to be marked thereon the routes of each of their then existing overhead wires, and also the line and the depth below the surface of all their then existing mains, service lines, and underground works and street boxes, and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The undertakers shall also, if so required by the Electricity Commissioners, cause to be made sections showing the level of all their existing mains and underground works other than service lines.

Map of area of supply to be made and deposited.

58. Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and such applicants may take copies of the same or any part thereof. The undertakers may demand and take from every such applicant as aforesaid such fee not exceeding One shilling for each inspection of such map, section, or copy, and such further fee not exceeding Five shillings for each copy of the same, or any part thereof, taken by such applicant, as they may prescribe.

The undertakers shall, if so required by the Electricity Commissioners, supply to them a copy of any such map or section, and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the undertakers.

If the undertakers fail to comply with any of the requirements of this section, they shall for every such offence be liable to a penalty not exceeding Ten pounds, and to a daily penalty not exceeding Two pounds.

That present Clause 65 be numbered 59 and be amended to read as follows:—

NOTICES, ETC.

59. 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 local council or the undertakers respectively, the signature thereof by the Council's clerk or an officer of the undertakers respectively shall be sufficient authentication.

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

That present clause numbered 66 be repealed, and in lieu thereof the following clause to be numbered 60 be inserted, that is to say:—

Service of
notices &c.

60. Any notice, order, or document required or authorized to be served upon any body or person under this Order or 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 Governor in Council, the office of the Executive Council;
- (b) In the case of the Minister for the time being administering the Act, or of any other Minister of the Crown, at the office of the Department presided over by such Minister;
- (c) In the case of any council, the office of such council;
- (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 that company;
- (f) In the case of any commissioners, or public board, or corporate body, at the office of such commissioners, board, or corporate body where notices are usually served;
- (g) In the case of any other person, the usual or last-known place of abode or business of such person.

A notice, order, or document by this Order required or authorized 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.

If in any case any such person or his address be not known to the authority or person serving or giving any notice, order, or document, and cannot after due inquiry be found or ascertained, then such notice, order, or document may be served by being affixed for three days to some conspicuous part of any premises to which such notice, order, or document relates.

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 the provisions of 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, or any holiday under and within the meaning of the *Public Service Act 1915* or the *Banks and Currency Act 1915*, or any Act or Acts amending those Acts.

That present clauses numbered 67 to 70 (both numbers inclusive) be repealed, and the following new clause, to be numbered 61, be inserted following on new Clause 60 aforesaid, that is to say:—

61. The undertakers shall not assign or transfer any of the legal powers given to them by the Act or any Order in Council thereunder except in accordance with the Agreement.

That present clauses numbered 71 to 87 (both numbers inclusive) be repealed, and the following clauses to be numbered successively 62 to 73 as shown hereunder be inserted in lieu thereof, that is to say:—

GENERAL.

Remedying of
system and
works.

62. If at any time it is established to the satisfaction of the Electricity Commissioners (a) that the undertakers are supplying energy otherwise than by means of a system which has been approved by the Governor in Council or (without such consent or approval as is required by this Order) have permitted any part of their circuits to be connected with earth; or (b) that any electric lines or works of the undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the undertakers are for the time being authorized to supply energy under this Order; or (c) that any work of the undertakers, or their supply of energy is attended with danger to the public safety, or injuriously affects any telegraphic line; or (d) if the undertakers neglect to carry out and perform any duty and obligation imposed upon them by the *Electric Light and Power Act 1915*; the Electricity Commissioners may by order specify the matter complained of, and require the undertakers to abate or discontinue the same within such period as may be therein limited in that behalf, and if the undertakers make default in complying with such order they shall be liable to a penalty not exceeding Twenty pounds for every day during which such default continues.

The Electricity Commissioners may also if they think fit by the same or any other order forbid the use of any such electric line or work as from such date as may be specified in that behalf until the order is complied with, or for such time as may be so specified, and if the undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding One hundred pounds for every day during which such user continues.

63. In each year the undertakers shall cause to be prepared an annual statement of accounts in accordance with a form of accounts from time to time prescribed by the Governor in Council made up to the 31st August preceding or any such date as the Governor in Council may direct. Such statement of accounts shall have been duly examined and audited by a person qualified as an auditor, and such statement of accounts shall be published not later than 31st December following by being advertised once in a newspaper circulating within the area of supply.

Annual statement of accounts.

Copies of the newspaper containing the advertisement, and of the annual statement of accounts as prescribed, shall be forthwith forwarded to the Electricity Commissioners.

64. Where any security is required under this Order to be given to or by the undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default of agreement may be determined, on the application of either party, by a court of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said Court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of Four pounds per centum per annum on every sum of Ten shillings so deposited for every six months during which the same remains in their hands.

Nature and amount of security.

65. Where this Order provides for any consent or approval of the Governor in Council or Electricity Commissioners the Governor in Council or Electricity Commissioners may give such consent or approval subject to terms or conditions, or may withhold such consent or approval, as in their discretion they may think fit.

Approval or consent of the Governor in Council, or Electricity Commissioners.

All costs and expenses of or incident to any approval, consent, certificate, or order of the Governor in Council or Electricity Commissioners, including the cost of any inquiry or tests which may be required to be made by the Governor in Council or Electricity Commissioners for the purpose of determining whether the same should be given or made, to such an amount as the Governor in Council or Electricity Commissioners shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always that where any approval is given by the Governor in Council or Electricity Commissioners to any plan, pattern, or specification, he or they may require such copies of the same, as he or they may think fit, to be prepared and deposited at his or their office at the expense of the said applicant or applicants, and may, as he or they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as he or they may think necessary.

66. Where the Governor in Council, upon 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, notice that such approval has been given, or such extension of time granted, shall, if the Governor in Council so direct, be published by public advertisement once at least in the *Government Gazette*, and once at least in each of two successive weeks in some one and the same local newspaper by the undertakers.

Notice of approval of the Governor in Council to be given by advertisement.

67. All penalties, fees, expenses, and other moneys recoverable under this Order, or under any regulations made under the Act, the recovery of which is not otherwise specially provided for, may be recovered summarily.

Recovery and application of penalties.

Any such penalty recovered on prosecution by any body or person, or any part thereof, may, if the Court shall so direct, be paid to such body or person.

68. The undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the undertakers, or of any person in their employment by reason of or in consequence of any of the undertakers' works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Undertakers to be responsible for all damages.

69. Nothing in this Order shall exempt the undertakers or their undertaking from the provisions of or deprive the undertakers of the benefits of any Act relating to electricity which may be passed after the commencement of this Order.

Provisions as general Act.

70. The undertakers shall carry out and perform all the duties and obligations imposed upon them by the *Electric Light and Power Act 1913*, or any amendment or modification thereof.

71. The following is a statement of the public or private purposes for which a supply is to be given:—

For the lighting of public streets, the supply of light, motive power, and any application of electricity for any public or private purposes.

72. This Order is granted subject to the following special conditions:—

Supervision.

- (i) The undertakers shall pay to the Electricity Commissioners such sums as may become payable to them under Clause 10 of the Agreement as the same shall respectively become payable.
- (ii) The undertakers shall promptly supply the Electricity Commissioners in writing with any information, whether general or particular, relating to the technical features of their works or electric supply scheme for which the Electricity Commissioners at any time and from time to time may call, and shall also afford adequate and safe facilities for access at all reasonable times by any authorized representative of the Electricity Commissioners to inspect, test and take notes as to all or any part of the works of the undertakers, whether during the period of the construction or of the operation of the works.
The undertakers shall carry out and effect any alterations, variations or amendments in any works of the undertakings being or to be constructed or performed which may be required in writing by the Electricity Commissioners or its electric inspector and which relate to any technical features of the electric supply scheme: Provided that where it is shown to the Electricity Commissioners within one calendar month of the date of making such requisition that any alterations, variations or amendments so required would in the special circumstances of the case involve undue expense to the undertakers, the Electricity Commissioners may relieve the undertakers of the obligation of carrying out or effecting the whole or any of the acts or matters concerned on such conditions as the Electricity Commissioners may think fit.
- (iii) Neither the making nor the granting of this Order nor anything herein contained shall prejudice, affect, hinder, limit nor restrict any right or power of the Electricity Commissioners under any Act or any right or power of the Electricity Commissioners or the Government of Victoria under the Agreement.

73. Nothing in this Order shall affect the validity of any security heretofore given by the undertakers over the undertaking for any moneys borrowed by them nor any security which may at any time hereafter be so given in any manner not inconsistent with the Agreement, or shall make the consent or approval of the Governor in Council necessary to the validity of any such security: Provided that after the date of sale any such security shall except in so far as is provided to the contrary by the Agreement be deemed to be a security over the purchase money and interest payable under the Agreement and shall not constitute a charge upon the undertaking or any part thereof.

That the fourth schedule shall be repealed.

As witness the Common Seal of the State Electricity Commission of Victoria hereto affixed the 6th day of February, 1928.

The Common Seal of the State
Electricity Commission of Victoria was (L.S.)
hereto affixed in the presence of—

JOHN MONASH, Chairman.
THOMAS R. LYLE, Commissioner.
W. J. PRICE, Secretary.

Submitted for the approval of His Excellency the Governor in Council.

T. TUNNECLIFFE,
Minister in Charge of Electrical Undertakings.

Approved by the Governor in Council,
the 15th February, 1928.

F. W. MABBOTT,
Clerk of the Executive Council.