

No. 3.—1871.

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An Ordinance for regulating Measures used in sales of Gas.

Preamble.

WHEREAS the Ordinance No. 1 of 1869 makes due provision for giving all necessary powers and facilities to any Company which may be empowered by Proclamation to supply any Municipal town with Gas; and whereas it is expedient that the measurement used in sales of Gas for lighting, heating, and other purposes in such towns should be regulated by one uniform standard: **IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—**

Short title.

1. THIS Ordinance may be cited as "*The Gas Meter Ordinance, 1871.*"

Commencement of Ordinance.

2. THIS Ordinance shall come into operation on the date of the passing thereof.

Interpretation Clause.

3. IN construing this Ordinance, the following terms shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to or inconsistent with such construction:

THE word "Meter" shall mean Gas Meter, and shall include every kind of machine used for measuring Gas.

THE word "Company" shall include a person.

THE words "Police Court" shall include the Court of the Bench of Magistrates.

Standard measure.

4. FROM and after the date on which this Ordinance shall come into operation, the only legal standard or unit of measure for the sale of gas by meter shall be the cubic foot containing 63·321 pounds, avoirdupois weight, of distilled or rain water, weighed in air at the temperature of Sixty-two degrees of Fahrenheit's thermometer, the barometer being at thirty inches.

Models to be kept by Municipal Councils for inspection.

5. AND for the purpose of enabling every person to ascertain with certainty whether any meter in use, or intended for use, conforms to the standard hereby established, the Chairman of the Municipal Council of any Municipal town which

is supplied with gas, shall preserve with care at his office models of gas-holders, measuring the said cubic foot and such multiples and decimal parts thereof as the Governor, with the advice and consent of the Executive Council, may from time to time proclaim as expedient, together with proper balances, indices, and apparatus for testing the measurement and registration of meters; and every person shall be at liberty, on giving reasonable notice, to inspect the said models, or any of them, and to compare any other meter therewith.

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6. IN all contracts, bargains, sales, and dealings, which shall be made or had in respect of the supply of gas, no meter shall be used within any town which shall not have been stamped by the Municipal Council thereof, in token of the same having been tested and verified by them in accordance with the standard hereby established. PROVIDED that a meter duly stamped as aforesaid shall not be liable to be re-stamped, although the same be used in any other town than that at which the same was originally stamped, but shall be considered as a legal meter, unless found to be incorrect within the meaning of this Ordinance.

Meters to be stamped.

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7. NO meter shall be stamped by any Municipal Council testing the same which shall be found to register, or be capable of being made by any contrivance for that purpose, or by increase or by decrease of the water in such meter, or by any other means practically prevented in good meters, to register quantities varying from the true standard measure of gas more than two per centum in favor of the seller, or three per centum in favor of the consumer; and every meter which shall be found by such Municipal Council to register or be so capable of being made to register quantities varying beyond the limits aforesaid, shall be deemed incorrect within the meaning of this Ordinance; and every meter which shall be found to measure and register quantities accurately, or not varying beyond the limits aforesaid, and shall be found incapable by any such means as aforesaid of being made to register quantities varying beyond the limits aforesaid, shall be considered to be correct, and be stamped in such manner and on such part of the meter as such Municipal Council may deem best to prevent fraud.

Meters to be tested before being stamped.

8. THE following rules shall be observed by any Municipal Council who are hereby required to undertake the testing of meters:—

Rules for testing.

Firstly, the meter shall be tested for soundness or leakage only, and not for per-centage of error, when fixed on a horizontal base, and with gas under a pressure equal to a column of water three inches high, with a light or lights consuming not more than one-twentieth part of its measuring capacity per hour marked thereon, nor less than one-half of a cubic foot per hour, for all meters of a measuring capacity not exceeding 100 cubic feet per hour, and not more than one-fortieth part of its said measuring capacity per hour for all meters of any greater measuring capacity per hour than 100 cubic feet; and all meters found to work under such test shall be deemed sound meters, and any meter found not to work under such test shall not be stamped.

The meter to be tested for per-centage of error shall be fixed on a horizontal base, and shall be tested at a pressure equal to a column of water five-tenths of an inch high, and passing the quantity of gas or atmospheric air per hour which shall be marked thereon as its measuring capacity per hour; and the water used in such testing, and the air of the room in which such testing shall be made, shall be, as nearly as practicable, of the same temperature as the gas or air passed through the meter.

9. IT shall be lawful for the Municipal Council of any Municipal town which is supplied with gas, to appoint such person or persons as they may deem qualified thereto, for the purpose of examining, testing, and stamping meters; and in case any such person or persons shall stamp any meter without duly testing and finding the same to be correct, or shall refuse, or for *three* days after being so required neglect, without lawful excuse, to test any meter, or to stamp any meter found to be correct on being so tested, shall be guilty of an offence, and shall be liable to a penalty not exceeding Five pounds.

Municipal Councils to appoint inspectors of meters.

10. IT shall be lawful for the Municipal Council of any Municipal town that is supplied with gas, or any person or persons appointed by them for that purpose, at all reasonable times, and with all necessary workmen and appliances and other means, to enter any house or shop, store, warehouse, still, yard, or place whatsoever within their

Municipal Councils may enter houses, &c., for inspecting meters.

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jurisdiction, wherein such Municipal Council may have reason to believe that there is any incorrect meter fixed or used, and to examine and test the same, and, if necessary for such purpose, to remove such meter, doing as little damage thereby as may be; and, if upon such examination and testing it shall appear that any such meter is incorrect within the meaning of this Ordinance, or fraudulent, the same shall not be re-fixed or used again unless and until altered and repaired so as to measure and register correctly; and the fees on such removal, examination, and testing of a meter, whether corrected and re-placed or not, shall be double the fees hereinafter made payable for testing and stamping, and shall be payable by the buyer or seller of gas, as the Municipal Council shall determine. PROVIDED that any person duly authorized by any Company or persons selling gas by meter may supply water to any meter, so as to keep the water at the correct level.

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Consumers may use any stamped meters.

11. EVERY consumer of gas may purchase and use for the measurement of the gas supplied to him any meter duly stamped under the authority of this Ordinance, provided that the gas to be consumed per hour shall not exceed the quantity per hour the meter is intended to measure, so marked on the outside thereof as aforesaid.

Fees for testing and stamping meters.

12. THE fees for examination, comparison, and testing, with or without stamping meters, shall be sixpence for each meter delivering a cubic foot of gas in four or more revolutions or complete repetitions of the action of the meter, and one shilling for each meter delivering a cubic foot of gas by any less number of revolutions or complete actions, or one revolution or complete action; and for each meter delivering more than one cubic foot of gas by one revolution or complete action the further sum of one shilling for every cubic foot of gas delivered at one revolution or complete action beyond the first cubic foot.

Cost of models and other expense to be paid out of the Lighting rates.

13. THE expense of providing models of gas-holders, with proper balances, indices, and apparatus as aforesaid, and stamps for stamping meters, and the remuneration to such person or persons as may be appointed by the Municipal Council of any Municipal town, to test and stamp meters, shall be paid out of the lighting rate leviable under the 54th Section of the *Municipal Councils' Ordinance*, No. 17 of 1865.

Offences under this Ordinance.

14. WHOSOEVER shall commit any of the following offences shall be liable to the fines hereinafter set forth.

Counterfeiting stamps.

(1.) WHOSOEVER shall make, except under the authority of this Ordinance, or forge or counterfeit, or cause or procure to be made, except as aforesaid, or forged or counterfeited, or knowingly act or assist in the making, except as aforesaid, or forging or counterfeiting any stamp or mark which may be used for the stamping or marking of any meter under this Ordinance, shall be liable to a fine not exceeding One hundred pounds and not less than Ten pounds.

Selling or uttering meters with forged stamps.

(2.) WHOSOEVER shall knowingly sell, alter or dispose of, let, lend, or expose for sale any meter with such forged stamp or mark thereon. Provided that all meters with such forged or counterfeited stamps shall be forfeited and destroyed, shall be liable to a fine not exceeding Ten pounds and not less than Two pounds.

Tampering with meters, obstructing inspectors, &c.

(3.) WHOSOEVER shall knowingly repair or alter, or cause to be repaired and altered, or tamper with or do any other act in relation to any stamped meter, so as to cause such meter to register unjustly or fraudulently, or who shall prevent or refuse to allow lawful access to any meter in his possession or control, or the supply of water thereto as hereinbefore provided, or shall obstruct or hinder any examination or testing authorized by this Ordinance of any such meter shall be liable to a fine not exceeding Fifteen pounds. PROVIDED that the payment of any such penalty as aforesaid shall not exempt the party offending from liability to indictment or other proceeding at law to which he would otherwise be liable, or deprive any person of the right to recover damages for any loss or injury sustained by such act or default; and provided further that the party offending shall pay the fees for removing and testing and the expense of purchasing and fixing a new meter.

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15. ALL disputes between the buyer and seller of gas by meter, or between any owner of a meter and any person or persons appointed under this Ordinance to test meters, respecting the correctness of any meter, shall be referred to the said Municipal Council, whose decision thereon shall be final.

16. AND in all cases where fees or expenses are by this Ordinance directed to be paid, the amount, if certified to by the Chairman or Secretary of the said Municipal Council, shall be recovered, in the event of the party liable thereto failing to make payment within a week after notice given to him in that behalf, by the Police Court, as if it were a fine imposed by such Court, whether or not such amount shall exceed the sum which the Police Court has jurisdiction to award by way of fine.

17. NO prosecution shall be instituted against any person for any offence committed against the provisions of this Ordinance cognizable by the Police Court, unless the same shall be commenced within three months from the time of the commission of such offence.

Passed in Council, the Seventh day of January, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Eleventh day of January, One thousand Eight hundred and Seventy-one, and published by his Order.

HENRY T. IRVING,
Colonial Secretary.

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Settlement of disputes affecting meters.

Fees and expenses under this Ordinance, how recoverable.

Limitation of prosecution.