
STATUTORY INSTRUMENTS

1972 No. 1072 (N.I. 9)

NORTHERN IRELAND

The Electricity Supply (Northern Ireland) Order 1972

Laid before Parliament in draft

Made - - - - - 19th July 1972

*Coming into operation
on days to be appointed under Article 1(2)*

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At the Court at Buckingham Palace, the 19th day of July 1972

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Electricity Supply (Northern Ireland) Order 1972.

(2) This Order shall come into operation on such day or days as the Minister may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(b) shall apply to Article 1 and the following provisions of this Order as it applies to an Act of the Parliament of Northern Ireland.

(2) In this Order—

“the Authority” means the Northern Ireland Joint Electricity Authority;

“the Board” means the Electricity Board for Northern Ireland;

“construction scheme” has the meaning assigned to it by Article 29(1);

“the Council” has the meaning assigned to it by Article 13(1);

(a) 1972 c. 22.

(b) 1954 c. 33 (N.I.).

“electric fittings” means electric lines, fittings, meters, apparatus and appliances designed for use by consumers of electricity for lighting, heating, motive power and other purposes for which electricity can be used;

“electric line” means a wire or wires, conductor, or other means used for the purpose of conducting electricity with any insulating material enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conducting electricity and includes poles, stays and other supports used to carry an electric line above ground;

“electric plant” means any plant, equipment, apparatus and appliances used for the purposes of generating, transmitting and distributing electricity, but not including any electrical fittings;

“existing electricity undertakers” means, to the extent to which their functions relate to the supply of electricity—

(a) the Corporation of the County Borough of Belfast; and

(b) the Londonderry Development Commission;

“generating station” means any station for generating electricity, including any buildings and plant used for the purpose, and the site thereof, and a site intended to be used for a generating station, but does not include any station for transforming, converting or distributing electricity;

“generation” means generation by the Service for the purposes of supply;

“government department” means a department of the Government of Northern Ireland;

“harbour authority” has the same meaning as in the Harbours Act (Northern Ireland) 1970(a);

“main transmission lines” means all extra high-pressure cables and overhead lines (not being an essential part of the Service’s distribution system or the distribution system of a railway undertaking or a harbour authority) transmitting electricity from a generating station to any other generating station, or to a sub-station, together with any step-up and step-down transformers and switch-gear necessary to, and used for, the control of such cables or overhead lines, and the buildings or such part thereof as may be required to accommodate such transformers and switch-gear;

“the Minister” means the Minister of Commerce;

“the Ministry” means the Ministry of Commerce;

“modify” means making additions, omissions, amendments, adaptations, applications, extensions, restrictions and substitutions;

“notice” means notice in writing;

“officer” includes a servant;

“owner” means the person for the time being receiving the rack rent of the land in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the land were let at a rack rent;

“prescribed” means prescribed by regulations;

“public body” means a body (other than the Service) established by or under any transferred provision;

(a) 1970 c. 1 (N.I.).

“private generating station” means a generating station, other than a generating station belonging to the Service, for the generation of electricity for use—

- (a) solely or mainly on the owner’s premises or for the purposes of his business; or
 - (b) where the owner is a company, solely or mainly on the premises or for the purposes of the business of the company or an associated company;
 - (c) wholly or mainly for the purposes of the undertaking of the Post Office;
- but does not include a generating station of a railway undertaking, a harbour authority or any other undertaking providing facilities for or incidental to the transport of goods or passengers;

“railway undertaking” has the same meaning as in the Transport Act (Northern Ireland) 1967(a);

“regulations” means regulations made under this Order by the Ministry;

“road” means a road maintained at the public expense;

“road authority” in relation to any road, means the road authority for that road within the meaning of the Roads Act (Northern Ireland) 1948(b) and includes a special road authority within the meaning of the Special Roads Act (Northern Ireland) 1963(c);

“the Service” has the meaning assigned to it by Article 4(1);

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

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“supply scheme” has the meaning assigned to it by Article 28(1);

“telegraphic line”, when used with respect to any telegraphic line of the Post Office, has the same meaning as in the Telegraph Acts 1863 to 1916 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of that line is, whether through induction or otherwise, in any manner affected;

“transferred provision” has the meaning assigned to it by section 1(g) of the Interpretation Act (Northern Ireland) 1954;

“transmission line”—

- (a) when used with reference to a line which is a main transmission line as defined by this Article, includes all such works as are mentioned in that definition; and
- (b) when used with reference to a line which is not such a main transmission line, includes any works necessary to and used for the control of the transmission line and the transmission of electricity thereby and such buildings, or part of any buildings, as may be required to accommodate those works;

“works” means and includes electric lines, also any buildings, machinery, engines, works, matters or things of whatever description required to supply electricity.

(a) 1967 c. 37 (N.I.).
(c) 1963 c. 12 (N.I.).

(b) 1948 c. 28 (N.I.).

(3) For the purposes of this Order any two companies shall be taken to be associated companies if one is a subsidiary of the other, or both are subsidiaries of a third company, and “subsidiary” has the same meaning as in the Companies Act (Northern Ireland) 1960(a).

Temporary provision

3. So long as section 1 of the Northern Ireland (Temporary Provisions) Act 1972 has effect—

- (a) subsection (1)(a) of that section applies to any functions which are conferred by this Order on the Minister;
- (b) paragraph 4(5) of the Schedule to that Act applies to any order which under this Order is subject to affirmative resolution or affirmative resolution of the Commons.

PART II

NEW STRUCTURE FOR ELECTRICITY SUPPLY INDUSTRY

The Northern Ireland Electricity Service

Establishment of the Service

4.—(1) There shall be established a body to be called the Northern Ireland Electricity Service (in this Order referred to as “the Service”).

(2) The Service shall be a body corporate with perpetual succession to which section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.

(3) The Service shall have such functions as are conferred on it under the succeeding provisions of this Order.

(4) The constitution of the Service shall be as provided in that behalf in Part I of Schedule 1, and the supplementary provisions contained in Part II of that Schedule shall have effect with respect to the Service.

Functions of the Service

5.—(1) It shall be the duty of the Service to develop and maintain an efficient and economical system of electricity supply for Northern Ireland.

(2) The Service shall, subject to and in accordance with any directions given by the Ministry under Article 11,—

- (a) promote, so far as practicable, having due regard to the security of supply and the preservation of natural beauty or amenity, the use of all economical methods of generating, transmitting and distributing electricity;
- (b) secure, so far as practicable, the extension to rural areas of supplies of electricity;
- (c) promote the simplification and standardisation of methods of charge for supplies of electricity.

(a) 1960 c. 22 (N.I.).

(3) Without prejudice to the generality of paragraphs (1) and (2), the Service may—

- (a) generate electricity;
- (b) transmit and distribute electricity throughout Northern Ireland;
- (c) treat, render saleable, supply or sell any by-products obtained in the process of generating electricity;
- (d) sell, hire or otherwise supply electric plant and electric fittings;
- (e) install, repair, maintain or remove any electric plant and electric fittings;
- (f) manufacture electric plant and electric fittings;
- (g) provide, for the benefit of others, consultancy and advisory services concerning anything that it does in the exercise of its functions.

Safety, health and welfare of employees, research and other assistance

6.—(1) The Service shall promote the safety, health and welfare of persons in its employment.

(2) The Service, in consultation with any organisation appearing to it to be appropriate, shall make provision for advancing the skill of persons employed by it, including the provision by the Service, and the assistance of the provision by others, of facilities for training and education.

(3) The Service may conduct, promote or assist research or investigations into any matter affecting the supply of electricity.

(4) The Service may provide assistance (including financial assistance) to any institution or body whose activities (or any of them) are such as, in the opinion of the Service, to be of benefit to it.

Restriction on measures involving substantial capital outlay

7. The Service shall with the approval of the Ministry settle a general programme of measures of reorganisation or works of development which involve substantial outlay on capital account, and before carrying out any such measures or works the Service shall consult with the Ministry.

Compulsory acquisition of land

8.—(1) The Service may acquire compulsorily in accordance with the following provisions of this Article any land which it may require for the purposes of its functions under this Order.

(2) Where the Service in exercise of the power conferred by paragraph (1) desires to acquire any land otherwise than by agreement, it may apply to the Ministry for an order (in this Article referred to as a “vesting order”) vesting the land in the Service and the Ministry shall have power to make a vesting order.

(3) Schedule 6 to the Local Government Act (Northern Ireland) 1972(a) shall apply for the purposes of the acquisition of land by means of a vesting order made under this Article in the same manner as it applies to the acquisition of

(a) 1972 c. 9 (N.I.).

land by means of a vesting order under that Act subject to the following modifications—

- (a) for any reference to the district council there shall be substituted a reference to the Service;
- (b) for any reference to the Ministry concerned there shall be substituted a reference to the Ministry;
- (c) for any reference to that Act there shall be substituted a reference to this Order.

(4) The power to make a vesting order in respect of land—

- (a) which is the property of any public body which has power under any transferred provision to acquire land compulsorily; or
- (b) which is declared by or under any transferred provision to be inalienable;

shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal for making the order has been approved by a resolution of each House of Parliament.

(5) Nothing in this Article shall authorise the acquisition, without the consent of the Ministry of Finance, of any land on or in which there is, to the knowledge of the Ministry, any historic monument or archaeological object.

(6) In paragraph (5), “historic monument” and “archaeological object” have the same meanings as in the Historic Monuments Act (Northern Ireland) 1971(a).

(7) An order by the Ministry of Finance under paragraph 18(2) of Schedule 6 to the Local Government Act (Northern Ireland) 1972 prescribing the rate of interest payable under that paragraph shall apply to the rate of interest payable upon any outstanding compensation under the Electricity (Supply) Act (Northern Ireland) 1948(b) as if the interest were payable under that paragraph.

Power to enter on lands

9.—(1) A person authorised in writing by the Service (in this Article referred to as an “authorised person”) may, on production if required of his credentials, at any reasonable time enter any land—

- (a) for the purpose of survey, valuation or examination—
 - (i) where the Service proposes to acquire the land otherwise than by agreement, or
 - (ii) where it appears to the Service that survey, valuation or examination is necessary in order to determine whether any functions of the Service should be exercised on or with respect to the land;
- (b) for the purpose of exercising any function that the Service has power to exercise on or with respect to that or any other land.

(a) 1971 c. 17 (N.I.).

(b) 1948 c. 18 (N.I.).

(2) A power of entry under paragraph (1) or under regulations made under Article 36 shall not be exercisable in relation to any land except—

- (a) with consent given by the occupier of the land; or
- (b) where entry is sought for the sole purpose of examination, after at least twenty-four hours' notice of the intended entry has been served on the occupier or owner of the land; or
- (c) where entry is sought for any other purpose, after at least six days' notice of the intended entry has been served on the occupier and on the owner, if the owner is known;

but such consent or notice shall not be necessary where entry is sought under paragraph (1)(b) and the case is one of emergency.

(3) If any person, other than the owner or occupier of the land, knowingly prevents an authorised person from doing on the land any act that the authorised person is duly authorised to do or obstructs the authorised person in doing any such act, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

(4) If any person, being the owner or occupier of land, knowingly prevents an authorised person from doing on the land any act that the authorised person is duly authorised to do or obstructs the authorised person in doing any such act, a court of summary jurisdiction on proof thereof may order him to permit to be done on the land that act and all such things as are reasonably necessary to enable the act to be done or as are incidental to the doing of it; and, if he fails to comply with the order, he shall be guilty of an offence and shall, for every day during which the failure continues, be liable on summary conviction to a fine not exceeding £20.

(5) Where under this Article or by regulations made under Article 36 an authorised person enters any land, he shall ensure that the land is not left less secure by reason of the entry, and the Service shall make good or pay compensation for any damage to property caused by, or in consequence of, the authorised person exercising any right or failing to perform any duty under this Article.

(6) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

(7) Any reference in this Article to an occupier or to an owner shall be construed as including a reference to a person appointed in writing by the occupier or owner as his representative for purposes including all or any of the purposes of this Article.

(8) Any power conferred by this Article shall be construed as including power to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil or the presence of minerals therein, or both, and to take and carry away for examination specimens of the subsoil or minerals, or both, found therein.

Provision of recreational facilities by the Service

10.—(1) The Service may, if it appears to it reasonable to do so,—

- (a) permit the use by members of the public, for the purposes of any form of recreation, of any of its land;
- (b) provide, or otherwise make available, facilities for use by persons resorting to any such land for the purposes of any such form of recreation.

(2) The Service may make such reasonable charges as it may determine in respect of the use for the purposes of recreation of any land as mentioned in paragraph (1), and of any facilities made available by the Service under that paragraph.

(3) The Service may let to any person, for such consideration and on such terms and conditions as it thinks fit, any works constructed by it for the purpose of providing facilities under paragraph (1), and may authorise that person to make such reasonable charges as the Service determines in respect of the use thereof as mentioned in that paragraph.

(4) The Service may receive contributions from any person in respect of the cost of the provision of the facilities mentioned in paragraph (1), and those facilities may be provided by the Service jointly with any person.

(5) The Service may make bye-laws in respect of such land as is described in paragraph (1) and as may be specified in the bye-laws—

- (a) prohibiting boating (whether with mechanically propelled boats or otherwise), swimming or other recreational pursuits on water on that land; or
- (b) regulating the way in which that land may be used for any of those pursuits;

and when making bye-laws under this paragraph the Service shall have regard to the need—

- (i) to protect water from pollution; and
- (ii) to avoid conflict which might arise from the use of any land or water for various recreational pursuits.

(6) The Service may take such action as it considers necessary to remedy the effect of any contravention of bye-laws made under paragraph (5), and the expenses reasonably incurred by it in doing so shall be a debt recoverable summarily from the person in default.

General powers of Ministry to give directions to Service and obtain information

11.—(1) The Ministry may, after consultation with the Service, give to the Service directions of a general character as to the exercise and performance by the Service of its functions under this Order in relation to matters which appear to the Ministry to affect the public interest and the Service shall comply with any such directions.

(2) If it appears to the Ministry that there is a defect in the general plans or arrangements of the Service for performing its functions, the Ministry may, after consultation with the Service, give directions of a general character for remedying the defect.

(3) The Service shall provide the Ministry with such returns or information relating to its proceedings or business as the Ministry may require, and for those purposes shall permit any person authorised by the Ministry in that behalf to inspect and make copies of its accounts, books, documents and papers, and shall afford such explanation thereof as that person or the Ministry may reasonably require.

Annual reports of the Service

12.—(1) The Service shall annually make to the Minister a report of its work during the preceding financial year, and the report—

(a) shall be submitted to the Minister at such time and in such form as the Minister directs; and

(b) shall include a statement of the accounts of the Service for that year together with a copy of any report made by the auditors on the accounts.

(2) Every report made under this Article by the Service shall set out any general or financial directions given by the Ministry to the Service during that year, other than any direction in the case of which the Service is notified by the Ministry of the Ministry's opinion that it is against the public interest for the direction or any part thereof to be included in a report.

(3) The Minister shall cause a copy of every such report to be laid before Parliament.

The Electricity Consumers Council

The Electricity Consumers Council

13.—(1) There shall be established an Electricity Consumers Council (in this Order referred to as "the Council").

(2) The constitution of the Council shall be as provided in that behalf in Part I of Schedule 2, and the supplementary provisions contained in Part II of that Schedule shall have effect with respect to the Council.

Functions of the Council

14. The Council shall—

(a) exercise the functions conferred on it by this Order; and

(b) consider and, where it appears to it to be desirable, make recommendations with respect to any matter affecting the distribution of electricity, including the variation of tariffs and the provision of new and improved services and facilities, where the matter—

(i) has been referred to the Council by any person or group of persons representing in the opinion of the Council a substantial number of consumers of electricity or of persons who might, if such services or facilities were provided or improved, be expected to become consumers of electricity;

(ii) has been referred to the Council by the Ministry;

(iii) appears to the Council to be a matter to which consideration ought to be given by the Council notwithstanding that no representation has been made to it in respect of that matter.

Local representatives

15.—(1) The Council may prepare and submit to the Ministry a scheme for the appointment by the Council of committees or individuals to be local representatives of the Council in such localities as may be specified in the scheme.

(2) The Ministry may, by order, approve schemes under paragraph (1), with or without modifications, and the Council shall give effect to any scheme so approved.

(3) Any committee or individual appointed in accordance with a scheme under paragraph (1) shall—

(a) consider the particular requirements and circumstances of that locality with respect to the supply of electricity, and make representations to the Council thereon; and

(b) be available for receiving on behalf of the Council representations from consumers of electricity in the locality.

(4) A member of the Council shall be eligible for appointment under schemes under paragraph (1) either as a member of a committee or as an individual, but membership of the Council shall not be a necessary qualification for such an appointment.

Annual reports of the Council

16. The Council shall annually make to the Minister a report setting out what has been done in the discharge of its functions under this Order during the preceding financial year and the Minister shall cause a copy of the report to be laid before Parliament.

PART III

FINANCIAL PROVISIONS

General financial duty of the Service

Revenue of Service to cover outgoings and allocations to reserve

17.—(1) The Service shall perform its functions so as to secure that its revenue is not less than sufficient to meet charges properly chargeable to revenue account, taking one year with another, and to enable the Service to make such allocations to reserves as it considers adequate or as the Ministry may direct under paragraph (2)(b).

(2) Without prejudice to Article 11, the Ministry may give to the Service directions as to—

(a) any matter relating to the establishment or management of reserves; or

(b) the sums to be allocated to those reserves; or

(c) the application of those reserves;

and the Service shall comply with any such directions.

(3) A direction under paragraph (2)(b) requiring the allocation of any sum to reserve may require in addition that the sum be so allocated for a particular purpose specified in the direction.

(4) Directions given by the Ministry under paragraph (2) may be given to have effect from a date earlier than that on which they are given.

(5) No directions shall be given under paragraph (2) except after consultation with the Service and with the approval of the Ministry of Finance.

Borrowings etc.

Power of Service to borrow

18.—(1) The Service shall not borrow any money except in accordance with this Article and Article 19.

(2) The Service, with the consent of the Ministry and with the approval of the Ministry of Finance, may borrow temporarily, by way of overdraft or otherwise, such sums as the Service may require for meeting its obligations or performing its functions.

(3) The Service, with the consent of the Ministry and with the approval of the Ministry of Finance, may borrow otherwise than by way of temporary loan, such sums as the Service may require for all or any of the following purposes:—

- (a) the redemption of Northern Ireland Electricity Stock;
- (b) the provision of money for meeting any expenditure incurred by the Service in connection with any works, the cost of which is properly chargeable to capital account;
- (c) the provision of any working capital required by the Service;
- (d) the repayment of any sums borrowed by the Authority under section 23 of the Electricity (Supply) Act (Northern Ireland) 1967(a);
- (e) any other purpose for which capital money is properly applicable by the Service, including the repayment of any sums borrowed by the Service under this Article or by the Board under section 27 of the Electricity (Supply) Act (Northern Ireland) 1931(b);
- (f) any other payment which the Service is authorised to make and which ought, in the opinion of the Service, to be spread over a term of years.

Limits on borrowing

19.—(1) Subject to paragraph (2), the aggregate amounts outstanding in respect of the principal of—

- (a) any Northern Ireland Electricity Stock issued under section 28 of the Electricity (Supply) Act (Northern Ireland) 1931;
- (b) any stock issued under this Order; and
- (c) any sums borrowed by the Service under Article 18 or by the Board under section 27 of that Act of 1931 otherwise than by the issue of Northern Ireland Electricity Stock;
- (d) any sums borrowed by the Authority under section 23 of the Electricity (Supply) Act (Northern Ireland) 1967;

shall not at any time exceed £350 million or such greater sum not exceeding £500 million as may be specified in an order made by the Ministry.

(2) Paragraph (1) shall not prevent the Service from borrowing in excess of the sum mentioned in that paragraph for the purpose of—

- (a) redeeming any stock which it is required or entitled to redeem; or
- (b) repaying any sums borrowed by it.

(3) An order under paragraph (1) shall be made with the approval of the Ministry of Finance and shall be subject to affirmative resolution of the Commons.

(a) 1967 c. 11 (N.I.).

(b) 1931 c. 9 (N.I.).

Issue of stock

20.—(1) The Service may for the purpose of raising money which it is authorised to borrow under this Order create and issue stock, and any stock so created and issued shall in common with any Northern Ireland Electricity Stock issued under section 28 of the Electricity (Supply) Act (Northern Ireland) 1931 be called “Northern Ireland Electricity Stock”.

(2) Northern Ireland Electricity Stock shall be issued, transferred, dealt with and redeemed in accordance with regulations made with the approval of the Ministry of Finance, and any such regulations may, in relation to any such stock, apply with or without modifications any provisions of any transferred provision relating to the issue of stock.

Power of Ministry of Finance to guarantee loans to the Service

21.—(1) The Ministry of Finance may guarantee in such manner and on such terms as that Ministry thinks fit the redemption or repayment of the principal of, and the payment of interest on,—

- (a) any Northern Ireland Electricity Stock;
- (b) any sum borrowed by the Service.

(2) There shall be charged on and issued out of the Consolidated Fund such sums as are required by the Ministry of Finance for fulfilling any guarantee under paragraph (1).

(3) For the purpose of providing the sums issued out of the Consolidated Fund under paragraph (2), the Ministry of Finance may borrow money.

(4) The repayment to the Ministry of Finance of any sums so issued out of the Consolidated Fund, together with interest thereon at such rate as the Ministry of Finance may fix, shall be a charge on the undertaking and all the revenues of the Service in priority to any other charges not existing at the date on which the loan is raised.

(5) The Ministry of Finance shall pay into the Exchequer any sums received by that Ministry by way of repayment of, or interest on, any sums issued out of the Consolidated Fund in fulfilment of a guarantee under paragraph (1).

(6) Where the redemption or repayment of the principal of, and the payment of interest on, any Northern Ireland Electricity Stock is guaranteed by the Ministry of Finance under paragraph (1), transfers of the stock shall be exempt from stamp duty.

Accounts of Ministry of Finance with reference to the Service

22. The Ministry of Finance shall include with the Finance Accounts presented to Parliament under section 10(2) of the Exchequer and Financial Provisions Act (Northern Ireland) 1950(a)—

- (a) a statement of the guarantees (if any) given under Article 21(1) during the then last preceding financial year;
- (b) an account up to the end of that financial year of the total sums (if any) which have been issued out of the Consolidated Fund under Article 21(2);
- (c) an account up to the end of that financial year of sums (if any) which have been repaid by the Service to the Ministry of Finance under Article 21(4).

(a) 1950 c. 3 (N.I.).

Accounts and audit

Accounts

23.—(1) The Service shall—

- (a) keep proper accounts and other records in relation to the accounts; and
- (b) prepare for the period up to 31st March 1974 and thereafter in respect of each financial year, in such form and containing such particulars as the Ministry may direct, a statement of those accounts showing the state of affairs of the Service and its profit or loss.

(2) Every statement under this Article shall give separate information with respect to the generation of electricity, the distribution of electricity and each of the other main functions of the electricity supply industry, and show as far as may be the financial and operating results of each such function.

Audit

24. The accounts of the Service shall be audited by auditors appointed annually by the Service with the approval of the Ministry, and no person shall be qualified to be so appointed unless he is a member of a body of accountants for the time being recognised by the Ministry for the purposes of section 155(1)(a) of the Companies Act (Northern Ireland) 1960.

PART IV

PROVISIONS AS TO SUPPLY AND USE OF ELECTRICITY

Supply by the Service

Supply of electricity

25. The provisions of Schedule 3 shall have effect as respects the supply of electricity by the Service.

Tariffs

26.—(1) Subject to Article 27, the prices to be charged by the Service for the supply of electricity shall be in accordance with tariffs fixed by the Service after consultation with the Council, the Ministry and the Ministry of Finance.

(2) The tariffs shall be published in such manner as in the opinion of the Service will secure adequate publicity for them.

(3) The tariffs shall be so framed as to show the methods by which and the principles on which the charges are to be made as well as the prices which are to be charged and, in addition to the charge for the actual electricity supplied, may include—

- (a) a standing charge; or
- (b) a rent or other charge in respect of any electric meter or other electric fitting provided by the Service on the premises of the consumer.

(4) The Service in fixing tariffs shall not show undue preference to any person or class of persons and shall not exercise any undue discrimination against any person or class of persons, so however that nothing in this paragraph shall prevent the Service from exercising any discretion with respect to the fixing of tariffs that is conferred upon it under this Order.

(5) Where by virtue of the revision of a tariff (whether by variation, replacement or otherwise) the charge for electricity supplied to any consumer is increased, the increased charge shall not apply to electricity supplied to that consumer before the first inspection of the meter for the purpose of ascertaining the amount of electricity supplied to that consumer which is made after the publication of the revised tariff.

(6) Every account furnished by the Service to a consumer giving particulars of the charges due by that consumer for electricity supplied to him shall show how those charges relate to the tariff in accordance with which they are calculated.

Supply of electricity to certain consumers under agreements

27.—(1) Where the tariff or tariffs in force are not appropriate owing to special circumstances, the Service may enter into agreements with any person for the supply of electricity in accordance with the terms specified in the agreement.

(2) Where any person has requested the Service—

- (a) to enter into an agreement with him under paragraph (1); or
- (b) to renew an agreement entered into under paragraph (1); or
- (c) to vary the terms of such an agreement,

and the Service has refused to comply with that request or has refused to comply with it except on terms which are not acceptable to that person, he may refer the matter to the Council on any of the following grounds—

- (i) where his request to the Service to enter into or renew an agreement has been refused, that, owing to special circumstances, the tariff or tariffs in force are not appropriate to him;
- (ii) where his request to the Service to vary the terms of an agreement has been refused, that, owing to a change of circumstances since the agreement was made, the terms have ceased to be reasonable;
- (iii) in any other case, that the terms proposed by the Service are unreasonable.

(3) Where a matter is referred to the Council under paragraph (2), without prejudice to Article 14, the Council—

- (a) if satisfied that the grounds on which the matter was referred to it have been established, shall notify its conclusions to the person who referred the matter to it and the Service;
- (b) if satisfied that those grounds have not been established, shall notify its conclusions to the person who referred the matter to it.

(4) Where a person—

- (a) is dissatisfied with the conclusions of the Council mentioned in paragraph (3); or
- (b) where sub-paragraph (a) of paragraph (3) applies, claims that the Service has failed to give effect to these conclusions,

he may refer the matter to the Ministry on any of the grounds mentioned in paragraph (2).

(5) Where a matter is referred to the Ministry under paragraph (4), and the Ministry is satisfied, after consultation with the Service and the Council, that the grounds on which the matter was referred to it have been established, the Ministry may give any advice it considers appropriate in the circumstances to the Service.

(6) Any reference in this Article to a refusal to comply with a request includes a reference to a failure to comply with it within a reasonable time after the request is made.

Supply of, purchase, sale or exchange of, electricity athwart the land frontier

28.—(1) The Service may, in accordance with a scheme (in this Order referred to as “a supply scheme”) extending by virtue of section 1 of the Northern Ireland Act 1947^(a) as well to the Republic of Ireland as to Northern Ireland, make arrangements with any person in the Republic of Ireland—

- (a) for the supply of electricity—
 - (i) by that person to the Service; or
 - (ii) by the Service to that person;
- (b) for the purchase or sale of supplies of electricity by the Service;
- (c) for the exchange of supplies of electricity between the Service and that person.

(2) As well as making provision for payments for electricity bought, sold or exchanged as mentioned in paragraph (1)(b) and (c), the arrangements made under a supply scheme may include arrangements for the payment of money, by reference to any period, to the person providing the greater reserve of plant for the purposes of the scheme during that period.

(3) No supply scheme shall be made otherwise than with the written consent of the Ministry; and arrangements taking effect under a supply scheme shall be made only with the written consent of the Ministry or within the terms of any authorisation in writing given to the Service by the Ministry.

Development of, and supply of, electricity athwart the land frontier

29.—(1) The Service may, in accordance with a scheme (in this Order referred to as “a construction scheme”) made by the Service with the written consent of the Ministry and extending by virtue of section 1 of the Northern Ireland Act 1947 as well to the Republic of Ireland as to Northern Ireland,—

- (a) use or develop water power for the purpose of generating electricity or for any other purpose;
- (b) supply electricity.

(2) Without prejudice to the generality of paragraph (1), a construction scheme made under this Article may—

- (a) provide for the Service to do any of the things set out in Schedule 4 which are expressly or by implication provided for by the construction scheme;
- (b) provide for the Service to make good or pay compensation to any person who suffers any loss or damage by reason of the Service, in carrying the construction scheme into effect,—
 - (i) constructing works on any land owned or occupied by him;
 - (ii) directly interfering with any land, including, without prejudice to the generality of that term, any easement, fishery, water right or navigation right belonging to or enjoyed by him;

(a) 1947 c. 37.

- (iii) in a case where an injury caused by the operation of a construction scheme or by any particular mode or course of operation of works constructed under a construction scheme would, if this Order had not been made, have given rise to a liability to pay damages, causing injury to—
 - (aa) any canal or other navigable inland waterway; or
 - (bb) any water power or other water right; or
 - (cc) any fishery or fishing right;
- (c) notwithstanding anything to the contrary contained in any transferred provision, provide for the Service to control, alter or otherwise affect—
 - (i) the level of,
 - (ii) any tributary of,
 - (iii) any lake, pond or canal on or connected with,
 any watercourse or lake to which the construction scheme relates from and after the completion of the scheme; so however that where the watercourse, lake, pond or canal—
 - (aa) has in connection with it drainage works owned, maintained or operated or drainage functions exercised by any government department;
 - (bb) is owned, used or under the control of any government department or public body;
 the construction scheme shall not make provision such as is mentioned in this sub-paragraph without the consent of the government department or public body;
- (d) where the works of the construction scheme affect any functions exercisable by, or any works owned, maintained, operated by, or under the control of any government department or public body, make provision for the employment by the Service of any engineer or other officer of that department or body to carry out any part of the works of the construction scheme; and
- (e) make provision for the Service after the completion of the construction scheme to dispose of any land or rights acquired by the Service for the purposes of the construction scheme which the Ministry determines, after consultation with the Service, are no longer required by the Service.

(3) The written consent of the Ministry under paragraph (1) to a construction scheme which provides for the construction of a new, or extension of an existing, generating station or electric line shall, notwithstanding anything in Article 48(2), be deemed for the purposes of Article 33 or 39 to be the consent of the Ministry to the construction or extension.

(4) The Ministry may, where it appears to the Ministry to be expedient to do so, by order subject to affirmative resolution modify any transferred provision so far as may be necessary for the purpose of giving effect to a construction scheme.

Supply by other persons

Restriction on supply by other persons

30.—(1) Subject to paragraph (2), a person other than the Service shall not supply electricity.

(2) Paragraph (1) shall not prevent any person from supplying electricity to any other person where the business of the person supplying the electricity is not primarily that of the supply of electricity to consumers.

Supply, otherwise than by the Service, in certain cases

31. Where—

(a) the Ministry is satisfied that a person in Northern Ireland desires to obtain a supply of electricity from a person supplying electricity outside Northern Ireland; and

(b) the Service has given its consent to that supply;

the Ministry may by order, subject to such terms and conditions (if any) as the Ministry thinks fit, permit that person in Northern Ireland to be so supplied.

Restrictions as to lines and other works

32.—(1) If at any time any electric line or other work of a person other than the Service—

(a) is laid down or erected for the purpose of supplying electricity—

(i) in, over, along, across or under any road; or

(ii) in any other position in such manner as not to be entirely enclosed within any building or buildings; or

(b) is defective or the supply of electricity is or is likely to become dangerous to the public safety, or injuriously affects any telegraphic line of the Post Office;

the Ministry or, as the case may be, the Post Office may by order—

(i) specify the matter complained of, and require that person—

(aa) to abate or discontinue it within the period specified in the order; or

(bb) to continue the supply of electricity in accordance with any regulations specified in the order; or

(ii) direct that person to remove the electric line or other work.

(2) If any person contravenes an order under paragraph (1) or any conditions or regulations specified in such an order—

(a) he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20 and where this paragraph is again contravened within one year after the conviction to a further fine not exceeding £20 for every day subsequent to the day on which he is first convicted of an offence under this paragraph on which it is so contravened;

(b) a court of summary jurisdiction may on complaint by order, subject to any terms and conditions specified in the order, direct and authorise the removal of the electric line or work.

(3) Nothing in this Article shall apply to any electric line or work of the Post Office, 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 Article provided.

Generating Stations

Construction of generating stations

33.—(1) Subject to paragraph (3), a person shall not, except with the consent of the Ministry (which consent may be subject to such terms and conditions as the Ministry thinks fit), construct or extend any generating station on any land.

(2) An application for the consent of the Ministry under this Article—

(a) shall be in writing;

(b) shall describe by reference to a map the land in relation to which the consent is required.

(3) Paragraph (1) shall not apply to the construction or extension of any private generating station, so however that where a private generating station is to be constructed, the owner shall comply with the regulations (if any) made by the Ministry prescribing the type of current, frequency and pressure to be used.

(4) Regulations made under paragraph (3) shall be so framed as not to interfere with the economical and efficient working of the business for which the supply of electricity is generated.

(5) Where the Ministry has given its consent under this Article to the construction or extension of a generating station on any land, no person shall be entitled to restrain the use of the land for the purposes connected with the construction or operation of such a station.

(6) The power of the Ministry to give its consent under this Article shall be construed as including power to review or revoke that consent or to vary the terms and conditions (if any) to which the consent was subject.

Meter testing and certifying

Meter examiners

34.—(1) The Ministry, with the approval of the Ministry of Finance as to numbers and salaries, shall appoint competent persons as meter examiners and may assign to them their functions; and in particular it shall be the duty of such an examiner, on being required to do so by any person and on payment of the prescribed fee,—

(a) to examine any meter used or intended to be used for ascertaining the amount of electricity supplied to any person, other than a person under an agreement to which paragraph 14(3) of Schedule 3 applies;

(b) to certify the meter if, subject to paragraph (4), the examiner is satisfied—

(i) that it is capable of ascertaining the amount of electricity supplied within such limits of error as may, as respects meters of the class to which the meter belongs, be prescribed; and

(ii) that it is of such construction and pattern as is approved by the Ministry;

- (c) to examine the manner in which any meter has been fixed and connected with the service lines;
 - (d) to certify that the meter has been fixed and connected with the service lines in such manner as is approved by the Ministry if the examiner is satisfied that it has been so fixed and connected.
- (2) All fees payable in respect of the examination, certification and re-examination by meter examiners of meters or the manner in which they have been fixed and connected with service lines shall be paid to the Ministry; and the Public Offices Fees Act 1879(a) shall not apply to any such fees.
- (3) Regulations may—
- (a) provide for the re-examination of meters already certified;
 - (b) provide for cancelling the certification of any meters which no longer conform to the prescribed standards and in such other circumstances as may be prescribed;
 - (c) require meters to be periodically overhauled;
 - (d) revoke any approval given by the Ministry to any particular construction or pattern of meter and require existing meters of that construction or pattern to be replaced within such period as may be prescribed;
 - (e) require every article used as testing equipment to have its accuracy periodically determined or re-determined in the prescribed manner and make provision for such an article to be treated as accurate during such period after its accuracy as is so determined or re-determined as may be prescribed;
 - (f) determine the fees to be paid for examining, certifying and re-examining meters or the manner in which they have been fixed and connected with service lines, and the persons by whom they are to be paid.
- (4) A meter examiner may certify a meter under this Article notwithstanding that he has not himself examined or tested it, if—
- (a) the meter is submitted to him for certification by the Service, together with a report stating that the Service has examined and tested the meter in accordance with directions given by the Ministry under Article 35(2), and containing the information required by those directions;
 - (b) the information contained in the report is such as to indicate, in the opinion of the meter examiner, that the meter is entitled to be certified;
 - (c) the meter is one of a number submitted to the meter examiner together at the same time by the Service; and
 - (d) the meter examiner, by the use of apparatus provided in accordance with paragraph (5), has himself examined and tested such number of those meters as he may consider sufficient to constitute a reasonable test of all the meters submitted to him by the Service for certification on that occasion.
- (5) The Service shall—
- (a) provide and keep in efficient working order, such suitable apparatus as the Ministry may prescribe or approve for the examination, testing and regulation of meters used or intended to be used in connection with the supply of electricity by the Service;
 - (b) afford to meter examiners all necessary facilities for the use of the apparatus for the exercise and performance of their functions in relation to such meters.

(a) 1879 c. 58.

Certification of meters

35.—(1) The Ministry may, by order, provide—

- (a) that, where a meter is certified by a meter examiner under Article 34 after the date specified in the order, that certification (if it has not previously ceased to have effect) shall cease to have effect at the end of such period, beginning with the date of the certification, as may be specified in the order;
- (b) that, where a meter is certified by a meter examiner under Article 34 before the date specified in the order, that certification (if it has not previously ceased to have effect) shall cease to have effect either—
 - (i) on that date, or
 - (ii) at the end of such period, beginning with the date of the certification, as may be specified in the order,whichever is the later;
- (c) that, notwithstanding paragraph 14(4) of Schedule 3, the making in a meter of an alteration of a description specified in the order (being a description of alteration appearing to the Ministry to be such as not to affect the ascertainment of the amount of electricity supplied) shall not cause the meter to cease to be certified by a meter examiner under Article 34;
- (d) that, where a meter certified by a meter examiner under Article 34 is moved in circumstances specified in the order, the certification of the meter shall thereupon cease to have effect, notwithstanding that the move does not involve any alteration of the meter.

(2) Without prejudice to the generality of Article 11, the Ministry may give directions to the Service—

- (a) as to the examination and testing of meters by the Service, by the use of apparatus provided in accordance with Article 34(5), before submitting the meters to a meter examiner for certification;
- (b) as to the making of reports by the Service on meters examined and tested by it, and as to the information to be included in the reports;
- (c) as to the sealing and unsealing of meters and, in particular, as to the custody and use of apparatus for sealing meters and the keeping of records in connection therewith.

(3) Subject to paragraph (4), where a meter which is not a meter certified by a meter examiner under Article 34 or the subject of a special agreement between the consumer and the Service is installed for the purpose of ascertaining the amount of electricity supplied before the date specified in an order made by the Ministry—

- (a) that meter shall be deemed for all purposes to be a meter certified by a meter examiner under Article 34; and
- (b) the register of that meter shall be evidence, but, except where the consumer has proceeded under paragraph 15(4) of Schedule 3 and there is a final and binding decision under that paragraph, not conclusive evidence, of the amount of electricity supplied.

- (4) Paragraph (3) shall cease to apply to a meter—
- (a) at the time when it is first disconnected and removed after the date mentioned in that paragraph; or
 - (b) at the end of such period as may be specified in an order made by the Ministry,

whichever first occurs, except in so far as it may be material for the purposes of any proceedings (including proceedings under paragraph 15(4) of Schedule 3) to determine whether or not the meter has correctly ascertained within the prescribed limits of error the amount of electricity supplied in any previous period.

Safety etc.

Regulations relating to efficiency of supply and safety

- 36.—(1) Regulations may make provision—
- (a) to secure that any supply of electricity to a consumer is regular and efficient;
 - (b) to secure that the public is, so far as practicable, protected from any injury from fire or other dangers arising from the supply of electricity, or the use of electricity supplied, to a consumer.
- (2) Without prejudice to the generality of paragraph (1), regulations may—
- (a) provide for the exercise of powers of entry and inspection by persons authorised to exercise functions under the regulations;
 - (b) provide for the action which may be taken by such persons to avert danger to life or property;
 - (c) make provision for appeals against such action;
 - (d) make provision for prohibiting or restricting any person from re-connecting or restoring the supply of electricity where it is cut off by such action.
- (3) Any regulations made under section 6 of the Electric Lighting Act 1882(a), and in force immediately before the day appointed under Article 1(2) for the repeal of the said section 6 shall, until revoked by regulations made under this Article, continue to have effect as if made under this Article.

Power to dispense from obligation to supply electricity

- 37.—(1) Where it appears to the Ministry that, for the purpose of—
- (a) maintaining or making the best use of supplies of electricity available for distribution; or
 - (b) conserving and making the best use of supplies of fuel available for the generation of electricity; or
 - (c) preserving public safety,

it is necessary to limit the consumption of electricity, the Ministry may by order authorise the Service to disregard or fall short in discharging any obligation imposed by this Order—

- (i) to give or continue to give supplies of electricity; or

(a) 1882 c. 56.

(ii) to supply electricity in accordance with any standards, so long as, in so doing, it is acting under, and in accordance with, any general or special authority in writing granted for the purposes of the order by or on behalf of the Ministry.

(2) An authority granted for the purposes of an order under this Article may make the opinion of the Service material for the purposes of any action taken under the authority.

(3) An order under this Article shall be laid before Parliament after being made.

Wayleaves and other consents

Wayleaves

38.—(1) The Service may, subject to and in accordance with the provisions of this Article, place any electric line above or below ground across any land (including any line between any lines so placed).

(2) Before placing an electric line across any land, the Service shall serve upon the owner and upon the occupier of the land notice of its intention so to place the line, and giving a description of the nature of the line and of the position and manner in which it is intended to be placed.

(3) If within fourteen days after the service of the notice under paragraph (2) the owner and the occupier of the land give their consent to the placing of the line in accordance with the notice, either unconditionally or on terms and conditions acceptable to the Service, the Service may proceed to place the line across the land in the position and manner stated in the notice.

(4) If the owner or occupier of the land refuses or, within the fourteen days mentioned in paragraph (3) fails, to give his consent, the Service may, with the consent of the Ministry but not otherwise, place the line across the land in the position and manner stated in the notice.

(5) Where the Service has, under any terminable agreement or arrangement made before or after the commencement of this Article, placed any electric line across any land, the Service may, notwithstanding the termination of that agreement or arrangement, but subject to the provisions of this Article, retain the line across the land in the same position as during the continuance of the agreement or arrangement.

(6) The owner or the occupier of any land across which an electric line is or could be retained under this Article after the termination of an agreement or arrangement may, by notice served upon the Service within two months before or at anytime after the termination, object to the retention of the line across the land, and thereupon it shall not be lawful for the Service to retain the line across the land without the consent of the Ministry.

(7) Where the Service has under this Article erected on any land supports for an electric line above ground the Service shall, for the purposes of section 40 of the Mineral Development Act (Northern Ireland) 1969(a) be deemed to be a person having an estate in the land on which the supports are erected.

(8) Nothing in this Article shall make it lawful for the Service to place an electric line across, along, over or under any canal, inland navigation, navigable river, dock or harbour without the consent of the Ministry.

(a) 1969 c. 35 (N.I.).

(9) Where under this Article the consent of the Ministry is required to the placing or retention of an electric line across any land, the Ministry may, if, after giving to all parties concerned an opportunity of being heard, the Ministry thinks fit, give its consent either unconditionally or subject to terms and conditions (including conditions varying the proposed position of the line).

(10) The power of the Ministry to give its consent under paragraph (9) shall be construed as including power to review or revoke that consent or to vary the terms and conditions (if any) to which the consent was subject.

(11) Paragraphs 1 and 3 of Schedule 3 shall apply to the execution of any works which will involve the placing of lines across or along any land, whether below or above ground, under this Article as it applies to the execution of works which involve the placing of lines in, under, along or across any road or bridge.

(12) Nothing in this Article shall authorise the Service to erect supports for an overhead electric line on any land in, through or over which any easement or right is enjoyed by any government department or public body carrying on a water undertaking without the consent of that department or body.

(13) In this Article—

- (a) “electric line” includes a main or other transmission line;
- (b) references to a terminable agreement or arrangement includes references to any covenant or provision for the removal of an electric line upon the happening of some specified event, and references to the termination of an agreement or arrangement shall be construed as including references to the happening of such event.

(14) The Service may attach to any land any bracket or other fixture required for the carrying of an electric line, other than a main transmission line, and may retain any fixture so attached (whether before or after the making of this Order) under a terminable agreement or arrangement; and the provisions of this Article (other than paragraphs (7), (8), (12) and (13)(a)) shall apply to the attaching and retention of any fixture to any land under this paragraph as they apply to the placing and retention of an electric line across any land under paragraph (1).

Placing of electric lines

39.—(1) Subject to the provisions of this Order, the Service shall not, except with the consent of the Ministry (which consent may be subject to such terms and conditions as the Ministry thinks fit), place any electric line above ground unless the electric line is—

- (a) a service line; or
- (b) placed within premises in the sole occupation or control of the Service; or
- (c) constructed in pursuance of a scheme under Article 29.

(2) An application for the consent of the Ministry under this Article—

- (a) shall be in writing;
- (b) shall describe by reference to a map the land across which the electric line is proposed to be placed;
- (c) shall state whether all necessary wayleaves have been agreed by the owners and occupiers of land proposed to be crossed by the line.

(3) Where an application under this Article states that all necessary wayleaves have not been agreed as mentioned in paragraph (2)(c), the Service may serve notice under Article 38 of its proposal to place the line or, as the case may be, may commence proceedings under Article 8 to acquire compulsorily a right to place the line and—

(a) the Ministry may proceed concurrently under Article 38 and paragraph (1) of this Article or, as the case may be, under Article 8 and the said paragraph (1); or

(b) the Ministry may serve notice on the Service that the Ministry does not propose to proceed with the application until satisfied, with respect to all the land over which wayleaves have not been agreed, that the Service has taken such action on its part as is mentioned in this paragraph.

(4) Where the Ministry serves a notice under paragraph (3)(b)—

(a) the Ministry shall not be required to proceed with the application until satisfied that the Service has taken all the requisite action in accordance with the notice; and

(b) the provisions of paragraph (3) as to concurrent proceedings shall apply accordingly.

(5) Where an application under this Article states that all necessary wayleaves have not been agreed as mentioned in paragraph (2)(c), but the Ministry does not proceed concurrently as mentioned in paragraph (3)(a), the Ministry, if it gives its consent under paragraph (1), may give it subject to the condition (either in respect of the whole of the line or in respect of any part specified in the consent) that the work is not to proceed until the Ministry gives its permission.

(6) In determining under paragraph (5) at any time whether to give permission for the work to proceed, either generally or in respect of a part of the line, the Ministry—

(a) shall have regard to the extent to which the necessary wayleaves have been agreed by that time; and

(b) in so far as the necessary wayleaves have not then been agreed in respect of any part of the line, shall take into account any prejudicial effect which, in the Ministry's opinion, the giving of permission (whether in respect of that part of or any adjacent part of the line) might have on any subsequent proceeding relating to the outstanding wayleaves.

(7) The power of the Ministry to give its consent under this Article shall be construed as including power to review or revoke that consent or to vary the terms and conditions (if any) to which the consent was subject.

Power to remove trees and hedges obstructing electric lines

40.—(1) Where any tree or hedge obstructs or interferes with the construction, maintenance or working of any electric line (including a main or other transmission line) which is being constructed or is owned by the Service, or will interfere with the maintenance or working of such a line, the Service may serve notice upon—

(a) the occupier, and

(b) in a case where the occupier is not the owner, the owner, if the owner is known,

of the land on which the tree or hedge is growing, requiring him to remove or cut it so as to prevent the obstruction or interference, subject to the payment to him by the Service of the expenses reasonably incurred by him in complying with the notice.

(2) If, within fourteen days from the service of the notice, the requirements of the notice are not complied with, and the owner or occupier of the land has not served a counter-notice under paragraph (3) the Service may cause the tree or hedge to be removed or cut so as to prevent such obstruction or interference as aforesaid.

(3) If, within fourteen days from the service of the notice, the owner or occupier of the land on which the tree or hedge is growing serves a counter-notice on the Service objecting to the requirements of the notice, the matter shall, unless the counter-notice is withdrawn, be referred to the Ministry.

(4) The Ministry, after giving the parties an opportunity of being heard, may make any order it thinks fit, and the order may empower the Service (after serving on the person by whom the counter-notice was served notice of the commencement of the work specified in the order) to cause the tree or hedge to be removed or cut so as to prevent the obstruction or interference, and the Ministry may determine any question as to what compensation (if any) and expenses are to be paid.

(5) The Service shall—

(a) ensure that trees and hedges are removed or cut in a proper manner and as little damage as possible is done to trees, fences, hedges and growing crops, and

(b) cause any boughs removed to be taken from the land in accordance with any reasonable directions of the owner or occupier, and

(c) make good or pay compensation for any damage to property caused by, or in consequence of, the Service in doing any act under this Article.

(6) Where the tree or hedge is growing on land which forms part of a road, the road authority shall, for the purposes of this Article, be deemed to be the owner and occupier of the land.

(7) Any reference in this Article to an occupier or to an owner shall be construed as including a reference to a person appointed in writing by the occupier or owner as his representative for purposes including the purpose of this Article.

(8) The notice mentioned in paragraph (1) shall describe by reference to a map the work proposed to be undertaken.

PART V

DISSOLUTION OF CERTAIN BODIES

Transfer of functions to Service and dissolution of Authority and Board

41.—(1) The Ministry may, in accordance with the succeeding provisions of this Article, by order—

(a) transfer to the Service, as from the date, and subject to any exceptions and conditions, specified in the order—

(i) all the functions, assets and liabilities of the Authority and the Board;

(ii) all the functions of other existing electricity undertakers and such of their assets and liabilities as may be specified in the order;

- (b) dissolve, as from the date, and save for any purpose, specified in the order, the Authority and the Board;
- (c) provide for any method of charge, tariff or agreement for the supply of electricity specified in the order to continue in force for the purposes of this Order until it is terminated or replaced by another tariff or agreement fixed or made under this Order;
- (d) modify the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(a) in its application to any person transferred to the employment of the Service by virtue of this Order;
- (e) provide for such incidental, consequential or supplemental matters as appear to the Ministry to be necessary or expedient for the purposes of giving full effect to the order or any part thereof including (without prejudice to the generality of this paragraph) provisions for any of the matters set out in Schedule 5.

(2) An order under paragraph (1) shall be subject to affirmative resolution.

(3) Stamp duty shall not be chargeable on an order under paragraph (1) or on any instrument executed for the purposes of giving effect thereto.

(4) A certificate issued by the Ministry that any asset or liability has been transferred to the Service by virtue of an order under paragraph (1) shall be accepted as evidence of that fact and, upon lodgment of such a certificate relating to land, the certificate shall be registered in the Registry of Deeds or, in the case of registered land, the title to which the certificate relates shall be registered in the Land Registry.

Provision as to transfer of officers

42.—(1) An order under Article 41(1) may make provision for the transfer of any person who is, on such date as may be specified in relation to him in the order, the holder of any place, situation or employment and who is affected by any provision of the order, and shall contain provisions for the protection of the interests of every person with respect to whose transfer such a provision is made.

(2) The provision required to be made under paragraph (1) shall include such provision with respect to any person who is transferred as to secure that—

(a) so long as he continues in the employment of the Service by virtue of the transfer and until he is served with a statement in writing of his new terms and conditions of employment, he enjoys terms and conditions of employment (including conditions as to superannuation benefits) not less favourable than those he enjoyed immediately before 17th November 1971; and

(b) the said new terms and conditions are such that—

(i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of the transfer, the scale of his remuneration; and

(ii) the other terms and conditions of his employment;

are taken as a whole not less favourable than those he enjoyed immediately before 17th November 1971.

(a) 1965 c. 19 (N.I.).

(3) Where, in relation to a person to whom paragraph (1) applies, the terms and conditions of his employment (including conditions as to superannuation benefits) are on or after 17th November 1971 varied in any respect, the Ministry may direct that the variation shall be wholly or partially included among the terms and conditions on which he becomes employed by the Service; and paragraph (2) shall have effect in relation to him as if so much of the variation as is specified in the direction had been included in the terms and conditions of his employment immediately before 17th November 1971.

(4) A written statement given in accordance with section 4 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 shall not be regarded as a statement of new terms and conditions of employment for the purpose of paragraph (3) unless the statement so indicates.

(5) Where a person enters the employment of the Authority, Board or other existing electricity undertaker on or after 17th November 1971 but before the date specified in an order under Article 41(1) in relation to that person, paragraphs (2) and (3) shall have effect as if for any reference to terms and conditions of employment enjoyed immediately before 17th November 1971 there were substituted a reference to terms and conditions of employment enjoyed immediately after entering that employment.

(6) In paragraphs (2) and (3) "terms and conditions of employment" includes any restriction under a statutory provision on the termination of the employment of any person.

Compensation of officers

43.—(1) The Ministry shall by regulations made with the approval of the Ministry of Finance make provision for the payment, on such terms and subject to such conditions as may be specified in the regulations, of compensation to or in respect of a person employed by the Authority, Board or other existing electricity undertaker who is transferred under Article 42(1) and who subsequent to his transfer suffers loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to this Order.

(2) Regulations under paragraph (1) may—

- (a) include provision as to the funds out of which and the persons by whom compensation is to be defrayed;
- (b) include provision as to the manner in which and the time within which and the person to whom any claim for compensation is to be made;
- (c) be framed so as to have effect from a date earlier than the making of the regulations but not so as to place any individual in a worse position than he would have been in if the regulations had been framed as to have effect only from the date of their making;
- (d) apply for the purposes of paragraph (1) the provisions of any transferred provision relating to the payment of compensation subject to the modifications (if any) specified in the regulations;
- (e) make provision for the determination of questions arising under the regulations.

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

Exemption of agreements for the supply of electricity from stamp duty

44. Electricity shall be deemed to be goods, wares or merchandise for the purposes of section 59 of the Stamp Act 1891(a) (which makes certain contracts chargeable with stamp duty as conveyances on sale).

Application to electricity of 38 & 39 Vict. c.86 s.4

45. Section 4 of the Conspiracy and Protection of Property Act 1875(b)(which relates to breaches of contract by persons employed in the supply of gas or water) shall apply to persons employed by the Service as it applies to persons mentioned in that section, with the modification that for references to gas and water there were substituted references to electricity.

Protection for officer acting in execution of duty

46.—(1) An officer of the Service shall not be personally liable in respect of any act done by him in the execution of any function of the Service and within the scope of his employment if he acted reasonably and in the honest belief that his duty required or empowered him to do it; but nothing in this paragraph shall be construed as relieving the Service of any liability in respect of acts of its officers.

(2) Where an action has been brought against an officer of the Service in respect of an act done by him in the execution or purported execution of any such function and the circumstances are such that he is not legally entitled to require the Service to indemnify him, the Service may nevertheless indemnify him against the whole or a part of any damages or costs which he may have been ordered to pay or may have incurred, if the Service is satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty required or empowered him to do it.

The Northern Ireland Joint Electricity Committee

47. Notwithstanding the repeal of the Electricity (Supply) Act (Northern Ireland) 1967(c) and any transferred provision repealed by that Act, the Ministry may make orders under section 28(5) of that Act and until such an order is made providing for the dissolution of the Northern Ireland Joint Electricity Committee, that Committee shall be deemed to continue in existence.

Supplemental

Provisions as to agreements, consents etc.

48.—(1) Where under this Order the Service is authorised to enter into an agreement or arrangement with any person for any purpose, it shall be lawful for that person to enter into and carry into effect such an agreement or arrangement.

(a) 1891 c. 39.
(c) 1967 c. 11 (N.I.).

(b) 1875 c. 86.

(2) Subject to the provisions of Article 29(3), where the carrying into effect of any agreement or arrangement under this Order would involve any operation for which consent or approval of the Ministry would be necessary, nothing in this Order shall relieve the Service or any other person concerned from obtaining such consent or approval.

(3) Where an application is made by the Service to the Ministry for its consent or approval in any case where such consent or approval is required, the Ministry, in determining whether to give or withhold the consent or approval shall have regard to the provisions of this Order.

Orders and regulations

49.—(1) Orders made under this Order by the Ministry, other than orders under Articles 8(2), 19(1), 29(4), 32(1), 37(1), 40(4), 41(1) and paragraph 33 of Schedule 3, and regulations shall be subject to negative resolution.

(2) Regulations may provide that persons contravening the regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding an amount specified in the regulations.

(3) The amount which may be specified in regulations as mentioned in paragraph (2) shall not exceed £400.

Inquiries

50. For the purposes of this Order the Ministry may cause such local or other inquiries to be held or investigations to be made as the Ministry thinks expedient.

Expenses

51. The expenses incurred by the Ministry under this Order and any increase, attributable to any provision of this Order, in the sums which are to be defrayed under any other enactment may be defrayed out of money hereafter appropriated for the purpose of meeting such expenses.

Savings

52.—(1) Nothing in this Order shall be construed as authorising any matter or thing to be done without the consent of the Secretary of State or the Board of Trade and, where requisite, the Crown Estate Commissioners in any case where that consent is required to be obtained by virtue of section 9 of the Northern Ireland (Miscellaneous Provisions) Act 1932(a).

(2) Nothing in this Order shall exonerate the Service from any proceedings for any nuisance caused by it.

(3) Nothing in this Order shall limit or interfere with the rights of any owner, lessee or occupier of any mines or minerals lying under or adjacent to any road along or across which any electric lines shall be laid to work the mine and minerals.

(a) 1932 c. 11.

(4) Subject to paragraph (5), nothing in this Order or in any instrument made thereunder shall affect any powers of the Post Office under the provisions of the Telegraph Acts 1863 to 1916 or authorise the Service to alter or interfere with any telegraphic lines placed or maintained by virtue of those Acts.

(5) Where for the purposes of carrying out any construction scheme or supply scheme the Service diverts or closes any road or any part of a road under, in, upon, over, along or across which there is any telegraphic line belonging to or used by the Post Office, the Post Office shall have the same powers in respect of that line as if such road or part had not been diverted or closed.

(6) Where—

(a) in connection with the diversion or closure of any road or part of a road as mentioned in paragraph (5), the Service, the road authority or any person in whom the site of the road or part of the road is vested, or

(b) in connection with the doing of any other thing for the purposes of carrying out any construction scheme or supply scheme, the Service,

desires that any telegraphic line should be altered, paragraphs (1) to (8) of section 7 of the Telegraph Act 1878(a) shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the Service, the road authority or the person, as the case may require, so desiring the line to be altered.

Protection of Post Office

53.—(1) No alteration shall be made by the Service in any telegraphic line of the Post Office except subject to the provisions of the Telegraph Acts 1863 to 1916.

(2) The Service shall not in the exercise of any power conferred by this Order, lay down any electric line or do any other work for the supply of electricity by which any telegraphic line of the Post Office is or may be injuriously affected.

(3) For the purposes of this Article, sections 2, 7, 8, 9, 10 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order, as if the Service were undertakers within the meaning of those sections, without prejudice nevertheless to any operation which the other sections of the said Act would have had if this Article had not come into operation.

Amendments and repeals

54.—(1) The transferred provisions set out in Schedule 6 shall have effect subject to the amendments specified in that Schedule.

(2) The transferred provisions set out in Schedule 7 are hereby repealed to the extent specified in column 3 of that Schedule.

W. G. Agnew.

(a) 1878 c. 76.

SCHEDULES

Article 4(4)

SCHEDULE 1

THE NORTHERN IRELAND ELECTRICITY SERVICE

PART I

THE CONSTITUTION OF THE SERVICE

1.—(1) The Service shall consist of—

- (a) a Chairman and a Deputy Chairman appointed by the Minister;
- (b) the Chairman of the Council;
- (c) not more than six other members appointed by the Minister.

(2) Subject to paragraph 4, section 18(2) of the Interpretation Act (Northern Ireland) 1954(a) shall apply to every appointment made by the Minister under sub-paragraph (1).

2.—(1) Without prejudice to paragraph 1(2) and sub-paragraph (2) of this paragraph, each of the members appointed by the Minister shall (unless in the meantime the member dies or resigns) hold office for a period of three years.

(2) Without prejudice to paragraph 1(2), the period of appointment of the Chairman and the Deputy Chairman shall be at the discretion of the Minister.

(3) A person shall, on ceasing to hold the office of Chairman or Deputy Chairman or the office of member, be eligible for re-appointment.

3. The proceedings of the Service shall not be invalidated by any vacancy in the membership of the Service or by any defect in the appointment of any person acting as Chairman, Deputy Chairman or any of its members.

PART II

SUPPLEMENTARY PROVISIONS AS TO THE SERVICE

Remuneration

4. The Service shall pay to the Chairman, the Deputy Chairman and the other members of the Service such remuneration and other allowances (if any) as the Ministry with the approval of the Ministry of Finance may determine.

Quorum

5.—(1) The quorum for a meeting of the Service shall be four.

(2) Where in an emergency or on account of urgency a quorum for a meeting of the Service is not obtainable, the Chairman, the Deputy Chairman or any one of the other members, or, in the absence of all of those persons, the most senior executive officer available, shall exercise the functions of the Service, subject to any directions which may be given to him by the Ministry in that behalf.

Restrictions affecting members

6.—(1) A member of the Service shall, if he is in any way directly or indirectly interested in any contract or other transaction entered into or proposed to be entered into by the Service which involves or is likely to involve any payment by or on behalf of the Service, disclose the nature of his interest at a meeting of the Service as soon as possible after the relevant circumstances have come to his knowledge.

(a) 1954 c. 33 (N.I.).

(2) Any disclosure made by a member under sub-paragraph (1) shall be recorded in the minutes of the meeting, and, save in so far as may be authorised by the other members present at the meeting, that member shall not take part after the disclosure in any deliberation or decision of the Service with respect to that contract or other transaction.

(3) Where under sub-paragraph (2) a member is prohibited from taking part in any deliberation or decision, that member shall be disregarded for the purpose of constituting a quorum of the Service for any such deliberation or decision.

7.—(1) In the Part substituted by section 10 of and Schedule 3 to the House of Commons Disqualification Act 1957(a) for Part II of Schedule 1 to that Act (which substituted Part lists bodies of which all members are disqualified for membership of the Senate or of the House of Commons of Northern Ireland) the following entry shall be inserted at the appropriate point in alphabetical order:—

The Northern Ireland Electricity Service.

(2) In Part II of Schedule 1 to the Commissioner for Complaints Act (Northern Ireland) 1969(b) (public bodies subject to investigation) the following entry shall be inserted at the appropriate point in alphabetical order:—

The Northern Ireland Electricity Service.

The seal

8. The seal of the Service shall be authenticated by the signatures of—

- (a) the Chairman or some other member of the Service authorised by the Service to act for that purpose; and
- (b) the secretary or some other officer of the Service authorised by the Service to act for that purpose.

Execution of contracts and instruments not under seal

9. Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Service by any person generally or specially authorised by the Service to act for that purpose.

Superannuation and death benefits

10.—(1) The Service may make arrangements to secure provision for the payment on the death or retirement of persons who are or have been—

- (a) whole-time chairmen or deputy chairmen or whole-time members of the Service;
or
- (b) officers of the Service in a whole-time capacity,

of pensions, gratuities, allowances or other benefits to, or in respect of the service of, such persons.

(2) The Service may, for the purpose of providing funds for the payment of any such benefits, make contributions to any account maintained for that purpose, and require any whole-time chairman, deputy chairman, member or officer of the Service to make contributions to any such account.

(3) Arrangements made under this paragraph may provide for—

- (a) the reckoning for the purposes of any of the said benefits of periods of service in the employment of any other person or body;

(a) 1957 c. 20.

(b) 1969 c. 25 (N.I.).

- (b) the making, as a condition precedent to such reckoning, of—
 - (i) payments (whether in the form of repayments of contributions, payments of accrued superannuation values or any other payments of whatsoever nature directed to the creation or preservation of pension rights of the person concerned) by any former employer of the person concerned or out of any superannuation fund relevant to that person's former employment;
 - (ii) where the person concerned has received any payment in respect of his pension rights upon ceasing to be employed in his former employment, payments by that person equal to all or any of the amounts so received;
- (c) in the case of persons who, having ceased to be in the employment of the Service, have entered into the employment of any other person or body, the making of payments by the Service corresponding to any payments such as are described in head (b) (i);

and any former employer such as is referred to in subhead (i) of head (b), and the persons having charge of any superannuation fund such as is so referred to, shall have power to make the payments mentioned in that subhead if, apart from the provisions of this sub-paragraph, he or they would not have power to do so.

(4) Without prejudice to head (i) of sub-paragraph (3) (b), for the purpose of providing funds for the payment of the said benefits to such officers of the Service as were formerly employed by an existing electricity undertaker and were transferred under this Order in relation to whom no payment or no sufficient payment has been made under that head, the Service in fixing under Article 26 any tariff of prices to be charged by the Service for the supply of electricity to premises in any area which was before the commencement of an order under Article 41 for the transfer of functions of that undertaker the area in which that undertaker supplied electricity, may have regard to the need to recoup so much of any sum required to provide for the said benefits to or in respect of those officers as is in the opinion of the Service properly payable in respect of the period during which they were in the employment of that undertaker.

Officers

11.—(1) The qualifications, remuneration and conditions of service of officers of the Service shall, where not prescribed by regulations under sub-paragraph (2), be determined by the Service subject to the approval of the Ministry.

- (2) Regulations may make provision with respect to—
 - (a) the method of appointment of officers of the Service, including, provisions as to advertisement of vacancies, the establishment and constitution of advisory appointments committees and the making of appointments by the Service from persons selected by such committees;
 - (b) the qualifications, remuneration and conditions of service of such officers of the Service as may be specified.

(3) An officer of the Service to whom regulations apply shall not be employed otherwise than in accordance with the regulations.

(4) The appointment and removal from office of such officers of the Service as may be prescribed shall be subject to the approval of the Ministry.

12.—(1) Except in so far as the Service is satisfied that adequate machinery exists for achieving the purposes of this paragraph, the Service shall seek consultation with any organisation appearing to the Service to be appropriate with a view to the conclusion between the Service and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Service, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements; and

(b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Service and the discussion of other matters of mutual interest to the Service and its employees, including efficiency in the performance of the functions of the Service.

(2) The Service shall send to the Ministry and the Ministry of Health and Social Services copies of any agreement concluded for the purposes of this paragraph.

(3) Nothing in this paragraph shall be construed as prohibiting the Service from taking part together with other employers or organisations of employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment and the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by them and in discussions of other matters of mutual interest, including efficiency in the performance of their functions.

SCHEDULE 2

Article 13(2)

THE ELECTRICITY CONSUMERS COUNCIL

PART I

THE CONSTITUTION OF THE COUNCIL

1. The Council shall consist of—

(a) a Chairman appointed by the Minister;

(b) not more than thirty other members of whom—

(i) not more than ten may be appointed by the Minister from a panel of persons nominated from amongst members of district councils by such organisations as appear to the Minister to represent the district councils;

(ii) not more than ten may be appointed by the Minister, after consultation with such bodies as the Minister thinks fit, to represent agriculture, commerce, industry, labour and the general interests of consumers of electricity and other persons or organisations interested in the development of electricity;

(iii) not more than ten may be appointed by the Minister without any such consultation.

2.—(1) A member of the Council shall hold and vacate office in accordance with the terms of his appointment; but, notwithstanding anything in those terms, he may at any time resign his office by notice in writing to the Minister.

(2) The period of appointment of the Chairman shall be at the discretion of the Minister.

(3) A person shall, on ceasing to hold the office of Chairman or the office of member, be eligible for re-appointment.

3. The proceedings of the Council or of any committee thereof shall not be invalidated by any vacancy in the membership of the Council or committee or by any defect in the appointment of any of its members.

PART II

SUPPLEMENTARY PROVISIONS AS TO THE COUNCIL

Remuneration

4.—(1) The Service shall pay to the Chairman of the Council such remuneration and other allowances (if any) as the Ministry with the approval of the Ministry of Finance may determine.

(2) The Service shall pay to the members of the Council, the members of any committee constituted by the Council and the members of any committee or any individual appointed in accordance with a scheme under Article 15, such allowances for expenses incurred in connection with the business of the Council as the Ministry with the approval of the Ministry of Finance may determine.

Procedure

5.—(1) Subject to the provisions of this paragraph, the Council may regulate its own quorum and procedure.

(2) The Council shall meet when convened by the Chairman but not less frequently than four times a year, and, without prejudice to the discretion of the Chairman to call a meeting whenever he thinks fit, he shall call a meeting when required to do so by any three members of the Council, and minutes shall be kept of the proceedings at every meeting.

(3) The secretary to the Council shall, as soon as practicable after any minutes, conclusions and recommendations of the Council have been confirmed by the Council,—

(a) send copies thereof to the Ministry;

(b) send to the Service copies of such extracts of those minutes, conclusions and recommendations as appear to the Council to be of interest to the Service.

6.—(1) The Council may constitute one or more committees to which it may delegate such of its functions as it may specify.

(2) A committee constituted under sub-paragraph (1) may include persons who are not members of the Council but the majority of the members of the committee shall be members of the Council.

(3) The functions and proceedings of any committee constituted under sub-paragraph (1) shall be exercised subject to, or regulated in accordance with, any directions of the Council.

Restrictions affecting the Chairman

7. In the Part substituted by section 10 of and Schedule 3 to the House of Commons Disqualification Act 1957 for Part III of Schedule 1 to that Act (which specifies offices whereof the holders are disqualified for membership of the Senate and House of Commons of Northern Ireland) the following entry shall be inserted at the appropriate point in alphabetical order:—

Chairman of the Electricity Consumers Council.

Officers and offices

8.—(1) The Minister may appoint a secretary and other officers to assist the Council and the Service shall pay to any person so appointed such remuneration and other allowances as the Ministry may determine.

(2) The Service shall furnish the Council with such office accommodation and equipment as the Service considers requisite for the proper discharge of the functions of the Council (including the functions of any committee or any individual appointed in accordance with a scheme under Article 15) or as the Ministry may direct.

SCHEDULE 3
ELECTRICITY SUPPLY CODE

Articles 25,
34 (1)(a),
35 (1)(c), (3)(b),
(4), 38 (11).

Power to break up roads

1.—(1) Subject to paragraph 3, the Service, under such supervision as is mentioned in the provisions of this paragraph, may—

- (a) open and break up any road or bridge;
- (b) open and break up any sewers, drains or tunnels (including railway tunnels) in or under any road or bridge;
- (c) place, repair, alter or remove any line, conduits, service lines and other works in or under any road or bridge;
- (d) remove or use all earth and materials in or under any roads or bridges;
- (e) erect any pillars, lamps and other works in any road; and
- (f) do all other acts which the Service thinks necessary for supplying electricity.

(2) Nothing in this paragraph shall authorise the Service to place any line or other works in or under any land not dedicated to public use without the consent of the owners and occupiers thereof, so however that the Service may alter, repair or replace any existing line or works in or under any land where the line or work has been placed under this Order or any other statutory provision.

(3) Before commencing to open or break up any road, bridge, sewer, drain or tunnel, the Service shall serve notice of not less than three clear days on—

- (a) the road authority; and
- (b) the government department or public body exercising jurisdiction or control over the sewer, drain or tunnel;

except in a case of emergency arising from defects in the line or other works, and in that case the Service shall serve the notice as soon as practicable after the occurrence of the emergency.

(4) The notice mentioned in sub-paragraph (3) shall be in addition to the notice required to be served by the Service under paragraph 3 (2) (a).

(5) Subject to sub-paragraph (6), a road, bridge, sewer, drain or tunnel shall not, except in cases of emergency as mentioned in sub-paragraph (3), be opened or broken up except—

- (a) under the superintendence of the authority, department or body mentioned in sub-paragraph (3); and
- (b) in accordance with a plan—
 - (i) approved by that authority, department or body, or
 - (ii) where any question respecting the plan has arisen and has not been agreed, determined by arbitration,

and the arbitrator may, on the application of that department, require the Service to make such temporary or other works as it thinks necessary for guarding against any interruption of the drainage during the execution of any works which interfere with the sewer or drain.

(6) If the authority, department or body mentioned in sub-paragraph (3)—

- (a) fails to attend at the time fixed for the opening of the road, bridge, sewer, drain or tunnel, after service of the notice as mentioned in sub-paragraph (3); or
- (b) fails to approve the plan; or
- (c) refuses or neglects to superintend the operation,

the Service may carry out the work specified in the notice without the superintendence of that authority, department or body.

(7) When the Service opens or breaks up any road, bridge, sewer, drain or tunnel, it shall with all convenient speed—

- (a) complete the work;
- (b) fill in the ground;
- (c) reinstate or make good the road, bridge, sewer, drain or tunnel; and
- (d) carry away the rubbish occasioned thereby,

and shall at all times, whilst any road or bridge is opened or broken up—

- (i) cause it to be fenced or guarded; and
- (ii) cause a light sufficient for the warning of vehicles and pedestrians to be set up and maintained at night against or near it; and
- (iii) keep it in good repair for three months after replacing or making it good, and for such further time (if any) not being more than twelve months altogether, as the soil broken up continues to subside.

(8) If the Service delays or omits to carry out any work as mentioned in sub-paragraph (6), the road authority or, as the case may be, the government department or public body exercising jurisdiction over the sewer, drain or tunnel, may cause to be executed the work so delayed or omitted, and the expense of executing that work shall be a debt recoverable summarily by that authority, department or body from the Service.

(9) The provisions of this paragraph relating to the breaking up or interference with a railway tunnel under any road or bridge shall only apply where—

- (a) the railway undertaking, or
- (b) where consent has been refused by the railway undertaking, the Ministry,

has consented to the breaking up or interference with the tunnel.

(10) Where the consent of the Ministry is required under sub-paragraph (9), the Service shall—

- (a) apply in writing to the Ministry;
- (b) serve on the railway undertaking a notice—
 - (i) stating the time within which objections must be sent to the Ministry; and
 - (ii) containing any other information which the Ministry directs;

and the Ministry shall not give its consent until it has considered the objections (if any) sent to it.

Road boxes

2.—(1) Subject to paragraph 3, the Service may construct in or under any road such boxes or structures as may be necessary for purposes in connection with the supply of electricity, including apparatus for the proper ventilation of the boxes or structures, so however that no such box, structure or apparatus shall be placed above ground, except with the consent of the road authority.

(2) Every such box or structure shall be for the exclusive use of the Service and under its sole control, except so far as the Ministry otherwise orders, and shall be used by the Service only for—

- (a) leading off service lines and other distributing conductors; or
- (b) examining, testing, regulating, measuring, directing or controlling, the supply of electricity; or
- (c) examining or testing the condition of the mains or other portions of the work; or
- (d) other similar purposes connected with the supply of electricity,

and the Service may place meters, switches, or any other suitable and proper apparatus in the boxes or structures.

(3) Every such box or structure, including the upper surface or covering thereof, shall be constructed of such materials, and shall be constructed and maintained by the Service in such manner, as not to be a source of danger, whether by reason of inequality of surface or otherwise.

(4) The road authority may prescribe the hours during which the Service is to have access to the boxes or structures.

Works in or under roads or bridges

3.—(1) Where under paragraphs 1 and 2 the execution of any works will involve the placing of any works in, under, along or across any road or bridge, the Service may, subject to and in accordance with the provisions of this paragraph, carry out the works.

(2) One month or, in the case of service lines, seven days before commencing the execution of the works (not being repairs, replacements or alterations of existing works the character and position of which are not altered), the Service shall—

(a) in addition to the notice which it is required to serve under paragraph 1 (3), serve a notice on the road authority and the Post Office describing the proposed works; and

(b) give any further information required by the road authority or, as the case may be, the Post Office.

(3) The notice mentioned in sub-paragraph (2) shall contain a plan showing the mode and position in which the works are intended to be executed, and the manner in which it is intended that the road or bridge, or any sewer, drain or tunnel in or under the road or bridge, is to be interfered with.

(4) The road authority and the Post Office may, subject to amendments or conditions, approve the works or plan.

(5) If the road authority or, as the case may be, the Post Office fail to approve the works or plan within one month or, as the case may be, seven days, after the service of the notice under sub-paragraph (2) the works and plan shall be deemed to have been approved.

(6) Notwithstanding anything in this Schedule, the Service shall not be entitled to execute the works, except so far as they may be of a description and in accordance with a plan which has been approved, or is to be deemed to have been approved, by the road authority and the Post Office; but where the works, description, and plan are approved, or deemed to be approved, the Service may carry out those works in accordance with the description and plan, subject in all respects to the provisions of this Schedule.

(7) If the Service contravenes any of the requirements or restrictions of this paragraph, the Service shall without prejudice to any other compensation which it may be liable to make under this Schedule, make full compensation to the road authority or, as the case may be, the Post Office for any loss or damage incurred by the road authority or the Post Office in consequence of that contravention.

Alteration of pipes, wires, etc. under roads

4.—(1) The Service may, subject to and in accordance with the provisions of this paragraph unless otherwise agreed upon between the parties, alter the position of any pipes (except any pipe forming part of any sewer), or any wires under any road or bridge which interfere with the exercise of its powers under this Schedule, and any government department or public body exercising functions in relation to that road or bridge may in like manner alter the position of any electric lines or works of the Service under any road or bridge, which interfere with the lawful exercise of those functions.

(2) One month before commencing the alterations the Service or, as the case may be, that department or body (in this paragraph referred to as the "operators") shall—

(a) serve a notice on the person for the time being entitled to the pipes, wires, electric lines, or works (in this paragraph referred to as the "owners") describing the proposed alterations; and

(b) give any further information required by the owners.

(3) The notice mentioned in sub-paragraph (2) shall contain a plan showing the manner in which it is intended that the alterations shall be made.

(4) Within three weeks after the service of the notice upon any owners, the owners may require, by requisition served on the operators, that any question arising upon the notice as to the works, or to compensation in respect thereof, or any other question shall, in default of agreement, be determined by arbitration.

(5) Where—

(a) no requisition is served on the operators; or

(b) after any requisition has been served, any question required to be determined by arbitration has been so determined;

the operators may, upon paying or securing any compensation which they may be required to pay or secure, carry out the alterations specified in the notice, but subject in all respects to the provisions of this Schedule, and only in accordance with the notice served by them or such modifications thereof respectively as may have been determined by arbitration, or as may be agreed upon between the parties.

(6) At any time before any operators are entitled to commence any such alterations, the owners may serve a notice on the operators, stating that they desire to execute the alterations, and where any such notice has been served on the operators, the operators shall not be entitled to execute the alterations, except—

(a) where they have required the owners to execute the alterations, and the owners have refused or neglected to comply; or

(b) in a case of emergency.

(7) Where a notice such as is mentioned in sub-paragraph (6) has been served on the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of the alterations is required to be commenced, serve on the owners a requisition stating the time when the alterations are required to be commenced, and the manner in which the alterations are required to be made.

(8) Upon receipt of any requisition, the owners may execute the alterations as required by the operators, subject to the restrictions and conditions, so far as they are applicable, to which the operators would be subject in executing the alterations.

(9) If the owners decline or, for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with the requisition, the operators may execute the alterations in like manner as they might have done if notice had not been served on them under sub-paragraph (6) by the owners.

(10) In a case of emergency the operators may execute so much of the alterations as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the owners; but in that case the operators shall, within twenty-four hours after commencing to execute the alterations, give information thereof in writing to the owners.

(11) All expenses properly incurred by any owners in complying with any requisition of any operators under sub-paragraph (7) shall be a debt recoverable summarily by them from the operators.

(12) If the operators contravene any of the requirements or restrictions of this paragraph they shall without prejudice to any other compensation which they may be liable to make under this Schedule, make full compensation to the owners for any loss or damage incurred by them in consequence of that contravention.

Laying of electric lines etc., near sewers etc., or gas or water pipes

5.—(1) Where—

- (a) the Service requires to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to—
 - (i) any sewer, drain, watercourse, defence or work under the jurisdiction or control of any government department or public body, or
 - (ii) any main, pipe, syphon or other work belonging to any gas or water undertaking; or
- (b) any gas or water undertaking require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to any lines or works of the Service;

the Service or, as the case may be, the gas or water undertaking (in this paragraph referred to as the “operators”) shall, unless it is otherwise agreed between the parties or, in a case of emergency, serve on the government department or public body, or on the gas or water undertaking, or on the Service, as the case may require, (in this paragraph referred to as the “owners”) not less than three days’ notice before commencing to dig or sink the trench, and the owners shall be entitled to superintend the work.

(2) The operators shall—

- (a) comply with any reasonable requirements made by the owners—
 - (i) for protecting from injury; and
 - (ii) for securing access to;
the sewer, drain, watercourse, defence, main, pipe, syphon, electric line or work;
and
- (b) if required by the owners, repair any damage that may be done.

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

(4) Where the Service lays any electric line crossing or liable to touch any mains, pipes, lines or services belonging to any gas or water undertaking, the conducting portion of the electric line shall be effectively insulated in a manner approved by the Ministry, and the Service shall not, except with the consent of the gas or water undertaking, as the case may require, and of the Ministry—

- (a) lay its electric lines so as to come into contact with the mains, pipes, lines or services; or
- (b) use the mains, pipes, lines or services as conductors for the purposes of its supply of electricity.

(5) Any question arising under this paragraph shall, in default of agreement, be determined by arbitration.

(6) If the operators contravene any of the requirements of this paragraph they shall, without prejudice to any other compensation which they may be liable to make under this Schedule, make full compensation to the owners for any loss or damage incurred by them in consequence of that contravention.

(7) For the purposes of this paragraph, “gas undertaking” means any body or person lawfully supplying gas; and “water undertaking” means any body or person lawfully supplying water or water power.

Protection of railway undertaking and canal companies

6.—(1) In the exercise of any of the powers of this Schedule relating to the execution of works, the Service shall not in any way cause damage to the railways, tunnels, arches, works or conveniences belonging to any railway undertaking or government department exercising jurisdiction and control over any canal, nor obstruct or interfere with the working of the traffic passing along any railway or canal.

(2) If at any time after the Service has placed any works under, in, upon, over, along or across any canal—

- (a) any person having power to construct docks, basins or other works upon any land adjoining to or near such canal, constructs any dock, basin or work on the land, but is prevented by the works of the Service from forming a communication for the convenient passage of vessels between the dock, basin or other work and the canal; or
- (b) the business of the dock, basin or other work is interfered with by reason or in consequence of the works of the Service;

the Service, if required by that person and upon being afforded reasonable facilities under, in, upon, over, along or across land belonging to him or under his control for placing the works round the dock, basin or other work, shall remove and place its works accordingly.

(3) Any question arising under this paragraph as to the facilities to be afforded to the Service, or as to the direction in which the works are to be placed shall, in default of agreement, be determined by arbitration.

Protection of telegraphic and telephonic wires

7.—(1) Without prejudice to Article 53, the Service shall take all reasonable precautions in constructing, laying down, and placing its electric lines and other works of all descriptions, and in carrying on its business so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line used for the purpose of telegraphic, telephonic, or electric signalling communication or electrical control of railways, or the currents in that wire or line, whether that wire or line is or is not in existence at the time of the laying down or placing of the electric line or other works.

(2) Any question arising between the Service and the owner of any such wire or line as to whether—

- (a) the Service has constructed, laid down or placed its electric lines or other works or carried on its business in contravention of this paragraph; and
- (b) the working of that wire or line or the current therein is or is not injuriously affected thereby;

shall, in default of agreement, be determined by arbitration and the arbitrator (unless he is of opinion that the wire or line, not having been in existence at such time, has been placed in unreasonable proximity to the electric lines or works of the Service) may direct the Service to make any alterations in or additions to, its system, so as to comply with the provisions of this paragraph, and the Service shall make those alterations or additions accordingly.

(3) Subject to sub-paragraph (5), seven days before commencing to lay down or place any electric line, or to use any electric line in any manner whereby the work of telegraphic, telephonic or electric signalling communication or electrical control of railways through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Service shall, unless otherwise agreed between the parties or, in a case of emergency, serve a notice on the owner of the wire or line specifying—

- (a) the course, nature, and gauge of the electric line; and
- (b) the manner in which the electric line is intended to be used; and
- (c) the amount and nature of the currents intended to be transmitted thereby; and
- (d) the extent to and manner in which (if at all) earth returns are proposed to be used;

and any owner entitled to receive that notice may serve a requisition on the Service requiring it to adopt such precautions as may be therein specified in regard to the laying, placing, or user of the electric line for the purpose of preventing the injurious affection; and the Service shall comply with any reasonable requirements made by the owner for the purpose of preventing the communication through the wire or line from being injuriously affected.

(4) Any question arising under sub-paragraph (3) as to the reasonableness of any requirements made shall, in default of agreement, be determined by arbitration.

(5) Nothing in sub-paragraph (3) shall apply to repairs or renewals of any electric line so long as the course, nature and gauge of the electric line and the amount and nature of the current transmitted thereby, are not altered.

(6) If the Service contravenes any of the requirements of this paragraph, it shall without prejudice to any other compensation which it may be liable to make under this Schedule, make full compensation to the owner for any loss or damage incurred by him in consequence of that contravention.

(7) Nothing in this paragraph shall be held to deprive any owner of any existing rights to proceed against the Service by indictment, action or otherwise in relation to any of the matters aforesaid.

Obligation to supply electricity

8.—(1) Subject to sub-paragraph (2), the Service shall, upon being required to do so by the owner or occupier of any premises situated a reasonable distance from any main of the Service through which it is distributing electricity, supply electricity to those premises, and shall, subject to and in accordance with the provisions of this paragraph, provide and lay any electric lines that may be necessary for that purpose.

(2) Sub-paragraph (1) shall not apply in relation to any main used only for the purpose of giving a separate supply of electricity for industrial purposes.

(3) The Service may require that the cost of—

(a) providing and laying 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, not being property dedicated to public use; and

(b) providing and laying so much of that electric line not laid on that property as the Service considers reasonable;

shall be defrayed by the owner or occupier.

(4) Every owner or occupier of premises requiring under this paragraph a supply of electricity shall—

(a) serve a notice upon the Service specifying—

(i) the premises in respect of which the supply is required; and

(ii) the maximum consumption which may be reasonably anticipated; and

(iii) 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 undertaking to pay the charges in respect of electricity and meter rent as they become due;

(b) give to the Service (if required by it to do so) security for the payment to it of all money which may become due to it from the owner or occupier in respect of any electric lines to be provided by the Service, and in respect of electricity to be supplied by the Service.

(5) Where the Service has given a supply of electricity for any premises and the owner or occupier has not given such security as is mentioned in sub-paragraph (4) (b) or, the security given has become invalid or insufficient the Service may, by notice, require the owner or occupier, within seven days after the service of the notice, to give security for the payment of all money which may become due to the Service in respect of the supply, and if the owner or occupier fails to comply with the notice, the Service may discontinue the supply for those premises so long as the failure continues.

- (6) Any question arising under this paragraph—
- (a) as to the reasonableness of the distance from any main or of the cost of providing and laying an electric line on property other than the property of the owner or in the possession of the occupier; or
 - (b) as to the nature and amount of the security to be given,
- shall, in default of agreement, be determined by arbitration.

Notice of intention to supply electricity

9.—(1) Twenty-eight days before commencing to lay down or place any electric line which is intended for the supply of electricity to any particular consumer, and not for the purposes of general supply, the Service shall serve upon the owner or occupier of all premises abutting on so much of the road as lies between the points of origin and termination of the electric line to be laid a notice—

- (a) stating that the Service intends to lay the electric line; and
- (b) containing a reference to this paragraph and directing the attention of the owners or occupiers upon whom it is served to the provisions thereof.

(2) If within the period of twenty-eight days any two or more of the owners or occupiers require the Service in accordance with paragraph 8 to supply electricity to their premises, the necessary distributing main shall be laid by the Service at the same time as the electric line intended for the particular consumer.

Relief from obligation to supply

10.—(1) Where a new or increased supply of electricity is required under paragraph 8 and the supply cannot be given without the laying of a new main, or the enlarging of an existing main or the constructing or enlarging of any other works required for the supply of electricity by the Service, the Service shall, notwithstanding the provisions of that paragraph, not be obliged to give the supply unless the person requiring the supply enters into a written contract with the Service—

- (a) to continue to receive and pay for a supply of electricity of such minimum amount and for such minimum period as the Service may reasonably require, having regard to the expense to be incurred by it in laying or enlarging the main or constructing or enlarging the other works; or
- (b) to make such payment to the Service (in addition to any payments to be made for electricity supplied) as the Service may reasonably require having regard to the matters mentioned in head (a);

and gives to the Service (if required by it to do so) security for the payment of all money which may become due under the contract.

- (2) Any question arising under this paragraph—
- (a) as to whether a supply of electricity can be given without the laying or enlarging of a main or the constructing or enlarging of other works; or
 - (b) as to the reasonableness of the minimum amount or period or of the payment required by the Service; or
 - (c) as to the nature and amount of the security to be given,
- shall, in default of agreement, be determined by arbitration.

No obligation to supply electricity to unsafe fittings

11.—(1) Notwithstanding any provision in a contract to supply electricity, the Service shall not be under an obligation—

- (a) to supply or continue to supply electricity for use in any premises in which there are electric fittings which are being used otherwise than in accordance with regulations made under Article 36; or

(b) to pay compensation or damages for failure to supply or continue to supply electricity in circumstances such as are mentioned in head (a).

(2) Any question arising under this paragraph as to any alleged defect in any electric fittings shall, in default of agreement, be determined by arbitration.

Stand-by supply

12.—(1) Notwithstanding anything in this Schedule, a person shall not be entitled to demand or continue to receive a supply of electricity from the Service for the purposes only of a stand-by supply for any premises having—

- (a) a separate supply of electricity, or
- (b) a supply (in use or ready for use for the purposes of which the stand-by supply of electricity is required) of gas, steam or other form of energy,

unless he has agreed with the Service to pay such minimum annual sum as will—

- (i) give the Service a reasonable return on the capital expenditure incurred by it in providing the stand-by supply; and
- (ii) cover other standing charges incurred by the Service in order to meet the possible maximum demand for those premises.

(2) Any question arising under sub-paragraph (1)—

- (a) as to whether a supply of electricity is demanded or received for the purposes only of a stand-by supply; or
- (b) as to whether any premises have a separate supply of electricity or have a supply (in use or ready for use for the purpose for which a stand-by supply of electricity is required) of gas, steam or other form of energy; or
- (c) as to the amount of the minimum annual sum to be specified in the agreement,

shall, in default of agreement, be determined by arbitration.

Supply of electricity to public lamps

13. The Service shall supply electricity, in such quantities as the lighting authority may require by notice to be supplied, to any public lamps within seventy-five yards from any distributing main of the Service in which it is distributing electricity for the purposes of general supply.

Supply of electricity to be ascertained by meter

14.—(1) Subject to sub-paragraphs (2) and (3), the amount of electricity supplied by the Service to any consumer shall be ascertained by means of a meter which is—

- (a) certified by a meter examiner under Article 34 or deemed by Article 35 (3) to be a meter so certified; and
- (b) fixed and connected with the service lines in a manner certified by a meter examiner under Article 34.

(2) The Service shall supply, either by way of sale or hire, to any consumer who requires it, a meter and shall, if required,—

- (a) fix the meter upon the premises of the consumer; and
- (b) connect the service lines with the meter; and
- (c) have the meter certified by a meter examiner under Article 34;

and the consumer shall, if required by the Service, before receiving the meter, give to the Service security for payment of the price of the meter if he desires to purchase, or of the rent of the meter, if he desires to hire it.

(3) This paragraph shall not have effect in relation to the supply of electricity to a person under an agreement made with him by the Service if the agreement provides for the amounts of electricity to be ascertained otherwise than by means of a meter which is certified by a meter examiner under Article 34 or deemed by Article 35 (3) to be a meter so certified.

(4) Where any alteration is made in a meter which has been certified by a meter examiner under Article 34, or is deemed by Article 35 (3) to be a meter so certified, that meter shall cease to be so certified or, as the case may be, deemed to be so certified unless and until it is re-examined and certified by a meter examiner under Article 34.

Meters to be kept in proper order

15.—(1) Every consumer shall at all times, at his own expense, keep all meters belonging to him, whereby the amount of electricity supplied is ascertained, in proper order for correctly registering that amount, and in default of his doing so the Service may cease to supply electricity through that meter.

(2) The Service shall at all times, at its own expense, keep all meters let for hire by it to any consumer, whereby the amount of electricity supplied is ascertained, in proper order for correctly registering that amount, and in default of it doing so the consumer shall not be liable to pay rent for the meters in respect of the period of the default.

(3) The Service shall have access to and be at liberty to remove, inspect, and replace any meter at all reasonable times, and, shall, while any such meter is removed, fix a substitute meter on the premises; and, subject to sub-paragraph (4), the cost of removing, inspecting, and replacing a meter and of fixing a substituted meter shall be defrayed by the Service.

(4) Where a meter is removed to be examined by a meter examiner under Article 34, the person at whose request the examination is to be carried out shall, where the meter is found to be in proper order, defray the expenses incurred in removing, examining and replacing the meter and fixing a substituted meter, or, where the meter is found to be not in proper order, the said expenses shall be defrayed by the owner of the meter.

(5) Any question arising under this paragraph as to whether—

(a) any meter is or is not in proper order for correctly registering within the prescribed limits of error the amount of electricity supplied; or

(b) the amount of electricity supplied has been correctly registered within the prescribed limits of error in any case by any meter,

shall, in default of agreement, be determined upon the application of either party by a meter examiner and the decision of the examiner shall be final and binding on all parties.

(6) Subject to sub-paragraph (5), the register of the meter shall be conclusive evidence in the absence of fraud of the amount of electricity supplied.

Service to pay expenses of providing new meters where method of charge altered

16. Where any consumer who is supplied with electricity by the Service from any distributing main is provided with a meter certified by a meter examiner under Article 34, or deemed by Article 35 (3) to be a meter so certified, to ascertain the amount of electricity supplied and the Service changes the method of charging for electricity supplied from the main, the Service shall pay to that consumer the reasonable expenses of providing a new meter to ascertain the amount of electricity supplied according to the new method of charging, and those expenses shall be a debt recoverable summarily by the consumer.

Maximum charges for re-selling electricity supplied by the Service

17.—(1) The Service may fix maximum prices at which electricity supplied by it may be resold, and shall publish a notice of any prices so fixed and any variation thereof in such manner as in the opinion of the Service will secure adequate publicity for it.

(2) If any person re-sells any electricity supplied by the Service at a price exceeding the maximum prices fixed under sub-paragraph (1) the amount of the excess shall be a debt recoverable summarily by the person to whom the electricity was re-sold.

Recovery of electricity charges

18. Any charges in respect of electricity or electric fittings due to the Service, or any charges in respect of the supplying and fixing of any meter or other fittings due to the Service, shall be a debt recoverable summarily by the Service.

New occupier not liable for arrears

19. If the occupier of any premises which are supplied with electricity by the Service quits the premises without paying any amount due from him in respect of charges for electricity or rent for any electric fittings, the Service shall not be entitled to require from the next occupier of the premises the payment of the amount due, unless that occupier has undertaken with the former occupier to pay or exonerate him from the payment of that amount.

Liability of occupier on quitting premises

20.—(1) If the occupier of any premises which are supplied with electricity by meter by the Service quits the premises without serving at least twenty-four hours' notice on the Service, he shall be liable to pay to the Service all charges accruing due for electricity supplied by it to the premises up to—

- (a) the next date on which the register of the meter on the premises is usually ascertained; or
- (b) the date from which any subsequent occupier of the premises requires the Service to supply electricity to the premises;

whichever first occurs.

(2) Sub-paragraph (1) or a statement of the effect thereof shall be endorsed upon every demand note for electricity charges payable to the Service.

Refusal of supply to person in default

21. If any person requiring a supply of electricity from the Service has previously quitted premises at which electricity was supplied to him by the Service without paying all amounts due from him in respect of charges for electricity, the Service may refuse to supply electricity to him until he pays the amounts so due.

Power to cut supply in case of default

22.—(1) If any person, after the expiration of twenty-eight days from the making of a demand in writing by the Service, has not paid the amounts due from him to the Service—

- (a) in respect of charges for electricity or electric fittings;
- (b) under an assisted wiring agreement;

which amounts are not the subject of a bona fide dispute between that person and the Service, the Service may, after serving at least seven days' notice of its intention, cut off or disconnect the supply of electricity to that person notwithstanding any contract previously existing and any expenses incurred in cutting off or disconnecting the supply shall be recoverable in like manner as charges for electricity.

(2) Where the Service has cut off or disconnected the supply of electricity to any person under sub-paragraph (1), the Service may discontinue the supply of electricity to that person until the amounts due from him together with the reasonable expenses of reconnecting the supply are fully paid, but no longer, so however that nothing in this sub-paragraph shall prejudice or interfere with any rights conferred upon any person by paragraph 8.

(3) In this paragraph “assisted wiring agreement” means an agreement made by a consumer of electricity with the Service whereby the consumer agrees to make a payment or series of payments to the Service in consideration of the instalment of electric fittings at premises occupied by the consumer.

Penalty for damaging or interfering with meters

23.—(1) If any person wilfully, fraudulently, or by culpable negligence,—

(a) damages any lines, meter or other fittings belonging to the Service, or

(b) alters the index to any meter, or

(c) prevents any meter from duly ascertaining the amount of electricity supplied,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

(2) Where an offence is committed as mentioned in sub-paragraph (1), the amount of any damage caused to the Service shall be a debt recoverable summarily.

(3) Where an offence involving any damage to or interference with any lines, meter or other fittings belonging to the Service has been committed as mentioned in sub-paragraph (1), the Service may discontinue the supply of electricity to the person so offending notwithstanding any contract previously existing until the matter has been remedied, but no longer.

(4) The existence of artificial means for causing an alteration of the index to any meter or the prevention of any meter from duly ascertaining the amount of electricity supplied when such meter is under the custody or control of the consumer, shall be evidence that the alteration or, as the case may be, the prevention, has been fraudulently and wilfully caused by the consumer using the meter.

Damage or interference with works

24.—(1) If any person without lawful authority wilfully or recklessly cuts, damages or interferes with any electric line or works with the intent to cut off or injuriously affect any supply of electricity, he shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding five years or to a fine or to both.

(2) If any person—

(a) wilfully removes, destroys or damages any pillar, post, plug, lamp or other work of the Service for supplying electricity; or

(b) wilfully extinguishes any of the public lamps;

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

(3) Where an offence is committed as mentioned in sub-paragraph (2) the amount of any damage caused to the Service shall be a debt recoverable summarily.

Penalty for fraudulently using the electricity of the Service

25.—(1) If any person—

- (a) connects any line to a line belonging to the Service without its consent; or
- (b) where the amount of electricity supplied by the Service is not ascertained by meter—
 - (i) uses any electric fitting of larger dimensions, or
 - (ii) keeps lights burning for a longer time, than he has contracted to pay for; or
- (c) otherwise improperly uses the electricity;

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

(2) Where an offence such as is mentioned in sub-paragraph (1) has been committed the Service may discontinue the supply of electricity to the person so offending notwithstanding any contract previously existing.

Reconnecting supply

26. If any person, without the consent of the Service, reconnects the supply of electricity which has been disconnected by the Service otherwise than in exercise of a power conferred by regulations made under Article 36 he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100 and the Service may again disconnect the supply of electricity.

Notice of connection or disconnection

27.—(1) A person shall not connect any meter used or to be used to ascertain the amount of electricity supplied with any electric line through which electricity is supplied by the Service or disconnect any such meter from any such electric line unless he has served on the Service at least twenty-four hours' notice of his intention to do so, specifying the time and place of the proposed connection or disconnection.

(2) Any person who contravenes this paragraph shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20.

Maps

28.—(1) The Service shall—

- (a) within the period of one year from the date specified in an order under Article 41 transferring the functions of the Authority, the Board and other existing electricity undertakers to the Service, cause a map to be made on which is delineated the line and the depth below the surface of all its then existing mains, service lines, and other underground works, road boxes and structures; and
- (b) once in every year cause that map to be duly corrected so as to show the then existing lines; and
- (c) if required by the Ministry or the Post Office, cause to be made sections showing the level of all its existing mains and underground works other than service lines.

(2) Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the Service at such of its offices as it thinks fit, and may at all reasonable times be inspected and copies of all or any part taken on payment of such fee not exceeding £0.05 for each inspection of the map, section, or copy, or not exceeding £0.25 for each copy of all or any part, as the Service determines.

(3) The Service shall, if required by the Ministry, the Post Office or a district council supply to it a copy of any map or section and cause that copy to be duly corrected so as to agree with the original or originals as kept for the time being at offices of the Service, so however that a district council shall only be entitled to require a copy of so much of any such map as relates to its district.

Nature and amount of security

29.—(1) Where any security is required under this Schedule to be given to the Service, the security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties or, in default of agreement, be determined by arbitration.

(2) Where any money is deposited with the Service by way of security as mentioned in sub-paragraph (1), the Service shall pay interest at such rate as may be determined by the Ministry of Finance on any sum so deposited for every six months during which it remains in the hands of the Service.

Exemption of electric fittings for certain processes

30. Any electric fittings let for hire by the Service and marked or impressed with a sufficient brand indicating the Service as the owners thereof—

- (a) shall be exempted from seizure under the Judgments (Enforcement) Act (Northern Ireland) 1969(a);
- (b) shall not be taken in execution under any proceedings in bankruptcy against the person in whose possession they are;
- (c) shall continue to be the property of the Service, notwithstanding that they may be fixed or fastened to any part of the premises in which they are situated.

Compensation for damage

31.—(1) The Service, in the exercise of the powers in relation to the execution of works given to it under this Schedule shall cause as little detriment and inconvenience and do as little damage as possible and shall make good or pay compensation for any damage to property caused by, or in consequence of the Service in exercising any such powers.

(2) Any question of disputed compensation under this paragraph shall be referred to and determined by the Lands Tribunal.

Notice of accidents and inquiries to be sent to Ministry

32.—(1) The Service shall send to the Ministry notice of—

- (a) any accident by explosion or fire; and
- (b) any other accident of such kind as to have caused, or to be likely to have caused, loss of life, or personal injury which has occurred in any part of the Service's works or its circuits, or in connection with those works or circuits; and
- (c) any loss of life or personal injury occasioned by any such accident.

(2) The notice mentioned in sub-paragraph (1) shall be sent by the earliest practicable post after the accident occurs or, as the case may be, after the loss of life or personal injury becomes known to the Service.

Remedying of system and works

33.—(1) If at any time the Ministry is satisfied—

- (a) that any electric lines or works of the Service are defective, so as not to be in accordance with the provisions of this Schedule or regulations made under Article 36; or

(a) 1969 c. 30 (N.I.).

(b) that any work of the Service or its supply of electricity is attended with danger to the public safety, or injuriously affects any telegraphic line of the Post Office; the Ministry may by order—

- (i) specify the matter complained of, and require the Service to abate or discontinue it within the period specified in the order; or
- (ii) direct the Service to remove the electric line or other work.

(2) The Ministry may by an order under sub-paragraph (1) or by any other order forbid the use of any electric line or work as from the date specified in that behalf until the order is complied with, or for such time as may be so specified.

Interpretation

34. In this Schedule—

“distributing main” means the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply of a voltage up to 600 volts;

“general supply” means the general supply of electricity to ordinary consumers, and includes, unless otherwise specially agreed with the lighting authority, the general supply of electricity to the public lamps but shall not include the supply of electricity to any one or more particular consumers under special agreement;

“lighting authority” in relation to public lamps, means the person or body by whom the lamps are maintained;

“main” means any electric line through which electricity may be supplied or intended to be supplied by the Service for the purposes of general supply of a voltage up to 33,000 volts.

SCHEDULE 4

Article 29(2)(a)

SPECIAL POWERS OF SERVICE UNDER CONSTRUCTION SCHEMES

1. Subject to paragraph 3, the Service may—

- (a) restrict, terminate or otherwise interfere with (either permanently or temporarily and either by agreement or compulsorily) any easement, wayleave, fishery, inland navigation or water right or other right whatsoever existing in or over any lands or water or interfere with any such lands or water either permanently or temporarily and either by agreement or compulsorily;
- (b) impound, dam up, divert, take or use the waters of, or embank, deepen, widen, straighten, dredge or alter the level of any watercourse or lake to which the scheme relates or any tributary thereof or any lake, pond or canal thereon or connected therewith;
- (c) construct and maintain, remove, alter, repair or reconstruct any embankment, quay, inland harbour, landing place, boathouse, mill-race, cattle watering-place, dam, weir, sluice or other work (including passages for the ascent and descent of fish) in any watercourse or lake to which the scheme relates;
- (d) subject to paragraph 2, divert, close, remove, submerge or otherwise interfere with any road or bridge and divert, close, remove, submerge or otherwise interfere with (either permanently or temporarily and either by agreement or compulsorily) any road, way or bridge or any canal or other artificial waterway.

2. The powers exercisable by the Service under paragraph 1(d) in respect of any road or bridge shall be exercisable in like manner and subject to the like conditions as the

powers of stopping up or diversion conferred on a road authority by any enactment for the time being in force and that enactment shall apply accordingly; so however that any compensation payable in respect of the exercise of such powers by the Service shall be paid by the Service as part of the expenses of the scheme.

3. Nothing in paragraph 1 shall be taken to authorise any interference by the Service with any waterworks, watercourse, conduit or pipe, owned, used or under the control of any government department or public body.

Article 41 (1)(e)

SCHEDULE 5

INCIDENTAL, CONSEQUENTIAL AND SUPPLEMENTAL MATTERS FOR WHICH PROVISION
MAY BE MADE BY ORDER UNDER ARTICLE 41(1)

An order under Article 41 (1) may include provision for all or any of the following matters—

- (a) for the carrying on and completion by or on behalf of the Authority, the Board or other existing electricity undertaker of anything (including any legal or parliamentary proceeding) commenced by or on behalf of the Authority, the Board or that undertaker before the coming into operation of the order;
- (b) for construing, so far as may be necessary for the purposes of or in consequence of the order, references in any transferred provision or in a judgment, decree, order or warrant of any court, or in any award, deed, contract or other document to the Authority, the Board or other existing electricity undertaker as references to the Service; and
- (c) for the application, modification, adaptation, extension, restriction or repeal of any transferred provision (including such a provision contained in or made under a transferred provision) in such manner or to such extent as may appear to be necessary or expedient in consequence of, or for the purposes of giving full effect to, the order;
- (d) for the determination of questions arising under the order.

Article 54(1)

SCHEDULE 6

AMENDMENTS OF TRANSFERRED PROVISIONS

The Selective Employment Payments Act (Northern Ireland) 1966 (c. 32)

1. In Schedule 1 the following entry shall be inserted:—
“The Northern Ireland Electricity Service”.

The Industrial Investment (General Assistance) Act (Northern Ireland) 1966 (c. 41)

2. In Schedule 1 the following entry shall be inserted:—
“The Northern Ireland Electricity Service”.

The Public Utilities (Emergency Powers) Act (Northern Ireland) 1972 (c. 2)

3. In section 1 (2) for the words from “undertakers” in the last place where it occurs to the end of the subsection there shall be substituted the words “the Northern Ireland Electricity Service”.

SCHEDULE 7

Article 54(2)

REPEALS

Chapter	Short Title	Extent of Repeal
45 & 46 Vict. c. 56	The Electric Lighting Act 1882.	The whole Act.
51 & 52 Vict. c. 12	The Electric Lighting Act 1888.	The whole Act.
62 & 63 Vict. c. 19	The Electric Lighting (Clauses) Act 1899.	The whole Act.
9 Edw. 7 c. 34	The Electric Lighting Act 1909.	The whole Act except sections 22, 25 and 27(1). In section 25— the definitions of “Electric Lighting Acts”; “area of supply” and “road”; in the definition of “undertakers” the words “local authority, company or” and the words “to whom the Electric Lighting Acts apply”.
9 & 10 Geo. 5 c. 100	The Electricity (Supply) Act 1919.	The whole Act.
21 & 22 Geo. 5 c. 9	The Electricity (Supply) Act (Northern Ireland) 1931.	The whole Act.
23 & 24 Geo. 5 c. 33	The Electricity (Supply) Act (Northern Ireland) 1933.	The whole Act.
24 & 25 Geo. 5 c. 5	The Railways Act (Northern Ireland) 1934.	In section 4, in the first paragraph, the words from “and any authorised undertakers” to the end of the section.
25 & 26 Geo. 5 c. 9	The Electricity (Supply) Act (Northern Ireland) 1935.	The whole Act.
6 & 7 Geo. 6 c. 10	The Electricity (Emergency Supplies) Act (Northern Ireland) 1942.	The whole Act.
1948 c. 18	The Electricity (Supply) Act (Northern Ireland) 1948.	The whole Act.
1951 c. 8	The Electricity (Supply) (Amendment) Act (Northern Ireland) 1951.	The whole Act.
1953 c. 15	The Electricity (Supply) (Amendment) Act (Northern Ireland) 1953.	The whole Act.

Chapter	Short Title	Extent of Repeal
1954 c. 2	The Electricity (Essential Supplies) Act (Northern Ireland) 1954.	The whole Act.
1956 c. 17	The Administrative and Financial Provisions Act (Northern Ireland) 1956.	Section 5. In section 14 and in Schedule 1, the entries relating to the Electricity (Supply) Act (Northern Ireland) 1948.
5 & 6 Eliz. 2 c. 20	The House of Commons Disqualification Act 1957.	In the Part substituted by section 10 of and Schedule 3 to that Act for Part II of Schedule 1 to that Act, the entry for the Northern Ireland Joint Electricity Authority.
10 & 11 Eliz. 2 c. 30	The Northern Ireland Act 1962.	In Schedule 1, in Part I, the entry relating to the Electricity (Supply) Act (Northern Ireland) 1948.
1964 c. 21	The Magistrates' Courts Act (Northern Ireland) 1964.	In Schedule 6, the entry relating to the Electricity (Supply) Act (Northern Ireland) 1948.
1964 c. 29	The Lands Tribunal and Compensation Act (Northern Ireland) 1964.	In Schedule 1, in Part I, the entry relating to the Electricity (Supply) Act (Northern Ireland) 1948.
1964 c. 31	The Drainage Act (Northern Ireland) 1964.	In Schedule 1, the entry relating to the Electricity (Supply) Act (Northern Ireland) 1948.
1966 c. 32	The Selective Employment Payments Act (Northern Ireland) 1966.	In Schedule 1, the entries for the Electricity Board for Northern Ireland and the Northern Ireland Joint Electricity Authority.
1966 c. 41	The Industrial Investment (General Assistance) Act (Northern Ireland) 1966.	In Schedule 1, the entry for the Electricity Board for Northern Ireland.
1967 c. 11	The Electricity (Supply) Act (Northern Ireland) 1967.	The whole Act.
1967 c. 29	The Increase of Fines Act (Northern Ireland) 1967.	In the Schedule, in Part I— in the entries relating to sections 11, 18 and 19 of the Gasworks Clauses Act 1847(a), the words "(both as originally enacted and as incorporated by the Electric Lighting (Clauses) Act 1899)" in the three places where they occur;

(a) 1847 c. 15.

Chapter	Short Title	Extent of Repeal
1967 c. 29— (<i>cont.</i>)	The Increase of Fines Act (Northern Ireland) 1967— (<i>cont.</i>)	in the entry relating to section 38 of the Gasworks Clauses Act 1871(a) the words “(both as originally enacted and as incorporated by the Electric Lighting (Clauses) Act 1899)”; the entries relating to the Electricity (Supply) Act (Northern Ireland) 1931 and the Electricity (Supply) Act (Northern Ireland) 1933. In the Schedule, in Part II, the entry relating to the Electricity (Supply) Act (Northern Ireland) 1933.
1968 c. 17	The Finance Act (Northern Ireland) 1968.	In section 18(7), the entry for the Northern Ireland Joint Electricity Authority.
1969 c. 25	The Commissioner for Complaints Act (Northern Ireland) 1969.	In Schedule 1, in Part II, the entry for the Electricity Board for Northern Ireland.
1969 c. 48	The Post Office Act 1969.	In Schedule 4, in Part II, paragraphs 12 and 13.
1970 c. 29	The Electricity (Borrowing Powers) Act (Northern Ireland) 1970.	The whole Act.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order establishes a statutory corporation to be known as the Northern Ireland Electricity Service to be responsible for the supply of electricity in Northern Ireland.

The Order replaces the various statutes relating to the supply of electricity which are specified in Schedule 7.

(a) 1871 c. 41.

STATUTORY INSTRUMENTS

1972 No. 1072 (N.I. 9)

NORTHERN IRELAND

The Electricity Supply (Northern Ireland) Order 1972