

11th June, 1986.

M & R Properties Ltd.

Plaintiff

-v-

Jersey Electricity Co. Ltd.

Defendant

The Court is of the unanimous opinion that the "general supply" that the Defendant is required to give by Article 14 of the Electricity (Jersey) Law, 1937, was the 350 amps. 238 KVA supply which was supplied to ordinary consumers from the Defendant's medium voltage distribution system.

In reaching this decision the Court has adopted the principle that, as a guide in matters of interpretation, the Electricity (Jersey) Law, 1937, should be read in conjunction with the United Kingdom Electricity Supply Regulations, 1937, to which the Jersey Law from time to time makes reference (e.g. Articles 10, 13 and 32). Under these Regulations, "general supply" means the general supply of energy to ordinary consumers "..... but shall not include the supply of energy to particular consumers under special agreement".

The Court is satisfied from the evidence that the Plaintiff's requirement of 3000 amps 720 KVA at 415/240 volts could not be supplied from the Defendant's medium voltage distribution system, that this system could not, for practical reasons, be "beefed up" (to use Counsel's expressive phrase) to meet the Plaintiff's requirements, and that consequently the Plaintiff's requirements could only be met out of a high-voltage system. Under Regulation 30 of the Regulations, it is clear that a supply at high-voltage will only be commenced after certain conditions have been satisfied. These conditions, in the opinion of the Court, constitute a "special agreement" and therefore constitute the Plaintiff in this case a "particular consumer" instead of an "ordinary consumer".

The Defendant has offered the Plaintiff a supply at 11KV from its high voltage distribution system on terms similar to other high voltage consumers. The Plaintiff contends that it is the Defendant's duty to make the system adequate to provide the Plaintiff with the requested supply. However, it was stated by Jenkins J. in London Investment and Mortgage Co. Ltd., -v- Central London Electricity Ltd., [1948] All E.R. 386 at 390 - "Unless there is some special bargain the individual for the time being occupying the premises cannot have a right to any particular voltage or kind of current other than the general supply provided by the defendants as approved by the Board of Trade or now by the Electricity Commissions". And at 393 - "..... the defendants are under no obligation to supply the plaintiffs with 100 volts direct current or with any current other than that which they declared under Regulation 34 as the current they proposed to supply".

Having decided that the supply requested by the Plaintiff is not of the nature of a general supply, the remaining issues raised in the Agreed Statement that was put before the Court are largely academic. However, the Court feels it would be helpful to clarify the one major point outstanding, as to whether the transformer and switch-gear contained in the substation are part of the "electric line". The definition of "electric line" contained in the Electric Supply Regulations, 1937, is very clear. It comprehends any means or apparatus used for the purpose of conveying, transmitting or distributing electricity or electric currents. The Court cannot see how a transformer, which is an apparatus used for the purpose of transmitting electric current when it has been changed into the voltage required by the consumer, is not covered by this definition.

The Court therefore dismisses the Plaintiff's Order of Justice and asks to be addressed on costs.