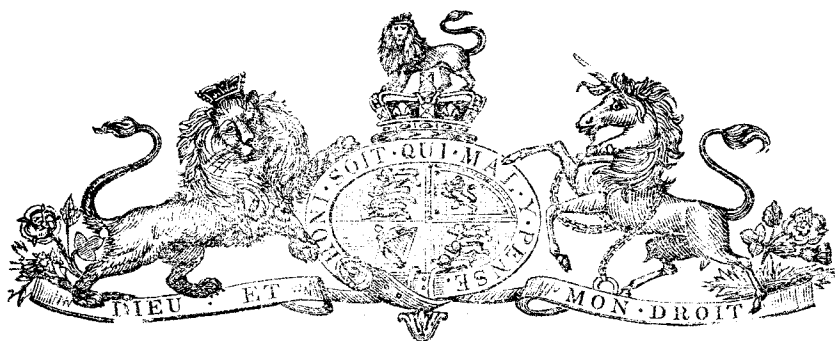


T A S M A N I A.



1900.

ANNO SEXAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 45.



AN ACT to make provision for Lighting the Town of *Devonport* by Electricity or Gas. A.D. 1900. [6 December, 1900.]

WHEREAS it is desirable and expedient to make Legislative provision to ensure a supply of Electric Light or Gas for the Town of *Devonport* and for the use of the inhabitants thereof: PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act is divided into Thirteen Parts, as follows:— Division of Act.

- Part I.—Preliminary.
- Part II.—Construction of Works.
- Part III.—Compensation for Damage done by execution of Works.
- Part IV.—Supply of Electricity or Gas.
- Part V.—Protection of Public Electric Telegraph and Telephone Lines.
- Part VI.—Lighting Rate.
- Part VII.—Power to borrow Money.
- Part VIII.—Accounts.
- Part IX.—Waste or Misuse of Electricity or Gas.
- Part X.—Offences.
- Part XI.—Officers.
- Part XII.—By-Laws.
- Part XIII.—Miscellaneous.

1s. 2d.]

*Devonport Lighting.*

A.D. 1900.

## PART I.

## PRELIMINARY.

- Short title.           **2** This Act may be cited as "The *Devonport* Lighting Act, 1900."
- Commencement of Act.       **3** This Act shall commence and take effect on the First day of *January*, One thousand nine hundred and one.
- Interpretation       **4** In this Act, unless the context otherwise determines—  
     "Town" or "the said Town" means the Town of *Devonport*.  
     "The Town Board" and "Board" means the Board of the Town of *Devonport*:  
     "Street" extends to and includes any public and common highway, road, footway, bridge, square, court, passage, alley, throughfare, and public way and place:  
     "Works" when used in reference to the generation, transmission, or supply of electricity, or gas, shall mean and include all wires, pipes, lamps, posts, piers, supports, generators, conductors, communicators, accumulators, distributors, and all other machinery and apparatus which the Board shall from time to time use or deem to be necessary for the generation, transmission, and supply of electricity or gas in accordance with the provisions of this Act:  
     "Local Authority" when used in reference to any Municipality, or Town, or Road District adjoining the Town of *Devonport*, shall mean the Municipal Council or Board, or Trustees of such Municipality, or Town, or Road District:  
     "*Gazette*" means the *The Hobart Gazette*:  
     "Area" means the Town of *Devonport* unless the Board by a Special Resolution, as hereinafter provided, defines a portion of the Town as the area in which the system of lighting is proposed to be applied, in which case "Area" shall mean such defined area.
- Board may take steps to formulate a system of lighting for Devonport.       **5**—(1.) The Board is hereby empowered to take steps to ascertain the cost of providing for a supply of Electric Light or Gas for the Town of *Devonport* and for the use of the inhabitants thereof; and for either of such purposes the Board may make surveys, take levels, employ engineers and other persons competent to advise the Board; and may cause to be prepared a plan or plans exhibiting a system of lighting the town of *Devonport*, and for supplying electricity or gas, as the Board may determine, to the inhabitants of the Town, with all necessary particulars of the works proposed and detailed estimate of the cost of the undertaking, as well as an estimate of the revenue expected to be derived therefrom, and of the annual rate or rates which, in the opinion of the Board, may be necessary to provide for the interest and sinking fund on the loan; and for any other annual expenditure in connection with the undertaking.
- System may be restricted to portion of town.       (2.) The Board may apply the system it adopts to the whole Town, or may determine to provide a system applicable to a portion only of the area of the Town, and thereupon the Board may, by a Special Resolution passed as provided in "The Town Boards Act, 1896," and

*Devonport Lighting.*

published in the *Gazette*, describe by metes and bounds the area to which the said system is proposed to be applied.

(3.) Upon the Board completing the said plans, estimates, and particulars, the same shall be deposited at the Office of the Board and be open to the inspection of any elector of the Town for at least Three weeks before a poll is taken as hereinafter provided. Notice, by advertisement, (in not less than Two issues of a newspaper circulating in the Town) shall be given of the deposit of the plans, estimates, and particulars, and that the same are so open for inspection.

(4.) The Board may then proceed to take a Poll of the Electors of the Area, in accordance with the provisions contained in Part VII. of this Act.

(5.) All expenses incurred by the Board in carrying out the powers conferred by this Part of this Act, and of taking the said Poll, may, in the first instance, be defrayed out of any moneys under the control of the Board and applicable to the purposes of "The Town Boards Act, 1896," in the Town, except moneys applicable to roads only, but the Board may replace any such moneys so used for the purposes of this Act out of the proceeds of any loan raised hereunder, or out of any lighting rate, as it may hereafter determine.

A.D. 1900.

60 Vict. No 31.  
Plans, &c., when complete, to be deposited at Board's Office for inspection by Electors.

Poll may be taken.

Payment of Returning Officer's expenses.

**PART II.**

## CONSTRUCTION OF WORKS.

**6** The Board is hereby empowered to compulsorily purchase any land, and to compulsorily acquire any easements which the Board may consider to be necessary for the purpose of this Act; and for the purpose of facilitating and effectuating any such purchase of land or acquisition of easements *The Lands Clauses Act*, except as hereby varied, and except Section Eight and Nine of that Act, shall be incorporated with this Act.

Purchase of land and acquisition of easements.

**7** For the purposes of this Act, it shall be lawful for the Board to enter upon any land and to take levels of the same, and to set out such parts of such land as the Board thinks necessary, and to cut down trees, dig, cut, trench, and break up the soil of such land, and to remove all earth, stone, trees, or other things dug or obtained out of the same, and to use such materials in the construction and maintenance of the works authorised by this Act.

Entry upon land.

**8** It shall be lawful for the Board, from time to time, to make, erect, construct, lay down, maintain, alter, or discontinue upon any land purchased by the Board, under the provisions of this Act, or upon any land now vested in the Board, such works and such buildings, machinery, and other works, apparatus, and appliances, as the Board may think necessary for the purposes of this Act.

Construction of works and buildings, &c.

**9** Prior to the first entry upon any land by the Board for the purposes of this Act, not less than Seven days' notice of the intention of the Board to enter shall be given by the Board to the owner, and occupier, if any, but no notice shall be necessary previous to any subsequent entry by the Board upon such land for the purposes of this Act.

Board to give notice prior to first entry upon land.

*Devonport Lighting.*

A.D. 1900.

Power to break up streets, &c., and to open drains.

**10** The Board may, from time to time, open and break up the soil and pavement of any streets within the Town of *Devonport* or any Road District or other Town, and erect in and upon such streets, and may maintain and from time to time alter and discontinue such machinery, lamps, posts, pipes, piers, supports, conductors, communicators, distributors, electric lines, buildings, apparatus, engines, and things, and all other works necessary and convenient for any of the purposes of this Act.

Notice to be served on persons, if any, having control of streets without the Town.

**11** The Board shall, before opening or breaking up any street without the Town, give to the persons, if any, under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of the intention of the Board to open or break up the same, not less than Three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes, conductors, or other works, and then as soon as possible after the beginning of the work or the necessity for the same has arisen.

Streets, &c., broken up to be reinstated without delay.

**12** No street without the Town shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons, if any, having the control or management thereof, or of their officer, and according to such plan as is approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as may be determined by Two Justices : Provided, that if the persons having such control or management as aforesaid and their officer, fail to attend at the time fixed for the opening of any such street after having had such notice of the intention of the Board as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Board may perform the work specified in such notice without the superintendence of such persons or their officer.

Streets not to be broken up except under superintendence of persons having control of same.

**13** Whenever the Board opens or breaks up any street, sewer, drain, or tunnel under the authority of this Act, it shall with all convenient speed complete the work for which the same was broken up, and fill in the ground and reinstate and make good the street, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby ; and shall at all times whilst any such street is so opened or broken up, cause the same to be fenced and guarded, and a light sufficient for the warning of passengers to be set up and kept against the same every night.

**PART III.****COMPENSATION FOR DAMAGE DONE BY EXECUTION OF WORKS.**

Board to do as little damage as may be.

**14** In the exercise of the powers conferred by this Act, the Board shall do as little damage as can be, and in all cases where it can be done, shall make good such damage.

Board to make compensation for damage done by execution of works.

**15** The Board shall make compensation, in manner hereinafter provided, to all parties lawfully interested in any land, other than land purchased by the Board, in or upon which any works may hereafter be

*Devonport Lighting.*

constructed, or which may be injuriously affected by the construction and maintenance of the works under this Act, or otherwise by the execution by the Board of the powers hereby conferred, for all damage sustained by reason of the exercise as to such land or water of the powers vested in the Board by this Act. A.D. 1900.

**16** Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Board, and served upon the Secretary thereof in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage and the nature of the title or interest of such claimant in or to the land in respect to which the claim is preferred; and if any such person and the Board do not agree as to the amount of such compensation, the same, and the application thereof, shall, except in the cases hereinafter mentioned, be determined by arbitration in the manner provided for by *The Lands Clauses Act, 1857*, in cases of disputed compensation. Persons damaged to make claim for compensation. Compensation, how to be ascertained.

**17** In determining such claims regard shall be had to any benefit which may be done or accrue to the claimant, by or as the result of the provisions in this Act contained. Regard to be had to any benefit which may accrue.

**18** If the Board, by notice in writing, requires any person to make claim for compensation for any damage occasioned by the exercise of any of the powers conferred on the Board by this Act previously to the service of such notice, such person shall not be entitled to compensation by reason of the exercise of any such notice unless he prefers his claim, in manner aforesaid, within Three months after service of such notice. Persons not making claim when required to be barred.

**19** If either party is dissatisfied with the award of the Arbitrators or the Umpire appointed to determine the amount of compensation to be paid to the owner or occupier of any land taken or occupied under the authority of this Act, or with the decision of the Arbitrator or Umpire appointed to determine the amount of compensation to be paid to any person claiming the right to use any of the water diverted or appropriated by the Board, the dissatisfied party, when the amount of compensation awarded by the Arbitrators or the Umpire exceeds One hundred Pounds, may appeal from the award of the Arbitrators or the Umpire, as the case may be, to a Judge of the Supreme Court, and may have the amount of compensation fixed by a Judge of the said Court, in the manner hereinafter provided. Dissatisfied party may appeal to a Judge of the Supreme Court.

**20** If the dissatisfied party desires to appeal from the award of the Arbitrators or Umpire as aforesaid, he shall, within Fourteen days after the delivery to him of such award or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after the service of such notice upon the opposite party prosecute such appeal in accordance with the Rules made by the Judges for conducting appeals under "*The Main Line Railway Amendment Act, No. 2*," so far as such Rules are applicable; and the amount of compensation to be paid in such cases shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose; and the Judge may also, in his discretion, make any Order as to the party by 36 Vict. No. 19.

*Devonport Lighting.*

A.D. 1900.

whom the cost of the appeal shall be borne: Provided that a Judge of the Supreme Court may, upon what he shall deem sufficient cause, allow an appeal under this Act to be prosecuted after the expiration of the time hereinbefore allowed for that purpose; but no appeal shall be allowed after the expiration of Three months after the service of notice of intention to appeal.

Award not to be made a Rule of Court until Judge determines matter in dispute.

**21** Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the Arbitrators or the Umpire shall not be made a Rule of Court until a Judge of the Supreme Court, by an order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

## PART IV.

## SUPPLY OF ELECTRICITY OR GAS.

Supply of electric light or gas inside area at such charges as may be agreed.

**22** If after the Board shall have constructed and erected the necessary works for the generation and transmission of electricity or manufacture of gas for lighting the area, any owner or occupier of any house, building, or other premises in the said area shall require a supply of electricity or gas for producing light, such supply shall in every case be furnished by the Board at such charges as shall from time to time be fixed by the Board, in accordance with the provisions of this Act.

Board may supply electricity or gas for motive power, &c.

**23** If the owner or occupier of any land or building in the said area, or in any other place at which the Board has erected the necessary works for supplying electricity or gas, under the provisions of this Act, shall require a supply of electricity or gas for motive power or for any purpose other than the production of light, the Board may from time to time, as it thinks fit, furnish such supply of electricity or gas to such owner or occupier, at such charges and upon such terms and conditions as the Board shall from time to time prescribe.

Board may make a rebatement of charges.

**24** It shall be lawful for the Board from time to time to make such a rebatement as the Board shall think fit upon all moneys due and owing to the Board for electricity or gas supplied under the provisions of this Act, and which shall be paid to the Board not later than Fourteen days after demand has been made for payment thereof.

Provision for testing.

**25** The Board shall, before supplying any person with electricity or gas, put up and erect suitable apparatus at some testing place for the purpose of testing the normal strength and electric motive force of the electricity or gas supplied to him; the said apparatus and the position of the said testing-place to be approved by the Superintendent of Telegraphs, or any other person appointed by the Governor in Council.

No form of lamp or burner to be prescribed, but contractor or workmen to be approved by Board.

**26** It shall not be lawful for the Board to prescribe any special form of lamp or burner to be used by any persons to whom the Board shall supply electricity for lighting purposes, but only such contractors, builders, artisans, workmen, and other persons as are approved by the Board shall be employed by any person for the purpose of erecting or

*Devonport Lighting.*

repairing any machinery, lamps, wires, pipes, conductors, apparatus, or appliance whatsoever to be used in supplying or producing light from electricity or gas supplied by the Board. A.D. 1900.

**27** Where several buildings are supplied with electricity or gas by one common conductor, the respective owners or occupiers of such buildings shall be severally liable to the payment of the same charges for the supply of electric light or gas as they would have been liable to if each of such several buildings had been supplied with electricity or gas by a separate conductor. Where several premises supplied by one conductor each to pay.

**28** The Board may from time to time let for hire to any consumer of motive power or electricity or gas supplied by measure any meter or instrument for measuring the quantity of energy or of electricity or gas supplied and consumed at such rent in money as shall from time to time be fixed by the Board in accordance with the provisions of this Act; also, any conductors, fittings, and apparatus for the conveyance, reception, transformation, storage, or otherwise utilising electricity or gas for lighting, motive power, or any other purpose. Board may provide meters.

**29** Such meters, instruments, conductors, fittings and apparatus shall not be subject to distress for rent of the premises where the same are used, and shall not be attached or taken in execution under any process of any Court of Law or Equity, or under or in pursuance of any adjudication, sequestration, or order in bankruptcy or other legal proceedings against or affecting the consumer of the electricity, or the occupier of the premises or other person in whose possession the meters, conductors, fittings, instruments, and apparatus may be. Meters, &c., not liable to seizure.

*Supply of Electricity or Gas to Districts beyond the Town.*

**30** The Board may at the request of the Local Authority of any Municipality, or Town, or Road District adjoining the Town of *Devonport*, erect in such municipality, or Town, or Road District such works and machinery as may be necessary for supplying the inhabitants thereof with electricity or gas for producing light or for other purposes and if the Board shall at any time, at such request as aforesaid, construct and erect the necessary works for supplying electricity or gas to any place outside the Town of *Devonport*, and the owner or occupier of any house, or building, or other premises in such other place as aforesaid shall require a supply of electricity or gas for producing light, such supply shall in every case be furnished by the Board at such charges as shall from time to time be fixed by the Board in accordance with the provisions of this Act. Supply of electricity or gas to places beyond the Town.

**31** The Board may from time to time make and enter into contracts with the Local Authority of any Municipality, or Town, or Road District for erecting and maintaining electric or gas lamps in such Municipality, or Town, or Road District, and supplying the same with light at such rate per lamp, and upon such other terms and conditions as may be mutually agreed upon. Board may make contracts with Local Authority.

**32** Any Municipality, or Town, or Road District adjoining a Municipality, or Town, or Road District in which the Board shall erect works for supplying electricity or gas to the inhabitants thereof under the provisions of this Act, shall be deemed to be a Municipality, Interpretation of the term Municipality.

*Devonport Lighting.*

A.D. 1900

or Town, or Road District adjoining the Town of *Devonport* within the meaning of this Act.

Supply of light outside area boundaries.

**33** The Board may cause a supply of electricity or gas for producing light or for other purposes to be brought to such places and Districts beyond the area as the Board sees fit, upon the application of any owners or occupiers of houses, buildings, or other premises in any such place or District.

## PART V.

## PROTECTION OF PUBLIC ELECTRIC TELEGRAPH AND TELEPHONE LINES

Board not to injure any Government line or telegraphic or telephonic communication.

**34** The Board shall not, in the exercise of any of the powers conferred by this Act, lay down any electric line, or do any other work for the supply of electricity whereby any telegraphic or telephonic line belonging to or under the control of the Government is or may be injuriously affected.

Notice to be given to the Postmaster-General.

**35** Before any electric line is laid down or other work is done under the authority of this Act within Ten yards of any part of the telegraphic or telephonic lines belonging to or under the control of the Government, excepting repairs and connections with mains, in cases where the direction of the electric line so laid down crosses the line belonging to or under the control of the Government at right angles at the point of shortest distance and continues the same for a distance of Six feet on each side of such point, and where the connecting wires so crossing are not within Three feet of any telegraphic wire, the Board or their agent shall, not more than Twenty-eight nor less than Seven clear days before commencing such work, give written notice to the Postmaster-General specifying the course and nature of the work, including the gauge of any electric lines; and the Board and their agents shall conform with such reasonable requirements, either general or special, as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphs of the Postmaster-General from being injuriously affected by the said work.

Wires, &c. to be erected in accordance with rules of Board of Trade.

**36** The Postmaster-General may require the Board to erect their wires, conductors, communicators, distributors, electric lines or other apparatus in accordance with the rules and regulations applying to electric light and power wires as issued by the *London* Board of Trade, or such modification thereof as may be approved and sanctioned by the Governor in Council.

Penalty.

**37** In the event of any contravention of or wilful non-compliance by the Board, or their agents, with any of the provisions of this part of this Act, the Board shall be liable, on conviction, to a penalty not exceeding Ten Pounds for every day during which such contravention or non-compliance continues, or if the telegraphic communication is wilfully interrupted, not exceeding Fifty Pounds for every day on which such interruption continues.



*Devonport Lighting.*

**38** Nothing in this part of this Act shall subject the Board or their agents to a penalty if they satisfy the Court having cognisance of the case that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the Postmaster or officer in charge of the Post or Telegraph Office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice.

A.D. 1900.

Penalty not to be incurred in certain cases.

**39** For the purposes of this Act a telegraphic or telephonic line belonging to or under the control of the Government shall be deemed to be injuriously affected by a work, if telegraphic or telephonic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work, or by any use made of such work.

When line to be deemed to be injuriously affected.

## PART VI.

## LIGHTING RATE.

**40** In order to provide for the payment of the interest from time to time accruing due upon any moneys borrowed under the authority of this Act, for the purpose of constructing any works or purchasing and erecting any machinery for generating and transmitting electricity or gas in accordance with the provisions of this Act, the Board shall once in every year make and levy a Lighting Rate to be paid by the respective owners and occupiers of all houses, buildings, or other premises within the Area.

Board to fix lighting rate in respect to buildings within the Area.

**41** Every such Lighting Rate as aforesaid shall be deemed to be a Town Rate, and may be of any amount not exceeding the sum of Two shillings for every pound of the assessed annual value of every house, building, or other premises within the Area, according to the Assessment Roll in force for the time being.

Rate not to exceed Two Shillings per Pound of the annual value.

**42** Upon the making of any Lighting Rate under this Act, a notice signed by the Chairman and not less than Three members, specifying the amount in the pound of the rate, the period for which the same is made, and at what times the same is payable, shall be published in the *Gazette*; and upon any such notice being so published, the rate therein mentioned shall be payable and paid at the times specified in such notice by the persons liable to pay the same, according to the annual value of such property as ascertained and determined by the Assessment Roll then in force for the town; and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the rate, or the sums which, according to such rate, such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned.

Upon making rate notice of same to be given.

**43** If any person liable as herein provided to pay any amount of Lighting Rate or charges neglects to pay the same within due time after the same has been lawfully demanded, the Chairman of the Board may, after Twenty-four hours' notice, stop the current of electricity or gas supplying the premises in respect of which such rate

Rate not paid, Chairman of Board may stop current of electricity or gas.

*Devonport Lighting.*

A.D. 1900.

or charge is payable, by cutting off the wires of such premises, or by such other means as he may think fit, and the amount of Lighting Rate due from such person, together with the expense of cutting off the electricity or gas, may be recovered in the same manner as any Town Rate is recoverable.

No imprisonment for non-payment of rate or charges.

**44** No person shall be liable to be imprisoned for non-payment of any expenses of Lighting Rate or charge for electricity or gas supplied under the provisions of this Act.

Applies provisions of 60 Vict. No. 31.

**45** Subject to the provisions of this Act, so much of "The Town Boards Act, 1896," as relates to the making, levying, and recovery of rates shall be applicable to all rates to be made and levied under this Act.

## PART VII.

## POWER TO BORROW.

Power to borrow.

**46** It shall be lawful for the Board to borrow any sum or sums of money, not exceeding in the whole Eleven thousand Pounds, for the purpose of carrying out the objects of this Act.

Poll to be taken before moneys borrowed.

**47** The Board shall not proceed in the matter of borrowing any sum of money under the authority of this Act until and after a Poll has been taken of the Electors of the area for the purpose of ascertaining whether the Board shall be permitted to proceed in the matter of borrowing such moneys. If at the taking of such Poll a less number than Two-thirds of the votes shall be in favour of the Board proceeding to borrow any sum of money under this Act, the Board shall not proceed to borrow any such money: Provided that, in the event of there not being the necessary number of votes recorded at such Poll in favour of the Board borrowing such money, the Board may at any time after the expiration of Three months cause another Poll of the Electors to be taken, and if at any such subsequent Poll the necessary number of votes is obtained, the Board may proceed to borrow such money.

Method of taking Poll. 60 Vict. No. 30.

**48** Every Poll of Electors taken under the provisions of this Act shall be taken in the same manner as a Poll taken in the Town for the election of Members of the Board, and every Elector shall be entitled to the same number of votes as the number which he is entitled to use at an election of a Member of the Board; and the Ballot-papers to be used in the taking of every such Poll shall be in the form set forth in the Schedule to this Act.

Notice of Poll.

**49** When the said Board shall decide to take a Poll of the Electors as aforesaid, they shall cause an advertisement of such Poll to be inserted not less than Three times in a daily newspaper circulating in the Town, and in Two consecutive numbers of the *Gazette*, and such advertisement shall contain the following particulars :—

1. The time and place of such Poll.
2. The works proposed to be constructed or performed by the Board.
3. The estimated cost of such works.

*Devonport Lighting.*

## PART VIII.

A.D. 1900.

## ACCOUNTS.

**50** The Treasurer of the Board shall keep a separate and distinct account, to be called "The *Devonport* Electric Light or Gas Account," of the proceeds of all rates and all moneys received and paid under the powers and provisions of this Act, which relate to the lighting of the area, and the supply of electricity or gas; and all rates and moneys received by the Board or the Treasurer under such powers and provisions shall be carried to the credit of the said account, and shall be appropriated and applied to the purposes of lighting the area with electric light or gas, and supplying Electricity or Gas to the inhabitants of the said area, in accordance with the provisions of this Act, including the purchase of any land taken under the provisions of this Act for the purposes aforesaid, and the payment of any compensation payable under the said powers and provisions of this Act.

Electric light or gas account to be kept.

## PART IX.

## WASTE OR MISUSE OF ELECTRICITY OR GAS.

**51** If any person when required by the Board neglects to keep in repair any of the works by which his premises are supplied with electricity or gas under the authority of this Act, the Board may cut off the supply of electricity or gas from such premises until such works are sufficiently repaired; and the Board may repair such works, and the cost of repairing the same shall be repaid to the Board by the person neglecting to repair the same, and may be recovered by the Board from such person in a summary way.

Electric or gas service works to be kept in repair.

**52** The inspector or any other person acting under the authority of the Board may, at any time by night or by day, enter into any house or premises supplied with electricity or gas under the authority of this Act, in order to examine if there is any waste or misuse of such electricity or gas, and the condition or state of repair of wires or works by which such electricity or gas is supplied to such house or premises; and if such inspector or other person is at any such time refused admittance into such house or premises for the purposes aforesaid, the Board may cut off the supply of electricity or gas from such house or premises.

Penalty for obstructing Board.

## PART X.

## OFFENCES.

**53** Every person who wilfully obstructs, hinders, or interrupts the Board, or any person acting under the authority of the Board, in doing or performing any work by this Act authorised to be done or performed by the Board, or in the exercise of any power or authority by this Act conferred on the Board, shall for every such offence incur a penalty of not less than Ten Pounds nor more than Fifty Pounds.

Power to enter premises to inspect.

*Devonport Lighting.*

- A.D. 1900.  
 ———  
 Allowing persons not supplied to use the electricity or gas.
- 54** Every owner or occupier of any premises supplied with electricity or gas under this Act who supplies to any other person, or wilfully permits him to take any of such electricity or gas from any conductor or pipe or service in or on such premises, shall, for every such offence, incur a penalty not exceeding Twenty Pounds.
- Taking electricity or gas, &c., without authority.
- 55** Every person, who, without due authority, takes any electricity from any wire or conductor, or gas from any pipe or service or other work belonging to the Board, shall, for every such offence, incur a penalty not exceeding Twenty Pounds.
- Attaching any conductor or pipe, &c., without authority.
- 56** Any person who makes any wire or conductor to communicate with any wire or conductor, or any service or pipe to communicate with any pipe or service of the Board, without the authority of the Board in that behalf, shall incur a penalty not exceeding Twenty Pounds.
- Persons damaging any electric line or gas service, &c. to pay compensation.
- 57** Any person who carelessly or accidentally breaks, throws down, or damages any electric line or gas service, or any pillar, post, lamp, or other works belonging to the Board or under their control, shall forfeit and pay to the Board for the damage so done by way of satisfaction, such sum of money as will compensate the Board therefor.
- Persons failing to report damage.
- 58** Any person who breaks, throws down, or damages any electric line or gas service, or any pillar, post, lamp, or other works belonging to the Board or under their control, and fails to forthwith report the same to the Board's Electrical Engineer, Manager, or Secretary shall be liable to forfeit and pay to the Board a sum not exceeding Ten Pounds, in addition to the amount of damage.
- Accessories to offences liable as principals.
- 59** Where the doing of any act or thing is made punishable by this Act, or by any By-law in force under the authority of this Act, with any penalty, fine, or forfeiture, the causing, procuring, permitting, or suffering such Act or thing to be done shall be punishable in like manner.
- Appropriation of penalties.
- 60** All penalties for offences against this Act shall be applied to the use of the Board, and shall be paid to the Treasurer of the Board, and shall be carried to the credit of the Electric Light or Gas Account.
- Recovery of fines, penalties, &c.
- 61** Where no other mode is provided in this Act, all fines and penalties under this Act or under any By-law made in pursuance of this Act may be recovered and enforced before any Police or Stipendiary Magistrate, or before Two or more Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*.
- 19 Vict. No. 8.
- Appeal.
- 62** Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act, or any Act incorporated herewith, or any By-law as aforesaid, which is recoverable in a summary way, may appeal against the same in the mode prescribed by *The Appeals Regulation Act*.
- Person convicted of offence may be ordered to pay sum of money equal to value of property damaged.
- 63** Every person convicted of any of the offences hereinbefore mentioned may be ordered to pay, in addition to the penalty attached to the offence, a sum equal to the value of the property damaged or destroyed by him in the act of committing the offence.

*Devonport Lighting.***PART XI.**

A.D. 1900.

**OFFICERS.**

**64** The Board may, from time to time, appoint and employ an engineer, inspector, and such other officers and other persons as the Board thinks necessary and proper for the execution of the powers vested in the Board by this Act.

Appointment of Officers

**65** Wherever by this Act authority is conferred on the Board to enter upon any land for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any work, the same authority shall equally extend to all persons acting by the direction of the Board, and to all necessary agents, assistants, servants, workmen, means, and appliances whatsoever.

Powers conferred on Board to extend to officers duly authorised.

**PART XII.****BY-LAWS.**

**66** The Board shall have power from time to time to make, alter, modify, amend, or repeal By-laws for the following purposes:—

By-Laws.

For regulating the charges, terms, and conditions upon which electricity or gas shall be supplied to any person under the authority of this Act:

For regulating the description of conductors, wires, pipes, service, and other apparatus by means of which electricity or gas may be laid on, distributed, or supplied by the Board, and for prohibiting the use of any other description of conductors, wires, or apparatus, pipes, or service:

For regulating all other matters and things which may be found to be necessary or proper in connection with the supply of electricity or gas under this Act:

For preventing injury to any of the works, or machinery, or apparatus erected by or belonging to the Board for the generation or transmission of electricity or gas, and otherwise for the better effectuating any of the purposes of this Act in any matter not otherwise sufficiently provided for; and to provide that any such By-law may be enforced by cutting off the wire or conductor, or service, or by such pecuniary penalty, not exceeding in any case the sum of Twenty Pounds, as the Board thinks proper.

Subject to the provisions of this Act, the provisions of "The Town Boards Act, 1896," relating to By-laws made under that Act, shall be applicable to the By-laws made under this Act.

**PART XIII.****MISCELLANEOUS.**

**67** No person shall be disqualified from acting as a Judge, Justice of the Peace, Juror, or otherwise in any proceeding under this Act, or any Act incorporated therewith, by reason only of his being a ratepayer of the Town of *Devonport*, or by reason of his being liable to any

Interest in execution of Act not to be a disqualification.

*Devonport Lighting.*

A.D. 1900.

rate or charge for electricity or gas supplied under this Act, or of his premises being supplied, or being so situated as to be capable of being supplied with electricity or gas under this Act.

Land acquired under this Act not subject to Lands Clauses Act.

**68** No land acquired or held by the Board under the authority of this Act, and used for the purposes of this Act, shall, unless with the consent of the Governor in Council, be subject to the operation of *The Lands Clauses Act* or any Act incorporating the whole or any portion of that Act.

Charges for lighting how to be recovered.

**69** The like proceedings may be had for recovering and enforcing the payment of any charges payable by any person to the Board for the supply of electricity or gas by the Board, under this Act, as may be had for recovering and enforcing any rate payable under this Act.

Moneys payable for electricity or gas to be recoverable in any court of competent jurisdiction.

**70** All sums of moneys payable by any person for electricity or gas supplied by the Board under the provisions of this Act shall be a debt due from such person to the Board, and shall be recoverable by the Board from such person in any Court of competent jurisdiction, as well as by any other mode provided by this Act.

Moneys owing to Board under this Act to be preferential claims in bankruptcy.

**71** In any proceedings under "The Bankruptcy Act, 1870," or any other Act regulating the distribution of the estate or assets of any bankrupt or insolvent debtor, any sum of money owing to the Board for electricity or light, or energy, or motive power, or any other purpose, supplied to any person by the Board, by measure or under any contract authorised by the said Act, shall rank as taxes and rates within the meaning of Section Thirty-one of "The Bankruptcy Act, 1870," and shall have the like priority in the order of payment of the debts of the bankrupt or insolvent debtor.

---

## SCHEDULE.

### BALLOT-PAPER.

FOR.

AGAINST.

If you are in favour of the proposed Loan, you will strike out the word "AGAINST;" and if you are opposed to the proposed Loan, you will strike out the word "FOR."