

LAWS OF SOLOMON ISLANDS

[1996 EDITION]

CHAPTER 128

ELECTRICITY

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**CHAPTER 128
ELECTRICITY**

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SOLOMON
ISLANDS ELECTRICITY AUTHORITY, FOR THE TRANSFER OF ELECTRICAL
INSTALLATIONS TO THE AUTHORITY AND FOR AMENDMENT OF THE LAW
RELATING TO ELECTRICITY**

[1st January 1969]

*15 of 1968
11 of 1970
LN 46A of 1978
LN 88 of 1978
3 of 1988*

**PART I
PRELIMINARY**

Short title

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

[Short title]

Interpretation

LN 46A of 1978

LN 88 of 1978

3 of 1988, s. 2

2. In this Act, unless the context otherwise requires—

"apparatus" means electrical apparatus and includes all apparatus, machines, consuming devices and fittings in which conductors are used or of which they form a part;

"area of supply" means that area within which a licensee is authorised by his licence to supply electricity;

"Authority" means the Solomon Islands Electricity Authority established by the provisions of section 3;

"Authority installation" means an installation, the property of or operated by the Authority;

"Authority public installation" means an Authority installation operated by or on behalf of the Authority for the supply of electricity to any person other than the Authority;

"authorised person" means a person appointed by the Authority, or by a licensee, or by the management or the owner of an installation, or by a contractor for the time being to the Authority, licensee, management or owner, to carry out certain duties incidental to the generation, transformation, distribution and use of electricity, provided that such person possesses the qualifications, if any, prescribed for persons performing such duties, or, if no qualifications are prescribed, is competent for the purpose for which he is employed, the burden of proof of competency being on the employer;

"Chairman" means the Chairman of the Authority appointed under the provisions of section 4 and includes a temporary Chairman;

"conductor" means an electrical conductor arranged to be electrically connected to a system;

"consumer" means a person who is supplied with electricity or whose premises are for the time being connected for the purpose of a supply of electricity with any public installation or Authority public installation;

"conversion" means the conversion of alternating current to direct current by static or dynamic means;

"danger" means danger to health or to human life or limb from shock, burn or other injury resulting from the generation, transformation, distribution or use of electricity and includes danger to property from fire resulting as aforesaid;

"dead", applied to any system or part of a system, means that it is not live;

"generating station" means any station for generating electricity including any buildings and plant used for the purpose, and the site thereof, and includes a site intended to be used for a generating station, but does not include any station for transforming, converting or distributing electricity;

"generator" means a rotating machine of any type for changing mechanical electricity into electricity;

"grievous harm" and "harm" have the meanings respectively assigned thereto in the Penal Code;

"high voltage" means a voltage normally exceeding six hundred and sixty volts;

"inspector" means an officer in the public service or any other person appointed pursuant to the provisions of section 45 as an electrical inspector for the purposes of this Act and includes the Chief Inspector;

"installation" means the whole of any plant or apparatus under one ownership or, where a management is prescribed, in charge of the same management, designed for the supply or use, or both, as the case may be, of electricity, including prime movers, if any, with all necessary plant, buildings and land in connection therewith, pipe lines, supply lines, and consuming apparatus, if any, and the Minister may either generally

or specifically, by order, exclude any installation or classes of installations from the provisions of this definition;

"insulated" means covered or protected by insulating materials;

"insulating", used as an epithet to characterise any substance, means of such size, quality and construction, according to circumstances, as to afford adequate protection from danger;

"licence" means a licence issued under the provisions of this Act permitting the licensee to operate or work an installation;

"licensee" means a person permitted by licence to work or operate an installation, and includes an authorised agent;

"live" or "alive" applied to a system or any part of a system, means that a voltage exists between any conductor and earth or between any two conductors in the system;

"low voltage" means voltage not exceeding two hundred and fifty volts between phase and neutral;

"main" means a supply line through which electricity is, or can be, supplied whether such line is in use or not;

"main supply line" means any extra high voltage supply line for transmitting energy from a generating station to another generating station or to a sub-station, and includes any building or part of a building used in connection with any such line;

"management" means the authorised person for the time being placed in charge of the installation by the Authority, by the licensee, by the owner, or by a contractor;

"member of the Authority" includes the Chairman and any temporary member of the Authority;

"motor" means a motor of any type for the transformation of electricity into mechanical electricity;

"prime mover" means a machine supplying mechanical electricity to a generator;

"private installation" means an installation operated by a licensee or owner solely for the supply of electricity to and use thereof on the licensee's or owner's own property or premises; or, in the case of a consumer taking electricity from a public installation for use only on the property or premises of the licensee or owner;

"private safety" means obviation of danger to individuals or to private property;

"public installation" means an installation operated by a licensee for the supply of electricity to any person other than the licensee:

Provided that the licensee may use electricity for his own purposes where such use is consistent with the terms of the licence;

"public safety" means the obviation of danger to the general public, to public property and to streets, docks, wharves, bridges, water works and their appurtenances, and telegraphic, telephonic and other electrical signalling lines owned or operated by the Government or by other bodies authorised in that behalf by the Minister,

"Secretary" means the Secretary of the Authority appointed under the provisions of section 11;

"street" includes any road, lane, footpath, square, alley or passage over which the public has a right-of-way and also the roadway and footway over any public bridge;

"supplier" means the Authority and includes a licensee;

"supply line" means a conductor or conductors or other means of conveying, transmitting or distributing electricity together with any casing, coating, covering tube, pipe, insulator or post enclosing, surrounding or supporting the same or any part thereof, or any building or apparatus connected therewith for the purpose of transforming, conveying, transmitting or distributing electricity;

"system" means an electrical system in which all the conductors and apparatus are electrically or magnetically connected;

"transformation" means the transformation of voltage from a lower to a higher voltage or vice versa.

PART II
SOLOMON ISLANDS ELECTRICITY AUTHORITY

Establishment, Incorporation and Constitution of the Authority

Establishment and incorporation of Solomon Islands Electricity Authority

3 of 1988, s. 3

3.—(1) There is hereby established an Authority to be known as the Solomon Islands Electricity Authority which shall be a body corporate under that name with perpetual succession and a common seal and which may, in such name, sue and be sued, and may enter into contracts, and may acquire, purchase, take, hold and enjoy real and personal property of every description, and may convey, assign, surrender and yield up, charge, mortgage, transfer or otherwise dispose of, or deal with or in, real or personal property vested in the Authority upon such terms as the Authority deems fit.

(2) All deeds, documents and other instruments required to be sealed with the common seal of the Authority shall be sealed therewith in the presence of the Chairman and of the Secretary or some other person authorised by the Authority to act in that behalf, who shall sign every such deed, document or other instrument to which such seal is affixed, and such signing shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the Authority.

(3) Service of any document upon the Authority shall be deemed to be effected by delivering the same or by sending it by registered post to the Secretary.

Constitution of the Authority

LN 46A of 1978

LN 88 of 1978

3 of 1988, s. 4

4.—(1) The Authority shall consist of—

(a) a Chairman; and

(b) not less than four members (not more than two of whom shall be public officers), who shall be appointed by the Minister; and

(c) the General Manager, as ex officio member.

(2) Subject to the provisions of this Act, the members of the Authority shall hold office for such term and subject to such conditions as the Minister may determine.

(3) If at any time it appears to the Minister that removal from office of all or any of the members of the Authority is necessary, he may remove from office, without assigning any reason therefor, all or so many of the members of the Authority as he considers necessary.

(4) The Minister may, at any time, accept the resignation of any member of the Authority.

(5) The Minister may appoint any person to be a temporary member of the Authority, and any member to be temporary Chairman, if such member or the Chairman is, from time to time, ill

or absent from Solomon Islands or for any other reason unable to perform his functions as such member or Chairman.

(6) The Chairman may, in writing, authorise any person to exercise any power or perform any function, other than the functions referred to in section 3 (2), conferred on the Chairman by or under the provisions of this Act.

Members of the Authority to dispose of interest in any electricity undertaking

LN 46A of 1978

5.—(1) Every person appointed to be a member of the Authority shall, within three months after his appointment, sell or dispose of all shares or other interest in any electricity undertaking which, at the time of his appointment, he owns or is interested in for his own benefit, and it shall not be lawful for any member of the Authority, whilst he holds office as such, to purchase or become interested in, for his own benefit, any shares in any electricity undertaking, and, if any member of the Authority becomes entitled, for his own benefit, under any will or succession, to any shares in any electricity undertaking, he shall sell or dispose of the whole within three months after he has become entitled thereto:

Provided that the Minister may waive the requirements of this subsection in any specific case.

(2) The Chairman or any other member of the Authority who retains, purchases, takes or becomes or remains interested in any shares in any electricity undertaking in contravention of the provisions of this section shall be disqualified from, and shall be deemed to have vacated, his office, and an entry to that effect shall be made in the minutes of the Authority as soon as practicable after the fact of any such contravention is known.

(3) The fact of any person disqualified under the provisions of this section having sat on, or taken part in any proceedings of, the Authority before such entry as aforesaid has been made in the minutes shall not invalidate any resolution or proceeding of the Authority.

(4) In this section "shares in any electricity undertaking" means any stock, shares, debentures, debenture stock, bonds or other securities of any company engaged in Solomon Islands in the generation, distribution or supply of electricity, or the manufacture therein of electricity apparatus, and includes any share or interest in any unincorporated undertaking similarly engaged.

Disclosure of interest in contract by member of the Authority

6. A member of the Authority, if he has any interest in any company or undertaking with which the Authority proposes to make any contract, or has any interest in any such contract, shall disclose to the Authority the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Authority, and, unless specifically authorised thereto by the Chairman, such member shall take no part in any deliberation or decision of the Authority relating to such contract.

Salaries, fees, etc., of members of the Authority

LN 46A of 1978

7. There shall be paid to members of the Authority, out of the funds of the Authority, such salaries, fees, allowances and expenses as the Minister may from time to time determine.

Meetings and proceedings

8.—(1) The quorum at all meetings of the Authority shall be two members present in addition to the Chairman.

(2) All questions coming or arising before a meeting of the Authority shall be decided by a majority of the members present and voting thereon at that meeting, and, in the case of an equality of votes, the Chairman shall have and exercise a second or casting vote.

(3) The Chairman may invite any person to attend and to speak upon any matter at any meeting of the Authority but no such person shall vote upon any matter.

Procedure

9. Subject to the provisions of this Act, the Authority may regulate its own procedure and, in particular, may regulate the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes, the custody, production and inspection of such minutes, and the opening, keeping, closing and audit of accounts.

Vacancies

10. The Authority may act notwithstanding any vacancy in its membership.

Officers and Servants of the Authority

Appointment of officers and servants

3 of 1988, s. 5

11.—(1) The Authority may, from time to time, and on such terms as to remuneration and otherwise as it may think fit, appoint and employ a General Manager, a secretary, a chief engineer and such other officers, agents, servants and advisers as it may deem necessary for the efficient discharge of its functions under this Act and may dismiss any person so appointed.

(2) The Authority may delegate its power of appointment and dismissal to the General Manager.

Liability of members, officers and servants

12. No member, officer or servant of the Authority shall be personally liable for any act or default of the Authority done in good faith and without negligence in the course of the operations of the Authority.

Functions and Duties of the Authority

General functions of the Authority

LN 46A of 1978

3 of 1988, s. 7

13.—(1) Subject as hereinafter in this Act provided, it shall be the duty of the Authority—

(a) to manage and work any electrical installations transferred to the Authority by the Government and such other installations and apparatus as may be acquired by the Authority;

(b) to establish, manage and work such electrical installations as the Minister may from time to time require or as the Authority may from time to time deem it expedient to establish;

(c) to secure the supply of electricity at reasonable prices;

(d) to promote and encourage the generation of electricity with a view to the economic development of Solomon Islands;

(e) to advise the Minister on all matters relating to the generation, transmission, distribution and use of electricity;

(f) to ensure standards of safety, efficiency and economy in respect of the production, transmission, distribution and use of electricity.

(2) For the purposes of subsection (1), the Authority may—

(a) subject to the provisions of this Act, generate, transmit, transform, distribute and sell electricity either in bulk or to individual consumers;

(b) purchase, construct, reconstruct, maintain and operate supply lines, generating stations, transformer stations and all other appropriate stations, buildings and works;

(c) sell, hire or otherwise supply electrical plant and electrical fittings and apparatus, and install, repair, maintain or remove any electrical plant, fittings and apparatus;

(d) acquire, in accordance with the provisions of this Act or otherwise, any property, real or personal, which the Authority deems necessary or expedient for the purposes of constructing or extending or maintaining any installation or otherwise for carrying out its duties and functions under the provisions of this Act;

(e) carry on all such other activities as may appear to the Authority requisite, advantageous or convenient for it to carry on for or in connection with the purposes of its duties under the provisions of this Act.

Power of Minister to issue directions

LN 46A of 1978

14.—(1) The Minister may, from time to time, after consultation with the Authority, give the Authority directions of a general character not inconsistent with the provisions of this Act as to the policy to be followed in the exercise of the powers conferred and the duties imposed on the Authority by or under the provisions of this Act in relation to matters which appear to him to affect the interests of Solomon Islands, and the Authority shall, as soon as possible, give effect to all such directions.

(2) The Authority shall furnish the Minister with such returns, accounts and other information with respect to its property and activities as he may from time to time require.

Duty of the Authority to supply electricity

LN 46A of 1978

3 of 1988, s. 8

15.—(1) Subject to the provisions of subsection (2) and section 21(1), in so far as it is able to do so, the Authority shall supply electricity to any person, other than a licensee, requiring a supply of electricity, if such person undertakes to enter into a contract with the Authority, giving such security as the Authority may require, to become a consumer and to undertake to receive and pay for or to continue to receive and pay for a supply of electricity upon such terms and conditions as the Authority may determine:

Provided that where the supply of electricity to such person requires an extension or augmentation of the Authority's distribution or transmission system, the Authority may require such person to pay to the Authority all or part of the costs for the work done by the Authority in respect of the extension or augmentation; and

Provided further that where the Authority is satisfied that the supply of electricity through the extension or augmentation cannot be provided or maintained economically, the Authority may require such person to enter into an agreement with the Authority for the payment of all or part of the costs of the work done by the Authority in maintaining the supply of electricity to such person through the extension or augmentation.

(2) The Authority shall not supply electricity to a consumer, other than a licensee, in any area which, for the time being, forms part of the area of supply of a licensee, except with the consent of such licensee:

Provided that where the consent of the licensee is required under the provisions of this subsection and such licensee refuses or withholds such consent, the Authority may refer the matter to the Minister who may dispense with such consent if he is satisfied that it was unreasonably refused or withheld.

(3) For the purposes of the proviso to subsection (2), consent shall be deemed to be unreasonably refused or withheld if the licensee is not willing and able to supply the requisite electricity upon reasonable terms and within a reasonable time, having regard, amongst other things, to the terms upon, and the time within, which the Authority is willing and able to supply such electricity.

General Financial Provisions

Power to borrow

LN 46A of 1978

16.—(1) The Authority may, from time to time, with the approval of the Minister of Finance, borrow money by the issue of debentures or debenture stock or in whatsoever manner and subject to such terms, security, guarantee, mortgage, pledge or charge as may be so approved, for all or any of the following purposes—

- (a) the provisions of working capital;
- (b) for performing the functions of the Authority under this Act;
- (c) the acquisition of undertakings;
- (d) any other expenditure properly chargeable to capital account; and
- (e) any other purpose whatsoever which the Minister may specify.

(2) Subject to the approval of the Minister of Finance, the Authority may make rules, not inconsistent with the provisions of this Act, to provide for the issue of debentures or debenture stock, or in connection with any other purpose mentioned in subsection (1) or which may be specified by the Minister from time to time, and, in particular, for regulating the issue, transfer, redemption or other dealing with debentures or debenture stock.

Temporary loans or overdrafts

LN 46A of 1978

17. The Authority may borrow by way of temporary loan or overdraft such sums of money as it deems fit not exceeding an amount approved by the Minister.

General duties and powers of Authority in financial matters

3 of 1988, s. 9

18. It shall be the policy of the Authority so to exercise and perform its functions under this Act as to secure that the total revenues of the Authority are sufficient to meet its total outgoings properly chargeable to revenue account, including depreciation, loan redemption and interest on capital, taking one year with another and making adequate allowance for any increase or decrease in the cost of replacing any property owned and used by the Authority.

Exemption from income tax

19. That part of the income of the Authority which is derived from the sale of electricity shall not be liable to income tax.

Annual subsidy

LN 46A of 1978

20. The Government shall pay to the Authority any annual subsidy which the Minister, after consultation with the Authority, may determine appropriate to compensate the Authority for any loss, actual or anticipated, which has been or might be sustained—

(a) through taking over any supply of electricity under Part III; and

(b) through managing and operating any supply of electricity which it is required to manage and operate under section 13(1)(b).

Rates and scales of charges for electricity

3 of 1988, s. 10

21. The prices to be charged by the Authority for the supply of electricity shall be in accordance with such tariffs as may, from time to time, be fixed by, the Minister on the recommendation of the Authority.

Schemes for the benefit of employees

3 of 1988, s. 11

22. The Authority may establish such schemes as it thinks necessary for the purpose of making payments, loans or advances to its officers or servants as part of their conditions of services:

Provided that such payments, loans or advances may be made upon such terms as the Authority may consider reasonable.

Application of revenue

LN 46A of 1978

3 of 1988, s. 12

23.—(1) The revenue of the Authority for any financial year shall be applied in defraying the following charges—

(a) the salaries, fees, remuneration, pensions, superannuation allowances and gratuities of the officers, agents and servants and technical or other advisers of the Authority, or any payment due under any scheme established under the provisions of section 22;

(b) the remuneration, fees, allowances and expenses of the members of the Authority;

(c) working and establishing expenses and expenditure on, or provision for, the maintenance of any of the installations of the Authority, and the discharge of the functions of the Authority properly chargeable to revenue account;

(d) the cost or any portion of the cost of any new installation which the Authority, with the approval of the Minister, may determine to charge to revenue;

(e) interest on any debentures and debenture stock issued, and the principal and interest on any loan raised, by the Authority;

(f) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or the repayment of other borrowed moneys;

(g) such sums as it may deem appropriate to set aside in respect of depreciation on the property of the Authority having regard to the amount set aside out of revenue under the provisions of paragraph (f);

(h) such contributions to charitable objects as the Authority, with the approval of the Minister, may, from time to time, determine;

(i) any other expenditure authorised by the Authority and properly chargeable to revenue account.

(2) The balance of the revenue of the Authority shall be applied to a general reserve or to such other reserves as the Authority, with the approval of the Minister, may determine.

(3) Any general or other reserve formed under subsection (2) shall be applied in such manner as the Authority may, with the approval of the Minister, from time to time determine:

Provided that no part of the moneys comprised in such general or other reserve shall be applied otherwise than for the purposes of the Authority.

Investment of funds

LN 46A of 1978

24. Any funds of the Authority not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Authority may be invested from time to time in securities authorised for the time being for the investment of trust funds or in such other investments and securities as may be approved from time to time by the Minister.

Accounts and audit

LN 46A of 1978

25.—(1) The Authority shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of account in respect of each financial year terminating on the 31st day of December.

(2) The accounts of the Authority shall be audited annually by an auditor appointed by the Authority subject to the approval of the Minister.

(3) After the end of each financial year, as soon as the accounts of the Authority have been audited, the Authority shall cause a copy of the statement of account to be transmitted to the Minister, together with a copy of any report made by the auditor on that statement or on the accounts of the Authority and such explanation of any matters referred to in the auditor's report as may be necessary.

Annual report

LN 46A of 1978

26.—(1) The Authority shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Authority during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may from time to time direct.

(2) A copy of the report shall be printed and laid before Parliament by the Minister as soon as may be after the close of the financial year to which the report relates.

PART III

TRANSFER TO AUTHORITY OF GOVERNMENT UNDERTAKINGS

Vesting assets in the Authority

LN 46A of 1978

27. The Minister may by order and without further assurance vest in the Authority such assets as he may from time to time think fit subject to such terms as may be specified in such order.

Existing contracts

28. All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the commencement of this Act, affecting any of the undertakings which may be transferred to the Authority from time to time by the Government shall be of as full force and effect against or in favour of the Authority, and enforceable as fully and effectually as if, instead of the Government or any person acting on behalf of the Government, the Authority had been named therein or had been a party thereto.

Pending proceedings

29. Any proceedings or cause of action pending or existing immediately before the commencement of this Act by or against the Government or any person acting on behalf of the Government in respect of any of the transferred undertakings specified in section 28 may be continued or enforced by or against the Authority as it might have been by or against the Government or such person, if this Act had not been enacted.

**PART IV
SUPPLY OF ELECTRICITY**

Licence required for use of installations contents of licences

LN 46A of 1978

3 of 1988, s. 13

30.—(1) No person other than the Authority shall—

- (a) use, work or operate, or permit to be used, worked or operated, any installation; or
- (b) supply to or for the use of any other person electricity from any installation,

except under and in accordance with the terms of a licence expressly authorising such use or supply, as the case may be.

(2) Any person contravening the provisions of subsection (1) shall be guilty of an offence and liable to a fine of one thousand dollars and, if the contravention be continued, to a fine of fifty dollars for every day or part of a day during which the contravention continues after the date of conviction.

(3) Such licences may be granted by the Authority on payment of such fees, if any, as may be prescribed.

(4) No licence shall be capable of being transferred unless the consent of the Authority to the transfer be evidenced upon the licence by writing under the hand of the Chairman.

(5) Licences shall be subject to such conditions as may be prescribed and to such further conditions, if any, as may be imposed by the Authority and set out in the licence.

(6) Licences may be for such periods as the Authority may in each case approve:

Provided that no licence shall, without the express approval of the Minister, be granted for a period exceeding twenty-one years.

(7) The period of duration of every licence shall be set out therein, and in every licence for a public installation there shall be set out—

- (a) the area of supply;
- (b) the declared voltage and the variation permitted therefrom;
- (c) the maximum charges payable by consumers;
- (d) such other matters as the Authority may consider desirable including provisions for the revision or variation of any of the matters set out in such licence.

Security: suspension and revocation of licences

LN 46A of 1976

3 of 1988, s. 14

31.—(1) The Authority may, in its discretion, require that, before the issue of any licence, such security as it may specify shall be furnished for the due observance of the terms and conditions of the licence and of the provisions of this Act, and any regulations made under section 55.

(2) A licence may at any time be suspended or revoked by the Authority on breach of any of the conditions thereof or in default of payment of any moneys accrued due thereunder, or if the licensee ceases to work or operate the installation in respect of which the licence has been granted:

Provided that, where a licence has been suspended or revoked on the ground that the licensee has ceased to work or operate an installation, the licensee may, if he considers that he has suffered or may suffer undue hardship by reason of such suspension or cancellation, appeal to the Minister against such suspension or cancellation, and the decision of the Minister on such appeal shall be final.

Restriction of use to specified purposes

32. A licensee who is, by the conditions of his licence, restricted to using or supplying electricity for specified purposes only, shall not use or supply such electricity for any purpose other than those so specified, and any person contravening the provisions of this section shall be guilty of an offence.

PART V ACQUISITION OF LAND

Acquisition of and dealings in land

LN 46A of 1978

33.—(1) Subject to the provisions of the Land and Titles Act, the Authority may for all the purposes of any of its functions under this Act, by agreement acquire, whether by way of purchase, lease, gift or exchange, any land situate within Solomon Islands, whether such land is immediately required or not.

Cap. 133

(2) Any land acquired under subsection (1) may, until it is required for the purpose for which it was acquired, be held and used for the purpose of any of the functions of the Authority.

(3) Any land belonging to the Authority and not required for the purpose for which it was acquired may be appropriated for any other purpose.

PART VI GENERAL

Power to enter on and examine land

3 of 1988, s. 15

34.—(1) In the exercise of the powers conferred upon the Authority or a licensee by the provisions of this Act, the Authority or licensee, as the case may be, may by their officers, agents or servants, do all or any of the following—

(a) enter, survey and take levels of any land or any part thereof and also dig out and remove any earth, stone, soil, and gravel whatsoever for the construction, maintenance or alteration of any line or part thereof or for any other purpose in connection with the works authorised by this Act;

(b) after consultation with the local authority, cut and remove from any land any tree or any branch, bough, or other part of a tree growing on such land within fifteen metres of any main or submain used for conducting electricity and which may in any way affect or interfere with the works:

Provided that the Authority or licensee, as the case may be, may cut and remove any tree or any part thereof which is within one metre of a conductor without having to consult with the local authority or Town and Country Planning Board;

(c) open or break up any road:

Provided that such road shall be repaired and relaid by or at the expense of the Authority or licensee, as the case may be, when any necessary work has been completed;

(d) after consultation with the local authority, erect and maintain posts, staywires, poles or pillars in or upon any land and attach, place and maintain wires, lines, conduits and other appliances and things necessary for the works in, under, through or over, across or upon any street, road, land, building, houses or premises:

Provided that before the exercise of any of the powers conferred by the provisions of this paragraph, notice of the intention of the Authority or the licensee, as the case may be, shall be served on the owner or owners or other interested party at least fourteen clear days before the exercise of such power.

(2) In the exercise of any of the powers conferred by the provisions of this section, the Authority or the licensee, as the case may be, shall not be deemed to acquire any right other than that of user only in or over the soil of any land through, over or under which the Authority or the licensee, as the case may be, causes to be placed any of the works.

(3) Any person who sustains any damage or loss by reason of the exercise of any of the powers conferred by this section upon the Authority or a licensee may make application for compensation in writing in that behalf to the Authority, or licensee, as the case may be, at any time before the expiration of three months after the act, matter or thing in respect of which such damage or loss is alleged to have been sustained, and if he fails to make application

within the aforesaid period his claim to compensation for the alleged damage or loss may be disallowed.

(4) The amount of compensation payable under the provisions of this section may, in default of agreement, be claimed and determined by civil action in a court.

Power to inspect*3 of 1988, s. 16*

35. For the purpose of inspecting any part of an installation or fitting, removing meters or other instruments for measuring the quantity of electricity supplied, making or removing connections between mains and private fittings, repairing damage, or for other proper cause the Chairman or licensee or any person authorised by the Chairman or licensee in that behalf may at all reasonable times, enter upon the lands, houses or buildings to which electricity has been, is, or will be, supplied.

Power to fix lamp-posts, etc

3 of 1988, s. 17

36. The Chairman or licensee, or any person authorised by the Chairman or licensee in that behalf, may, subject to the provisions of any Act for the time being in force, cause such lamp-irons, lamp-posts, insulating material, brackets, stays or other apparatus to be put up or fixed upon or against the walls or fences of any house, building or enclosure or to be put up or erected in such other places and manner as may be deemed proper, doing as little damage as may be practicable and making sufficient amends, by way of repairs, restoration or compensation to all persons interested, for such damage as may be done, and may cause such number of lamps of such sizes and types to be put and affixed to such lamp-irons, lamp-posts and brackets as may be deemed necessary, and may cause the same to be lighted during such hours as may be deemed necessary.

Reduction or cessation of supply

3 of 1988, s. 18

37.—(1) The Authority and any licensee may reduce, as they may think fit, the quantity of electricity supplied to any consumer if, by reason of any unforeseen circumstances beyond their control, it may appear 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 as aforesaid—

(a) no liability shall be incurred by the Authority or the licensee, as the case may be, in respect of any loss or damage caused by such reduction; and

(b) in appropriate cases, an abatement in the charges for the supply of electricity shall be made in proportion to the reduction made.

(3) The Authority or a licensee, their servants or agents, shall not be liable for any damage to persons or property or for any cessation of the supply of electricity which may be due to unavoidable accident, fair wear and tear, or overloading due to unauthorised connection of apparatus, or to the reasonable requirements of the system, or to defects in any installation not provided by the Authority or licensee, as the case may be, but shall be liable only when such damage or cessation is shown to have resulted from negligence on the part of the

Authority or licensee, or their servants or agents as the case may be, or from faulty construction of the installation.

Protection of electrical works belonging to the Authority

38.—(1) No person shall lay or carry any mains, pipes, conduits or wires in, along, through, across, over or under any street or place in a manner which is likely to interfere with or cause damage to any electrical works or apparatus of the Authority without first obtaining permission from the Authority and such permission may be granted or withheld at the discretion of the Authority, or may be granted upon such terms and conditions as the Authority thinks fit to impose.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence against this Act

Use of electricity supplied

39.—(1) No consumer shall use electricity supplied to him for purposes other than those for which such electricity is supplied.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence against this Act.

Exemption of apparatus from distress and attachment

40. When any electric wires, meters, fittings, works or apparatus belonging to the Authority have been placed in or upon any private premises for the purpose of supplying or measuring electricity and when any electric wires, meters, fittings, works or apparatus belonging to a licensee have been placed in or upon premises, not owned or occupied by such licensee, for the purpose of supplying or measuring electricity, such wires, meters, fittings, works or apparatus shall not be subject to distress nor be liable to be taken in execution under any process of a court or in any bankruptcy or insolvency proceedings against any person.

Disconnection of supply of electricity

3 of 1988, s. 19

41.—(1) Where any person employed by the Authority or a licensee finds upon any premises evidence which in his opinion indicates that an offence has been committed under the provisions of section 42(2), the Authority or the licensee or any person duly authorised by the Authority or the licensee, as the case may be, may cause the supply of electricity to be disconnected from such premises.

(2) Notwithstanding the provisions of subsection (1), where electricity is used by the consumer for business, professional or industrial purposes and the disconnection of the supply of electricity would prevent the consumer from carrying on his business, profession or industry, the supply of electricity shall not be disconnected without the approval of the Chairman, the General Manager or any member or employee of the Authority duly authorised for that purpose.

(3) If the supply of electricity has been disconnected under the provisions of subsection (1), it shall not be reconnected until—

(a) in the case of the Authority, the Chairman or the General Manager or any member or employee of the Authority duly authorised for that purpose; or

(b) in the case of a licensee, the licensee or his authorised employee,

gives permission for reconnection.

(4) If the supply of electricity has been disconnected under the provisions of this section, the Authority or licensee, as the case may be, may determine the period for which such disconnection shall be enforced.

(5) No liability shall lie upon the Authority or the licensee or any officer, servant or employee of the Authority or licensee for any act done by the Authority or licensee or any of their officers, servants or employees in carrying out the provisions of this section.

PART VII OFFENCES AND PROCEEDINGS

Offences

3 of 1988, s. 20

42.—(1) Any person who wilfully so tampers with or adjusts any installation or part thereof as to cause or to be likely to cause danger to human life or limb or injury to any apparatus or other property shall be guilty of an offence and liable to a fine of one thousand five hundred dollars or to imprisonment for five years or to both such fine and such imprisonment.

(2) Any person who in any manner whatsoever dishonestly—

(a) abstracts electricity; or

(b) consumes electricity; or

(c) uses electricity; or

(d) alters the index of any meter or other instrument used on or in connection with any Authority installation or any licensed installation for recording the output or consumption of electricity; or

(e) prevents any such meter or instrument from duly recording the output or consumption of electricity,

shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for two years or to both such fine and such imprisonment.

(3) Any licensee who without express permission from the Authority in that behalf supplies electricity or lays down any supply line or constructs any electrical works outside the area of supply specified in his licence shall be guilty of an offence and liable to a fine of five hundred dollars, and any such unauthorised line or works may, after conviction under this subsection in respect thereof, be removed by order of the Authority, and the reasonable cost of such removal may be recovered from the licensee.

(4) Subject to the provisions of sections 37 and 41, any licensee who is authorised by his licence to supply electricity to other persons and who, in breach of any conditions of his licence or of any regulations made under section 55 and without reasonable cause (the burden of proving which shall lie on him), fails to supply electricity to any consumer whose premises lie within the area of supply specified in his licence, or discontinues the supply of electricity to any such consumer, shall be guilty of an offence and liable to a fine of five hundred dollars, and in the case of continued failure or discontinuance, to a fine of fifty dollars for every day or part of a day during which the failure or discontinuance continues after the date of conviction.

(5) Any person who wilfully injures any meter or other instrument used on or in connection with any Authority installation or any licensed installation for recording the output or consumption of electricity shall be guilty of an offence and liable to a fine of two hundred dollars.

(6) Any person who wilfully or negligently—

(a) causes electricity to be diverted from its proper course or to be wasted; or

(b) breaks, throws down, causes to fall or damages any supply line or any post, pole or other apparatus connected with the supply of electricity,

shall be guilty of an offence and liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and such imprisonment.

(7) Any person who obstructs or impedes any officer or servant of the Authority or of a licensee in the exercise of his powers and duties under the provisions of this Act or any regulations made under section 55 or fails to comply with any order lawfully given in pursuance of the provisions of this Act or such regulations, shall be guilty of an offence and liable to a fine of two hundred dollars, and, in the case of a continuing offence, to a fine of fifteen dollars for every day or part of a day during which the offence is continued after the date of conviction.

(8) Any licensee who, without lawful excuse, fails to comply with any condition expressed, or, by virtue of this Act, implied, in his licence shall be guilty of an offence and liable to a fine of two hundred dollars, and if the failure be continued, to a fine of fifteen dollars for every day or part of a day during which the failure is continued after the date of conviction.

(9) Any person guilty of an offence against this Act for which no penalty is expressly provided shall be liable to a fine of two hundred dollars and in the case of a continuing offence, to a fine of fifteen dollars for every day or part of a day during which the offence is continued after the date of conviction.

Onus of proof

43. In any prosecution for an offence under the provisions of section 42(2), proof of—

(a) the existence of artificial means which, either alone or in conjunction with additional artificial means not found, could be used for altering, or facilitating the alteration of, the index of any meter or instrument used for registering the quantity of electricity supplied; or

(b) the existence of artificial means which, either alone or in conjunction with additional artificial means not found, would prevent, or facilitate the prevention of, any meter or instrument from duly registering the quantity of electricity supplied, or would facilitate the dishonest abstraction, consumption or use of electricity; or

(c) (i) the fitting of any mechanical or other means to; or

(ii) the absence or removal of any part or connection from; or

(iii) the interference with any part or connection of,

any apparatus in such circumstances that such fitting, absence, removal or interference would prevent or facilitate the prevention of any meter or other instrument from duly registering the quantity of electricity supplied, or would facilitate the dishonest abstraction, consumption or use of electricity,

shall be prima facie evidence that there has been dishonest alteration of the index of any meter or instrument, or prevention, abstraction, consumption or use of electricity, as the case may be, and that such dishonest alteration, prevention, abstraction, consumption or use, as the case may be, has been carried out by—

(aa) the person fitting such artificial, mechanical or other means as aforesaid; and

(bb) the person removing any such part or connection as aforesaid; and

(cc) the person interfering with any such part or connection as aforesaid; and

(dd) the consumer using such meter or instrument; and

(ee) the person having control of the installation where it is fixed,

or that such person or consumer has abetted the offence of such alteration, prevention, abstraction, consumption or use, as the case may be.

Compensation for damage

3 of 1988, s. 21

44.—(1) Any person who, without lawful excuse, removes, destroys or damages, whether wilfully or otherwise, any installation or any part thereof, or any public lamp or any post, bracket or other means of support of a public lamp, or any instrument used in connection with any installation for recording the output or consumption of electricity shall, in addition to any penalty to which he may be liable under the provisions of this or any other Act, be liable to pay full compensation for the damage he has done and such compensation shall be recoverable by civil action or suit before a court.

(2) Without prejudice to the provisions of subsection (1), any court before which a person is charged with an offence under this Act may assess the compensation payable under the provisions of this section and may make an order for the payment of the same and any such order may be enforced as if it were a judgment in a civil action or suit.

PART VIII PROVISIONS RELATING TO INSPECTION, REGISTRATION, ETC

Appointment of inspectors

3 of 1988, s. 22

45.—(1) There shall be a Chief Inspector and such other inspectors as may be necessary for the purposes of giving effect to the provisions of this Act.

(2) The Chief Inspector shall be the officer in charge of electrical engineering within the Authority.

(3) The other inspectors shall, if the persons to be appointed are to be public officers, be appointed in accordance with the Constitution, but otherwise their appointments may be made by the Minister.

Power of inspectors to enter on premises

46.—(1) Subject to the provisions of subsection (2), an inspector may enter any premises, in or upon which any installation or apparatus may be, at any time between the hours of 6 o'clock in the forenoon and 6 o'clock in the afternoon and also at any other time when the installation or apparatus may be at work, and may seize any article or thing which is reasonably suspected to be an article or thing which concerns an offence under the provisions of this Act or by which such an offence has been committed.

(2) An inspector seeking to enter any premises under the powers conferred by subsection (1) shall carry, and shall produce on demand, an official identification card or badge in such form as may be prescribed, and no person shall be obliged to admit to his premises any person purporting to be an inspector except on production of such identification card or badge.

Periodical inspections of installations

3 of 1988, s. 24

47.—(1) Where any person, other than the Authority, is about to construct, alter or extend an installation, he shall give notice of such proposed construction, alteration or extension to the Chief Inspector who may periodically inspect such construction, alteration or extension.

(2) In addition to periodical inspections as provided for in subsection (1) and final inspections on completion, all installations, while in operation, shall be subject to such periodical inspections as may be prescribed by regulations made under section 55.

(3) The licensee and management and persons in charge of any installation or of the construction of any installation shall afford full facilities for inspection during working hours.

Installations completed or begun before commencement of Act

3 of 1988, s. 25

48. All installations which have been operated or whereof the construction has been completed or begun before the commencement of this Act shall be subject to the provisions of this Act and any regulations made under section 55.

Restriction on connection with earth

49.—(1) No person shall, in the generation, transmission, supply or use of electricity, permit any part of his supply line to be connected with earth except as may be required by or under the provisions of this Act or be expressly permitted by the Chief Inspector.

(2) In the event of any breach of the provisions of subsection (1), the Chief Inspector may by written order require the licensee or owner to remove such connections and may prohibit the use of any supply line or works or installation until the order is complied with, and any person who fails to comply with any such order shall be guilty of an offence.

Procedure in case of dangerous defect in installation apparatus

50.—(1) In the event of an inspector finding in any installation or apparatus any defect which in his opinion is likely to cause danger, he may, by notice in writing posted at the place where the installation or apparatus to which it relates is installed or working, or served upon the licensee or owner thereof, require such defect to be made good or removed within such period as may be specified in the notice and in such case the installation or apparatus shall not be operated or used after the expiration of such period unless the defect has been made good or removed to the satisfaction of the inspector:

Provided that if the inspector is of the opinion that the defect is likely to cause immediate danger, he may, by notice posted or served as aforesaid, forthwith suspend the operation and use of such installation or apparatus until such defect is made good or removed, and in such case the installation or apparatus shall not be operated or used so long as such notice of suspension remains unrevoked.

(2) Every licensee and every management and person in charge of an installation becoming aware of a defect therein which is likely to cause danger, and every consumer becoming aware of a defect in any apparatus which is likely to cause danger, shall forthwith cause the defect to be made good or removed or shall report thereon to an inspector.

(3) If in the opinion of the Chief Inspector any defect in any installation in respect whereof a licence is in force is of such a nature that it cannot be made good or removed, the Authority shall hold an inquiry and, if it considers it necessary so to do, shall cancel the licence.

(4) Any person who contravenes or fails to comply with any of the provisions of subsections (1) or (2) shall be guilty of an offence against this Act.

Serious accidents to be reported and investigated

51.—(1) Whenever any accident causing or resulting in loss of life or serious injury to any person or property has occurred in connection with any installation or electrical plant or apparatus, the owner or licensee thereof and the management thereof shall report the accident to an inspector by the quickest means available, and subsequently, with the least possible delay, shall report in writing to an inspector the facts of the matter so far as they are known and the inspector may as soon as practicable after receipt of the first report—

- (a) visit the place where the accident occurred;
- (b) make a preliminary investigation of the circumstances;
- (c) record in writing his findings upon such investigation;
- (d) forward his report to the Chief Inspector;
- (e) if there has been any loss of life or there is reason to believe that any person has been seriously injured, send a copy of his findings to the nearest Magistrate.

(2) In the event of loss of life or grievous hurt to any person due to any accident in connection with any installation or electrical plant or apparatus, no alteration or addition shall, without the consent of an inspector be made to any part of such installation, plant or apparatus which may have contributed to the occurrence of such accident, nor shall any alteration be made, without such consent, to the site of the accident until an inspector has completed his investigation:

Provided that nothing herein contained shall operate to interfere with rescue work or work necessary for the general safety of life or property.

(3) If upon a preliminary investigation under the provisions of subsection (1) it appears to the officer making such investigation that there is reason to believe that the accident was due to any failure to comply with the provisions of this Act or of any regulations made under section 55 or to neglect of any lawful order given by an inspector, or if the officer making such investigation is satisfied that the accident might have been prevented if proper precautions had been taken and observed in the working of any installation or electrical plant or apparatus, the Chief Inspector shall further investigate the circumstances of the accident together with the inspector and if the Chief Inspector is of the opinion that criminal proceedings could lie

against any person he shall then forward to the Director of Public Prosecutions a copy of the inspector's report together with his opinion of the circumstances and findings.

LN 88 of 1978

(4) Any person concerned in any investigation held under the provisions of this section shall be entitled, upon payment of the prescribed fees, to receive a copy of the report of the inspector, a copy of the opinion of the Chief Inspector, and copies of statements, if any, taken in evidence by the inspector or Chief Inspector, as the case may be.

(5) Any person who, without lawful excuse, contravenes or fails to comply with any of the provisions of subsections (1) or (2) shall be guilty of an offence against this Act.

Questions for decision by Chief Inspector subject to appeal to High Court

52.—(1) In the event of any difference of opinion between a licensee and an inspector, other than the Chief Inspector, or between the management or owner of any installation or apparatus and an inspector, other than the Chief Inspector, regarding any matter affecting the construction, erection, maintenance or operation of any installation or apparatus, the matter shall be referred in writing to, and decided by, the Chief Inspector.

(2) Any person who feels aggrieved by a decision made by the Chief Inspector may appeal in writing to the High Court for reconsideration of the matter in dispute within twenty-one days from the date of the decision of the Chief Inspector, or within such further period as the High Court may in special circumstances allow, and such appeal shall contain the grounds of the grievance.

(3) Upon receipt of an appeal under the provisions of subsection (2), the Judge shall hear the appellant and such other parties as he may deem necessary.

(4) Any person having technical qualifications or experience in the matter concerned in the appeal, may be called upon to give evidence during the hearing of such appeal.

(5) At the conclusion of the appeal proceedings, the Judge who heard the appeal shall inform all persons concerned of his decision.

(6) Any person concerned shall be entitled, upon payment of the prescribed fees, to a copy of a summary of the evidence given during the appeal proceedings, and of the Judge's decision.

Liabilities unaffected

53. Nothing in this Act contained shall operate to relieve any licensee or management from any civil or criminal liability arising otherwise than under this Act.

Exemption orders

3 of 1988, s. 26

54. The Minister may, on the recommendation by the Authority, exempt any installation or class of installation from all or any of the provisions of Part IV and Part VIII or any regulation made thereunder.

PART IX
SUBSIDIARY LEGISLATION

Regulations

3 of 1988, s. 27

55. The Minister on the recommendation of the Authority, may make regulations not inconsistent with the provisions of this Act to prescribe—

- (a) the duties of inspectors;
- (b) the intervals, times and manner in which any installations or apparatus shall be inspected, the notice (if any) to be given in relation to inspections and the preparations to be made by the licensees and the management for such inspections;
- (c) the minimum standards and specifications which shall be used in the design, construction, protection and maintenance of installations and apparatus, the conditions under which any installation or apparatus shall be worked or operated and the prohibition of the use or importation of dangerous apparatus;
- (d) the means which may be employed (to the exclusion of other means) for the generation, conversion, transmission, transformation, distribution and application of electricity;
- (e) the manner in which electricity shall be measured and the standards of measurement which shall be employed and the manner in which electricity is permitted to be, or is prohibited from being, supplied or used;
- (f) the standards to be adopted for measurement of dimensions of installations and apparatus;
- (g) the manner of regulation and the limits of variation of the nature, voltage and periodicity of the electricity supplied;
- (h) the class or design, or classes or designs, of wires, fittings and apparatus to be used by consumers, and the manner in which such wires, fittings and apparatus shall be erected, fixed, arranged, protected, controlled, inspected, tested and maintained;
- (i) the fees to be paid for licences and certificates of registration of installations and any other fees which require to be prescribed under the provisions of this Act;
- (j) the form and contents of and the conditions to be prescribed in licences and the conditions for suspension, extension and revocation of licences;
- (k) the qualifications to be possessed by persons before they may be entrusted with the construction, erection, repair or alteration of any installation or apparatus or with the charge of any installation or the control of the operation of apparatus;
- (l) the nature of the tests to be employed for ascertaining whether persons possess the qualifications prescribed by regulations under the provisions of paragraph (k), the form and period of validity of certificates to be issued to persons found to possess

such qualifications, and the manner and conditions of the issue, suspension and revocation of such certificates;

(m) the approval and registration of wiring contractors;

(n) the measures to be taken and the fittings to be supplied and used in connection with installations in order to secure public and private safety;

(o) the precautions to be taken on the relief of persons in control of apparatus;

(p) the manner of calculating the power of generators and motors;

(q) the manner of holding inquiries under the provisions of this Act;

(r) the forms of notices and the manner of service thereof;

(s) the means to be adopted, whether by prohibition or otherwise, to prevent or abate any nuisance likely to arise or arising from the working of any installation or apparatus;

(t) the time, place and manner for the payment of fees payable under this Act or any regulations made under this section, and the mode of collection and disposal thereof;

(u) any other matters required to be prescribed by this Act or which may appear to him expedient for the better carrying out of the provisions of this Act, or for securing the safety of the public or for ensuring a proper and sufficient supply of electricity;

(v) prescribing the rate of charges to be made in respect of electricity supplied from Authority public installations and of the hire of apparatus belonging to or operated by the Authority, and the fees payable in respect of the inspection, testing and maintenance of consumers' installations and apparatus, and in respect of the fixing and testing of meters, and in respect of any other services properly rendered on account of consumers;

(w) prescribing the form of applications for electricity, the manner of effecting the supply of electricity, and the incidence of the charges in respect of the cost of connecting the consumers' premises with the mains;

(x) prescribing the methods to be adopted for the supply and use of electricity, the security to be furnished by consumers and the conditions for the discontinuance of the supply in cases where the consumer fails to observe the requirements of this Act or of any regulations made under this section or is in arrear with the payment of any proper charges, or uses defective fittings, and also in other cases where such discontinuance may be deemed necessary or advisable;

(y) regulating the methods of wiring premises, the types of apparatus that may be used, and such other matters as may appear expedient;

(z) prescribing any other matters necessary for the proper management of the supply of electricity.

**CHAPTER 128
ELECTRICITY**

Subsidiary Legislation

THE ELECTRICITY (TARIFF) REGULATIONS

LN 56/1980

(Sections 21 & 55)

Title

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

Rates of charges

2. The rates of charges specified in the second column of the Schedule shall be charged by and paid to the Authority in respect of the quantities of electricity supplied by the Authority specified in the first column of the Schedule in relation thereto.

SCHEDULE

LN 203/1993

General and Domestic Tariff for each Kilowatt hour	37.5 cents
General and all other Tariff (i.e. Industrial, Commercial, Government) for each Kilowatt hour	55.5 cents
Service charge (above 23 Kilowatt hour) or Minimum monthly charge (below 23 Kilowatt hour)	4.50 cents.

**THE ELECTRICITY (TARIFF) (AUTOMATIC FUEL PRICE ADJUSTMENT)
REGULATIONS**

LN 30/1990

LN 48/1990

LN 204/93

(Sections 21 & 55)

[1st April 1990]

1. These Regulations may be cited as the Electricity (Tariff) (Automatic Fuel Price Adjustment) Regulations.

2. The Automatic Fuel Price Adjustment shall be calculated in the manner specified in the Schedule.

SCHEDULE

For each increase/decrease in fuel price of 3 cents per litre or part thereof from the base fuel price of 55.01 cents per litre, there shall be a 1 cent per unit increase/decrease in the domestic, commercial, and high voltage bulk supply tariff. The adjustment shall be calculated every 3 months in arrears and will be shown as a separate item on all consumer's bills. The Automatic Fuel Price Adjustment will commence on 1 April 1990 and be based on fuel costs over the first quarter of 1990 relative to the base price and be calculated every three months thereafter.

THE ELECTRICITY (HIGH VOLTAGE) (TARIFF) (NORO) ORDER

LN 202/1993

(Section 21)

[15th October 1993]

1. This Order may be cited as the Electricity (High Voltage) (Tariff) (Noro) Order.
2. This Order shall apply only to areas within the Noro township.
3. The price to be charged for the supply of electricity for the area described in paragraph 2 shall be as set out in the Schedule hereto.

SCHEDULE

High Voltage Bulk supply for each Kilowatt hour 50.5 cents

THE ELECTRICITY (EXEMPTIONS) ORDER

(Section 54)

[4th December 1992]

Citation

LN 148/1992

1. This Order may be cited as the Electricity (Exemptions) Orders.

Exemption from Part IV of the Act.

2. There shall be exempted from Part IV of the Act—

(a) installations in ships and aircraft;

(b) installations in which the voltage to earth at no point exceeds fifty volts;

(c) all private installations having a total installed generating capacity up to 50 kw, but excluding—

- (i) holiday resort and hotel establishments catering for the public;
- (ii) private installations in which the owner, occupier or lessee supplies electricity for use in labour lines or staff quarters; and

(d) any installation or part thereof, owned by, or worked by, or on behalf of the Authority.

Exemption from section 47 of the Act

3. There shall be exempted from section 47 of the Act—

(a) installations in ships and aircraft;

(b) installations in which the voltage to earth at no point exceeds fifty volts;

(c) private installations having a total generating capacity up to 10 kw, but excluding—

- (i) holiday resort and hotel establishments catering for the public;
- (ii) private installations in which the owner, occupier or lessee supplies electricity for use in labour lines or staff quarters; and

(d) any installation or part thereof, owned by, or worked by, or on behalf of the Authority:

Provided that any installation which was in use prior to the publication of this Order shall be exempted from section 47 of the Act for a period of 12 months from the date of such publication.

Exemptions from reg 5(1) of the Electricity Regulations

4. There shall be exempted from regulation 5(1) of the Electricity Regulations any generating installation in existence at the time of the publication of this Order.

THE ELECTRICITY REGULATIONS

ARRANGEMENT OF REGULATIONS

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2. INTERPRETATION
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PART III WIRING OF ELECTRICAL INSTALLATIONS

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13. GREATER MAXIMUM DEMAND
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15. NUMBER OF PHASES
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PART IV SERVICE CONNECTIONS

21. OVERHEAD SERVICE CONNECTIONS
22. COST OF SERVICE CONNECTION
23. ERECTION OF POLE
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SCHEDULE

THE ELECTRICITY REGULATIONS

LN 190/1993

(Section 55)

[20th September 1993]

PART I PRELIMINARY

LN 190/1993

Citation

1. These Regulations may be cited as the Electricity Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"the Act" means the Electricity Act;

"contractor" means an electrical contractor licensed by the Authority in terms of regulation 52;

"electricity" means electrical energy, when generated, transmitted, supplied or used for any purpose, except the transmission of any communication or signal;

"electric line" means a wire or wires, conductor, or other means used for the purposes of conveying, transmitting or distributing electricity with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting or distributing electricity or electric currents;

"Grade A electrician" means an electrician licensed by the Authority in terms of regulation 53;

"Grade B electrician" means an electrician licensed by the Authority in terms of regulation 53;

"premises" means a building, structure or area in which an installation is located;

"service connection" means the electric line connecting a consumer's installation with the supplier's main, and includes all connectors, wires, conductors, conduits, cables, poles, insulators, supports and all other apparatus required for the connection, up to the outgoing or consumer's terminals of any electric meter, load limiter, circuit breaker or isolator installed by, or on behalf of, a licensee or the Authority;

"the Wiring Rules" means the latest edition of 'The Electrical Installation of Buildings, Structures and Premises' known as the 'SAA Wiring Rules', published as Australian Standard number AS' 3000, as amended from time to time;

"the supplier" means the Solomon Islands Electricity Authority, or the holder of a licence to generate electricity, which has been granted by the Solomon Islands Electricity Authority.

Application of Regulations

3. These Regulations shall apply throughout Solomon Islands.

Installation

4. An installation which, at the commencement of these Regulations, was being supplied with electricity by the Authority shall be deemed to be an installation maintained in accordance with these Regulations, except in so far as the Authority, by notice in writing to the consumer, specifies that, in respect of the matters referred to in that notice, the installation is not maintained in accordance with these Regulations.

PART II SYSTEM OF SUPPLY

Standard voltage, etc

5.—(1) Subject to these Regulations the electricity supplied by the Authority, or by a licensee shall be in the form of alternating current from a 415/240 volt 3-phase 4-wire 50 Hertz system.

(2) At all points on a distribution main, the voltage shall be maintained within the limits of six per cent above and six per cent below the standard voltage of the system.

(3) The frequency shall be maintained within the limits of two per cent above and two per cent below the standard frequency of fifty Hertz, when averaged over a twenty-four hour period.

(4) Where, in the opinion of the Authority, an installation requires a supply at a higher voltage, the Authority may, subject to such terms and conditions as it may from time to time impose, supply such installation such higher voltage than that referred to in paragraph (1).

(5) The neutral conductor of the alternating system supplied by the Authority, or by a licensee, shall be earthed at the source of supply and may be earthed at other points of the system.

(6) The various electricity supply systems operated by the Authority and areas where electricity is supplied under licence, are categorised as Category A and Category B supply systems dependent on the capacity of the supply system in the area to accept loading. Determination of categories shall be made from time to time by the Authority. Persons seeking a supply of electricity should consult the Authority to determine the appropriate category before commencing design of their proposed installation.

(7) Any overhead line conductors erected by the Authority or a licensee, other than those fully insulated for the intended operating voltage, shall be rendered inaccessible to any person without the use of a ladder or other special appliance. The normal use by the occupier of any land or premises, including maintenance work on the exterior of buildings, shall be taken into

PART III
WIRING OF ELECTRICAL INSTALLATIONS

Application to carry out work

7.—(1) A person intending to carry out electrical wiring work on a new or existing installation, shall, before the commencement of such wiring work, forward to the nearest office of the Authority, a wiring application in the appropriate form for a permit to carry out electrical work.

(2) On receipt of such application, the Authority may issue to the applicant, a permit in the appropriate form prescribed by the Authority, to execute the work detailed in the application.

(3) A permit may only be issued to a person holding a Grade A electrician's licence, or to an electrical contractor holding a licence, issued in accordance with these Regulations.

Supply of electricity to installation, etc

8.—(1) An installation, or additions or alterations to an installation, shall not be connected to a supply of electricity unless—

(a) a notice of completion in the appropriate form has been forwarded by the electrical contractor to the Authority; and

(b) an Authority Inspector has approved the installation or the additions or alterations to the installation and has advised the electrical contractor accordingly.

(2) Where, on inspection, an installation or the additions or alterations to an installation do not comply with these Regulations, a Fault Notice in the appropriate form shall be issued to the electrical contractor.

(3) Notwithstanding the issuance of a Fault Notice under paragraph (2), the inspector may authorise the connection of the installation, subject to such conditions, if any, as the inspector may impose, in accordance with the Wiring Rules or these Regulations.

(4) Any person who connects by an installation a supply of electricity in contravention of this regulation shall be guilty of an offence under the provisions of the Act and the installation shall be disconnected from the supply of electricity if so determined by the Chief Engineer of the Authority.

Fees

9. The fees payable for a first or subsequent inspection shall be as prescribed.

Regulations to prevail over Wiring Rules

10.—(1) Subject to paragraph (2), every installation and all wiring work shall be in conformity with the requirements of these Regulations and of the Wiring Rules.

(2) Where any provisions of these Regulations are inconsistent with any provisions of the Wiring Rules the provisions of these Regulations shall prevail.

Earthing system

11.—(1) The normal earthing system shall be the Multiple Earthed Neutral (MEN) system as described in the Wiring Rules.

(2) Where, in the opinion of the supplier, special earthing precautions may be required, the supplier may direct that some or all of the consumer's installations be protected with an earth leakage circuit breaker (ELCB) of a type approved by the Authority.

Loadings on an installation

12. The loadings on an installation or separately metered portions of an installation shall be limited and shall be balanced between phases in accordance with the following requirements—

(a) where the installation, or where apparatus used in an installation, is supplied from more than one phase, the loadings of such installation or apparatus, as the case may be, shall be balanced over all phases so that the current in any one phase shall not normally exceed the current in any other phase by more than 10 per cent of the sum of the currents in all phases;

(b) apparatus designed to operate at 240 volts—

Category A area of supply—

- (i) may, if its rating does not exceed 25 amperes, be connected to one phase;
- (ii) shall, if its rating does exceed 25 amperes but is less than 50 amperes, be balanced over two phases;
- (iii) shall, if its rating exceeds 50 amperes, be balanced over three phases.

Category B area of supply—

- (i) may, if its rating does not exceed 15 amperes, be connected to one phase;
- (ii) shall, if its rating does exceed 15 amperes but is less than 30 amperes, be balanced over two phases;
- (iii) shall, if its rating exceeds 30 amperes be balanced over three phases.

Greater maximum demand

13. Where, in the opinion of the supplier, the maximum demand of an installation when calculated in terms of the Wiring Rules is inadequate, the supplier may require the consumer to provide for a greater maximum demand as determined by the supplier.

Starting current

14. The starting current of an alternating current motor when measured with locked rotor, or with a damped ammeter shall, unless otherwise approved by the supplier, not exceed the following—

- (1) Single phase 240 volts motors: 25 A
- (2) Three phase 415/240 volt motors—
 - (a) having a rating of not more than 1.50 kW: 25 A per phase
 - (b) having a rating of more than 1.5 kW up to 3.0 kW: A current in amperes equal to 16.0 times the kW rating.
 - (c) having a rating of more than 3.0 kW: A current in amperes equal to 3.3 times the kW rating plus 37.

Number of phases

15. The supplier shall determine the number of phases to which an installation shall be connected.

Power to prohibit connection

16.—(1) The supplier may prohibit, or may permit subject to such terms and conditions as it considers necessary, the connection to the supply system of the following apparatus—

- (a) a single-phase welding apparatus, of which the rated input current at 240 volts exceeds 15 amperes or the rated kVA at 240 volts exceeds 7.5;
- (b) a three-phase instantaneous water heater;
- (c) an instantaneous water heater whose maximum loading exceeds 15 amperes at 240 volts;
- (d) a single-phase air-conditioning unit without a manual reset switch;
- (e) apparatus which, in the opinion of the supplier, causes, or is likely to cause, radio interference;

(f) apparatus which, in the opinion of the supplier, has a fluctuating load; and

(g) any other apparatus which, in the opinion of the supplier, is likely to cause interference with his supply to other consumers or is likely to interfere with the satisfactory operation of the supplier's plant.

(2) Any person who, in contravention of a prohibition, term or condition imposed by the supplier under paragraph (1), connects any apparatus specified in that paragraph to the supply, shall be guilty of an offence under the provisions of the Act.

Power factor to be determined by supplier

17.—(1) The average daily, weekly and monthly power factor of an installation shall not be less than 0.85 as determined by measurements taken by the supplier. New installations with a power factor lower than 0.85 will not be connected to the supply.

(2) All fluorescent fittings shall be equipped with capacitors for power factor correction resulting in a power factor of not less than 0.85.

(3) Where, in the opinion of the supplier, the power factor of an installation is less than that specified in paragraph (1), the supplier shall be entitled to install meters additional to any meters already installed, and the consumer shall provide adequate space for the mounting and connecting of such additional meters.

(4) If the power factor of any installation is determined by the supplier to be less than that specified in paragraph (1), the supplier shall give the consumer notice in writing that the power factor is to be improved to comply with the requirements of this regulation within a reasonable period of time which shall be stated in the notice. Should the consumer not comply with the notice then the supplier may discontinue the supply of electricity forthwith.

(5) Whenever, at the time of a meter reading, the readings of the supplier's meters indicate that the average power factor of a consumer's installation during the preceding metering period was less than that specified in paragraph (1), the supplier shall charge the calculated kV Arh consumption at the rate normally applicable to that consumer's kWh consumption in terms of the Electricity (Tariff) Regulations.

(6) Under no circumstances shall the power factor of an installation be leading (Greater than 1.0).

Design and manner of installation

18. The design and manner of installation of any device connected to an installation for the purpose of suppressing radio interference shall be subject to approval by the Authority.

Unlawful connection

19. No person shall connect any lamp, appliance, apparatus or device consuming more than 200 watts to any bayonet-cap lampholder.

Offence

20. It shall be an offence for any person to connect, or for any consumer to allow to remain connected to any installation, any wires, cables, fittings, apparatus, appliances or accessories which are declared to be unsafe by the Authority or the use of which has been prohibited.

PART IV SERVICE CONNECTIONS

Overhead service connections

21. Overhead service connections shall be single-phase two-wire unless otherwise required for compliance with these Regulations. If the consumer requests multi-phase connections in anticipation of future loads, the supplier may agree to such service connections if, in the opinion of the supplier, such multi-phase connections will be justified.

Cost of service connections

22.—(1) The consumer shall be required to pay the cost of a service connection as prescribed before the supplier undertakes the construction of the service connection. All overhead service connections shall terminate in an approved mains entry box provided by the consumer.

(2) Where—

(a) an installation is connected by an overhead service connection to the supplier's overhead mains or by an underground service connection to the supplier's underground mains; and

(b) the shortest distance measured from the point where the supplier's overhead or underground service crosses the boundary of the property in which the installation is situated to the point of attachment to the premises does not exceed 20 metres,

the consumer is required to pay the cost of a basic service connection as prescribed.

(3) If the distance measured in terms of paragraph (2)(b) exceeds 20 metres the consumer shall bear the cost of the service connection as prescribed.

(4) For the purpose of the measurements referred to in paragraph (2)(b), the point at which the supplier's service connection crosses the consumer's property boundary shall be determined by taking the most direct route between the most convenient connecting point on the supplier's mains and the point of attachment on the consumer's installation.

(5) The route to be taken by the service connection, notwithstanding the route used for the determination of the connection fee, shall be determined by the supplier.

(6) Where the supplier can connect the consumer from an overhead main, and the consumer requires an underground service connection, the consumer shall bear any additional cost as assessed by the supplier, over and above that which the supplier would have incurred in providing an overhead service connection. Such amount shall be added to the connection fee payable in accordance with paragraph (1) and calculated in accordance with paragraph (2).

Erection of pole

23.—(1) It shall be the responsibility of the supplier to supply and erect any pole that may be required to provide adequate clearance between the supplier's service connection and the ground where the service connection crosses a public thoroughfare.

(2) The consumer shall be responsible for the cost of supply and erection of any pole or poles other than in accordance with paragraph (1).

Liability for damage

24. The supplier shall not be liable for damage caused to a building or premises resulting from normal tension of an overhead service connection, or from causes beyond the control of the supplier.

Cost of installing a raiser

25.—(1) The consumer shall bear the cost of installing a raiser where it is required by the Wiring Rules or is installed for other reasons.

(2) Any raiser which supports an overhead service connection shall be of a design approved by the supplier.

Service connection controlled by a fuse

26. A service connection shall, unless otherwise directed by the supplier, be controlled by a fuse, which shall be—

(a) of the pole mounting type,

(b) supplied, installed and connected only by an officer of the supplier.

Offence to tamper with service connection

27. The whole of any service connection and all of its components shall at all times remain the property of the supplier, and any person tampering with, connecting, disconnecting or removing any part of a service connection without the permission of the supplier shall be guilty of an offence under the provisions of the Act.

Supplier to provide service connection

28. In general the supplier shall provide only one service connection to a site or building but if a site or building contains several separate installations each installation may be separately metered and the supplier may stipulate in regard to the premises and to the installations situated within the premises some or all of the following—

- (a) the point at which the service connection is to enter the site or premises;
- (b) the number of installations that may be supplied from the service connections;
- (c) the provision of a meter room or cubicle where all the meters of the several installations shall be mounted and to which the supplier shall have access during normal working hours;
- (d) information on the person or persons who shall be liable for the payment of accounts for electricity supplied to the various installations;
- (e) the provision of a compartment within the meter room or cubicles to which only the supplier shall have access and in which service fuses or other equipment controlling the various installations may be housed;
- (f) that the main entrance to each separate installation shall be clearly marked with an identification number and that such identification number is also marked above or below the position in which the meter controlling that installation is to be installed.

PART V LARGE CONSUMERS

Extra equipment

29.—(1) Where, in the opinion of the Authority, it may be necessary to install extra equipment in order to provide an adequate electricity supply to a new installation or to meet an increased demand for electricity from an existing installation, the Authority may require the owner or occupier of such installation to provide, free of cost and for the exclusive use of the Authority, a suitable area or enclosure within that installation, to which unimpeded twenty-four hour access is available to Authority staff.

(2) In any area or enclosure provided in terms of paragraph (1) the Authority may install extra equipment within that area or enclosure.

Use of extra equipment

30. Where, in the opinion of the Authority, extra equipment installed under this Part can be used to supply other consumers without detriment to the supply to the consumer in whose installation the extra equipment is installed, the Authority may so use that extra equipment, at no cost to the Authority.

**PART VI
STANDBY OR EMERGENCY SUPPLIES**

Installation of emergency or standby generating plant

31.—(1) A consumer may install emergency or standby generating plants and associated equipment subject to the approval of the Authority obtained prior to installation.

(2) Every installation referred to in paragraph (1) shall include, but not be limited to, an electrical and mechanical interlock to prevent under all circumstances back-energisation of the Authority's meters or back-feeding electricity into the Authority's system.

(3) Standby generating equipment shall as far as practicable utilise the main switchboard as its point of supply, so however, that with the specific approval of the Authority, standby generating equipment may be connected to a sub-main switchboard where only part of the installation is to be supplied from the standby plant.

(4) A standby generator shall not be used to supply electricity outside the boundaries of the property on which the installation is sited. Any person contravening this regulation shall be guilty of an offence under the provisions of the Act.

(5) When a person, firm or company installs a private generator, and indicates to the Authority that it is intended to use the generator during times when Authority supply is available, the Authority may impose a charge, in addition to that for electricity consumed, known as a standby charge, not exceeding 50% of the estimated value of electricity that would have been consumed had the standby plant not been operated. The standby charge shall be calculated on the basis of the capacity of the service provided to the consumer and on estimates made by the Authority.

(6) In all cases where standby generation capacity exists at an installation, either automatic mains failure or manual start-up types, then suitable warning signs shall be fixed to all affected switchboards to indicate that there is another source of supply.

(7) Where a multi-unit or office building is bulk metered by the Authority, with individual tenants being sub-metered by the owner, then the owner may not re-sell electricity at a rate higher than which the Authority would charge the same consumer. This principle also applies in the case of a building fitted with a standby generator capable of supplying the sub-metered consumers.

PART VII APPLICATION FOR SUPPLY

Application for supply of electricity

32.—(1) An application in terms of these Regulations for a supply, or for a temporary supply, of electricity to an installation shall be in the appropriate form and shall be submitted to the supplier.

(2) On receipt of an application under paragraph (1), and subject to these Regulations and the receipt of any payments required from the applicant, the supplier may arrange for the supply of electricity to the installation to which the application relates.

Indemnity for consumers

33. A consumer whose installation is, at the date of commencement of these Regulations, receiving a supply of electricity from the Authority, for which no application has been made in terms of regulation 32, shall be deemed to have made such an application.

Application to discontinue supply

34.—(1) An application to discontinue the supply of electricity to an installation shall be in the appropriate form.

(2) On receipt of the application referred to in paragraph (1) the supplier may discontinue that supply.

PART VIII METERING

Electricity supply to be metered

35. Electricity supplied by the supplier to any installation, other than his own installations, shall be metered or controlled by a device to limit the rate of electricity consumption or the amount of electricity consumed, or both so controlled and metered.

Positioning of meter boxes

36.—(1) The supplier shall determine the position of meter boxes, meters and control devices.

(2) In the case of domestic premises any meter or control device shall be so located as to allow access to such instruments without entering the premises.

(3) In the case of industrial or commercial premises open during normal hours of business the meter or control device may be located within the premises.

Meter boxes to be maintained

37.—(1) Where a meter or control device has been installed in a position approved under regulation 36, the consumer shall ensure that the conditions with regard to access which existed at the time of installation are maintained at all times.

(2) If the conditions with regard to access are not maintained, the supplier may require the consumer to restore those conditions, or require the consumer to bear the costs incurred by the supplier in moving the meter or control device to a position approved by the supplier.

(3) The meter panel or switchboard on which is mounted the supplier's meter and other equipment—

(a) shall be enclosed in a weatherproof box if it is located outside the consumer's premises; or

(b) shall be provided with a suitable enclosure for the adequate protection of the supplier's equipment, if it is located inside the consumer's premises but may, in the opinion of the supplier, be damaged or affected by weather.

(4) The weatherproof box or enclosure required in terms of paragraph (3) shall be of a design and construction approved by the Authority, and shall have provision for locking.

(5) Subject to paragraph (6), the weatherproof box or enclosure shall not be locked.

(6) Where, in the opinion of the supplier, it is essential that the weatherproof box or enclosure be locked, the supplier shall supply and fit a suitable lock.

(7) Where the consumer requests that the weatherproof box or enclosure be locked the supplier shall supply and fit a suitable lock. The cost of the lock and any future replacements shall be borne by the consumer.

Installation of more than one meter

38. Where an installation is provided with more than one meter and the wiring requires parallel connections, such connections shall be made by means of connecting links which shall—

(a) be supplied by the consumer;

(b) be of a type approved by the supplier; and

(c) be fitted with covers arranged for sealing.

PART IX RATES AND ACCOUNTS

Rate of payment

39. The rates payable for electricity supplied by the supplier shall be those prescribed in the Electricity (Tariff) Regulations.

Invoices to be sent to consumer

40. Electric meters shall be regularly read at intervals determined by the Authority and invoices in respect of electricity consumed shall be rendered to each consumer as soon as possible after the reading of the relevant meter.

Recording of electricity consumed

41.—(1) Notwithstanding the number of installations supplied from one service connection, the electricity consumed in every installation shall be recorded on a separate meter.

(2) A separate account shall be rendered in respect of each installation supplied with electricity in terms of these Regulations.

(3) For the purposes of this regulation, the supplier shall decide what constitutes a single or separate installation.

(4) Any person permitting more than one installation to be connected to the same meter shall be guilty of an offence under the provisions of the Act.

Power to disconnect

42. The supplier may, without giving prior notice, disconnect the supply of electricity to any installation if an invoice for electricity supply to that installation has not been paid within such period laid down for the payment of the invoice. When such outstanding payment, or such other sum as may be agreed by the supplier, together with any reconnection fee and any increase in the security deposit that may be required by the supplier in terms of these Regulations, has been paid, the supplier shall, as soon as is practicable, restore the supply of electricity to such installation.

Meter may be tested

43.—(1) If a consumer doubts the accuracy of the supplier's electric meter installed in an installation owned or controlled by that consumer, the consumer may request the supplier to test such meter.

(2) An application for the testing of a meter in terms of paragraph (1) shall be in the appropriate form and shall be accompanied by a deposit covering the fee prescribed for the testing of meters.

(3) On receipt of the application and deposit the supplier shall, within a reasonable time, arrange for the testing of the meter described in the application.

(4) If a meter tested in terms of this regulation records an error of less than plus or minus two per cent of the amount of electricity recorded, the supplier shall advise the consumer of the accuracy of the meter and shall apply the deposit paid by the consumer towards the payment of the meter testing fee.

(5) If the error referred to in paragraph (4) is equal to or exceeds plus or minus two per cent, the supplier shall—

(a) refund the deposit to the consumer;

(b) advise the consumer of the inaccuracy of the meter; and

(c) adjust the consumer's account by reducing or increasing, as the case may be, the recorded consumption for the period referred to in paragraph (6) by the proportion of the meter's inaccuracy.

(6) The adjustment of the consumer's account referred to in paragraph (5)(c) shall cover the period between the two last normal meter reading in accordance with regulation 40, together with the period between the last normal meter reading and the date when the meter was removed for testing.

Request for immediate meter reading

44. A consumer may, on giving at least 48 hours' notice to the supplier and subject to the payment of the appropriate fee, request an immediate meter reading on a date specified in the notice.

Payment of reconnection fee

45. Where the supply of electricity to an installation has been disconnected at the request of the consumer in terms of regulation 34, or at the instance of the supplier for any reason under these Regulations, the consumer shall be required to pay the appropriate reconnection fee before his installation is reconnected.

PART X SECURITY DEPOSITS AND SERVICE CHARGES

Security deposit

46.—(1) The supplier may require a consumer at any time either before or after first receiving a supply of electricity from the supplier, to deposit with the supplier a sum of money regarded as a security deposit, as prescribed for various classes of consumers.

(2) The supplier may retain any security deposit paid in terms of this regulation until such time as the consumer has discharged all his obligations and liabilities under these Regulations, whereupon the security deposit shall be refunded to the consumer.

(3) The supplier may refuse to supply a consumer, or may discontinue the supply of electricity to a consumer who has been required to lodge a security deposit or an increased

security deposit, and fails to do so. An existing consumer shall be allowed thirty days from the date of the supplier's notice for the payment of the deposit or of the increase in the deposit.

(4) In addition to, and not in substitution for, any other rights the supplier may have against a consumer who is in default under these Regulations, the supplier may apply all or part of the security deposit given under this regulation to off set any amounts owed by the consumer to the supplier.

(5) The supplier may require a consumer to pay a fee for the initial connection of electricity to an installation. Such fee, as prescribed, shall apply only at the time of actual connection and is non-refundable.

(6) The supplier may refuse to provide supply to a consumer who fails to pay the required initial connection fee.

(7) The supplier may require a consumer to pay a fee restoring the electricity supply to an installation which has been disconnected at the request of the consumer or arising out of a default by the consumer under the provisions of the Act. Such fee shall be as prescribed, and this service may have a time-of-day basis in determining the fee or be restricted in its application to certain working hours as determined by the supplier.

(8) The supplier may apply a charge for a special meter reading in terms of regulation 44. The charge shall be as prescribed by the Authority from time to time.

(9) The supplier may apply a charge for the testing of an electric meter in terms of regulation 43. The charge shall be as prescribed.

(10) The supplier may apply a charge in respect of inspection fees payable under these Regulations. The charge, or charges in the event of re-inspections being required, shall be as prescribed.

PART XI MISCELLANEOUS

Provision of additional capacity

47.—(1) Where, in terms of section 15(1) of the Act, or to provide additional capacity to and at the request of a new or existing consumer, the supplier reinforces or extends its system and advises the applicant or consumer, as the case may be, that the extension or reinforcement has been completed, and the applicant or consumer does not make use of such extension or reinforcement within a period of six months from the date of such notification, the supplier may require the applicant or consumer to pay the whole of the cost of such work, after allowing for any capital contribution that may have been paid.

(2) The applicant or consumer referred to in paragraph (1) shall not be required to pay for any work undertaken in response to his application after the date on which the supplier received notification, if any, that the extension or reinforcement would not be required.

(3) If, within a period of five years dating from the supplier's notice referred to in paragraph (1), the applicant or consumer ceases to make use of the extension or reinforcement provided by the supplier to the extent provided for in the application, or to such lesser extent as may be

agreed with the supplier, the supplier may require compensation from the applicant or consumer for capital expenditure which is not being utilised. Any liability for compensation by the applicant or consumer under this regulation shall cease on the expiry of the said period of five years.

Liability of consumer

48. Where a meter, service connection, maximum demand indicator or other apparatus, being the property of the supplier and connected to the consumer's installation, is or are damaged, and that damage was due to the neglect or default of the consumer, then that consumer shall pay the cost of making good that damage to be assessed by the supplier.

Power to discontinue electricity

49.—(1) The supplier may, without giving notice of the intention to do so, temporarily discontinue the supply of electricity to any installation for the purpose of testing, repairing or replacing equipment or for carrying out works arising out of the functions of the supplier.

(2) The supplier shall not be liable for any loss or damage by any person, other than loss or damage occasioned by negligence on the part of the supplier or of the officers of the supplier, resulting from—

- (a) delay in connecting the consumer's installation with the Authority's mains;
- (b) failure or interruption of the supply of electricity to an installation;
- (c) an irregularity of the voltage or frequency of the electricity supply beyond the limit laid down in regulation 5; or
- (d) a fault or defect found in an installation after inspection of the installation by an officer of the Authority.

Restriction on use of electricity

50.—(1) The supplier may from time to time, by notice to a consumer—

- (a) restrict the use of certain types of apparatus by such consumer at all times or at certain times of the day;
- (b) limit the amount of electricity that such consumer may use at any time;
- (c) limit the demand for electricity that such consumer may impose at any time; and
- (d) connect to that consumer's installation a maximum demand indicator or load limiter.

(2) Any person using any restricted apparatus or exceeding the specified rate of consumption in contravention of the notice referred to in paragraph (1) shall be guilty of an offence under the provisions of the Act.

Consumer to comply with Wiring Rules, etc

51.—(1) Every consumer shall maintain, use and operate his installation in accordance with these Regulations and the Wiring Rules.

(2) If a consumer commits a breach of these Regulations, the supplier may, in addition to and not in substitution for any other rights it may have under these Regulations, discontinue the supply of electricity to that consumer, in respect of the installation concerning which the regulations have been breached, or in respect of all that consumer's installations.

(3) The supplier shall not be liable for any loss incurred by a consumer whose supply of electricity has been discontinued in terms of this regulation.

PART XII ELECTRICAL CONTRACTOR'S AND ELECTRICIAN'S LICENCES

Application to be a licensed electrical contractor

52.—(1) A person who wishes to be licensed as an electrical contractor shall make application in writing to the Authority, and furnish the Authority with such information as it may require.

(2) The Authority may, in its discretion, issue to an applicant an electrical contractor's licence provided that such applicant—

(a) satisfies the requirements of this regulation; and

(b) is in possession of a Grade A Electrician's licence issued under these Regulations.

(3) Where the applicant is a body of persons trading or intending to trade as electrical contractors such applicant may be issued with an electrical contractor's licence at the discretion of the Authority, provided such applicant—

(a) satisfies the requirements of this regulation; and

(b) has in its management or in its employment at least one partner or employee who holds a Grade A Electrician's licence.

(4) Every application shall be accompanied by the fee set out in the Schedule, such fee to be refunded by the Authority to the applicant if the licence is not granted.

(5) On the expiry of a period of ninety days after publication of these Regulations any person who undertakes as a contractor any electrical work of wiring, constructing, installing, repairing or altering any installation without holding a valid electrical contractor's licence issued by the Authority shall be guilty of an offence under the provisions of the Act.

(6) If there is any change in the partners or employees of the body referred to in paragraph (3) being such that there is no longer a person holding a Grade A electrician's Licence in the management or in its employment the Authority shall immediately be notified accordingly and the Authority shall suspend the contractor's licence until such time as a Grade A electrician licensed in terms of regulation 54, is again available to the contractor.

(7) An electrical contractor shall not permit any electrical work of wiring, constructing, installing, repairing or altering any installation or any part of an installation unless every Grade B electrician is under the supervision of a Grade A electrician and every unlicensed workman or wireman is under the constant personal supervision of a licensed electrician.

(8) For the purpose of paragraph (7)—

(a) "supervision" means that a Grade A electrician gives such directions to a Grade B electrician as to enable the work to be correctly carried out, and the Grade A electrician personally satisfies himself that the work has been correctly carried out;

(b) "constant personal supervision" means that a licensed electrician gives such directions to the person carrying out the work as are necessary, to enable the work to be correctly carried out, and in addition—

- (i) is at all times aware of the details of work being carried out;
- (ii) is ready at hand at the work site to give directions to and be available for consultation by the person carrying out the work; and
- (iii) personally satisfies himself that the work has been correctly carried out.

In this Part "body of persons" with regard to contractor's licences means a partnership, company, society, association or other body of persons, corporate or incorporate.

Application for electrician's licence

53.—(1) Any person having the qualifications required in accordance with these Regulations may apply to the Authority for the issue of an electrician's licence.

(2) An electrician's licence issued by the Authority shall for the purposes of these Regulations be—

(a) Grade A electrician's licence; or

(b) Grade B electrician's licence.

(3) An applicant for an electrician's licence under these Regulations shall make application for the issue of such licence to the Authority in writing, shall furnish the Authority with such information as it may require, and shall state the grade of licence for which he is applying.

(4) Every application shall be accompanied by the fee for the issue of an electrician's licence set out in the Schedule, such fee to be refunded by the Authority to the applicant if the licence is not granted.

(5) The Authority may require the applicant to provide two passport size photographs of himself before a licence is issued.

(6) On being satisfied that an applicant qualifies under regulations 54 or 55, the Authority shall issue to such applicant an appropriate licence as specified in paragraph (2) of this regulation.

Authority must be satisfied with applicant

54.—(1) An applicant for a Grade A licence shall satisfy the Authority that he—

(a) has completed an apprenticeship period as an electrician and has carried out electrical wiring work for a total of twelve months after completion of the apprenticeship, or has worked in the electrical trade as an unlicensed wireman for not less than five years; and

(b) has passed the "A" Grade Electrical Mechanic's examination set by the NSW Energy Authority of Australia; or

(c) holds a licence or registration as an electrical tradesman which is acceptable to the New South Wales Energy Authority as being of adequate standard to qualify for a New South Wales "A" grade electrical mechanic's licence; and

(d) in each and every case, has, in the opinion of the Authority, an acceptable knowledge of the Wiring Rules.

Grade B licence

55.—(1) An applicant for a Grade B licence shall satisfy the Authority that he—

(a) has satisfactorily completed an Electrical Trades Course at the Solomon Islands College of Higher Education and passed a Trade Test set by the Apprenticeship Board; or

(b) holds a licence or registration as an electrical tradesman not acceptable to the New South Wales Energy Authority as being of adequate standard to qualify for a New South Wales "A" grade electrical mechanic's licence, but acceptable to the Authority for the purposes of the Grade B licence; or

(c) has a minimum of five years experience as an electrical wireman in the electrical trade and has obtained a pass in the Theory and Practical Tests at Final Level of Testing, and has satisfied the requirement set by the National Trade Training and Testing Committee; or

(d) has completed an apprenticeship period as an electrician; and has carried out electrical wiring work for a total of not less than twelve months after completion of the apprenticeship; and

(e) in each and every case, has in the opinion of the Authority, an acceptable knowledge of the Wiring Rules.

Contractor's or electrician's licence

56. An electrical contractor's licence or an electrician's licence—

- (a) shall on first being issued, commence on the day on which it is issued and shall continue in force until the thirty-first day of December of the year of issue;
- (b) may be renewed from year to year in the appropriate form on application made to the Authority not earlier than one month before, nor later than one month after, its expiry date or the expiry date of its last renewal;
- (c) shall on renewal commence on the first day of January in the year for which it is renewed, or the date on which the holder of the licence applies for its renewal, whichever is later date, and shall continue in force until the thirty-first day of December in that year;
- (d) shall be renewed by making application to the Authority in writing, the application being accompanied by the appropriate fee set out in the Schedule and enclosing the existing licence for endorsement, renewal, surrender or replacement, as the Authority may determine.

Situations where licence may be suspended or cancelled

57.—(1) Where the Authority is satisfied that the holder of an electrician's licence, or any person employed by such holder—

- (a) has concealed or attempted to conceal any electrical work which is inferior or unsatisfactory or has been carried out in a negligent, unsatisfactory or incompetent manner or deceiving or attempting to deceive an inspector or officer of the supplier as to any fact, matter or thing relating to an installation or any part thereof; or
- (b) has without prior permission of the supplier, broken or has tampered with, the seal of any meter, demand indicator, service fuse or apparatus within or forming part of the installation belonging to, or under the control of, the supplier; or
- (c) has without the permission of the supplier connected to the supply any new installation, an additional or an extension of an existing installation or any part thereof,

the Authority may suspend or cancel such licence or take any action that it sees fit.

(2) An electrical contractor's licence or an electrician's licence may be suspended or cancelled if—

- (a) it has been issued erroneously or as a consequence of any false or fraudulent statement or document being provided to the Authority; or
- (b) the holder of the licence has failed to pay any fees due by him to the Authority under these Regulations; or

(c) the holder of an electrical contractor's licence being a body of persons, has ceased to name at least one member or employee who is the holder of a valid Grade A electrician's licence.

Opportunity to be heard

58.—(1) Prior to cancelling any electrical contractor's or electrician's licence, under regulation 57, the Authority shall give the holder due opportunity to be heard.

(2) Where an electrical contractor's or electrician's licence has been suspended it shall, during the period of suspension, be of no effect.

(3) The Authority shall give notice in writing to the holder of a contractor's or electrician's licence that has been cancelled or suspended, advising him of the cancellation or suspension of the licence, which shall take effect from the date such notice is served on the holder and shall, by suitable means, advise the public that the licence has been cancelled or suspended.

Authority to be informed of change of name, etc

59. (1) The holder of a contractor's or electrician's licence shall forward the licence to the Authority within fourteen days of the occurrence of any of the following events—

(a) a change in the name of the holder; or

(b) a change in the address of the holder; or

(c) a change in the membership of a partnership or association of persons which is the holder of the contractor's licence; or

(d) a body of persons, which is the holder of a contractor's licence, replacing with another qualified person that member or employee whose holding of a Grade A electrician's licence enabled the body of persons to obtain its contractor's licence under regulation 52; or

(e) a body of a persons which is the holder of a contractor's licence, ceasing to have at least one member or employee who is a licensed Grade A electrician; or

(f) the receipt by the holder of notice from the Authority of the suspension or cancellation of the licence.

(2) Except in the case of sub-paragraph (f), written notification of the change or occurrence shall accompany the licence.

(3) As soon as practicable after receipt of a notification under any of sub-paragraphs (a), (b), (c) or (d) of paragraph (1), the Authority shall endorse the licence with particulars of the change and return it to the holder.

(4) A licence forwarded to the Authority in terms of sub-paragraphs (e) or (f) of paragraph (1) shall, when the condition that necessitated its surrender has ceased to exist, be returned to the holder.

(5) Any person who holds a contractor's or electrician's licence and wilfully fails to comply with any of the provisions of paragraph (1) shall be guilty of an offence under the provisions of the Act.

Lost licence

60.—(1) If a current electrical contractor's or electrician's licence has been lost or destroyed, the holder of such licence shall forthwith advise the Authority accordingly in writing.

(2) The Authority shall issue a duplicate, so marked, in place of the original if it is satisfied that the original has been so lost or destroyed, and if the holder has paid the fee set out in the Schedule.

(3) Where a licence which was reported lost or destroyed and was replaced is subsequently recovered, the original licence shall forthwith be returned to the Authority.

(4) Any person who contravenes or wilfully fails to comply with any of the provision of paragraphs (1) or (3) shall be guilty of an offence under the provisions of the Act.

SCHEDULE

LICENCE FEES

1. The licence fees in dollars payable to the Authority in terms of section 30 of the Act are as follows—

Licence to generate electricity—

	A	B
(a) with up to 50 kW of installed capacity	50.00	20.00
(b) with more than 50 kW and up to 500 KW of installed capacity	500.00	100.00
(c) with installed capacity in excess of 500 KW	1000.00	250.00

2. The fees scheduled in column A of paragraph 1 of this Schedule shall be payable prior to the issue of the first licence, while those in column B shall be payable annually on the anniversary date of the issue of the licence.
3. The licence fees in dollars payable to the Authority in terms of the Electricity Regulations are as follows—

Regulation:

52. Electrical contractor's licence	75.00 per annum
53. Grade A electrician's licence or NSW Qualified Supervisor Certificate on application	20.00
55. Grade B electrician's licence on application	15.00
60. Duplicate of electrician contractor's or electrician's licence	10.00
