



## CHAPTER 12.

An Act to amend the Electric Lighting Act, 1882.

A.D. 1888.

[28th June 1888.]

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

**1.** Notwithstanding anything in the Electric Lighting Act, 1882, no provisional order authorising the supply of electricity by any Undertakers within the district of any local authority shall be granted by the Board of Trade except with the consent of such local authority, unless the Board of Trade, in any case in which the consent of such local authority is refused, are of opinion that, having regard to all the circumstances of the case, such consent ought to be dispensed with, and in such case they shall make a special report, stating the grounds upon which they have dispensed with such consent. The grant of authority to any Undertakers to supply electricity within any area, whether granted by licence or by means of a provisional order, shall not in any way hinder or restrict the granting of a licence or provisional order to the local authority, or to any other company or person within the same area.

Consent of local authority generally required to provisional order for supply of electricity.

**2.** Section twenty-seven of the Electric Lighting Act, 1882, is hereby repealed, and in lieu thereof the following provisions shall have effect ; that is to say,

Repeal of 45 & 46 Vict. c. 56. s. 27.

Where any Undertakers are authorised by a provisional order or special Act to supply electricity within any area, any local authority within whose jurisdiction such area or any part thereof is situated may, within six months after the expiration of a period of forty-two years, or such shorter period as is specified in that behalf in the provisional order or in the special Act, from the date of the passing of the Act confirming such provisional order, or of such special Act, and within six months after the expiration of every subsequent period of ten years, or such shorter period as is specified in that behalf in the provisional order or in the special Act, by notice in writing require such Undertakers to sell, and thereupon such Undertakers shall sell to them their undertaking, or so much of the same as is within such jurisdiction, upon terms of paying the

Purchase of undertaking by local authority.

A.D. 1888.

then value of all lands, buildings, works, materials, and plant of such Undertakers suitable to and used by them for the purposes of their undertaking within such jurisdiction, such value to be in case of difference determined by arbitration: Provided that the value of such lands, buildings, works, materials, and plant shall be deemed to be their fair market value at the time of the purchase, due regard being had to the nature and then condition of such buildings, works, materials, and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same to the purposes of the undertaking, and, where a part only of the undertaking is purchased, to any loss occasioned by severance; but without any addition in respect of compulsory purchase, or of goodwill, or of any profits which may or might have been or be made from the undertaking, or of any similar considerations. The Board of Trade may determine any other questions which may arise in relation to such purchase, and may fix the date from which such purchase is to take effect, and from and after the date so fixed, or such other date as may be agreed upon between the parties, all lands, buildings, works, materials, and plant so purchased as aforesaid shall vest in the local authority which has made the purchase, freed from any debts, mortgages, or similar obligations of such Undertakers or attaching to the undertaking, and the powers of such Undertakers in relation to the supply of electricity under this Act or such provisional order or special Act as aforesaid within such area or part thereof as aforesaid shall absolutely cease and determine, and shall vest in the local authority aforesaid.

Power to vary terms of sale contained in last section.

**3.** Notwithstanding anything in the last preceding section contained, the Board of Trade may by any provisional order to be made by them under the Electric Lighting Act, 1882, if they think fit, vary the terms upon which any local authority may require the Undertakers to sell, and upon which the Undertakers shall be required to sell to such local authority their undertaking or so much of the same as is within the jurisdiction of such local authority under the said section, in such manner as may have been agreed upon between such local authority and the Undertakers.

Restrictions as to placing of electric lines, &c.

**4.—(1.)** Where in any case any electric line or other work may have been laid down or erected in, over, along, across, or under any street, for the purpose of supplying electricity, or may have been laid down or erected in any other position for such purpose in such a manner as not to be entirely enclosed within any building or buildings, or where any electric line or work so laid down or erected may be used for such purpose otherwise than under and subject to the provisions of a licence, order, or special Act, the Board of Trade, if they think fit, may, by notice in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade, to be served upon the body or person owning or using or entitled to use such electric line or work, require that such electric

line or work shall be continued and used only in accordance with such conditions and subject to such regulations for the protection of the public safety and of the electric lines and works of the Postmaster-General, and of other electric lines and works lawfully placed in any position and used for telegraphic communication, as the Board of Trade may by or in pursuance of such notice prescribe, and in case of non-compliance with the said regulations then the Board of Trade may require such body or person to remove such electric line or work: Provided that nothing in this sub-section shall apply to any electric line or work laid down or erected by any body or person for the supply of electricity generated upon any premises occupied by such body or person to any other part of such premises.

A.D. 1888.  
—

(2.) Where in any case any electric line or work is used for the supply of electricity in such a manner as to injuriously affect any telegraphic line of the Postmaster-General, or to affect the telegraphic communication through any such line, the Postmaster-General may, by notice to be served upon the body or person owning or using or entitled to use such electric line or work, require that such supply be continued only in accordance with such conditions and regulations for the protection of the telegraphic lines of the Postmaster-General and the telegraphic communication through the same as he may by or in pursuance of such notice prescribe, and in default of compliance with such conditions and regulations the Postmaster-General may require that the supply of electricity through such electric line or work shall be forthwith discontinued: Provided that nothing in this sub-section shall apply to the supply of electricity through any electric line or work laid down or erected under and subject to the provisions of any licence, order, or special Act, or which may be used in accordance with any conditions or regulations prescribed by the Board of Trade by or in pursuance of any notice given by them under this section.

(3.) If any body or person fails to comply with the requirements of any notice which may be served upon them or him under this section, such body or person shall be liable to a penalty not exceeding twenty pounds for every such offence, to be recovered summarily, and any court of summary jurisdiction, on complaint made, may make an order directing and authorising the removal of any electric line or work specified in such notice by such person and upon such terms as they may think fit.

(4.) Any notice authorised to be served under this section upon any body or person may be served by the same being addressed to such body or person, and being left at or transmitted through the post to any office of such body or the usual or last known place of abode of such person; and any notice so served by post shall be deemed to have been served at the time when the letter containing the notice would be delivered in the usual course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

(5.) In this section terms and expressions to which by the Electric Lighting Act, 1882, meanings are assigned shall have the

45 & 46 Vict.  
c. 56.

A.D. 1888. — same respective meanings, provided that the term “street” shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place whatever, and the expression “telegraphic line” shall have the meaning assigned to it by the Telegraph Act, 1878.

41 & 42 Vict.  
c. 76.

(6.) Nothing in this section shall apply to any electric line or work of the Postmaster-General, or to any other electric line or work used or to be used solely for telegraphic purposes, except by way of protection, as in this section provided.

Short title.

**5.** This Act may be cited as the *Electric Lighting Act, 1888*; and the *Electric Lighting Act, 1882*, and this Act shall be read and construed together as one Act, and may be cited together for all purposes as the *Electric Lighting Acts, 1882 and 1888*.