

THE ELECTRIC LIGHTING ACT

ARRANGEMENT OF SECTIONS

1. Short title.

General

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SCHEDULE

THE ELECTRIC LIGHTING ACT

[27th May, 1890.]

Cap. 108.
Laws
21 of 1958,
58 of 1958,
25 of 1959,
14 of 1961,
42 of 1961,
5 of 1962.
Acts
6 of 1964,
42 of 1969
3rd Sch.
8 of 1977.

1. This Act may be cited as the Electric Lighting Act.

Short title.

General

2. The provisions of the Lands Clauses Act shall be incorporated with this Act, except the enactments with respect to the purchase and taking of lands otherwise than by agreement, and except the enactments with respect to the entry upon lands by the promoters of the undertaking.

21/1958
S. 2.
Lands
Clauses Act
partially
incorpor-
ated.

3. The Minister may from time to time license any Local Authority as defined by this Act, or any company or person, to supply electricity under this Act for any public or private purposes within any area, subject to the following provisions—

Licence to
supply
electricity.
21/1958
S. 3.

- (a) the licence may make such regulations as to the limits within which, and the conditions under which, a supply of electricity is to be provided, and for enforcing the performance by the licensees of their duties in relation to such supply, and for the revocation of the licence where the licensees fail to perform such duties, and generally may contain such regulations and conditions as the Minister may think expedient;
- (b) where, in any area or part of an area in which any undertakers are authorized to supply electricity under any licence, the undertakers are not themselves the Local Authority, the licence may contain any provisions and restrictions for enabling the Local Authority, within whose jurisdiction such

area or part of an area may be, to exercise any of the powers of the undertakers under this Act with respect to the breaking up of any street repairable by such Local Authority within such area or part of an area, and the alteration of the position of any pipes or wires being under such street, and not being the pipes or wires of the undertakers, on behalf and at the expense of the undertakers, and for limiting the powers and liabilities of the undertakers in relation thereto, which the Minister may think expedient.

Rules as to applications for licences, etc.

4. The Minister may from time to time make, and when made may rescind, alter or repeal, rules in relation to the application for licences, and to the payments to be made in respect thereof, and to the publication of notices and advertisements, and the manner in which and the time within which representations or objections with reference to any application are to be made, and to the holding of local inquiries in such cases as he may think it desirable, and to any other matters arising under this Act.

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Undertakers to be subject to regulations inserted in licence, etc., or made by Minister.

5.—(1) The undertakers shall be subject to such regulations and conditions as may be inserted in any licence, order or special Statute, affecting their undertaking with regard to the following matters—

- (a) the limits within which, and the conditions under which, electricity is to be supplied;
- (b) the securing of a regular and efficient supply of electricity;
- (c) the securing of the safety of the public from personal injury, or from fire or otherwise;

- (d) the limitation of the prices to be charged in respect of the supply of electricity;
- (e) the authorizing inspection and inquiry from time to time by the Minister and the Local Authority;
- (f) the enforcement of the due performance of the duties of the undertakers in relation to the supply of electricity, by the imposition of penalties or otherwise, and the revocation of the licence, order or special Statute, where the undertakers have, in the opinion of the Minister, practically failed to carry the powers granted to them into effect within a reasonable time, or discontinued the exercise of such powers; and
- (g) generally with regard to any other matters in connection with the undertakings.

(2) The Minister may, from time to time, make such regulations as he may think expedient for securing the safety of the public from personal injury, or from fire or otherwise, and may from time to time amend or rescind any regulations, which may be contained in any such licence, order or special Statute in relation thereto; and any regulations so made or amended by the Minister shall, from and after the date thereof, have the like effect in every respect as though they had been originally inserted in the licence, order or special Statute, authorizing the undertaking, and every regulation so rescinded shall, from and after the date thereof, be rescinded accordingly; but such rescission shall not affect any liability or penalty incurred in respect thereof prior to the date of such rescission, or any proceeding or remedy which might have been had in relation thereto.

(3) Any Local Authority within any part of whose district electricity is authorized to be supplied under any licence, order or special Statute, may, in addition to any regulations which may be made under the preceding provisions of this section for securing the safety of the

ELECTRIC LIGHTING

public, from time to time make, rescind, alter or revoke, by-laws for further securing such safety; and there may be annexed to any breach of such by-laws such penalties, to be recovered in a summary manner, as they may think necessary:

Provided always, that no such by-laws shall have any force or effect unless and until they have been confirmed by the Minister, and published in the *Gazette*.

(4) Any and every regulation to be made under subsections (2) and (3) that in any way amends, revokes, rescinds or alters, any regulation made, or which may be contained in any licence, shall be laid on the Table of the House of Representatives and on the Table of the Senate at the next session of the House of Representatives and of the Senate, respectively, and may be altered or disallowed by resolution of either Chamber at any time not later than the twenty-first day of the sitting of such Chamber after the regulation shall have been laid on the Table:

Provided that no alteration made by either Chamber shall take effect unless it is confirmed by resolution of the other Chamber not later than the twenty-first day of the sitting of such other Chamber after the alteration has been made.

5/1962
S. 2.

(5) Notwithstanding anything to the contrary, where the Minister considers it expedient so to do, he may make regulations regarding the limitation of the prices to be charged by an undertaker in respect of the supply of electricity (in this section referred to as "supply regulations") and any regulations or conditions contained in any licence, order or special Statute affecting such undertaker or any rules made by virtue of such regulations or conditions shall be subject to the supply regulations and in so far as they conflict with those regulations shall be of no effect during the continuance in force of the supply regulations.

(6) Regulations made under subsection (5)—

5/1962
S. 2.

- (a) may provide for such supplementary and incidental matters as the Minister may consider necessary or expedient for the purposes of the regulations including in particular the furnishing by the undertaker of such information, accounts, schedules or other documents as the Minister may from time to time require;
- (b) may, notwithstanding the provisions of section 29 of the Interpretation Act, prescribe greater penalties than those specified in the said section 29, so, however, that the maximum penalty that may be imposed by any such regulations shall be a fine of two thousand dollars or imprisonment with or without hard labour for a term of twelve months; and
- (c) shall be subject to negative resolution of the House of Representatives.

6. The undertakers may, subject to and in accordance with the provisions and restrictions of this Act, and of any rules made by the Minister in pursuance of this Act, and of any licence, order or special Statute, authorizing or affecting their undertaking, and for the purpose of supplying electricity, acquire such lands by agreement, construct such works, acquire such licences for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials or other things, enter into such contracts, and generally do all such acts and things as may be necessary and incidental to such supply.

Powers of undertakers to acquire land, make contracts, etc.

7. Any Local Authority which has obtained a licence, order or special Statute, for the supply of electricity, may contract with any company or person for the execution and maintenance of any works needed for the purposes of such supply, or for the supply of electricity within any

Powers of Local Authority to contract as to supply of electricity.

area mentioned in such licence, order or special Statute, or in any part of such area; but no Local Authority, company or person, shall by any contract or assignment transfer to any other company or person, or divest themselves of, any legal powers given to them, or any legal liabilities imposed on them by this Act, or by any licence, order or special Statute, without the consent of the Minister.

Limitations
of power as
to breaking
up streets,
railways or
tramways.

8. Nothing in this Act shall authorize or empower the undertakers to break up any street which is not repairable by such Local Authority, or any railway or tramway, without the consent of the Authority, company or person, by whom such street, railway or tramway is repairable, unless in pursuance of special powers in that behalf inserted in the licence, order or special Statute, or with the written consent of the Minister, and the Minister shall not in any case insert any such special powers in any licence or provisional order, or give any such consent, until notice has been given to such Authority, company or person, by advertisement or otherwise, as the Minister may direct, and an opportunity has been given to such Authority, company or person to state any objections they may have thereto.

Electric line
above
ground:
restrictions
as to.

9. Notwithstanding anything in this Act the undertakers shall not be authorized to place any electric line above ground, along, over or across any street, without the express consent of the Local Authority; and the Local Authority may require the undertakers to forthwith remove any electric line placed by them contrary to the provisions of this section, or may themselves remove the same, and recover the expenses of such removal from the undertakers in a summary manner; and where any electric line has been placed above ground by the undertakers in any position, a Court of Petty Sessions upon complaint made, if they are of opinion that such electric line is or is likely to become dangerous to the public safety, may, notwithstanding any such consent as aforesaid,

make an order directing and authorizing the removal of such electric line by such person and upon such terms as they may think fit.

10. Subject to the provisions of this Act and of the licence, order or special Statute, authorizing them to supply electricity, and to any by-laws made under this Act, the undertakers may alter the position of any pipes or wires, being under any street or place authorized to be broken up by them, which may interfere with the exercise of their powers under this Act, on previously making or securing such compensation to the owners of such pipes or wires, and on complying with such conditions as to the mode of making such alterations, as may before the commencement of such alterations be agreed upon between the undertakers and owners, or in case of difference as may be determined in manner prescribed by the licence authorizing the undertakers to supply electricity, or where no such manner is prescribed as may be determined by arbitration; and any Local or other Public Authority, company or person, may in like manner alter the position of any electric lines or works of the undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such Local or other Public Authority, company or person, in relation to such street or place, subject to the like provisions, conditions and restrictions, as are in this section contained with reference to the alteration of the position of any pipes or wires by the undertakers.

Powers as to altering the position of wires or pipes by the undertakers.

11. Subject to the provisions of this Act, in the exercise of the powers in relation to the execution of works given them under this Act, or any licence, order or special Statute, the undertakers shall cause as little detriment and inconvenience, and do as little damage, as may be, and shall make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence

Compensation for damage sustained by exercise of powers.
21/1958
S. 4.

of the exercise of such powers, the amount and application of such compensation in case of difference to be determined by arbitration.

Improper
use of
electricity.

12. No Local Authority, company or person, shall be at liberty to use any form of lamp or burner, or to use the electricity supplied to them for any purposes, or to deal with it in any manner, so as to unduly or improperly interfere with the supply of electricity supplied to any other Local Authority, company or person, by the undertakers; and if any dispute or difference arises between the undertakers and any Local Authority, company or person, entitled to be supplied with electricity under this Act, or any licence, order or special Statute, as to the matters aforesaid, such dispute or difference shall be determined by arbitration.

Equality of
terms for
supply of
electricity.

13. Where a supply of electricity is provided in any part of an area for private purposes, then, except in so far as is otherwise provided by the terms of the licence, order or special Statute, authorizing such supply, every company or person within that part of the area shall, on application, be entitled to a supply on the same terms on which any other company or person in such part of the area is entitled, under similar circumstances, to a corresponding supply.

Undue
preference
prohibited.

14. The undertakers shall not, in making any agreements for a supply of electricity, show any undue preference to any Local Authority, company or person, but, save as aforesaid, they may make such charges for the supply of electricity as may be agreed upon, not exceeding the limits of price imposed by or in pursuance of the licence, order or special Statute, authorizing them to supply electricity.

Power to cut
off the
supply of
electricity.

15. If any Local Authority, company or person, neglect to pay any charge for electricity, or any other sum due from them to the undertakers in respect of the supply of electricity to such Local Authority, company or person, the undertakers may cut off such supply, and for that purpose may

cut or disconnect any electric line, or other work through which electricity may be supplied, and may, until such charge or other sum together with any expenses incurred by the undertakers in cutting off such supply of electricity as aforesaid are fully paid, but no longer, discontinue the supply of electricity to such Local Authority, company or person.

16. Any person who unlawfully and maliciously cuts or injures any electric line or work with intent to cut off any supply of electricity shall be guilty of felony, and be liable to be imprisoned, with or without hard labour, for a term not exceeding five years; but nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provision of this Act, or under any other enactment, or at common law, provided that no person be punished twice for the same offence.

Unlawful
cutting or
injuring
electric line.
42/1969
3rd Sch.

17. Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes or uses, any electricity shall be guilty of simple larceny and punishable accordingly, and the Resident Magistrate's Court shall have jurisdiction in case of any such offence.

Fraudulent
use or waste
of electricity.

18.—(1) Any officer appointed by the undertakers may at all reasonable times enter any premises to which electricity is or has been supplied by the undertakers, in order to inspect the electric lines, meters, accumulators, fittings, works and apparatus for the supply of electricity belonging to the undertakers, and for the purpose of ascertaining the quantity of electricity consumed or supplied, or, where a supply of electricity is no longer required, or where the undertakers are authorized to take away and cut off the supply of electricity from any premises, for the purpose of removing any electric lines, accumulators, fittings, works or apparatus, belonging to the undertakers, repairing all damage caused by such entry, inspection or removal.

Powers of
entry on
premises for
inspection
or removal
of property
of the un-
dertakers.
8/1977
S. 2 (a).

(2) Any person who obstructs an officer appointed as aforesaid in the execution of his duties under this section

8/1977
S. 2 (b).

the undertakers and their agents shall conform with such reasonable requirements, either general or special, as may from time to time be made by the Postmaster-General for the purpose of preventing any Government telegraphs from being injuriously affected by the said work.

Any difference which arises between the Postmaster-General and the undertakers, or their agents, with respect to any requirements so made, shall be determined by arbitration.

In the event of any contravention of or wilful non-compliance with this section by the undertakers or their agents, the undertakers shall be liable to a fine not exceeding twenty dollars for every day during which such contravention or wilful non-compliance continues, or, if the telegraphic communication be wilfully interrupted, not exceeding one hundred dollars for every day on which such interruption continues:

Provided that nothing in this section shall subject the undertakers or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the Postmaster-General, in writing or by telegraph, a notice of the execution thereof, stating the reason for executing the same without previous notice.

For the purposes of this section a Government telegraph line shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work, or by any use made of such work.

21. No Local Authority, company or person, shall erect, maintain or have, any electric line or other works in, over, along, across or under, any street or public road, for the purpose of supplying electricity, without a licence from the Minister, or beyond the limits of the area defined in such

Electric lines or work in, over, upon or under streets, etc., prohibited if not licensed by the Minister.

licence, and any Local Authority, company, or person, who shall erect or have any such line or work as aforesaid, for the purpose aforesaid, without the licence as aforesaid, or beyond the limits aforesaid, shall be guilty of an offence, and shall be liable, on conviction thereof in a summary manner before a Resident Magistrate, to a penalty of two hundred dollars, and to a further penalty, to be recovered in like manner, not exceeding forty dollars for every day that any such electric line or work is maintained as aforesaid after such conviction.

Power to
remove such
line or work
21/1958
S. 6.

22. At any time after the expiration of thirty days after any such conviction as aforesaid, in case the electric line or work in respect of the erection or maintenance of which such conviction was obtained shall not have been removed by the party who shall have erected, maintained, or had, the same, it shall be lawful for the Minister (unless in the meantime the party aforesaid shall have obtained a licence from the Minister to maintain and have such line or works, and except in so far as such line or work is sanctioned by such licence) to cause the said line and work, together with all posts or erections used in supplying or carrying the same, to be removed, and to have the same sold, and out of the proceeds to pay the expenses of such removal and sale, and he shall pay the surplus (if any) into the Consolidated Fund; and in case such proceeds shall not be sufficient to pay such expenses, the Minister shall be entitled to recover the deficiency by action of debt from the party who erected, maintained or had, the said line or works.

Notices in
certain cases
to use
electric lines
and works
only in
accordance
with
regulations.
21/1958
S. 6.

23.—(1) Where in any case any electric line or other work may have been laid down or erected in, over, along, across or under, any street for the purpose of supplying electricity, or may have been laid down or erected in any other position for such purpose, in such a manner as not to be entirely enclosed within any building or buildings, or where any electric line or work so laid down or erected may be used for such purpose otherwise than under and subject to the

provisions of a licence, order or special Statute, the Minister, if he thinks fit, may, by notice in writing under his hand, to be served upon the body or person owning or using or entitled to use such electric line or work, require that such electric line or work shall be continued and used only in accordance with such conditions and subject to such regulations for the protection of the public safety and of the Government electric lines and works, and of other electric lines and works lawfully placed in any position and used for telegraphic communication, as the Minister may by or in pursuance of such notice prescribe; and in case of non-compliance with the said regulations, then the Minister may require such body or person to remove such electric line or work:

Provided that nothing in this section shall apply to any electric line or work laid down or erected by any body or person for the supply of electricity generated upon any premises occupied by such body or person to any other part of such premises.

(2) Where in any case any electric line or work is used for the supply of electricity in such a manner as to injuriously affect any Government telegraphic line, or to affect the telegraphic communication through any such line, the Minister may, by notice to be served upon the body or person owning or using or entitled to use such electric line or work, require that such supply be continued only in accordance with such conditions and regulations for the protection of the Government telegraphic lines and the telegraphic communication through the same as he may by or in pursuance of such notice prescribe; and in default of compliance with such conditions and regulations the Minister may require that the supply of electricity through such electric line or work shall be forthwith discontinued:

Provided that nothing in this section shall apply to the supply of electricity through any electric line or work laid down or erected under and subject to the provisions of any

licence, order or special Statute, or which may be used in accordance with any conditions or regulations prescribed by the Minister, by or in pursuance of any notice given by him under this section.

(3) If any body or person fails to comply with the requirements of any notice which may be served upon them or him under this section, such body or person shall be liable to a penalty not exceeding forty dollars for every such offence, to be recovered summarily; and any Court of Petty Sessions, on complaint made, may make an order directing and authorizing the removal of any electric line or work specified in such notice, by such person and upon such terms as they may think fit.

(4) Any notice authorized to be served under this section upon any body or person may be served by the same being addressed to such body or person, and being left at or transmitted through the post to any office of such body, or the usual or last known place of abode of such person; and any notice so served by post shall be deemed to have been served at the time when the letter containing the notice would be delivered in the usual course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

Transmission
of telegrams
and work
incidental
thereto.

24. Nothing in this Act, or in any licence granted under this Act, shall authorize or enable any Local Authority, company or person, to transmit any telegram, or to perform any of the incidental services of receiving, collecting or delivering telegrams, or to give to any Local Authority, company or person, any power, authority or facility, of any kind whatsoever in connection with the transmission of telegrams, or the performance of any of the incidental services of receiving, collecting or delivering telegrams.

Power to
take
possession
of electric
works.

25. If at any time, from bankruptcy or other cause, the undertakers shall be unable to continue to supply electricity

to any area for which they were licensed under this Act, it shall be lawful for the Minister to enter upon and take possession of all the works of the said undertakers, together with all wires and electric plant belonging thereto, and to maintain the same in working order for twelve months, or for such time as may be necessary for the sale or disposal of the same.

26. Where any undertakers are authorized by a licence or special Statute to supply electricity within any area, the Electricity Authority may, within six months after the expiration of a period of forty-two years, or such shorter period as is specified in that behalf in the licence or in the special Statute, from the date of the granting of the licence or of such special Statute, and within six months after the expiration of every subsequent period of ten years, or such shorter period as is specified in that behalf in the licence or in the special Statute, by notice in writing require such undertakers to sell, and thereupon such undertakers shall sell to them their undertaking, or so much of the same as is within the area specified in the notice, upon terms of paying the then value of all lands, buildings, works, materials and plant, of such undertakers suitable to and used by them for the purposes of their undertaking within the area specified in the notice aforesaid, such value to be in case of difference determined by arbitration:

Power to
Electricity
Authority to
purchase
undertaking
and works,
after certain
periods.
21/1958
S. 7.

Provided that the value of such lands, buildings, works, materials and plant, shall be deemed to be their fair market value at the time of the purchase, due regard being had to the nature and then condition of such buildings, works, materials and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same to the purposes of the undertaking, and, where a part only of the undertaking is purchased, to any loss occasioned by severance, but without any addition in respect of compulsory purchase, or of goodwill, or of any profits which

may or might have been or be made from the undertaking, or of any similar considerations.

The Minister may determine any other questions which may arise in relation to such purchase, and may fix the date from which such purchase is to take effect, and from and after the date so fixed, or such other date as may be agreed upon between the parties, all lands, buildings, works, materials and plant so purchased as aforesaid shall vest in the Electricity Authority, freed from any debts, mortgages or similar obligations, of such undertakers or attaching to the undertaking, and the powers of such undertakers in relation to the supply of electricity under this Act, or such licence or special Statute as aforesaid within such area as may be specified as aforesaid shall absolutely cease and determine, and shall vest in the Electricity Authority aforesaid.

Power to
Local
Authority
to fix and
declare a
Lighting
Rate.
25/1959
S. 2 (a).

27.—(1) To meet the charges for electricity for public purposes, and the expenses and obligations of any Local Authority under any licence granted to such Local Authority, it shall be lawful for the Local Authority, by resolution, to fix and declare a compulsory rate on the value of property within the area supplied, to be assessed on every twenty dollars or on every fractional part thereof of such value (the value of any property under the value of eighty dollars being taken to be forty dollars) and to be called "The (naming the area) Lighting Rate", provided that such property be occupied, and to prescribe from what date it shall come into force, and at what times and in what manner the same shall be paid.

The Local Authority may from time to time increase, diminish or otherwise modify, the prescribed Lighting Rate, and the portions of and limits of the area to which the same or any modification thereof shall extend, and may alter the prescribed time and manner, or make any one or more of such alterations or modification:

Provided that every such Rate and every modification thereof shall be subject to approval by the Minister, who shall have power to approve, alter or amend the same.

Every resolution shall fix or declare the day when the same shall come into force, and such day shall not be less than one month after the date of such resolution.

(2) In the application of subsection (1) to the parishes set out in the First Schedule, the said subsection shall be construed as modified in the Second Schedule with effect from the appointed day.

25/1959
S. 2 (b).
First
Schedule.
Second
Schedule.

(3) The Minister may from time to time by order add any parish to the First Schedule.

(4) In this section "the appointed day" means, in relation to the parishes of Saint Catherine and Saint Ann the 1st day of April, 1959, and, in relation to any other parish, the 1st day of April next after the date on which pursuant to subsection (3) such parish is added to the First Schedule.

28. Every resolution under section 27 shall be published in the *Gazette*, for at least seven days before the day fixed for the resolution coming into force :

Publication
of resolution
fixing Light-
ing Rates.
14/1961

Provided that in proceedings for or arising out of the enforcement or attempted enforcement of any Lighting Rate it shall not be necessary to prove that any such resolution was duly passed or published.

S. 3.
42/1961
S. 2.

29. Every person in possession of property lying either wholly or partly within the prescribed limits shall pay the prescribed rate at the time and in the manner prescribed:

By whom
such rate
payable.
6/1964
S. 2 (a).

Provided that when property lies partly within and partly without the prescribed limits, the rate payable by the person in possession of such property shall be assessed on the value of such portion only of the property as lies within the prescribed limits, and the value of such portion shall be settled in the same way, as nearly as may be, as values have been settled under the Valuation Act.

6/1964
S. 2 (b).

Collection
and pay-
ment over
of such
rates.
21/1958
S. 8.

30. All Lighting Rates shall be paid to the Collector of Taxes of the parish within which the area in respect of which the same is payable is situated, and he is hereby required to collect, enforce and receive, such rates, and to pay the same to the Local Authority of the parish aforesaid who shall place such rates to the credit of the Lighting Fund of such area.

Tax
Collection
Act
incorpor-
ated.

31. The Lighting Rates shall be deemed to be taxes within the meaning of the Tax Collection Act, and all enactments in aid of or amending the same.

Electrical
Inspectors.
21/1958
S. 10.

32. The Minister may, from time to time, in writing authorize, for the purpose of this Act, suitable public officers as Electrical Inspectors, one of whom he shall designate the Chief Electrical Inspector.

Duties of
Electrical
Inspector.

33. The duties of Electrical Inspectors shall be the performance of such duties in connection with Electric Lighting as are prescribed under this Act, or by any rules and regulations made by the Minister pursuant hereto, or to the several licences issued thereunder.

Rules,
regulations
and
penalties.

34. Whenever under this Act, or any licence issued hereunder, the Minister is authorized to make rules or regulations he is hereby authorized to attach penalties, for the breach of such rules or regulations :

Provided, that no penalty shall exceed forty dollars, and no daily penalty shall exceed ten dollars, and a daily penalty shall mean a penalty for each day on which any offence is continued after conviction therefor. All penalties under this Act, or any regulation made by the Minister under this Act, or any of them, may be recovered in a summary manner before the Resident Magistrate for the parish in which the offence is committed.

35. No person other than a licensee under this Act or any enactment incorporated herewith shall make or cause to be made any installation of wires or fittings of any kind or extent for electric light or power, house-telephones or electric bells, unless such person has been duly licensed by a Board of Examiners of not less than three persons appointed by the Minister; and the Minister may make regulations with respect to the composition, hours, duties and procedure of the Board of Examiners and with respect to the licensing of persons under this section, the examination to be passed by any candidate for such licence, the examination fee to be paid by such candidate, the suspension and cancellation of licences, the inspection of any work done under any licence so granted and generally for securing the safety of the public from personal injury or from fire or otherwise in respect of installations of the nature herein specified and may attach to the breach of any such regulations a penalty of ten dollars, recoverable on summary conviction before a Resident Magistrate.

No person other than a licensee under this Act, etc., to make any installation of wires.
21/1958
S. 11.

Ancillary Provisions

36.—(1) Subject to the provisions of this section and of section 37, the undertakers may lay, place or carry on, under, or over any land, except land used as a garden, park or pleasure ground, or land being the curtilage of a dwelling-house or other similar land in the immediate vicinity of any building, such supply lines, posts and apparatus as are necessary or convenient for the safe and efficient supply of electricity in accordance with the relevant licence, order or special Statute.

Power to erect posts, supply lines, etc., on or over land.
21/1958
S. 12.

(2) There shall be paid by the undertakers to the owner of the land in question by way of compensation such sum as may be agreed between them or, in default of agreement, determined in accordance with section 42.

Objections
to erection of
posts, supply
lines, etc., on
or over land.
21/1958
S. 12.

37.—(1) Not less than twenty-one days before entering on any land for the purpose of doing any work thereon by virtue of rights conferred by section 36 the undertakers shall give to the owner or occupier of the land notice in the prescribed form of the work proposed to be done on the land.

(2) Where the owner or occupier objects to the doing of the work specified in the notice he may refer the matter to the Minister and the provisions of section 44 shall accordingly apply.

(3) If no objection is made by the owner or the occupier within the time prescribed, or having been made is withdrawn, the undertakers may enter on the land in question and do the work specified in the notice.

Maintenance
and repair of
apparatus.
21/1958
S. 12.

38.—(1) Subject to the provisions of this section the undertakers or any person authorized by them in that behalf may at all reasonable times enter upon any land on, under or over which supply lines have been laid, placed or carried, or upon which posts or apparatus have been erected, for the purpose of carrying out repairs thereto, and may carry out all requisite repairs and in the course thereof fell or lop trees, remove vegetation and do all other things requisite for the said purpose, causing as little damage or disturbance as possible.

(2) There shall be paid by the undertakers to the owner of the land in question by way of compensation for any damage caused, not being such damage as is described in subsection (3), such sum as may be agreed between them or, in default of agreement, determined under the provisions of section 42.

(3) Compensation shall not be payable under this section in respect of the necessary felling or lopping of any tree which is within twenty-five feet of the centre line of any main road or parochial road and which was not in existence before the construction of the road, or in respect of the

[The inclusion of this page is authorized by L.N. 480/1973]

necessary felling or lopping of any tree, or the necessary removal of any vegetation, which has grown or been allowed to grow in such a manner as to obstruct or interfere with any supply line, post or apparatus of the undertakers placed on the land in question and in respect of which compensation has been paid in pursuance of the provisions of section 36.

(4) For the purposes of subsection (3) the felling or lopping of trees or the removal of vegetation shall be deemed to be necessary if done for the proper maintenance of any supply line, post or apparatus.

39.—(1) Whenever it appears to the undertakers that it will or probably will be necessary to exercise the powers conferred by section 36 or section 38, they or any person authorized by them in that behalf may, after giving not less than seven days' notice to the occupier thereof, if any, enter upon the land and, subject to the provisions of this section, survey and take levels and do all other acts necessary to ascertain the suitability of the land, causing as little damage or disturbance as possible.

Power to enter land and take surveys.
21/1958
S. 12.

(2) There shall be paid by the undertakers to the owner of the land in question by way of compensation for any damage caused such sum as may be agreed between them or, in default of agreement, determined under the provisions of section 42.

40.—(1) Where a supply line has been laid or carried, or posts or apparatus have been erected, on, under or over any land by the undertakers under the provisions of section 36, or under or by virtue of any other provision of this Act and the owner or occupier of the land desires to use the land in such a manner as to make it necessary or convenient that the supply line, posts or apparatus should be removed to another part of the land or to a higher or lower level, or altered in form, he may require the undertakers to remove or alter the supply line, posts or apparatus accordingly.

Removal or alteration of supply line, etc.
21/1958
S. 12.

(2) If the undertakers fail to comply with the requirement, the owner or occupier of the land, as the case may be, may refer the matter to the Minister and the provisions of section 44 shall accordingly apply.

Wayleave
agreements.
21/1958
S. 12.

41.—(1) Nothing in section 36, 37, 38, 39 or 40 shall—

- (a) preclude the undertakers and the owner or occupier of any land from entering into an agreement for laying, placing or carrying on, under or over such land, any supply line, posts or apparatus (hereafter in this section referred to as a “wayleave agreement”); or
- (b) affect any wayleave agreement subsisting on the 1st day of October, 1958.

(2) Where a wayleave agreement is made in respect of land the title of which is registered under the Registration of Titles Act, the wayleave agreement may be registered in accordance with the provisions of that Act as an encumbrance affecting the registered title of the land, and the provisions of the said Act shall have effect accordingly.

Compensation for
entry, etc.,
on land by
licensee.
21/1958
S. 12.

42. Where the undertakers and the owner of any land on which the undertakers have exercised any of the powers conferred by section 36, 38 or 39 fail to agree as to the amount of compensation to be paid by the undertakers in respect of the exercise of the said powers, the question shall be referred to arbitration and the provisions of the Arbitration Act shall accordingly apply as if the arbitration were pursuant to a submission (as defined in that Act) agreeing to submit the question to a single arbitrator.

Power of
undertakers
to obtain
bulk supplies;
fringe order
provisions.
21/1958
S. 12.

43.—(1) Any undertakers may—

- (a) by agreement with any other undertakers and with the approval of the Minister, give to or acquire from such other undertakers bulk supplies of electricity;

- (b) by agreement with any Local Authority, company or person and with the approval of the Minister acquire bulk supplies of electricity from such Local Authority, company or person; and
- (c) by agreement with any other undertakers and with the approval of the Minister supply electricity to consumers in the areas in which such other undertakers are licensed to supply electricity.

(2) If any undertakers are unable to obtain the agreement of any other undertakers under paragraph (c) of subsection (1) they may apply to the Minister for an authorization to supply electricity to consumers in such part of the area in which such other undertakers are licensed to supply electricity as may be specified in the authorization and, if the Minister gives such authorization, the first named undertakers shall have power to supply electricity in accordance therewith.

44.—(1) In any case where under the provisions of section 37 or 40 a person is entitled to refer any matter to the Minister then if, within the prescribed time and in the prescribed manner, the said person so requires the matter shall be referred accordingly.

Decision of
questions
referred to
Minister.
21/1958
S. 12

(2) On any such reference the Minister shall appoint a Commission consisting of three members (hereafter referred to in this section as "the Commission") to inquire into and determine the matter under reference.

(3) Notice that such inquiry is to take place shall be given, in such manner as the Minister may think fit, to the undertakers concerned and to the owner or occupier of the land in question and to the Chief Inspector; and such notice shall state that the person to whom it is addressed may, if he desires, make representation to the Commission within a time to be specified in the notice.

(4) With respect to any such inquiry the Commission shall, in addition to the powers conferred by section 45, have power—

- (a) to take statements from all such persons as they think fit and to require any such person to make and sign a declaration of the truth of the statement made by him;
- (b) to have access to and examine any electrical plant, installations, apparatus or electrical fittings concerned; and
- (c) to enter and inspect any place or building the entry or inspection whereof appears to the Commission to be requisite for the purpose of the inquiry.

(5) At any such inquiry the Commission shall afford to each person to whom a notice has been given under subsection (3), or to any other person chosen by him to represent his views, an opportunity to be heard whether or not he has previously made representations.

(6) At the conclusion of the inquiry the Commission shall give such directions as may seem to them to be proper, including, if necessary, a direction as to how any expenses shall be met, which directions shall be in writing and shall be final and binding upon the persons affected thereby.

(7) Any person shall be entitled upon payment to the Minister of the prescribed fee to be supplied with a copy of the directions of the Commission.

(8) Any person who obstructs any member of the Commission in the exercise of his functions under this Act shall, on summary conviction thereof in a Resident Magistrate's Court, be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding six months.

45. Where any of the provisions of this Act or regulations made hereunder authorize or require the holding of an inquiry then, with respect to such inquiry, the following provisions shall have effect—

Supplement-
ary powers
in regard to
holding of
inquiries.
21/1958
S. 12.

- (a) the persons or person holding the inquiry shall have power—
 - (i) by summons in the prescribed form to summon and examine all such persons as they or he, as the case may be, may think fit, to require such person to answer any question or furnish any information or produce any books, papers, documents and articles which may be relevant to the matter under inquiry and retain any such books, papers, documents and articles until the completion of the inquiry;
 - (ii) to permit any person to appear at the inquiry and call evidence and examine witnesses where it appears that in order to resolve any conflict of evidence or for any other reason it is expedient to do so;
- (b) every person summoned as a witness as aforesaid may be allowed such expenses as the Minister may from time to time determine;
- (c) any person who without reasonable excuse (proof whereof shall lie on him) fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or to answer any proper question put in pursuance of the provisions of this section shall on summary conviction thereof before a Resident Magistrate be liable to a fine not exceeding one hundred dollars and in default of payment, to imprisonment with or without hard labour for a term not exceeding six months.

Regulations.
21/1958
S. 12.

46. Notwithstanding any other provision in this Act or of any licence granted under this Act, it shall be lawful for the Minister to make regulations for the following purposes—

- (a) to provide for the registration and inspection, and the standards of supervision of electrical plant, installations and apparatus used for the generation and supply of electricity whether or not such plant, installations or apparatus are intended for the supply of electricity under this Act for any public or private purpose;
- (b) to provide for such powers of entry on premises as the Minister may consider desirable in relation to the duties of Electrical Inspectors;
- (c) to require undertakers to give to Electrical Inspectors information required by them for the purpose of their functions under this Act;
- (d) to provide that any Authority, company or person supplying electricity for public or private purposes shall furnish to the Minister, in such form as the Minister may determine, such information relating to such generation and supply and the accounts in respect thereof as the Minister may consider desirable;
- (e) to provide for the validating of any existing arrangements between undertakers and other persons for the joint use of poles and other supports;
- (f) to provide for such matters as appear to the Minister to be necessary to permit, control and regulate the joint use by undertakers and other persons of poles and other supports;
- (g) to prescribe any matters required by this Act to be prescribed;
- (h) to provide for the imposition of fees and the collection thereof from such persons, in such

58/1958
S. 3.

manner and in such amounts as may be prescribed in relation to any inspections, tests, reports or certificates to be made or furnished in accordance with the provisions of this Act, or any rules or regulations made thereunder.

47. In this Act, unless the context otherwise requires—
- “apparatus” includes all machines, apparatus and fittings in which conductors are used or of which they form a part;
- “bulk supply” means a supply of electricity to be used for the purposes of distribution;
- “Chief Inspector” means the Chief Electrical Inspector designated as such under the provisions of section 32;
- “company” means any body of persons corporate or unincorporate;
- “conductor” means an electrical conductor designed to be connected to a system;
- “consumer” means any person supplied or entitled to be supplied with electricity by undertakers;
- “electric line” means a wire or wires, conductor or other means used for the purpose of conveying, transmitting or distributing, electricity together with any casing, coating, covering, tube, pipe or insulator, enclosing, surrounding or supporting, the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting or distributing, electricity or electric currents;
- “electrical fittings” means electric lines, fittings, apparatus and appliances designed for use by consumers of electricity for lighting, heating, cooling, motive power and other purposes for which electricity can be used;

Interpreta-
tion.
21/1958
S. 13.

ELECTRIC LIGHTING

“electrical plant” means any plant, equipment, apparatus and appliances used for the purpose of generating, transmitting or distributing electricity, but not including any electrical fittings;

“electricity” means electricity, electric energy, or any like agency;

“Electricity Authority” means the Authority established under section 3 of the Electricity Development Act;

“Inspector” means an Electrical Inspector authorized as such under the provisions of section 32 and includes the Chief Inspector;

“Local Authority” means—

(a) in relation to the Corporate Area as defined in the Kingston and St. Andrew Corporation Act, the Council of the Kingston and Saint Andrew Corporation; and

(b) in relation to the parishes not within the Corporate Area the Parish Councils of such parishes in their respective parishes;

“person in possession of property” includes the owner, occupier, mortgagee in possession, or other person in actual possession of such property;

“private purposes” shall include any purposes whatever to which electricity may for the time being be applicable, not being public purposes, except the transmission of any telegram;

“property” means any property shown on the Valuation Roll made and settled, or from time to time duly altered and amended under the authority of the Valuation Act, or any enactment replacing the same;

“public purposes” means lighting any street or any place belonging to or subject to the control of any Public Authority, or any church or place of public wor-

ship, or any hall or building belonging to or subject to the control of any Public Authority, or any public theatre, but shall not include any other purpose to which electricity may be applied;

“street” includes any square, court or alley, highway, lane, road, thoroughfare or public passage or place, within the area in which the undertakers are authorized to supply electricity by this Act, or any licence, order or special Statute;

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

“telegram” shall mean any message or other communication transmitted or intended to be transmitted by means of electric signals;

“telegraph and telegraphic” shall have the same meaning as under the Telegraph Act;

“the value of property” means the gross value of any property as shown in the Valuation Roll;

“undertakers or undertaking” shall apply to any Local Authority, company or person, who by this Act may be authorized to supply electricity within any area, and to every undertaking so authorized;

“works” means and includes electric lines, also any buildings, machinery, engines, works, matters or things, of whatsoever description required to supply electricity and to carry into effect the object of the undertakers under this Act.

ELECTRIC LIGHTING**FIRST SCHEDULE**

(Section 27)

25/1959
S. 3.**PARISHES IN RELATION TO WHICH RATES ARE BASED ON UNIMPROVED
VALUES**Saint Ann
Saint CatherineG.N.
196/1960Saint Mary
PortlandG.N.
207/1961Saint Thomas
TrelawnyL.N.
88/1965

Saint Elizabeth

L.N.
108/1973.Clarendon
Manchester
Westmoreland25/1959
S. 3.**SECOND SCHEDULE**

(Section 27)

**MODIFICATIONS OF SECTION 27 IN RELATION TO PARISHES LISTED IN
FIRST SCHEDULE**

1. For the words "value of property" there shall be substituted the words "unimproved value of property (that is to say, the unimproved value of land within the meaning of the Land Valuation Act)".

2. For the words "twenty dollars or on every fractional part thereof" there shall be substituted the words "two dollars".

3. For the words "the value of any property under the value of eighty dollars shall be taken to be forty dollars" there shall be substituted the words "where pursuant to an order made by the Minister under subsection (2) of section 6 of the Land Valuation Act, it is not necessary to determine the unimproved value of any land of estimated low unimproved value, the unimproved value of such land shall be taken to be one hundred dollars".