



TURKS AND CAICOS ISLANDS

CHAPTER 14.04
ELECTRICITY ORDINANCE
and Subsidiary Legislation

Revised Edition
showing the law as at 31 March 2021

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance.

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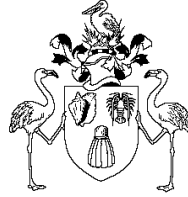
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CHAPTER 14.04

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CHAPTER 14.04

ELECTRICITY ORDINANCE

(Ordinances 19 of 1985, 12 of 2004, 14 of 2015 and Legal Notice 59/2014)

AN ORDINANCE TO MAKE PROVISION FOR CONTROLLING THE SUPPLY OF ELECTRICITY BY PUBLIC AND PRIVATE SUPPLIERS AND FOR THE FIXING OF TARIFFS OF CHARGES FOR ELECTRICITY SUPPLIED BY PUBLIC SUPPLIERS; AND FOR MATTERS CONNECTED WITH THOSE PURPOSES.

Commencement

Grand Turk and Salt Cay

[1 April 1986]

South Caicos

[12 December 1986]

Providenciales

[1 February 1987]

PART I

PRELIMINARY

Short title

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

Interpretation

2. In this Ordinance—

“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;

“Board” means the Electricity Board” established pursuant to section 4;
(Inserted by Ord. 14 of 2015)

“certified meter” means a meter certified by a meter examiner under section 34;

- “Chairman” means the Chairman of the Board as specified in section 4(2);
(Inserted by Ord. 14 of 2015)
- “consumer” means any person supplied, or entitled to be supplied, with electricity by a public supplier;
- “consumer’s terminals” means the ends of the electric lines on, in or over a consumer’s premises and at which the supply of electricity is delivered from the service lines;
- “distributing main” means the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply;
- “electric line” means a wire, cable or other means used for the purpose of conveying, transmitting or distributing electricity, with any casing, coating, covering, tube, pipe, pole or insulator enclosing, surrounding or supporting the same, or any apparatus connected therewith for the purpose of conveying, transmitting or distributing electricity;
- “electrical fittings” means electric lines, fittings, apparatus and appliances designed for use by consumers of electricity for lighting, motive power and other purposes for which electricity can be used;
- “electrical plant” means any plant, equipment, apparatus and appliances used for the purpose of generating, transmitting and distributing electricity, but not including any electrical fittings;
- “electricity” means energy involving the use of electricity when generated, transmitted, supplied or used for any purpose except the transmission of any telecommunication within the meaning of the Public Telecommunications Ordinance;
- “Energy and Utilities Commissioner” means the person appointed as Energy and Utilities Commissioner under section 55;
(Amended by L.N. 59/2014)
- “general supply” means the supply of electricity to consumers other than the supply of electricity to one or more consumers under special agreement;
- “licence” means a public supplier’s licence or a private supplier’s licence granted under section 10;
- “licensed supplier” means the holder of any licence granted under section 10;
- “mains” means an electric line through which electricity may be or is intended to be supplied for the purposes of general supply;
- “meter” means an electricity meter;
- “meter examiner” means a person appointed as such under section 33;
- “Minister” means the Minister responsible for utilities;
(Inserted by Ord. 14 of 2015)
- “modifications” includes additions, omissions and amendments; and “modified” shall be construed accordingly;

- “pressure” means the difference of electrical potential between any two conductors through which a supply of electricity is given, or between any part of the conductor and earth;
- “private supplier’s licence” means a licence of the description set out in paragraph (b) of subsection (1) of section 10;
- “public supplier” means the holder of a public supplier’s licence;
- “public supplier’s licence” means a licence of the description set out in paragraph (a) of subsection (1) of section 10;
- “road” means any road or other place to which the public have access, any bridge over which a road passes and all drains at the side of a road;
- “service line” means any electrical line through which electricity may be supplied, or is intended to be supplied, to a consumer from a main or directly from the premises of a public supplier.

PART II

ELECTRICITY BOARD

Interpretation in Part II

3. For the purposes of this Part—

“electrical work” includes all work and material and equipment used in installation, maintaining or extending a system of electrical wiring for light, heat or power and or installations connected with any source from which energy is available.

Establishment of Electricity Board

4. (1) There is established an Electricity Board.

(2) The Board shall consist of—

- (a) the Chairman appointed by the Minister, with background in electrical work;
- (b) the Permanent Secretary, Ministry responsible for utilities;
- (c) the Director of Planning;
- (d) the Energy and Utilities Commissioner; and
- (e) three other members appointed by the Minister as follows—
 - (i) one member to represent the Turks and Caicos Community College; and
 - (ii) two other members from among the members of the body known as the Turks and Caicos Islands Electrical Contractors Association.

(3) An appointed member, unless he sooner resigns or is removed from office, shall be appointed for such term not exceeding three years as may be specified in the instrument of appointment, and may from time to time be re-appointed.

(4) In the absence of the Permanent Secretary of the Ministry responsible for utilities from any meeting of the Board, the Deputy Secretary in the said Ministry may attend the meeting with a right to vote.

(5) An appointed member of the Board may resign his office by notice in writing addressed to the Minister.

Meetings of the Board

5. (1) The Chairman shall preside at all meetings of the Board at which he is present, and in his absence from a meeting, the members present shall elect one of their number to preside.

(2) The Board shall meet at least four times a year and at such other times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such place and time and on such days as the Board may determine.

(3) The Chairman may at any time call a special meeting of the Board, and shall call a special meeting within seven days of a requisition for the purpose addressed to him by any two members of the Board or by the Minister.

(4) Five members shall form a quorum at any meeting of the Board.

(5) Minutes of each meeting shall be kept by the Secretary and shall be confirmed by the Chairman at the next succeeding meeting.

(6) The powers of the Board shall not be affected by any vacancy in its membership or any defect in the appointment of any member.

(7) At a meeting of the Board all questions shall be decided by a majority of votes of the members present and voting, and, in the event of an equality of votes, the Chairman or in his absence the member presiding shall have a casting vote.

(8) The Board may invite any person or public officer, who, in the opinion of the Board, has expert knowledge concerning any particular matter being considered by the Board to attend meetings of the Board and to take part in its proceedings, but shall have no right to vote.

(9) Subject to the provisions of this section, the Board shall have power to regulate its own procedure, and may delegate to any member the power and authority to carry out on behalf of the Board such duties as the Board may specify.

(10) A member of the Board or a person invited to attend a meeting under subsection (8), who is not a public officer shall be paid such remuneration, allowances and travelling expenses incurred in connection with service on the Board as the Minister may determine.

Functions of the Board

6. The functions of the Board are—
- (a) to issue, revoke or vary licences in respect of all categories of persons carrying out electrical work in the Islands;
 - (b) to conduct or arrange for the conduct of examinations for the purposes of determining and assessing the competence and proficiency of persons applying for the issue of licences or holding licences;
 - (c) to ensure that the register kept under section 8 is available for inspection by the public; and
 - (d) to carry out such functions as may be required for the purpose of discharging its functions under this Part and giving effect to this Ordinance.

Secretary to the Board

7. (1) The Minister shall appoint a person to be Secretary of the Board for such term as may be specified in the instrument of appointment.

- (2) The Secretary shall—
- (a) attend all meetings of the Board but shall not be a part of the quorum or vote on a matter or question before the Board;
 - (b) prepare minutes of meetings of the Board;
 - (c) keep a record of the proceedings and decisions of the Board;
 - (d) receive applications for licences;
 - (e) report to the Board any non-compliance with the conditions of any licence issued under this Part;
 - (f) ensure that all fees payable for licences are duly paid;
 - (g) keep and maintain the register required to be kept under this Part; and
 - (h) carry out such other duties as the Board may require.

Register of applications and licences

8. (1) The Board shall keep a register containing information with respect to licences issued and applications made for the issue of licences, and containing information with respect to the revocation or variation of licences.

(2) The register kept under this section shall be available for inspection by the public at all reasonable hours.

(Inserted by Ord. 14 of 2015)

PART III

CONTROL OF SUPPLY OF ELECTRICITY

*Licences for the Supply of Electricity***Licence required for supply of electricity**

9. (1) Subject to subsection (2), a person shall not use, or cause or permit to be used, any electrical plant for the purpose of supplying himself or any other person with electricity except under and in accordance with the terms of a licence granted under section 10.

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

- (a) is powered only by wind;
- (b) is used only for the photovoltaic generation of electricity;
- (c) was installed in the Islands before the 22nd day of November, 1983 and which is used by any person for the purpose of supplying electricity only to himself;
- (d) is installed in any vehicle, vessel or aircraft for the purpose only of supplying electricity to that vehicle, vessel or aircraft;
- (e) is used only for the purpose of supplying electricity at such times as there is a temporary breakdown in the supply of electricity under a licence;
- (f) is such electrical plant as mentioned in paragraph (e) at such times as the plant is being used only for the purpose of servicing or testing the plant;
- (g) is used only in connection with the carrying on of any constructional or repair work, or any excavation, in any case where it is not reasonably practicable to use electricity supplied under a licence;
- (h) is electrical plant of any class or description as may be prescribed by the Governor by order for the purposes of this subsection.

Public supplier's licence and private supplier's licence

10. (1) Subject to the provisions of this Ordinance, the Governor, on application made to him in writing by any person, may grant the applicant—

- (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 person 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 person; 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

himself or any other person specified in the licence with electricity for such purposes as shall be so specified.

(2) The Governor shall not grant a private supplier's licence for the supply of electricity within the area of supply of a public supplier unless the Governor is satisfied that the regular and efficient supply of electricity by that public supplier to the applicant for the private supplier's licence, or to any other person intended to be supplied with electricity under the private supplier's licence, is not readily available on reasonable terms.

(3) An application for a licence under this section shall be made in such form as the Governor may direct and shall contain such particulars and be accompanied by such evidence as he may require.

(4) Subject to subsections (5) and (6), a licence under this section may be granted subject to the payment to the Permanent Secretary, Finance of such sums as may be specified in the licence and subject to such conditions as the Governor may think fit or as may be prescribed.

(5) Subject to subsection (6) and to the power of the Governor to revoke a licence in accordance with the terms of the licence or under section 13, the period of validity of the licence shall be such period, not exceeding fifty years, as shall be specified in the licence.

(6) The Governor may, on application made to him in writing not earlier than ten years and, in the case of a public supplier's licence, not later than one year, before the expiration of the period of validity of a licence, extend the period of validity of the licence for a further period, not exceeding fifty years, as shall be endorsed on the licence and subject to the payment to the Permanent Secretary, Finance of such sums and subject to such conditions as shall be so endorsed, being sums and conditions in substitution for, or in addition to, any sums and conditions specified in the licence as originally granted.

Penalty for supplying electricity unlawfully

11. Any person who contravenes subsection (1) of section 9 commits an offence and is liable on summary conviction to a fine of \$5,000 or to a term of imprisonment of six months; and if the offence of which he is convicted is continued after conviction, he commits a further offence and is liable to a fine of \$1,000 for every day on which the offence is so continued.

Enforcement and Revocation of Licences

Securing compliance with licence conditions

12. (1) Where the Governor is satisfied that a licensed supplier has contravened or is likely to contravene any of the conditions of his licence, he may, by notice in writing served on the supplier, require the supplier, within such period as shall be specified in the notice—

- (a) to take such steps as the Governor considers necessary to secure compliance with that condition and to make good any loss or damage in consequence of a contravention of that condition;

(b) to give to the Permanent Secretary, Finance such security as shall be specified in the notice for the due observance of that condition.

(2) A notice under subsection (1) shall state the relevant condition of the licence in respect of which it is to be served and the acts or omissions which, in the opinion of the Governor, constitute or would constitute a contravention of that condition.

(3) If an appeal under subsection (1) of section 14 is brought against a notice under subsection (1), the notice shall not take effect until the appeal is determined.

Revocation of licences

13. (1) Subject to subsections (2) and (3), the Governor, in addition to the exercise of any power conferred on him to revoke the 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 where the licence is a public supplier's licence—
- (i) that the supplier, in the opinion of the Governor, is not providing consumers in his supply area with a regular and efficient supply of electricity;
 - (ii) that, in the opinion of the Governor, it is in the interests of public safety that the licence should be revoked;
 - (iii) that the supplier has failed to pay any sum due and payable under the licence to the Permanent Secretary, Finance;
 - (iv) that the supplier has contravened any of the provisions of this Ordinance;
 - (v) that the supplier has failed to comply with a notice under subsection (1) of section 12 or an order of the Supreme Court under paragraph (c) of subsection (4) of section 14 for securing compliance with any condition of the licence; or
 - (vi) that the licence was obtained by fraud;
- (b) in the case where the licence is a private supplier's licence—
- (i) that the supplier has failed to pay any sum due and payable under the licence to the Permanent Secretary, Finance;
 - (ii) 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 an injury to any other person;
 - (iii) that the supplier has failed to comply with a notice under subsection (1) of section 12 or an order of the Supreme Court under paragraph (c) of subsection (4) of section 14 for securing compliance with any condition of the licence; or
 - (iv) that the licence was obtained by fraud.

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

- (a) that he is considering serving a notice of revocation on the supplier on the grounds specified in the notice under this subsection; and
- (b) that the supplier may, within the period of twenty-one days from the date of the service on him of the notice under this subsection, make written representations to the Governor and, if the supplier so requires, oral representations to the Energy and Utilities Commissioner.

(Amended by L.N. 59/2014)

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

(4) After serving a notice of revocation in respect of a public supplier's licence, the Governor shall publish notice of it 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—

- (a) subject to paragraph (b), within the period of twenty-one days from the date of the service of the notice;
- (b) if an appeal is brought against the notice under subsection (1) of section 14, until the determination of the appeal.

(6) The Governor may, at the request of a licensed supplier, revoke the licence held by the supplier.

Appeals

Appeals against notices under sections 12(1) and 13(1)

14. (1) A licensed supplier may appeal to the Supreme Court against a notice under subsection (1) of section 12 or subsection (1) of section 13.

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

(3) The Attorney General shall be the respondent to every appeal brought under subsection (1).

(4) On an appeal brought under subsection (1), the Supreme Court may, by order—

- (a) quash or confirm the notice against which the appeal is brought;
- or

- (b) where the notice is a notice under subsection (1) of section 12, vary the requirements imposed by the notice;
- (c) where the notice is a notice under subsection (1) of section 13 and the Court is satisfied that the appellant has contravened or is likely to contravene any of the conditions of his licence, quash the notice and require the appellant—
 - (i) to take such steps as the Court considers necessary to secure compliance with that condition and to make good any loss or damage in consequence of a contravention of that condition;
 - (ii) to give the Permanent Secretary, Finance such security as shall be specified in the order for the due observance of that condition.

PART IV

SUPPLY OF ELECTRICITY BY PUBLIC SUPPLIERS

Rights, Powers and Duties of Public Suppliers as to Wayleaves, the Construction of Works etc and the Compulsory Purchase of Land

Rights, powers and duties of public supplier as to wayleaves and the construction of works, etc

15. Subject to such modifications as may be prescribed or as may be specified in his licence, a public supplier shall, in addition to the rights, powers and duties conferred or imposed on him under any other provisions of this Ordinance or under his licence, have such rights, powers and duties as provided in the Schedule 1.

Compulsory purchase of land

16. (1) Subject to subsection (2), the Governor may, by a declaration in writing, authorise a public supplier to purchase compulsorily any land, or any interest in any land (including an easement or other right over land by the creation of a new right) which, in the opinion of the Governor, is required by the supplier for the purpose of the proper and effectual exercise of his licence.

(2) The Governor shall not authorise the compulsory purchase of any land, or any interest in any land, by a public supplier under subsection (1), unless he is satisfied that the public supplier is able to make a prompt payment to any person who may be entitled to compensation by virtue of this section in consequence of such compulsory purchase of such sum as, in the opinion of the Governor, is a reasonable estimate of the amount of such compensation and of any interest which may be payable on such compensation by virtue of this section; and the Governor may require the supplier to give to the Permanent Secretary, Finance, acting on behalf of any such person, security for the payment of that sum in such form as the Governor shall determine.

(3) A declaration made by the Governor under subsection (1) shall be published in the *Gazette* and shall state—

- (a) the place in which the land to which the declaration relates is situated;
- (b) the particular purpose for which the land, or any interest in the land, is required;
- (c) the approximate area of the land and all the other particulars necessary for identifying it; and
- (d) that a plan of the land is available for inspection at such place or places as shall be specified in the declaration.

(4) The provisions of the Land Acquisition Ordinance (other than section 11, Part VI and section 43) shall have effect for the purposes of this section subject to the modifications set out in Schedule 2.

Supply of Electricity

Duty to supply electricity

17. (1) Subject to the provisions of this Ordinance, a public supplier shall, on being required to do so in writing by the owner or occupier of any premises within the supplier's supply area, give and continue to give a supply of electricity for the premises in accordance with this Ordinance and any conditions of the supplier's licence, and shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which the owner or occupier of the premises is entitled to be supplied under this Ordinance.

(2) A public supplier may refuse to give a supply of electricity in accordance with subsection (1) to the owner or occupier of any premises—

- (a) unless the owner or occupier of those premises furnishes to the supplier security for the payment of all moneys which may become due to the supplier in respect of the supply of electricity to those premises;
- (b) unless, in the case where any part of the electric line for the supply of electricity to those premises will be more than one hundred feet distant from the nearest distributing main of the supplier, the owner or occupier of those premises pays to the supplier, or furnishes security to the supplier for the payment of, a sum equal to the amount of the cost of laying that part of the line;
- (c) if, by reason of the distance of the premises from any main belonging to the supplier or for any other sufficient reason it would be uneconomic for the supplier to supply electricity to those premises and the Energy and Utilities Commissioner has issued to the supplier a certificate to that effect.

(Amended by L.N. 59/2014)

(3) A public supplier may, after giving a supply of electricity in accordance with subsection (1) in respect of any premises, by notice in writing

served on the owner or occupier of the premises, require the owner or occupier of the premises, to furnish the supplier, within fourteen days from the date of the service of the notice, with security for the payment of all moneys which may become due to the supplier in respect of the supply of electricity to the premises.

(4) Where, as respects any premises, the owner or occupier of the premises fails to comply with a notice served on him by a public supplier under subsection (3) or the security furnished in pursuance of paragraph (a) or (b) of subsection (2) or in compliance with such notice is or becomes invalid or is insufficient, the supplier may discontinue to supply electricity to the premises for as long as the supplier is not furnished with sufficient security by the owner or occupier of the premises.

(5) Where the owner or occupier of any premises—

- (a) uses any electrical fitting;
- (b) uses electricity supplied to the premises for any purpose; or
- (c) deals with the electricity supplied to the premises,

in any manner so as to interfere unduly or improperly with the efficient supply of electricity by a public supplier to any other person, the supplier may discontinue to supply electricity to those premises for so long as he has reasonable cause to believe that the electrical fitting or electricity will be so used or dealt with.

(6) A public supplier shall not be required to give a supply of electricity to any premises unless he is reasonably satisfied that the electrical fittings in or serving those premises are in good order and condition and not calculated to affect injuriously the use of electricity by the supplier or any other person.

(7) If any difference arises under subsection (5) or (6) as to any improper use of electricity or to any alleged defect in any electrical fitting, the difference shall be referred to the Energy and Utilities Commissioner for determination.

(Amended by L.N. 59/2014)

(8) Where any security is required under this section, the security may be by way of a deposit or otherwise and of such amount as shall be agreed by the parties or, in default of agreement, as shall be determined by the Electrical Commissioner or, if the parties so agree, by arbitration.

Systems and modes of supply, and maximum power

18. (1) Electricity shall be supplied by a public supplier in such manner as may be prescribed or as may be specified in his licence and subject to such limits of variation of the nature, voltage and frequency of the electricity supplied as may be so prescribed or specified.

(2) The maximum power of electricity with which a consumer shall be entitled to be supplied shall be such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises.

(3) Where a consumer has required a public supplier to supply him with a maximum power of any specified amount, the consumer shall not be entitled to alter that maximum except on giving one month's notice in writing to the

supplier; and any expenses reasonably incurred by the supplier in respect of the service lines by which electricity is supplied to the premises of the consumer, or any electrical plant of the supplier on those premises, consequent on the alteration, shall be paid to the supplier by the consumer and shall be recoverable by the supplier as a civil debt.

(4) Any difference between a consumer and a public supplier—

- (a) as to what may be reasonably anticipated as the consumption of electricity on the premises of the consumer; or
- (b) as to the reasonableness of any expenses incurred by the supplier under subsection (3),

shall be determined by the Energy and Utilities Commissioner or, if the parties so agree, by arbitration.

(Amended by L.N. 59/2014)

Reduction and cessation of supply

19. (1) A public supplier may reduce the quantity of electricity supplied to any consumer if, by reason of any unforeseen circumstances beyond the supplier's control, it appears that the supply of electricity generated is insufficient to enable the full quantity to be conveniently supplied.

(2) Where the quantity of electricity has been reduced by a public supplier in pursuance of subsection (1)—

- (a) no liability shall be incurred by the supplier in respect of any loss or damage caused by the reduction;
- (b) in appropriate cases, an abatement in the charges for the supply of electricity shall be made in proportion to the reduction made.

(3) A public supplier shall not be liable for any injury or damage to any person or property or for any cessation of the supply of electricity, if the injury, damage or cessation is due to—

- (a) unavoidable accident;
- (b) fair wear and tear;
- (c) overloading due to the unauthorised connection of electrical fittings;
- (d) the reasonable requirements of the supplier in the proper exercise of his licence; or
- (e) defects in any electrical plant not provided by the supplier,

unless the injury, damages or cessation resulted from negligence on the part of any servant or agent of the supplier or from the faulty construction of any plant made or provided by the supplier.

Supply of electricity to public lamps

20. (1) A public supplier shall, on being given reasonable notice in writing on behalf of the Government requiring the supplier to supply electricity to any

public lamps within a distance of seventy-five yards from any distribution main in the supply area of the supplier, give and continue to give a supply of electricity to the lamps in such quantities and at such times as shall be specified in the notice.

(2) The price to be paid by the Government to a public supplier for electricity supplied to public lamps in pursuance of subsection (1) shall be agreed between the supplier and the Government or, in default of agreement, shall be determined by arbitration; and for the purposes of the Arbitration Ordinance and of this subsection the supplier and the Government shall, in the case of such default, be taken to have entered into a written agreement to submit to arbitration the question of the price to be so paid by the Government.

Power to discontinue supply in default of payment of charges by consumer

21. (1) Subject to subsection (2), if a consumer fails or refuses to pay any charge or other sum due and payable by the consumer to a public supplier under this Ordinance, being a charge which is not the subject of a *bona fide* dispute, the supplier may, after payment of the same has been legally demanded—

- (a) discontinue the supply of electricity to any premises of the consumer within the supplier's supply area, (whether or not the charge or other sum so due and payable is in respect of the supply of electricity to those premises) until that charge or other sum, together with the amount of any expenses recoverable by the supplier from the consumer under section 22, is paid in full;
- (b) for the purpose of discontinuing such supply, cut or disconnect any electric line through which electricity is supplied to those premises.

(2) Where a consumer has paid a deposit to a public supplier as security for payment for a supply of electricity, the supplier shall not discontinue the supply until the charge or other sum due to the supplier for that supply equals the sum deposited as such security and after payment has been demanded as mentioned in subsection (1).

Expenses of disconnection and reconnection of supply

22. (1) Where a public supplier has discontinued the supply of electricity to a consumer under this Ordinance, any expenses reasonably incurred by the supplier consequent on the cutting off or disconnection of such supply, or the reconnection of such supply, to the consumer shall be recoverable by the supplier as a civil debt.

(2) Any difference between a consumer and a public supplier as to the reasonableness of any expenses incurred by the supplier as mentioned in subsection (1) shall be determined by the Energy and Utilities Commissioner or, if the parties so agree, by arbitration.

(Amended by L.N. 59/2014)

Misuse of electricity by consumer

23. (1) A consumer shall not use or deal with electricity supplied to him by a public supplier for purposes other than those for which it is supplied.

(2) Where a consumer, without reasonable excuse, contravenes subsection (1), the supplier may discontinue to supply electricity to the consumer.

(3) If any difference arises under this section as to the improper use of, or dealing with, electricity by a consumer, the difference shall be referred to the Energy and Utilities Commissioner for determination.

(Amended by L.N. 59/2014)

Notice to be given by consumer before quitting his premises

24. (1) Where the consumption of electricity by a consumer on any premises is determined by meter, then, in the absence of any express agreement to the contrary between the consumer and the public supplier supplying the electricity, twenty-four hours' notice in writing shall be given by the consumer to the supplier before he quits the premises.

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

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

whichever first occurs, and the supplier may refuse to supply the consumer with electricity 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 shall be endorsed on each demand note for the payment of electricity supplied to the premises.

Penalty for failure by public supplier to supply electricity

25. (1) Subject to subsections (3) and (4), a public supplier who fails or refuses to supply electricity to any consumer otherwise than as authorised under this Ordinance commits an offence and is liable on summary conviction, in respect of each consumer in respect of whom he so fails or refuses to supply electricity, to a fine of \$10 for each day during which the offence is continued.

(2) Subject to subsections (3) and (4), a public supplier who fails or refuses to supply electricity to any public lamps in accordance with section 20 commits an offence and is liable on summary conviction, in respect of each lamp in respect of which he so fails or refuses to supply electricity, to a fine of \$10 for each day during which the offence is continued.

(3) A fine imposed under subsections (1) or (2) shall not exceed \$500 for any one day except where the commission of the offence in respect of which the fine is imposed was due to the wilful refusal of the person convicted of the offence to supply electricity.

(4) In any proceedings for an offence under subsections (1) or (2) it shall be a defence for the person charged to prove—

- (a) that the commission of the offence was due to a mistake, to reliance on information supplied to him, to the act or default of another person, an accident or other cause beyond his control; and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or any person under his control.

PART V

MEASUREMENT BY METER OF ELECTRICITY SUPPLIED BY PUBLIC SUPPLIER

Meters

Consumption of electricity to be determined by meter

26. Except in such cases as may be prescribed or where otherwise agreed between a consumer and a public supplier, the consumption by a consumer of electricity supplied to him by a public supplier shall be determined by means of a meter certified in accordance with section 34.

Supply of meters by public suppliers

27. (1) Where the supply of electricity to a consumer by a public supplier is to be determined by meter in accordance with section 26, the meter shall be supplied by the public supplier and shall be fixed on the premises of the consumer and connected with the service lines by the public supplier in such manner as shall be approved by the Energy and Utilities Commissioner; and if required by the consumer, the public supplier shall procure the meter to be certified in accordance with section 34.

(Amended by L.N. 59/2014)

(2) A public supplier or any person authorised by him in that behalf may enter upon the premises of a consumer at all reasonable times to execute all such works and to do all such acts as may be necessary for the purpose of carrying out any of the requirements imposed on the supplier by subsection (1).

Meters not to be connected or disconnected without notice

28. (1) Neither a public supplier nor a consumer shall connect any meter used, or to be used, under section 26 for determining the consumption of electricity with any electric line through which electricity is supplied by the

supplier, or disconnect such meter from such line, unless the one has given to the other not less than forty-eight hours' notice in writing of his intention to do so.

(2) A public supplier or consumer who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$100.

Public supplier to keep meters in repair

29. (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 order for correctly registering the consumption; and in default of the public supplier complying with this subsection the consumer shall be entitled to an abatement of the charges made by the supplier for electricity supplied to the consumer of such amount as shall be agreed between them or, in default of agreement, as shall be determined by the Energy and Utilities Commissioner or, if the supplier and consumer agree, by arbitration.

(Amended by L.N. 59/2014)

(2) A public supplier or any person authorised by him in that behalf may, for the purposes of subsection (1), enter upon the premises of a consumer at all reasonable times to remove, test, inspect and replace any meter.

(3) Subject to subsection (4), the expenses of and 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.

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

Consumer to keep meter in proper order

30. (1) A consumer shall ensure that all meters on his premises supplied by a public supplier in pursuance of section 27 are in proper order for correctly registering the consumption of electricity on those premises, and shall, as soon as may reasonably be practicable, notify the supplier whenever a meter is damaged or appears not to be registering such consumption correctly.

(2) Where a consumer, without reasonable excuse, fails to comply with subsection (1) in respect of any meter supplied by a public supplier, the supplier may discontinue the supply of electricity to the consumer through the meter.

(3) If any difference arises as to the failure of a consumer to comply with subsection (1), the difference shall be referred to the Energy and Utilities Commissioner for determination.

(Amended by L.N. 59/2014)

Public supplier may place meters to measure supply or to check measurement of supply

31. (1) Subject to subsection (2), in addition to any meter which may be placed on the premises of a consumer to determine the consumption of electricity supplied by a public supplier, the supplier may place on the premises such meter or other apparatus as he thinks fit for the purpose of ascertaining or regulating—

- (a) the amount of electricity supplied to the consumer;
- (b) the number of hours during which the supply is given;
- (c) the maximum power taken by the consumer; or
- (d) any other quantity or time connected with the supply.

(2) The meter or other apparatus used by a public supplier for any of the purposes mentioned in subsection (1) in respect of the premises of any consumer shall—

- (a) be of such construction and pattern as may be approved by the Energy and Utilities Commissioner;
(Amended by L.N. 59/2014)
- (b) be fixed and connected with the service lines in such manner as may be so approved; and
- (c) be supplied and maintained entirely at the expense of the supplier,

and shall not, except by agreement, be placed otherwise than between the mains of the supplier and the consumer's terminals.

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

32. (1) If any person—

- (a) wilfully, fraudulently or recklessly damages, or suffers to be damaged, any meter, or alters the index of any meter or prevents any meter from duly registering the quantity of electricity supplied;
- (b) reconnects with a meter a service line which has been disconnected by a public supplier, without the authority of the supplier,

he shall, without prejudice to any other right or remedy for the protection of the public supplier in question or the punishment of the offender, commit an offence and is liable on summary conviction, for each offence, to a fine of \$100.

(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 offence and—

- (a) if the offence results in any damage or interference with a meter or other fittings belonging to the supplier, the supplier may also, until the damage or interference has been remedied, but no longer, discontinue the supply of electricity to the offender; and
- (b) if the offence is an offence under paragraph (b) of that subsection, the supplier may also again disconnect the line at the meter.

(3) The existence of artificial means for causing an alteration to the index of any meter, or the prevention of a meter from duly registering, when the meter

is in the custody or under the control of a consumer shall be *prima facie* evidence that the alteration or prevention had been fraudulently and willfully caused by the consumer using the meter.

Certification and Testing of Meters, etc

Appointment of meter examiners

33. (1) The Governor may appoint one or more persons to act as examiners for the purpose of examining and certifying meters used, or intended to be used, in connection with the supply of electricity by public suppliers.

(2) A meter examiner shall have such powers and duties as are assigned to him by this Ordinance and as may be prescribed and such other duties as may be assigned to him by the Energy and Utilities Commissioner.

(Amended by L.N. 59/2014)

Certification of meters

34. (1) A meter shall be deemed to be duly certified under this section if it is certified by a meter examiner to be a meter capable of determining the consumption of electricity within such limits of error as may, as respects meters of the class to which the meter belongs, be allowed by the Energy and Utilities Commissioner, and to be of such construction and pattern as the Energy and Utilities Commissioner may approve.

(Amended by L.N. 59/2014)

(2) A meter examiner, on being requested to do so by a public supplier or consumer and on payment of the prescribed fee, shall—

- (a) examine any meter used or intended to be used for determining the consumption of electricity supplied by the public supplier to the consumer, and shall certify it as a certified meter if he considers it fit to be so certified;
- (b) examine the manner in which any such meter has been fixed and connected with the service lines, and shall certify that it has been fixed and connected with the service lines in a manner approved by the Energy and Utilities Commissioner if he considers it fit to be so certified.

(Amended by L.N. 59/2014)

(3) Where any alteration is made in any certified meter, the meter shall cease to be a certified meter unless it is again certified as a certified meter under this section.

(4) A person who uses a meter, other than a certified meter, for determining the supply of electricity by a public supplier commits an offence unless he believes, on reasonable grounds, that the meter was certified.

(5) A person who commits an offence under subsection (1) shall be liable on summary conviction to a fine of \$500.

Apparatus for meter testing, etc.

35. (1) Subject to the provisions of this section, a public supplier shall provide and maintain in proper condition such apparatus as may be prescribed or as may be approved by the Energy and Utilities Commissioner for the examination, testing and regulating of meters used or intended to be used in connection with the supply of electricity by the supplier, and shall afford to meter examiners all necessary facilities for the use of such apparatus for the purpose of the exercise and performance of their powers and duties under this Ordinance in relation to such meters.

(Amended by L.N. 59/2014)

(2) The Energy and Utilities Commissioner, if satisfied with respect to any public supplier—

(Amended by L.N. 59/2014)

- (a) that any apparatus as mentioned in subsection (1) which is provided by any other person is available for the purpose of the examination, testing and regulating of such meters as mentioned in that subsection; and
- (b) that satisfactory arrangements have been or are about to be made for the use of the apparatus for that purpose by that public supplier,

may, by order, direct that subsection (1) shall not apply to that public supplier; and any such order may be revoked by the Energy and Utilities Commissioner by a subsequent order without prejudice to the making of a new order.

(Amended by L.N. 59/2014)

Meter to be evidence of quantity of electricity consumed

36. (1) Subject to subsection (2), where electricity is supplied through a certified meter, the register of the meter shall be *prima facie* evidence of the quantity of electricity consumed.

(2) Where a meter is found, when examined by a meter examiner, to register erroneously to a degree exceeding such degree as may be allowed by the Energy and Utilities Commissioner—

(Amended by L.N. 59/2014)

- (a) the meter shall be deemed to have registered erroneously to the degree so found since the penultimate date on which the register of the meter was ascertained before the date of the test, unless it is proved to have begun to register erroneously on a later date;
- (b) the amount of the allowance to be made to, or the surcharge to be made on, the consumer in consequence of the erroneous registration shall be determined by the meter examiner and paid to or by the consumer, as the case may be, and shall be recoverable as if the amount of the allowance or surcharge were a civil debt.

Determination of differences as to correctness of meters

37. (1) If any difference arises between a public supplier and a consumer as to whether a meter is in proper order for correctly registering the consumption of electricity supplied by the supplier to the consumer or as to whether the consumption of such electricity has been correctly registered in any case by a meter, the difference shall be determined by a meter examiner on a reference made to him by both or either of the parties.

(2) Where a difference is referred to a meter examiner for determination under subsection (1), the examiner shall direct by which of the parties the costs of and incidental to the determination of the difference shall be paid; and such costs shall be recoverable as a civil debt.

(3) Any determination or direction made or given by an examiner under this section shall be final and binding on the parties.

PART VI

CHARGES FOR ELECTRICITY SUPPLIED BY PUBLIC SUPPLIERS

Charges for electricity supplied by public suppliers to be at prescribed rates

38. (1) Except in such cases as may be prescribed and subject to subsection (5) and section 39, the charges made by a public supplier for electricity supplied by him to a consumer shall be in accordance with such tariff of rates as the Governor shall prescribe by regulations.

(2) Regulations made under subsection (1) may prescribe different rates for different classes of cases, whether by reference to the different purposes for which electricity is supplied, the different times of the day at which electricity is supplied, the different areas of supply or different parts of such areas, the extent to which the supply of electricity is taken up or to any other relevant circumstances.

(3) In prescribing a tariff or rates under subsection (1), the Governor shall have regard to the need to ensure that a public supplier derives a sufficient income—

- (a) to cover operating expenses (including any taxes) and to make adequate provision for maintenance, depreciation and the payment of interest on borrowings;
- (b) to meet periodic repayments on any indebtedness to the extent that such repayments exceed the provision for depreciation;
- (c) to obtain a reasonable margin of profit.

(4) A tariff of rates prescribed under subsection (1) may include a rent or other charge in respect of meters and any electrical fittings provided by a public supplier on the premises of a consumer.

(5) A tariff of rates prescribed under subsection (1) may include provisions—

- (a) empowering the Governor to authorise a public supplier, by order, to increase any charges made by the supplier to consumers in accordance with that tariff by such amount or by such percentage as shall be specified in the order, if the Governor is satisfied that there has been an increase in the cost of oil fuel used by the public supplier to generate electricity under his licence to such an extent as to justify the making of the order;
- (b) empowering the Governor to require a public supplier, by order, to reduce any charges made by the supplier, to consumers in accordance with that tariff by such amount or by such percentage as shall be specified in the order, if the Governor is satisfied that there has been a decrease in the cost of such fuel to such an extent as to justify the making of the order.

(6) 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.

Notification to public suppliers of proposed variation of tariff of rates

39. (1) Subject to subsection (7) of section 40, before making any regulations varying a tariff of rates prescribed under subsection (1) of section 32, the Governor shall serve on every public supplier to whom the regulations apply a notice in writing setting out the tariff of rates as intended to be varied and stating that the supplier may, within twenty-one days of the date of the service of the notice, request the Governor to appoint a person to hold an inquiry into the reasonableness of the proposed variation.

(2) The variation of a tariff of rates prescribed under subsection (1) of section 38 shall not be effected more than once in any period of twelve-months.

(3) Where such a request is made by a public supplier for the holding of an inquiry the Governor shall, by notice published in the *Gazette*, appoint a person to hold the inquiry; and the Governor may authorise that person to appoint not more than two assessors to assist that person in holding the inquiry.

(4) A notice under subsection (3) appointing a person to hold an inquiry shall contain a statement—

- (a) specifying the purpose of the inquiry and particulars of the proposed variation in respect of which the inquiry is to be held; and
- (b) specifying the place and time where the inquiry is to be held.

(5) Every public supplier to whom the relevant regulations apply and any other interested person may attend the inquiry and may make written or oral representations to the person holding the inquiry.

(6) The person appointed to hold an inquiry under this section shall, as soon as may be reasonably practicable after holding the inquiry—

- (a) make a written report on his inquiry containing such recommendations as he may deem proper;
- (b) send copies of the report to the Governor and to every public supplier to whom the relevant regulations apply,

and the Governor may authorise the report, or so much of it as he thinks fit, to be made public at such time and in such manner as he thinks fit.

(7) The person appointed to hold an inquiry under this section shall have the same powers to summon witnesses to give evidence or produce documents, to take evidence on oath and to administer oaths or require the making of declarations as have Commissioners acting under the Commissions of Enquiry Ordinance; and the provisions of that Ordinance as to the obligations of witnesses shall have effect for the purposes of this Ordinance as they have effect for the purposes of that Ordinance.

(8) The Governor may authorise the Permanent Secretary, Finance—

- (a) to pay to the person holding an inquiry under this section, and to any assessor appointed by that person to assist him, such remuneration and expenses as the Governor shall determine; and
- (b) to defray, to such extent as the Governor may determine, the other costs, if any, of and incidental to the inquiry.

(9) Any payment authorised to be made by the Governor under subsection (8) or under the Commissions of Enquiry Ordinance as having effect by virtue of subsection (7) shall constitute a charge on the Consolidated Fund.

(10) Where an inquiry has been held under this section, the Governor shall take into account the report made by the person by whom the inquiry was held and any recommendations contained in the report before making any regulations varying the tariff of rates in respect of which the inquiry was held.

Review of tariff of rates at request of public supplier

40. (1) Subject to subsection (2), a public supplier to whom regulations under subsection (1) of section 38 prescribing a tariff of rates apply, may by notice in writing served on the Governor, request the Governor to make regulations varying that tariff in accordance with such proposals as shall be specified in the notice.

(2) A public supplier shall not make a request under subsection (1) on more than one occasion in any period of twelve-months.

(3) The Governor shall, within the six weeks next following the date of service of a notice under subsection (1) by a public supplier, serve a notice on the public supplier giving his decision on the request made by the public supplier under that subsection.

(4) Where a public supplier on whom a notice under subsection (3) has been served is not satisfied with the decision given by the Governor in that notice he may, within the twenty-one days next following the date of service of that notice, by a further notice in writing served on the Governor, request the Governor to appoint a person to hold an inquiry into the reasonableness of the

proposals made by the public supplier as specified in the notice under subsection (1) served by the supplier on the Governor.

(5) Subject to subsection (9) where such a request is made, the provisions of subsections (3) to (9) of section 39 shall have effect as they have effect in relation to a request made by a public supplier under that section and to an inquiry under that section.

(6) Where an inquiry has been held in consequence of a request made under this section, the Governor shall take into account the report made by the person by whom the inquiry was held and any recommendations contained in the report in determining whether or not any regulations should be made varying the tariff of rates in respect of which the inquiry was held.

(7) The provisions of section 39 shall not be taken to authorise a public supplier to request the holding of an inquiry under that section in respect of any regulations intended to be made to vary a tariff of rates prescribed under subsection (1) of section 38 if those regulations are only intended to give effect to proposals made by that supplier in a notice under subsection (1).

(8) The Governor may, before taking a decision on a request made by a public supplier under subsection (1), require the supplier to furnish him with such accounts and other information as the Governor may require for the purpose of enabling him to take a decision on that request, and the public supplier shall afford to any person authorised by the Governor to verify such information, facilities for verifying such information in such manner and at such times as that person may reasonably require.

(9) The Governor may refuse to appoint a person to hold an inquiry on a request made by a public supplier under subsection (1) where the supplier has failed or refused to comply with a requirement made by the Governor under subsection (8) or has failed or refused to afford such facilities as are mentioned in subsection (8).

Maximum charges for reselling electricity supplied by public suppliers

41. (1) A public supplier may, with the written consent of the Governor, publish a notice in the *Gazette* fixing maximum charges in consideration of which electricity supplied by a public supplier may be resold by persons to whom the electricity is supplied, or by any class of such persons specified in the notice.

(2) The maximum charges fixed by any notice under subsection (1) may be varied, with the written consent of the Governor, by a subsequent notice published in the *Gazette*.

(3) Different maximum charges may be fixed by a public supplier under this section for different classes of cases, whether by reference to the different purposes for which electricity is supplied or to different parts of the area of supply of the supplier or to any other relevant circumstances.

(4) If any person, in consideration of the resale of any electricity supplied by a public supplier, in circumstances to which a notice published under this section applies, requires the payment of charges exceeding the maximum

charges applicable to those circumstances in accordance with the notice, the amount of the excess shall be recoverable by the person to whom the electricity is resold as a civil debt.

New occupier not to be liable for arrears

42. If the occupier of any premises quits the premises without paying any amount due to a public supplier in respect of charges for electricity or the rent of any meter or of any electrical fittings, the supplier shall not be entitled to require from the next occupier of the premises the payment of the amount due, unless that occupier has undertaken with the former occupier to pay that amount or exonerate him for the payment of that amount.

PART VII

SUPPLEMENTARY PROVISIONS WITH RESPECT TO PUBLIC SUPPLIERS

Rights of Entry, etc

Entry for purposes of inspection

43. A person authorised by a public supplier in that behalf may at all reasonable times, on the production (if requested) of some duly authenticated document showing his authority, enter any premises in which there is a service line connected with the mains of the supplier in order—

- (a) to inspect the meters and any electrical fittings used on those premises in connection with the supply of electricity by the supplier; or
- (b) to ascertain the quantity of electricity consumed or supplied.

Entry for purposes of removing lines, etc., on discontinuance of supply

44. (1) Where—

- (a) a person occupying premises supplied with electricity by a public supplier ceases to require such a supply;
- (b) a person on entering into occupation of any premises previously supplied with electricity by a public supplier does not take a supply of electricity from the supplier; or
- (c) a public supplier is authorised under this Ordinance to discontinue the supply of electricity to any premises,

a person authorised by the supplier in that behalf may on giving twenty-four hours' notice in writing to the occupier of the premises, or, if the premises are unoccupied, to the owner or lessee of the premises, enter the premises at all reasonable times, on the production (if requested) of some duly authenticated document showing his authority, for the purposes of removing and to remove any lines, meters or any electrical fittings through which the supply of electricity

was given to the premises and which are lines, meters or fittings which are the property of the supplier by virtue of section 51.

(2) The notice required to be given under subsection (1) may, in the case of any unoccupied premises of which the owner or lessee is unknown to a public supplier and cannot be ascertained after diligent inquiry, be given by affixing the notice in a conspicuous position on the premises not less than forty-eight hours before the premises are entered.

Premises to be left secure and damage to be made good

45. (1) Where, in the exercise of any powers conferred on him by this Ordinance, entry is made on any premises by any person on behalf of a public supplier, he shall ensure that the premises are not left less secure by reason of the entry; and the supplier shall make good or pay compensation for any damage caused by that person in entering the premises, in carrying out any inspection or work in or on the premises or in making the premises secure.

(2) Any difference arising under subsection (1) as to the amount of compensation payable under that section to any person by a public supplier shall be determined by the Energy and Utilities Commissioner or, if the parties so agree, by arbitration.

(Amended by L.N. 59/2014)

(3) Any compensation payable to any person under this section shall be recoverable by him as a civil debt.

Exemptions

Exemption from holding business licence

46. A public supplier shall not be required to hold a licence under the Business Licensing Ordinance in respect of any business carried on by him under the authority of his public supplier's licence.

Exemption from customs duties

47. (1) Subject to subsections (2) and (3), a public supplier shall not be liable to pay customs duties in respect of—

- (a) any electrical plant, or any electrical fittings, or materials of any description intended for use solely for the purposes of any business carried on by him under the authority of his public supplier's licence; and
- (b) any fuel or lubricant used by him for the purpose of generating electricity under that licence.

(2) A public supplier shall not be exempt from liability to pay customs duties by virtue of subsection (1) in respect of any motor vehicle or any parts of any motor vehicle, or in respect of office machinery, office equipment and other office supplies.

(3) Where any article in respect of which customs duty is not paid by virtue of subsection (1) is not used, or ceases to be used, within the twelve-months next following the date of the importation of the article into the Islands for the purposes of any business carried on by a public supplier under the authority of his public supplier's licence or is used during that period otherwise than solely for any such purposes, then, unless the Governor otherwise directs, such customs duty shall become payable by the person in possession or control of that article and shall be recoverable by the Collector of Customs as a civil debt.

Power of Governor to confer exemption from tax and other duties

48. (1) The Governor may, on the application of a public supplier, by order exempt the supplier from liability to pay any tax or duty, other than customs duty, levied under any Ordinance on or in respect of the profits, income or assets—

- (a) attributable to any business carried on by the supplier under the authority of his public supplier's licence; and
- (b) accruing to or acquired by the supplier during such period, not exceeding the period of validity of his licence, as shall be specified in the order.*

(2) Where an order under subsection (1) confers on a public supplier exemption from liability to pay any tax or duty leviable under any Ordinance, such Ordinance shall have effect, in respect of the period specified in the order, as if it contained a provision conferring such exemption on that supplier to the same extent as the exemption conferred by the order.

Accounts and Annual Returns

Accounts and audit of public suppliers

49. (1) A public supplier shall keep proper accounts and other records in relation to any business carried out by the supplier under the authority of his public supplier's licence and shall prepare in respect of each financial year a statement of accounts in such form as shall conform to the best commercial standards.

(2) The form of such statement shall be such as to secure the provision of separate information as respects the generation of electricity, the distribution of electricity and each of the other activities of a public supplier under the authority of his public supplier's licence, and to show as far as may be the financial and operating result of such activity.

(3) The accounts and records of a public supplier required to be kept under subsection (1) shall be audited by auditors approved by the Governor.

* An Order under this section was made in favour of Turks and Caicos Utilities Limited in respect of its operations on Grand Turk and Salt Cay (*L.N. 33/1986*).

(4) In this section and section 50 “financial year”, in relation to a public supplier, means the period of twelve-months for which the accounts of the supplier are normally made up or such other period as may be approved by the Governor.

Annual returns to be made by public suppliers

50. (1) A public supplier shall, within three months after the end of each financial year or within such longer period as the Governor may in any particular case allow, furnish the Governor with an annual return with respect to the property and activities of the supplier relating to any business carried on by the supplier under the authority of his public supplier’s licence and containing such information as the Governor may direct.

(2) A public supplier shall afford facilities for verifying any information contained in an annual return made by the supplier under subsection (1), in such manner and at such times as the Governor may reasonably require, to any person authorised by the Governor in that behalf.

Special Provisions as to Control and Ownership of Assets of Public Suppliers

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

51. (1) Subject to section 53, and 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 premises, not being in the possession of the supplier, if they have on them a distinguishing metal plate affixed to a conspicuous part, or a distinguishing brand or other mark conspicuously impressed or made on them, so as to provide sufficient indication that they are the property of the supplier—

- (a) shall continue to be the property of the supplier;
- (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 against the person in whose possession they are; and
- (c) shall not be deemed to be landlord’s fixtures,

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

(2) For the purposes of subsection (1), electrical lines, meters and electrical fittings disposed of by a public supplier on terms of payment by instalments shall, until the whole of the instalments shall have been paid, be deemed to be electric lines, meters and fittings let on hire by the supplier.

Assumption of control of exercise of public supplier’s licence by Energy and Utilities Commissioner, etc

52. (1) Where the Governor 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 by the exercise of the Governor's powers under section 12,

the Governor may, without prejudice to the exercise of his powers under sections 12 or 13, or any powers conferred on him by the supplier's public supplier's licence, by order, direct the Energy and Utilities Commissioner or such other 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 his public supplier's licence and to take all such steps as the Commissioner or that person may deem necessary or expedient to ensure the maintenance of a proper and efficient supply of electricity to consumers in that area.

(Amended by L.N. 59/2014)

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

(Amended by L.N. 59/2014)

- (a) to enter any premises, whether or not in the possession of the public supplier in respect of whom the order is made, for the purpose of ensuring a proper and efficient supply of electricity to consumers in the supplier's area of supply;
- (b) to take possession of and use any electrical plant, vehicle or equipment used by the supplier in connection with the supply of electricity under his licence;
- (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 Governor 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 in respect of whom it is made and shall cause any such order to be published in the *Gazette*.

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

(5) The Attorney General shall be the respondent to every appeal brought under subsection (4).

Vesting in Government of property of public supplier on termination of his licence

53. (1) On the termination of a public supplier's licence by reason of the revocation of the licence under section 13 or by effluxion of time or otherwise, the Governor may, by order, direct that—

- (a) all property, rights, liabilities and obligations which, immediately before the date specified in the order in that behalf (hereafter in this section called "the vesting date")—
 - (i) was property held or used by the person who held the licence wholly or mainly for the purposes of supplying electricity under the licence;
 - (ii) were rights, liabilities or obligations acquired or incurred by that person wholly or mainly for those purposes,

shall vest in the Government; or

- (b) such part of such property, rights, liabilities or obligations as shall be specified in the order shall vest on the vesting date in the Government,

and thereupon such property, rights, liabilities, obligations or such part thereof, as the case may be, shall vest in the Government on the vesting date.

(2) An order under subsection (1) shall not be made on the termination of a public supplier's licence more than three months after the date of the termination of the licence; and a copy of such an order shall be served by the Governor on the person who held the licence in respect of which the order is made and shall be published in the *Gazette*.

(3) Where any right, liability or obligation vests in the Government by virtue of an order under subsection (1), the Government and all other persons shall, as from the vesting date, have the same rights, powers and remedies (and in particular the same rights as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right, liability or obligation as the Government would have had if it had at all times been a right, liability or obligation of the Government; and any legal proceedings pending on that date by or against the public supplier in respect of whom the order was made, in so far as they relate to any property, right, liability or obligation vested by virtue of the order, may be continued by or against the Government.

(4) Notwithstanding subsection (1)—

- (a) there shall not, by reason of the vesting of property, rights, liabilities or obligations of any person by virtue of an order under that subsection, be transferred any right, liability or obligation of that person in respect of securities (including shares, stock, debentures and debenture stock) issued by that person;

- (b) where, as respects any order under that subsection, any agreement provides for the borrowing of money by a person who was a public supplier or the raising of money by the issue of such securities of such person and the money has not been borrowed or raised before the vesting date, no right, liability or obligation under the agreement shall be transferred to the Government; and
- (c) no right, liability or obligation under any agreement for the rendering by any person of services to a person who was a public supplier, whether under a contract of service or otherwise, shall be transferred to the Government by virtue of an order under that subsection except any liability in respect of any wages, salary or fees earned or expenses incurred before the vesting date.

(5) On the termination of a public supplier's licence as mentioned in subsection (1), the supplier shall not, except with the written consent of the Governor, disconnect, dismantle or remove, or attempt to disconnect, dismantle or remove any electrical plant used or intended to be used by the supplier in the exercise of his licence at any time within the three months next following the date of the termination of the licence.

(6) A public supplier who contravenes subsection (5) commits an offence and is liable on summary conviction to a fine of \$10,000.

Provisions supplementary to sections 52 and 53

54. (1) The Governor may, by regulations, make provision as respects any matters which appear to him to be necessary or expedient for facilitating the taking over of the control and management of any undertaking under section 52 or for securing the effective transfer of any property, rights, liabilities or obligations to the Government by virtue of an order under subsection (1) of section 53.

(2) Regulations under subsection (1) may, for the purpose of section 53, provide—

- (a) for the determination of any question as to whether any property was held by any person wholly or mainly for the purposes of supplying electricity under a public supplier's licence held by that person, or as to whether any rights, liabilities or obligations were acquired or incurred by that person wholly or mainly for those purposes;
- (b) for excluding from or including in the property, rights, liabilities or obligations which vest in the Government by virtue of an order made under subsection (1) of that section such property, rights, liabilities or obligations held, used, acquired or incurred by any such person partly for the purposes of supplying electricity under his licence and partly for other purposes on such terms as may be determined in accordance with the regulations;
- (c) for requiring, as respects property which vests in the Government by virtue of such an order, being property held or used by that person partly for the purposes of supplying electricity under his licence and partly for other purposes, the grant to such person of

interests in the property or rights over or attaching to the property, or in respect of the user of the property, on such terms, (which may include the payment of money) as may be determined in accordance with regulations or for requiring the similar grant of interests or rights by such person to the Government in a case where such property does not vest in the Government;

- (d) for conferring on the Government in whom land of any person is vested by virtue of such an order easements and other rights over or attaching to other land of that person, being easements and rights which are required to enable land which is so vested to be used for the purposes of the Government, on such terms (which may include the payment of money) as may be determined by the regulations;
- (e) for the severance of leases comprising land of which part only vests in the Government by virtue of such an order, and for apportionment and indemnities consequent on such severance;
- (f) for the disclaimer of any rights, liabilities or obligations vested in the Government by virtue of such an order, being rights, liabilities or obligations under any agreement which, in the opinion of the Governor, was not reasonably necessary for the purposes of the supply of electricity or was made with an unreasonable lack of prudence;
- (g) for substituting for any agreement entered into by any such person partly for the purposes of supplying electricity under his licence and partly for other purposes, separate agreements in the requisite terms, and for apportionments and indemnities consequent on such substitution;
- (h) for the apportionment of, and the making of financial adjustments with respect to, any liabilities incurred by any such person partly for the purposes of supplying electricity under his licence and partly for other purposes and for any necessary variation of encumbrances relating to such liabilities.

(3) No part of the cash and investments of any person shall vest in the Government by virtue of an order under subsection (1) of section 53.

(4) Any property of any person which vests in the Government by virtue of an order under subsection (1) of section 53, being property subject to an encumbrance created for securing the payment of any debt which does not so vest in the Government, shall vest free of the encumbrance.

(5) Regulations under this section shall provide for any question to be determined in accordance with the regulations to be determined by agreement between the Government and the person concerned or, in default of agreement, by arbitration in such manner as shall be prescribed.

(6) The provisions of the Schedule 3 shall have effect as respects the assessment and payment of compensation to any person in consequence of—

- (a) the taking over of the control and management of any undertaking under subsection (1) of section 52; or
- (b) the vesting in the Government of the assets of any person by virtue of an order under subsection (1) of section 53.

PART VIII

INSPECTION AND TESTING OF ELECTRICAL PLANT
AND INSTRUMENTS OF LICENSED SUPPLIERS

Appointment and functions of Energy and Utilities Commissioner

55. (1) There shall be an Energy and Utilities Commissioner who shall be appointed by the Governor.

(Amended by L.N. 59/2014)

(2) Pending the appointment of the Energy and Utilities Commissioner under subsection (1), or during any period when there is a vacancy in the office of Energy and Utilities Commissioner which has not been filled temporarily under section 37 of the Interpretation Ordinance, the Chief Engineer shall act as the Energy and Utilities Commissioner and, pending such appointment or during such vacancy, shall be deemed for the purposes of this Ordinance to have been appointed to that office under subsection (1).

(Amended by L.N. 59/2014)

(3) The Energy and Utilities Commissioner shall have such powers and shall perform such duties as are conferred or imposed on him by this Ordinance or as may be prescribed, and shall perform such other duties as may be assigned to him by the Governor.

(Amended by L.N. 59/2014)

(4) Except where the Governor otherwise directs, any such powers or duties may be exercised or performed by any public officer authorised generally or specially in that behalf by the Energy and Utilities Commissioner; and any reference in this Ordinance to the Energy and Utilities Commissioner shall be construed to include a reference to any public officer who is so authorised acting within the limits of his authority.

(Amended by L.N. 59/2014)

Inspection and Testing of Electrical Plant of Licensed Suppliers

Duty of Energy and Utilities Commissioner to inspect and test electrical plant

56. (1) The Energy and Utilities Commissioner shall carry out the inspection

and testing, periodically and in special cases, of the electrical plant used, or intended to be used, by a licensed supplier under his licence and the supply of electricity given by a licensed supplier.

(Amended by L.N. 59/2014)

(2) The Governor may, by regulations, prescribe the manner in which and the times at which the Energy and Utilities Commissioner is to perform his duties under subsection (1) and the fees to be taken by the Energy and Utilities Commissioner in connection with the performance of those duties.

(Amended by L.N. 59/2014)

Testing of electrical plant

57. (1) Before testing any electrical plant of a licensed supplier, the Electrical Commissioner shall give reasonable notice to the supplier of his intention to test the plant.

(2) Subject to subsection (3), the testing of any electrical plant of a licensed supplier shall be carried out at such times as, in the opinion of the Energy and Utilities Commissioner, will least interfere with the supply of electricity by the supplier, and in such manner as the Commissioner thinks expedient.

(Amended by L.N. 59/2014)

(3) Except with the written authority of the Governor, the Energy and Utilities Commissioner shall not have access to, or interfere with, the mains of a licensed supplier at any points other than those at which the supplier has reserved for himself access to those mains; and in regard to any portion of a main, testing shall not be made more than once in any period of three months unless a written authority in that behalf is given by the Governor.

(Amended by L.N. 59/2014)

(4) A licensed supplier shall not be held responsible for any interruption in the supply of energy which may have been caused by the Energy and Utilities Commissioner in testing any electrical plant of the supplier or which may have been required by the Energy and Utilities Commissioner for the purpose of any such testing.

(Amended by L.N. 59/2014)

Testing of electrical plant and supply on consumer's premises

58. The Energy and Utilities Commissioner, if and when required to do so by any consumer, shall on payment of the prescribed fee, test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines or other electrical plant of a licensed supplier on the consumer's premises as may be necessary for the purpose of determining whether the supplier has complied with the provisions of this Ordinance or with the conditions of his licence.

(Amended by L.N. 59/2014)

Public supplier to establish testing stations

59. A public supplier—

(a) shall keep in proper condition such number of testing stations, at such places within a reasonable distance from a distributing main as the Energy and Utilities Commissioner thinks proper and sufficient, for testing the supply of electricity by the supplier through the main;

(Amended by L.N. 59/2014)

(b) shall place, at such places, proper and suitable instruments of a pattern approved by the Commissioner for the purpose of the testing; and

(c) shall connect those stations by means of proper and sufficient electric lines with the mains, and supply electricity to those stations for the purpose of the testing.

Licensed suppliers to keep instruments on their premises, etc

60. A licensed supplier shall set up and keep on all premises from which the supplier supplies electricity by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved by the Energy and Utilities Commissioner or as may be prescribed, and shall take and record, and keep recorded, such observations as the Energy and Utilities Commissioner may require or as may be prescribed; and any observations so recorded shall be receivable in evidence in any proceedings.

(Amended by L.N. 59/2014)

Readings of instruments to be taken

61. A licensed supplier shall keep in efficient working order all instruments which the supplier is required by this Ordinance to place, set up or keep at any testing station or on the supplier's own premises, and the Energy and Utilities Commissioner may examine and record the readings of those instruments; and any readings so recorded shall be receivable in evidence in any proceedings.

(Amended by L.N. 59/2014)

Testing of instruments

62. The Energy and Utilities Commissioner shall have the right to enter at all reasonable times any testing station and premises of a licensed supplier for the purpose of testing the electric lines and instruments of the supplier, and ascertaining if they are in order; and, in case they are not in order, the Commissioner may require the supplier to have them put in order immediately.

(Amended by L.N. 59/2014)

Representation of licensed supplier at testings

63. A licensed supplier may, if the supplier thinks fit, be present, or be represented by any person authorised by him in that behalf, on each occasion of the testing of any electrical plant of the supplier, or the testing or inspection of any instruments of the supplier, but the supplier or such person shall not interfere with the testing or inspection.

Licensed supplier to give facilities for testing

64. (1) A licensed supplier—

- (a) shall afford all facilities for the proper execution of this Ordinance with respect to inspection and testing, and the testing, reading and inspection of instruments; and
- (b) shall comply with all the requirements of this Ordinance in that connection.

(2) A licensed supplier who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$1,000; and if the offence of which he is convicted is continued after the conviction, the supplier commits a further offence and is liable to a fine of \$100 for every day on which the offence is so continued.

Report of results of testing

65. (1) The Energy and Utilities Commissioner shall, on completing any testing under this Ordinance, make and deliver a report of the results of the testing to the licensed supplier concerned, or to the consumer by whom he was required to make the testing; and that report shall be receivable in evidence in any proceedings.

(Amended by L.N. 59/2014)

(2) If a licensed supplier or any consumer is dissatisfied with any report of the Energy and Utilities Commissioner under this section, the supplier may appeal to the Governor against the report and the Governor may appoint a person to inquire into and decide on the matter of the appeal.

(Amended by L.N. 59/2014)

(3) The decision of any person appointed under subsection (2) on an appeal brought under that subsection shall be final and binding on the parties.

Expenses of Energy and Utilities Commissioner and fees

66. (1) Subject to subsection (2), the reasonable expenses incurred by the Energy and Utilities Commissioner in connection with the performance of any of his duties under this Ordinance in respect of any testing shall be recoverable from the licensed supplier concerned as a civil debt, together with any prescribed fee payable in respect of such testing.

(Amended by L.N. 59/2014)

(2) Where a report of the Electrical Commissioner under section 65 shows that a consumer was guilty of any default or negligence, the expenses and fees recoverable under subsection (1) shall be paid by the consumer and shall be recoverable from him as a civil debt.

PART IX

LICENSING OF ELECTRICIANS

Interpretation in Part IX

67. For the purposes of this Part—

“electrical work” includes all work and material and equipment used in installation, maintaining or extending a system of electrical wiring for light, heat or power and or installations connected with any source from which energy is available:

Provided that nothing in this Part applies to any line or work which is an installation—

- (a) on any vessel or vehicle used for transport purposes with the exception of mobile or recreational vehicles;
- (b) of communication equipment under the exclusive control of communication utilities, in building spaces used exclusively for such installations; or
- (c) under the exclusive control of electric utilities for the purpose of communication or metering; or for the generation, control, transmission and distribution of electric energy located in buildings used exclusively by utilities for such purposes, or located outdoors on property owned or leased by the electric utility.

Licensing of persons carrying out electrical work

68. No person shall carry out electrical work of any nature unless he holds a licence issued by the Board authorising him to do so and he is licensed in one of the following categories—

- (a) electrical engineer;
- (b) master electrician;
- (c) journeyman electrician;
- (d) wireman;
- (e) lineman;
- (f) apprentice;
- (g) engineer-in-training.

Application for licences

69. (1) An application for a licence to carry out electrical work shall be made to the Board in the form provided in Schedule 4.

(2) Upon an application for a licence made in the prescribed form and on payment of the fee set out in Schedule 4, the Board may issue the applicant the

licence applied for or may issue the licence, subject to such terms and conditions, including the duration of the licence, as the Board considers fit.

(3) A licence issued under this section shall be in such form as may be prescribed and shall not be transferable.

(4) A person shall not be issued with a licence specified in section 68, unless—

- (a) he is a Turks and Caicos Islander or is a permanent resident of the Islands with a right to work in the Islands;
- (b) he is the spouse of a Turks and Caicos Islander; or
- (c) he is a British Overseas Territories Citizen connected to the Islands.

(5) For purposes of a licence specified in section 68(a), (b) and (c), a person is exempted from subsection (4).

(6) A person exempted under subsection (5) may apply to the Board for a licence specified in section 68(a), (b) and (c) in the same manner as any person under this section:

Provided that the person—

- (a) furnishes evidence of such experience, training and technical knowledge of electrical work satisfactory to the Board; and
- (b) furnishes a certified copy of their electrical licence granted by an equivalent licensing authority outside the Islands.

(7) A person who applies for a licence in terms of subsection (6) shall not be granted a work permit under the Immigration Ordinance, unless the Board has been consulted.

(8) A person granted a licence in terms of an application made in accordance with subsection (6) shall not be allowed to renew a licence more than two times.

Proof

70. An applicant for a licence shall supply such proof of the matters required for the issuing of such licence as the Board may require.

Duration of licences

71. A licence issued under this Part shall be valid for a period of one year, unless earlier revoked.

Renewal of licence

72. (1) An application for renewal of a licence may be made to the Board before three months of the expiry of the licence, and shall be made in the prescribed form and shall be accompanied by the fee specified in Schedule 4.

(2) If an application for the renewal of a licence has been made before the expiry of the licence but has not been dealt with by the Board when the licence is due to expire, the licence continues in force until the application for renewal is dealt with and any renewal in that case shall be taken to have commenced from the day when the licence would have expired, but for the renewal.

Revocation

73. A licence may be revoked as may be prescribed.

Electrical engineer licence: requirements

74. No person shall be issued an electrical engineer's licence unless the person—

- (a) possesses an electrical engineering degree or similar qualification from a college or university approved by the Board;
- (b) has at least three years' experience in the field of electrical engineering; and
- (c) is a member of the Institute of Electrical and Electronic Engineers or any other similar institution approved by the Board.

Master electrician licence: requirements

75. No person shall be issued a master electrician's licence unless the person—

- (a) has not less than fifteen years' experience in electrical construction and wiring field under the supervision of a master electrician;
- (b) has not less than ten years' experience as a licensed journeyman electrician;
- (c) furnishes evidence of such experience, training and technical knowledge of electrical work, satisfactory to the Board, including experience in the construction and design of commercial, industrial or residential electrical installation and experience in the planning, supervising and installing of electrical wiring, apparatus and equipment for light, heat and power of unlimited ampacity to the specifications of engineers or architects;
- (d) has a good working knowledge of the National Electrical Code and Building Code;
- (e) has such certification by an educational institution satisfactory to the Board; and
- (f) has passed the master electrician licence examination carried out by the Board or has been exempted by the Board from the requirement to pass such examination.

Journeyman electrician licence: requirements

76. No person shall be issued a journeyman electrician's licence unless the person—

- (a) has not less than five years' experience as an electrical wireman wiring under the supervision of a licensed journeyman or master electrician;
- (b) has not less than ten years' experience in the electrical construction and wiring field;
- (c) has furnished evidence of such experience in the construction and design of commercial, industrial or residential electrical installations or electrical wiring, satisfactory to the Board, including experience in supervising the installation of electrical wiring, apparatus and equipment for light, heat and power of an ampacity not exceeding 500 amps;
- (d) has a certification by an educational institution satisfactory to the Board; and
- (e) has passed the journeyman electrician licence examination carried out by the Board, or has been exempted by the Board from the requirement to pass such examination.

Wireman licence: requirements

77. No person shall be issued a wireman licence unless the person—

- (a) has not less than five years' experience in the electrical construction and wiring field of which three years were in the role as an apprentice electrician and the applicant has provided a report from his employer indicating the length of employment and the type of work performed;
- (b) provides evidence to the satisfaction of the Board, of experience in the planning, design and installation of residential and commercial electrical installation and the installation of apparatus and equipment for light, heat and power of an ampacity not exceeding 200 amps; and
- (c) has passed the examination carried out by the Board or has been exempted by the Board from the requirements to pass such examination.

Lineman licence: requirements

78. No person shall be issued a lineman's license unless the person—

- (a) has past experience as a lineman or trainee lineman for a continuous period of employment of at least three years;
- (b) has knowledge of line erection, line maintenance and elementary electrical principles;

- (c) has knowledge of safety precautions; and
- (d) has passed the examination carried out by the Board or has been exempted by the Board from the requirement to pass such examination.

Apprentice licence: requirements

79. No person shall be issued an apprentice's licence unless the person—

- (a) is engaged in learning about and assisting in the installation or alteration of electrical wiring and equipment;
- (b) is under the direct supervision of a licensed journeyman or master electrician; and
- (c) is attending and studying courses relevant to electrical work at the Turks and Caicos Islands Community College.

Engineer-in-training licence: requirements

80. No person shall be issued an engineer-in-training licence unless the person—

- (a) has graduated from a three or four-year electrical engineering undergraduate degree programme from a college or university approved by the Board;
- (b) is employed to acquire acceptable work experience through engagement in the practical design assessment, installation, maintenance or alteration of electrical wiring, equipment and systems; and
- (c) is under the direct supervision of a licensed electrical engineer.

(2) A person granted a licence in this category shall be in training for a period of not less than three years.

Restriction on lineman

81. A lineman may carry out work on power, telephone, wireless or television pole lines or masts and associated fittings with conductors attached, providing that at all times he is in the employment of a licensed electrical contractor or licensee and working under the said contractor's or electricity service provider's or telecommunications utility's direct instructions.

Supervision of apprentices

82. An apprentice shall, at all times, work under the supervision of, and in the presence of a licensed electrician or licensed electrical engineer.

Exemption

83. Notwithstanding section 68, the Minister may, in a period of public emergency or a national disaster, in writing exempt any person from the requirement to hold a licence under this Part.

Appeals

84. A person who is aggrieved by the decision of the Board refusing to grant a licence or revoking a licence may appeal in writing to the Minister within a period of thirty days following notification to him of the decision appealed against.

Powers of Minister on appeal

85. Upon hearing the appeal, the Minister may—

- (a) confirm the decision appealed against; or
- (b) remit the matter back to the Board for further consideration with such directions as he may consider fit.

Offences and penalties

86. A person who—

- (a) forges, alters or defaces any licence issued by the Board under this Part;
- (b) carries out any electrical work, electrical installation or electrical wiring without a licence issued by the Board under this Part;
- (c) fails or omits to comply with, or contravenes any conditions attached to a licence issued by the Board under this Part; or
- (d) submits a forged or altered certificate of qualification, or misleads the Board in order to secure the grant of a licence,

commits an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment for a term of six months, or to both.

Regulations

87. The Governor—

- (a) may make regulations for carrying out or giving effect to this Part and may, in particular, make regulations prescribing—
 - (i) conditions for the revocation of a licence;
 - (ii) the form of the application for a licence;
 - (iii) any periods and nature of study to be undertaken by an applicant; and
 - (iv) any other matter or anything which may be, or is required by this Ordinance to be prescribed; and
- (b) may, by Order published in the *Gazette*, amend Schedules 4 and 5.
(Inserted by Ord. 14 of 2015)

PART X

MISCELLANEOUS

Notification of accidents, and inquiries

88. (1) A licensed supplier shall give notice in writing to the Energy and Utilities 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 electrical circuits, and which has caused, or is likely to have 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.

(Amended by L.N. 59/2014)

(2) Where an accident as mentioned in subsection (1) has occurred, the notice required to be given to the Energy and Utilities Commissioner under that subsection shall be given as soon as may be reasonably practicable after the occurrence of the accident.

(Amended by L.N. 59/2014)

(3) A licensed supplier who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$1,000.

(4) The Governor may direct the Energy and Utilities Commissioner or appoint any other person—

(Amended by L.N. 59/2014)

(a) to inquire into and report on any accident affecting public safety which may have happened in or in connection with any part of a licensed supplier's electrical plant or electrical circuits, whether notice under subsection (1) of the accident has or has not been received by the Energy and Utilities Commissioner; or

(Amended by L.N. 59/2014)

(b) to inquire into and report on the manner and extent to which the provisions of this or any other Ordinance, and the conditions of the licensed supplier's licence, in so far as they affect the safety of the public, have been complied with by the licensed supplier,

and any person appointed under this section to hold an inquiry shall, for the purposes of carrying out the inquiry, have all the powers exercisable by the Energy and Utilities Commissioner.

(Amended by L.N. 59/2014)

Application of provisions relating to supply by public suppliers to supply by Government

89. Where, in any part of the Islands which is not within the area of supply of a public supplier, a supply of electricity is given or intended to be given by the Government, the Governor may, by order, direct that the provisions of this Ordinance relating to the supply of electricity by public suppliers and to the use of electricity supplied by public suppliers shall have effect, subject to such modifications as may be specified in the order, as if—

- (a) the Government were a public supplier; or
- (b) where an agreement subsists, or is intended to be made, between the Government and any person for the management by that person of the supply of electricity by the Government within that part of the Islands, that person were a public supplier,

and, in the event of the making of such an order, those provisions, as modified, shall have effect accordingly.

Telecommunication lines may be attached to electricity poles

90. (1) Subject to subsection (2), the licensee for the time being entitled to operate a telecommunications system or telecommunications network under the Telecommunications Ordinance may, with the written consent of the Energy and Utilities Commissioner and subject to such conditions as he may specify in his consent, attach and keep attached, on the payment of the prescribed fee, to any pole or other support used by a public supplier for suspending an electric line above ground any line used or intended to be used for the purposes of that system.

(Amended by L.N. 59/2014)

(2) The licensee mentioned in subsection (1) shall not attach a line to any pole or other support used by a public supplier as mentioned in that subsection unless the licensee has, by notice in writing served on the supplier, intimated its intention of attaching the line to that pole or support and the time when it is intended to attach the line.

(Amended by Ord. 12 of 2004)

Injuring electrical plant to cut off supply

91. A person who unlawfully and maliciously cuts or injures any electrical plant with intent to cut off any supply of electricity, or who incites any other person to do so, commits an offence and is liable on summary conviction to a fine of \$5,000 or to a term of imprisonment of two years or to both such fine and imprisonment.

False statements, etc.

92. If any person, 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,

he commits an offence and is liable on summary conviction to a fine of \$1,000 or to a term of imprisonment of twelve-months or to both such fine and imprisonment.

Obstruction

93. A person who obstructs—

- (a) a person authorised by a public supplier to exercise any of the supplier's powers under this Ordinance or to perform any of the supplier's duties under this Ordinance in the exercise of any of those powers or the performance of any of those duties;
- (b) the Energy and Utilities Commissioner or a meter examiner in the exercise of his powers under this Ordinance or in the performance of any of his duties under this Ordinance,

(Amended by L.N. 59/2014)

commits an offence and is liable on summary conviction to a fine of \$500 or a term of imprisonment of three months or to both such fine and imprisonment.

Criminal liability of directors

94. (1) Where an offence under this Ordinance committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, commits that offence and are liable to be proceeded against and punished accordingly.

(2) For the purposes of this section a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of the body corporate or any of them act.

Rules of Court

95. The Chief Justice may make rules with respect to the practice and procedure of the Supreme Court in relation to any jurisdiction conferred on the Supreme Court by this Ordinance; and until rules are made under this section, that jurisdiction shall be exercised in accordance with such directions as the Chief Justice may give in any particular case.

Regulations

96. (1) The Governor 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—

- (a) make provision for securing that supplies of electricity by licensed suppliers are regular and efficient;
- (b) make provision for eliminating or reducing the risks of personal injury, or damage to property or interference with its use, arising from—
 - (i) the supply of electricity by a licensed supplier;

- (ii) the use of electricity so supplied; or
- (iii) the installation, maintenance or use of any electrical plant;
- (c) make provision for relieving a licensed supplier from any obligation to supply electricity in cases where electrical fittings or their use do not comply with the regulations;
- (d) prohibit the supply of electricity except by means of a system approved by the prescribed person;
- (e) make provision requiring compliance with notices given by the prescribed person specifying action to be taken in relation to electrical plant or fittings for the purpose of—
 - (i) preventing or ending a breach of regulations under this section;
 - (ii) eliminating or reducing a risk of personal injury or damage to property or interference with its use;
- (f) make provision as to the keeping by a licensed supplier of maps, plans and sections and as to their production (on payment, if so required, of a reasonable fee);
- (g) provide for particular requirements of the regulations to be deemed to be complied with in the case of electrical plant or fittings complying with specified standards or requirements;
- (h) provide for the granting of exemptions from any requirement of the regulations.

(3) Regulations under this section may provide that a person contravening the regulations commits an offence against this Ordinance and is liable on summary conviction to a fine of \$500; and, if the offence in respect of which he is convicted is continued after the conviction, he commits a further offence and is liable to a fine of \$50 for each day on which the offence is so continued.

Service of notices

97. (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;

- (c) if it is not practicable after reasonable enquiry to ascertain the name or address of that person, as being a person having any interest in premises, by addressing it to him by the description of that person as such a person having that interest in the premises (naming them) to which it relates and delivering it to some responsible person on the premises, or affixing it, or a copy of it, to some conspicuous part of the premises.

SCHEDULE 1

(Section 15)

RIGHTS, POWERS AND DUTIES OF PUBLIC SUPPLIERS AS TO WAYLEAVES, CONSTRUCTION OF WORKS, ETC

Interpretation

1. In this Schedule—

- (a) “owner”, in relation to any road which is not maintained or maintainable at public expense, means the person having control or management of the road;
- (b) “plan” means a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet or to such other scale as the Energy and Utilities Commissioner may approve of for both plan and section, together with such detailed plan and sections as may be necessary.

(Amended by L.N. 59/2014)

Restrictions on Mode of Supply

2. A public supplier shall not, except under and in accordance with the written consent of the Governor—

- (a) place any electric line, other than a service line, above ground, except within premises in the sole occupation or control of the supplier;
- (b) permit any part of any circuit to be connected with earth, except in so far as may be necessary for carrying out the provisions of any regulations under this Ordinance.

Power to Break Up Public Road, to Construct Boxes and to Erect Lamp Posts on Public Roads, etc.

3. Subject to the provisions of this Ordinance, a public supplier may, within his area of supply—

- (a) open and break up a public road and place electric lines or other works in, under or over the road;

- (b) open and break up, alter or remove any sewers, drains or tunnels within or under a public road;
- (c) repair, alter or remove any electric lines or other works placed in, under or over a public road;
- (d) remove or use all earth or other materials in or under a public road for the purposes of any works mentioned in subparagraphs (a), (b) or (c);
- (e) construct in a public road such boxes as may be necessary for purposes in connection with the supply of electricity, including apparatus for the proper ventilation of the boxes;
- (f) erect in a public road any lamp posts, standards or other lighting apparatus; and do all such other acts which the supplier thinks necessary for supplying electricity in that area.

Special Provisions as to Boxes Constructed in Public Roads

4. (1) No box or apparatus as mentioned in subparagraph (e) of paragraph 3 shall be placed by a public supplier above ground, except with the consent of the Energy and Utilities Commissioner.

(Amended by L.N. 59/2014)

(2) Every such box shall be for the exclusive use of the public supplier and under the supplier's sole control, except in so far as the Energy and Utilities Commissioner otherwise directs, and shall be used by the supplier only—

(Amended by L.N. 59/2014)

- (a) for leading off service lines and other distributing conductors;
- (b) for examining, testing, regulating, measuring, directing or controlling, the supply of electricity;
- (c) for examining or testing the condition of the mains or other works; or
- (d) for any other purposes connected with the supply of electricity by the supplier under his public supplier's licence,

and the supplier may place in such box meters, switches and other suitable and proper apparatus for any of the purposes mentioned in this subparagraph.

(3) Every such box, including the upper surface or covering of the box, shall be constructed of such materials, and shall be constructed and maintained by the public supplier in such manner, as not to be a source of danger, whether by reason of inequality of surface or otherwise.

(4) The Energy and Utilities Commissioner may, with the approval of the Governor, prescribe the hours during which the public supplier is to have access to such boxes, and if the supplier, during any hours not so prescribed, removes or displaces, or keeps removed or displaced, the upper surface or covering of any box without the consent of the Energy and Utilities Commissioner, the supplier, subject to subparagraph (5), commits an offence and is liable on summary conviction to a fine of \$1,000; and if the offence in respect of which the supplier is convicted is continued after the conviction, the supplier commits a further offence and is liable to a fine of \$50 for each day on which the offence is so continued.

(Amended by L.N. 59/2014)

(5) A public supplier shall not be liable to any penalty under subparagraph (4) if the Magistrate's Court is of the opinion that the case was one of emergency and that the supplier had complied with the requirements of this paragraph so far as was reasonable under the circumstances.

Notice and Plan of New Works to be Carried Out in Roads

5. (1) Where the exercise of any powers of a public supplier under paragraph 3 in relation to the execution of any works will involve the placing of any new works in, under or over a road, or the repair, renewal or amendment of existing works in, under or over a road (being the repair, renewal or amendment of existing works of which the character or position will be altered), the supplier—

(a) shall, at least one month (or in the case of service lines, seven days) before commencing the works, serve on the Energy and Utilities Commissioner a notice in writing describing the proposed works together with a plan of the works showing the mode and position in which the works are intended to be executed, and the manner in which it is intended that the road, or any sewer, drain or tunnel in or under the road, is to be interfered with; and

(Amended by L.N. 59/2014)

(b) furnish the Energy and Utilities Commissioner with such further information in relation to the proposed works as he may require.

(Amended by L.N. 59/2014)

(2) The Energy and Utilities Commissioner may approve or disapprove any such works or plan or may approve any such works or plan subject to such modifications or conditions as he sees fit; and the Energy and Utilities Commissioner shall serve on the public supplier proposing to execute the works notice in writing of his approval or disapproval and, in the case where he has approved the works or plan subject to any modifications or conditions, of those modifications or conditions.

(Amended by L.N. 59/2014)

(3) A public supplier may appeal to the Governor against any decision of the Energy and Utilities Commissioner under subparagraph (2); and on such appeal being brought, the Governor may approve or disapprove the works or plan in respect of which the appeal is brought, or may approve of the works or plan subject to such modifications or conditions as he sees fit.

(Amended by L.N. 59/2014)

(4) If the Energy and Utilities Commissioner does not serve a notice under subparagraph (2) in respect of any works or plan within one month of the date of the service on him of a notice under subparagraph (1) in relation to the works and plan, he shall be deemed to have approved the works and plan.

(Amended by L.N. 59/2014)

(5) Subject to the provisions of this Ordinance, a public supplier shall not execute any works mentioned in subparagraph (1) unless they are of a description and in accordance with a plan which has been approved by the Energy and Utilities Commissioner or Governor under this paragraph or with a plan which is deemed to have been approved by the Commissioner under this paragraph.

(Amended by L.N. 59/2014)

(6) Subject to subparagraph (7), if a public supplier contravenes the provisions of this paragraph, the supplier shall—

- (a) in addition to any compensation which the supplier may be liable to make under any other provision of this Ordinance, make full compensation to the Government for any loss or damage which the Government may incur by reason of the contravention of those provisions by the supplier; and
- (b) commit an offence and is liable on summary conviction to a fine of \$1,000, and if the offence of which the supplier is convicted is continued after conviction, he commits a further offence and is liable to a fine of \$100 for every day on which the offence is so continued.

(7) A public supplier shall not be liable to any penalty under subparagraph (6) if the Magistrate's Court is of the opinion that the case was one of emergency and that the supplier complied with the requirements of this paragraph so far as was reasonable under the circumstances.

(8) Nothing in this paragraph shall exempt a public supplier from any penalty or obligation to which the supplier may be liable under this or any other Ordinance in the event of any line within the meaning of the Public Telecommunications Ordinance being at any time injuriously affected by the supplier's works or the supply of electricity by the supplier.

*Additional Notice and Plan of New Works
to be Carried Out in Roads not Maintained at Public Expense*

6. (1) Where the exercise of any powers of a public supplier under paragraph 3 in relation to the execution of any works will involve the placing of any new works in, under or over a road which is not maintained or maintainable at public expense, or the repair, renewal or amendment of existing works in, under or over such a road (being the repair, renewal or amendment of existing works of which the character or position will be altered), the supplier, in addition to any notice or plan required to be served on the Energy and Utilities Commissioner under paragraph 5—

(Amended by L.N. 59/2014)

- (a) shall, at least one month before commencing the works, serve on the owner of the road a copy of the notice or plan so required to be served on the Energy and Utilities Commissioner in respect of the proposed works; and

(Amended by L.N. 59/2014)

- (b) furnish the owner of the road with such further information in relation to the proposed works as he may require.

(2) A copy of such notice served on an owner shall contain a reference to this paragraph and direct the owner to the provisions of this paragraph.

(3) Within three weeks after the date of service on him of the copy of such notice, the owner may serve a notice on the public supplier concerned requiring that any question in relation to the proposed works, shall, in default of agreement, be referred to the Energy and Utilities Commissioner for decision; and where notice under this subparagraph is served, the supplier or the owner may, within fourteen days of the date of service of the notice, refer the question in respect of which the notice was served for decision under sub-paragraph (4) or, in the case of a question as to compensation, under paragraph 17.

(Amended by L.N. 59/2014)

(4) On a reference made to him under subparagraph (3) of any question other than a question as to compensation, the Energy and Utilities Commissioner shall decide the question

and, by notice in writing served on each of the parties, inform them of his decision; and the decision of the Energy and Utilities Commissioner shall be final and binding on the parties.

(Amended by L.N. 59/2014)

(5) In deciding any question under subparagraph (4) in relation to any road, the Energy and Utilities Commissioner shall have regard to any duties or obligations which the owner may be under in respect of the road.

(Amended by L.N. 59/2014)

(6) Where a notice is served under paragraph 5 on the Energy and Utilities Commissioner by a public supplier in relation to any road to which this paragraph applies, the Commissioner may require the supplier to execute any temporary or other works so as to avoid any interference with any traffic, in so far as may be reasonably practicable.

(Amended by L.N. 59/2014)

(7) Subject to the provisions of this Ordinance, where no notice under sub-paragraph (3) is served on a public supplier, or where, after such a notice has been served, any question required by the notice to be settled has been settled, the supplier may, upon paying or securing any compensation which he may be required to pay or secure, execute the works specified in the relevant notice and plan served under paragraph 5 in accordance with that notice and plan as approved by the Energy and Utilities Commissioner or Governor under that paragraph, or deemed to have been approved by the Commissioner under that paragraph, and subject to such modifications as may have been determined on the settlement of any question under this paragraph.

(Amended by L.N. 59/2014)

(8) All such works to be executed by a public supplier shall be carried out to the reasonable satisfaction of the owner, who shall have the right to be present during the execution of the works.

(9) Subject to subparagraph (10), if a public supplier contravenes the provisions of this paragraph, the supplier shall—

- (a) in addition to any compensation which the supplier may be liable to make under any other provision of this Ordinance, make full compensation to the owner of any road to which this paragraph applies for any loss or damage which the owner may incur by reason of the contravention of those provisions by the supplier; and
- (b) commit an offence and is liable on summary conviction to a fine of \$1,000, and if the offence of which the supplier is convicted is continued after the conviction, he commits a further offence and is liable to a fine of \$100 for every day on which the offence is so continued.

(10) A public supplier shall not be liable to any penalty under subparagraph (9) if the Magistrate's Court is of the opinion that the case was one of emergency and that the supplier complied with the requirements of this paragraph so far as was reasonable under the circumstances.

*Repair, Renewal and Amendment of Existing Works
in Roads not Involving Alterations of Character or Position*

7. (1) Where the repair, renewal or amendment by a public supplier of any existing works, of which the character or position will not be altered, will involve any interference with any road, the supplier shall, except in a case of emergency—

(a) give to the Energy and Utilities Commissioner at least twenty-four hours notice before commencing to effect the repair, renewal or amendment;

(Amended by L.N. 59/2014)

(b) in the case where the road is not maintained or maintainable at public expense, unless otherwise agreed with the owner of the road, give similar notice to the owner,

and the supplier shall comply with such reasonable requirements as may be made by the Energy and Utilities Commissioner or the owner, if any.

(Amended by L.N. 59/2014)

(2) Such work of repair, renewal or amendment shall be executed to the reasonable satisfaction of the Energy and Utilities Commissioner and the owner, if any; and the Commissioner and owner shall have the right to be present during the execution of the work.

(Amended by L.N. 59/2014)

(3) The provisions of subparagraphs (6) and (7) of paragraph 5 and of sub-paragraphs (9) and (10) of paragraph 6 shall apply in relation to any such works of repair, renewal or amendment as they apply in relation to any works to which those provisions apply.

*Protection of Telecommunication Apparatus
Connected with Public Telecommunication System*

8. (1) A public supplier shall not make any alteration of any telecommunication apparatus installed for the purposes of the public telecommunication system operated by the Company under the Public Telecommunications Ordinance except in accordance with the provisions of this paragraph.

(2) A public supplier shall not, in the exercise of the powers conferred by this Ordinance, lay down any electric line or do any other work for the supply of electricity whereby any telecommunication apparatus installed for the purposes of that public telecommunication system is or may be injuriously affected.

(3) Before any such electric line is laid down or work (other than repairs) is done within ten yards of any such telecommunication apparatus, a public supplier shall, one month, or in the case of the laying of service lines to consumers' premises, seven clear days before commencing such work, give written notice to the Company specifying the course and nature of the work, including the gauge of any electric lines.

(4) A public supplier shall comply with such reasonable requirements, either general or special, as may be made by the Company for the purpose of preventing any such telecommunication apparatus from being injuriously affected by any work done within ten yards of the apparatus.

(5) Any difference which arises between the Company and a public supplier with respect to any requirements of this paragraph shall be determined by the Energy and Utilities Commissioner or, if the parties so agree, by arbitration.

(Amended by L.N. 59/2014)

(6) Subject to subparagraph (7), if a public supplier contravenes the provisions of this paragraph, the supplier shall—

- (a) in addition to any compensation which the supplier may be liable to make under any other provision of this Ordinance, make full compensation to the Company for any loss or damage which the Company may incur by reason of the contravention of those provisions by the supplier;
- (b) commit an offence and is liable on summary conviction to a fine of \$1,000, and if the offence of which the supplier is convicted is continued after conviction, he commits a further offence and is liable to a fine of \$100 for every day on which the offence is so continued.

(7) A public supplier shall not be liable to pay a penalty under subparagraph (6) if the Magistrate's Court is of the opinion that the case was one of emergency and that the supplier complied with the requirements of this paragraph so far as was reasonable under the circumstances.

(8) For the purposes of this paragraph telecommunication apparatus shall be deemed to be injuriously affected where the service provided by the public telecommunication system for the purposes of which the apparatus is used is in any manner affected.

(9) In this paragraph—

- (a) "Company" has the meaning given by section 2 of the Public Telecommunications Ordinance;
- (b) "telecommunication apparatus" includes any lines within the meaning of that section.

Laying of Electric Line under Special Agreement

9. (1) Where a public supplier proposes to lay an electric line intended for the supply of electricity to a particular consumer and not for the purposes of general supply, the supplier shall, at least twenty-eight days before commencing the work of laying the proposed line, serve a notice in writing on the Energy and Utilities Commissioner and on the owners or occupiers of all premises abutting on so much of the route of the proposed line as lies between the points of origin and termination of the proposed line stating—

(Amended by L.N. 59/2014)

- (a) that the supplier proposes to lay that line; and
- (b) that if, within that period, any of such owners or occupiers, by notice in writing, requires the supplier to give a supply of electricity to his premises the necessary distributing main will be laid at the same time as that line.

(2) If a notice as mentioned in paragraph (b) of subparagraph (1) is served on a public supplier requiring him to give a supply of electricity to any premises, then, subject to the provisions of this Ordinance, the supplier shall lay the necessary distributing main at the same time as laying the electric line in respect of which a notice under that subparagraph was served on the owner or occupier of those premises.

Wayleaves

10. (1) Subject to the provisions of this Ordinance, a public supplier may place an electric line below ground across any land (not forming part of a road), and above ground across any such land, other than land covered by buildings or used as a garden or pleasure ground; and where any line has been so placed across any land, the supplier may enter on the land for the purpose of repairing, renewing or altering the line.

(2) An electric line shall not be placed across any Crown Land (not forming part of a road) except with the written consent of the Governor.

(3) Before placing an electric line across any land, other than Crown Land, a public supplier shall serve on the owner and occupier of the land a notice of the supplier's proposal, together with a description of the nature and position of the proposed line.

(4) If, within twenty-eight days after the date of service by a public supplier of a notice under subparagraph (3) on the owner and occupier of any land, the owner and occupier fail to give their consent to the laying of any electric line across that land or attach to their consent any terms or conditions to which the supplier objects, the supplier shall not place the line across that land without the written consent of the Governor.

(5) The Governor may, after giving the parties an opportunity of making written representations to him or oral representations to the Energy and Utilities Commissioner, give his consent under subparagraph (4) either unconditionally or subject to such terms and conditions as he thinks just.

(Amended by L.N. 59/2014)

(6) In deciding whether to give or withhold his consent under subparagraph (4), the Governor shall, among other considerations, have regard to the effect, if any, on the amenities or value of the land in question of the placing of an electric line across that land in the manner proposed.

(7) The power of placing electric lines across land conferred by this paragraph shall, without prejudice to paragraphs 5 and 6, include the power of placing an electric line across or along a canal, inland navigation, dock or harbour, subject to the rights of the owners.

Continuation of Wayleaves

11. (1) Where a public supplier has under any terminable agreement or arrangement placed above or below ground any electric line which could have been so placed under paragraph 10, the supplier may, notwithstanding the termination of the agreement or arrangement, retain the line in position on the same terms and conditions as were previously applicable to the line unless and until objection is made by the owner or occupier of any land over or under which the line is placed.

(2) In the event of any such objection being made, the electric line shall only be retained if the provisions of paragraph 10 regulating the placing of a new electric line are complied with and subject to the provisions of that paragraph applicable to electric lines placed across land in pursuance of that section.

(3) A public supplier may, at any time while an electric line is retained across any land in accordance with subparagraph (1), apply to the Governor for a revision of the terms and conditions on which the line is so retained; in which event the provisions of paragraph 10 shall apply as if the retention of the line in position were the placing of an electric line across that land, and the supplier shall not be required to remove the line pending the decision on such application.

Works to be Executed with Minimum Disturbance and Damage

12. In the exercise of any powers conferred by this Ordinance in relation to the execution of works, a public supplier shall cause as little disturbance and inconvenience and do as little damage as may be; and, without prejudice to any other provision of this Schedule as to compensation, a public supplier shall make full compensation to any person for any damage sustained by that person by reason or in consequence of the exercise of such powers.

Power to Lop Trees

13. (1) Where any tree or shrub obstructs or interferes with the construction, maintenance or working of any electric line which is being placed by a public supplier, or will interfere with the maintenance or working of such a line, the supplier may serve a notice on the owner or 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 subparagraph (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.

(3) If, within twenty-one days from the date of service of a notice under sub-paragraph (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 subparagraph (4) to the notice,

the public supplier by whom the notice was served, 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.

(4) If, within twenty-one days from date of service of a notice under sub-paragraph (1) by a public supplier, the owner or occupier of the land in respect of which the notice has been served serves a counter notice in writing on the supplier objecting to the requirements of the first-mentioned notice, either party may refer the matter to the Governor for determination within twenty-one days from the date of service of the counter notice.

(5) On such a reference the Governor, 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 just, 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 (if any) and expenses are to be paid.

(6) Where no such reference is made to the Governor in accordance with sub-paragraph (4), a counter notice under that subparagraph shall be deemed not to have been served for the purposes of subparagraph (3).

(7) Trees and shrubs shall be lopped or cut by or on behalf of a public supplier in pursuance of this paragraph in a woodmanlike manner and so as to cause as little damage as may be to trees, shrubs, fences and growing crops; and the supplier shall cause the boughs lopped to be removed in accordance with the directions of the owner or occupier and shall make good any damage done to the land.

(8) Any compensation or expenses payable by a public supplier under this paragraph shall be recoverable as a civil debt.

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

Entry on Land for Purposes of Survey

14. (1) Subject to subparagraph (2) and 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, enter and survey any land, other than land covered by buildings or used as a garden or pleasure ground, 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) A public supplier shall not enter any Crown Land for any such purposes except with the written consent of the Governor.

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

Preservation of Amenity

15. 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, or conserving flora and fauna and geological or physiographical features of special interest, and of protecting buildings or objects of architectural or historical interest.

Remedying of System and Works

16. (1) If at any time the Energy and Utilities Commissioner is satisfied—
(Amended by L.N. 59/2014)

- (a) that a public supplier is supplying electricity otherwise than in a manner authorised by or under this Ordinance or has permitted any part of the supplier's circuit to be connected with earth or placed any electric line above ground otherwise than in accordance with this Ordinance;
- (b) that any electric line or other electrical plant of a public supplier is defective so as not to be in accordance with this Ordinance;
- (c) that any work of a public supplier or the supply of electricity by a public supplier is attended with danger to public safety or injuriously affects any telecommunication apparatus within the meaning of paragraph 8,

the Commissioner may, by order, specify the matter complained of and require the supplier to abate or discontinue it within such period as may be specified in the order in that behalf; and if the supplier makes default in complying with the order, the supplier commits an offence and is liable on summary conviction to a fine of \$1,000 and, if the offence is continued after conviction, the supplier commits a further offence and is liable to a fine of \$100 for every day on which the offence is so continued.

(2) The Energy and Utilities Commissioner may, by the same or any other order, forbid the use of any electric line or other electrical plant as from such date as may be specified in the order in that behalf until the order under subparagraph (1) is complied with or for such period as may be so specified; and if the public supplier against whom the order is made makes use of any such line or other plant while such use is forbidden under this subparagraph, he commits an offence and is liable on summary conviction to a fine of \$1,000 and, if the offence is continued after conviction, the supplier commits a further offence and is liable to a fine of \$1,000 for every day on which the offence is so continued.

(Amended by L.N. 59/2014)

(3) A copy of an order made under this paragraph against a public supplier shall be served on the supplier by the Energy and Utilities Commissioner.

(Amended by L.N. 59/2014)

(4) A public supplier may appeal to the Governor against an order made under this paragraph within seven days from the date of service of a copy of the order on the supplier, and the Governor may quash, confirm or vary the order; and pending the determination of the order, the order shall not have any effect.

*Compensation for Loss or Damage Resulting from
Works Carried Out by Public Suppliers*

17. (1) Any question arising as to compensation under any of the provisions of this Schedule (other than paragraph 13) may, in default of agreement between the parties, be referred to the Energy and Utilities Commissioner for decision by either party, in the case of such a question arising under paragraph 6, within the time specified in that behalf in subparagraph (3) of that paragraph, and in any other case within three months of the date on which the loss or damage in respect of which the compensation is sought was sustained.

(Amended by L.N. 59/2014)

(2) The Energy and Utilities Commissioner shall, by notice in writing served on each of the parties, inform them—

(Amended by L.N. 59/2014)

- (a) of his decision as to the entitlement to compensation of the party claiming the same and as to how any compensation awarded has been calculated; and
- (b) of their right of appeal under subparagraph (3) against his decision,

and where the Energy and Utilities Commissioner has decided that there is no entitlement to compensation or that the compensation has been apportioned between the party claiming the compensation and any other person, the notice shall set out the reasons for such decision having been taken.

(Amended by L.N. 59/2014)

(3) Any party who is aggrieved by a decision of the Energy and Utilities Commissioner on a reference made to him under this paragraph may, within twenty-one days of the date on which the decision was taken, or such longer period as the Magistrate's Court may allow, by notice in writing served on the Energy and Utilities Commissioner, require the Commissioner to refer the matter to the Magistrate's Court for determination, and such notice shall give particulars of the grounds on which that party has required the reference to be made.

(Amended by L.N. 59/2014)

(4) Where a notice under subparagraph (3) has been served on the Energy and Utilities Commissioner by any party—

(Amended by L.N. 59/2014)

- (a) the Commissioner shall refer the matter to which the notice relates to the Magistrate's Court for determination within fourteen days of the date of service of the notice; and
- (b) the Magistrate's Court shall cause to be served on each of the parties, and on any other person who appears to the Court to be interested, a notice informing them of the date, time and place on which the Court will proceed to hear and determine the reference.

(5) The provisions of sections 21(1), 24 and 26 of the Land Acquisition Ordinance shall have effect in relation to a reference made to the Magistrate's Court under this paragraph as they have effect in relation to an objection to an award made by the Permanent Secretary, Finance which has been referred to the Court under Part III of that Ordinance.

(6) Any person aggrieved by the determination of the Magistrate's Court on a reference made to it under this paragraph may appeal to the Supreme Court against that determination within the time and in the same manner as in the case of civil appeals to the Supreme Court from the Magistrate's Court.

(7) Part IV of the Land Acquisition Ordinance shall have effect in relation to any decision of the Energy and Utilities Commissioner as to the apportionment of compensation under that Ordinance.

(Amended by L.N. 59/2014)

(8) In deciding any question under this paragraph as to the compensation payable to the owner of any road by reason of or in consequence of any work carried out in, under or over the road, regard shall be had to any duties or obligations which the owner is under in respect of the road.

(9) Compensation under any of the provisions of this Schedule shall carry interest from the date on which entitlement to payment of the compensation accrued at the rate of 5% per year or such other rate of interest as may be prescribed.

(10) Compensation under any of the provisions of this Schedule to which this paragraph applies shall be recoverable as a civil debt.

SCHEDULE 2

(Section 16)

**MODIFICATIONS TO LAND ACQUISITION ORDINANCE,
AS HAVING EFFECT BY VIRTUE OF SECTION 16**

1. Any reference to the Land Acquisition Ordinance (hereafter in this Schedule referred to as “the Land Acquisition Ordinance”) in that Ordinance shall include a reference to that Ordinance as having effect by virtue of section 16.

2. The proper and effectual exercise of his licence by a public supplier shall be taken to fall within the meaning assigned to “public purpose” by section 2 of the Land Acquisition Ordinance.

3. Any reference to the Permanent Secretary, Finance in any of the provisions of the Land Acquisition Ordinance as having effect by virtue of section 16 (other than sections 3 and 4) shall include a reference to a public supplier in respect of whom a declaration under subsection (1) of section 16 has been made.

4. The references in sections 3 and 4 of the Land Acquisition Ordinance to an officer shall include a reference to a public supplier in respect of whom a declaration under subsection (1) of section 16 is likely to be made or any person acting on his behalf.

5. The references in sections 6, 7, 8, 9, 14, 17 and 39 of the Land Acquisition Ordinance to land in respect of which a declaration under section 5 of the Land Acquisition Ordinance has been made or to such a declaration shall include respectively references to land in respect of which a declaration under subsection (1) of section 16 has been made and to a declaration made under that subsection.

6. The references to the Governor in section 9 of the Land Acquisition Ordinance shall include references to a public supplier in respect of whom a declaration under subsection (1) of section 16 has been made.

7. The reference in section 12 of the Land Acquisition Ordinance to the office of the Permanent Secretary, Finance shall include a reference to the place of business or principal place of business of a public supplier in respect of whom a declaration under subsection (1) of section 16 has been made.

8. For section 16 of the Land Acquisition Ordinance there is substituted the following section—

“16. (1) Where the holder of a public supplier’s licence granted under section 10 of the Electricity Ordinance enters into possession of any land in accordance with the provisions of this Ordinance, the land shall vest in the holder of that licence from the date of such entry into possession and—

- (a) a notice to that effect shall be published by the holder of that licence in the *Gazette*;
- (b) the Registrar of Lands shall cause the registration of the holder of that licence as the proprietor of that land to be effected by an entry in the register kept under the Registered Land Ordinance in respect of that land and cause such other steps to be taken as the Registrar may deem necessary, whether by way of the cancellation or alteration of any other entry in the Land Register kept under that Ordinance in consequence of such registration.

(2) Where the holder of a public undertaking licence has acquired any land under this Ordinance, he shall not dispose of that land or of any interest or right in or over it except with the written consent of the Governor; and the Registrar of Lands shall enter a restriction to that effect in the appropriate register kept under the Registered Land Ordinance which, notwithstanding anything in that Ordinance, shall not be removed or varied except with the written consent of the Governor.”.

SCHEDULE 3

(Section 54(6))

COMPENSATION PAYABLE IN CONSEQUENCE OF THE ASSUMPTION OF CONTROL AND MANAGEMENT OF ANY ELECTRICITY UNDERTAKING OR OF THE VESTING IN THE GOVERNMENT OF ANY ASSETS OF SUCH AN UNDERTAKING

PART I

Compensation Payable in Consequence of the Assumption of the Control and Management of any Undertaking under section 52

1. Where the annual value of any land has diminished by reason of any steps taken or purported to have been taken by any person under the authority of an order under subsection (1) of section 52, compensation shall, in default of agreement, be payable for such diminution to the person for the time being entitled to enjoy the land; and such compensation shall be calculated by the Permanent Secretary, Finance by reference to the diminution of the annual value of the land attributable to the taking of those steps.

2. For the purposes of paragraph 1—

- (a) the annual value of any land shall be taken to mean the rent at which the land might reasonably be expected to be let from year to year if the tenant undertook to bear the costs of the repairs and insurance and other expenses, if any, necessary to maintain the land in a state to command that rent; and
- (b) the diminution of the annual value of any land shall be taken to mean the amount by which the annual value of the land is less than it would be if the steps in respect of which compensation is payable under that paragraph had not been taken.

3. Subject to paragraph 7, compensation shall be payable, in default of agreement, in respect of any electrical plant, vehicle or equipment used or purported to have been used under the authority of an order under subsection (1) of section 52.

4. Compensation under paragraph 3 shall be the aggregate of the following sums as calculated by the Permanent Secretary, Finance—

- (a) a sum equal to the amount which might reasonably be expected to be payable by a person for the use of the electrical plant, vehicle or equipment (during the period for which it was used or purported to have been used under the authority of such order) under a contract of hiring under which that person undertook to

bear the cost of insuring, maintaining and running that plant or using that vehicle or equipment;

- (b) a sum equal to the cost of making good any damage to that plant, vehicle or equipment, not resulting in its total loss, which occurred during that period, no account being taken of fair wear and tear; and
- (c) in a case where, during that period, a total loss of that plant, vehicle or equipment occurred, a sum equal to the value of the plant, vehicle or equipment immediately before the occurrence of the damage which caused the loss.

5. In paragraph 4 “total loss” has the same meaning as it has for the purposes of the law relating to insurance, and accordingly shall be construed as including constructive total loss.

6. Compensation under paragraph 3 in respect of the use of any electrical plant, vehicle or equipment shall be payable to the person entitled to sell the plant, vehicle or equipment, assuming that it is not subject to any charge, pledge, lien or other similar obligation.

7. In calculating any compensation payable under paragraph 3 to the person who is or was the public supplier carrying on the undertaking in respect of which the relevant order under subsection (1) of section 52 was made, the Permanent Secretary, Finance shall deduct from the aggregate of the sums mentioned in paragraph 4—

- (a) a sum equal to any expenses reasonably incurred by the Government in ensuring a proper and efficient supply of electricity to consumers of the supplier in pursuance of the order; and
- (b) any sum due and payable to the Government under the supplier’s licence.

8. A person shall not be entitled to compensation under paragraph 1 or paragraph 3 unless he has served on the Permanent Secretary, Finance notice in writing claiming the compensation within three months of the date on which entitlement to payment of the compensation accrued or such longer period as the Magistrate’s Court may allow.

9. Compensation under paragraph 1 or paragraph 3 shall carry interest as from the date on which entitlement to payment of the compensation accrued at the rate of five *per centum per annum* or such higher rate of interest as may be prescribed.

10. The Permanent Secretary, Finance shall, by notice in writing served on any person claiming compensation in accordance with paragraph 8, inform the claimant—

- (a) of the Permanent Secretary, Finance’s decision as to the entitlement of the claimant to such compensation;
- (b) of the amount of the compensation, if any, which has been calculated by the Permanent Secretary, Finance, giving details of how that amount has been calculated and of any deductions made under paragraph 7; and
- (c) that the claimant has a right of appeal under paragraph 11 against any decision taken by the Permanent Secretary, Finance,

and where the Permanent Secretary, Finance has decided that the claimant is not entitled to any compensation or that the compensation shall be apportioned between the claimant and any other person, the notice shall set out the reasons for any such decision having been taken.

11. (1) Any person who is aggrieved by a decision of the Permanent Secretary, Finance in respect of any claim for compensation made in accordance with paragraph 8 may, within twenty-

one days of the date on which the decision was taken or such longer period as the Magistrate's Court may allow, by notice in writing served on the Permanent Secretary, Finance, require the Permanent Secretary, Finance to refer the matter to the Magistrate's Court for determination; and such notice shall give particulars of the grounds on which that person has required the reference to be made.

(2) Where a notice has been served on the Permanent Secretary, Finance by any person—

- (a) the Permanent Secretary, Finance shall refer the matter to which the notice relates to the Magistrate's Court for determination within fourteen days of the date of the service of the notice; and
- (b) the Magistrate's Court shall, on the matter being so referred to it, cause a notice to be served on the Permanent Secretary, Finance and on that person, and on any other person who appears to the Court to be interested, informing them of the date, time and place on and at which the Court will proceed to hear and determine the reference.

(3) The provisions of sections 21(1) and 24 of the Land Acquisition Ordinance shall have effect in relation to a reference made to the Magistrate's Court under this paragraph as they have effect in relation to an objection to an award made by the Permanent Secretary, Finance which has been referred to the Court under Part III of that Ordinance.

(4) Any person aggrieved by the determination of the Magistrate's Court on a reference made to it under this paragraph may appeal to the Supreme Court against that determination within the time and in the same manner as in the case of civil appeals to the Supreme Court from the Magistrate's Court.

(5) Part IV of the Land Acquisition Ordinance shall have effect in relation to any decision of the Permanent Secretary, Finance as to the apportionment of compensation payable under paragraph 1 or paragraph 3 as it has effect in relation to compensation payable under that Ordinance.

PART II

Compensation Payable in Consequence of the Vesting in the Government of any Land Belonging to an Electricity Undertaking

Where any land or any interest in any land, being land within the meaning of the Land Acquisition Ordinance, vests in the Government by virtue of an order under subsection (1) of section 47, compensation shall be payable, in default of agreement, in accordance with the provisions of that Ordinance (other than sections 3 to 6, section 17, Part VI and sections 37 to 40) subject to the following modifications—

- (a) any reference in those provisions to the Land Acquisition Ordinance shall include a reference to that Ordinance as modified by this Part;
- (b) for section 7 there shall be substituted the following section—

“7. The Permanent Secretary, Finance shall, on the making of an order under subsection (1) of section 53 of the Electricity Ordinance in respect of any land, cause the land to be surveyed and, if no satisfactory plan of the land is available, a plan of the land to be made”;

- (c) in section 8, subsections (2) and (3) shall be omitted;

- (d) in subsection (1) of section 9, the words “where an order has been made under subsection (1) of section 53 of the Electricity Ordinance in respect of any land, then, in default of agreement as to the payment of compensation” shall be substituted for the words “where no agreement by private treaty for the purchase of any land in respect whereof a declaration under section 5 has been made is arrived at”;
- (e) in paragraph (b) of subsection (1) of section 14, subparagraphs (iv) and (vi) shall be omitted;
- (f) in section 15, subsection (1) shall be omitted and the words “in such case” in subsection (2) shall be omitted;
- (g) for section 16 there shall be substituted the following section—

“16. On the making of an order under subsection (1) of section 53 of the Electricity Ordinance in respect of any land, the Registrar of Lands shall cause the land to be registered as Crown Land in the Land Register and cause such other steps to be taken as the Registrar may deem necessary by way of the cancellation or alteration of any entry in the Land Register or otherwise in consequence of such registration.”;

- (h) in paragraph (c) of subsection (1) of section 19, the words “section 15” shall be substituted for the words “sections 4 and 15 or either of such sections”;
- (i) in section 25, the words “the relevant order under subsection (1) of section 53 of the Electricity Ordinance was made” shall be substituted for the words “he took possession of the land”.

PART III

Compensation Payable in Consequence of the Vesting in the Government of Any Assets, Other Than Land, Belonging to an Electricity Undertaking

1. Subject to paragraph 2, where any property or rights of any person, other than land or an interest in land within the meaning of Part II of this Schedule, vests in the Government by virtue of an order under subsection (1) of section 53, compensation shall be payable, in default of agreement, to that person, in such sum as shall be calculated by the Permanent Secretary, Finance to be the sum attributable to such property or rights which might have been expected to be realised if—

- (a) the whole of the undertaking carried on by that person for the supply of electricity under a public supplier’s licence had been sold as a going concern on the date on which the vesting took effect, in the open market, by a willing seller;
- (b) the effect of the sale had been to transfer to the buyer the property, (including any land or any interest in any land) rights, liabilities and obligations which vest by virtue of the order in the Government, except any property, rights, liabilities or obligations which so vest on terms agreed or determined in accordance with regulations under section 54; and
- (c) this Ordinance had not been passed.

2. In calculating any compensation payable under paragraph 1, the Permanent Secretary, Finance shall deduct from the sum calculated by him in accordance with that paragraph any sum

due and payable to the Government under the supplier's licence held by the person to whom the compensation is payable and on the termination of which the relevant order under subsection (1) of section 53 was made.

3. The provisions of paragraphs 8 to 11 of Part I of this Schedule shall have effect in relation to compensation under this Part as they have effect in relation to compensation under that Part as if—

- (a) any reference in those provisions to compensation under that Part included a reference to compensation under this Part;
- (b) the reference in subparagraph (b) of paragraph 10 of that Part to paragraph 7 of that Part were a reference to paragraph 2 of this Part.

4. The Governor may by regulations provide for the protection of any encumbrance in cases where the debt secured by the encumbrance does not vest in the Government or is apportioned as between the Government and any person, and the debt or, as the case may be, the part of the debt not apportioned to the Government, was, immediately before the relevant vesting date, secured on property which vests in the Government.

SCHEDULE 4

(Section 69(1))

ELECTRICAL LICENCE APPLICATION

APPLICANT INFORMATION						
Last Name		First		M.I.	Date	
Street Address				Apartment/Unit #		
Island/Cay						
Phone		E-mail Address				
Yrs. Of Experience		Date of Birth		M/D/Y	Nationality	
Do You have Turks and Caicos Islander status? YES/NO				Spouse of TCI Islander? YES/NO		
Permanent Resident or BOTC? YES/NO						
Details of company with whom applicant will be employed						
Name of Employer:						
Address:						
Phone No:			Email Address:			
Supervisor/Responsible Person Details:						
Name: _____						
Position: _____			Licence			
No: _____						
DOCUMENTS REQUIRED						
<input type="checkbox"/> 1. Copies of original certificates or diplomas <input type="checkbox"/> 2. Two or more written references of character and work proficiency <input type="checkbox"/> 3. Two recent passport size photographs <input type="checkbox"/> 4. Copy of work permit if required <input type="checkbox"/> 5. Copy of current licence (if applicable) <input type="checkbox"/> 6. Application Fee receipt <input type="checkbox"/> 7. Submit proof of immigration status (Passport/Marriage licence) <input type="checkbox"/> 8. Copy of Business licence (if applicable)						
CERTIFICATION/LICENSURE						
LICENCE HELD						
Issuing Authority:						
Licence Number:			Date Issued: (M/D/Y)			
PREVIOUS EMPLOYMENT						
Company			Phone			
Address			Supervisor			
Job Title						
Employment						
Begin: (M/D/Y)			End: (M/D/Y)			
PREVIOUS EMPLOYMENT						
Company			Phone			
Address			Supervisor			
Job Title						
Employment						
Begin: (M/D/Y)			End: (M/D/Y)			
Responsibilities:						

OFFICIAL USE ONLY	
Application Fee:	Receipt No.:
Licence No:	Date of Issue:
Licensing Fee:	Receipt No.:
Exam results:	Results Date:
NOTES	

SCHEDULE 5

(Sections 69(2) and 72(1))

FEEs

Electrical engineer	\$500.
Master electrician	\$400.
Journeyman	\$350.
Engineer-in-training	\$350.
Wireman	\$300.
Lineman	\$250.
Apprentice	\$30.

The licence renewal fees are the same as above.

(Inserted by Ord. 14 of 2015)

**ELECTRICITY (RATES AND CHARGES) REGULATIONS
(GRAND TURK AND SALT CAY) – SECTION 38**

(Legal Notices 52/1986, 10/1999, 36/2000, 12/2012, 59/2014 and 65/2020)

Commencement

[12 December 1986]

Citation and application

1. (1) These Regulations may be cited as the Electricity (Rates and Charges) Regulations (Grand Turk and Salt Cay).

(2) These Regulations shall have effect in the Islands of Grand Turk and Salt Cay.

(Application to South Caicos revoked by L.N. 12/2012)

Rates and charges

2. (1) The rates and charges for electricity supplied by a public supplier to a consumer shall be those specified in the Schedule.

(2) The rates and charges for residential premises specified in the Schedule apply only to consumers with a monthly consumption of 301 kWh and over.

(3) For the avoidance of doubt, where a consumer consumes less than 301 kWh a month, the public supplier shall apply the prevailing rates and charges prescribed for residential premises immediately before 22 July 2020. *(Inserted by L.N. 65/2020)*

SCHEDULE

(Regulation 2)

TARIFF OF RATES AND CHARGES

Interpretation

1. In this Schedule—

“non-residential premises” means premises, other than official premises, which are not residential premises;

“official premises” means premises which are wholly occupied by—

- (a) a Government department;
- (b) the head or other member of a consular mission of any country;
- (c) the Federal Aviation Agency of the Government of the United States;
- (d) any other body or person if the premises have been designated by the Energy and Utilities Commissioner as official premises for the purposes of these Regulations for so long as they are occupied by that body or person;

(Amended by L.N. 59/2014)

“residential premises” means premises which are principally used as a dwelling and which do not comprise more than one unit of accommodation;

“street lighting” includes any lighting installation, electrical equipment or lamp, the purposes or main purpose of which is to illuminate a street;

“unit” means a unit of electricity equal to one kilowatt hour.

Tariff of rates

2. (1) Subject to subparagraphs 2, and 3, the maximum rate chargeable for electricity supplied by a public supplier to premises of any description is set out in the second column of the Table opposite the reference to premises of that description:

	Description of Premises	Rate – cents per unit
(1)	Residential premises	28.9
(2)	Non-residential premises	34.9
(3)	Official premises	29.5
(4)	Street lighting	27.3
(5)	Water company	34.9

(Substituted by L. N. 65/2020)

(2) Where the cost per gallon of oil fuel imported into the Islands by a public supplier for the purpose of generating electricity under his licence is more than \$1.00 in the case of Grand Turk and Salt Cay and the increase has been authenticated by the Energy and Utilities Commissioner, the rate chargeable under paragraph (1) in any account rendered in consequence of a reading taken by the supplier at any time after the date of the importation of that fuel may, until any subsequent increase or decrease in that rate is effected in pursuance of this regulation, be increased at the rate of 0.08 cents for each cent of the amount by which the cost per gallon of that fuel, as authenticated by the Commissioner, exceeds either \$1.00 or \$0.80 as the case may be.

(Amended by L.N.s 10/1999, 12/2012 and 59/2014)

(3) Where the cost per gallon of oil imported into the Islands by a public supplier for the purpose of generating electricity under his licence is less than \$1.00 in the case of Grand Turk and Salt Cay and the decrease is authenticated by the Energy and Utilities Commissioner, the rate chargeable under paragraph (1) in any account rendered in consequence of a reading taken by the supplier at any time after the date of the importation of that fuel shall, until any subsequent increase or decrease in that rate is effected in pursuance of this regulation, be decreased at the rate of \$0.08 cents for each cent of the amount representing the difference between the cost per gallon of that fuel, and either authenticated by the Commissioner, as \$1.00 or \$0.80 as the case may be.

(Amended by L.N.s 10/1999, 12/2012 and 59/2014)

(4) The minimum of the charges made for the supply of electricity by a public supplier shall be \$5 per month.

Connection charges

3. There shall be payable by a consumer on the connection of the supply of electricity by a public supplier to the consumer's premises a charge as follows:—

Residential	\$25
All other single phase supplies	\$50
Three phase supplies	\$100

Reconnection charges

4. Where the supply of electricity by a public supplier to the premises of a consumer has been reconnected after having been disconnected by reason of the failure or refusal of the consumer to pay any charge or other sum due and payable by the consumer to the supplier in respect of the supply of electricity by the supplier to those premises or any other premises, there shall be payable by the consumer, on the reconnection of that supply, a charge not exceeding \$50.00, such charge to be specified by the public supplier.

Deposits

5. A public supplier may require a potential consumer to pay a deposit, refundable when the supply is no longer required by him, of a maximum amount in accordance with the following scale:—

Single phase residential supply requisitioned by a Belonger	\$100.00
All other single phase supplies	\$200.00
Three phase supplies	the value of six weeks estimated electricity consumption

**ELECTRICITY RATES AND CHARGES REGULATIONS
(SOUTH CAICOS) - SECTION 38**

(Legal Notices 12/2012, 20/2012, 7/2013, 59/2014 and 66/2020)

Commencement

[1 April 2012]

Citation and application

1. (1) These Regulations may be cited as the Electricity Rates and Charges Regulations (South Caicos).

(2) These Regulations shall have effect in the island of South Caicos.

Interpretation

2. In these Regulations—

“commercial premises” means any premises which are not residential premises, official premises, a large hotel, a medium hotel, a supermarket, or the radio beacon;

“Fortis TCI” means Fortis TCI Limited, a company incorporated under the Companies Ordinance;
(Amended by L.N. 7/2013)

“hotel” means any building or series of buildings containing more than three bedrooms for accommodation of guests for reward and in respect of which a hotel licence is held;

“large hotel” means a hotel whose electricity consumption is or exceeds 4,200,000 kWhrs in any twelve-month period (consumption over such period, or over any shorter period from start-up, being assessed retrospectively at the end of each month but with any change in rate being applicable only prospectively);

“medium hotel” means a hotel whose electricity consumption exceeds 300,000 kWhrs but is less than 4,200,000 kWhrs in any twelve-month period (consumption over such period, or over any shorter period from start-up, being assessed retrospectively at the end of each month but with any change in rate being applicable only prospectively);

“official premises” means any premises occupied by TCIG;

“residential premises” means premises principally used as a dwelling, and which do not comprise more than one unit of accommodation;

“street lighting” means any lighting installation, electrical equipment, or lamp, the purpose (or main purpose) of which is to illuminate a road or other public place;

“supermarket” means any grocery sales premises whose electricity consumption exceeds 300,000 kWhrs in any twelve-month period (consumption over such period, or over any shorter period from start-up, being assessed retrospectively at the end of each month but with any change in rate being applicable only prospectively);

“TCIG” means the Turks & Caicos Islands Government;

“unit” means a unit of electricity equal to one kilowatt hour.

Rates and charges

3. (1) The rates and charges for electricity supplied by a public supplier (AEP) under its public supplier's licence are those specified in the Schedule.

(2) The rates and charges for residential premises specified in the Schedule apply only to consumers with a monthly consumption of 301 kWh and over.

(3) For the avoidance of doubt, where a consumer consumes less than 301 kWh a month the public supplier shall apply the prevailing rates and charges prescribed for residential premises immediately before 22 July 2020. (*Inserted by L. N. 66/2020*)

SCHEDULE

(*Regulation 3*)

TARIFF OF RATES AND CHARGES**Tariff of rates**

1. Subject to paragraphs 2 and 3, the maximum rate chargeable for electricity supplied by a public supplier (Fortis TCI) to premises of any description is set out in the second column of the Table opposite the reference to premises of that description:

	Description of Premises	Rate – cents per unit
(1)	Commercial premises and official premises	30.2
(2)	Large hotel	23.2
(3)	Medium hotel	27.0
(4)	Radio beacon	24.8
(5)	Residential premises	26.4
(6)	Street lighting	See note (a)
(7)	Water company	22.7

Note (a): The rate will be \$24.00 per lamp per month for any lamp not exceeding a nominal rating of 250 watts; this price is also to include the maintenance and replacement of the lighting installation.

(*Substituted by L. N. 66/2020*)

Increase in fuel price

2. Where the cost per gallon of oil fuel imported into the Islands by a public supplier (Fortis TCI) for the purpose of generating electricity under its public supplier's licence is more than \$0.80 and the increase has been authenticated by the Commissioner, the rate chargeable under paragraph 1 in any account rendered in consequence of a reading taken by at any time after the date of importation of that fuel may, until any subsequent increase or decrease in that rate is effected, in

pursuance of this paragraph or paragraph 3, be increased at the rate of 0.08 cents for each cent of the amount by which the cost per gallon of that fuel, as authenticated by the Energy and Utilities Commissioner, exceeds \$0.80.

(Amended by L.N.s 7/2013 and 59/2014)

Decrease in fuel price

3. Where the cost per gallon of oil imported into the Islands for the purpose of generating electricity under its public supplier's licence is less than \$0.80 and the decrease is authenticated by the Energy and Utilities Commissioner, the rate chargeable under paragraph 1 in any account rendered in consequence of a reading taken by at any time after the date of the importation of that fuel shall, until any subsequent increase or decrease in that rate is effected in pursuance of this paragraph or paragraph 2, be decreased at the rate of 0.08 cents for each cent of the amount representing the difference between the cost per gallon of that fuel, as authenticated by the Energy and Utilities Commissioner, and \$0.80.

(Amended by L.N. 59/2014)

Minimum charge

4. The minimum of the charges made for supply of electricity by a public supplier shall be \$5 per month.

Connection charges

5. There shall be payable by a consumer on the connection of the supply of electricity by a public supplier to the consumer's premises charge as follows—

Residential	\$25
All other single phase supplies	\$50
Three phase supplies	\$100

Reconnection charges

6. Where the supply of electricity by a public supplier to the premises of a consumer has been reconnected after having been disconnected by reason of the failure or refusal of the consumer to pay any charge or other sum due and payable by the consumer to the supplier in respect of the supply of electricity by the supplier to those premises or any other premises, there shall be payable by the consumer, on the reconnection of that supply, a charge not exceeding \$50, such charge to be specified by the public supplier.

Deposits

7. A public supplier may require a potential consumer to pay a deposit, refundable when the supply is no longer required by him, of a maximum amount in accordance with the following scale—

Single phase residential supply requisitioned by a Belonger	\$100
All other single phase supplies	\$200
Three Phase Supplies	the value of six weeks estimated electricity consumption.

**ELECTRICITY RATES AND CHARGES REGULATIONS
(PROVIDENCIALES, NORTH CAICOS AND MIDDLE CAICOS) – SECTION 38**

(Legal Notices 11/2012, 19/2012, 59/2014 and 67/2020)

Commencement

[1 April 2012]

Citation and application

1. (1) These Regulations may be cited as the Electricity Rates and Charges Regulations (Providenciales, North Caicos and Middle Caicos and Pine Cay). *(Amended by L. N. 67/2020)*

(2) These Regulations shall have effect in the islands of Providenciales, North Caicos and Middle Caicos.

Interpretation

2. In these Regulations—

“commercial premises” means any premises which are not residential premises, official premises, a large hotel, a medium hotel, a supermarket, the Providenciales International Airport, or the water-making utility;

“Fortis” means Fortis TCI Limited, a company incorporated under the Companies Ordinance;

“hotel” means any building or series of buildings containing more than three bedrooms for accommodation of guests for reward and in respect of which a hotel licence is held;

“large hotel” means a hotel whose electricity consumption is or exceeds 4,200,000 kWhrs in any twelve-month period (consumption over such period, or over any shorter period from start-up, being assessed retrospectively at the end of each month but with any change in rate being applicable only prospectively);

“medium hotel” means a hotel whose electricity consumption exceeds 300,000 kWhrs but is less than 4,200,000 kWhrs in any twelve-month period (consumption over such period, or over any shorter period from start-up, being assessed retrospectively at the end of each month but with any change in rate being applicable only prospectively);

“official premises” means any premises occupied by TCIG;

“off-peak periods” mean periods from 10 pm to 6 am (Monday to Saturday) and all of Sunday;

“peak periods” means periods from 6 am to 10 pm (Monday to Saturday);

“residential premises” means premises principally used as a dwelling, and which do not comprise more than one unit of accommodation;

“street lighting” means any lighting installation, electrical equipment, or lamp, the purpose (or main purpose) of which is to illuminate a road or other public place;

“supermarket” means any grocery sales premises whose electricity consumption exceeds 300,000 kWhrs in any twelve-month period (consumption over such period, or over any shorter period from start-up, being assessed retrospectively at the end of each month but with any change in rate being applicable only prospectively);

“TCIG” means the Turks and Caicos Islands Government;

“unit” means a unit of electricity equal to one kilowatt hour.

Rates and charges

3. (1) The rates and charges for electricity supplied by a public supplier (Fortis) under its public supplier’s licences shall be those specified in the Schedule.

(2) The rates and charges for residential premises specified in the Schedule apply only to consumers with a monthly consumption of 301 kWh and over.

(3) For the avoidance of doubt, where a consumer consumes less than 301 kWh a month the public supplier shall apply the prevailing rates and charges prescribed for residential premises immediately before 22 July 2020. *(Inserted by L.N. 67/2020)*

SCHEDULE

(Regulation 3)

TARIFF OF RATES AND CHARGES

Tariff of rates

1. Subject to paragraphs 2 and 3, the maximum rate chargeable for electricity supplied by a public supplier (Fortis) to premises of any description is set out in the column of the Table opposite the reference to premises of that description:

Description of Premises	Rate – cents per unit	Description of Premises	Rate – cents per unit
	Providenciales, North Caicos, Middle Caicos		Pine Cay
(1) Commercial premises and official premises	29.1	(1) Commercial premises and official premises	27.0
(2) Large hotel	23.2	(2) Residential premises	27.0
(3) Medium hotel	27.0	(3) Large hotel	27.0
(4) Providenciales International Airport	27.0	(4) Medium hotel	27.0
(5) Residential premises	27.5	(5) Street lighting	27.0
(6) Supermarkets	27.0		
(7) Water-making utility at peak periods	22.7		
(8) Water-making utility at off-peak periods	16.2		
(8) Street lighting	See note (a)		

Note (a): The rate will be \$24.00 per lamp per month for any lamp not exceeding a nominal rating of 250 watts; this price is also to include the maintenance and replacement of the lighting installation.

(Substituted by L. N. 67/2020)

Increase in fuel price

2. Where the cost per gallon of oil fuel imported into the Islands by a public supplier (Fortis) for the purpose of generating electricity under its public supplier's licences is more than \$0.90 and the increase has been authenticated by the Energy and Utilities Commissioner, the rate chargeable under paragraph 1 in any account rendered in consequence of a reading taken by the supplier (Fortis) at any time after the date of importation of that fuel may, until any subsequent increase or decrease in that rate is effected in pursuance of this paragraph or paragraph 3, be increased at the rate of 0.08 cents for each cent of the amount by which the cost per gallon of that fuel, as authenticated by the Energy and Utilities Commissioner, exceeds \$0.90.

(Amended by L.N. 59/2014)

Decrease in fuel price

3. Where the cost per gallon of oil imported into the Islands by a public supplier (Fortis) for the purpose of generating electricity under its public supplier's licences is less than \$0.90 and the decrease is authenticated by the Energy and Utilities Commissioner, the rate chargeable under paragraph 1 in any account rendered in consequence of a reading taken by the supplier (Fortis) at any time after the date of the importation of that fuel shall, until any subsequent increase or decrease in that rate is effected in pursuance of this paragraph or paragraph 2, be decreased at the rate of 0.08 cents for each cent of the amount representing the difference between the cost per gallon of that fuel, as authenticated by the Energy and Utilities Commissioner, and \$0.90.

(Amended by L.N. 59/2014)

Minimum charge

4. The minimum of the charges made for supply of electricity by a public supplier shall be \$14 per month.

Connection charges

5. There shall be payable by a consumer on the connection of the supply of electricity by a public supplier to the consumer's premises a charge as follows—

Residential	\$100
All other single phase supplies	\$350
Three phase supplies	\$750

Reconnection charges

6. Where the supply of electricity by a public supplier to the premises of a consumer has been reconnected after having been disconnected by reason of the failure or refusal of the consumer to pay any charge or other sum due and payable by the consumer to the supplier in respect of the supply of electricity by the supplier to those premises or any other premises, there shall be payable by the consumer, on the reconnection of that supply, a charge not exceeding \$50, such charge to be specified by the public supplier.

Deposits

7. A public supplier may require a potential consumer to pay a deposit, refundable when the supply is no longer required by him, of a maximum amount in accordance with the following scale—

Single phase residential supply requisitioned by a Belonger	\$150
Small accounts (e.g. water pump)	\$100
All other single phase supplies	\$250
Three phase supplies	the value of six weeks estimated electricity con- sumption.

ELECTRICITY (SUPPLY) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. System of supply
4. Compliance with requirements and standards of Electrical Code
5. Inspectors
6. Inspection and testing of electrical wiring and installations
7. Submission of Drawings
8. Inspection of electrical work
9. Fees
10. Interference
11. Exposed live wire etc.
12. Measurement of consumption of electricity otherwise than by meter in certain cases
13. Penalty

SCHEDULE

ELECTRICITY (SUPPLY) REGULATIONS – SECTION 96

(Legal Notices 15/1986, 10/1990, 20/2004 and 59/2014)

Commencement

**Grand Turk,
Salt Cay**

[1 April 1986]

Elsewhere

[1 April 1990]

Citation

1. These Regulations may be cited as the Electricity (Supply) Regulations.

Interpretation

2. (1) In these Regulations—

- (a) “the Electrical Code” means the National Electrical Code as published by the National Fire Protection Association of Boston, Massachusetts, United States of America as amended or replaced from time to time; and
- (b) “inspector” means a person appointed under regulation 5 to perform the duties of an inspector within the area where electricity is being provided by a public or private supplier.

(Amended by L.N. 20/2004)

(2) Any technical expression used in these Regulations shall have the meaning assigned to it by the Electrical Code or, failing this, by the Glossary of Terms used in Electrical Engineering issued by the British Standards Institution.

System of supply

3. (1) Subject to paragraphs (2) and (3), electricity shall be supplied by a public supplier within the supplier’s area of supply at the following voltages—

- (a) high voltage distribution at not less than 2,400 volts, three phase, 60 Hertz; and
(Amended by L.N. 20/2004)
- (b) low voltage distribution at—
 - (i) three phase, 60 Hertz, 120/208 volts, 3-wire (neutral wire earthed);
 - (ii) single phase, 60 Hertz, 120/240 volts, 3-wire (neutral wire earthed); and
 - (iii) single phase, 60 Hertz, 120 volts, 2-wire (neutral wire earthed) according to the area.

(2) The voltages mentioned in paragraph (1) may be subject to a variation of 6 *per centum* above or below those voltages and shall be, in every case, subject to a 2½ *per centum* variation above or below the declared frequency.

(3) In special circumstances where the Energy and Utilities Commissioner is satisfied that the case so requires, a public supplier may, with the written consent of the Commissioner, give a supply of electricity at voltages other than those mentioned in paragraph (1).

(Amended by L.N. 59/2014)

(4) As respects the use of motors—

- (a) single phase, supply at 120 volts may be used for motors not exceeding 2 h.p.;
- (b) single phase, supply at 208 or 240 volts may be used for motors not exceeding 3 h.p.;
- (c) three phase, supply at 208 volts may be used for all motors exceeding 3 h.p.;
- (d) direct-on-line starting is permitted for all motors not exceeding 5 h.p.; and
- (e) the starting arrangements for all motors exceeding 5 h.p. shall be subject to the written approval of the Energy and Utilities Commissioner in each case and, except where the Commissioner is satisfied that there are special circumstances, the starting arrangements shall be of a type that limits the starting current.

(Amended by L.N. 59/2014)

Compliance with requirements and standards of Electrical Code

4. The essential requirements and minimum standards set out in the Electrical Code in respect of electrical wiring and electrical installations shall be observed in respect of the electrical wiring and any electrical installations at any premises supplied, or intended to be supplied, with electricity by a public supplier.

Inspectors

5. The Minister shall appoint fit and proper persons approved by the Energy and Utilities Commissioner to inspect electrical wiring and electrical installations at any premises supplied, or intended to be supplied, with electricity by the supplier, and to perform such other duties as may be prescribed by these or any other regulations made under the Ordinance.

(Amended by L.N.s 20/2004 and 59/2014)

Inspection and testing of electrical wiring and installations

6. (1) Before any new wiring or electrical installation, or any alteration, extension or modification of any existing electrical wiring or electrical installation, is carried out or installed, the person by whom the wiring is to be carried out or the installation fitted (hereafter in this regulation referred to as “the electrician”) shall furnish the Energy and Utilities Commissioner to whose electrical supply the wiring or installation is intended to be connected with a specification of the work intended to be carried out in Form A set out in the Schedule, and the Electricity Commissioner may approve the specification with or without modifications.

(Amended by L.N. 59/2014)

(2) No work in connection with any wiring or installation such as is mentioned in paragraph (1) shall be carried out otherwise than in accordance with a specification in Form A set out in the Schedule as approved by the Energy and Utilities Commissioner same as (1) to whom the specification was submitted for approval.

(Amended by L.N.s 20/2004 and 59/2014)

(3) Subject to paragraph (4), no new electrical fitting or any alteration, extension or modification to an existing electrical installation may be connected to the electrical supply of a

public supplier unless it has been inspected, tested and approved by an inspector in respect of that installation.

(4) In cases where new wiring or a new electrical installation is of an extensive nature, arrangements may be made by the electrician with the public supplier concerned for parts of the fitting to be completed and connected subject to compliance with these regulations and subject to the approval of the Energy and Utilities Commissioner.

(Amended by L.N.s 20/2004 and 59/2014)

(5) A certificate completed by an inspector on approving any electrical installation connected, or intended to be connected, to the electricity supply of a public supplier shall be kept by the supplier in the supplier's custody and shall be produced, on request, by the supplier to the Energy and Utilities Commissioner for inspection or for the purpose of enabling the Commissioner to make a copy of the certificate.

(Amended by L.N. 59/2014)

(6) A public supplier, whenever required to do so by the Energy and Utilities Commissioner, shall cause any electrical installation on any premises connected to the electricity supply of the supplier to be inspected and tested by an inspector and shall cause a report on the inspection to be made to the Commissioner.

(Amended by L.N. 59/2014)

(7) If—

(a) any electrical wiring or installation on any premises is found by the Energy and Utilities Commissioner or by an inspector not to have been approved under this regulation, being electrical wiring or an electrical installation required to be approved under this regulation; or

(Amended by L.N. 59/2014)

(b) any electrical wiring or installation on any premises is found by the Energy and Utilities Commissioner or an inspector not to conform to the minimum standards set out in the Electrical Code,

(Amended by L.N. 59/2014)

the Energy and Utilities Commissioner may, and the inspector shall, if the electrical wiring or installation is connected to the electricity supply of a public supplier, disconnect the premises from that supplier, until the wiring or installation is so approved or that deficiency made good, as the case may be.

(Amended by L.N. 59/2014)

(8) The owner or occupier of any premises shall afford all such facilities as may be reasonably required by the Energy and Utilities Commissioner or an inspector to enable the Commissioner or the inspector to carry out any inspection or test for the purposes of this regulation.

(Amended by L.N. 59/2014)

Submission of Drawings

7. No electrical work with a main amperage of over 50 AMP shall be undertaken unless suitable drawings of the work are submitted to the Energy and Utilities Commissioner before the work is undertaken by an electrician or a professional engineer or a recognised electrical engineering organisation; and the drawings shall include site plans, schematics, line diagrams, lay out plans, and such other information as may be required by the Energy and Utilities Commissioner.

(Inserted by L.N.s 20/2004 and 59/2014)

Inspection of electrical work

8. A request for the inspection of any electrical work shall be submitted by an electrician on behalf of the owner of any premises in which the work is being carried out.

(Inserted by L.N. 20/2004)

Fees

9. A person making a request under regulation 7 or 8 shall pay to the Treasury such fees as may be prescribed.

(Inserted by L.N. 20/2004)

Interference

10. (1) No person shall use, or permit to be used, any electrical installation connected to the electrical supply of a public supplier in such manner as—

- (a) to cause interference with, or any variation in, the supply of electricity to other persons;
- (b) to cause interference with the lawful emission or reception of any radio communication, telecommunication, telegraph telephone, or the lawful use of any electrical signalling equipment, process or circuit by other persons.

(2) The Energy and Utilities Commissioner or an inspector, acting within his area of supply, may require any person who uses, or permits the use of, any electrical installation in contravention of paragraph (1) to cease to do so, and that person shall comply with such requirement within fourteen days from the date on which the requirement is imposed.

(Amended by L.N. 59/2014)

(3) The Governor may by notice published in the *Gazette* prohibit the use of any electrical apparatus or equipment which, in his opinion, is, or is likely to be, unsafe, and no person shall use such apparatus or equipment on and after the date specified in the notice as being the date on which the prohibition against the use of such apparatus or equipment shall take effect.

Exposed live wire etc.

11. (1) Subject to paragraph (2), no person shall have under his control any bare wire, terminals or other parts of any electrical apparatus or equipment carrying current.

(2) Paragraph (1) shall not apply to any apparatus or equipment connected otherwise than to the electrical supply of a public supplier and which is connected to an electrical supply of a potential of less than 30 volts above earth potential.

Measurement of consumption of electricity otherwise than by meter in certain cases

12. (1) Where a person authorised by a public supplier to ascertain the quantity of electricity consumed on any premises is unable to gain access to those premises, or to the meter on those premises used or intended to be used for the purpose of electricity supplied to those premises, the supplier may send to the consumer occupying those premises a bill for an amount calculated on the basis of the previous consumption of electricity by the consumer; and the account maintained by the supplier in respect of electricity consumed by the consumer shall be adjusted accordingly when the next regular reading of the meter is taken.

(2) Where a meter fails to register the quantity of electricity consumed by a consumer, the consumer shall pay for any electricity supplied during the period of the failure of the meter so

to register an amount calculated on the basis of the average quantity of electricity consumed by the consumer during a similar period.

Penalty

13. Any person who contravenes any of the provisions of these regulations commits an offence and is liable on summary conviction to a fine of \$500; and if the offence is continued after the conviction, he commits a further offence and is liable to a fine of \$50 for each day on which the offence is so continued.

SCHEDULE

(Regulation 6)

FORM A

SPECIFICATION OF ELECTRICAL INSTALLATION

SPEC. NO

A. Property Owner..... Address.....

Architect or Agent Address

Location of premises

Total floor area sq. ft. Occupancy:

Residential

Commercial

Industrial

Other

B. Supply Required: Overhead Underground

2-wire 3-wire 4-wire

Proposed wiring system

Size of main switch Number of circuits

C. Load..... kw..... H.P. Phase

(a) Lighting

(b) Water heating.....

(c) Space heating.....

- (d) Cooking.....
- (e) Air conditioning motors.....
- (f) Other motors or loads

- D. Approximate date it is proposed to commence work
- Approximate date ready for mechanical inspection
- Approximate date ready for final test
- Approximate date ready for mechanical inspection

The Electrician will be present at to make site inspection with a representative of the supplier on the at (*appointment to be arranged by mutual agreement*).

Date..... Signed
Owner/Agent

Signed
Electrician

- E. The above specification is approved subject to the following:
-

The supplier's service will terminate at and the meter(s) will be located at

Approval

Date
Energy and Utilities Commissioner

Date
Public Supplier

(Amended by L.N.s 20/2004 and 59/2014)

FORM B

CERTIFICATION NO

.....

CERTIFICATE OF APPROVAL OF ELECTRICAL INSTALLATION

This is to certify that the electrical installation at the
premises located at and covered by
Specification No was inspected and tested by me on the
....., 20 and found to be satisfactory.

Subject to compliance with the Electricity (Supply) Regulations the electrical
installation may be connected to the supplier's electricity system.

Date Signed

for (Energy and Utilities
Commissioner)

(Amended by L.N.s 20/2004 and 59/2014)
