

THE ELECTRICITY DEVELOPMENT ACT

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SCHEDULE

THE ELECTRICITY DEVELOPMENT ACT

Law
20 of 1958
Act
39 of 1971.

[1st October, 1958.]

1. This Act may be cited as the Electricity Development Act. Short title.

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

“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;

“Authority” means the Electricity Authority established under section 3;

“Authority installation” or “Authority undertaking” means an installation or undertaking the property of, or operated by, the Authority;

“authorized undertakers” and “undertakers” mean any local authority, company or person who has been by the Electric Lighting Act authorized to supply electricity within any area;

“Chairman” means the person designated to be the Chairman of the Authority under this Act;

“conductor” means any wire, cable, bar or tube arranged to be connected to an electrical system and used for conducting electrical energy;

“consumer” means any person supplied, or entitled to be supplied, with electrical energy by the Authority, and includes any person who, being under no disability and being competent to receive a supply, is willing to enter into a contract with the Authority for electrical energy to be supplied to him at a

point within the Authority's area of supply on the terms and subject to the conditions generally prevailing for such contracts within the Authority's area of supply;

"electrical fittings" includes electric fittings, apparatus and appliances for lighting, heating and power and for all purposes for which electricity can or may be used;

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

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

"generator" means a machine of any type for changing mechanical energy into electrical energy;

"immovable property" includes—

- (a) land;
- (b) buildings and other erections, structures or fixtures affixed to any land or to any building or other erection or structure;
- (c) trees, vines, and any other thing whatsoever planted or growing upon any land and any produce thereof before severance;
- (d) springs, wells, water and water rights whether held together with, or independently of, any land;
- (e) privileges, liberties, easements and any other rights and advantages whatsoever appertaining or reputed to appertain to any land or to any building or other erection or structure;

(f) an undivided share in any property hereinbefore set out;

“installation” means the whole of any plant or apparatus under one ownership or, where a management is prescribed, in the charge of the management, designed for the generation, supply or use, 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;

“local authority” means—

- (a) a Parish Council constituted under the Parish Councils Act; or
- (b) the Council of the Kingston and Saint Andrew Corporation constituted under the Kingston and St. Andrew Corporation Act;

“member of the Authority” includes the Chairman, the Deputy Chairman, a temporary Chairman, a temporary Deputy Chairman and any temporary member of the Authority;

“property” includes movable and immovable property;

“supply line” means a conductor or conductors or other means of 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, transmitting or distributing electricity;

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

3.—(1) There is hereby established a body to be called the Electricity Authority which shall be a body corporate with perpetual succession and a common seal and with

Establishment and incorporation of Electricity Authority.

power to acquire, hold and dispose of property, to enter into contracts, to sue and be sued in its said name and to do all things necessary for the purposes of this Act:

Provided that, during the subsistence of a guarantee given under section 8, the Authority shall not alienate, mortgage, charge or demise any of its immovable property without the approval of the Minister.

Schedule.

(2) The provisions of the Schedule shall have effect as to the constitution, operations and expenses of the Authority and otherwise in relation thereto.

(3) The seal of the Authority shall be authenticated in the manner prescribed in the Schedule and shall be judicially and officially noticed.

Functions
of the
Authority.

4.—(1) Subject to the provisions of this Act it shall be the duty of the Authority to—

- (a) prepare and submit to the Minister proposals for the establishment of an efficient, co-ordinated and economical system of electricity generation and supply capable of meeting the needs for electricity throughout the Island;
- (b) prepare and submit for the approval of the Minister detailed schemes for the development and supply of electricity in particular areas, and to carry out such schemes when they are approved;
- (c) generate electricity and maintain and work Authority installations or Authority undertakings;
- (d) promote and encourage the development and use of the resources of the Island in connection with the generation of electricity;
- (e) promote and encourage the use of electricity and especially the use thereof in agricultural, commer-

cial, domestic, industrial and manufacturing purposes;

- (f) carry out, at the request of the Minister investigations into any matter relating to electricity including the prospects for the utilization of nuclear energy;
- (g) keep under constant review the quality, reliability and availability of electricity services as a whole and the rates charged for such services and advise the Minister on these and any other matters relating to electricity in the Island which may be referred to the Authority by the Minister;
- (h) carry out any business usually associated with an electricity undertaking.

(2) For the purpose of subsection (1) the Authority may—

- (a) purchase, generate, transmit, transform, distribute and sell electricity either in bulk or to individual consumers; or
- (b) acquire any property which the Authority deems necessary or expedient for the purpose of carrying out its duties and functions under this Act; or
- (c) negotiate for and, with the approval of the Minister, accept the surrender of any licences for the supply of electricity in any area; or
- (d) with the approval of the Minister, acquire the undertakings of authorized undertakers (including the purchase of shares therein) either by agreement or by the exercise of any right or power given to the Authority by any enactment for such acquisition or lend money to an authorized undertaker for the purpose of carrying out its functions; or
- (e) install, repair, maintain and remove electrical fittings; or

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- (f) borrow money for the purpose of operating installations or undertakings or for implementing schemes approved by the Minister; or
- (g) carry on all such activities as may appear to it requisite, advantageous or convenient for or in connection with the discharge of its duties or functions aforesaid:

Provided that nothing in this section shall authorize the Authority to sell, let on hire or otherwise supply electrical wires or electrical fittings otherwise than for the purpose of wiring premises of consumers or of repairing or maintaining the electrical wires or electrical fittings of consumers.

(3) Save where other provision is made in this Act the Authority shall, for the purpose of subsection (1), be subject to the same obligations and perform the same duties imposed on authorized undertakers by the Electric Lighting Act, and shall enjoy all the rights and exercise all the powers conferred by that Act on authorized undertakers.

(4) Notwithstanding anything contained in the Electric Lighting Act, the Authority shall be deemed to be undertakers within the meaning of that Act authorized to supply electricity for any public or private purpose within any area but the authority conferred by this section shall not, during the existence of any licence granted under the Electric Lighting Act or any Special Act for the supply of electricity in any area, operate in derogation of such licence or Special Act.

Power of
the Author-
ity to
require
information.

5. The Authority may, with the approval of the Minister, require any person supplying electricity for public or private purposes to give to the Authority such information relating to such supply and the accounts in respect thereof as the Authority considers necessary.

6. For the purpose of enabling the Authority to carry out its functions under this Act, the Authority may, with the consent of the Minister, borrow money in such manner and subject to such conditions as the Minister may deem fit to impose.

Power to borrow.

7.—(1) The Authority may, for the purpose of raising money which it is authorized to borrow under this Act, issue stock, debentures or other securities (hereafter in this Act referred to as “securities”).

Power to issue securities.

(2) All such securities and interest thereon shall be charged on the undertaking and on the revenues of the Authority or on such part of the undertaking or of the revenues of the Authority as may be specified in the security.

(3) Subject to the provisions of this Act, any securities created by the Authority under the powers of this Act shall be issued, transferred, dealt with and redeemed according to regulations made by the Minister.

8.—(1) With the approval of the House of Representatives, the Minister may guarantee, in such manner and on such conditions as he may think fit, the repayment of the principal and the payment of interest on any authorized borrowings of the Authority.

Power of Minister to guarantee loans to Authority.

(2) Where the Minister is satisfied that there has been default in the repayment of any principal moneys or in the payment of interest guaranteed under the provisions of this section, he shall direct the repayment or, as the case may be, the payment, out of the Consolidated Fund and assets of this Island of the amount in respect of which there has been such default.

(3) The Authority shall make to the Accountant-General, at such times and in such manner as the Minister may direct, payments of such amounts as may be so directed

in or towards repayment of any sums issued in fulfilment of any guarantee under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

Power to
invest
moneys.

9. All moneys 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 in such securities as may be approved either generally or specifically by the Minister and the Authority may, with the approval of the Minister, sell all or any of such securities.

Rates and
scales of
charges for
electricity.

10.—(1) All charges made by the Authority for electricity sold by it in bulk or direct to consumers, and for services rendered by the Authority, shall be fixed at such rates and on such scales that, taking one year with another, the revenue derived in any year by the Authority from such sales and services, together with its revenue (if any) in such year from other sources, will be sufficient and only sufficient, as nearly as might be, to pay all remunerations, allowances, salaries, gratuities, working expenses and other outgoings of the Authority properly chargeable to income in that year including the payments falling to be made in such year by the Authority in respect of the interest on, or repayment of, the principal of any money borrowed by the Authority and provision for the redemption of securities issued by the Authority under this Act, and such sums as the Authority may think proper to set aside in that year for reserve fund, expansions, extensions, renewals, depreciation, loans and other like purposes.

The charges under this section may, if the Authority thinks fit, be fixed at different rates and scales for different localities, but so that no undue preference shall be given to any locality:

Provided that nothing in this section shall prevent the Authority from charging other prices by special agreement.

(2) It shall be lawful for the Authority to meet payments of interest falling due in any year from money borrowed, whilst the expenditure out of such moneys remains unremunerative, for such period and subject to such conditions as the Minister may determine.

11.—(1) The Authority shall keep proper accounts and other records in relation to the business of the Authority and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform with the best commercial standards. Accounts and audit.

(2) The accounts and records shall be kept in such a manner as to secure the provision of separate information as respects the generation of electricity, the distribution of electricity, and each of the main activities or undertakings of the Authority, and to show as far as may be, the financial and operating results of each such activity or undertaking.

(3) The accounts of the Authority shall be audited by an auditor or auditors appointed annually by the Authority and approved by the Minister.

(4) So soon as the accounts of the Authority have been audited, the Authority shall send the statement of its accounts referred to in subsection (1) to the Minister, together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(5) The auditors' fees and any expenses of the audit shall be paid by the Authority.

(6) The Auditor-General shall be entitled, on the direction of the Minister, at all reasonable times to examine the accounts and other records in relation to the business of the Authority.

Exemption
from taxa-
tion and
stamp
duties.

12. The Authority shall be exempt from—

- (a) payment of any dues or duties under any customs laws for the time being in force on machinery, including parts and accessories, apparatus, appliances, vehicles, instruments, tools and stores and materials of whatsoever kind imported for the use of the Authority and not intended for sale to the general public;
- (b) payment of stamp duty under any law for the time being in force relating to stamp duties;
- (c) payment of any Government tax, or any rate of any local authority, in respect of any supply line.

Annual
report.

13.—(1) The Authority shall, as soon as practicable after the end of each financial year, cause to be made and transmit 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 can be made public without detriment to the interests of the Authority.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid on the Table of the House of Representatives and the Senate.

(3) Copies of the Authority's report together with the annual statement of accounts and the auditors' report on that statement or on the accounts of the Authority shall be published in such manner as the Minister may direct and shall be made available to the public by the Authority at a reasonable price.

Power of
Minister to
issue general
directions in
matters of
policy.

14.—(1) The Minister may, after consultation with the Chairman, give to the Authority such directions of a general character as to the policy to be followed by the Authority

in the exercise and performance of its functions as appear to the Minister to be necessary in the interests of the Island.

(2) The Authority shall furnish the Minister with such returns, accounts and other information, including information obtained by the Authority pursuant to section 5, as he may require with respect to the property and activities of the Authority, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

15. The Authority may, with the approval of the Minister, make regulations to be published in the *Gazette* for the better carrying of this Act into effect and, without prejudice to the generality of the powers hereby conferred, regulations may be made in respect of all or any of the following matters—

Regulations.

- (a) to provide for the establishment and constitution of a scheme for the payment of such superannuation allowances and gratuities to such of the members, officers and servants of the Authority and, upon such terms and conditions as may be specified in the regulations;
- (b) to prescribe the rate of charges to be made in respect of electricity supplied and the fees payable in respect of any other services properly rendered on account of consumers which are not covered by regulations under the Electric Lighting Act;
- (c) to prescribe the forms of applications for the supply of electricity to consumers, the manner of effecting the supply of electricity and the incidence of the charges in respect of the cost of connecting the consumer's premises with the mains;
- (d) to prescribe the methods to be adopted for the supply of electricity to consumers and use of

electricity by consumers, 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 the Electric Lighting Act, or of any regulations made thereunder, or is in arrears with his payments of any proper charges, or uses defective electrical fittings, and also in cases where such discontinuance may be deemed necessary or advisable;

- (e) to regulate, except as may be provided by any regulations under the Electric Lighting Act, the methods of wiring of premises, the types of apparatus that may be used, and such other matters as may appear expedient in relation to the supply of electricity by the Authority;
- (f) to perform all acts necessary for the proper management of the supply of electricity, by the Authority.

SCHEDULE

(Section 3)

Appoint-
ment of
members.

1. The Authority shall consist of five persons to be appointed by the Minister.

Temporary
appoint-
ments.

2. The Minister may appoint any person to act temporarily in the place of any member of the Authority in the case of the absence or inability to act of such member.

Chairman.

3. (1) The Minister shall appoint one of the members of the Authority to be the Chairman thereof.

(2) The Minister shall appoint one of the members of the Authority to be the Deputy Chairman thereof.

(3) In the case of the absence or inability to act of the Chairman the Deputy Chairman shall exercise the functions of the Chairman.

(4) In the case of the absence or inability to act at any meeting of both the Chairman and the Deputy Chairman the remaining members of the Authority shall elect one of their number to act as Chairman at that meeting.

4. A member of the Authority shall, subject to the provisions of this Schedule, hold office during the pleasure of the Minister. Tenure of office.
5. (1) Any member of the Authority, other than the Chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Authority. Resignation.
- (2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.
6. The names of all members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.
7. (1) The seal of the Authority shall be authenticated by the signatures of the Chairman or one member of the Authority authorized to act in that behalf and the Secretary of the Authority. Authentication of seal and documents.
- (2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the Chairman or any member authorized to act in that behalf or the Secretary of the Authority.
8. (1) The Authority shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Authority shall determine. Procedure and meetings.
- (2) The Chairman may at any time call a special meeting of the Authority and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members of the Authority.
- (3) The Chairman or, in the case of the absence or inability to act of the Chairman, the Deputy Chairman or the person elected to act as Chairman in accordance with the provisions of sub-paragraph (4) of paragraph 3 shall preside at the meetings of the Authority, and when so presiding the Chairman, Deputy Chairman or the person elected as aforesaid to act as Chairman, as the case may be, shall have an original and a casting vote.
- (4) The quorum of the Authority shall be three including the Chairman or the Deputy Chairman or the person elected to act as Chairman as aforesaid.
- (5) Subject to the provisions of this Schedule the Authority may regulate its own proceedings.

(6) The validity of any proceeding of the Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Remuneration of members.

9. There shall be paid to the Chairman and other members of the Authority such remuneration, if any (whether by way of salaries or travelling or other allowances) as the Minister may determine.

Funds of the Authority.

10. The funds of the Authority shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament and such other moneys as may lawfully be paid to the Authority.

Power to appoint officers, agent and servants.

11. The Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a Secretary, and such officers, agents and servants as it deems necessary for the proper carrying out of its functions.

Disclosure of interest by members.

12. A member of the Authority, if he is interested in any company or undertaking with which the Authority has or proposes to make any contract, shall disclose to the Authority the fact and nature of his interest and shall not take part in any deliberation or decision of the Authority relating to such contract, and such a disclosure shall be forthwith recorded in the minutes of the Authority.

Protection of members of Authority.

13. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Authority in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this paragraph the Authority shall be liable to the extent that it would be if the said member was a servant or agent of the Authority.