

dated 25th March, 1982

THE NATIONAL POWER AUTHORITY ACT, 1982
(No. 3 of 1982)

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SIGNED this 19th day of March, 1982.

SIACA STEVENS
President.

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No. 3



Sierra Leone

1982

The National Power Authority Act, 1982

Short title.

Being an Act to make provision for the reorganisation and regulation of the generation, transmission, distribution and supply of electricity throughout Sierra Leone; to make provision for the establishment of the National Power Authority of Sierra Leone and for the management, administration and control of the said Authority; and for matters incidental thereto.

[2nd April, 1982.] Date of commencement.

BE IT ENACTED by the President and Members of Parliament in this present Parliament assembled, as follows:—

PART I—PRELIMINARY

1. This Act shall come into force on a date to be fixed by the Minister by Notice published in the Gazette. Commencement.

Amended by Section 1 B Act No 4/
2005

Interpreta-
tion.

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;
- “Authority” means the National Power Authority of Sierra Leone established under section 3;
- “Authority installation” means an installation which is the property of, or operated by, the Authority;
- “bulk supply” means a supply of electricity to be used for the purposes of distribution;
- “Bumbuna Hydro-Electric Power Project” means the construction of works, production and generation of electricity by means of hydro-power derived from the waters of the River Seli and the transmission, distribution and supply of electricity so produced;
- “Chairman” means the person appointed to be Chairman of the Authority under section 5;
- “conductor” means an electrical conductor arranged to be electrically connected to a system;
- “consumer” means a person who is supplied with energy or whose premises are for the time being connected for the purpose of a supply of energy with any installation;
- “Deputy Chairman” means the person appointed to be Deputy Chairman of the Authority under section 5;
- “energy” means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of any communication or signal;
- “financial year” means 1st April to 31st March of the following year;
- “General Manager” means the General Manager of the Authority;
- “generating station” means any station for generating electricity including any buildings and plant used for the purpose, and the site intended to be used for a generating station, but does not include any station for transforming, converting or distributing energy;
- “hydro-electric works” means any works for or associated with the generation of electricity by means of hydro-power;
- “installation” means the whole of any plant or apparatus designed for any one or more of the following purposes, namely generation, supply or use of energy and includes

ended by

30/Dec/93

prime movers, with all necessary plant, buildings and land used in connection therewith, pipe lines, supply lines and consumer apparatus;

“licensee” means a person permitted by licence under this Act to work or operate an installation and includes an authorised agent of a licensee;

“local authority” includes every City and Town Council, Urban District Council, District Council, Rural Area Council and Chiefdom Council;

“maximum power” means the maximum amount of power, expressed in kilovolt-amperes or kilowatts which the consumer requires and the Authority agrees to supply in accordance with a contract with any consumer;

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

“Minister” means the Minister for the time being charged with responsibility for matters relating to energy and power;

“occupier” includes—

(a) in the case of any land in the Western Area, the owner; and

(b) in relation to land in any Chiefdom, the Chiefdom Council (as defined in the Chiefdom Council's Act);

Cap. 61.

“public lamp” means an electric lamp used for the lighting of any street, wharf, dock or other public place;

“standard voltage” means the voltage at which the supply is declared to be provided by the Authority at the consumer's supply terminals;

“street” includes any road, lane, path, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way and also the roadway and footway over any public bridge;

“stock” includes all stocks, bonds and other securities issued by the Authority for money borrowed or loan capital raised by it whether secured or unsecured and by whatever name described;

“supply line” means a conductor or conductors or other means of conveying, transmitting, or distributing energy, together with any casing, coating, covering, tube, pipe, insulator or post enclosing, surrounding or supporting the same or any part thereof, and any apparatus connected therewith;

"Vesting Day" means such day as the Minister shall, by Order to be published in the *Gazette* appoint for the vesting in the Authority of the undertaking known as the Sierra Leone Electricity Corporation.

PART II—THE AUTHORITY

Establishment and incorporation of the Authority.

3. (1) There is hereby established a body to be called the National Power Authority.

(2) The Authority shall be a body corporate having perpetual succession and shall have power to acquire, hold and dispose of property whether moveable or immovable, 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.

Common Seal.

Sealed and placed by 4(1) of Dec 25/93

4. (1) The Authority shall have a common seal and the affixing of the seal shall be authenticated by the signature of the Chairman of the Authority or some other member thereof authorised either generally or specially by the Authority to act for that purpose and of the Secretary or some other person authorised either generally or specially by the Authority to act for that purpose.

(2) Every document purporting to be an order or other instrument issued by the Authority and to be sealed with the seal of the Authority authenticated in the manner provided by this section, or to be signed by the Secretary, shall be received in evidence and be deemed to be such order or instrument without further proof, unless the contrary is shown.

(3) In appropriate cases the seal may be affixed to documents outside Sierra Leone.

(4) Notwithstanding any rule of law to the contrary the Authority may enter into contracts and transact business in all respects in the same manner as a private individual.

The Constitution of the Authority, Chairman, etc.

replaced & replaced by Sec. 5 of Dec 25/93

5. (1) The Authority shall consist of—

(a) a Chairman, Deputy Chairman and not more than five but not less than three other members to be appointed by the Minister on such terms and conditions as the Minister may determine;

(b) the General Manager of the Authority who shall be a member of the Authority *ex-officio*.

(2) The Chairman, Deputy Chairman and every member of the Authority, except the General Manager shall hold office for any period not exceeding five years as shall be fixed by the Minister when appointing that member and every such member shall, on the expiration of his term of office, be eligible for re-appointment.

(3) In the absence of the Chairman, the Deputy Chairman shall act as Chairman. In the absence of both the Chairman and the Deputy Chairman such other member as is provided for under standing orders shall act as Chairman.

(4) The validity of any act or proceedings of the Authority shall not be affected by any vacancy among the members thereof, or by any defect subsequently discovered in the appointment of a member thereof, or by reason that some person who was not entitled to do so took part therein.

(5) The Authority shall pay to the members thereof such remuneration, fees and allowances for expenses as may be determined by the Minister after consultation with and the prior approval of the Minister of Finance.

(6) If a Member of the Authority at any time after his appointment—

(a) accepts or continues to hold office as an auditor of the Authority; or

(b) accepts or continues to hold office or employment (other than that of General Manager) with the Authority; or

(c) is made bankrupt; or

(d) becomes of unsound mind or otherwise incompetent to act as a member; or

(e) fails to attend three consecutive meetings of the Authority (unless such failure be occasioned by any reasonable cause allowed by the Authority); or

(f) resigns his office by written notice to the Minister;

then in any of these cases he shall forthwith cease to be a member of the Authority, and the Authority shall report the fact and date of such cessation to the Minister who shall cause a notice to that effect to be published in the *Gazette*.

(7) If at any time it appears to the Minister that the termination of the office of any member is necessary in the interests of the effective and economical performance of the functions of the Authority under this Act, the Minister may terminate the office of any such member without assigning any reason therefor.

(8) No member shall be personally liable for any debt or obligation of the Authority.

(9) Every appointment or termination under sub-sections (1), (2) and (7) shall be effected in writing under the hand of the Minister and notice thereof shall be published in the *Gazette*.

Procedure of
the Authority.

6. Subject to the provisions of this Act, the Authority may make standing orders regulating its procedure generally and in particular regarding the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

Amended by
C.O. of Dir. Sec.
1/93

Quorum,
voting.

7. (1) The quorum at any meeting of the Authority shall be four members.

Amended by
C.O. of Dir. Sec.
5/95

(2) Any question before the Authority at any meeting shall be decided in accordance with the votes of the members present and in the event of an equality of votes the Chairman shall have a casting vote in addition to his deliberating vote.

Disclosure of
interest in
contract by
member of
the Authority.

8. A member of the Authority who has any direct or indirect interest in any company or concern with which the Authority proposes to make any contract or any interest in 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 such member shall take no part in any deliberation or decision of the Authority relating to such contract.

Amended by
Sec 8
2/93

Prohibition
of interest
in electricity
undertakings
by members
of the
Authority.

9. (1) A member of the Authority shall not, while he holds that office, purchase, take or become interested in for his own benefit any shares in any electricity undertaking in Sierra Leone.

(2) In this section the expression "shares in any electricity undertaking" includes any stock, shares, debentures, debenture stock, bonds or other securities of any company principally engaged in the generation, distribution or supply of electricity or the manufacture, importation and installation of electrical apparatus, and any share or interest in any unincorporated undertaking similarly engaged.

OFFICERS AND SERVANTS OF THE AUTHORITY

Appointment
and control
of officers
and servants
of the
Authority.

10. (1) The Authority shall appoint a General Manager and such other officers, servants and agents as the Authority may from time to time determine.

Amended and
revised by
1/90
2/93

(2) Subject to the direction of the Authority, the officers and servants of the Authority shall be under the administrative control of the General Manager.

(3) The Authority may, from time to time for the better administration of the Authority, issue orders and regulations concerning the conditions and terms of employment of its officers and servants.

11. (1) The General Manager shall be the chief executive officer of the Authority and shall be responsible for the execution of the policy of the Authority and the transaction of its day to day business.

Functions of the General Manager.

(2) The General Manager shall attend all meetings of the Authority, except when any matter involving him personally is being discussed, and shall be furnished with copies of all notices, agenda and minutes of all meetings of the Authority.

12. The Authority may exercise any of its powers and perform any of its functions and duties (other than the making of orders) through or by any of its officers or servants authorised by the Authority in that behalf.

Exercise of functions of Authority through its officers.

13. Where any action, prosecution or other proceeding is commenced in respect of any act, neglect or default done or committed by an officer, servant or agent of the Authority in his capacity as its officer, servant or agent, the provisions of the Public Officers Protection Act shall apply as though such officer, servant or agent were a public officer.

Public Officers Protection Act to apply to officers, etc., of the Authority. Cap. 172.

FUNCTIONS AND DUTIES OF THE AUTHORITY

14. (1) The Authority shall—

General Functions.

(a) be an authority for the construction of generating stations, including hydro-electric schemes and for the generation, transmission, distribution, supply, sale, purchase, importation and control of electricity throughout Sierra Leone; and ~~as from Vesting Day shall be the sole Authority for all of these functions;~~

Deleted

(b) have power to acquire all generating plant, including hydro-electric plant, either in operation or under construction;

(c) be responsible for the construction, management, control and operation of the Bumbuna Hydro-Electric Project including its integration into the overall electricity system of Sierra Leone;

Deleted

(d) supply energy either in bulk or to individual consumer in any part of Sierra Leone or elsewhere;

(e) establish as far as is practicable uniform standard voltages throughout its area of supply;

(f) secure the supply of energy at reasonable prices;

- (g) carry on any business usually associated with an electricity undertaking;
 - (h) promote and encourage the economic and efficient use of energy and especially the use thereof for domestic, commercial, agricultural, industrial and manufacturing purposes;
 - (i) in the carrying out of any hydro-electric project ensure that by virtue of its activities there is no deterioration at that time or at any time in the future in the health and ecological standards in the project area beyond those which obtained immediately prior to the commencement of the works connected with the project;
 - (j) keep itself informed of developments relating to the generation of electricity from natural resources available within the State, with particular reference to the implications for the State of such developments;
 - (k) advise the Minister on all matters relating to the construction of generating stations and the generation, transmission, distribution and use of energy;
 - (l) generally to perform and exercise all duties and powers which are imposed or conferred on the Authority by this Act and all such other duties and powers as may hereafter be imposed or conferred on the Authority.
- (2) For the purposes of sub-section (1) but without prejudice to the generality thereof, the Authority may—
- (a) purchase, construct, re-construct, abandon, dispose of, maintain and operate supply lines, generating stations, plant, machinery, stores, supplies, buildings, dwelling houses, and works;
 - (b) subject to the provisions of the Water (Control and Supply) Act, 1963 abstract water from any lake, river, stream or other natural source and do all such acts as may be necessary for the purpose of utilising and returning the water so abstracted;
 - (c) acquire any property, moveable or immovable, the acquisition of which the Authority deems necessary or expedient and which will facilitate the efficient performance of the Authority's duties and functions under this Act; and

(d) carry out all such activities as may appear to it requisite, advantageous or convenient, for, or in connection with, the performance of its duties under this Act or with a view to making the best use of any of its assets.

Amended by the
insertion of sub-sec 3
of Sec 11 of Decree 25/73

15. (1) In addition to the powers conferred by sub-section (2) of section 14, the Authority may carry on all or any of the following particular functions—

Sale and hire
of electrical
apparatus.

(a) the manufacture, provision, sale, letting on hire, connection, maintenance, repair, or removal of any electric lines, fittings, apparatus or appliances for lighting, heating or power or any other purposes for which energy can or may be used;

(b) the maintenance of shops and showrooms for the display, sale and hire of electrical equipment of all kinds; and

(c) the advertisement of such electrical equipment whether by way of demonstration, exhibition, or otherwise.

(2) All charges made by the Authority for the sale or letting on hire of electric lines, fittings, apparatus or appliances shall be fixed at such rates that the revenue derived by the Authority from such sale and such letting on hire shall not be less than the expenditure incurred in or about such sale and letting on hire including the cost of providing or manufacturing such electric lines, fittings, apparatus or appliances.

(3) The Authority shall not attach to the supply of energy any condition involving the provision by, or purchase or hire from the Authority of any electric fittings, apparatus or appliances nor give preference direct or indirect to any consumer on condition of such provision by, or purchase or hire from, the Authority.

(4) All electric lines, fittings, apparatus and appliances provided or let on hire by the Authority on a customer's premises shall be deemed to form part of the property of the Authority.

16. (1) The Authority shall supply energy to any person requiring a supply of energy if such person enters into a contract with the Authority giving such security as the Authority may require, to take, or continue to receive and to pay for a supply of energy upon such terms and conditions as the Authority may determine. Every such contract shall specify the maximum power required:

Duty of the
Authority
supply
energy.

Provided that nothing in the Act shall require the Authority to extend supply to premises more than two hundred meters from the nearest supply point nor where, in the opinion of the Authority which shall be final, the extension of supply would or might affect the safe capacity of the Authority's generating plant or supply system.

(2) The Authority shall declare in writing to each such consumer the standard voltage but this declaration shall be subject to the provisions of paragraph (e) of subsection (1) of section 14.

Power of the Authority to employ contractors.

17. (1) Whenever the Authority is authorised by this Act to execute any engineering, building or other work whatsoever, the Authority may, in lieu of executing such work itself by its own officers and servants, contract with any person for the execution of the whole or any part of such work by such person and may for that purpose enter into such contracts and agreements as may be requisite.

(2) Whenever the Authority contracts under this section with any person for the execution by him of any work, the Authority may, by any contract or agreement with that person, delegate to him the right to execute such work under this Act, and thereupon that person shall have, concurrently with the Authority, the right to do such work and to exercise any of the powers conferred on the Authority by this Act as are necessary for the purpose of doing such work as are specified in that behalf in the contract or agreement.

(3) References in this Act to the doing of any work or thing by the Authority shall be construed and have effect as including the doing of such work or thing by a contractor employed and authorised in that behalf by the Authority under this section.

Employment of technical advisers.

18. (1) The Authority may from time to time employ such technical or other advisers as it thinks fit to advise it in regard to any matter or thing in connection with the exercise or performance by the Authority of the powers, duties and functions conferred or imposed on it by or under this Act.

(2) There shall be paid out of the funds at the disposal of the Authority under this Act to any person employed by the Authority under this section, such fees and such allowances as the Authority shall determine.

POWER TO BORROW AND RAISE CAPITAL

Power to borrow money for capital purposes, issue securities, give guarantees and charge assets.

19. The Authority may for the purpose of performing its functions under this Act from time to time after consultation with the Minister and with the prior approval of the Minister of Finance—

(a) borrow money or raise capital in any currency and from any source for—

(i) the provision of working capital;

(ii) the redemption of any stock it is required or entitled to redeem;

(iii) any other expenditure properly chargeable to capital account;

(b) issue any stock;

(c) give any guarantee;

(d) create or maintain any mortgage either fixed or floating over the whole or any part of its property.

20. The Authority may from time to time—

(a) after consultation with the Minister and with approval of the Minister of Finance borrow by way of overdraft or otherwise such sums as it may require for meeting its current obligations and discharging its functions under this Act;

Power to borrow money and incur indebtedness for other purposes.

(b) incur indebtedness to persons for the supply of goods or services in the normal course of the Authority's business.

Amended by the insertion of sub-section 20A Sec. 12 of Dec 25/93

21. The Government may guarantee in such manner and upon such terms as it may think fit, the payment of the interest and principal or either of them, of any loan proposed to be raised by the Authority.

Government may guarantee loans to the Authority.

GENERAL FINANCIAL PROVISIONS

22. The Authority shall submit to the Minister at least one month before the end of each financial year of the Authority a statement in writing setting out the items upon which it proposes to make capital expenditure in the next following financial year and the estimated amount to be spent on each such item.

Capital expenditure estimates to be submitted to Minister annually.

23. (1) The Authority shall so exercise and perform its functions under this Act as to secure that taking one year with another, the revenues of the Authority are sufficient to meet the expenditure properly chargeable to revenue account.

General duties of the Authority in financial matters.

(2) For the purpose of sub-section (1), the words "the expenditure properly chargeable to revenue account" shall mean all charges which in the normal conduct of business are proper to be charged to revenue account, including in particular, appropriate provision for—

(a) the depreciation or renewal of assets;

(b) the redemption of any loan raised by the Authority; and

(c) prudent reserves.

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

- (a) the remuneration, fees and allowances of the members of the Authority;
- (b) the salaries, fees, remuneration, pensions, superannuation allowances and gratuities of the officers, agents, and servants and technical and other advisers of the Authority;
- (c) operating 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 dividends or interest on any stock issued and on any loan raised by the Authority;
- (e) repayment of the principal of sums borrowed and sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of stock or the repayment of other borrowed moneys;
- (f) such sums as it may be deemed appropriate to set aside in respect of depreciation of the property of the Authority;
- (g) 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 the creation of general or specific reserve funds to be used, for maintaining and improving the financial soundness of the Authority and for financing further developments.

25. 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 to the best advantage of the Authority.

26. (1) After Vesting Day the price to be charged by the Authority for the supply of energy to consumers shall be in accordance with such tariffs as may from time to time be fixed by the Authority and in fixing such tariffs due regard shall be had to the provisions of sections 23 and 24:

Provided that different tariffs may be fixed for different areas or different classes of consumers.

(2) Notwithstanding anything in sub-section (1) the Authority may enter into a special agreement with any consumer for the supply of electricity to him on such terms as may be specified in the agreement:

Provided that—

- (a) such agreements are only made in cases where tariffs in force are not appropriate owing to special circumstances; and
- (b) no undue preference is shown as between consumers similarly situated.

(3) The tariffs in force immediately before Vesting Day shall remain in force until revised or replaced by tariffs fixed in accordance with this section and nothing in this section shall affect any agreement in force immediately before Vesting Day.

ACCOUNT, AUDIT, ANNUAL REPORT

27. (1) The Authority shall keep in due form all proper and usual accounts of all moneys received or expended by it, including capital account, revenue account, profit and loss account, and balance sheet, and in particular shall keep all such special accounts as the Minister on his instruction or at the request of the Minister of Finance shall from time to time direct. Accounts and audit.

(2) Separate accounts shall be kept in relation to moneys received and expended by the Authority in connection with the manufacture, provision, sale and letting on hire of electrical equipment.

(3) The accounts of the Authority shall be audited and reported on by independent Auditors who shall be members of a recognised body of qualified Accountants appointed annually by the Authority with the approval of the Minister; and for that purpose such Auditors shall have access to all books, records returns, and other documents relating to or relevant to these accounts.

(4) So soon as the accounts of the Authority have been audited which shall not be more than six months after the end of each financial year it shall send copies of the accounts referred to in sub-section (1) to the Minister and the Minister of Finance together with any report made by the Auditors on the accounts of the Authority.

(5) The Minister shall cause a copy of every such accounts and report to be laid before Parliament.

28. (1) The Authority shall, as soon as possible after the end of each financial year of the Authority, make to the Minister a report on the exercise and performance by it of its functions during that year and on its policy and programme. Annual Report.

*Amended by the
1st section of sub-sec 27 A(1-3)
of Sec 13 of Decree 25793*

(2) The Minister may give directions as to the form of the reports to be made under this section and the Authority shall comply with any such directions.

(3) The Minister shall cause a copy of every report to be laid before Parliament.

SUPERANNUATION, PENSIONS AND GRATUITIES

Superannuation,
Pensions etc.

29. (1) The Authority shall establish and maintain pension, superannuation, provident and other funds as it may consider desirable for the provision of payments, gratuities or other allowances on death, sickness, injury, superannuation, resignation or retirement or discharge of its members, officers, servants and their dependants. The Authority may make Rules subject to the approval of the Minister, providing for the payment of moneys out of the revenue of the Authority to such funds and providing for the contribution of moneys to such funds by the members, officers and servants of the Authority. The Authority may contract with an insurance company or other body for the maintenance of such funds.

(2) On Vesting Day the moneys in any existing Sierra Leone Electricity Corporation Pension Scheme or schemes shall be transferred to the Authority for the benefit of the funds to be established under sub-section (1).

PART III—LICENCES

Licence required for use of installations; terms, conditions and contents of licences.

30. (1) Subject to such exceptions as may be prescribed, no person other than the Authority shall—

(a) without a licence generate or permit to be generated energy in excess of five kilowatts for his own use; or

(b) supply to, or for the use of, any other person energy 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) Such licences may be granted by the Authority on payment of such fees, if any, as may be prescribed.

(3) No licence shall be transferred without the consent of the Authority.

(4) Licences shall be subject to such conditions as may be prescribed by the Authority and all such conditions shall be set out in the licence. In particular, and without limiting the matters covered by these conditions, they may provide for—

- (a) the manner in which electricity may be supplied to any person;
- (b) the amount to be charged for electricity to be supplied to any person;
- (c) the keeping and auditing of accounts; and
- (d) the keeping of records and statistics.

(5) Licences may be for such periods as the Authority may in each several case approve and the period of duration shall be stated in the Licence.

(6) The Authority shall not refuse the granting of licence in areas where the Authority is unable to supply energy.

31. (1) Any person desiring to generate energy in excess of five kilowatts for any public or private purpose shall make an application in writing to the Authority for a licence. Such application shall contain such particulars with reference to the proposed supply and undertaking as may be prescribed or required by the Authority; and there shall be deposited therewith, or within such time as the Authority may direct, such plans and other information as may be prescribed or required by the Authority.

(2) Notice of every publication so made shall be published in the *Gazette*, and copies thereof posted at such place or places as the Authority may direct; and such notice shall specify some public place where the plans relating thereto can be seen.

(3) Any person objecting to the grant of a licence shall send full particulars of his objections and the reason therefor to the Authority within one month after the date of the publication of the said notice in the *Gazette*. All objections shall be considered by the Authority and a decision given thereon within one month of the expiration of the time fixed for lodging of objections.

32. (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 the Regulations hereunder.

(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 or due thereunder, or if the licensee ceases to work or operate the installation in respect of which the licence has been granted:

Security;
suspension
and revoca
tion of
licence.

Provided that, where a licence has been suspended or revoked on the grounds 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 revocation appeal to the Minister, and the decision of the Minister on such appeal shall be final.

(3) The licensee shall not be entitled to compensation for any loss caused to him by the suspension or revocation of a licence under this section.

Removal of trees or other objects interfering with overhead transmission lines.

33. (1) Where any tree standing or lying near an overhead supply line or where any structure or other object which has been placed or has fallen near an overhead supply line subsequent to the placing of such line interrupts or interferes or is likely to interrupt or interfere with the supply of energy or the accessibility of any works, a Magistrate may on the application of any licensee likely to be affected by such interruption or interference order the tree, structure or object to be removed or otherwise dealt with as he may think fit.

(2) When disposing of an application under this section the Magistrate shall award to the person having any proprietary interest in the tree, structure or object, such compensation as he thinks reasonable and such person shall recover the same from the licensee.

(3) In this section the word "tree" includes any shrub, hedge, bush growth or other plant.

Restriction of use to specified purposes.

34. A licensee who is, by the conditions of his licence, restricted to using or supplying energy for specified purposes only, shall not use or supply such energy for any purpose other than that specified.

Inspection of installations erected under the licence:

35. On completion of any installation erected under the provisions of a licence granted under this Act, the owner thereof shall give notice in writing to the Authority which shall cause an inspection and test to be made thereof and if the installation is, in its opinion, satisfactory, it shall grant to the owner a certificate to that effect. No installation shall be operated until such certificate has been obtained.

Periodic inspection of installations operated under licence.

36. (1) All installations in respect of which a certificate has been granted under section 35 and which are operated under the provisions of a licence granted under the terms of this Act shall be inspected by the Authority or any other person authorised by it in that behalf at such intervals as may be prescribed. The owner and all persons in charge of such installation shall afford full facilities for inspection with reasonable working hours.

(2) If as a result of an inspection carried out under the provisions of this section the Authority considers that an installation or part thereof is unsafe, it shall so inform the owner or person in control thereof who shall within such period as the Authority shall determine render such installation or such part thereof safe, to the satisfaction of the Authority.

PART IV—TRANSFER TO AUTHORITY OF SIERRA LEONE ELECTRICITY CORPORATION

37. (1) On Vesting Day the undertaking known as Sierra Leone Electricity Corporation shall cease to exist and the undertaking shall be deemed to have been transferred to, and shall without further assurance vest in, the Authority.

Transfer to Authority of Sierra Leone Electricity Corporation.

(2) Such transfer shall extend to the whole of such undertaking, and shall include all plant, lands, works and other property, moveable or immovable, together with all powers, easements, way-leaves and other rights and privileges held or enjoyed in connection therewith or appertaining thereto.

(3) The lands deemed to have been transferred to and vesting in the Authority on Vesting Day under the provisions of this section shall be as described and set out in a Notice to be published by the Minister in the *Gazette* on or before Vesting Day or as soon as may be thereafter:

Provided that the Minister after consultation with the Authority may, by Order published in the *Gazette*, vary, add to, amend or revoke any part or such Notice.

38. (1) All deeds, bonds, agreements, instruments, debts, credits, licences and working arrangements, subsisting immediately before the commencement of Vesting Day, affecting the transferred undertaking shall be of full force and effect against or in favour of the Authority and enforceable as fully and effectually as if, instead of the Sierra Leone Electricity Corporation or any person acting on behalf of the Sierra Leone Electricity Corporation, the Authority has been named therein or had been a party thereto.

Existing contracts and pending proceedings.

(2) Any proceedings or cause of action pending or existing before Vesting Day by or against the Sierra Leone Electricity Corporation may be continued or enforced by or against the Authority as it might have been by or against the Sierra Leone Electricity Corporation.

TRANSFER OF OFFICERS AND SERVANTS

39. (1) Every person who immediately before the Vesting Day was an officer or servant of the Sierra Leone Electricity Corporation shall as from the Vesting Day be transferred to and become an officer or servant of the Authority.

Transfer of officers and servants of Sierra Leone Electricity Corporation.

(2) Every such officer or servant transferred to the service of the Authority shall be employed on such rates of pay and conditions of service no less favourable than those on which he was employed in the Sierra Leone Electricity Corporation immediately before the Vesting Day.

(3) Nothing in this section shall be deemed to affect any right of the Authority to terminate the employment of any officer or servant transferred to the service of the Authority or to vary his rate of pay or conditions of service.

PART V—ACQUISITION OF PROPERTY, ETC.

General
power to
acquire land.

Cap. 116.

40. (1) (a) When the Authority is unable to acquire by private treaty or agreement any land in the Western Area required for the purposes of this Act, the Minister may order proceedings to be taken for the compulsory acquisition of such land in accordance with the provisions of the Public Lands Act and such acquisition shall be deemed to be for a public work within the meaning of that Act. Any land so acquired shall be vested in the Authority by a certificate under the hand of the Minister describing the land and stating that it is so vested.

(b) When the Authority is unable to acquire by private treaty or agreement the leasehold of any land in the Provinces required for the purposes of this Act the Minister of the Interior may authorise any person to execute in the name and on behalf of the Chiefdom Council a lease to the Authority on such terms and conditions as shall appear to the Minister to be fair and reasonable of any land which it may so require and any such lease shall, notwithstanding that any consent or approval required by section 3 of the Provinces Land Act has not been obtained, be as effective for all purposes as if the said lease had been duly granted by the Chiefdom Council.

(2) All expenses and compensation payable in respect of the acquisition of land acquired by the Authority under this section shall be paid by the Authority.

Disposal of
lands, etc.

41. The Authority may at any time sell, lease or otherwise dispose of in such manner as it thinks proper, any land, easement or other right in respect of land or water or any works, buildings, or other property acquired by it for the performance of its duties or the exercise of its powers and functions.

No. 3

42. The Authority may whenever it thinks proper, lay supply lines at any height along, across or under any street, road or railway and may erect, in or on any such street, road or railway such posts, poles and other erections as the Authority shall consider to be necessary or proper for carrying and supporting such lines so laid for any purpose arising in the course of the exercise or performance of its powers and functions and may for such purpose or other purpose incidental thereto break up any street, road or railway: Breaking up of streets.

Provided that the Authority shall not break up any street or road without previous consultation with the appropriate Ministries or authority or both in whose district or area such street or road is situate and shall not break up any railway without previous consultation with the Minister of Transport and Communications.

43. (1) The Authority and its authorised agents may lop or cut any tree, shrub or hedge which obstructs or interferes with any supply line of the Authority or may, in the opinion of the Authority, obstruct or interfere with the laying or erection of such supply line or with the survey of the proposed route of such supply line. Lopping of trees.

(2) Before any tree, shrub or hedge is lopped or cut under this section by the Authority or its authorised agents, the Authority shall give to the occupier of the land or in the case of a street or road to the appropriate Ministries or authority charged with the maintenance of such street or road on which such tree, shrub or hedge is standing, not more than fourteen days notice of its or their intention to lop or cut the same and such occupier or such appropriate authority may if he or it (as the case may be) so desires and so informs the Authority within such fourteen days himself or itself carry out such lopping or cutting.

(3) When an occupier of land cuts or lops any tree, shrub or hedge under this section the reasonable expenses incurred by him in so doing may be paid to him on demand by the Authority.

POWER OF ENTRY UPON PREMISES, ETC.

44. (1) Subject to the provision of section 12 of the Constitution and of sub-section (4) of this section, the Authority may by its officers, servants or agents with all necessary workmen, enter from time to time on any lands over which it has acquired rights (whether under the provisions of section 40 or otherwise) for all or any of the following purposes— Power to enter land for certain purposes.

(a) constructing generating stations, including hydro-electric works;

- (b) constructing, erecting, placing, operating or maintaining any supply line or installations under, in, upon or over any premises, or examining, repairing, altering or removing any supply line or installations so placed;
- (c) the survey and taking of levels;
- (d) the cutting and removal on each side of any proposed or existing supply line of all such trees and underwood as may interfere or be likely to interfere with the construction or proper working of any such line;
- (e) attaching to any wall, house or building any bracket or other suitable fixture required for the carrying or support of a supply line or any other electrical apparatus;
- (f) any other work connected with the supply of electricity.

(2) The Authority shall when practicable give reasonable notice to the occupier of any land on which it is intended to enter.

(3) For all or any of the purposes aforesaid such officers, servants, agents or workmen, may remain on any such land for such reasonable times and execute and do all such work and things as may be necessary.

(4) The Authority shall not construct, place, maintain, examine, repair, alter or remove any supply line under, in, upon, over, along or across any land, building, embankment, dock, harbour, or pier under the control of a Ministry or Department of Government or other public authority without the prior approval of the Minister concerned or of such public authority.

(5) Any supply line placed across or over any road shall be placed so as not to interfere with the passage along such road, and the Authority shall make good any road opened or broken up for the purposes referred to in sub-section (1).

Notice of
intention to
enter and to
construct a
supply line,
etc.

45. (1) Before constructing a supply line across any land or attaching any fixture to any building, the Authority shall when practicable serve reasonable notice on the occupier of such land or building which shall be in writing giving a description of the nature of the line or fixture and the manner in which it is intended to be constructed or attached.

(2) If within thirty days after the service of such notice the occupier fails to lodge an objection with the Authority in writing to the work specified in the notice, the Authority may proceed with the work.

(3) If within thirty days after the service of such notice the occupier lodges an objection with the Authority in writing to the work specified in the notice such work shall not be undertaken by the Authority unless and until the Authority has obtained the approval in writing of the Minister which shall be communicated to the Authority by the Minister within thirty days.

(4) If the owner of any land or building across, on or to which a supply line or fixture has been constructed or attached requires the position of such supply line to be altered, the Minister, if fully satisfied that the requirements of such owner are such as to warrant the alteration of the position of the supply line or fixture, may by notice in writing require the Authority to alter the position of such line or fixture, subject to conditions which, failing agreement between the parties, may be prescribed by the Minister, and unless the Minister decides to the contrary the cost of such alteration shall be paid to the Authority by the person requiring the alteration and the Authority shall not be compelled to carry out the alteration until the payment of the cost thereof has been secured to it.

46. (1) The Authority shall not without first having obtained the approval of the Minister in writing place any electric cable across any navigable waterway whether such cable is placed above or below water or under the ground. Cable across rivers, etc.

(2) When such approval is given the Authority shall inform the appropriate person or body of its intention to place such a cable across such a waterway and such body shall issue an order delineating the affected area and—

(a) in the case of an underwater cable, declaring the area to be a prohibited area for anchorage;

(b) in the case of a cable placed above the water, restricting the height of vessels passing through the area.

(3) If any person or body requires the position or height of such cable placed across such navigable river or waterway to be altered, the Minister may by notice in writing require the Authority to alter the position or height of the cable subject to conditions which, failing agreement between the parties, may be prescribed by the Minister and the cost of such alteration shall be paid to the Authority by the person or body requiring the alteration and the Authority shall not be compelled to carry out the alteration until payment of the cost thereof has been secured to it.

47. (1) In the exercise of the powers conferred by section 44 the Authority, its officers and servants shall do as little damage as possible and the Authority shall pay any reasonable compensation for any damage done. Compensation for damage, etc.

(2) The Authority shall pay compensation in respect of water abstracted in exercise of the power conferred by paragraph (b) of sub-section (2) of section 14 to any person injuriously affected.

(3) In the case of a dispute as to the amount of compensation payable, the same shall be determined by a Magistrate exercising jurisdiction in the place where the land is situate or the High Court as the case may be.

PART VI—BUMBUNA HYDRO-ELECTRIC POWER PROJECT

Execution of
Bumbuna
Hydro-
Electric
Power Pro-
ject.

48. For the purposes of carrying out the Bumbuna Hydro-Electric Power Project the Authority may carry out in accordance with such project (with such additions, omissions, variations and deviations as shall be found necessary in the course of the work) any of the following things as are, expressly or by implication, provided for by such project—

- (a) impound, hold-up, divert, take and use the waters of the River Seli and the waters of any river or stream tributary to, and of any lake, pond or canal on or connected with, the said river;
- (b) embank, dam, dredge, deepen, widen, straighten, divert and otherwise alter the River Seli or any river or stream tributary to that river;
- (c) embank, dam, dredge, alter the level of, and otherwise affect any lake, pond, or other water on or connected (directly or indirectly) with the River Seli;
- (d) remove, alter, repair or reconstruct any sluice, weir, dam, embankment, quay, harbour, landing place, boathouse or other similar work in the River Seli or in any river or stream tributary to that river or any lake connected therewith;
- (e) construct and maintain sluices, weirs, dams, embankments and other similar works (including passages for the ascent and descent of fish);
- (f) construct and maintain generating stations, transformer stations, and other stations and places for generating, transforming, storing, or otherwise dealing with electricity generated in pursuance of the said project;
- (g) purchase, hire, or otherwise provide and maintain machinery, plant and equipment for all generating stations transformer stations, and other stations and places constructed under paragraph (f);

Repealed and
repealed by section
4 of Act no 4,
2006

- (h) subject to the provisions of this Act and with the approval of the Minister, close, divert, remove, submerge, or otherwise interfere with any public road or bridge and construct new roads or bridges where necessary;
- (i) do any act or thing which may be necessary for or incidental to the doing of anything which the Authority is by this section authorised to do;
- (j) acquire, construct, or otherwise provide and maintain houses or other dwelling accommodation and canteens, clubs and other places of refreshment or recreation for persons employed (whether by the Authority or a contractor) in the construction of works, the management, working or conduct of the project, or the doing of any other act or thing which the Authority is authorised by this Act to do.

49. (1) For the purpose of carrying out the Bumbuna Hydro-Electric Power Project or doing anything which the Authority is authorised by section 48 to do for that purpose, the Authority may do all or any of the following things—

Acquisition of land, etc., by the Authority.

- (a) acquire any land either permanently or temporarily and either by agreement or compulsorily;
- (b) acquire (either permanently or temporarily and either by agreement or compulsorily) any easement, wayleave, fishery, fishing right, water rights, or other right whatsoever over or in respect of any land or water;
- (c) terminate, restrict or otherwise interfere with (either permanently or temporarily and either by agreement or compulsorily) any easement, wayleave, fishery, fishing right, water rights, or other right whatsoever existing over or in respect of any land or water;
- (d) divert, close, remove, submerge or otherwise interfere with (either permanently or temporarily and either by agreement or compulsorily) any private roadway, or bridge or any canal or other artificial waterway or any artificial watercourse;
- (e) interfere with any land either permanently or temporarily and either by agreement or compulsorily.

(2) Whenever, in the carrying out of the Bumbuna Hydro-Electric Power Project, it appears to the Authority that any land, easement, wayleave or other property acquired by the Authority under this Act for the purposes of such project is not required for these purposes it shall be lawful for the Authority to sell, lease, or otherwise dispose of such property.

Generation and distribution of electricity.

50. When the Bumbuna Hydro-Electric Power Project has been carried out and the hydro-electric works provided for such project have been completed (with such additions, omissions, variations and deviations as shall have been found necessary in the course of the work) the Authority shall generate electricity by means of such works and shall transmit and distribute such electricity to such places and in such manner as shall, in the opinion of the Authority be requisite for making such electricity available for the purposes of this Act.

PART VII—HYDRO-ELECTRIC SCHEMES OTHER THAN THE BUMBUNA HYDRO-ELECTRIC POWER PROJECT

Preparation and approval of hydro-electric schemes.

51. (1) It shall be lawful for the Authority, whenever it thinks fit, to prepare and submit to the Minister a scheme for the generation of electricity by means of hydro-power derived from the waters of any specified river impounded and made available for that purpose by means of a dam and other engineering works to be constructed by the Authority under this Act.

(2) Whenever a scheme is submitted to the Minister by the Authority under this section the Minister may consider such scheme and do any of the following things—

- (a) by order approve of such scheme, or
 - (b) refer such scheme back to the Authority for re-consideration and resubmission to him under this section, or
 - (c) refuse to approve of such scheme.
- (3) In this Act—

the expression "approval order" means an order made by the Minister approving of a scheme submitted to him by the Authority under this section, and the expression "approved scheme" means a scheme approved of by the Minister by an approval order and, in the case of any such scheme so approved of with alteration, means such scheme so approved of.

52. Sections 48, 49 and 50 of this Act shall apply to an approved scheme as if the words "an approved scheme" were substituted for the words "Bumbuna Hydro-Electric Power Project", the words "the river to which such approved scheme relates" are substituted for the words "the River Seli" and the word "scheme" is substituted for the word "project".

Execution of approved scheme, acquisition of land, etc.

Repealed
own
repealed
by Section
5 Act
ND4 8006

53. It shall be the duty of the Authority to advise the Minister generally on all matters relating to the exploitation of water power and other natural resources of Sierra Leone for the generation of electricity and to make all such investigations and collect all such data relating to such water power and such natural resources as may be necessary for the purpose of the exploitation thereof for the generation of electricity and to advise the Minister on such other matters arising out of the exercise by the Minister of the powers, functions and duties conferred and imposed on him by this Act as the Minister may think fit to refer to the Authority for its advice.

General Advisory function of the Authority.

PART VIII—PARTICULAR FUNCTION AND POWERS

54. For the purpose of inspecting any part of an installation or fittings, removing meters or other instruments for measuring the quantity of energy supplied, making or removing connections between mains and private fittings, repairing damage, or for other proper cause, any person authorised by the General Manager in that behalf, may between the hours of six o'clock in the morning and six o'clock in the afternoon enter upon any premises to which energy has been, is, or will be supplied.

Power to inspect, etc.

55. (1) In the event of the Authority finding in any installation or apparatus any defect which in its opinion is likely to cause danger it may, by notice in writing posted at a 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 or any defective part thereof so specified 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 Authority:

Procedure in case of dangerous defect in installation or apparatus

Provided that, if the Authority is of the opinion that the defect is likely to cause immediate danger, it 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 and the Authority shall have power to disconnect any such installation or apparatus connected to its system until such defect is made good or removed.

(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 make good or remove the defect, or make a report thereof to the Authority.

(3) If in the opinion of the Authority any defect in an 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 enquiry and, if it considers it necessary so to do, shall cancel the licence.

(4) The licensee or owner shall not be entitled to compensation for any loss caused to the licensee or owner by the suspension of operation and use of any installation or apparatus or by the suspension or cancellation of a licence under this section.

(5) Any person who contravenes or fails to comply with any of the provisions of sub-section (1) or (2) shall be guilty of an offence under this Act.

Questions for decision by the Authority, subject to appeal to the Minister.

56. In the event of any difference of opinion between a licensee and the Authority or between the management or owner of any installation or apparatus and the Authority regarding any matter affecting the construction, erection, maintenance or operation of any installation or apparatus, the matter shall be referred to and decided by the Minister whose decision shall be final.

Liability for reduction or cessation of supply.

57. (1) The Authority may reduce the maximum power supplied to any consumer if, by reason of the exigencies of its operations, the supply of energy available is insufficient to enable the full quantity to be conveniently supplied:

Provided that the Authority shall give reasonable notice of any reduction whenever possible.

(2) Where the quantity of energy has been reduced as aforesaid no liability shall be incurred by the Authority in respect of any loss or damage caused by such reduction.

(3) The Authority shall not be liable for any damage to person or property or for any cessation of the supply of energy which may be due to unavoidable accident or overloading due to unauthorised connection or apparatus, or to the reasonable requirements of the system, or to defects in any installation not provided by the Authority but shall be liable only when such damage or cessation is shown to have resulted from negligence on the part of persons employed by the Authority or from faulty construction of any of its installations.

58. (1) Execution of all work in connection with the generation or supply of energy which crosses (whether overhead or under ground) or may otherwise affect any street, canal, or other waterway or any system of irrigation, drainage, or water supply, or any telegraphs, telephones or system of radio communication or any harbour, shall be carried out in the prescribed manner and with all reasonable and proper precaution for the safety of all concerned.

Precautions
in execution
of work.

(2) Any person who, without reasonable excuse, contravenes or fails to comply with the provisions of this section shall be guilty of an offence under this Act.

59. If the Authority is satisfied that the working or operation of any installation causes electrical interference with any radio communication, telecommunication, telegraph, telephone or other electrical signalling process or circuit owned or operated by or on behalf of the Government or the Authority, the Authority shall call upon the owner to abate the interference and if, within a period of fourteen days or such longer period as the Authority considers reasonable in any particular circumstances such interference is not abated, the Authority shall report the matter to the Minister who may in his discretion by order, prohibit the working or operation of such part of the installation as causes the electrical interference until arrangements have been made to the satisfaction of the Authority to prevent the recurrence of such electrical interference.

Electrical
interference
with Govern-
ment signal-
ling lines.

60. (1) No person shall in the generation, transmission, supply or use of energy, permit any part of his supply lines to be connected with earth except as may be required by Regulations under this Act or as may be expressly permitted by the Authority.

Restriction
of connect-
ion with earth.

(2) In the event of any breach of the provisions of subsection (1) the Authority may by written order require the licensee or owner to remove such connections and may prohibit the use of any supply line or installation until the order is complied with and every such order shall be complied with by the person concerned.

61. 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 installation or apparatus of the Authority without first obtaining permission from the Authority. 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.

Protection
installation
belonging
Government
or to the
Authority.

62. When any electric wires, meters, fittings, installations or apparatus, belonging to the Authority have been placed in or upon any private premises for the purpose of supplying or measuring energy, and when any electric wires, meters, fittings, installations or apparatus, belonging to a licensee have been placed in or upon premises not owned or occupied by the licensee for the purpose of

Exemption
apparatus
from distri-
bution or attach-
ment.

supplying or measuring energy, such wires, meters, fittings, installations 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 energy.

63. (1) Where any duly authorised employee of the Authority finds upon any premises evidence which in his opinion tends to prove that an offence has been committed under sub-section (3) of section 67 he may cause the supply of energy to be disconnected from such premises.

(2) Notwithstanding the provisions of sub-section (1) where the energy is used by the consumer for business, professional or industrial purposes and the disconnection of the supply of energy would prevent the consumer from carrying on his business, profession or industry, the supply of energy shall not be disconnected without the approval in writing of the General Manager or any other officer authorised by the Authority in that behalf.

(3) If the supply of energy has been disconnected under sub-section (1) or (2) it shall not be reconnected until the General Manager, or his duly authorised officer, at his discretion gives permission for re-connection:

Provided that the period of any such disconnection shall not exceed one month.

(4) No disconnection effected under sub-section (1) and no approval of such disconnection given by the General Manager or other officer under sub-section (2) shall be called into question in any Court other than the High Court.

PART IX—OFFENCES

Use of energy supplied.

64. (1) No consumer shall use energy supplied to him by the Authority for purposes other than that for which it is supplied.

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

Competent control.

65. (1) No installation or apparatus shall be worked or operated except by or under the control of persons possessing such qualifications and holding such certificates as may be prescribed and no person not possessing such qualifications or holding such certificates shall be in charge of any installation or shall control the operation of any apparatus.

(2) Any person who contravenes any provision of this section shall be guilty of an offence and shall be liable to a fine not exceeding three hundred leones and, if the contravention be continued, to a fine not exceeding twenty leones for every day or part of a day after the first on which the contravention continues.

3

66. (1) No licensee shall employ or permit to be employed on any service involving management of, or attendance on, or proximity to live apparatus not effectively insulated, any person under the age of sixteen years.

Prohibition of employment of children.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding three hundred leones and if the contravention be continued to a fine not exceeding twenty leones for every day or part of a day after the first on which the contravention continues.

67. (1) Any person who wilfully 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 for each such offence shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding one thousand leones or to both such imprisonment and

(2) Any person who by reckless or negligent act or omission in respect of any installation under his control causes hurt to any person or injury to property shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding six hundred leones or to both such imprisonment and fine.

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

(i) abstracts energy, or

(ii) consumes energy, or

(iii) uses energy, or

(iv) alters the index of any meter or other instrument used in connection with any Authority installation or licensed installation for recording the output or consumption of energy, or

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

shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding six hundred leones or to both such imprisonment and fine.

(4) Any person who wilfully damages 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 energy shall be guilty of an offence and shall be liable to a fine not exceeding two hundred leones.

(5) Any person who, without due authority in that behalf wilfully extinguishes or damages any public lamp, bracket or other means of support of a public lamp, or wilfully damages any property of the Authority shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding one thousand leones or to both such imprisonment and fine.

(6) Any person who, without the consent of the Authority affixes or causes or permits to be affixed any advertisement, bill or notice or any paper against or upon, or otherwise defaces any property of the Authority or any post, bracket or other apparatus or the enclosure thereof used for or in connection with any Authority installation shall be guilty of an offence and shall be liable to a fine not exceeding one hundred leones.

(7) Any person who wilfully or negligently—

(a) causes energy to be diverted from its proper course or to be wasted, or

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

shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred leones or to both such imprisonment and fine.

(8) Any person who obstructs or impedes any officer or servant of the Authority in the exercise of his duties under this Act or any Regulations made hereunder, or fails to comply with any order lawfully given in pursuance of this Act or such Regulations shall be guilty of an offence and shall be liable to a fine not exceeding one hundred leones and, in the case of a continuing offence, to a fine not exceeding twenty leones for every day or part of a day after the first during which the offence continues.

(9) Any person who, in contravention of the provisions of Part III, supplies energy from an installation to or for the use of any other person shall be guilty of an offence and shall be liable to a fine not exceeding six hundred leones and, if the contravention be continued, to a fine not exceeding twenty leones for every day or part of a day after the first during which the contravention continues.

(10) Any licensee who, without express authority from the Authority in that behalf, supplies energy or lays down any supply line or constructs any installation outside the area of supply specified in his licence shall be guilty of an offence and shall be liable to a fine not exceeding three hundred leones and any such unauthorised supply line or installation may, after conviction under this sub-section in

respect thereof, be removed by order of the Authority and the reasonable cost of such removal may be recovered from the licensee as a civil debt.

68. Any person guilty of an offence under this Act, for which no penalty is expressly provided shall be liable to a fine not exceeding two hundred leones and, in the case of a continuing offence, to a fine not exceeding twenty leones for every day or part of a day after the first during which the offence continues. General penalty.

69. (1) In any prosecution for an offence under sub-section (3) of section 67, proof of— Onus of proof.

- (a) the existence of artificial means which, whether 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 for registering the quantity of energy supplied; or
- (b) the existence of artificial means which whether 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 energy supplied or would facilitate the dishonest abstraction, consumption or use of energy; or
- (c) the fitting of any mechanical or other means to or the absence or removal of any part or connection from, or the interference with any part of, or connection with, 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 energy supplied, or would facilitate the dishonest abstraction, consumption, or use of energy;

shall be *prima facie* evidence that—

- (i) there has been dishonest alteration of the index of any meter or instrument, or prevention, abstraction, consumption or use, as the case may be; and
- (ii) such dishonest alteration, prevention, abstraction, consumption or use, as the case may be has been carried out by—
 - (a) the person fitting such artificial, mechanical or other means as aforesaid; or

- (b) the person removing any such part or connection as aforesaid; or
- (c) the person interfering with any such part or connection as aforesaid; or
- (d) the consumer using such meter or instrument; or
- (e) 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.

(2) In any prosecution of a person under sub-section (6) of section 67 in respect of an advertisement, bill or notice which refers to him or to affairs conducted or owned by him such reference shall constitute *prima facie* evidence that he permitted the affixing of the advertisement, bill or notice in question.

Compensation for damage.

70. (1) Any person who 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 energy, shall, in addition to any penalty to which he may be liable under this 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 any court of competent jurisdiction.

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

Inspection of premises.

71. (1) Subject to the provisions of sub-section (2) a duly authorised officer or servant of the Authority may enter upon the premises in or upon which any apparatus may be, at any time between the hours of six o'clock in the morning and six o'clock in the afternoon and also at any time when the apparatus may be at work, and may seize any article or thing which is reasonably suspected to be an article or thing concerning an offence under this Act, or by which such an offence has been committed.

(2) Such duly authorised officer or servant seeking to enter any premises under the powers conferred by sub-section (1) shall carry, and shall produce on demand, an official identification card or badge in such form as may be determined by the Authority, and no person shall be obliged to admit to his premises any person

purporting to be an officer or servant of the Authority except on production of such identification card or badge as hereinbefore provided.

PART X—REGULATIONS

72. The Authority may, with the approval of the Minister make Regulations to prescribe— Regulation

- (a) 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 of dangerous apparatus;
- (b) the manner in which energy shall be measured and the standards of measurement which shall be employed and the manner in which energy is permitted to be, or is prohibited from being used;
- (c) the standards to be adopted for measurement of dimensions of installations and apparatus;
- (d) 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;
- (e) the nature of the tests to be employed for ascertaining whether persons possess the qualifications prescribed by Regulation under paragraph (d), the form and period of validity of certificates to be issued to persons found to possess the said qualifications and the fees to be paid for such tests and certificates;
- (f) 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;
- (g) the manner of holding an enquiry under this Act;
- (h) the form of notices and the manner of service thereof;
- (i) 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 installations or apparatus;

- (j) any other matter required to be prescribed by this Act or which may appear to be expedient for the better carrying out of the provisions of this Act, or for securing the safety of the public;
- (k) any fees to be prescribed under the provisions of this Act.

Regulations
of the
Authority.

73. (1) With exclusive reference to installations or to apparatus belonging to or operated by the Authority and to energy supplied therefrom, the Authority may make Regulations—

- (a) prescribing the form of application for energy, the manner of effecting the supply of energy, and the incidence of the charges in respect of the cost of connecting the consumer's premises with the mains;
 - (b) prescribing the methods to be adopted for the supply and use of energy, 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 hereunder or is in arrear with his payments of any proper charges or uses defective fittings, and also in other cases where such discontinuance may be deemed necessary or advisable;
 - (c) prescribing the general conditions of sale or letting on hire of electrical equipment of all kinds;
 - (d) regulating the method of wiring in premises, the type of apparatus that may be used, and such other matters as may appear expedient.
- (2) The Authority may also make Regulations prescribing—
- (a) the method to be adopted for the approval and registration by the Authority of wiring contractors and the fees to be paid for such registration;
 - (b) the intervals, times and manner in which any installation or apparatus shall be inspected, the notice (if any) to be given in relation to inspections and the preparations to be made by licensees for such inspections;
 - (c) 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;

- (d) the precautions to be taken on the relief of persons in control of apparatus and the manner of notifying the Authority of the names and qualifications of persons placed in control of installations and of the operation of apparatus;
- (e) the manner of calculating the power of generators and motors.

PART XI—MISCELLANEOUS

74. Supply lines shall not be regarded as hereditaments or tenements to be valued for rating purposes. Rates.

75. The Minister of Finance may direct that the Authority be exempt from the payment of any stamp duties under the Stamp Duty Act. Stamp Duty
Cap. 274.

76. The Minister shall have the power to obtain information with respect to the property and activities of the Authority and be furnished with returns, accounts and other information with respect thereto, and to be provided with facilities for the verification of information furnished in such manner and at such time as he may require. Powers of
Minister.

77. On Vesting Day, the Electricity Corporation Act, 1964 shall be repealed: Repeal and
saving.

Provided that the Electricity Rules and any licence granted and in force before Vesting Day shall continue in force and have effect with all such modifications as may be necessary to bring them into conformity with the provisions of this Act until such Rules are revoked or replaced by Regulations made under this Act or until such licence is suspended, cancelled or replaced by a licence granted under this Act. Act No. 5
of 1964.
Vol. VII
page 1284.

Passed in Parliament this 29th day of January, in the year of our Lord one thousand nine hundred and eighty-two.

J. W. E. DAVIES,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

J. W. E. DAVIES,
Clerk of Parliament.