



ANNO QUINQUAGESIMO QUARTO ET QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

A.D. 1891.

No. 531.

An Act to authorise Municipal Corporations and District Councils to supply Gas and Electricity for Lighting, and other purposes.

[*Assented to, December 19th, 1891.*]

WHEREAS it is desirable to make provision for authorising Preamble.
Municipal Corporations and District Councils to supply gas and electricity for lighting and other purposes—Be it therefore Enacted by the Governor of the province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows :

1. This Act may be cited for all purposes as “The Gas and Short title.
Electric Lighting Act, 1891.”

2. In this Act the following expressions shall have the meaning Interpretation clause.
by this section assigned to them, save where the context or subject is inconsistent with such meaning:—

“Alteration,” “alter,” and “altering,” in relation to an electric line, or to any pipes or wires, include the substitution of any new line, or any pipe or wire, either in the same or some other place, and the removal of or other dealing with any electric line or any pipe or wire, or any part of any such line, pipe, or wire:

“Company” means any body of persons, corporate or unincorporate :

“District” means, in reference to a local authority which is a Municipal Corporation or its Council, the Municipality of such

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such Corporation, and, in reference to a local authority which is a District Council, the district of such Council:

- “Electricity” includes electric current, or any like agency:
- “Electric line” means a wire, or wires, conductor, or other means used for the purpose of conveying, transmitting, or distributing electricity, with any casing, coating, covering tube, pipe, or insulator, enclosing, surrounding, or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity or electric currents:
- “Gasworks” means and includes all land, buildings, machinery, plant, mains, service and other pipes, meters, fittings, stoves, coal, stores, materials, horses, carts, residuary products, and all matters and things of whatever description used or required for the manufacture and supply of gas by and from any gasworks.
- “Government telegraph line” shall mean an electric line belonging to the Crown or the Commissioner of Public Works:
- “Local authority” means any Municipal Corporation, or its Council, or any District Council now in existence or hereafter to be created:
- “Minister” means the Minister administering this, Act or the part of this Act to which the expression relates:
- “Prescribed” means prescribed by regulation under this Act:
- “Private purposes,” in Part I., means any purposes whatever to which gas may, for the time being, be applicable, not being public purposes; and, in Part II., means any purposes whatever to which electricity may, for the time being, be applicable, not being public purposes, except the transmission of any telegram or telephonic message:
- “Public purposes” means lighting any street or any place belonging to or subject to the control of any local authority, or any church or place of public worship, or any hall or building belonging to or subject to the control of any local authority, or any place of public entertainment within the meaning of the “Places of Public Entertainment Act,” or any institute; but shall not include any other purpose to which gas or electricity may be applied:
- “Rent” means and includes any rent, reward, or payment to be made to the local authority for the supply of gas or electricity, or for the fixing or use of a meter:
- “Street” includes any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place within the area in which the local authority is authorised to supply gas or electricity by this Act, or any licence, order, or special Act:
- “Telegram”

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“Telegram” includes any telephonic or other message transmitted, or intended for transmission, by a telegraph:

“Works,” in Part II., means and includes electric lines, also any buildings, machinery, engines, works, matters, or things of whatever description required to supply electricity and to carry into effect the objects of local authorities under that part of this Act.

3. This Act shall be divided into three parts, under the following heads:—

PART I.—Gas.

PART II.—Electricity.

PART III.—Miscellaneous.

Division of Act.

PART I.

GAS.

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4. Any local authority may from time to time purchase, construct, and maintain gasworks and apparatus, and do all other acts and things which the local authority shall think necessary for supplying with gas the inhabitants within such limits as the Governor may from time to time, by Proclamation in the *Government Gazette*, allow, and may supply such gas upon such terms as shall be agreed upon between the local authority and the persons or corporations supplied therewith; and may sell and dispose of the coke and residuum arising from the materials used in the manufacture of gas in such manner as the local authority may think proper: Provided that where such limits as aforesaid comprise land within the district of any other local authority, such Proclamation shall not be made without the consent under seal of such other local authority.

Power to construct gasworks, &c.

5. The powers given to local authorities by this part of this Act shall not extend to the Municipal Corporations of the towns of Hindmarsh, Kensington and Norwood, St. Peters, Unley, and Thebarton, nor to the District Councils of the districts of Burnside, Prospect, Walkerville, Mitcham, Rosewater, and Queenstown and Alberton, until the Governor shall make Proclamation in the *Government Gazette* that the local authority concerned has satisfied him that there is not a sufficient supply of gas within its district, at reasonable prices, for public and private purposes.

Powers not to extend to certain local authorities until proclamation.

6. The powers given to local authorities by this part of this Act shall not extend to the Corporation of the City of Adelaide until the Governor shall make proclamation in the *Government Gazette* that he is satisfied that such Corporation is prepared to purchase the gasworks of the South Australian Gas Company, at Brompton and Thebarton, for the purpose of supplying gas in the municipalities of Adelaide, Hindmarsh, Kensington and Norwood, St. Peters, Unley, and Thebarton, and the District Council districts

Powers not to extend to Corporation of Adelaide until proclamation.

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of Burnside, Prospect, Walkerville, and Mitcham, and in any other municipality or district that may at the date of such proclamation be supplied with gas from the said gasworks at Brompton and Thebarton, or in such of the same municipalities and districts as is or are not then being supplied with gas for both public and private purposes by its or their own local authority or authorities, and that the Corporation is also prepared, on making such purchase, to supply gas for public and private purposes within the same municipalities and districts.

Adelaide Corporation may give South Australian Gas Company notice of intention to purchase.

7. Upon such proclamation being made, the Corporation of the City of Adelaide may serve the South Australian Gas Company, at its registered office, with notice in writing that such Corporation, six months after the service of such notice, and on a day to be named therein, intends to purchase and take over from the Company the gasworks of the Company at Brompton and Thebarton, for the purpose of supplying gas in the municipalities and districts mentioned in the Proclamation, and all subsisting contracts relating to the supply of gas and of coke and other residuary products from and of coal and other materials to such gasworks.

On service of notice, Corporation to purchase.

8. Upon the day named in such notice, and upon the payment of the amount of the purchase-money, to be agreed upon by the Corporation of the City of Adelaide and the South Australian Gas Company, or to be fixed as hereinafter provided, the Corporation shall purchase and take over from the Company, who shall sell and assign to the Corporation, the gasworks comprised in the notice.

Powers not to extend to Corporation of Port Adelaide until proclamation.

9. The powers given to local authorities by this part of this Act shall not extend to the Corporation of the Town of Port Adelaide until the Governor shall make Proclamation in the *Government Gazette* that he is satisfied that such Corporation is prepared to purchase the gasworks of the South Australian Gas Company, at Port Adelaide, Semaphore, and Rosewater, for the purpose of supplying gas in the municipalities of Port Adelaide and Semaphore and the District Council districts of Rosewater, Queenstown and Alberton, and in any other municipality or district that may at the date of such proclamation be supplied with gas from the said gasworks at Port Adelaide, Semaphore, and Rosewater, or in such of the same municipalities or districts as is or are not then being supplied by gas for both public and private purposes by its or their own local authority or authorities, and that the Corporation is also prepared, on making such purchase, to supply gas for public and private purposes within the same municipalities and districts.

Corporation of Port Adelaide must give South Australian Gas Company, notice of intention to purchase.

10. Upon such Proclamation being made, the Corporation of the Town of Port Adelaide may serve the South Australian Gas Company, at its registered office, with notice in writing that such Corporation, six months after the service of such notice, and on a day to be named therein, intends to purchase and take over from the Company the gasworks of the Company at Port Adelaide, Semaphore,

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phore, and Rosewater, for the purpose of supplying gas in the municipalities and districts mentioned in the Proclamation, and all subsisting contracts relating to the supply of gas and of coke and other residuary products from and of coal and other material to such gasworks.

11. Upon the day named in such notice, and upon payment of the amount of the purchase-money, to be agreed upon by the Corporation of the Town of Port Adelaide and the South Australian Gas Company, or to be fixed as hereinafter provided, the Corporation shall purchase and take over from the Company, who shall sell and assign to the Corporation, the gasworks comprised in the notice.

On service of notice, Corporation to purchase.

12. Where there shall be any company or person who, at the time of any Proclamation under section 4, shall, under the authority of an Act of Parliament, be actually supplying gas within the area comprised in the limits referred to in section 4, or within any portion of such area, the local authority, before supplying gas under this Act, shall purchase from such company or person, who shall sell to such local authority, the gasworks belonging to and used by such company or person for the purpose of supplying such gas: Provided that this section shall not apply to any of the Municipal Corporations of the towns of Hindmarsh, Kensington and Norwood, St. Peters, Unley, and Thebarton, nor to any of the District Councils of the districts of Burnside, Prospect, Walkerville, Mitcham, Rosewater, and Queenstown and Alberton.

Local authority to purchase gasworks, &c., in certain cases.

13. Any purchase under this part of this Act shall be made at a price equal to the value of the gasworks as a going concern, together with the value of the plant, and other subject-matter of the purchase; such value to be fixed, in case of difference, by arbitration, under Part III. of this Act.

How purchase-money fixed.

14. Any local authority making a purchase under the provisions of this Act may, with the approval or consent of the ratepayers, to be obtained as provided with regard to loans generally in any Act for the time being in force in that behalf, borrow such moneys as shall be required for the purpose of such purchase, and may, in addition to or in substitution for the bonds or other securities which it may be authorised to issue for such loans, give a mortgage or mortgages with power of sale, or issue mortgage debentures (with or without coupons for interest) over the subject-matter of the purchase or any portion thereof.

Power to borrow and give mortgage and debentures.

15. The principal and interest moneys payable under such debentures may be further secured by a mortgage or mortgages, with power of sale, under "The Real Property Act, 1886," or otherwise, to any persons as trustees for the debenture-holders for the time being. Any such mortgage may provide for the payment of a remuneration to the trustees for the time being.

Debentures may be secured by mortgage.

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Local authority to
make compensation.

16. The local authority shall do as little damage as may be in the execution of the powers by this part of this Act granted, and shall make compensation for any damage which may be done in or by reason or in consequence of the execution of such powers, the amount and application of such compensation in case of difference to be determined by arbitration, under the Lands Clauses Consolidation Act.

Account and applica-
tion by local authority
of gas revenue.

17. The local authority shall keep accounts in respect of its gas undertaking separate from all its other accounts, distinguishing therein capital from income, and shall apply all money from time to time received by it on account of revenue in the manner and in the order following, and not otherwise, that is to say—

- (i.) In payment of the establishment and working expenses and cost of maintenance of its gas undertaking, and the costs of collection and recovery of gas rents:
- (ii.) In payment of the interest on any debentures, or other securities, granted or issued by the local authority in respect of any money borrowed for gas purposes after the commencement of this Act:
- (iii.) In providing, to the extent of two per centum per annum on the amount borrowed, a sinking fund, to be invested as provided in the next following sub-section with regard to the reserve fund, and to be applied with the interest therein in or towards the extinction or discharge of the debt incurred in the purchase, construction, or erection of the said works or undertaking:
- (iv.) In providing a reserve fund, if the local authority think fit, by setting aside such money as the Minister shall from time to time think reasonable, and investing the same and the resulting income thereof in Government securities of the United Kingdom of Great Britain and Ireland, or any colony thereof, or on mortgage of freehold land within Australia, or in such other manner as the Minister shall approve, and accumulating the same at compound interest, which fund shall be applicable, from time to time, to answer any deficiency at any time occurring in the income of the local authority from its gas undertaking, or to meet any extraordinary claim or demand at any time arising against the local authority in respect of that undertaking:

And it shall, from time to time, apply the net surplus remaining after the fulfilment of the several purposes aforesaid towards lowering the price of the gas supplied by it.

Power to acquire land
and to hold and use
patent rights.

18. The local authority may, for the purposes of this part of this Act, acquire lands by agreement, and may acquire, hold, and use any leave, licence, privilege, or authority to work, use, exercise, or put in practice any invention comprised in any letters patent in
relation

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relation to the manufacture and distribution of gas, or the utilisation of residual products arising from the manufacture of gas, or otherwise in relation thereto.

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

19. The local authority, under such superintendence as is hereinafter specified in the cases hereinafter provided for, may, for the purposes of any gasworks or gas supply, open and break up the soil and pavement of any of the streets and roads within the limits aforesaid, and may open and break up any sewers, drains, or tunnels within or under such streets or roads, and lay down and place within the limits aforesaid pipes, conduits, service pipes, and other works, and from time to time repair, alter, or remove the same, and also make and repair any sewers that may be necessary for carrying off the washings and waste liquids that may arise in the making of gas; and for the purposes aforesaid may remove and use all earth and materials in and under such streets or roads, and may in any such streets erect any pillars, lamps, and other works, and do all other acts which the local authority shall from time to time deem necessary for supplying gas; and may lay any pipe, branch, or other apparatus from any main or branch pipes into, through, or against any building for the purpose of lighting the same, and provide and set up any apparatus necessary for securing, to any building, a complete supply of gas, and for measuring and ascertaining the extent of such supply: Provided that nothing herein shall authorise or empower the local authority to lay down or place any pipe or other works into, through, or against any building, or in any land not dedicated to public use, without the consent of the owners and occupiers thereof, except that the local authority may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe shall have been lawfully laid down or placed, and may repair or alter any pipe so laid down.

Notice before breaking up streets in certain cases.

20. Before the local authority proceed to open or break up any street, bridge, sewer, drain, or tunnel, it shall give to the persons, other than such local authority, under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of its intention to open or break up the same, not less than three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work or the necessity for the same has arisen; and also except for the purpose of connecting service pipes to mains which have been previously laid, in which case one clear day's notice shall be sufficient.

Superintendence in certain cases over breaking up of streets, &c.

21. No such street, bridge, sewer, drain, or tunnel shall, except in the case of emergency aforesaid, be opened or broken up except under the superintendence of the persons, if any, other than the local authority, having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by two Justices;

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Justices; and such Justices may, on the application of the persons having the control or management of any such sewer or drain, or their officer, require the local authority to make such temporary or other works as they may deem necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain: Provided always that if the persons having such control or management as aforesaid, or their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the local authority's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the local authority may perform the work specified in such notice without the superintendence of such persons or their officer.

Streets broken up to be reinstated without delay.

22. When the local authority open or break up the road or pavement of any street, or any sewer, drain, or tunnel, they shall, with all possible speed complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times, whilst any such road or pavement shall be so opened or broken up cause the same to be fenced and guarded, and shall cause a light, sufficient for the warning of passengers to be set up and maintained against or near such road or pavement where the same shall be open or broken up, every night, during which the same shall be continued open or broken up; and shall, as to any place not within the district of the local authority, keep the road or pavement which has been so broken up in good repair for three months after re-instating and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

Penalty for breach of provisions as to breaking up streets, &c.

23. If the local authority open or break up any street or bridge, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in any manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required (except in the cases in which the local authority is hereby authorised to perform such works without any superintendence or notice), or if the local authority make any delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby, or if it neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, it shall forfeit to the persons, if any, other than such local authority having the control or management of the street, bridge, sewer, drain, or tunnel in respect of which such default is made, a sum not exceeding

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Ten Pounds for every such offence, and it shall forfeit an additional sum of Five Pounds for each day during which any such delay as aforesaid shall continue after it shall have received notice thereof.

24. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain, or tunnel in respect of which such delay or omission shall take place, may cause to be executed the work so delayed or omitted, and the expense of executing the same shall be repaid to such persons by the local authority, and such expenses may be recovered summarily upon complaint before any two Justices, or by action.

In case of delay other parties may re-instate and recover expenses.

25. The local authority may, from time to time, enter into any contract with any person, or any other local authority, for lighting or supplying with gas any public or private building, or for providing any person, or any other local authority, with pipes, burners, meters, or lamps, or other gas fittings and things, and for the repair thereof, and also may from time to time enter into any contract with any person or local authority having the control of the streets within the limits aforesaid for lighting such streets or any of them with gas, and for providing any such person or local authority with lamps, lamp-posts, burners, and pipes, and other gas fittings, and things for such purposes, and for the repair thereof, in such manner and upon such terms as shall be agreed upon.

Power of the local authority to contract for lighting streets, &c.

26. If any person supplied by the local authority with gas makes default in payment of any rent due to the local authority, it shall be lawful for the local authority to cut off or stop any pipe by or through which gas is supplied to him, and to cease to supply him with gas; and the local authority may recover the rent due from such person, together with the expenses, if any, of cutting off the gas, and costs, in a summary way, upon complaint before any two Justices, or by action.

Power to cut off supply on non-payment of gas rent.

27. If any person supplied with gas by the local authority wilfully does, or causes, or suffers to be done, anything in contravention of this Act, or wilfully fails to do anything which under this Act ought to be done by such person, whereby gas escapes from any pipe laid in any private road, street, or premises, and before it reaches the meter, the local authority may cut off or stop any such pipe, and cease to supply him with gas so long as the cause of injury remains, or is not remedied; and also may recover summarily, upon complaint before any two Justices, from every person so offending, the amount of all loss, damage, or injury which the local authority sustains by such misfeasance or failure, and the remedies under this section shall be in addition to any other remedies in that behalf.

Power to cut off supply in case of contravention of this Act.

28. Where the contract between the local authority and any person for supplying gas meters, apparatus, or fittings has expired or determined, or where the local authority is authorised to cut off the supply of gas from any premises under the provisions of this Act, it shall

Entry for cutting off supply.

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shall be lawful for the local authority, its agents and workmen, on giving twenty-four hours' previous notice to the occupier, at any time between the hours of eight in the forenoon and five in the afternoon, or, in case of danger or emergency, without notice, to enter such premises and to remove and carry away any pipe, meter, apparatus, or fitting belonging to the local authority: Provided that all damages to property, of whatever description, occasioned by such removal shall be made good by and at the expense of the local authority.

Penalty for fraudulently obtaining supply of gas.

29. Any person who obtains a supply of gas from the local authority under the name of any other person, shall, unless he proves that such supply was obtained without any intent to defraud, be liable to a penalty not exceeding Ten Pounds.

Penalty for laying pipes without consent, &c.

30. Every person who shall lay, or cause to be laid, any pipe belonging to the local authority without their consent, or shall fraudulently injure any meter for ascertaining the quantity of gas consumed or supplied, or who, in case the gas supplied by the local authority is not ascertained by meter, shall use any lamp or burner other than such as has been provided or approved of by the local authority, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or who shall otherwise improperly use or burn such gas, or shall supply any other person with any part of the gas supplied to him by the local authority, shall forfeit to the local authority the sum of Five Pounds for every such offence, and also the sum of Forty Shillings for every day such pipe shall so remain, or such lamp or burner shall be so used, or such excess be so committed or continued, or such supply furnished; and the local authority may take off the gas from the house and premises of the person so offending, notwithstanding any contract which may have been previously entered into.

Penalty for removing pipe, &c.

31. Every person who shall wilfully remove, destroy, or damage any pipe, pillar, post, flag, lamp, or other work of the local authority connected with or relating to the supply of gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or wilfully and wrongfully use any of the gas supplied by the local authority, shall for each such offence forfeit to the local authority a sum not exceeding Five Pounds, in addition to the amount of the damage done.

Penalty for breaking pipes, &c.

32. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the local authority or under its control, shall forfeit and pay such sum of money by way of satisfaction to the local authority for the damage done, not exceeding Five Pounds, as two Justices of the Peace shall think reasonable: Provided that this section shall not affect any other remedy.

Penalty for wilful injury to pipe, &c.

33. Any person who wilfully or fraudulently, or by culpable negligence, injures, or suffers to be injured, any pipe, meter, or fittings

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fittings belonging to the local authority, or alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently abstracts, consumes, or uses gas of the local authority, shall, without prejudice to any other right or remedy for the protection of the local authority or the punishment of the offender, for every such offence forfeit and pay to the local authority a sum not exceeding Five Pounds, in addition to the amount of damage.

In any case in which any person has wilfully or fraudulently injured, or suffered to be injured, any pipe, meter, or fittings belonging to the local authority, or altered the index to any meter, or prevented any meter from duly registering the quantity of gas supplied, the local authority may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending, notwithstanding any contract previously existing.

The existence of artificial means for causing such alteration or prevention, or for abstracting, consuming, or using gas of the local authority, when the meter is under the custody or control of the consumer, shall be *prima facie* evidence that such alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

34. Nothing in this Act shall exonerate the local authority from an indictment, action, or other proceeding for nuisance, in the event of any nuisance being caused by it. Local authority not exempted from indictment.

35. The local authority shall supply to each owner or occupier of premises for which it shall supply gas, a meter for registering such gas: Provided that such owner or occupier shall, if required previous to receiving the same, give to the local authority security for payment to it of the price of such meter if he desires to purchase the same, or of the rent of such meter if he desires to hire the same. Local authority to supply meters.

36. No consumer shall connect any meter with any pipe through which gas is supplied by the local authority to such meter, or disconnect any meter from any such pipe, unless he shall have given to the local authority not less than twenty-four hours' notice in writing of his intention so to do; and if any person acts in contravention of this section he shall be liable for each offence to pay a penalty not less than Forty Shillings and not exceeding Ten Pounds. Meters not to be connected or disconnected without notice.

37. Where any owner or occupier is required by this Act to give security to the local authority, such security may be by deposit or otherwise, and of such amount as he and the local authority agree on, or as, in default of agreement, may be determined, on the complaint of either party, by two Justices, who may also order by which of the parties the costs of the proceedings before them shall be Nature and amount of security.

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be paid, and the decision of the Justices shall be final and binding on all parties.

Power to local authority to let meters.

38. The local authority may let any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such remuneration, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return thereof to the local authority, as may be agreed upon between the hirer and the local authority, and such remuneration shall be recoverable in the same manner as rent due to the local authority for gas; and such meters and fittings shall not be subject to distress or to the landlord's remedy for rent of premises where the same may be used, or to be taken under any process of any Court or order of Justices, or proceedings under any insolvency law against the person in whose possession the same may be.

Local authority to keep in repair meters on hire.

39. The local authority shall at all times, at its own expense, keep all meters for hire to any consumer in proper order for correctly registering gas; and, in default of the local authority so doing, the consumer shall not be liable to pay rent for the same during such time as such default continues. The local authority shall, for the purpose aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times.

Register of meter to be *prima facie* evidence.

40. The register of the meter shall be *prima facie* evidence of the quantity of gas consumed, and in respect of which any rent is charged and sought to be recovered by the local authority: Provided that if the local authority and the consumer differ as to the quantity consumed, such difference may be determined, upon the complaint of either party, by two Justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the Justices shall be final and binding on all parties.

Power to enter buildings for ascertaining quantities of gas consumed.

41. Any officer appointed by the local authority may, at all reasonable times, enter any building or land lighted with gas supplied by the local authority, in order to inspect the meters, fittings, and works for the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied; and if any person hinders such officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, such person shall, for every such offence, forfeit to the local authority a sum not exceeding Five Pounds.

Charge for supply of gas in scheduled districts.

42. The maximum charges for gas supplied by any local authority, under the provisions of this Act, shall, as regards the districts mentioned in the Schedule hereto, be as set out in such Schedule.

Charge for supply of gas in other places.

43. As regards any places not provided for by the last preceding section, the maximum price at which gas shall be sold by the local authority

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authority to all persons who shall burn the same by meter shall not exceed Twenty Shillings per thousand cubic feet, and the local authority shall not be entitled to charge a higher rate for gas supplied by contract to any person. The maximum rent on meters supplied by the local authority, whether in the districts mentioned in the Schedule or elsewhere, shall not exceed Twenty-five Pounds per centum on the cost price in Adelaide of the meter used.

44. Any local authority supplying gas outside its district shall charge for gas supplied within its district for public purposes a price not less than the cost price.

When gas to be not less than cost price.

45. When any local authority supplying gas outside its district shall make a reduction in the price charged by it for gas supplied for public or private purposes, or both, it shall reduce its price for such gas supplied outside its district proportionately to the reduction in price for such gas supplied inside its district, and *vice versa*.

Reduction in gas inside and outside district to be proportionate.

46. All the gas to be supplied by the local authority shall be of such minimum quality as to produce from an argand burner having fifteen holes and a seven-inch chimney, or other approved burner and chimney, and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by fifteen sperm candles of six in the pound, burning one hundred and twenty grains per hour.

Quality of gas.

47. Any local authority supplying gas within the district of any other local authority shall fill up and furnish, on or before the twenty-fifth of March in each year, to such last-mentioned local authority, an annual statement of accounts relating to the gas undertaking of the first-mentioned local authority, so far as the same concerns such district, made up to the thirty-first day of the last preceding month of December, in the prescribed form. Any local authority failing to comply with the provisions of this section shall be liable to a penalty not exceeding Two Pounds for every day during which such failure continues.

Local authority supplying gas in district of other local authority to furnish annual accounts.

48. After the purchase of any gasworks by any local authority, all and singular the matters and things hereby authorised to be done by such local authority in respect to the supply of gas within its district may be by it delegated to be done, under its control and with its sanction, by any person, company, or association for the supply of gas within such district.

Local authority may delegate their powers

PART II.**ELECTRICITY.****PART II.**

49. Any local authority may, subject to the provisions of this Act, supply electricity for any public or private purposes, or for any public purposes and any private purposes, within the limits of its district, or within such other limits as the Governor may, from time to time, by Proclamation in the *Government Gazette*, allow: Provided

Local authority may supply electricity.

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vided that where such other limits comprise land within the district of any other local authority, such Proclamation shall not be made without the consent under seal of such other local authority.

Regulations may be prescribed by Governor.

50. 1. The local authority shall be subject to such regulations and conditions as may, from time to time, be prescribed by the Governor by Proclamation in the *Government Gazette*, with regard to the following matters:—

- (a) The limits within which, and the conditions under which, a supply of electricity is to be compulsory or permissive:
- (b) Securing a regular and efficient supply of electricity:
- (c) Securing the safety of the public from personal injury, or from fire, or otherwise:
- (d) The limitation of the prices to be charged in respect of the supply of electricity:
- (e) Authorising inspection and inquiry from time to time by the Governor and any local authority which shall be concerned, other than the local authority supplying the electricity:
- (f) The enforcement of the due performance of the duties of the local authority in relation to the supply of electricity, by the imposition of penalties or otherwise: and
- (g) Generally with regard to any other matters in connection with the supply of the electricity.

11. Such Proclamation and such regulations and conditions, or any of them, may be either general or restricted to some particular local authority or local authorities.

111. The Governor may, by such regulations as aforesaid, impose penalties, not exceeding Fifty Pounds in each case, for the breach of any such regulation.

Local authority may make by-laws.

51. Any local authority within any part of whose district electricity is, under Proclamation, authorised to be supplied by any other local authority, may, in addition to any regulations which may be made under the provisions of the last preceding section for securing the safety of the public, from time to time make, rescind, alter, or repeal by-laws for further securing such safety, and there may be annexed to any breach of such by-laws such penalties as the local authority may think necessary, not exceeding Fifty Pounds for each offence: Provided that no such by-laws shall have any force or effect unless and until they have been confirmed by the Governor, and published in such manner as the Governor may direct.

General powers of local authority.

52. Any local authority, subject to and in accordance with the provisions and restrictions of this Act, and of any rules made by the Governor in pursuance of this Act, may, for the purpose of supplying electricity, acquire such lands by agreement, construct such works, acquire

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acquire such interests in, and licences for the use of, any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things, enter into such contracts and generally do all such acts and things as may be necessary and incidental to such supply.

53. Any local authority may contract with any company or person for the execution and maintenance of any works needed for the supply of electricity within the limits aforesaid, or any part thereof; but no local authority shall by any contract or assignment transfer to any company or person, or divest themselves of any legal powers given to it, or any legal liabilities imposed on it by this part of this Act, without the consent of the Governor.

Power for local authority to contract in certain cases, and restrictions on assignments of powers, &c.

54. Sections 17 to 34 inclusive, and 36 to 41, inclusive, in Part I. of this Act shall, so far as the same are applicable, be incorporated and read with this part of this Act; and, for the purposes of such incorporation and reading, the following expressions in such sections shall be construed as follows:—

Incorporation of portion of Part I.

“Gas” shall include electricity:

“Pipe” shall include electric line:

“Works” shall include works as defined for this part of this Act.

All offences, forfeitures, penalties, and damages under such incorporated sections, or any of them, may be prosecuted for, and may be recovered in manner by the said sections respectively or otherwise by this Act enacted in relation thereto.

55. Nothing in this part of this Act shall authorise or empower any local authority to break up any street which is not repairable by such local authority, or any railway or tramway, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, unless with the written consent of the Governor; and the Governor shall not in any case give any such consent until notice has been given to such authority, company, or person, by advertisement or otherwise, as the Governor may direct, and an opportunity has been given to such authority, company, or person to state any objections they may have thereto.

Restrictions on breaking up of streets, railways, and tramways.

56. Notwithstanding anything in this Act, or in any Act incorporated herewith, no local authority shall be authorised to place any electric line above ground, along, over, or across any street, without the express consent of any other local authority in whose district such street shall be; and the last-mentioned local authority may require any local authority to forthwith remove any electric line placed by it contrary to the provisions of this section, or may itself remove the same, and recover the expenses of such removal from the other local authority by complaint before any two or more Justices of the Peace; and where any electric line has
been,

Restrictions as to above-ground works.

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been placed above ground by any local authority in any position, any two or more Justices of the Peace, upon complaint made, if they are of opinion that such electric line is or is likely to become dangerous to the public safety, may, notwithstanding any such consent as aforesaid, make an order directing and authorising the removal of such electric line by such person, and upon such terms as they may think fit.

Power to local authority and others to alter position of pipes and wires.

57. 1. Subject to the provisions of this Act, and to any regulations or by-laws made under this Act, the local authority may alter the position of any pipes or wires being under any street or place authorised to be broken up by it which may interfere with the exercise of its powers under this Act, on previously making or securing such compensation to the owners of such pipes or wires, and on complying with such conditions as to the mode of making such alterations as may, before the commencement of such alterations, be agreed upon between the local authority and such owners, or, in case of difference, as may be determined by arbitration :

II. Any local authority may in like manner alter the position of any electric lines or works of any other local authority, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such first-mentioned local authority in relation to such street or place, subject to the like provisions, conditions, and restrictions as are in the first sub-section of this section contained.

For protection of docks, basins, and other works near canals.

58. If, at any time after the local authority have placed any works under, in, upon, over, along, or across any canal, 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 such land, but is prevented by the works of the local authority from forming a communication for the convenient passage of vessels with or without masts between such dock, basin, or other work and such canal, or if the business of such dock, basin, or other work is interfered with by reason or in consequence of any such works of the local authority, then the local authority, at the request of such person, and on having reasonable facilities afforded it by him for placing works round such dock, basin, or other work, and under, in, upon, over, along, or across land belonging to or under his control, shall remove and place its work accordingly. If any dispute arises between the local authority and such person as to the facilities to be afforded to the local authority, or as to the direction in which the works are to be placed, it shall be determined by arbitration.

Compensation for damage.

59. In the exercise of the powers in relation to the execution of works given it under this part of this Act, the local authority shall cause as little detriment and inconvenience, and do as little damage, as possible, and shall make full compensation to all bodies and persons interested for all damage to person or property sustained by reason

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reason or in consequence of the exercise of such powers, the amount and application of such compensation, in case of difference, to be determined by arbitration under the Lands Clauses Consolidation Act.

60. The local authority shall not be entitled to prescribe any special form of lamp or burner to be used by any company or person, or in any way to control or interfere with the manner in which electricity supplied by it under this Act is used: Provided that no local authority, company, or person shall be at liberty to use any form of lamp or burner, or to use the electricity supplied to it or him for any purposes or to deal with it in any manner so as to unduly or improperly interfere with the supply of electricity to any other local authority, company, or person; and if any dispute or difference arises between the local authority supplying electricity and any local authority, company, or person entitled to be supplied with electricity under this Act as to the matters aforesaid, such dispute or difference shall be determined by arbitration.

Local authority not to prescribe special form of lamp or burner, or control manner of use of electricity.

61. Where a supply of electricity is provided in any district for private purposes, then, except so far as is for the time being provided by regulation under section 50 of this Act, every company or person within that district shall, on application, be entitled to a supply on the same terms on which any other company or person in such area is entitled under similar circumstances to a corresponding supply. Any dispute or difference arising under this section between the local authority supplying electricity and any such company or person as aforesaid shall be decided by arbitration.

Obligations on local authority to supply electricity.

62. The local authority supplying electricity shall not, in making any agreements for a supply of electricity, show any undue preference to any local authority, company, or person, but, save as aforesaid, they may make such charges for the supply of electricity as may be agreed upon, not exceeding the limits of price imposed by or in pursuance of any regulations under this Act.

Charges for electricity.

63. If any local authority, company, or person neglect to pay any charge for electricity or any other sum due from them to the local authority supplying electricity in respect of the supply of electricity to such local authority, company, or person, the local authority supplying such electricity may cut off such supply, and for that purpose may cut or disconnect any electric line or other work through which electricity may be supplied, and may, until such charge or other sum, together with any expenses incurred by it in cutting off such supply of electricity as aforesaid is fully paid, but no longer, discontinue the supply of electricity to such local authority, company, or person.

Cutting off supply.

64. Any person who unlawfully and maliciously cuts or injures any electric line or work, with intent to cut off any supply of electricity, shall be guilty of felony, and be liable to be imprisoned with or without hard labor for any term not exceeding three years ;

Injuring works with intent to cut off supply of electricity.

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but nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provision of this Act, or under any other Act, or at common law, so that no person be punished twice for the same offence.

Stealing electricity.

65. Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses any electricity, shall be guilty of simple larceny, and punishable accordingly.

Power to enter land or premises for ascertaining quantities of electricity consumed, or to remove fittings, &c.

66. Any officer appointed by the local authority supplying electricity may at all reasonable times enter any premises to which electricity is or has been supplied by such local authority, in order to inspect the electric lines, meters, accumulators, fittings, works, and apparatus for the supply of electricity belonging to the said local authority, and for the purpose of ascertaining the quantity of electricity consumed or supplied, or where a supply of electricity is no longer required, or where the local authority is authorised to take away and cut off the supply of electricity from any premises, for the purpose of removing any electric lines, accumulators, fittings, works, or apparatus belonging to the local authority, repairing all damage caused by such entry, inspection, or removal.

Electric lines, &c., not to be subject to distress in certain cases.

67. Where any electric lines, meters, accumulators, fittings, works, or apparatus belonging to the local authority are placed in or upon any premises not being in the possession of the local authority, for the purpose of supplying electricity under this Act, such electric lines, meters, accumulators, fittings, works, or apparatus shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, nor to be taken in execution or distress under any process of any court or justices, or any proceedings in insolvency against the person in whose possession the same may be, or to be taken by the trustee of any assignment executed by such person.

Provision for protection of Government telegraph lines.

68. I. No alteration in any Government telegraph line shall be made by the local authority except by the express written sanction of the Minister controlling the Telegraph Department, and subject to the conditions imposed by him.

II. The local authority shall not, in the exercise of the powers conferred by this Act, lay down any electric line, or do any other work for the supply of electricity whereby any Government telegraph line is or may be injuriously affected; and before any such electric line is laid down, or work is done within ten yards of any part of a Government telegraph line (other than repairs or the laying of connections with mains where the direction of the electric lines so laid down crosses the Government line 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), the local authority or its agents, not more than twenty-eight nor less than seven clear days before commencing such work, shall give written notice to the Minister controlling the Telegraph Department, specifying the course

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course and nature of the work, including the gauge of any electric lines, and the local authority and its agents shall conform with such reasonable requirements, either general or special, as may from time to time be made by the Minister controlling the Telegraph Department for the purpose of preventing any Government telegraph line from being injuriously affected by the said work.

III. Any difference which arises between the Minister controlling the Telegraph Department and the local authority, or its agents, with respect to any requirements so made, shall be determined by arbitration.

IV. In the event of any contravention of, or wilful non-compliance with, this section by the local authority or its agents, the local authority shall be liable to a fine 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.

V. Nothing in this section shall subject the local authority to a fine if it satisfy the Court having cognizance 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 it forthwith served on the person in charge of the Government telegraph office nearest to the place where the work was done, or left for him at such Government telegraph office, a notice of the execution thereof, stating the reason for executing the same without previous notice.

VI. For the purposes of this section a Government telegraph line shall be deemed to be injuriously affected by a work if telegraphic 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.

VII. The Minister controlling the Telegraph Department may make any contract or arrangement he may think proper with any local authority for the use by him of its works or electric lines.

Minister may make contract with local authority.

69. Where electricity is supplied within any such limits as aforesaid, and a supply of gas by any gas undertakers is also authorised within such limits, or any part thereof, by any Act under the provisions of which such gas undertakers are under any general or limited obligation to supply gas upon demand, the Minister may, upon the application of such gas undertakers, inquire into the circumstances of the case, and, if he is satisfied that any specified part of the area comprised within such limits is sufficiently supplied with electric light, and that the supply of gas in such specified part has ceased to be remunerative to the gas undertakers, and that it is just that such gas undertakers should be relieved from the obligation to supply gas upon demand, as aforesaid, the Minister may, in his discretion, make an order relieving the gas undertakers from such obligation within such specified part of such area, either wholly or in part, and upon such

Power for Minister to relieve gas undertakers from obligation to supply gas in certain cases

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such terms and conditions as he may think proper, and from and after the date of such order, such gas undertakers shall be so relieved accordingly. All expenses of the Minister in connection with any such inquiry or order shall be borne and paid by the gas undertakers upon whose application the inquiry or order was made.

Annual report by Minister.

70. Not later than the first day of July in each year the Minister shall lay before both Houses of Parliament a report respecting the proceedings of the Governor under this part of this Act during the year then last past.

For the protection of mines.

71. Nothing in this Act 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 line shall be laid, to work such mine and minerals.

Provision as to general Acts.

72. Nothing in this Act shall exempt any local authority or its undertaking from the provisions of any general Act relating to the supply of electricity which may be passed in this or any future Session of Parliament.

Saving clause as to telegrams.

73. Nothing in this Act shall authorise or enable any local authority, company, or person, to transmit any telegram, or to perform any of the incidental services of receiving, collecting, or delivering telegrams, or give to any local authority, company, or person, any power, authority, or facility of any kind whatever in connection with the transmission of telegrams, or the performance of any of the incidental services of receiving, collecting, or delivering telegrams.

PART III.**PART III.****MISCELLANEOUS.**

Appointment of arbitrators when questions are to be determined by arbitration.

74. When any dispute or difference authorised by this Act to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall nominate and appoint an arbitrator, to whom such dispute or difference shall be referred.

Arbitrator, how appointed.

75. Every appointment of an arbitrator shall be made under the hand of the appointer, or, if the appointer be a corporation aggregate, under the common seal of such corporation. Such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made. After any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation.

Proceedings on failure of one party to appoint arbitrator.

76. If for the space of fourteen days after any such dispute or difference shall have arisen, and after a request in writing, in which shall be stated the matters required to be referred to arbitration, shall

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shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties; and such arbitrator may proceed to hear and determine the matters which shall be in dispute. In such case the award or determination of such single arbitrator shall be final.

77. If, before the matter so referred shall be determined, any arbitrator appointed by either party die or become incapable of acting, the party by whom such arbitrator was appointed may nominate and appoint, in writing, some other person to act in his place; and if, for the space of fourteen days after notice in writing from the other party for that purpose, he fail to do so, the remaining or other arbitrator may proceed *ex parte*. Every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or incapacity as aforesaid.

Vacancy of arbitrator to be supplied.

78. Where more than one arbitrator shall have been appointed, the arbitrators shall, before they enter upon the matters referred to them, nominate and appoint, by writing under their hands, an umpire, to decide on any such matters on which they shall differ, or which shall be referred to them under this Act. If such umpire shall die, or become incapable of acting, the arbitrators shall forthwith, after such death or incapacity, appoint another umpire in his place. The decision of every such umpire on the matters so referred to him shall be final.

Appointment of umpire.

79. If, in either of the cases aforesaid, the arbitrators shall refuse, or shall, for fourteen days after request of either party to such arbitration, neglect to appoint an umpire, the Governor shall, on the application of either party to such arbitration, appoint an umpire. The decision of such umpire on the matters on which the arbitrators shall differ, or which shall be referred to him under this Act, shall be final.

Governor empowered to appoint an umpire on neglect of the arbitrators.

80. If, where a single arbitrator shall have been appointed, such arbitrator shall die or become incapable of acting before he shall have made his award, the matters referred to him shall be determined by arbitration under the provisions of this Act in the same manner as if such arbitrator had not been appointed.

In case of death of single arbitrator the matter to begin *de novo*.

81. If, where more than one arbitrator shall have been appointed, either of the arbitrators refuse or for fourteen days neglect to act, the other arbitrator may proceed *ex parte*, and the decision of such other arbitrator shall be effectual as if he had been the single arbitrator appointed by both parties.

If either arbitrator refuse to act, the other to proceed *ex parte*.

82. If, where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act

If arbitrators fail to make their award within twenty-one

as

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days the matter to go to the umpire.

as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time, if any, as shall have been appointed for that purpose by both such arbitrators under their hands, the matter referred to them shall be determined by the umpire to be appointed as aforesaid.

Power for arbitrators to call for books, &c.

83. The said arbitrators, or their umpire, may call for the production of any documents in the possession or power of either party which he or they may deem necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose, and any person wilfully giving false evidence before any arbitrator or umpire shall be guilty of perjury.

Arbitrator and umpire to make declaration.

84. Before any arbitrator or umpire shall enter into the consideration of any matter referred to him, he shall, in the presence of a Justice of the Peace, make and subscribe the following declaration, that is to say:—“I, A. B., do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of ‘The Gas and Electric Lighting Act, 1891.’—A. B.” Such declaration shall be annexed to the award when made; and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto he shall be guilty of a misdemeanor.

Costs to be in the discretion of the arbitrators.

85. Except where by this Act it shall be otherwise provided, the costs of and attending every such arbitration to be determined by the arbitrators shall be in the discretion of the arbitrators.

Submission to arbitration may be made a rule of court.

86. The submission to any such arbitration may be made a rule of the Supreme or other superior Court of this province on the application of either of the parties.

The award not to be set aside for matter of form.

87. No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity, or error in matter of form.

Power to refer back award.

88. In the event of either of the parties, their executors or administrators, being dissatisfied with the award, or disputing its validity, and moving the Court to set the same or any part thereof aside, or on any motion being made respecting the said award, the Court, whether the award be insufficient in law or not, shall have power, if it shall think fit, to remit the award, or the matters referred, or any of them, from time to time, to the reconsideration and determination of the arbitrator, or arbitrators, or umpire.

Sections 74 to 88 not to apply in certain cases.

89. The last preceding fifteen sections shall not apply to differences arising under section 16 or section 59 of this Act.

Incorporation of certain provisions of Lands Clauses Consolidation Acts.

90. The Lands Clauses Consolidation Acts, to wit, Act No. 6 of 1847, Act No. 26 of 1855-6, and Act No. 202 of 1881, except, the enactments

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enactments with respect to the purchase and taking of lands otherwise than by agreement, and except the enactments with respect to the entry upon lands by the promoters of the undertaking, are incorporated with this Act. For the purposes of this Act, in the construction of the Lands Clauses Consolidation Acts “the special Act” means this Act, and the “promoters” or “undertakers” and the “undertaking,” as the case may be, mean the local authority and its undertaking respectively under this Act, as the case may require.

91. Nothing in this Act shall diminish or affect the power of taking land conferred upon District Councils by the District Councils Act, 1887, or that may be conferred upon Municipal Corporations by any Act, or diminish the effect of the incorporation of the Lands Clauses Consolidation Acts with the District Councils Act, 1887, or with any Act relating to Municipal Corporations, and any works or undertakings authorised by, under, or in pursuance of this Act, or any such licence, order, or special Act as aforesaid shall, for the purposes of the District Councils Act, 1887, be deemed to be works and undertakings thereby authorised; and a special or separate rate may be declared by any District Council under the last mentioned Act for any such works or undertakings, and the District Council shall have power to borrow on the security of any such special or separate rate in the manner provided by Part XII. of the said last-mentioned Act.

This Act not to diminish power conferred upon District Councils and Municipal Corporations to take land.

92. Whenever it shall be necessary, on the hearing of any information or complaint under this Act, to prove the service of any notice, an affidavit of the service of such notice, sworn before a Justice of the Peace or Commissioner for taking Affidavits in the Supreme Court, shall be sufficient proof of such service.

Service of notices may be proved by affidavit.

93. All fines and penalties for any offence against this Act, or for breach of any by-law or regulation thereunder, may be recovered before any two or more Justices of the Peace in a summary way, on an information at the instance of any person or persons whatever.

Fines and penalties may be recovered before two Justices.

94. All proceedings before Justices may be conducted as appointed by, and shall be regulated under, the Ordinance No. 6 of 1850, intituled “An Ordinance to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to Summary Convictions and Orders,” “The Justices Procedure Amendment Act, 1883-4,” and any other Act that may be law in that behalf.

Proceedings before Justices to be regulated by Ordinance No. 6 of 1850.

95. In every case of the adjudication of a fine or pecuniary penalty or amends under this Act or any regulation or by-law thereunder, and of the non-payment of such fine or pecuniary penalty or amends, any Justice of the Peace may commit the offender or person making default in payment to any gaol in the said province for any time not exceeding three calendar months, the imprisonment to cease

On non-payment of penalties, &c., Justice may imprison.

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on payment of the sum due and of the costs of such proceedings as may have been taken for the recovery thereof; but this section shall not affect any remedy under the said Ordinance, No. 6 of 1850, or under any other Act for the recovery of any fine or any pecuniary penalty or amends.

Appeal to Local Court of Adelaide.

96. There shall be an appeal from any order of Justices of the Peace made under the provisions hereinbefore contained, or from any conviction by Justices for any offence against this Act, or for breach of any regulation or by-law thereunder, or from any order dismissing an information or complaint under this Act, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction, and the proceedings in such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, and Act No. 298 of 1883-4, for appeals to Local Courts, but the Local Court of Adelaide aforesaid may make such order as to payment of costs of appeal as the Court shall think fit, although such costs may exceed Ten Pounds. Nothing in this Act contained shall affect any of the provisions of Act No. 298 of 1883-4.

Local Court may, on appeal, state case for opinion of Supreme Court.

97. It shall be lawful for the Local Court of Adelaide, upon the hearing of any appeal under the last preceding section, to state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases, according to the practice of the Supreme Court on special cases; and the Supreme Court shall make such order as to the costs of any such special case as to the said Court shall appear just; and any one or more Justices or the Local Court of Adelaide shall make an order in respect of the matters referred to the Supreme Court in conformity with the certificate of the said Supreme Court, or of any Judge thereof, which order of the Justice, or Justices, or Local Court shall be enforced in manner provided by this Act for the enforcement of orders of Justices of the Peace, and save as herein, or by Act No. 298 of 1883-4, or any other Act in that behalf provided, no order or proceeding of Justices or of any Local Court, made under the authority of this Act, shall be appealed against or removed by *certiorari* or otherwise into the Supreme Court of the said province.

Summons or warrant may contain several names or sums.

98. Any summons or warrant issued for any of the purposes of this Act may contain, in the body thereof or in a schedule thereto, several names and several sums.

Notices, how delivered.

99. Every notice which any local authority is, by this Act, required to serve upon any person, shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last known place of abode, or sent by post addressed to such person, or if such person or his address be not known to the local authority, and cannot after due inquiry be found or ascertained, then by being affixed for three days to some conspicuous part of the premises to which such notice relates.

100. No

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100. No Justice or Special Magistrate shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or other charge under this Act.

PART III.

Justices or Special Magistrates not disqualified from acting.

101. The Governor may from time to time make, alter, and revoke regulations for all or any of the following purposes, that is to say:—

Regulations.

- (a) Prescribing the forms of debentures and coupons, and of mortgages for further securing the same:
- (b) Fixing the remuneration of the trustees of any such mortgages:
- (c) Prescribing the forms of annual accounts to be furnished by local authorities:
- (d) Providing for sufficient audits of, and checks upon, the gas accounts kept or furnished by any local authority:
- (e) For carrying out the objects and purposes of this Act, and to meet any particular case that may arise:
- (f) Imposing a penalty, not exceeding Fifty Pounds, for a breach of any regulation.

In the construction of this section, general words shall not be controlled or limited by particular words.

102. Such regulations shall be published in the *Government Gazette*, and shall afterwards be judicially noticed and have the force of law; and a copy of the *Government Gazette* purporting to contain a copy of any such regulations shall be conclusive evidence thereof. All such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, and if Parliament be not sitting, then within fourteen days after the commencement of the next sitting of Parliament.

Publication and evidence of regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

KINTORE, Governor.

The Gas and Electric Lighting Act.—1891.

SCHEDULE.

Section 42.

District.	Maximum Charge for Gas per Thousand Cubic Feet.		
	Gas used for Stoves and Engines.	Where 50,000ft. or upwards Supplied per Month.	Where Less than 50,000ft. Supplied per Month.
Municipality of Adelaide	<i>s. d.</i> 7 0	<i>s. d.</i> 7 0	<i>s. d.</i> 7 9
Municipalities of Hindmarsh, Kensington and Norwood, St. Peters, Unley, and Thebarton District Council districts of Burnside, Prospect, Walkerville, and Mitcham	} 7 0	8 0	8 9
Municipalities of Port Adelaide, Semaphore, and Glenelg	} 7 0	8 9	9 3
District Council district of Queenstown and Alberton			
Municipality of Gawler	In any Case.		
Municipality of Kapunda	11s. 6d.		
Municipality of Strathalbyn	12s. 6d.		
	15s. 0d.		