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[19TH OCTOBER, 1926.]

PRELIMINARY.

1929 Ed.
c. 79.
26 of 1949,
s. 7A and
3rd sch.

1. This Ordinance may be cited as the Georgetown Electric Supply Ordinance. Short title.

Interpretation.
26 of 1949,
s. 7A and 3rd
sch.

2. Words and expressions to which by the Ordinance incorporated with this Ordinance meanings are assigned have in this Ordinance the same respective meanings, and in this Ordinance, unless the context otherwise requires—

“ the Company,” or “ the undertakers,” or “ the licensees,” means the Demerara Electric Company, Limited, a company incorporated by statute, its successors and assigns, and includes any person, local authority, or body, which may become entitled to carry on any undertaking of the Company authorised by an order under this Ordinance;

“ the Council ” means the Mayor and Town Council of Georgetown as defined by statute;

“ City ” means the City of Georgetown as defined by statute;

“ the appointed day ” means the 29th September, 1928;

“ water works ” means the buildings, plant, machinery and premises used for supplying the City with water belonging to or under the control of the Council, and includes any electric motors installed to drive or operate any water-pumping machinery therewith connected;

“ sewerage system ” means the system of sewers, drains, and appliances belonging to or under the control of the Council whereby sewage is in any manner collected and disposed of, and includes any electric motors installed to drive or operate sewage pumping machinery in connection therewith;

“ the area ” means the area within which the undertakers may be authorised to supply electricity for public and private purposes by the order made under this Ordinance;

“ inspector ” means a person or persons appointed by the Governor to inspect, test and certify any works or to perform any other duties in connection with an order or a licence under this Ordinance;

“ order ” means the order to supply electricity for any public or private purposes made by the Governor in Council and issued to the undertakers under this Ordinance.

3. The Electric Lighting Ordinance, except those provisions which are mentioned in the first schedule to, or are inconsistent with, this Ordinance, is incorporated with the provisions of this Ordinance which relate to the generating and supply of electricity.

Incorporation
of Electric
Lighting
Ordinance.
Cap. 237.
First
schedule.
26 of 1949,
s. 7A and 3rd
sch.

PART I.—PROVISIONS RELATING TO THE SUPPLY OF
ELECTRICITY.

4. On the application of the undertakers the Governor in Council may make an order authorising the undertakers to generate and supply electricity for a period of fifty years from the date thereof, subject to the following conditions—

Authority to grant the order and provisions for defeasance and extension thereof; defeasance;

(a) the Governor in Council may revoke the order at the expiration of thirty years from the date thereof if the undertakers fail to comply with the reasonable requirements of the Governor in Council to improve the undertaking and bring it up to date and to put it in efficient working condition;

(b) notice in writing specifying those requirements shall be served upon the undertakers before the expiration of the twenty-seventh year after the date of the order, and the undertakers shall comply with the requirements before the expiration of the thirtieth year after that date;

(c) if the undertakers comply with the requirements the Governor in Council may, at any time after the compliance, and before one year prior to the expiration of the order, on the application of the undertakers, grant an extension of the order beyond the aforesaid period of fifty years for a period not exceeding twenty years, and if the order is so extended the Government of British Guiana shall not be under any obligation to purchase the undertaking, lands, works, materials and plant of the undertakers after the expiration of the period of extension;

(d) if an extension of the order so applied for is refused by the Governor in Council, the Government of British Guiana, if the Legislative Council votes the necessary moneys, shall purchase the undertaking, lands, works, materials and plant belonging to the undertakers at their fair value at the time of the purchase under the provisions of section 27 of the Electric Lighting Ordinance, and until the completion of the purchase, the undertakers shall possess and exercise all their rights, powers, privileges and franchises under the order.

extension;

purchase of undertaking.

Cap. 237.

5. The order shall confer on the undertakers the exclusive right to generate and supply electricity for any public or private purposes within the area, subject to the following provisions—

Rights conferred by the order and restrictions thereon.

(1) the Council, after the expiration of fifteen years from the appointed day, may generate and use electricity, for the purpose of operating and illuminating the water works, the

sewerage system, any surface drainage pumps, and all municipal buildings belonging to or under the control of the Council;

(2) (a) subject to the provisions of this Ordinance, any person or body may generate and use electricity for his or their own business or other purposes and on his or their own premises, provided the person or body does not in any manner convey, distribute, or supply electricity beyond the boundaries of his or their premises, or distribute, supply, or sell electricity to any other person. The right conferred by this paragraph extends to the Government for the purposes only of any station for wireless telegraphy but does not extend to the Council;

(b) except in the case of the Government the following conditions shall apply to any works under sub-paragraph (a) of this paragraph—

(i) no work shall be commenced unless there has been given to the local authority one month's notice in writing of the intention to construct, erect, or lay down the works;

(ii) no work shall be used unless it has been examined and approved by the inspector;

(3) the undertakers shall publish notice of their application for the order by publication once in the Gazette and once in each of two newspapers circulating in the area, and the notice shall comply with the requirements specified in the second schedule to this Ordinance. The order shall not be made by the Governor in Council until after the expiration of four weeks from the date of the last publication of the notice, and during that period any party interested may make representations or objections to the Governor in Council with reference to the application;

(4) if, after the application for the order is made and before it is granted by the Governor in Council, a petition is presented against the grant of the order, the petitioner shall be allowed to appear before the Governor in Council and oppose the grant of the order. Every petition shall be delivered to the clerk of the Council in triplicate and he shall send one to the undertakers;

(5) on the application of the undertakers the order may be rescinded, altered, or amended by a subsequent order made by the Governor in Council;

(6) upon the making of the order the Georgetown Electric Lighting Order, 1899, shall thereupon cease and determine.

Publication
of notice of
application
for the order.

Second
schedule.

Opposition to
grant of
order.

6. For the purpose of supplying electricity under the order the undertakers shall, before the appointed day, erect and install, and during the period of the order keep erected and installed, in a fire-proof building at least two steam turbines or at least two electricity generating units of any other kind the Governor in Council considers reasonably free from vibration or noise. The turbines or electricity generating units shall be of approximate aggregate capacity of four thousand horse-power.

Electricity generating units to be installed by undertakers.

7. The undertakers shall not install, and after the expiration of one year from the appointed day shall not use, any reciprocating or other similar engine or any machinery whatsoever which in the opinion of the Governor in Council is likely to occasion nuisance to residents or damage to property in the City by reason of vibration, noises, non-consumption of smoke, evolution of oxides of sulphur, emission of oil, or any other cause.

Prohibition as to reciprocating engines and the like.

8. The undertakers shall not be liable in any action, suit, indictment, information, or other proceeding, or to any penalty whatsoever, in respect of any damage or loss occurring before the expiration of one year from the appointed day by reason of the vibration or noises of any reciprocating engine or engines installed by the undertakers for supplying electricity to the Council before the appointed day, or of any reciprocating engine or engines which at the commencement of this Ordinance is lawfully used by the undertakers, or after the appointed day by reason of any vibration or noises of any steam turbines or generating units erected in pursuance of section 6 of this Ordinance, unless that damage or loss has been due to the negligence of the undertakers, their servants or agents.

The undertakers' immunity from legal proceedings for certain acts.

9. Save and except at the instance of the Council under the provisions of any contract between the Council and the Company, the Company shall not be liable in any suit, action, indictment, information, or other proceeding in respect of any damage to property or other loss thereto alleged to have been occasioned by failure or deficiency in the operation of the water supply in the City, or of the water works or the sewerage system, where either the failure or the deficiency is due to any insufficiency or failure in the supply of electricity by the undertakers.

Immunity of undertakers from legal proceedings in respect of damage due to non-delivery of electricity.

10. The Council, its members, officers and servants shall not be liable to any suit, action, or other proceeding whatsoever at the instance of anyone in respect of damage to property or other loss thereto occasioned by failure or deficiency in the

Immunity of Council, its members, officers and servants.

operation of the water works or the sewerage system by reason of insufficiency or failure in the supply of electricity by the undertakers.

Continuation of supply to water works and sewerage scheme in certain events.

11. (1) Any person or body who takes possession of the undertakers' works by virtue of any law, contract, or otherwise shall perform any contract for the supply of electricity then subsisting between the Council and the undertakers.

(2) Upon any taking possession of the undertakers' works as aforesaid the Governor in Council may, if he think it just and equitable, require the price clauses of any subsisting contract with the Council for the supply of electricity to be revised, and those clauses shall be revised within three months from the date of the requirement by agreement between the Council and the undertakers, and in case of failure to agree within that period by decision of the Governor in Council.

When Governor may exercise powers under Cap. 237, s. 30.

12. The Governor may exercise the powers conferred on him by section 30 of the Electric Lighting Ordinance if the undertakers fail to perform any contract with the Council for the supply of electricity.

PART II.—GENERAL PROVISIONS.

Mode of effecting alteration of position of "obstructions" likely to cause interruption of Company's undertakings. 26 of 1949, s. 7A and 3rd sch.

13. (1) If the Company in operating its works by virtue of the order considers that the position of any water or sewer mains, drains, water-course, culverts, subway, defence, tube, wire, apparatus for telegraphic or other purposes (in this section referred to as "the obstructions"), or of any other existing matter or thing, is likely to cause frequent interruption of the Company's undertakings by repairs or renewals and ought to be altered, the Company, in operating their works, shall not alter the position of any of the obstructions, but shall give notice to the person, body, or local authority to whom any of the obstructions belong, or under whose control any of the obstructions are, that the Company is of opinion that the position of any of the obstructions should be altered, and if the person, body, or local authority is unable to agree with the Company as to the necessity for, or the manner of, any alteration of the position of any of the obstructions, the matter shall be determined by arbitration.

(2) The arbitrators and umpire shall be engineers.

(3) If the person, body, or local authority agrees upon, or the award in an arbitration directs, the alterations of the

position of any of the obstructions, the work of the alteration shall be immediately carried out by the person, body, or local authority concerned.

(4) A work of alteration shall be carried out in accordance with any plan agreed upon or directed by the award in the arbitration.

14. (1) Subject to the provisions of this Ordinance, any difference of any kind whatsoever arising between the Company and the local authority, or between the Company and any other person or body, relating to the rights and liabilities of the Company, local authority, person, or body, regulated by the provisions of this Ordinance or by the order, or with respect to the works, shall be submitted to arbitration.

Arbitration
clause.
26 of 1949,
s. 7A and 3rd
sch.

(2) Where by this Ordinance, or by the order, any matter or thing is to be settled by arbitration, it shall be determined without a submission on the implied submissions contained in the schedule to the Arbitration Ordinance, by two arbitrators, and the provisions of that Ordinance, with the necessary modifications, shall apply to the arbitration.

26 of 1949,
s. 7A and 3rd
sch.

Cap. 38.

(3) If the Governor in Council considers that any matter or thing in dispute should be settled otherwise than by arbitration under the Arbitration Ordinance, that matter or thing shall be determined by an engineer or other fit person to be nominated as arbitrator by the Governor in Council on the application of either party, and the expenses of the arbitration shall be borne and paid as that arbitrator directs.

(4) Except as specifically provided by this Ordinance nothing herein contained shall abridge or affect the legal and equitable rights and remedies of the Company, a local authority, or any person or body.

15. The costs of and connected with the consideration and making of the order which on the making thereof are directed by the Governor in Council to be paid by the Company shall be paid by the Company on the making of the order.

Costs of
application
for order or
licence.

26 of 1949,
s. 7A and 3rd
sch.

16. Where by any provision in the order a penalty is imposed for the breach of any of the terms or conditions of the order that provision shall have the same force or effect as if it were contained in this Ordinance.

Offences and
penalties in
order and
licence.

26 of 1949,
s. 7A and 3rd
sch.

s. 3.

FIRST SCHEDULE.

Sections 4, 5, 8, 11, 15, section 20 in so far only as concerns any contract between the Council and the undertakers for the supply by the undertakers of electricity to the water works or sewerage system, and section 29.

s. 5 (3).

SECOND SCHEDULE.

(As amended by 26 of 1949.)

A.

The notice shall contain the following particulars—

1. The name of the applicant and the objects of the intended application.
2. A general description of the nature of the proposed works.
3. The names of the City, villages, estates, or districts in which the proposed works will be located.
4. An office in the City at which printed copies of the draft order will be obtainable on payment of one shilling a copy by any member of the public.

B.

1. The whole notice is to be set out in one advertisement which is to be headed with a short title descriptive of the works.
 2. The notice shall be published on different dates in the Gazette and each newspaper.
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