ORDER IN COUNCIL

VIII

1953

ratifying a Projet de Loi

ENTITLED

The Alderney Electricity Concession Law, 1953.

(Registered on the Records of the Island of Guernsey on the 1st day of August, 1953.)

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1953.

ORDER IN COUNCIL

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 1st day of August, 1953, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present:— Ernest de Garis, Esquire, O.B.E., Sir John Leale, Arthur Falla, Walter John Sarre, William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Osmond Priaulx, Stephen James Falla and Théophile Le Messurier Allez, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of June, 1953, ratifying a Projet de Loi of the States of Alderney entitled "The Alderney Electricity Concession Law, 1953",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court at Windsor Castle,

The 19th day of June, 1953.

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT
MR. MACMILLAN
MR. SELWYN LLOYD
SIR EDWARD BRIDGES
SIR NORMAN BROOK
MR. JOHN EDWARDS
MR. HOLT
SIR PATRICK SPENS.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 5th day of June, 1953, in the words following, viz.:—

"YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee a humble Petition of Sidney Peck Herivel Esquire, President of the States of the Island of Alderney, setting forth:

'That at a meeting of the States of Alderney held on the twenty-first day of May, 1953, the States adopted a Resolution that a Projet de Loi entitled "The Alderney Electricity Concession Law, 1953" be approved: That at the meeting of the States aforesaid, Your Humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said Projet de Loi be sanctioned: That the said Projet de Loi is set forth in the words and figures of the Schedule

annexed hereto. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Projet de Loi entitled "The Alderney Electricity Concession Law, 1953" and to order that the same shall have the force of law within the Island of Alderney.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition, and the Projet de Loi annexed thereto, into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of law within the Island of Alderney.

AND HER MAJESTY doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being, of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. AGNEW.

Projet de Loi referred to in the foregoing Order in Council.

PROJET DE LOI

ENTITLED

The Alderney Electricity Concession Law, 1953.

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PROJET DE LOI

ENTITLED

The Alderney Electricity Concession Law, 1953.

WHEREAS by section (1) of The Alderney Electricity Concession, etc., Transfer Law, 1950, registered on the Records of this Island on the twelfth day of January, 1951, all rights vesting in the Alderney Light and Power Company Limited by virtue of the Electricity Concession Laws 1936 and 1948, were transferred from the said Company to and vested in the States of Alderney:

AND WHEREAS by Resolution of the 20th day of March 1952, the States of Alderney decided that it is expedient that Alderney Electricity Limited (hereinafter referred to as "the Company"), a Company registered in this Island and whose registered office is situate at No. 40, Victoria Street, in this Island, be granted power and authority to the exclusion of all others to supply electricity in this Island:

THE STATES, in pursuance of their said Resolution have on the 21st day of May 1953, adopted the

following provisions which, subject to the sanction of Her Most Excellent Majesty in Council, shall have force of law in this Island.

Interpretation.

1.—(1) In this Law, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say:—

"the Company" means Alderney Electricity Limited and includes its lawful assigns:

"the Court" means the Court of Alderney;

"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;

"the Electricity Supply Regulations" means:—

(*a*) the Electricity Supply Regulations, 1937, as amended, made by the Electricity Commissioners in virtue of the powers exercisable by them under the Electricity (Supply) Acts, 1882 to 1936, and

(*b*) the Overhead Line Regulations for Securing the Safety of the Public made on the tenth day of January, 1947, by the Electricity Commissioners under the Electricity (Supply) Acts, 1882 to 1936,

as having effect by virtue of section sixty of the Electricity Act, 1947, as being made by the Minister of Fuel and Power under that section;

"personal property" means movable property (meubles);

"the Public Works Committee" means the States Committee for Public Works;

"real property" means immovable property (immeubles);

"service line" means any electric line through which electricity may be supplied or intended to be supplied by the Company to a consumer either from any main or directly from the premises of the Company;

"the States" means the States of the Island of Alderney;

"the undertaking" means the business of the production and supply of electricity;

"unit" means the electricity contained in a current of one thousand ampères flowing under an electromotive force of one volt during one hour.

(2) Except in so far as the context otherwise requires, any reference in this Law to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment including this Law.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to this Law as if the same were an enactment in force in the Island of Guernsey.

Constitution and functions of Committee.

2.—(1) The States shall as soon as may be after the coming into force of this Law and from time to time thereafter—

(*a*) constitute a Committee of the States (hereinafter referred to as "the Committee") which shall bear a title to be approved by the States;

(*b*) appoint the Chairman and members of the Committee; and

(c) prescribe the terms under which the Chairman and the members of the Committee shall hold their respective offices.

(2) The Committee shall be invested with the powers and charged with the duties assigned to it by this Law.

Company's exclusive right to supply electricity

3.—(1) Subject to the provisions of this Law, the Company is hereby granted and shall have the exclusive right and privilege of supplying electricity in Alderney but may in its absolute discretion grant to any person a licence on such conditions as it may impose to supply electricity to another person or class of persons:

PROVIDED that nothing in this subsection shall affect the right of a person to produce electricity for his own consumption.

(2) Notwithstanding anything in this Law contained, it shall be lawful for a person to supply without a licence electricity stored in a portable battery.

Powers of the Company.

4.—(1) Subject to the provisions of this Law, the Company shall have power to construct and maintain on any land purchased, leased or otherwise lawfully occupied by it, all such buildings, plant, machinery, fixtures and fittings as may be necessary for the generation and distribution of electricity in this Island.

(2) The Company shall not commence any work in relation to a generating or distributing station unless and until the site and the general lay-out thereof have been approved by the Committee.

(3) Without prejudice to the requirements of any Law or Ordinance for the time being in force,

the said work and the installation of all cables, electric lines and other electrical apparatus shall be carried out by the Company in conformity with the requirements of the Electricity Supply Regulations as having effect under section twenty-seven of this Law and to the satisfaction of the Committee.

Transfer of physical assets to the Company.

5. The whole of the physical assets vesting in the States under the provisions of section (2) of The Alderney Electricity Concession etc., Transfer Law, 1950, are hereby transferred, free of all claims and incumbrances, from the States to and vested in the Company with effect as on and from the date of registration of this Law on the Records of this Island and, on the vesting of the said physical assets in the Company, the Company shall in consideration therefor pay the States the sum of one thousand pounds.

Penalty for supplying electricity without licence

6. If any person shall, otherwise than under the authority and in accordance with the terms of a licence granted by the Company under section three of this Law, supply or assist in the supply of electricity to any other person or shall lay down, fix, instal or adapt any electric line, cable, fitting, connection or apparatus for the purpose of such supply, or shall knowingly suffer any of such acts, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred pounds.

Movable property to vest in the Company.

7. All fixed plant, machinery, cables, poles and attachments belonging to and at any time comprised in the undertaking, which by reason of attachment to or incorporation with land or buildings are by law or custom real property, shall be deemed to be

personal property and shall vest in the Company accordingly.

Pipe line between York Quarry and the Harbour.

8.—(1) The Company may, under the supervision of the Committee and with the consent of the owner and occupier of any private land affected, break up so much of the surface of any public thoroughfare or roadway or railway or private land aforesaid, and therein make such excavations as may be necessary for laying in or under such thoroughfare, roadway, railway or private land a pipe line for the purpose of conveying fuel oil between the Company's generating station at York Quarry and the Harbour, and for removing repairing, renewing and altering the direction of the said pipe so laid by the Company.

(2) Where in the opinion of the Company any consent required under the last preceding subsection of this section is unreasonably refused it may apply to the Court and the Court may, having regard to the circumstances of the case—

(*a*) allow the application subject to such conditions and to such terms as to compensation or rent and otherwise as it may think reasonable in the circumstances;

(*b*) disallow the application; and

(*c*) determine by which of the parties or in what proportion as between the parties the costs of the application shall be paid.

Laying of cables, etc., and erection of posts in roads.

9. The Company may, under the supervision of the Committee and subject to such notices and sanctions and conditions of reinstatement as may be prescribed by the Public Works Committee, break up so much of the surface of any public thoroughfare or roadway

and therein make such excavations as may be necessary for laying in and under such thoroughfare or roadway all cables, mains and other apparatus used in connexion with the undertaking, and for removing, repairing, renewing and altering the direction of any cables, mains and other apparatus used in connexion with the undertaking and laid before or after the coming into force of this Law. Subject as aforesaid the Company may also erect above or below the surface of any such thoroughfare or roadway such boxes or chambers with appropriate apparatus and connections as may be required for the control inspection and testing of mains and the measurement of electricity passing through them, and shall have access thereto by its officers and servants at all times, and may also erect in any such thoroughfare or roadway all necessary posts and supports and attach thereto overhead wires and mains suspended along or across any such thoroughfare or roadway.

Notice to be served on persons having control, etc., before breaking up roads.

10. Before the Company proceeds to open or break up any public thoroughfare or roadway it shall give to the persons under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of its intention to open or break up the same, not less than six clear days before beginning such work, except in cases of emergency and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen.

Roads broken up to be reinstated without delay.

11. When the Company opens or breaks up any public thoroughfare or roadway, it shall with all convenient speed complete the work for which the same

shall be opened or broken up, and fill in the ground and reinstate and make good the public thoroughfare or roadway so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times, whilst any such public thoroughfare or roadway shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of persons using such public thoroughfare or roadway to be set up and maintained upon, against or near such public thoroughfare or roadway where the same shall be opened or broken up every night between sunset and sunrise during which the same shall be continued opened or broken up and shall keep the public thoroughfare or roadway which has been so opened or broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not exceeding twelve months, as the soil so broken up shall continue to subside.

Penalty for delay or neglect in reinstating roads.

12. If the Company opens or breaks up any public thoroughfare or roadway without giving such notice as aforesaid, or in a manner different from that which shall have been approved or determined as aforesaid, or if the Company makes any delay in completing the work for which the same shall be opened or broken up, or in filling in the ground, or in reinstating and making good the public thoroughfare or roadway so opened or broken up, or in carrying away the rubbish occasioned thereby, or if it neglects to cause the place where such public thoroughfare or roadway has been opened or broken up to be fenced, guarded and lighted, or neglects to keep the public thoroughfare or roadway in repair for the space of three months next after the same is made good or such further time as aforesaid, the Company shall in respect of each offence be liable to a fine not exceeding five pounds, and in the

case of a continuing offence to a further fine exceeding five pounds for each day during which the offence continues.

Attachment of apparatus to private property.

13.—(1) The Company may, with the consent of the owner and occupier of any building or wall, attach to that structure such brackets, wires and apparatus as may be required for the purposes of the undertaking.

(2) Where in the opinion of the Company any consent under subsection (1) of this section is unreasonably refused it may apply to the Court and the Court may, having regard to the character of the structure and to the other circumstances of the case, allow the attachment subject to such terms as to compensation or rent and otherwise as it may think reasonable in the circumstances or disallow the same and may determine by which of the parties the costs of the application shall be paid.

(3) Any consent of an owner or of an occupier and any order of the Court under this section shall have effect as against a subsequent owner or occupier of the structure:

PROVIDED that any attachments fixed under the provisions of this section may not be retained in position for more than three months after any subsequent owner or subsequent occupier shall have given to the Company notice in writing requiring the atachments to be removed.

(4) Where a notice is given under the last preceding subsection of this section then as respects the person giving such notice and the structure to which it relates the Company shall have the right and the Court shall have the power conferred on the Company and on the Court respectively by subsection (2) of this section.

(5) The owner or occupier of a structure to which attachments have been fixed under the foregoing provisions of this section may require the Company temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

Commencement of supply of electricity by the Company.

14. The Company shall commence the supply of electricity on the day next following the date of the coming into force of this Law.

Requisitions to Company for laying of distributing mains.

15.—(1) At any time after the expiration of two years from the date of the coming into force of this Law, any six or more owners or occupiers of premises along any public thoroughfare or roadway or part of a public thoroughfare or roadway may serve upon the Company a requisition in writing signed by the said owners or occupiers requiring the Company to provide a distributing main for the purpose of affording a supply of electricity for domestic purposes to ordinary consumers in that public thoroughfare or roadway or part of a public thoroughfare or roadway.

(2) Subject to the succeeding provisions of this section, the Company shall comply with such requisition within a reasonable time by providing the necessary distributing main or mains.

(3) Every such requisition shall be signed by the persons making it and shall be served upon the Company.

(4) Where any such requisition is made by any such owners or occupiers as aforesaid, the Company if it thinks fit may, within twenty-eight days after

the service of the requisition upon it, serve a notice on all persons by whom the requisition is signed, stating that it declines to be bound by the requisition unless those persons or some of them will bind themselves by written agreement to take or will guarantee that there shall be taken, a supply of electricity for a period of three years at the least of such amount in the aggregate as may be specified by the Company in the notice as will, at the rates of charge for the time being charged by the Company for the supply of electricity to ordinary consumers, produce annually such reasonable sum as is specified by the Company in the notice not exceeding twenty per centum upon the expense of providing and installing the required plant, distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting those distributing mains to the nearest available source of supply.

(5) Where such a notice is served by the Company, the requisition shall not be binding on it unless, within twenty-eight days after the service of the notice by the Company on all the persons signing the requisition has been effected or in the case of difference within fourteen days after an order of the Court with reference thereto, there be tendered to the Company, an agreement severally executed by those persons or some of them, binding them to take or guaranteeing that there shall be taken a supply of electricity for a period of three years at the least of such amount as will in the aggregate at the rate of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by the Court under this section, nor unless sufficient security for the payment to the Company of all moneys which may become due to it from those persons under the agreement is offered to the Company (if required by the Company by such notice as aforesaid) within the

period limited for the tender of the agreement as aforesaid.

(6) If the Company considers that the requisition is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be varied, it may, within fourteen days after the service of the requisition upon it, apply to the Court, and the Court, after such inquiry (if any) as it thinks fit, may, by order, either determine that the requisition is unreasonable and shall not be binding upon the Company, or authorise the Company by notice to require a supply of electricity to be taken for such longer period than three years and to specify such sum or percentage, whether calculated as hereinbefore provided or otherwise, as is fixed or directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly.

(7) In the case of any application to the Court under this section, any notice by the Company under this section may be served by the Company within fourteen days after the decision of the Court.

Obligation of Company to supply electricity.

16.—(1) The Company shall, upon being required so to do by the owner or occupier of any premises situate within fifty yards from any distributing main of the Company in which the Company is, for the time being, required to maintain or is maintaining a supply of electricity for the purposes of general supply to ordinary consumers, give and continue to give a supply of electricity for those premises, and shall furnish and lay any electric lines that may be necessary for the purpose of such supply subject to the conditions following, that is to say:—

The cost of so much of any electric line for the supply of electricity to any owner or occupier as

may be laid upon the property of that owner or in the possession of that occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Company, although not on that property, shall, if the Company so requires, be defrayed by that owner or occupier.

(2) From the time when the Company commences to supply electricity through any distributing main it shall maintain a supply of electricity sufficient for the use of all consumers for the time being entitled to be supplied from that distributing main and that supply shall be constantly maintained.

Procedure to obtain supply of electricity.

17.—(1) Every owner or occupier of premises requiring a supply of electricity shall:—

(*a*) serve a notice in writing upon the Company specifying the premises in respect of which the supply is required and, if the Company so requires, the maximum demand required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of the notice) upon which the supply is required to commence; and

(*b*) if required by the Company enter into a written contract with the Company to continue to receive and pay for a supply of electricity for a period of at least three years of such an amount that the payment to be made for the supply, at the rate of charge for the time being charged by the Company for a supply of electricity for similar purposes to consumers, shall not be less than twenty per centum per annum on the outlay incurred by the Company in providing and installing

any electric lines required under this Law to be provided by it for the purpose of the supply, and if required by the Company, give to it security for the payment to it of all monies which may become due to it by the owner or occupier in respect of any electric lines to be furnished by the Company, and in respect of electricity to be supplied by it.

(2) The Company may, after it has given a supply of electricity in respect of any premises, by notice in writing, require the owner or occupier of those premises, within seven days after the date of the service of the notice, to give to it security for the payment of all monies which may become due to it in respect of the supply, in case the owner or occupier has not already given that security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fails to comply with the terms of the notice, the Company may, if it thinks fit, discontinue to supply electricity for the premises so long as the failure continues.

Temporary interruptions of supply of electricity.

18.—(1) The Company may, from time to time, for the purposes of testing or for any other purposes connected with the efficient working of the undertaking, discontinue the supply of electricity at such intervals of time and for such purposes as it may deem expedient, provided always that save in case of emergency not less than twenty-four hours notice shall be given by the Company to all consumers likely to be affected by such discontinuance.

(2) The Company shall not incur any liability in respect of any temporary interruption of supply but in the event of such interruption the Company shall restore the supply with all reasonable diligence.

Power to Company to reduce or cut supply of electricity.

19. Notwithstanding anything in this Law contained, the Company may, in time of emergency when the demand or anticipated demand for electricity by consumers temporarily exceeds or will exceed the generating capacity of the Company's plant, adjust the pressure on the system by a reduction in frequency or in voltage or both in frequency and voltage or disconnect the supply of electricity to any section or sections of the system.

Use of installation or apparatus forbidden before approved by inspector.

20.—(1) It shall be unlawful for any person—

(*a*) to make use of any electrical installation or apparatus fixed or placed in any premises to which electricity is or is about to be supplied by the Company unless and until such installation and apparatus have been examined, tested and approved, by an inspector appointed by the Company, as complying with the requirements for the time being of the Institution of Electrical Engineers of London as set forth in the Regulations for the Electrical Equipment of Buildings issued by that Institution;

(*b*) to make use of any such installation or apparatus after the same or any part thereof has been altered in position or in extent or by replacement or repair unless and until it has been examined, tested and approved as aforesaid:

PROVIDED that for a period of five years commencing on the date of the coming into force of this Law nothing in this section shall apply with respect to any

such electrical installation or apparatus fixed or placed in any premises before the coming into force of this Law.

(2) If any person shall act in contravention of any of the foregoing provisions of this section he shall be liable to a fine not exceeding twenty pounds.

(3) In the case of a second or subsequent examination and testing of an installation not provided and fixed by the Company the person on whose behalf such examination and testing is made shall pay such reasonable fee as may be prescribed by the Company therefor.

Company not to supply electricity before installation and apparatus approved.

21. The Company shall not supply electricity to any premises unless and until the electrical installation and apparatus fixed or placed therein for the purpose of such supply has been examined, tested and approved in accordance with the provisions of the last preceding section:

PROVIDED that subject to the provisions of section twenty-two of this Law, for a period of five years commencing on the date of the coming into force of this Law nothing in this section shall apply with respect to any such electrical installation and apparatus fixed or placed in any premises before the coming into force of this Law.

Company not compelled to supply electricity in certain cases.

22. The Company shall not be compelled to continue to give a supply of electricity to any premises unless it is satisfied, after inspection by its officers, that the electric lines, fittings and apparatus therein are in good order and condition, and not calculated

to affect injuriously the use of electricity by the Company or by other persons.

Placing of electric lines across private property.

23.—(1) Subject to the provisions of this section, the Company may place any electric line below ground across any land, and above ground across any land other than land covered by buildings or used as a garden or pleasure ground, and where any line has been so placed across any land the Company may enter on the land for the purpose of repairing or altering the line after giving seven days notice thereof excepting that, in the case of entry for the purpose of restoring interrupted service, emergency repairs or inspection, when defects are suspected or reported, only such notice shall be given as may be possible without incurring undue delay.

(2) Before placing any such line across any land; the Company shall serve on the owner and occupier of the land notice of its intention together with a description of the nature and position of the line proposed to be so placed and if, within twenty-one days after the service of the notice, the owner and occupier fail to give their consent, or attach to their consent any terms or conditions or stipulations to which the Company objects, it shall not be lawful to place the line across that land without the permission of the Court and the Court may, after all parties have had an opportunity of being heard, give its permission either unconditionally or subject to such terms, conditions and stipulations as it thinks just; and in deciding whether to give or withhold its permission or to impose any terms, conditions or stipulations (including the carrying of any portion of the line underground) the Court shall, among other considerations have regard to the effect, if any, on the amenities or value of the land of the placing of the line in the manner proposed.

(3) Where any such line has been placed across any land whether by consent of the owner or occupier of the land or by permission of the Court, the owner or occupier may, at any time after the expiration of twelve calendar months from the date when such consent or such permission was given or after the expiration of any term for which such consent or such permission was given as the case may be, serve a notice on the Company requiring the Company to remove such line from the land or to alter its position and the reason for such requisition shall be stated in the notice and if, within sixty days after the service of such notice, the requisition has not been complied with the person who caused the notice to be served may apply to the Court for an order confirming the notice, and the Court may, after all parties have had an opportunity of being heard, make such order either unconditionally or subject to such terms, conditions and stipulations as it thinks just.

Existing electric lines and substations.

24.—(1) All electric lines existing in this Island and being used by the States before the coming into force of this Law and the substations referred to in subsection (2) of this section, whether or not the same were placed or erected with the consent of the owner and occupier of the land across or upon which the same have been placed or erected, shall be deemed to have been so placed or erected with the consent of such owner and occupier, and the Company shall have the right to retain and use the said electric lines and the said substations for a period of five years after the coming into force of this Law.

(2) The substations to which subsection (1) of this section refers are:—

the substation at the Whitegates; and the substation behind farm buildings near Berry's Quarry.

Company's responsibility for maintenance of apparatus, etc.

25. The Company shall be responsible for all electric lines, service lines, fittings and apparatus belonging to it or under its control, as far as and including the meter upon a consumer's premises, being maintained in a safe condition and in all respects fit for supplying electricity but reinstatement of any part thereof which is situate upon such premises after damage thereto or destruction thereof not imputable to the act of the Company or its servants shall be at the cost of the consumer.

Declared pressures of supply.

26. The declared pressures of supply shall be:—

(*a*) for domestic and similar supplies, 240 volts 50 cycles single phase alternating current;

(*b*) for power and similar supplies, 415 volts or 11,000 volts 50 cycles three phase alternating current.

Application of Electricity Supply Regulations.

27.—(1) Subject to the provisions of this section, the provisions of the Electricity Supply Regulations shall have effect in this Island.

(2) References in the Electricity Supply Regulations to "Undertakers" "undertakers" and "authorised undertakers" shall be construed as references to the Company and references therein to "the Minister" shall be construed as references to the Committee.

(3) The provisions of the Electricity Supply Regulations, 1937, as amended, shall have effect subject to the following modifications—

(*a*) In that part of the said Regulations headed "Definitions"—

(i) the following definitions shall not apply—"Home Office Electricity Regulations";

"Mines Department Electricity Regulations";
"Prior Regulations"; and

(ii) the definition of the expression "Works" shall not apply and the following definition shall be substituted therefor—
"Works" means and includes electric lines and any buildings, machinery, engines, works, matters or things of whatever description required to supply electricity.

(*b*) In that part of the said Regulations headed "Short Title and Application of Regulations"—

(i) in paragraph 2 for the reference to the 1st January, 1937, there shall be substituted a reference to the date of the coming into force of this Law and for the reference to "all undertakers and authorised undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1936, and to their undertakings" there shall be substituted a reference to the Company and its undertaking;

(ii) the proviso to paragraph 2 (*a*) (iii) shall not apply; and

(iii) paragraph 2 (*b*) and paragraph 3 and 4 shall not apply.

(*c*) In the second paragraph of Regulation 15 the reference to "the aforesaid Acts" shall be construed as a reference to this Law.

(*d*) In Regulation 21 the words "not coming within the scope of the Home Office Electricity Regulations" in paragraph (*b*) shall not apply.

(*e*) Paragraph (*d*) of Regulation 25, paragraph (*b*) of Regulation 27, paragraph (*c*) of Regulation

28, paragraph (*b*) of Regulation 29, paragraphs (*c*) and (*d*) of Regulation 30, paragraph (*c*) of Regulation 31 and paragraph (*c*) of Regulation 32 shall not apply.

(*f*) The proviso to paragraph (*b*) of Regulation 34 shall not apply.

(*g*) Regulations 36 and 37 shall not apply.

(*h*) In Regulation 38—

(i) for the words "the Electricity (Supply) Acts and any Act or Order" and the words "any Act or Order" in paragraph (*b*) there shall be substituted a reference to this Law; and

(ii) the provisions of paragraph (*c*) shall not apply.

(i) The second and third paragraphs of Regulation 39 shall not apply and in the first paragraph of that Regulation for the words "any Act or Order" there shall be substituted a reference to this Law.

(4) Notwithstanding any provision of the Electricity Supply Regulations as having effect in this Island under and by virtue of this section—

(*a*) the height from the ground of any line conductor or service line for a voltage not exceeding 325 volts alternating current, earth wire or auxiliary conductor at any point of the span at a temperature of 122° Fahrenheit shall not, without the consent of the Committee, be less than twenty feet across a railway or seventeen feet across a public thoroughfare or roadway or fifteen feet in other positions:

PROVIDED that a height of fourteen feet may be adopted in situations inaccessible to vehicular traffic;

(*b*) the height from the ground of any line conductor for a voltage exceeding 325 volts alternating current but not exceeding 11,000 volts alternating current at any point on the span at a temperature of 122° Farhrenheit shall not, except with the consent of the Committee, be less than seventeen feet:

PROVIDED that where an overhead line is erected along or across a public thoroughfare or roadway or across a railway or across any other overhead wire all wires forming part of the overhead line, including earth wires and auxiliary conductors, the height from the ground shall not be less than twenty feet;

(*c*) the height from the ground of an earth wire or auxiliary conductor shall not be less than the minimum heights prescribed in paragraph (*a*) of this subsection; and

(*d*) the said Regulations shall not apply with respect to any electrical plant, mains or other works, which plant, mains or other works were not manufactured in the United Kingdom and were installed before the coming into force of this Law:

PROVIDED that such electrical plant, mains or other works shall be maintained by the Company in such manner as to ensure the reasonable safety both of the public and of the persons employed in the operation of all such electrical plant, mains or other works.

(5) Where any provision of the Electricity Supply Regulations, as having effect in this Island under and by virtue of the foregoing provisions of this section, conflicts with any provision of this Law, the provision of this Law shall prevail.

Abstracting of electricity and wilful interference with apparatus.

28.—(1) Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes or uses any electricity shall be guilty of larceny and punishable accordingly.

(2) If any person without reasonable excuse (the proof whereof shall lie on him) shall wilfully interfere with any electric line or other work or apparatus used for or in connexion with the supply of electricity by the Company or do or cause to be done anything which is calculated to interfere with or damage any such work or apparatus he shall, for every such offence (without prejudice to any other liability or cause of action which may arise out of or by reason of such act), be liable to a penalty not exceeding five pounds or to imprisonment with or without hard labour for a period not exceeding two months.

Method of Charging for electricity.

29. The amount of electricity supplied by the Company to any consumer shall, except as otherwise agreed between the consumer and the Company, be ascertained by means of a meter and charged accordingly.

Provisions relating to meters.

30.—(1) Every meter used by the Company shall be checked against a standard meter and found to be a correct meter within the limit of plus or minus two and a half per centum under ordinary conditions.

(2) A standard meter shall be one which has, at intervals not exceeding one year, been checked and found correct within the said limit by the States of Guernsey Electricity Department or other competent independent testing station.

(3) Where under section twenty-nine of this Law the amount of electricity supplied to a consumer is required to be ascertained by means of a meter, the Company shall supply him with a meter checked as aforesaid and shall fix it upon the premises of the consumer and such meter shall be provided, installed, connected and maintained by the Company at its own expense, but the Company may charge rent for such meter on such terms as may be agreed between the consumer and the Company.

(4) In the event of a meter whereby the amount of electricity supplied to any consumer is ascertained being proved to register erroneously, such erroneous registration shall be deemed to have first arisen at the commencement of the then last preceding quarter of the year unless it be proved to have first arisen at some subsequent date.

(5) The amount of the allowance to be paid or the surcharge to be made upon such consumer by the Company shall be paid by or to the Company as the case may be and in the case of a surcharge shall be recoverable in the like manner as charges for electricity are recoverable.

(6) Subject as aforesaid, the register of the meter shall be conclusive evidence in the absence of fraud of the amount of electricity supplied by the Company.

Maximum prices and minimum payments.

31. Where the Company supplies electricity to a consumer, as indicated by meter, the Company shall be entitled to make the following quarterly charges:—

(*a*) the sum of 13/9d. for any amount up to fifteen units and a sum not exceeding 11d. for each unit over and above fifteen units in respect of the quarters ending the 25th March and the 25th December in each year;

(*b*) the sum of 9/2d. for any amount up to ten units and a sum not exceeding 11d. for each unit over and above ten units in respect of the quarters ending the 24th June and the 29th September in each year.

Standby supplies of electricity.

32. Notwithstanding anything in this Law contained, a person shall not be entitled to demand or continue to receive a supply of electricity from the Company for the purposes only of a standby supply for any premises having a separate supply of electricity, or having 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 Company to pay to it such annual sum in addition to any charge for electricity supplied as will give it a reasonable return on the capital expenditure incurred by it in providing such standby supply and will cover other standing charges incurred by it in order to meet the possible maximum demand for those premises. The sum to be so paid shall, in default of agreement, be determined by arbitration.

Meaning of "the divisible profits."

33. In this section and the two next succeeding sections the expression "the divisible profits" means the divisible profits derived by the Company from the undertaking in any year, after providing—

(*a*) the sum necessary to pay the dividend on any preference capital of the Company attributable to the undertaking;

(*b*) any sums which the Company may properly appropriate out of revenue for employees' benefit and superannuation allowances to its officers and servants employed in the undertaking;

(*c*) such sums as are, in the opinion of the Committee, reasonable and proper to enable the Company to liquidate the value of any plant, mains and other works which form part of the undertaking under this Law and which shall have become obsolete; and

(*d*) such sums for reserves as the Company thinks fit, not exceeding two per centum on the capital of the Company attributable to the undertaking.

Effect of "the divisible profits" on tariffs.

34. If the divisible profits are in excess of a sum equivalent to five per centum on the ordinary share capital of the Company attributable to the undertaking (hereinafter referred to as "the standard rate of profit") after allowing the amount necessary to make good any deficiency below a rate of five per centum per annum on the ordinary share capital attributable to the undertaking in respect of a period not exceeding the immediately preceding five years the following provisions shall have effect, that is to say:—

(*a*) if in any year ending the 31st day of December, the divisible profits, after making good any deficiency as hereinafter provided, exceed the standard rate of profit, the maximum prices which may be charged under this Law by the Company for electricity supplied during the immediately succeeding year shall be reduced by five per centum for each complete one per centum on such ordinary capital by which the said divisible profits exceed the standard rate of profit;

(*b*) if in any year the divisible profits are less than sufficient to provide a sum equivalent to the standard rate of profit the Company may make good the deficiency out of the

divisible profits for the five next succeeding years, but not thereafter.

Depreciation.

35. In arriving at the divisible profits in any year the amount to be set aside by the Company for the purposes of depreciation shall not without the consent of the Committee be in excess of the scale prescribed by the Scale of Depreciation (Purchase of Electricity Undertakings) Special Order, 1937 (S.R. & O. 1937 No. 1075):

PROVIDED that in the event of a less sum than is prescribed by the said scale being set aside in any year the amount of the deficiency may be set aside in any subsequent year.

Discontinuance of supply on account of payments being in arrear.

36. Where a person is in arrear in respect of payments of any charge for electricity or of any other sum due from him to the Company in respect of the supply of electricity to him (not being the subject of a bona fide dispute) whether any such payments be due to the Company in respect of a supply to the premises in respect of which such payment is demanded or in respect of other premises, the Company 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 Company in cutting off such supply of electricity as aforesaid, are fully paid, but no longer, discontinue the supply of electricity to such person.

Expenses of discontinuance recoverable.

37. Any expenses reasonably incurred by the Company in reconnecting any electric line or other work

through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Company in like manner as expenses lawfully incurred by it in such cutting off or disconnecting.

Notice to Company on consumer quitting premises or desiring discontinuance of supply.

38.—(1) Twenty-four hours notice in writing shall be given to the Company by every consumer before he quits any premises supplied with electricity by the Company, and, in default of such notice, the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises, or the date from which any subsequent occupier of such premises may require the Company to supply electricity to such premises, whichever shall first occur.

(2) The foregoing provisions of this section shall apply in like manner whenever a consumer desires, without quitting his premises, to discontinue to receive a supply of electricity.

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

Inspection of works, distributing system and apparatus.

39.—(1) An inspection of the works, distributing system and apparatus of the Company shall, if required by the Committee, be made annually at the expense of the States by a competent person appointed by the Committee, who shall present a report in writing to the Committee of all works, distributing system and apparatus which fail to comply with the

Electricity Supply Regulations as having effect under and by virtue of section twenty-seven of this Law.

(2) Where the Committee receives a report referred to in subsection (1) of this section and serves a copy of such report on the Company, the Company shall make such alterations and repairs within such period of time as may reasonably be necessary to make such works, distributing system and apparatus comply with the said Regulations, and any neglect on the part of the Company to carry out such alterations and repairs shall render it liable to a fine which shall not exceed one hundred pounds and the Committee may cause such alterations and repairs to be carried out at the expense of the Company.

Right of entry to premises for purposes of inspection and removal.

40.—(1) Any officer appointed by the Company may at all reasonable times enter any premises to which electricity is or has been supplied by the Company, in order to inspect the electric lines, meters, accumulators, fittings, works and apparatus for the supply and use of electricity therein or thereon and for the purpose of ascertaining the quantity of electricity consumed or supplied, and where a supply of electricity is no longer required or, where the Company is authorised to take away and cut off the supply of electricity from any premises, for the purpose of removing any electric lines, accumulators, fittings, works or apparatus belonging to the Company.

(2) The Company shall repair and make good all damage caused by such entry, inspection or removal.

Penalties for refusing entry to officers of the Company.

41. Any person who shall hinder an officer appointed by the Company from entering any

premises in pursuance of the last preceding section or of section thirteen or subsection (1) of section twenty-three of this Law or from exercising the powers contained in those sections or that subsection as the case may be, after such officer has exhibited his authority so to enter, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding five pounds and upon any such conviction the Court may make such order as it may deem necessary to provide for such entry to be effected. Upon any such hindrance being offered the Company may discontinue the supply until entry is effected.

Rights of Company regarding its property upon premises not in its possession.

42.—(1) All electric lines, fittings, meters, apparatus and appliances let on hire by the Company or belonging to the Company but being in or upon premises of which the Company is not in possession for the purpose of supplying electricity under this Law, shall, whether they be or be not fixed or fastened to any part of any premises in or upon which they may be situate, or to the soil under any such premises, at all times continue to be the property of, and be removable by the Company, and shall not be subject to arrest or to the landlord's remedy for rent of the premises where the same may be, nor to be taken in execution under any process of court or any insolvency proceedings against the person in whose possession the same may be:

PROVIDED that such electric lines, fittings, meters, apparatus or appliances shall have upon them respectively a metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon, sufficiently indicating the Company as the actual owner thereof.

(2) For the purposes of this section, electric lines, fittings, meters, apparatus and appliances disposed of

by the Company on terms of payment by instalments shall, until the whole of the instalments have been paid, be deemed to be electric lines, fittings, meters, apparatus and appliances let on hire by the Company.

Option to States to purchase undertaking.

43.—(1) At any time not less than twelve months before the expiration of fifty years from the date of the coming into force of this Law or not less than twelve months before the expiration of a further period or of further periods of seven years each as from the expiration of fifty years from the said date, the States may give notice to the Company that the States require to purchase its concession, and at the expiration of the said term of fifty years or of such further term or terms of seven years as aforesaid the Company shall be bound to cede and relinquish to the States the electricity undertaking provided by the Company under the concession hereby granted including any real and personal property comprised therein (except monies and securities for money). The consideration shall be the fair value of the said real and personal property (monies and securities for money excepted) on the day when the said fifty years or such further term or terms of seven years as aforesaid expire plus an additional fifteen per centum of such value and on that day the concession of the Company shall cease and determine. The said consideration shall be paid to the Company within three months of the expiration of the said fifty years or such further term or terms of seven years as aforesaid. The valuation of the said personal and real property shall, in default of agreement, be determined by arbitration.

(2) No compensation shall be payable for any new work undertaken after notice has been given by the States to the Company under subsection (1) of this section unless such work has been sanctioned in writing by the Committee.

Power of sale of concession.

44. Subject to the provisions of this Law, the Company shall have the right at any time to sell and convey the concession hereby granted and the undertaking provided by the Company thereunder to any person who is a subject of Her Majesty, to any company incorporated in this Island or in any other of Her Majesty's dominions, or, subject to the provisions of any other Law for the time being in force, to any other person or body corporate who or which shall have the right to hold, use, enjoy and exercise all rights, immunities and privileges conferred, and shall be subject to the obligations imposed, on the Company by this Law. No sale or conveyance of the said concession and the said undertaking or of any part thereof shall be made save under the following conditions:—

Notice thereof shall be given in writing to the States; the said notice shall state the consideration for such sale or conveyance and the States shall then have a period of three months in which to decide whether or not they will themselves purchase the said concession and undertaking for the same consideration. If the States exercise this option to purchase they shall complete the purchase and pay over the consideration within six months of the date of the said notice. If the States decide not to exercise such option or having decided to exercise the same fail to complete as aforesaid then the Company may dispose as aforesaid of the said concession and undertaking and of all personalty and realty belonging thereto at any time within twelve months of the date of the said notice provided that the consideration shall not be less than that stated in the said notice.

Powers of the States as regards public safety Ordinances.

45. This Law shall in no way derogate from the powers of the States to pass, from time to time, such Ordinances as may be necessary for the safety of the public.

Insurance to be effected by the Company.

46. During the currency of the concession hereby granted the Company shall insure and remain insured with insurers approved by the Committee in an amount and on terms and conditions approved by the Committee in respect of any liability which may be incurred by the Company arising out of damage to persons or property caused by the electric lines, electricity plant or works belonging to the Company or by any act or omission of the Company in relation to the supply of electricity in this Island.

References to arbitration.

47.—(1) The provisions of this section shall have effect in relation to the reference, under the provisions of this Law, of any matter in dispute or arbitration.

(2) Each party to the matter in dispute shall nominate and appoint in writing an arbitrator, to whom the matter shall be referred.

(3) If the arbitrators shall fail to make their award an umpire shall be appointed by the President of the Institution of Electrical Engineers or if he is unwilling or unable to act the umpire shall be appointed by the States of Guernsey Electricity Board, and the umpire so appointed shall determine the matter in dispute.

(4) The arbitrators or the umpire may call such witnesses as they or he may think necessary and may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the matter in

dispute, and may examine the parties or witnesses on oath, and the administer the oaths, necessary for that purpose.

(5) At any stage of the proceedings, the arbitrators or the umpire, as the case may be, may, and at the request of either party, shall state, in the form of a special case for the opinion of the Royal Court of Guernsey, any question of law or of mixed law and fact arising in the course of the proceedings provided that no such case shall be stated on any question of fact.

(6) The award of the arbitrators or umpire as the case may be shall be final and binding on the parties and persons claiming through them.

(7) The costs of the reference and award shall be in the discretion of the arbitrators or umpire.

(8) In this section the expression "costs of the reference and award" includes the remuneration of the arbitrators and of the umpire if any.

Rights and privileges of H.M. Postmaster-General.

48. This Law shall not operate in any respect prejudicial to the rights and privileges of Her Majesty's Postmaster-General.

Rights of States of Guernsey Telephone Council.

49. The States of Guernsey Telephone Council shall have in respect of the telegraphic lines (which expression shall have the same meaning as in the Telegraph Act, 1878) owned by them and situate on this Island the like rights as against the Company as Her Majesty's Postmaster-General has or would have in respect of his telegraphic lines there situate and the Company shall be bound similarly to serve notices or to furnish information to and to comply with the requirements of the said Council as the Company is or would be bound to serve, furnish and comply in relation to Her Majesty's Postmaster-General.

Service of documents.

50. Any notice or other document required or authorised to be served or delivered under this Law may be served or delivered either:—

(*a*) by delivering it to the person on whom it is to be served; or

(*b*) by leaving it at the usual or last known place of abode of that person; or

(*c*) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or

(*d*) in the case of an incorporated company or body, by delivering it at its registered or principal office or sending it in a prepaid registered letter addressed to the company or body at that office; or

(*e*) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner, lessee or occupier of land on whom it should be served, by addressing it to him by the description of "owner" or "lessee" or "occupier" of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy of it, to some conspicuous part of the premises.

Repeals.

51. The Electricity Concession Laws 1936 and 1948, are hereby repealed.

JAMES E. LE PAGE,
Her Majesty's Greffier.