

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,382 of 29th OCTOBER, 1987.

I ASSENT,

PETER TERRY

GOVERNOR.

29th October, 1987.



GIBRALTAR.

No. 24 of 1987.

AN ACT to amend the Public Utility Undertakings Act.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Public Utility Undertakings Title and (Amendment) Act, 1987, and shall come into operation on commencement. such date as the Governor may by notice in the Gazette appoint.

New Section 42A.

Public Utility Undertakings (Amendment) Act, 1987.

2. The Public Utility Undertakings Act (hereinafter called "the principal Act") is amended by inserting after Section 42 the following new section -

"Counting the number of calls.

- 42A.(1) Except where otherwise expressly agreed between the Government and the subscriber, the number of calls, or units of calls where applicable, shall be counted and registered by means of a meter and the register of a meter shall be prima facie evidence of the number of such calls or units in respect of which a charge is made or sought to be recovered by the Government.
- (2) Where a meter is found to register incorrectly then a refund to be made to, or any extra payment required from, a subscriber, shall be paid or allowed by the Government, or paid by the subscriber, as the case may be.
- (3) The amount of the refund or payment referred to in subsection (2) shall, if practicable, be calculated with reference to the number of calls or units thereof, registered on the meter in a similar period during the previous year.
- (4) Any questions arising between the Government and a subscriber with respect to the number of calls or units registered on the meter may be determined, upon the application of either party, by the Magistrates' court, which may also order by which of the parties the cost of the proceedings before it shall be paid and the decision of the court shall be final and binding on all parties."

New section 56.

3. The principal Act is further amended by inserting after section 55 the following new section-

"Liability from payment outstanding accounts.

56. The institution by a person of proceedings under section 14(1) or 42A(4) shall not affect that person's liability to pay any

Public Utility Undertakings (Amendment) Act, 1987.

amount outstanding in respect of a period other than that of which such proceedings have been instituted."

Passed by the Gibraltar House of Assembly on the 21st day of October, 1987.

P. A. GARBARINO

Clerk to the Assembly