



ST. CHRISTOPHER AND NEVIS

CHAPTER 5.02 (N)

ELECTRICITY ORDINANCE

Revised Edition

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CHAPTER 5.02 (N) ELECTRICITY ORDINANCE

AN ORDINANCE TO MAKE NEW PROVISIONS WITH RESPECT TO THE SUPPLY OF ELECTRICITY; TO REPEAL THE ELECTRICITY ICE AND COLD STORAGE ACT IN RESPECT OF THE ISLAND OF NEVIS; TO PROVIDE FOR THE VESTING OF THE PROPERTY, RIGHTS AND LIABILITIES OF THE ELECTRICITY DEPARTMENT IN A COMPANY LICENSED BY THE MINISTER; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

PART I PRELIMINARY MATTERS

Short title.

1. This Ordinance may be cited as the Electricity Ordinance.

Interpretation.

2. In this Ordinance—

“administration” means the Nevis Island Administration;

“area of supply” and “supply area,” in relation to a public supplier, means the area within which the supplier is authorised to supply electricity under his public supplier’s licence;

“consumer” means any person who is supplied with electricity by a public supplier;

“Director of Physical Planning” means the person for the time being carrying out the functions of the head of the department of the Nevis Island Administration charged with responsibility for physical planning and development control;
(Inserted by Ordinance 1 of 2005)

“electricity” means energy involving the use of electricity when generated, transmitted, distributed, supplied or used for any purpose;

“electricity department” means the department within the Administration responsible for the generation and supply of electricity to consumers and includes all lands, buildings, electrical plants, furnishings and vehicles used by the department;

“electrical fittings” means electric fittings, apparatus and appliances designed for use by consumers of electricity for lighting, motive power and other purposes for which electricity can be used;

“electric line” means any wire or conductor used or to be used for the purpose of conveying, transmitting or distributing electricity or as pilot lines for remote control, protection, metering or telecommunication, together with any casing, coating, covering, tube, pole, stay wire, bracket, pipe or insulator enclosing, surrounding or supporting the same, or any part thereof;

“electrical plant” means any plant, equipment, transformer, switchgear, apparatus and appliances used for the purpose of generating, transmitting and distributing electricity, and includes any building or structure required to accommodate any of the same but does not include any electrical fittings;

- “general supply” means the supply of electricity to consumers;
- “licence” means a public supplier’s licence or a private supplier’s licence granted under section 4;
- “licensed supplier” means the holder of any licence granted under section 4;
- “meter” means an electricity meter;
- “minister” means the Minister having charge of electricity in the Administration;
- “potential consumer” means any person entitled to be supplied with electricity;
- “premises” means dwelling house;
- “private supplier’s licence” means a licence granted pursuant to paragraph (b) of subsection (1) of section 4;
- “property” means any land and or building other than a dwelling house;
- “public supplier” means the holder of a public supplier’s licence;
- “public supplier’s licence” means a licence granted pursuant to paragraph (a) of subsection (1) of section 4.

PART II

CONTROL OF SUPPLY OF ELECTRICITY

Licence required for supply of electricity.

3. (1) Save as otherwise provided in subsection (2), a person shall not use or cause or permit to be used, any electrical plant for the purpose of supplying any premises or property with electricity except under and in accordance with the terms of a licence granted under section 4.

(2) Subsection (1) shall not apply to the use of any electrical plant which—

- (a) is powered only by wind and which is used by any person for the purpose only of supplying electricity to his own premises;
- (b) is used only for the photovoltaic generation of electricity by any person for the purpose only of supplying electricity to his own premises;
- (c) is installed in any vehicle, vessel or aircraft for the purpose only of supplying electricity to that vehicle, vessel or aircraft;
- (d) is used only in connection with the carrying on of any construction or repair work, or any excavation, in any case where it is not reasonably practicable to use electricity supplied under a public supplier’s licence; or
- (e) is an electrical plant of any class or description as may be prescribed by the Minister by order for the purposes of this subsection.

Public supplier’s licence and private supplier’s licence.

4. (1) The Minister may grant—

- (a) a public supplier’s licence, that is to say, a licence authorising the applicant to use any electrical plant for the purpose of supplying

electricity to any premises or property within the area specified in the licence, with or without any restriction as to the purposes for which electricity may be supplied under the licence to any such premises or property; or

- (b) a private supplier's licence, that is to say, a licence authorising the applicant to use any electrical plant for the purpose of supplying his own premises or property, as specified in the licence, with electricity.

(2) An application for any licence under this section shall be made in writing addressed to the Minister.

(3) A licence granted under this section shall be in such form as may be set out in regulations by the Minister.

(4) Subject to the power to revoke a licence in accordance with the terms of the licence or under section 6, the period of validity of a licence under this section shall be a period, not exceeding fifty years in the case of a public supplier's licence and not exceeding five years in the case of a private supplier's licence, as shall be specified in such licence.

(5) The Minister may, on application made in writing by a private supplier not later than one year before the expiration of the period of validity of the relevant private supplier's licence, renew such licence for such period not exceeding five years as shall be endorsed on such licence and subject to such terms and conditions as shall be so endorsed.

(6) The Minister may, on application made in writing by a public supplier not later than one year before the expiration of the period of validity of the public supplier's licence—

- (a) where such licence was originally granted for a period of less than fifty years, extend the period of validity of such licence for such further period as not to exceed fifty years reckoned from the original date of validity of the licence as shall be endorsed on such licence; or
- (b) where such licence was originally granted for a period of fifty years, renew such licence for such period not exceeding fifty years as shall be endorsed on such licence and subject to such terms and conditions as shall be so endorsed.

(7) Where a public supplier intends not to seek renewal of its licence, the supplier shall give notice in writing to the Minister of the supplier's intention not to renew its licence not later than two years before the expiration of the validity of such licence.

(8) Where a public supplier contravenes subsection (7), such supplier shall pay to the Administration one million dollars and the Administration may recover the amount from the supplier as a civil debt.

Application.

5. This Ordinance shall apply to every electrical plant in Nevis, notwithstanding that such plant was in use before the commencement of this Ordinance.

Revocation of licences.

6. (1) Subject to subsections (2) and (3), the Minister, in addition to the exercise of any power conferred on him under a licence to revoke that licence, may, by notice

in writing served on a licensed supplier, revoke the licence held by the supplier on any of the following grounds—

- (a) in the case of a public supplier's licence where the supplier fails to comply with an Order of the Public Utilities Commission after conviction under subsection (2) of section 7 of the Public Utilities Commission Ordinance;
- (b) in the case of a private supplier's licence—
 - (i) that the supplier is using the electrical plant which he is authorised to use under the licence in a manner likely to constitute a nuisance or to cause injury to any other person;
 - (ii) that the licence was obtained by fraud.

(2) Before serving on a private supplier a notice under subsection (1) (hereafter in this section referred to as a notice of revocation), the Minister shall serve on the licensee a notice in writing stating—

- (a) that the Minister is considering to serve a notice of revocation under this subsection on the supplier on the grounds specified in the notice; and
- (b) that the supplier may, within a period of thirty working days from the date of the service on him of the notice under this subsection, make written representations to the Minister.

(3) The Minister shall consider any representations made by a private supplier in response to a notice under subsection (2) before serving a notice of revocation on the supplier.

(4) After a public supplier's licence has been revoked under subsection (1) or terminated under subsection (6), the Minister shall cause notice to be published in the *Gazette* and in such other way as appears to him expedient for notifying consumers in the supply area to which the licence relates.

(5) A notice of revocation shall not have effect within a period of three months from the date of the service of such notice in the case of a private supplier's licence.

(6) The Minister shall—

- (a) at the request of a public supplier made at least twenty-four months prior to the intended date of termination, terminate the licence held by the supplier on such date; and
- (b) at the request of a private supplier made at least three months prior to the intended date of termination, terminate the licence held by the supplier on such date.

Appeals.

7. (1) A public supplier may appeal to the High Court against a notice under subsection (1) of section 6.

(2) A private supplier may appeal to the Magistrate's Court against a notice under subsection (1) of section 6.

(3) An appeal under subsection (1) or (2) shall be instituted by a licensed supplier within a period of twenty-one days from the date on which the notice was served on the supplier.

Purchase by Government on revocation of a public supplier's licence.

8. (1) Where the Minister revokes a public supplier's licence in accordance with section 6, the Administration may purchase all the assets of the public supplier used pursuant to its obligations under its licence at the then current market value of such assets.

(2) Where the Minister refuses to renew the validity of a public supplier's licence under section 4 the public supplier shall sell its assets used pursuant to its obligation under its licence to such person as the Administration may approve and where there is no such person to purchase the assets of the public supplier the Administration may purchase all such assets at the then current market value of such assets.

(3) For the purposes of this section the current market value of the assets shall be determined by an independent valuer agreed upon by the Administration and the public supplier.

PART III

VESTING IN SUCCESSOR COMPANY

Vesting of property in successor company.

9. On such day as the Minister may, by order, appoint for the purposes of this Ordinance (in this Ordinance referred to as the "vesting day"), there shall vest in the successor company, free of any trust, express or implied—

- (a) the whole of the undertaking of the Electricity Department together with all land, buildings, electric lines, electric plants, electric installations and all other materials, appliances, equipment and apparatus used for, by or in connection with the production and supply of electricity in Nevis;
- (b) all interests, rights, easements, assets, liabilities, which immediately before the vesting day were enjoyed or borne by the Electricity Department;
- (c) the right to recover monies due and payable to the Electricity Department in connection with the production and supply of electricity.

(2) As from the vesting day, the benefits and burdens of any contract made for the provision of electricity supply to which the Administration or the Electricity Department is a party, and which was in force immediately before the vesting day, shall be deemed to have been transferred to the successor company.

(3) Without prejudice to the generality of the foregoing provisions of this section, where by the operation of any of the provisions of this section—

- (a) any right or liability vests in a successor company, that company and all other persons shall have the same rights, powers and remedies (and in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing those rights or liabilities as they would have had if it had at all times been a right or liability of the successor company;

- (b) any applications made to any authority pending on the vesting day by or against the Administration in respect of the Electricity Department in so far as they relate to any property, right, liability or obligation vested in the successor company by this Ordinance or to any contract which has effect in accordance with subsection (2) of this section, or any agreement applied to the Electricity Department by or under this Ordinance shall be continued by or against the company.

Nomination of successor company.

10. As soon as the Minister is satisfied that nothing remains to be done the Minister may, by order, on the vesting day nominate as the successor company, a company formed and registered under the Companies Act, provided that on the vesting day such successor company is a company limited by shares and such shares are wholly owned by the Administration.

Cessation of electricity department functions.

- 11.** As from the vesting day the Electricity Department shall cease to—
- (a) generate, distribute, supply and sell electricity for public and private purposes;
 - (b) promote and encourage the effective and efficient development and administration of electricity supply.

PART IV

ELECTRICITY COMMISSIONER

Electricity Commissioner.

12. (1) As from the vesting day there shall be appointed an officer to be known as the Electricity Commissioner for the purpose of carrying out the functions assigned to him under this Ordinance.

(2) The Electricity Commissioner shall have the right at all reasonable times to enter, for the purpose of inspecting or testing any electrical line or any electrical fittings or wiring upon any property or premises to which electricity is supplied by a licensed supplier or upon any property at which electricity is generated, transmitted or distributed.

(3) The Electricity Commissioner shall have the right to direct a licensed supplier not to supply electricity to premises or property in which any installation, fittings or wiring is deemed by him to be unsafe. The licensed supplier shall comply with such direction as soon as may be practicable and shall only reconnect the supply of electricity to such premises or property when the Electricity Commissioner has certified that the installation, fittings or wiring in question has been made safe.

(4) The Electricity Commissioner shall be entitled to supervise any test carried out pursuant to the provisions of subsection (1) of section 16.

(5) The Electricity Commissioner shall have such other powers, functions and duties as may be prescribed by the minister.

Consent for supply of electricity.

13. (1) No electricity shall be supplied to any property or premises after the vesting day, or to any extension of any property or premises in existence before that date until the Electricity Commissioner grants his permission in writing to the person seeking the supply of such electricity:

Provided that the Commissioner shall not grant his permission until the Director of Physical Planning has confirmed that the property or premises has been granted development permission in accordance with the provisions of the Nevis Physical Planning and Development Control Ordinance, Cap. 6.09 (N).

(Proviso inserted by Ordinance 1 of 2005)

(2) Where the applicant for the supply of electricity or his representative is dissatisfied with the decision of the Electricity Commissioner, he may appeal to the Magistrate's Court.

Consent for alteration.

14. No person shall alter or extend any electrical installation to his property or premises without the permission of the Electricity Commissioner.

Fees.

15. (1) It shall be lawful for the Electricity Commissioner to charge such fees as may be prescribed in respect of the services provided by him.

(2) All fees collected by the Electricity Commissioner shall be paid into the Nevis Island Consolidated Fund.

Consumer may require test of meter.

16. (1) Whenever requested to do so by any consumer and after payment by such consumer of any testing fee as may be prescribed, a public supplier shall test the meter registering the electricity supplied to such consumer against a standard meter and supply the consumer with a report showing the result of the test.

(2) If the report supplied under subsection (1) shows that the meter is registering above or below such standard as may be prescribed in accordance with the Public Utilities Commission Ordinance, the public supplier shall replace the meter in question and shall refund to such consumer the testing fee paid by him. The meter shall be deemed to have been so registering erroneously from the first day of the period for reading the meter prior to the then current period until the date upon which the meter is replaced, and the public supplier shall make an allowance to such consumer in respect of electricity supplied during such time.

PART V**SUPPLY OF ELECTRICITY BY PUBLIC SUPPLIER****Power to discontinue supply.**

17. If a consumer fails or refuses to pay and discharge any charge or other sum due and payable by the consumer to a public supplier under this Ordinance, the supplier may, after payment of the same remains outstanding for more than fifteen days from the date of the relevant bill discontinue the supply of electricity to premises or property of the consumer.

Re-connection.

18. Where a public supplier has discontinued the supply of electricity to any premises or property of any person in accordance with the provisions of this Ordinance a re-connection fee as may be prescribed by the public supplier with the approval of the public utility commission shall be payable by that person to the public supplier prior to re-connection of such supply to that person.

Notice to be given by consumer before quitting his premises or property.

19. (1) In the absence of any express agreement to the contrary between a consumer and a public supplier, at least fifteen working days' notice in writing shall be given by the consumer to the supplier before he quits any premises or property to which the public supplier supplies electricity.

(2) In default of a consumer giving notice to a public supplier in respect of any premises or property, such consumer shall be liable to pay to the supplier any monies due in respect of the supply of electricity by the supplier to those premises or property up to—

- (a) the expiration of the usual period for reading the meter on the premises or property next following the date on which such consumer quit the premises or property; or
- (b) the date on which the subsequent occupier of those premises or property requires the supplier to supply electricity to the premises or property,

whichever first occurs, and the supplier may refuse to supply such consumer with electricity at any other premises or property until all such monies have been paid to the supplier.

(3) Notice to the effect that liability may accrue to a consumer under this section on quitting his premises or property shall be endorsed on each demand note for the payment of electricity supplied to the premises or property.

PART VI**MEASUREMENT BY METER OF ELECTRICITY SUPPLIED
BY PUBLIC SUPPLIER****Consumption of electricity to be determined by meter.**

20. The consumption by a consumer of electricity supplied to him by a public supplier shall be determined by means of a meter.

Public supplier to keep meters in repair.

21. (1) A public supplier shall, at his expense, keep all meters supplied by him for the purposes of determining the consumption of electricity by any consumer in proper working order correctly registering the consumption within the limits of error as may be prescribed in accordance with the Public Utilities Commission Ordinance.

(2) Subject to subsection (3), the expenses incidental to the removal, testing, inspection or replacement of a meter incurred by a public supplier in pursuance of this section shall be borne by the supplier.

(3) Where such expenses are reasonably incurred by a supplier by reason of any unreasonable act or omission of the consumer, the supplier may recover the amount of such expenses from the consumer as a civil debt.

Penalty for damaging meters and for reconnecting service line with meter without consent.

22. (1) Any person who—

- (a) wilfully, fraudulently or recklessly removes, damages, or suffers to be removed or damaged, any meter, or alters the index of any meter or prevents any meter from duly registering the quantity of electricity supplied; or
- (b) reconnects with a meter a service line which has been disconnected by a public supplier, without the authority of the supplier shall, without prejudice to any other right or remedy for the protection of the public supplier in question or the punishment of the offender, be guilty of an offence and liable on summary conviction, for each offence, to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three months.

(2) The prosecution of any offence under subsection (1) shall not prevent a public supplier from recovering the amount of any damage caused to the supplier by the commission of such offence and if the offence is an offence under paragraph (b) of that subsection, the supplier may again disconnect the line at the meter.

PART VII

CHARGES FOR ELECTRICITY SUPPLIED BY PUBLIC SUPPLIER

Charges for electricity supplied by public supplier to be at prescribed rates.

23. (1) The charges made by any public supplier for electricity supplied by him to a consumer shall be in accordance with such tariff of rates and charges as may be prescribed in accordance with the Public Utilities Commission Ordinance.

(2) Any charges made by a public supplier to a consumer under and in accordance with this Ordinance shall be recoverable by the supplier as a civil debt.

New occupier not to be liable for arrears.

24. If the consumer at any premises or property quits the premises or property without paying any amount due to a public supplier in respect of charges for electricity, the supplier shall not be entitled to require from the next consumer or potential consumer at the premises or property the payment of the amount due.

PART VIII

SUPPLEMENTARY PROVISIONS WITH RESPECT TO PUBLIC SUPPLIER

Right of entry of public supplier.

25. A person authorised by a public supplier may at all reasonable times (and at any time in an emergency) on the production of some duly authenticated document showing his or her identity, enter upon the property or premises to which electricity is or has been supplied by the public supplier for the purpose of inspecting, testing, maintaining, fixing, replacing or moving the electric lines, meters, fittings, wiring and apparatus thereon belonging to the public supplier, or of ascertaining the quantity of electricity consumed or supplied in or to such premises or property or, where a supply of electricity is no longer required or where the public supplier is entitled to cut off the supply of electricity, for the purpose of removing any electric lines, meters, fittings, wiring or apparatus belonging to the public supplier; provided that the public supplier shall repair all damage caused by any such entry, inspection, testing, maintenance, fixing, replacement, moving or removal and provided further that should anyone wilfully or maliciously place or erect anything which impedes or hinders the easy entry, inspection, testing, maintenance, fixing, replacement, moving or removal by the public supplier of his property, the public supplier shall be at liberty to remove the impediment or hindrance in question at the cost of the occupier of the property or premises in question and the public supplier shall not be responsible for any damage caused thereby.

Power of Administration to confer exemption.

26. The Administration may exempt, by order, a public supplier from liability to pay any taxation, duties, imposts, levies and rates and any interest, penalty or fine in connection therewith which would otherwise be payable in respect of the operations, activities, investments and profits of the supplier arising pursuant to the supplier's holding of a public supplier's licence. Such exemption shall last for such period, not exceeding the period of validity of the supplier's licence, as shall be specified in the order. The Administration may similarly exempt such supplier from any exchange or other restriction or control in relation to the remittance of funds by the supplier to others whether overseas or otherwise.

Additional Information.

27. The Electricity Commissioner may, once in each year, request from a public supplier such information with respect to the property and activities of any such supplier relating to the public supply of electricity as the Minister may reasonably require.

Electric lines, etc., to remain property of public supplier.

28. Except where otherwise agreed between a public supplier and a consumer, all electric lines, meters and any electrical fittings belonging to a public supplier which are in or on any property or premises, not being in the possession of the supplier—

- (a) shall be the property of the supplier; and
- (b) shall not be subject to distress or to the landlord's remedy for rent, or be liable to be taken in execution under any process of any court or proceedings in bankruptcy, insolvency, liquidation or receivership against the person in whose possession they are; and
- (c) shall not be deemed to be landlord's fixture,

notwithstanding that they may be fixed or fastened to any part of the property or premises.

Notification of accidents and inquiries.

29. (1) A licensed supplier shall give notice in writing to the Electricity Commissioner of any accident by explosion, fire or otherwise which has occurred in or in connection with any part of the supplier's electrical plant or electric lines, and which has caused, loss of life or personal injury and such notice shall contain particulars of any loss of life or personal injury caused by the accident.

(2) Where an accident as mentioned in subsection (1) (save that no loss of life or personal injury has resulted therefrom) has occurred and caused substantial damage to any property or premises, the Electricity Commissioner may request from the licensed supplier information relating to such accident.

(3) The Minister may direct the Electricity Commissioner—

- (a) to inquire into and report on any accident affecting public safety in or in connection with any part of a licensed supplier's electrical plant or electric lines, whether or not notice under subsection (1) of any accident has been received by the Electricity Commissioner; or
- (b) to inquire into and report whether the provisions of this or any other relevant law, and the conditions of the licensed supplier's licence, in so far as they affect the safety of persons, have been complied with by the licensed supplier.

Assumption of control of exercise of public supplier's licence by Minister.

30. (1) Where the Minister is satisfied—

- (a) that a public supplier is failing or is likely to fail, to supply electricity to such an extent as to cause hardship to consumers generally in the supplier's area of supply for a longer period than may reasonably be expected in the case of a temporary breakdown in such supply; and
- (b) that the failure or apprehended failure of the supplier cannot be remedied adequately or in good time under section 6,

the Minister may, without prejudice to the exercise of his or her powers under section 6 or any powers conferred on him or her by the public supplier's licence, by order, direct such person as may be specified in the order to take over the control and management of any undertaking carried on by the supplier for the purpose of supplying electricity under a public supplier's licence and to take all such steps as that person may deem necessary or expedient to ensure the maintenance of a proper and efficient supply of electricity to consumers in that area.

(2) An order under subsection (1) shall have effect until it is revoked by a subsequent order and shall be sufficient authority for such person as may be specified in the order—

- (a) to enter any property or premises, whether or not in the possession of the public supplier for the purpose of ensuring a proper and efficient supply of electricity to consumers in the supplier's area of supply; and
- (b) to take possession of and use any electrical plant and vehicle in connection with the supply of electricity under the supplier's licence; and

- (c) to exercise any such rights or powers which the supplier is entitled to exercise, whether under this Ordinance or otherwise, as may be necessary for that purpose; and
- (d) to require any person who, immediately before the making of the order, was employed by the supplier in connection with the supply of electricity under the supplier's licence to assist him in taking any steps required to be taken for that purpose.

(3) The Minister shall cause a copy of an order made under subsection (1) and of any subsequent order revoking that order to be served on the public supplier and shall cause any such order to be published in the *Gazette*.

(4) A public supplier may appeal to the High Court against an order made under subsection (1) within twenty-one days of the date of service on the supplier of a copy of the order in accordance with subsection (3) and on such an appeal, the High Court may quash, confirm or vary the order.

PART IX

MISCELLANEOUS

Other lines may be attached to electricity poles.

31. Any company for the time being entitled to operate a public telecommunication system under the Telecommunications Act and any licensed cable television company, on the terms and subject to the conditions of any agreement between each of them and the public supplier, may attach and keep attached, any line used or intended to be used for the purposes of the telecommunications system or the cable television system as the case may be to any pole or other support used by the public supplier for suspending an electric line above ground.

Damaging electrical plant to cut off supply and stealing electricity.

32. (1) Any person who unlawfully and maliciously damages any electrical plant with intent to cut off supply of electricity, or who incites any other person to do so, shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who unlawfully abstracts or causes to be abstracted, or diverts or causes to be diverted, any electricity, or consumes or uses any electricity, which has been unlawfully abstracted or diverted, shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three months, and shall be liable to make payment of any damages awarded by the court to the supplier in respect of the electricity which has been so abstracted or diverted.

(3) Any person who wilfully, fraudulently or recklessly removes, damages or disconnects or suffers to be removed, damaged or disconnected any electric line, switch or wiring or apparatus belonging to a public supplier shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars; and without prejudice to the foregoing, the public supplier may thereafter recover from such person the amount of any loss or damage sustained by it.

(4) If, upon any premises or property in the occupation of a consumer, there is connected or adjacent to any electric line any wire or device capable of wrongfully abstracting, diverting, consuming or using electricity, the existence of such wire or device shall be *prima facie* evidence that such consumer has, without legal right, abstracted or diverted electricity.

False statements etc.

33. Any person, who for the purpose of obtaining a licence under this Ordinance, whether for himself or any other person, or for any other purpose connected with this Ordinance—

- (a) knowingly makes a false statement or false representation; or
- (b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three months.

Obstruction.

34. Any person who obstructs—

- (a) any other person authorised by a public supplier to perform any of the supplier's powers, functions or duties under this Ordinance, in the exercise or the performance of any such powers, functions or duties by that other person; or
- (b) the Electricity Commissioner in the exercise or performance of any of his powers, functions or duties under this Ordinance,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three months.

Right of public supplier to move lines.

35. Where the owner of any land over which any overhead electric line belonging to a public supplier is situated obtains planning permission in respect of such land, the public supplier shall be entitled (at its cost) to move such line to a suitable alternative route so that the development in respect of which planning permission has been obtained shall not interfere with the supply of electricity by the public supplier through such line.

Damage caused by lopping trees or by motor vehicles.

36. (1) Any person who fells, lops or trims any tree or shrub thereby causing damage to any property of a public supplier shall be liable to pay the expense of remedying the damage so caused.

(2) Any person who drives any motor vehicle and thereby causes damage to any property of a public supplier shall be liable to pay the expense of remedying the damage so caused.

(3) For the purposes of this section "property" means any electrical plant, electric line or electricity pole.

Power to execute works on land.

37. (1) A public supplier may execute electrical works as may be necessary in, over or upon any land subject to—

- (a) in the case of land belonging to the Administration, to the consent in writing of the Minister of Lands in the Administration or an officer appointed by him for the purposes of this section;
- (b) in the case of any other land, after receiving the permission in writing from the owner or occupier thereof:

Provided that in case of emergency a public supplier may undertake such works as may be necessary on any land and immediately thereafter notify the owner or occupier of such land.

(2) Before placing an electric line across any land or along any road not maintained or maintainable at public expense a public supplier shall serve an owner or occupier therefor notice of the supplier's proposal, together with a description of the nature and position of the proposed line.

(3) If the owner or occupier on whom a notice under subsection (2) has been served does not respond in writing to the public supplier within thirty days after the date of service of such notice, such owner or occupier shall be deemed to have consented to the supplier's proposal.

(4) If, within thirty days after the date of service by a public supplier of a notice under subsection (2) the owner or occupier notifies the public supplier that he objects to the laying of any electric line across such land or road or attaches to his consent any terms or conditions to which the supplier objects, the supplier shall not place the line across such land or road unless prior approval of the Electricity Commissioner has been obtained in accordance with subsection (5).

(5) The Electricity Commissioner may, after giving the parties an opportunity of making representations to him, give his approval for the purpose of subsection (4) either unconditionally or subject to such terms and conditions as he thinks fit.

(6) A public supplier, an owner or an occupier may appeal to the Magistrate's Court against a decision of the Electricity Commissioner under this section.

Power to lop trees.

38. (1) Where any tree or shrub obstructs or interferes with the construction, maintenance or working of any electric line of a public supplier, or will interfere with the maintenance or working of such a line, the supplier may serve a notice on the owner and occupier of the land in which the tree or shrub is growing requiring him to lop or cut it so as to prevent obstruction or interference, on condition that the supplier shall pay the expenses reasonably incurred by the owner or occupier in complying with the notice.

(2) In any case where a notice under subsection (1) is served by a public supplier on any person who is the occupier but not the owner of the land in which the tree or shrub in question is growing, a copy of the notice shall also be served by the supplier on the owner (if known to the supplier).

(3) If, within twenty-one days from the date of service of a notice under subsection (1), neither the owner nor the occupier of the land in respect of which notice has been served—

- (a) has complied with the requirements of the notice; or

(b) has made an objection under subsection (4) to the notice, the public supplier or any person authorised by him in writing in that behalf, may enter the land and lop or cut the tree or shrub in question as required by the notice; save that, in the case of an emergency the public supplier or such authorised person (having, where practicable, advised the owner and or occupier) may forthwith enter the land and cut or lop the tree or shrub in question but, in such circumstances, the owner and or occupier may seek reasonable compensation pursuant to subsections (4) and (5).

(4) If, within twenty-one days from the date of service of a notice under subsection (1) by a public supplier, or within twenty-one days from the date on which the tree or shrub in question is lopped or cut under subsection (3) pursuant to an emergency, the owner and or occupier of the land in respect of which the notice has been served serves a counter notice in writing seeking compensation for the lopping or cutting as the case may be, either party may refer the matter to the Electricity Commissioner for determination within twenty-one days from the date of service of the counter notice.

(5) On a reference in accordance with subsection (4) the Electricity Commissioner after giving the parties an opportunity of making written representations to him and after taking any such representations into account, may make such order as he thinks fit, including an order empowering the public supplier concerned after giving reasonable notice to the other party to cause the tree or shrub in question to be lopped or cut, and may determine any question as to what compensation and expenses are to be paid.

(6) An order by the Electricity Commissioner under subsection (5) may be appealed to the Magistrate's Court within twenty-one days from the date of the order.

(7) Where no such reference is made to the Electricity Commissioner in accordance with subsection (4), a counter notice under that subsection shall be deemed not to have been served for the purposes of subsection (3).

(8) Trees and shrubs shall be lopped or cut by or on behalf of a public supplier in pursuance of this section so as to cause as little damage as may be reasonable in all the circumstances to trees, shrubs, fences and growing crops; and the supplier shall cause the boughs lopped to be removed as far as practicable in circumstances of each of the owner and or occupier and shall make good any damage done to the land.

(9) Where it is necessary to fell any tree for the purpose of the construction or maintenance of any electric line, this section shall apply to the felling of trees as it applies to the lopping of trees.

Surveys.

39. (1) Without prejudice to any other rights of entry exercisable by a public supplier, a public supplier, or any person authorised by him in writing in that behalf, may, at any reasonable time, and after giving 10 days notice to the owner or occupier of the land enter and survey any land, other than land covered by buildings, for the purpose of ascertaining whether the land would be suitable for the purposes of the supplier in the exercise of his public supplier's licence.

(2) Where in the exercise of any power conferred on a public supplier by subsection (1), any loss or damage is sustained by any person, that person shall be entitled to compensation to the extent of such loss or damage from the supplier.

Preservation of amenity.

40. A public supplier, in exercising any powers conferred by this Ordinance in relation to the execution of any works or otherwise, shall have regard to the desirability of preserving natural beauty, of conserving flora and fauna and geological features of special interest, and of protecting buildings or objects of architectural or historical interest.

Regulations.

41. (1) The Minister may make regulations prescribing all matters authorised or required to be prescribed under this Ordinance or as may appear to him to be necessary or desirable for the purpose of giving effect to this Ordinance.

(2) Regulations under this section may provide that a person contravening the regulations shall be guilty of an offence against this Ordinance and liable on summary conviction to a fine not exceeding one thousand dollars.

Service of notices.

42. (1) Any notice, order or other document required or authorised to be given or served on any person under this Ordinance may be given or served on that person—

- (a) by delivering it to him personally;
 - (b) by leaving it at, or sending it by post addressed to him, at his usual or last known place of abode or business; or
 - (c) if it is not practicable after reasonable enquiry to ascertain the name or address of that person, by displaying it in a prominent place on the premises or property affected.
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