



CHAPTER 9.02

ELECTRICITY SUPPLY ACT

Revised Edition

Showing the law as at 31 December 2008

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

This edition contains a consolidation of the following laws—

ELECTRICITY SUPPLY ACT

Act 10 of 1994.. in force Schedule 1: 1 September 1991

Remainder: 22 August 1994 (S.I.45/1994)

Amended by 3 of 1996 in force 1 September 1995

Amended by 26 of 2001 in force 10 November 2001

Amended by 12 of 2006 in force 22 March 2006

Amended by 13 of 2006 in force 27 March 2006

ELECTRICITY REGULATIONS – Section 64

Statutory Instrument 26/1971 in force 1 March 1972

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ELECTRICITY SUPPLY ORDER – Section 30(3)

Statutory Instrument 57/2008 in force 9 June 2008

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CHAPTER 9.02

ELECTRICITY SUPPLY ACT

(Acts 10 of 1994 3 of 1996, 26 of 2001 and 12 of 2006)

AN ACT to retain the grant of an exclusive licence to the Saint Lucia Electricity Services Limited, for the exercise and performance of functions relating to the supply of electricity including the calculation of charges for the supply of electricity, the independent review of such charges and connected matters and for imposition of a fee on fuel purchased for the generation of electricity. (*Amended by Act 3 of 1996*)

Commencement [22 August 1994¹]

PART 1 PRELIMINARY

1. SHORT TITLE

This Act may be cited as the Electricity Supply Act, Cap. 9.02.

2. INTERPRETATION

(1) In this Act—

“**base price**” means—

- (a) in the first instance, the average contract price per imperial gallon for diesel fuel oil delivered to the Company at any of its power stations in Saint Lucia in the 12 months preceding 1 January 2006, to be automatically adjusted on 1 January every year thereafter, on the basis of the average contract price per imperial gallon for diesel fuel oil in the relevant preceding 12 months; or
- (b) in the event that the base price as established under paragraph (a) is higher than the current price for

¹ *Editor’s note:* This applies to the whole Act except Schedule 1, which came into force on 1 September 1991.

diesel fuel oil delivered to the Company at any of its power stations in Saint Lucia then in such circumstances the current price for diesel fuel oil shall be deemed to be the base price;

“**Chief Electrical Engineer**” means the Chief Electrical Engineer, Ministry of Communications, Works and Transport;

“**Chief Engineer**” means the Chief Engineer, Ministry of Communications, Works and Transport;

“**Company**” means Saint Lucia Electricity Services Limited and includes any person duly authorised by the Company to do any act on its behalf;

“**consumer**” means any person, local authority, statutory body or the Government supplied with electricity by the Company;

“**current price**” means the average price payable in cents per imperial gallon for diesel fuel oil delivered to the Company at any of its power stations in Saint Lucia in the calendar month immediately preceding the calendar month in which meters are read, plus the amount of any levy or other impost on such price, together with such levies, imposts, and other charges associated with derivative financial instruments employed by the Company in the acquisition of diesel fuel oil excluding any penalties and similar charges imposed by the counterparty financial institution involved in the derivative financial instruments in the event of early termination of such derivative financial instruments by the Company;

“**debt**” means the aggregate of all obligations of the Company for the payment or repayment of money having original repayment terms of one year or longer and including, without limitation, any bank debt;

“**electricity**” includes electric voltage, electric current, electric energy and any like agency;

“**electric line**” means any wire or conductor used or to be used for the purpose of conveying, transmitting, or distributing electricity, together with any casing, coating, covering, tube, pole, stay-wire, bracket, pipe or insulator enclosing,

surrounding or supporting the same or any part thereof and any transformer, switch-gear or other works or apparatus connected therewith for the purpose of conveying, transmitting or distributing electricity or transforming its voltage and together also with any building or structure required to accommodate any such transformer, switch-gear or other works or apparatus;

“**land**” includes any land under whatever tenure held and any easement, servitude, right or privilege in or over land;

“**local authority**” means any authority having municipal or administrative jurisdiction over and within any area in Saint Lucia;

“**Minister**” means the Minister responsible for communications, works and transport;

“**month**” means calendar month;

“**person**” includes any body of persons, any corporation and any Government;

“**road**” means any road or street or part thereof and includes all bridges, culverts, embankments, approaches, drains, verges, pavements, kerbs, footpaths, parapets and other works or things, forming part of any road or street;

“**tree**” means a tree, bush or shrub;

“**undertaking**” means the Company’s electricity operations within Saint Lucia;

“**unit**” means one kilowatt-hour, as registered on a meter provided by the Company.

- (2) Where the word “must” is used in relation to any obligation, requirement, duty or other like matter under this Act, that obligation, requirement, duty or like matter is mandatory.
- (3) The term “average contract price per imperial gallon” used in the definition of “base price” is calculated by dividing the aggregate invoiced amount in the relevant preceding 12 months, by the aggregate quantity of imperial gallons delivered for that same period.

(Amended by Act 3 of 1996 and 12 of 2006)

PART 2

LICENCE TO GENERATE ELECTRICITY

3. GRANT OF LICENCE

- (1) Subject to this Act, the Company shall have a sole and exclusive licence to generate, transmit, distribute and sell electricity in Saint Lucia for a period of 80 years with effect from 1 July 1965.
- (2) For the avoidance of doubt, it is hereby declared that the licence granted to the Company under the Electricity Supply Act, 1964 shall continue in force in accordance with the terms and conditions of that licence.

4. GRANT OF SUB-LICENCES

The Company may, with the approval of the Cabinet, authorise in writing any person, local authority or Government Department during the whole or any part of the period of the licence to generate, transmit, distribute and sell electricity upon the terms and conditions and within the area specified in such authority, and any person so authorised shall hereinafter be referred to as “a sub-licensee”.

5. POWER TO REVOKE LICENCE

- (1) The licence issued under section 3 may be revoked by the Cabinet on the last day of the first 55 years of the licence; but no purported revocation of the licence under this section shall be effective unless the Cabinet has given the Company not less than 24 months previous written notice of such revocation.
- (2) If the Cabinet revokes the licence, the Government shall upon such revocation of the licence purchase from the respective registered holders thereof at the price and in the manner specified in section 6, all shares issued and all debt incurred, by the Company which are then held, otherwise than by the Government or any company, the entire issued ordinary share capital of which is in the beneficial ownership of the Government.

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6. PURCHASE PRICE TO BE PAID BY GOVERNMENT ON REVOCATION OF LICENCE

- (1) The Government shall pay to the respective registered debt holders of the Company, which the Government is obliged to purchase in accordance with section 5, a purchase price equal to the outstanding amount of the principal moneys represented by the debt held by them respectively at the date of the revocation of the licence together with all unpaid interest which has accrued up to such date on such moneys.
- (2) The Government shall pay to the respective registered holders of all preference shares issued by the Company, which the Government is obliged to purchase in accordance with section 5, the fair market value of such shares as determined in accordance with section 7 at the date of the revocation of the licence together with a sum of money equal to the amount of the arrears (if any) of any fixed cumulative dividend (if any) on the preference shares held by them respectively such dividend (whether earned or declared or not) being calculated down to the revocation of the licence.
- (3) If under section 5 the Cabinet revokes the licence, the Government shall pay to the respective registered holders of all ordinary shares in the capital of the Company, which the Government is obliged to purchase in accordance with that

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section a purchase price equal to the fair market value of such shares as determined in accordance with section 7.

- (4) Any purchase price payable by the Government in accordance with section 5 and this section for any shares or debt of the Company shall be paid on the date of revocation of the licence and any unpaid portion of the purchase price shall bear interest, from such date of revocation until payment, at a rate equal to the highest rate of interest payable under any debt incurred by the Company and outstanding on such date; and such unpaid portion of any debt shall have a fixed charge security interest of first rank and unpaid amounts for shares of second rank, on all the assets of the Company.
- (5) If the Government shall serve upon the Company a valid notice revoking the licence, the Company shall not thereafter, except with the previous written consent of the Government, issue any share or incur any debt.
- (6) For the purposes of this section—

“**ordinary share**” means the securities representing an interest in the equity capital of the Company giving to the holders of such securities the right to vote as shareholders of the Company, the right to receive dividends when declared by the Company and the right to participate in the distribution of the assets of the Company in case of liquidation; but such rights are held without preference with respect to the other securities of the Company unless expressly mentioned;

“**preference shares**” means the securities representing an interest in the equity capital of the Company giving to the holders of such securities different rights from those held by the owners of ordinary shares, concerning the right to vote as a shareholder, receive dividends and participate in the distribution of the Company’s assets in case of liquidation;

“**shares**” means ordinary shares and preference shares that may be issued by the Company .

7. DETERMINATION OF FAIR MARKET VALUE

- (1) Where the licence of the Company is revoked any debt holder or shareholder may, after notifying the Cabinet in writing, request an independent and qualified valuer to determine the fair market value of the debt or shares of the Company.
- (2) The valuer must prepare and submit a report on the value of the shares or debt and submit copies of the same to the debt holder or shareholder, as the case may be, the Company and the Cabinet.
- (3) A report for the purposes of subsection (1) must be in respect of either debt or shares.
- (4) The expenses incurred in the determination of the fair market value of the shares or debt of the Company must be met by the Government.
- (5) For the purposes of section 6 and this section “fair market value” means the face value of all outstanding debt and the value of the shares of the Company in an open and unrestricted market immediately prior to the date of the revocation of the licence and determined without reference to any minority interests that may exist or any controlling shareholders so as to provide a comprehensive value and with reference to the capitalization of future earnings of the Company on a going concern basis or with reference to the individual net fair values of the Company’s assets or liabilities.

PART 3 POWERS LIABILITIES AND EXEMPTIONS OF COMPANY

8. POWERS OF COMPANY

- (1) Where in the exercise of its powers under this Act the Company finds it necessary to enter upon any land or property in accordance with the provisions of this section, the Company shall so locate all poles, lines, apparatus or equipment as not in any way to obstruct or hinder the use or development of such land or property.
- (2) Subject to subsection (3), the Company may—

- (a) erect or fix in, on, under or over any land, any pipes, electrical lines or other works or apparatus used or to be used in the installation or operation of the undertaking;
 - (b) alter, substitute, repair or remove any such pipes, electrical lines, works or other apparatus when so erected or fixed at any time when, in the opinion of the Company, such undertakings are necessary or desirable.
- (3) In the exercise of its power under subsection (2)(a), the Company must first serve written notice of its intention on the owner or occupier of any private land or property if the name and address of such owner or occupier can reasonably be ascertained and if the name and address of such owner or occupier cannot reasonably be ascertained the Company must post such notice in a conspicuous place on the land or property in question, and if such owner or occupier, within 15 days of such notice, gives written notice to the Company of his or her objection thereto, the matter must be referred by the Company to the Minister; and the Company may not enter upon private land or property in question if the Minister, within 15 days of being notified by the Company of any such objection so directs.
- (4) The Company may, for the purpose of erecting, fixing, altering, substituting, repairing or removing any such pipes, electrical lines or other apparatus, enter upon any land and may—
 - (a) clear such land;
 - (b) dig the soil and remove the surface of such land;
 - (c) temporarily close or obstruct such land; and
 - (d) generally do all acts and things necessary for such purpose.
- (5) Where there is a change of ownership of any land or property, then although the Company has complied with subsection (3), the new owner has the right to request the Company through the Development Control Authority, to relocate on another part of his or her property or move completely from his or her property any or all of the Company's poles or lines, and the Company shall accede to any such request if the Authority confirms that any such poles or lines occupy the only available area of the said property where any structure may be built or extended.

- (6) Where the cost of relocation or removal exceeds \$750 such owner shall pay such proportion of the excess as may be determined by the Company as fair and reasonable.
- (7) The Company shall do as little damage as possible in carrying out any of the works permitted by this section.
- (8) Subject to this Act, the Company may on application grant a consumer or intended consumer permission to erect or cause to be erected poles, lines, apparatus and other equipment on his or her property for the supply of electricity to his or her property; but such operation must be supervised by the Company and the consumer or intended consumer will be required to pay a reasonable fee for such supervision.
- (9) The Company may on application grant to an electrical contractor approved by the Company and by Government permission to construct lines for the transmission of electricity anywhere in the State; and such contractor shall comply with the requirements of the regulations made under this Act and any other conditions which may be specified by the Company.
- (10) For the purposes of this section, "Development Control Authority" means the Development Control Authority established by section 3 of the Land Development (Interim Control) Act.

9. DUTY FREE IMPORTATION OF GOODS AND TREATMENT OF LOSSES

- (1) During the continuance of the licence, all plant, machinery, equipment, meters, instruments, vehicles and materials imported by the Company for the purpose of the Company's business of generating, transmitting, distributing or supplying electricity are exempt from all customs, and other import duties, landing tax and trade tax; but such exemption does not apply to any plant, machinery, equipment, meters, instruments, vehicles or materials imported by the Company for resale or hire or for the private use of any of the Company's employees.
- (2) Despite any law to the contrary, it is hereby declared that for the purpose of computing the Company's liability to income tax or any other tax based on income all losses incurred by the Company at any time may be carried forward indefinitely for

the purpose of being set off against the profits of the Company arising in any subsequent year or years.

10. EXEMPTION FROM STAMP DUTY

During the continuance of the licence the Company is exempt from payment of all stamp duty including stamp duty on arbitration awards.

11. IMPOSITION OF FEE ON FUEL PURCHASED

- (1) A fee is hereby levied on all fuel purchased by the company from Hess Oil (Saint Lucia) Limited at the rate of 20 cents per imperial gallon or part thereof.
- (2) The fee levied by subsection (1) shall be collected by Hess Oil (Saint Lucia) Limited on behalf of the Government of Saint Lucia and shall be paid over in accordance with section 12.

(Inserted by Act 3 of 1999)

12. CONSOLIDATED

- (1) The fee levied by section 11(1) and collected by Hess Oil (Saint Lucia) Limited during a particular month shall be paid over before the twenty-first day of the month following which the fee was collected.
- (2) Despite anything contained in this Act, or in any other enactment or rule of law, for the purposes of the collection of the fee levied by section 11, any unpaid fee shall be deemed to be a debt owed to Hess Oil (Saint Lucia) Limited; but nothing contained in this subsection affects the obligation imposed on Hess Oil (Saint Lucia) Limited by subsection (1).

(Inserted by Act 3 of 1996)

13. RETURNS

Hess Oil (Saint Lucia) Limited shall, at the time of the payment of the fees in to the Consolidated Fund, submit to the Accountant General such returns and other documentation with respect to the collection of the fees, in such form as the Minister for Finance determines.

(Inserted by Act 3 of 1996)

14. INTERPRETATION

For the purposes of sections 11, 12 and 13 Hess Oil (Saint Lucia) Limited includes its successor or any other person who supplies fuel to the company. *(Inserted by Act 3 of 1996)*

15. ACQUISITION OF LAND REQUIRED BY THE COMPANY

The Government shall, whenever requested by the Company so to do, acquire under the Land Acquisition Act or any other Act amending or replacing the same, any land reasonably required by the Company for the purpose of its business of generating, transmitting, distributing or supplying electricity in Saint Lucia, and shall transfer the freehold thereof to the Company at the actual cost of acquisition.

16. TRANSFER OF LAND ACQUIRED

The Government shall, whenever requested by the Company so to do, transfer to the Company the freehold title of any Crown Land reasonably required by the Company for the purposes of the Company's business at a price equal to the value of such land on the open market or at such lesser price as the Government may in its sole discretion determine.

17. COMPANY MAY ENTER LANDS

- (1) In the course of construction and for the more effective working of the undertaking, the Company may enter upon and remove from any public or private land, any tree or any branch, bough or other part of a tree growing on such land within 100 feet of any electric line and which may tend to interfere with, endanger or otherwise prejudicially affect the working of the undertaking; but the Company may not, except with the consent of the owner or occupier of such land, enter upon any private land under this section until after the expiration of 15 days' notice in writing given to the owner or occupier thereof or posted up conspicuous thereon.
- (2) If such owner or occupier, within 7 days from the service or posting up of such a notice, gives written notice of his or her objection thereto, the matter must be referred by the Company to the Minister, and the Company may not enter upon the private land in question unless the Minister, within 15 days of

being notified by the Company of any such objection as aforesaid, so directs.

- (3) Where any condition exists which is dangerous or is interrupting or threatens to interrupt, the supply of electricity in Saint Lucia or any part thereof, the Company may immediately enter upon any private land without the consent of the owner or occupier thereof and take whatever action is necessary to establish safe conditions or to ensure the continuity of the supply of electricity.
- (4) Where the Company takes action under subsection (3) the Company must within 3 days, inform the owner or occupier of the land in question (either by service of a written notice on him or her or by posting up conspicuously a notice on such land) of the action taken.
- (5) Except with the written consent of the Company, no person may erect any building or structure in such a position or manner as may interfere with the supply of electricity through any overhead electric line which belongs to the Company; if after any such overhead line has been constructed, any person erects any building or structure which interferes with or which may interfere with the proper working of such line, the Company may request the owner or occupier of the building or structure in question to remove or adjust the same as may be necessary.
- (6) If such owner or occupier fails to comply with such request, the Company may apply to the Minister for the removal or adjustment of the building or structure in question and, after making any such enquiry as he or she may deem necessary, the Minister may make such order as he or she deems fit.
- (7) Every such order may, by leave of the High Court, be enforced in the same manner as an injunction granted by the High Court.

18. POWER OF ENTRY FOR ASCERTAINING ELECTRICITY CONSUMED

- (1) The Company may at all reasonable times enter upon any land or premises to which electricity is or has been supplied by the Company for the purpose of inspecting, testing or maintaining the electric lines, meters, accumulators, fittings and other works and apparatus thereon belonging to the Company, or of ascertaining the quantity of electricity consumed or supplied in

or to such premises or, where a supply of electricity is no longer required or where the Company is entitled to take away and cut off the supply of electricity from any such land or premises, for the purpose of removing any electric lines, meters, accumulators, fittings, or other works or apparatus belonging to the Company.

- (2) The Company must repair all damage caused by any such entry, inspection, maintenance or removal and provided further that should anyone wilfully or maliciously place or erect anything which impedes or hinders the easy entry, inspection, maintenance or removal by the Company of its property the Company may remove the impediment or hindrance in question at the cost of the occupier of the land or premises in question and the Company is not liable for any damage caused thereby.

19. COMPANY MAY RUN LINES ETC. ON ROADS WITHOUT CHARGES

- (1) Subject to the Company making good to the reasonable satisfaction of the Chief Engineer, all damage occasioned thereby, the Company may erect, place or replace pipes and electric lines along or under or over any road in Saint Lucia without payment of any way-leave, rent, fee or other charge, to remove or repair any such pipe or electric line and for the purpose of erecting, placing, replacing, removing or repairing the same, to break and excavate any such road.
- (2) Whenever the Company breaks up or excavates any road, it must with all convenient speed complete the work for the purpose for which the road was broken up or excavated.
- (3) Subject to subsection (4), where a road has been broken up or excavated, the Company must make the same good to the reasonable satisfaction of the Chief Engineer and must carry away the rubbish occasioned thereby.
- (4) Until the road has been made good, the Company shall fence the road where it has been broken up or excavated and maintain during the hours of darkness a light sufficient to warn persons using the road of the danger constituted by the breaking up or excavation.
- (5) Where a road has been broken up or excavated by the Company, the Company must keep the same in good repair for

3 months after it is made good and for such further period (if any) not exceeding 12 months as the subsoil of the road at that place continues to subside.

20. ELECTRIC LINES NOT DISTRAINABLE

Where any electric lines, meters, accumulators, fittings, or other works or apparatus belonging to the Company are placed for the purpose of supplying or measuring electricity in or upon any land or premises not being in the possession of the Company, such electrical lines, meters, accumulators, fittings or other works or apparatus cannot be subject to distress or to the landlord's remedy for rent of the land or premises where the same may be, nor can the same be liable to be taken in execution under any process of a Court of Justice, or under any proceeding in bankruptcy or insolvency.

21. DAMAGE CAUSED BY LOPPING TREES

Any person who on any private land fells, lops or trims any tree thereby causing damage to any electric line or other works or apparatus which forms part of the undertaking commits an offence and in addition to any penalty that may be imposed on him or her, is liable to pay the expenses or remedying the damage so caused; but whenever the Company is requested by any owner of land so to do may fell, lop or trim any tree on such owner's land which is threatening to damage any such electric line or other works or apparatus.

22. PAYMENT OF COMPENSATION

- (1) In the exercise of any powers conferred by this Act, the Company shall cause as little inconvenience and damage to other persons as is reasonably practicable and the Company is liable to pay compensation to any person who suffers damage to his or her property in consequence of the exercise of such powers by the Company.
- (2) The amount of such compensation must, failing agreement, be determined by arbitration.
- (3) If by reason of the presence of any pipe or electric line belonging to the Company which is alongside or under or over any road any person is injured or suffers damage to his or her

property, the Company shall save harmless and keep indemnified, in respect of such injury or damage, the person or local or other authority by whom such road is repairable.

23. COMPANY MAY HARNESS WATER

Subject to Government approval, the Company, may without making payment therefor, harness water power throughout Saint Lucia at such sites (whether on Crown or private land) as the Government may reserve for public electricity supply purposes.

PART 4 GENERATION AND SUPPLY OF ELECTRICITY AND CHARGES THEREFOR

24. INTERPRETATION FOR PART 4

(1) In this Part—

“**allowable rate of return**” means an annual return on average contributed capital based upon a spread of 2 percentage points and 7 percentage points above the cost of the most recent Government of Saint Lucia long term bonds issued on the RGSM, with the proviso that the minimum rate of return on average contributed capital so calculated shall be 10 percentage points;

“**basic energy rate**” means the charge per kilowatt hour, as prescribed by or calculated, in accordance with this Act, billed for electricity supplied excluding the fuel surcharge;

“**certificate of compliance**” means a document issued by the independent firm of accountants appointed in accordance with section 39;

“**certificate of non-compliance**” means a document issued by the independent firm of accountants appointed in accordance with section 39;

“**Certification Committee**” means a committee appointed in accordance with section 37;

“**deficit rate return**” means 10 percentage points less the actual amount of any return on average contributed capital less than 10 percentage points, and shall be treated in accordance with the provisions of section 30(4)(a);

“**excess rate of return**” means the actual return on average contributed capital minus the aggregate of the cost of the most recent Government of Saint Lucia long term bonds issued on the RGSM plus 7 percentage points and shall be treated in accordance with the provisions of section 30(3)(a);

“**final rate of return**” means the after-tax net income of the Company in any financial year divided by the average contributed capital and expressed as a percentage as calculated in accordance with Schedule 3 and submitted to the Minister in accordance with section 32 or section 33, as the case may be;

“**final return**” means the document prepared in accordance with Schedule 4 and submitted to the Minister in accordance with section 32;

“**high tension supply**” means a supply of electricity provided at nominally 11,000 volts line to line and at nominally 6300 volts line to ground with a minimum demand of 500 kVA;

“**interim rate of return**” means the after-tax net income of the Company in any financial year divided by the average contributed capital and expressed as a percentage as calculated in accordance with Schedule 3;

“**interim return**” means the document prepared in accordance with Schedule 4 and submitted to the Minister in accordance with section 30;

“**low tension supply**” means a supply of electricity provided at 240 volt single phase, 415 volts 3 phase, with a permitted variance of 4% above such voltage and 8% below such voltage;

“**Minister**” means the Minister of finance;

“**return on average contributed capital**” means the after-tax net income of the Company in any financial year calculated in accordance with Part A of Schedule 3,

divided by the average amount of contributed capital calculated in accordance with Part B of Schedule 3 and expressed as a percentage;

“Review Board” means the Board appointed in accordance with section 38;

“RGSM” means the Regional Government Securities Market which was established by the Eastern Caribbean Central Bank to meet the financing needs of Member Governments of the Eastern Caribbean Currency Union, to strengthen the primary market for bonds and treasury bills, and to promote the development of a secondary market for those securities.

- (2) The term **“the cost of the most recent Government of Saint Lucia long term bonds issued on the RGSM”** used in the definition of “allowable rate of return” means an interest rate derived on an arms length basis in an open and unrestricted manner, for borrowings with a minimum tenor of 10 years and for the avoidance of doubt, bonds raised under an underwriting or any such arrangement which may influence the interest rate or guarantee to the Government of Saint Lucia that any unsold residue of an issue will be taken up shall be ignored for the purposes of this calculation.
- (3) For the purposes of subsection (2), “interest rate” means the highest actual rate at which Government of Saint Lucia long term bonds were issued on the RGSM in the 12 calendar months immediately preceding 1 January in each year and in the absence of any such issues, the interest rate shall be determined by the average yield of Government of Saint Lucia long term bonds traded on the secondary market on the RGSM in the equivalent 12 calendar months period.

(Amended by Act 26 of 2001 and 12 of 2006)

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25. EXCLUSIVE RIGHT TO GENERATE ELECTRICITY

- (1) Subject to subsection (2), during the continuance of the licence a person except the Company shall not generate, transmit (save for his or her own consumption and use), distribute or sell electricity within Saint Lucia. However, a sub-licensee may, during the period stated in the written authority granted to him or her by the Company, generate, transmit, distribute and sell electricity upon the terms and conditions within the area specified in such authority.
- (2) The Government may grant to the Company or to another corporation a licence to generate electricity by utilising the fumaroles at Soufriere; but the Government may not grant any such licence to another corporation without giving the Company not less than 12 months' previous notice in writing of its intention to do so; and on the condition that any electricity so generated and not required for that other corporation's own use will be sold to the Company.
- (3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment with or without hard labour for a period not exceeding 6 months, and in addition thereto he or she may be ordered by any court having summary jurisdiction to dismantle his or her equipment at his or her own expense within such time as such court may prescribe and if he or she fails to obey the order of such court within the prescribed time such court shall order the equipment to be dismantled by the Company and shall order such person to pay the Company its reasonable charges for dismantling such equipment.

26. VOLTAGE OF ELECTRICITY SUPPLY

- (1) The voltage of electricity supplied for domestic or lighting purposes shall be 240 volts and this shall be maintained by the Company within plus 4% and minus 8% (measured at the consumers' terminals) of such voltage.
- (2) The frequency of electricity supplied for any purpose shall be 50 cycles per second and this shall be maintained within plus and minus 3% of such frequency.
- (3) Subject to subsection (4), the system of distribution of electricity shall be 3 phase 4 wire for 415 volts between lines

and 240 volts between line and neutral, single phase 3 wire for 480 volts between lines and 240 volts between lines and neutral, the neutral in each case being earthed, or single phase 2 wire for 240 volts between lines with one line earth and designated “the neutral”, all or any of such systems to be used, the choice in any particular case being by the Company according to load conditions and the most economical method of supply.

- (4) A consumer may by agreement with the Company be supplied with electricity at a voltage in excess of 480 volts and step this down in his or her own transformers to any voltage approved by the Chief Electrical Engineer.

27. MAINTENANCE OF ADEQUATE GENERATING CAPACITY

- (1) The Company shall use reasonable efforts to ensure that sufficient generating capacity is maintained at all its power stations in order that peak demand may be met, assuming that the 2 largest generating units are unavailable for generating electricity.
- (2) For the purposes of this section, “peak demand” means the highest demand for electrical energy in any continuous half-hour period in any given year.

28. CHARGE FOR ELECTRICITY SUPPLY

- (1) Subject to this section, the Company shall charge for electricity supplied in accordance with the rates prescribed in Schedule 1.
- (2) The Company shall submit to the Minister, in respect of its financial year ended 31 December 1993, the documents specified in section 30(1) within 28 days after the commencement of this Act and the documents specified in section 32(1) within 90 days of such commencement; and the requirements of sections 30 and 32 shall apply to such documents.
- (3) The charges prescribed in Part B of Schedule 1 shall remain in effect.
- (4) This section does not affect the entitlement of the Company to levy a fuel cost adjustment in accordance with Schedule 2.

29. ALLOWABLE RATE OF RETURN AND RATE ADJUSTMENT

The Company's allowable rate of return shall be calculated in accordance with Parts A and B of Schedule 3. (*Amended by Act 12 of 2006*)

30. INTERIM RETURN AND RATE ADJUSTMENT

- (1) Subject to subsection (7), within 28 days after the end of each of its financial years, the Company shall submit to the Minister an interim return in the form prescribed in Schedule 3—
 - (a) containing the relevant information in relation to the operations of the Company during the particular year; and
 - (b) stating that the interim rate of return for that year were calculated in accordance with Schedule 3;

together with the Company's unaudited internal management accounts for the financial year with respect to which the interim return is made.

- (2) Where the interim return is not submitted to the Minister within the time specified in subsection (1), or if the Company, before the interim return is submitted, demands payment for electricity supplied for any purpose in the then current financial year, the Company shall charge for electricity supplied at the basic energy rate in force at the end of the financial year immediately preceding the then current financial year.
- (3) Where the interim rate of return for any financial year exceeds that permitted under the allowable rate of return calculated in accordance with Part A of Schedule 3 then in respect of that financial year, the Company shall in respect of the month in which the relevant interim return is submitted and in respect of subsequent months, decrease the basic energy rates as prescribed in Part A of Schedule 3 in respect of each kilowatt hour consumed by industrial and hotel consumers; and such decrease shall be calculated in respect of each kilowatt hour as to $\frac{1}{2}$ of the dollar value of the excess rate of return applied proportionately on the basis of the total kilowatt hours consumed by such industrial and hotel consumers in the preceding calendar year; provided that the Minister may by order published in the Gazette determine that the decrease in basic energy rates may also be applied to consumers or groups of consumers in need of special protection in which case the

calculation of the individual amounts shall be in accordance with the form prescribed in PART B of Schedule 4; but any such decrease in either of the 2 calculations is independent of any adjustment with respect to fuel costs made in accordance with Schedule 2.

- (4) Where the interim rate of return for any financial year is less than the allowable rate of return calculated in accordance with the Part A of Schedule 3 then with respect to that financial year, the Company, shall in respect of the month in which the relevant interim return is submitted and in respect of subsequent months, increase the basic energy rates chargeable for each kilowatt hour consumed and such increase shall be calculated in respect of each kilowatt hour as to the full dollar value of the deficit rate of return applied to the total kilowatt hours sold in the preceding calendar year; but any such increase is independent of any adjustment with respect to fuel cost made in accordance with Schedule 2.
- (5) The decrease and increase in basic energy rates referred to in subsections (3) and (4) respectively must be effected in accordance with the formulae prescribed in Schedule 4.
- (6) Any decrease under subsection (3) or increase under subsection (4) becomes effective in relation to any bill issued in respect of the month in which the relevant interim return is submitted and in respect of subsequent months.
- (7) Where there is a conflict between this section and the prescriptions of Schedule 3, Schedule 3 prevails.

(Amended by Act 12 of 2006 and 13 of 2006)

31. EFFECT OF NON-SUBMISSION OF INTERIM RETURN

Where—

- (a) the interim return is not submitted to the Minister within the time specified in section 30(1); or
- (b) the Company, before the interim return is submitted demands payment for electricity supplied for any purpose in the then current financial year; and
- (c) the Company charges for electricity supplied at the basic energy rates in force at the end of the financial year immediately preceding the then financial year;

then any decrease under section 30(3) or increase under section 30(4) is effective from the beginning of the then current financial year; but any such decrease or increase must be distributed and allocated equally on a monthly basis over the remaining months in the then current financial year.

32. SUBMISSION OF AUDITED ACCOUNTS TO MINISTER

- (1) The Company shall, not later than 90 days after the end of each financial year, submit to the Minister the following:
 - (a) a full set of audited accounts for that financial year comprising a profit and loss account, balance sheet plus accompanying notes and other statements duly approved by the Company's directors and reported on by the Company's auditors;
 - (b) a final return in the same form as that prescribed for the interim return in Schedule 3 and which must be compiled with reference to the Company's audited accounts;
 - (c) a certificate of compliance or a certificate of non-compliance issued by an independent firm of accountants.
- (2) A certificate of compliance or a certificate of non-compliance issued by the firm of accountants referred to in subsection (1) must state whether or not the accountants are able to certify that the final return was in compliance with the prescriptions of Schedule 3, and in the case of a certificate of non-compliance the reasons for such non-compliance.

(Amended by Act 12 of 2006)

33. CONSEQUENCE OF CERTIFICATE OF NON-COMPLIANCE

- (1) Where a certificate of non-compliance is delivered to the Company, the Company and an independent accountant must each, within 14 days of such receipt, complete and submit a separate report setting out the reasons for the issuance of the certificate.
- (2) The reports submitted for the purposes of subsection (1) must be delivered to the Certification Committee within 2 days of their completion.

- (3) Subject to subsection (4), the Certification Committee upon receipt of the reports referred to in subsection (2) must review the reports and make a final determination, within 30 days of such receipt, as to the revised basic energy rates which rates must be implemented by the Company within 14 days of the receipt of the determination.
- (4) The basic energy rates established on the basis of the interim return must remain in effect pending the determination on the certificate of non-compliance by the Certification Committee.

34. RATE ADJUSTMENT

- (1) The basic energy rate levied by the Company with respect to each kilowatt hour consumed, independent of any adjustment made for fuel cost under Schedule 2, must be adjusted to reflect any differences between the interim return and the final return or, as the case may be, any basic energy rates determined under section 33(3); but in the absence of any requirement for any such adjustment, the basic energy rates chargeable by the Company under the interim return must remain in effect.
- (2) Where any adjustments are required, such adjustments become effective in relation to any bill issued by the Company after the end of the month in which the relevant final return is submitted or, as the case may be, within 14 days of the determination by the Certification Committee; and any such adjustment, if required, must be distributed and allocated equally on a monthly basis over the remaining months in the then current financial year.
- (3) Basic energy rates adjusted in accordance with sections 30(3) and (4) and which may be further adjusted in accordance with subsection (1) must remain in force until an adjustment is made in accordance with section 30 and this section.

35. REVIEW OF BASIC ENERGY RATES

- (1) Subject to subsection (5), the Review Board shall—
 - (a) biennially—
 - (i) monitor the Company's performance against mutually agreed targets and benchmarking standards,

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- (ii) review the company's development plans, expansion programmes, and fuel cost efficiency;
 - (b) triennially—
 - (i) mutually agree and set technical, operational, efficiency standards and benchmarks for a three year period for the company to meet in annual phases,
 - (ii) review and report on the efficiency of asset utilization and optimization, and the appropriateness and implications of the rate structures;
 - (c) subject to subsection (2) not more than once at the end of every 5 years, review the basic energy rates that are calculated in accordance with this Act and charged by the Company.
- (2) A review for the purposes of subsection (1)(c)—
 - (a) must determine the accuracy or otherwise of the application of the basic energy rate calculation for the 5 year period ending immediately prior to the commencement of the review;
 - (b) must determine the fairness and suitability, extent and timing of this Part;
 - (c) must commence within 90 days after the end of the last financial year of such period in respect of which the review is to be conducted.
- (3) The Review Board must complete a report of a review undertaken under subsection (1) within 60 days from the date of commencement of the review and submit the report to the Minister within 14 days of the completion of the report.
- (4) Nothing in this section permits the Review Board to review or propose any change to the adjustment of the basic energy rate on an annual basis.
- (5) For the purposes of subsection (1) the 5 year period must be reckoned from the commencement of this Act.

(Amended by Act 12 of 2006)

36. POWER OF MINISTER TO AMEND SCHEDULE 1

- (1) The Minister may, after consultation with the Company with respect to the report submitted by the Review Board, by order, amend Schedule 1.
- (2) The Company shall give effect to an order made by the Minister under subsection (1).

37. CERTIFICATION COMMITTEE

- (1) For the purposes of this Part there shall be a Certification Committee which shall consist of 3 persons whose appointments must be made in accordance with subsection (2).
- (2) The members of the Certification Committee shall be appointed as follows:
 - (a) the first member by the Minister,
 - (b) the second member by the Company, and
 - (c) the third member, who shall be the chairperson, as agreed on by the members appointed under paragraphs (a) and (b).
- (3) The members of the Certification Committee shall hold office for a period of 2 years and shall be entitled to such allowances or gratuities as determined by the Minister.

38. REVIEW BOARD

- (1) For the purposes of this Part there shall be a Review Board which shall consist of 3 persons whose appointments must be made in accordance with subsection (2).
- (2) The members of the Review Board shall be appointed as follows:
 - (a) the first member by the Minister;
 - (b) the second member by the Company; and
 - (c) the third member, who shall be the chairperson, as agreed on by the members appointed under paragraphs (a) and (b).

- (3) The members of the Review Board shall hold office for a period of 5 years and shall be entitled to such allowances or gratuities on such basis, as determined by the Minister.

39. INDEPENDENT ACCOUNTANTS

- (1) For the purposes of this Part and subject to subsection (2), the Company shall, after consultation with the Minister, appoint an independent firm of accountants, other than the Company's auditors, for the purpose of reviewing the final return prior to the submission of such returns to the Minister.
- (2) The firm of accountants to be appointed under subsection (1) must be registered with the Institute of Chartered Accountants of Saint Lucia.
- (3) The accountants so appointed must issue to the Company a certificate of compliance or a certificate of non-compliance with Schedule 3 as required by section 32.

(Amended by Act 12 of 2006)

40. ELECTRICITY SUPPLIED TO GOVERNMENT

- (1) Whenever required so to do, the Company, shall enter into a contract for the supply of electricity to the Government for the Government's own use and consumption in any district supplied with electricity by the Company.
- (2) The Company may charge the Government for all electricity so supplied at the rates determined in accordance with this Act after deducting from such charges a discount at the rate of 10 per cent or at such higher rate as the Company may allow.
- (3) This section does not apply to electricity supplied or to be supplied for the purpose of street lighting.

41. RURAL ELECTRIFICATION AND STREET LIGHTNING

- (1) The Government may require the Company to implement rural electrification programmes and the Company shall accede to any such requirement, on terms and conditions agreeable to both Government and the Company which shall include the provision of funds by the Government for this purpose.

- (2) The Company may charge the Government for all electricity supplied at the rates as determined in accordance with this Act after deducting from such charges a discount at the rate of 10 per cent or at such higher rate as the Company may allow.

42. COMPANY'S LIABILITY FOR FAILURE TO SUPPLY ELECTRICITY

Where a certificate approving the supply of electricity is issued in accordance with the regulations made under this Act to an intended consumer and such consumer pays to the Company not later than one month before the date of the expiry of the certificate such deposit or contribution as may be required by the Company and the Company fails, within one month from the date of payment, to supply electricity to such consumer and does not give to the Chief Electrical Engineer a satisfactory explanation for its failure so to do, the Company is liable to pay the fee in respect of a fresh certificate approving the supply of electricity.

43. DEPOSITS AND CONTRIBUTIONS

- (1) The Company may require any consumer to deposit with the Company by way of security for sums due by such consumer to the Company for electricity supplied such sums of money as may be fixed by the Company.
- (2) Any sums of money fixed under subsection (1) may not exceed the charge for an estimated 2 months supply of electricity and shall be placed to the credit of a deposit account in the consumer's name in the books of the Company and the deposit shall bear interest at a rate determined by agreement between the Company and the Government; but such rate must not be less than the rate under section 45(4).
- (3) The Company may not require any monies to be paid in the form of a contribution or by way of a bond or security by an intended domestic consumer towards the cost of construction and erection of service lines to any property where such service lines do not exceed 100 feet in length from the nearest point of connection.

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- (4) The Company may require a consumer or intended consumer to pay a contribution determined by the Company in accordance with this section towards the cost of the erection and construction of service lines in excess of 100 feet in length from the nearest point of connection to his or her property excluding distance traversed across any road.
- (5) Despite any payments made in accordance with subsection (4) and anything contained in this Act whereby a consumer lawfully erects and constructs transmission and supply lines on his or her property and pays a contribution in accordance with this section for the erection and construction thereof, such transmission and supply lines shall be the property of the Company which shall be responsible for their proper maintenance, repair and safe condition.
- (6) Where a consumer, hereinafter referred to as the first consumer, requests transmission and supply lines to be erected and constructed, whether or not on his or her own property, and makes a contribution in accordance with this section towards the erection or construction thereof, such lines may be used by the Company for the purpose of supplying other consumers or intended consumers; but such use must not prejudicially affect the supply of electricity to the first consumer.
- (7) Every such other consumer or intended consumer so connected must pay to the Company on demand, such sum as may be determined by the Company to be a fair and just proportion of the contribution paid by the first consumer, and the Company must promptly pay to the first consumer such part thereof as may be determined by the Company to be a fair and just proportion of his or her contribution.

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44. METERS

- (1) When requested by the consumer, and after payment of such fee as may be determined by the Company, the Company must test the meter registering the electricity supplied to such consumer against a standard meter, and supply the consumer with a certificate showing the result of test.
- (2) If the result of the test shows that the meter is registering more than 3 per cent above or below the registration of the standard meter, the Company must replace the meter in question and refund to such consumer the fee that he or she was required to pay by the Company.
- (3) The Chief Electrical Engineer shall supervise any test carried out under subsection (2).
- (4) Where a meter through no fault of the consumer fails to record within the margin of error allowed by subsection (2), the consumption of electricity by a consumer, the Company must, upon the written request of the consumer, examine the accounts of such consumer and from such examination compute the average monthly sum charged to that consumer over the 6 months immediately preceding the meter failure, or from the date of connection, whichever period is the shorter, and the Company may charge or credit as the case may be, the account of such consumer at a rate not exceeding such average monthly charge.

45. NON-PAYMENT OF ELECTRICITY CHARGES

- (1) Subject to this section, where a consumer defaults with respect to a payment due to the Company for electricity supplied, the Company may disconnect the supply of electricity to such consumer until such time as such payment and reconnection fee prescribed in Part B of Schedule 1 are paid.
- (2) The Company may not discontinue the supply of electricity to any consumer unless—
 - (a) the consumer is given not less than 15 days previous written notice by the Company of its intention to do so; and

- (b) the consumer has not during the period of notice required under paragraph (a) paid all sums due by him or her to the Company.
- (3) Where the Company in accordance with subsection (1) discontinues the supply of electricity to a consumer the Company must reconnect the supply of electricity to the consumer within 24 hours after the arrears, and reconnection fee and any required deposit have been paid to the Company; but where the day for such reconnection falls on a Sunday or a public holiday, such reconnection must be effected on the next working day thereafter.
- (4) Where over a period of 5 successive years a consumer has not suffered disconnection of his or her supply of electricity for failure to pay his or her proper charges, the Company must, upon written application, accompanied by his or her deposit receipt, by such consumer, pay to the consumer such interest as the deposit paid to the Company by such consumer would have earned over the period aforesaid if such deposit had been placed on a savings account in a commercial bank in Saint Lucia.
- (5) This subsection does not affect the right of the deposit to continue to bear interest in accordance with this Act and the consumer to payment thereof in accordance with this subsection.

PART 5 ARBITRATION

46. NON-APPLICATION OF PART 5

Part 5 of this Act shall not apply to any issue, cause or matter arising under Part 4 of this Act.

47. DISPUTES TO BE DETERMINED BY ARBITRATION

- (1) When any disagreement relating to any matter touching or concerning anything under this Act arises between the Company on the one hand and the Government or any local authority on the other hand, such disagreement shall be determined by arbitration.

- (2) Where there is a dispute between a shareholder and the Company or between a debt holder and the Company, such a dispute may be determined by arbitration.

48. APPOINTMENT OF ARBITRATOR

- (1) When any disagreement is required to be determined by arbitration then, unless both parties to the disagreement concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator to whom such disagreement shall be referred.
- (2) The appointment of an arbitrator—
 - (a) by the Government, must be made under the hand of the Secretary to the Cabinet;
 - (b) by a local authority, must be made under the hand of the Clerk to such local authority; and
 - (c) by the Company or debt holder must be made under the hand of a director or other officer of the Company.
- (3) Every such appointment shall be delivered to the arbitrator so appointed and shall be deemed a submission to arbitration by the party delivering the same.
- (4) After any appointments specified in subsection (2) is made neither party to the disagreement may revoke such appointment without the consent of the other; and if after a period of 14 days after a request in writing (in which must be stated the matter so required to be referred to arbitration) is served by one party on the other party to appoint an arbitrator and the last mentioned party fails to appoint such arbitrator, then upon such failure the party making such request and having himself or herself appointed an arbitrator may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matter to which the disagreement relates and in such case the award or determination of such single arbitrator is final.

49. VACANCY OF ARBITRATOR TO BE SUPPLIED

If before the matter so referred is determined any arbitrator appointed by either party dies or becomes incapable of acting, the party by

whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his or her place; and if after a period of 7 days after notice in writing from the other party for that purpose he or she fails to do so, the remaining or other arbitrator must act as sole arbitrator and his or her award is binding on both parties as if he or she had been appointed sole arbitrator by consent; every arbitrator substituted has the same power and authorities as were vested in the former arbitrator at the time of his or her death or disability.

50. APPOINTMENT OF UMPIRE

- (1) Where 2 arbitrators are appointed, such arbitrators must before they enter upon any matter referred to them nominate and appoint, by writing under their hands, an umpire to decide any matter on which they differ, or which is referred to him or her under this Act; and if such umpire dies or becomes incapable of acting or refuses to act, they shall after such death or incapacity or refusal appoint another umpire in his or her place, and the decision of every such umpire on the matters so referred to him or her is final.
- (2) If the arbitrators cannot agree upon the umpire to be appointed or substituted by them for the purpose of subsection (1) of this section such umpire shall be appointed or (as the case may be) substituted in writing, in the case of any disagreement to which the Government is a party, under the hand of the President of the Institution of Electrical Engineers (of the United Kingdom) and, in the case of any disagreement to which the Government is not a party under the hand of the Registrar of the High Court.

51. CIRCUMSTANCES OF SINGLE ARBITRATOR

Where a single appointed arbitrator dies or becomes incapable of acting or refuses to act before he or she makes his or her award, any disagreement referred to him or her shall be determined by arbitration under this Act in the same manner as if such arbitrator had not been appointed.

52. REFUSAL OF ARBITRATOR TO ACT

Where 2 arbitrators are appointed under section 48 and either of them, in writing, refuses or for 7 days neglects to act, the other of them shall act as sole arbitrator and his or her award is binding on both parties as if he or she had been appointed sole arbitrator by consent.

53. REFUSAL TO MAKE AWARD

Where 2 arbitrators are appointed, and either of them refuses or neglects to act, or fails to make their award within 21 days after the day on which the last of such arbitrators is appointed, or within such extended time as appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed.

54. POWER TO CALL FOR BOOKS

The arbitrators, or their umpire, may call for the production of any documents in the possession or power of either party which they or he or she may think necessary for determining the question in dispute and may examine the parties or their witnesses on oath, and administer any oath necessary for that purpose.

55. ARBITRATOR AND UMPIRE TO TAKE OATH

(1) Before any arbitrator or umpire enters into the consideration of any matters referred to him or her, he or she must in the presence of a person legally authorised to administer oaths, take and subscribe the following oath:

I, A.B., do solemnly swear that I will faithfully and honestly and to the best of my skill and ability hear and determine the matters referred to me under the provisions of the Electricity Supply Act.

A.B.

Taken and subscribed in the presence of

C.D.

(2) Such affidavit shall be annexed to the award when made; and if any arbitrator or umpire, having made such oath, shall wilfully act contrary thereto, he or she commits a misdemeanour.

56. COSTS OF ARBITRATION

All the costs of and incidental to any arbitration (which costs shall be settled by the arbitrators or umpire to whom the disagreement in question has been referred) must be borne by the parties in such proportions as such arbitrators or umpire determine; but in arriving at their decision on costs such arbitrators or umpire shall apply the same principles as are applicable to suits heard and determined by the High Court.

57. CORRECTION OF SLIPS IN AWARD ETC

- (1) Every arbitrator and umpire shall have power to correct in any award made by him or her any clerical mistake or error arising from any accidental slip or omission.
- (2) A copy of every award made in the course of any arbitration shall be certified as a true copy by the arbitrator or umpire making the award and shall be delivered by him or her to each of the parties to such arbitration.

58. AWARDS TO BE FINAL

Every award made in the course of any arbitration shall be final and binding on the parties to such arbitration and the persons claiming under them respectively.

59. ENFORCEMENT OF AWARDS

Every award made in the course of any arbitration may, by leave of the High Court, be enforced in the same manner as a judgement or order to the same effect, and where leave is so given, judgment may be entered in terms of the award.

**PART 6
GENERAL****60. POWERS OF CHIEF ELECTRICAL ENGINEER**

- (1) The Chief Electrical Engineer shall enforce any regulations under this Act and he or she may at all reasonable times enter, for the purpose of inspecting or testing any electric line or any

electrical apparatus or works, upon any land or premises to which electricity is supplied or upon which electricity is generated, transmitted or distributed.

- (2) The Chief Electrical Engineer may direct the Company not to supply electricity to any installation, apparatus or works which he or she deems unsafe or which, in his or her opinion, fails to comply in any respect with such regulations.
- (3) The Company may require the Chief Electrical Engineer to inspect and test any installation, apparatus or works which the Company has reason to believe is unsafe or fails to comply with such regulations.

61. OFFENCE OF OBSTRUCTING COMPANY

Any person who without due cause obstructs or attempts to obstruct the Company in the performance of any of the powers conferred on it by this Act commits an offence and is liable on summary conviction to a fine not exceeding \$1,000, or to imprisonment with or without hard labour for a period not exceeding 6 months.

62. STEALING ELECTRICITY

If any person without legal right, the proof of which shall be upon him or her, abstracts or causes to be abstracted, or diverts or causes to be diverted, any electricity, or consumes or uses any such electricity, knowing the same to have been wrongfully or unlawfully abstracted or diverted, such person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment with or without hard labour for a period not exceeding 12 months.

63. CRIMINAL LIABILITY FOR DAMAGE AND PRIMA FACIE EVIDENCE THEREOF

- (1) If any person without legal right, the proof of which shall be upon him or her, wilfully disconnects, damages or removes or suffers to be disconnected, damaged or removed any electric line, meter, switch, fuse or other works or apparatus belonging to the Company, or alters the index of any meter belonging to the Company or otherwise prevents any such meter from correctly registering any quantity of electricity supplied by the Company, such person commits an offence and for every

offence he or she is liable on summary conviction to a fine not exceeding \$500 for the first offence and a fine not exceeding \$1,000 for any such subsequent offence, and without prejudice to the foregoing, the Company may recover from such person the amount of any damage by it sustained and may also (despite any agreement or contract previously existing) discontinue any supply of electricity to such person.

- (2) If upon any premises or land in the occupation of a consumer there is connected to any electric line or meter any wire or device capable of wrongfully abstracting, diverting, consuming or using electricity or of preventing any meter from correctly registering any quantity of electricity supplied by the Company, the existence of such wire or device shall be accepted by a Court as *prima facie* evidence that such consumer has without legal right abstracted or diverted electricity, or (as the case may be) has without legal right prevented a meter from duly registering any quantity of electricity supplied by the Company.

64. REGULATIONS

- (1) The Minister may, after consultation with the Company and a body representing consumers, make regulations—
- (a) for the protection of consumers and of the public generally against personal injury or damage to property arising from the generation, supply or use of electricity;
 - (b) to provide for enquiries to be held in connection with any accident which is or may be attributed to an escape of electricity or to the state of conduct or any part of the undertaking;
 - (c) conferring or imposing upon any sub-licensee, powers, privileges, obligations and restrictions similar to those imposed or conferred upon the Company by this Act;
 - (d) for the purpose of preventing or minimising radio interference or electrical interference arising from the generation, transmission, distribution or use of electricity;
 - (e) prescribing the qualifications of electrical engineers, chargemen, wiremen and contractors;
 - (f) for the examination, licensing and registration of electrical engineers, chargemen, wiremen, and contractors

and for the grant of certificates of competency and of registration;

- (g) prescribing the forms of certificates of competency and registration for electrical engineers, chargemen, wiremen and contractors;
 - (h) prescribing the fees to be charged in respect of the examination of electrical engineers, chargemen, wiremen and contractors;
 - (g) prescribing the forms of certification of inspection to be issued by Chief Electrical Inspectors, the fees to be charged for inspections to be made by such inspectors and the persons by whom such fees shall be paid.
- (2) All such regulations shall be published in the Gazette and shall have the force and effect of law.

65. PENALTY FOR BREACH OF REGULATIONS

Any Regulations made under section 64 may impose penalties for any failure or omission to observe or comply with such Regulations, such penalties shall not exceed \$5,000 for each offence, and a further penalty of \$500 for each day or part thereof on which the offence continues after a conviction.

66. GENERAL PENALTY

Any person who commits an offence under this Act for which no special penalty is provided by this Act is liable on summary conviction of such offence to a fine not exceeding \$10,000 or to imprisonment with or without hard labour for a term not exceeding one year, or both such fine and imprisonment.

67. AMENDMENTS TO SCHEDULES

The Minister may by order published in the Gazette amend the Schedules. (*Inserted by Act 12 of 2006*)

68. SAVINGS

- (1) Any rights and obligations accruing to the Company under the Electricity Supply Act, 1964 are deemed to continue under this Act.
- (2) Any regulations made under the Electricity Supply Act, 1964 continue in force until new regulations are made under this Act to replace the regulations saved by this section.

SCHEDULE 1

(Section 28(1))

TARIFF**PART A****Basic Energy Rates**

Rates per electrical unit	Domestic	from 1–180 units	\$0.643 per unit
		from 181 units upwards	0.693 per unit
	Commercial	all units (low tension)	0.793 per unit
		Bulk (high tension)	0.753 per unit
	Industrial	all units (low tension)	0.793 per unit
		Bulk (high tension)	0.753 per unit
	Hotels	all units (low tension)	0.793 per unit
		Bulk (high tension)	0.753 per unit

Streetlighting all units 0.788 per unit

PART B**Other Charges**

Minimum monthly charges	Domestic		\$ 5.00 per month
	Commercial	low tension	30.00 per month
		high tension (bulk)	500.00 per month
	Industrial	low tension	100.00 per month
		high tension (bulk)	500.00 per month
	Hotels	low tension	100.00 per month
		high tension (bulk)	500.00 per month
	Reconnection charge		\$22.00

(Amended by Act 12 of 2006)

SCHEDULE 2

(Section 28(4))

Fuel Surcharge Cost Adjustment

The Company shall, in addition to the charges set out in Schedule 1 as amended in accordance with this Act, be entitled to add or shall deduct a fuel surcharge per unit consumed which shall be calculated from the following formula:

The total number of Imperial gallons of diesel fuel used at all the Company's generating stations in Saint Lucia during the calendar month immediately preceding the calendar month during which meters are read:

- (a) multiplied by the current price less the base price in cents;
and
- (b) divided by the total units sold in Saint Lucia during the calendar month immediately preceding the calendar month during which meters are read.

SCHEDULE 3

(Section 30(1) & 32)

Form of Rate of Return – Interim/Final

Particulars in respect of financial year ended

(All amounts to be expressed in Eastern Caribbean currency and given to nearest dollar.)

A.: Calculation of net income, using amounts derived from the financial statements for the year under review, as follows

		EC\$	EC\$
1)	Revenue in respect of		
	(a) Energy sales	1(a)	
	(b) Revenue derived from or connected with any operating expense or asset included in item 2 below (including, without limitation, increase/decrease in provision for unbilled sales)	1(b)	
	(c) Fuel surcharge after deducting excess fuel costs over base cost		
		<u>1(c)</u>	
			1(a)+1(b) +1(c) =I
2)	Operating Costs in respect of		
	(a) Diesel generation	2(a)	
	(b) Transmission and distribution	2(b)	
	(c) Consumer services	2(c)	
	(d) Administrative expenses	2(d)	
	(e) Directors expenses	2(e)	
	(f) Maintenance expenses	2(f)	
	(g) Expenses derived from or connected with any operating income or asset not included in 2(a) to 2(f) above	2(g)	
	(h) Interest on moneys borrowed and all interest on consumer deposits	2(h)	
	(i) Any tax or imposition of any kind imposed by Government or any authority	2(i)	
	Sub-total	<u>2(j)</u>	
	Less: Depreciation charges included in any of 2(a) to (i) above	<u>2(k)</u>	

	$2(j)-2(k) = II$	
3)	Sub-total (being I minus II)	III
4)	Total depreciation charges calculated on historical cost basis of the Company's fixed assets, less amortization of consumer contributions	IV
5)	Realised gains or losses incurred on the repayment of foreign currency loan principal	V
6)	Operating Income (being III minus IV plus or minus V)	VI

B. Average Contributed Capital

	Beginning of Year \$		End of Year \$
(a) Amount paid up or credited as paid up on the share capital of the Company excluding the amount paid up or credited as paid up on any preference shares; and			
(b) Credit Balance on Profit & Loss Account			
(c) Deduct any unrealized exchange gain on debt, or add any unrealized exchange losses on debt that may exist from time to time as at the end of the financial year in question			
Total Sum (a) + (b) + (c)	Sum 1		Sum 2

C. Calculation of average contributed capital

Sum 1 plus Sum 2 and dividing the result by 2

D. Calculation of Actual Rate of Return

12) Interim/Final Rate of Return to 3 decimal places	VI divided by XI = ___%
--	----------------------------

I certify to the best of my knowledge these particulars to be correct.

*Chairperson or Managing Director or Company Secretary
St Lucia Electricity Services Limited*

GUIDELINES FOR SCHEDULE 3

The following principles shall apply when preparing Interim and Final Returns in accordance with this Schedule:

- A) No expense shall be taken into account for the purpose of determining the Interim/Final Rate of Return for any financial year unless such expense has been reasonably and necessarily incurred in producing the operating revenues for the said year.
- B) Interest in excess of 15% on moneys borrowed is allowable as an expense, together with all interest paid on consumer deposits.
- C) No amortization or goodwill costs will be allowed as expenses in determining operating income.
- D) The foregoing shall not be interpreted to exclude charitable donations and similar non-essential expenditures if such do not exceed 2% of the total operating costs defined in this Schedule as "II". Guarantee fees payable in connection with debt obligations arising under agreements entered into on and after the date of the coming into operation of this Act shall be excluded from the calculation of operating expenses.
- E) Fixed physical assets shall be valued at the historical or revalued basis as appropriate with International Financial Reporting Standards less consumer contribution and less the amount of accumulated depreciation computed at annual rates designed to depreciate fully the said assets on straight line basis over their respective estimated useful lives.
- F) Depreciation provisions shall be in accordance with International Financial Reporting Standards and shall be

applied on a consistent basis to the historical or revalued values of the fixed physical assets as appropriate.

- G) All contributions made to, and all expenses incurred in establishing and maintaining, a captive insurance fund for the company's benefit.

(Amended by Act 26 of 2001 and Act 12 of 2006)

SCHEDULE 4

(Section 30(5))

Part A	Decrease in Basic Energy Rates	
(a)	Value of excess return X 50%	(1)
(b)	Total kilowatt hour sales for industrial consumers in preceding calendar year	(2)
(c)	Total kilowatt hour sales for hotel consumers in the preceding calendar year	(3)
(d)	Sum of Sum (2) plus sum (3)	(4)
(e)	Decrease in basic energy rates for industrial consumers and hotel consumes in cents per kilowatt hour: Sum (1) divided by Sum (4)	
Part B	Decrease in Basic Energy Rates	
(a)	Value of excess return X 50%	(1)
(b)	Total kilowatt hour sales for industrial consumers in preceding calendar year	(2)
(c)	Total kilowatt hour sales for hotel consumers in the preceding calendar year	(3)
(d)	Total kilowatt hour sales for consumers or group of consumers in need of special protection in the preceding calendar year	(4)
(e)	Sum of Sum (2) plus sum (3) plus Sum (4)	(5)
(f)	Decrease in basic energy rates for industrial consumers, hotel consumers or group of consumers in need of special protection in cents per kilowatt hour: Sum (1) divided by Sum (5)	
Part C	Increase in Basic Energy Rates	
(a)	Value of deficit return	(1)
(b)	Total kilowatt hour sales in preceding calendar year	(2)
(c)	Increase in basic energy rates in cents per kilowatt hour: Sum (1) divided by Sum (2).	

(Substituted by Act 12 of 2006 and amended by Act 13 of 2006)

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ELECTRICITY REGULATIONS – SECTION 64²

(Statutory Instruments 26/1971, 28/1986, 2/1988 and 3/1995)

Commencement [1 March 1972]

PART 1 GENERAL

1. SHORT TITLE

These Regulations may be cited as the Electricity Regulations.

2. INTERPRETATION

In these Regulations—

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

“**assistant electrical inspector**” means an assistant electrical inspector appointed under regulation 3;

“**authorised person**” means a person employed, appointed or selected by the Supply Authority, or the management or the owner of an installation or by a contractor to carry out duties incidental to the generation, transformation, distribution or use of energy, such person being competent for the purpose for which he or she is employed, the burden of proof of competency being on the employer, appointor or selector;

“**Chief Electrical Inspector**” means the person appointed under regulation 3;

“**circuit**” means an electrical circuit forming a system or branch of a system;

² These regulations were made under section 45 of the Electricity Supply Act, 1964, which Act was repealed by the Electricity Supply Act. The regulations are continued in force by section 67 of the repealing Act.

- “**conductor**” means an electrical conductor arranged to be electrically connected to a system;
- “**connected with earth**” means connected with the general mass of earth in such manner as will ensure at all times an immediate and safe discharge of energy;
- “**consumer**” means a person who is supplied with energy or whose premises are connected for the purposes of a supply of energy with any system of public supply;
- “**danger**” means danger to health or to human life or limb from shock, burn or other injury resulting from the generation, transformation, distribution or use of energy and includes danger to property from fire;
- “**dead**” means at or about earth potential and disconnected from any live system;
- “**electric line**” means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting or distributing electricity with any casing, coating, covering, tube, pipe, or insulator enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting or distributing electricity or electric currents;
- “**energy**” means electric energy when generated, transmitted, supplied or used for any purpose except the transmission of a message;
- “**Form**” means Form which is set out in Schedule 1;
- “**generator**” means a dynamo of any type for the generation of energy;
- “**high voltage**” means a voltage normally exceeding 650 volts;
- “**installation**” means the whole of any particular plant, apparatus or works designed for the supply or use, or both, as the case may be, of electrical energy, under one ownership and where management is prescribed, in charge of the same management, including prime movers, if any, with all necessary plant and buildings, in this connection, electric supply lines and consuming apparatus if any;

“**licence**” means a licence issued under the provisions of these Regulations permitting the licensee to operate or work an installation; and also includes a duplicate licence;

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

“**licensed linesman**” means a person who is the holder of a valid licence issued to him or her under the provisions of these Regulations;

“**licensed wireman**” means a person who is the holder of a valid licence as such issued to him or her under the provisions of these Regulations;

“**Licensing Authority**” means the Licensing Authority appointed by Cabinet;

“**live**” means electrically charged and liable to be charged with energy;

“**low voltage**” means a voltage not exceeding 250 volts under normal conditions subject however to the percentage variation allowed by any Statute in force in Saint Lucia at the time;

“**main**” means any electric line through which energy may be supplied by the Supply Authority for the purpose of general supply;

“**management**” means the authorised person placed in charge of an installation by the licensee or owner or by a contractor;

“**medium voltage**” means a voltage exceeding 250 volts but not exceeding 650 volts under normal conditions subject however to the percentage variation allowed by any Statute in force in Saint Lucia at the time;

“**motor**” means a motor of any type for the transformation of electrical energy into mechanical energy;

“**pressure**” means the difference of electrical potential between any 2 conductors or between a conductor and the earth, as read by a standard volt meter;

“**prime mover**” means a machine supplying power to a generator for the purpose of generating energy;

- “**private safety**” means the obviating of danger to individuals or to private property;
- “**public safety**” means the obviating of danger to the general public, to public property and to roads, streets, wharves, piers, bridges, water-works and their appurtenances and telegraphic, telephonic and other electrical signalling lines;
- “**service line**” means any electric line through which energy may be supplied by the Supply Authority to a consumer either from any main or directly from the premises of the Supply Authority;
- “**sub-station**” means any ground, premises or enclosure or part thereof, being large enough to admit the entrance of a person after the apparatus therein is in position, containing apparatus for transforming, converting or controlling energy, and includes the apparatus therein;
- “**Supply Authority**” means any local authority, company or person authorised by law to generate, distribute and sell electrical energy to any other person;
- “**supply terminals**” means the ends of the electric lines situate upon any consumer’s premises at which the supply of energy is delivered from the service lines;
- “**system**” means an electrical system in which all conductors and apparatus are electrically connected to a common source of voltage, and includes all the said apparatus and conductors;
- “**transformation**” includes the transformation of pressure up or down by static, rotary or electro-chemical means;
- “**wiring installation point**” means any termination of the fixed wiring intended for the attachment of a luminaire or a device for connecting to the supply a current using appliance;
- “**works**” means and includes electric lines, also any buildings, machinery, engines, works, matters or things of whatever description required to supply electricity.

(Amended by S.I. 2/1988)

3. APPOINTMENT OF CHIEF ELECTRICAL INSPECTOR

The Public Service Commission shall appoint a Chief Electrical Inspector and such number of assistant electrical inspectors as may be required to inspect installations, electrical plant, apparatus, works and to perform such other duties as may be prescribed. (*Substituted by S.I. 2/1988*)

4. STANDARD OF WIRING OF BUILDINGS

Every new installation and every extension or replacement of any existing installation, unless otherwise prescribed by the Chief Electrical Inspector, shall comply with the standards fixed by the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers and approved by the Electricity Commissioners of Great Britain which are in force on the date of the completion of such installation, extension or replacement and are herein called the I.E.E. Regulations. (*Amended by S.I. 2/1988*)

5. CHIEF ELECTRICAL INSPECTOR MAY PRESCRIBE DESIGN

The Chief Electrical Inspector may prescribe—

- (a) installations for which applications shall be accompanied by a diagrammatic electrical layout or an electrical plan of such installation;
- (b) class or design of wires, fittings and apparatus to be used by consumers and the manner in which they shall be fixed, arranged, protected and controlled and provide for the erection, inspection, testing and maintenance thereof;
- (c) measures to be taken and the fittings to be supplied and used in connection with installations in order to ensure public safety and private safety;
- (d) intervals, times and manner in which any installation or apparatus shall be inspected; and
- (e) notice to be given in relation to inspections and the preparations to be made by the licensee and the management for such inspections.

(*Amended by S.I. 2/1988*)

6. NOTIFICATION OF INTENTION TO WORK ON NEW INSTALLATIONS

Every licensed wireman or linesman, before commencing work on any new installation, shall give notice to the Chief Electrical Inspector on the prescribed Form D of his or her intention to carry out such work. The owner or occupier of such installation shall, on completion of it, make application to the Chief Electrical Inspector on the prescribed Form E for an inspection by him or her of same. *(Amended by S.I. 2/1988)*

7. NOTIFICATION OF ADDITION OR ALTERATION TO INSTALLATION

Every licensed wireman or linesman, before commencing any work by way of addition or alteration to an installation which has been completed and for which a certificate of approval under these Regulations has been issued or which was connected prior to the coming into force of these Regulations shall notify the Chief Electrical Inspector on the prescribed Form C of the nature of such proposed addition or alteration. The owner or occupier of the installation shall on completion of the work make application to the Chief Electrical Inspector on the prescribed Form E for an inspection of the installation and it shall be inspected within a reasonable time of receipt of the owner's or occupier's completed application for inspection. *(Amended by S.I. 2/1988)*

8. INSPECTION CERTIFICATE OF APPROVAL ON COMPLETION OF NEW INSTALLATION

- (1) It shall not be lawful to connect or operate any new installation or any extension or replacement of any existing installation connected to any public supply unless a certificate in the prescribed Form F is obtained.
- (2) Prior to the connection of an installation in any building to the Supply Authority's distribution and service lines circuits, such installations shall be inspected and tested by the Chief Electrical Inspector in accordance with regulation 4, and on being satisfied that the requirements have been met, the Chief Electrical Inspector shall issue a certificate in the prescribed Form F to the owner or occupier of such building. *(Amended by S.I. 2/1988)*

9. INSPECTION CERTIFICATE OF APPROVAL ON COMPLETION OF ADDITION, ALTERATION ETC. TO ANY OLD INSTALLATION

It shall not be lawful to operate any electrical installation or any extension thereto or replacement thereof connected after the coming into force of these Regulations without having the same duly inspected and before the issue of the relevant certificate of approval.

10. PERIODICAL INSPECTIONS

In addition to inspections during construction and final inspection on completion, all installations, while in operation, shall be inspected at such intervals as the Chief Electrical Inspector may deem fit. The owner or occupier, management and persons in charge of all installations shall afford full facilities for inspection at all reasonable times. *(Amended by S.I. 2/1988)*

11. ENTRY ON PREMISES

- (1) The Chief Electrical Inspector and Assistant Inspectors may enter upon any premises in or upon which an installation or apparatus may be at all reasonable times for the purpose of inspecting such installation or apparatus.
- (2) Any person who obstructs the Chief Electrical Inspector or an Assistant Inspector in the execution of his or her duty under paragraph (1) of this regulation commits an offence against these Regulations, and on summary conviction is liable to a fine not exceeding \$24.

(Amended by S.I. 2/1988)

12. PROCEDURE IF INSTALLATION DOES NOT COMPLY WITH REGULATIONS IN FORCE

Where a supply of energy is being afforded to a consumer by the Supply Authority and the Chief Electrical Inspector, after making such examinations as circumstances permit, and having reasonable grounds for supposing that the installation does not comply with these Regulations or such installation causes interference to the supply to other consumers, or is in any way dangerous, he or she may—

- (a) serve notice (stating the defects in detail) on the owner or occupier of such installation to have the defect remedied

within a prescribed time, failing which the Chief Electrical Inspector shall request the Supply Authority to have the supply to such installation discontinued within 24 hours; or

- (b) disconnect the whole or part of such installation as a work of emergency in the interests of private safety or of public safety, or in order to avoid undue interference with the efficient supply of energy to other consumers.

(Amended by S.I. 2/1988)

13. PROCEDURE IN CASE OF DANGEROUS DEFECT IN INSTALLATION OR APPARATUS

- (1) Every owner, occupier, manager, or person in charge of an installation or consumer, on becoming aware of a defect in an installation or apparatus which is likely to cause danger, shall make a report in writing to the Chief Electrical Inspector otherwise he or she commits an offence against these Regulations and is liable on summary conviction to a fine not exceeding \$24.
- (2) On receiving a report of a defect in an installation or apparatus which is likely to cause danger, the Chief Electrical Inspector shall inspect and make such examinations and tests and if necessary take the appropriate action under regulations 12 and 15.

(Amended by S.I. 2/1988)

14. OPERATING INSTALLATION OR APPARATUS WHILE ORDER OF DISCONNECTION IS IN FORCE

If any person operates or uses an installation or apparatus while an order of disconnection is in force, he or she commits an offence against these Regulations and is liable on summary conviction to a fine not exceeding \$25.

15. CHIEF ELECTRICAL INSPECTOR MUST NOTIFY DISCONNECTION TO OWNER, OCCUPIER AND SUPPLY AUTHORITY

In the event that the Chief Electrical Inspector finds it necessary to take immediate action as prescribed in regulation 12(b), he or she shall—

- (a) inform the owner or occupier in writing stating the defects found; and
- (b) notify the Supply Authority within 24 hours.

(Amended by S.I. 2/1988)

16. SERIOUS ACCIDENTS TO BE REPORTED TO CHIEF ELECTRICAL INSPECTOR, AND THE MINISTER MAY ORDER INQUIRY

- (1) Where any accident resulting in loss of life, grievous injury to any person, or serious damage to property, has occurred in connection with any installation, electrical plant or apparatus, the owner, occupier, manager, or person in charge of such installation or apparatus or consumer as the case may be, shall within 24 hours report the facts in writing to the Chief Electrical Inspector who shall thereupon immediately notify the Supply Authority of such accident and visit the place where the accident occurred and make investigations into the cause of the accident.
- (2) In the event of loss of life or grievous injury to any person due to any accident in connection with any installation or apparatus, no alterations or additions shall, without the consent of the Chief Electrical Inspector, be made to any part of such installation or apparatus which may have contributed to such accident.

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

- (3) Where there is any accident resulting in loss of life or grievous injury to any person in connection with any installation, electrical plant or apparatus, and the Chief Electrical Inspector, after making investigations, has reason to believe that the accident was due to any failure to comply with the provisions of these Regulations or neglect of any lawful order by the Chief

Electrical Inspector, or if the Chief Electrical Inspector is satisfied that the accident might have been avoided if proper precautions had been taken and observed in the working of any such installation, electrical plant or apparatus, he or she shall send a copy of his or her findings to the Minister who may, in his or her discretion, order an inquiry into the circumstances of the accident.

(Amended by S.I. 2/1988)

17. SPECIAL EARTHING REQUIREMENTS FOR BUILDINGS

No water mains shall be used for earthing of electrical installations.

An earth rod of not less than 6 feet should be driven into the ground with 4" exposed for connecting the earth clamp. The rods should be of copper or galvanized. The minimum size of the earthing lead should be 10 square millimetre P.V.C. insulated, protected by a rigid P.V.C. conduit with an outer protection of galvanized piping and all leading and terminating into a neat concrete boxing about one foot square where the earth rod should be housed. A slab should be provided for covering same and a ring or other means of removing for inspection when necessary.

In order to avoid using an outer protection of galvanized piping the P.V.C. conduit can be embedded in concrete where possible. Where the galvanized piping has to be used the P.V.C. conduit should exceed in length one or 2 inches at either end to avoid abrasion from the galvanized pipe. A more rigid clamp should be used in place of the copper strap normally used.

PART 2 OVERHEAD LINE

18. INSPECTING AND TESTING OF SUPPLY AUTHORITY LINES AND APPARATUS BEFORE CONNECTING TO A SYSTEM

- (1) Electric lines and apparatus of the Supply Authority for use at low voltage, medium voltage or high voltage shall not be connected to a system for the purpose of the supply of energy unless they are inspected and tested in the presence of the Chief Electrical Inspector and approved by him or her.

Revision Date: 31 Dec 2008

- (2) The tests required for the said electric lines and apparatus shall be either—
 - (a) the tests prescribed in the Electricity Supply Regulations, 1937, made by the Electricity Commissioners of the United Kingdom and any Rules made thereunder; or
 - (b) such alternative tests as the Supply Authority may, with the approval of the Chief Electrical Inspector, adopt.

(Amended by S.I. 2/1988)

19. NOTICE OF INTENTION TO ERECT

The Supply Authority shall notify the Chief Electrical Inspector in writing of their intention to erect, extend or alter any of their electric lines or apparatus. *(Amended by S.I. 2/1988)*

20. MATERIALS TO BE USED FOR LINE CONDUCTORS

- (1) All materials used, to the specifications of the British Engineering Standards Institution and to the Post Office Technical Instructions for the Construction of Aerial Lines in force so far as they are applicable and are not inconsistent with these Regulations, shall at the time of erection conform except as may be otherwise approved by the Chief Electrical Inspector.
- (2) Line conductors shall be of copper, aluminium, galvanised steel or such other materials as may be approved by the Chief Electrical Inspector.
- (3) All line conductors at the time of erection shall comply, as regards elongation, breaking load and elasticity, with the British Engineering Standards Specification then in force.
- (4) The minimum permissible size for line conductors shall have an actual breaking load of not less than 550 lbs., the equivalent cross-sectional area for copper being 0.0085 square inch (No. 12 SWG), 300 lbs. the equivalent cross-sectional area .005 square inch (No. 14 SWG) where the wires are covered with weather proof insulating material to be used in the makings of stranded conductors only.

(Amended by S.I. 2/1988)

21. LINE CONDUCTORS SHALL BE INACCESSIBLE

- (1) Line conductors (other than those fully insulated for the voltage at which they are to operate), and neutral conductors connected with earth, shall be rendered inaccessible to any person from any building or other place without the use of a ladder or other special appliance.
- (2) Consideration shall be given to the normal use by the occupier of any premises or land (including maintenance work on the outside of buildings) and where necessary, the position of the line conductors shall be selected to provide sufficient clearance for safety in accordance with such use.

22. CONNECTION OF SERVICE LINES

Service lines shall be connected to line conductors at a point of support only and shall be fixed to insulators on consumers' premises. Every part of a service line, other than a neutral conductor connected with earth, which is accessible from a building with or without the use of a ladder or other special appliance, shall be efficiently protected either by weather proof insulating material or by other means approved by the Chief Electrical Inspector. (*Amended by S.I. 2/1988*)

23. MINIMUM HEIGHT OF CONDUCTOR

The height from the ground of any line conductor other than a service line, earth wire, or auxilliary conductor at any point of the span at a temperature of 122ø F., shall not, except with the consent of the Chief Electrical Inspector, be less than the height appropriate to the voltage and situations indicated as follows—

<i>System voltage between line conductors.</i>	<i>Over roads</i>	<i>By-ways etc.</i>	<i>In position inaccessible to vehicular traffic</i>
Over 212 volts but not exceeding 650 volts.....	18 ft.	16 ft.	15 ft.
Over 650 volts but not exceeding 14,000 volts.....	22ft	18ft	15ft.

- (2) For service lines the height from the ground shall not, except with the consent of the Chief Electrical Inspector, be less than that of lines carrying between 212 volts and 650 volts.

(Amended by S.I. 2/1988)

24. SUPPORTS FOR LINE CONDUCTORS

- (1) Line conductors shall be attached to insulators suitable for the voltage at which they operate and shall be carried on supports of wood, steel or reinforced concrete poles. Where steel poles are used, special precautions shall be taken to prevent the corrosion of all metal work at and below the surface of the ground.
- (2) Wooden poles shall be of wallaba or other woods which may be approved for tropical pole line construction, and shall be given suitable preservative treatment for such use. The treatment required in the case of wallaba poles shall be butt treatment of a creosote and tar mixture or other treatment which may be approved by the Chief Electrical Inspector. For the design of such wooden poles British Standard 1990: 1953 shall apply, the wallaba being taken as equivalent to European larch. *(Amended by S.I. 2/1988)*
- (3) Poles shall be designed to have the following factors of safety when the conductors supported by them are subjected to the wind-loads specified in regulation 25—
- | | | | |
|------------------------------------|---|---|-----------------------|
| (a) For steel poles | — | — | factor of safety: 2.5 |
| (b) For reinforced, concrete poles | — | — | factor of safety: 3.5 |
| (c) For wooden poles | — | — | factor of safety: 3.5 |
- (4) Cross arms shall be of galvanised steel, English oak, greenheart, or approved domestic hardwoods. When the conductors supported by them are subjected to the wind-loads specified in regulation 25, the factor of safety shall be—
- | | |
|-------------------------------|---|
| (a) For galvanized steel..... | 3 |
| (b) For wooden crossarms..... | 4 |

- (5) The supports, in conjunction with stays or struts shall withstand the longitudinal, transverse and vertical loads and wind pressure of the designed load without damage or movement in the ground. In no case shall the strength of a support in the direction of the overhead line be less than one quarter the required strength in a direction transverse to the line.

25. TENSION OF CONDUCTORS

The maximum tension of any line or service conductor at 60 degrees F. and subject to a wind exerting a transverse pressure equivalent to 16 lbs. per square foot based on the effect of wind of a recorded velocity of 70 miles per hour acting on the bare conductors and calculated on the whole of the projected area shall not exceed its breaking load divided by 2 for low voltage, medium voltage and service lines, or its breaking load divided by 2.5 for high voltage lines.

26. ERECTION OF LINE CONDUCTORS AT DIFFERENT VOLTAGES ON SAME SUPPORT

Where conductors forming parts of systems at different voltages are erected on the same poles or supports, adequate provision shall be made to guard against danger to linesmen and from the lower voltage system being charged above its normal voltage by leakage from or contact with the higher voltage system and shall be constructed as given below in paragraphs (a) to (d) of this regulation—

- (a) where high voltage transmission lines and low and medium voltage distribution lines are carried on the same poles, the high voltage lines shall be above the low and medium voltage lines, and the vertical distance between the lowermost high voltage line and the uppermost low voltage line shall not be less than 3 feet.
- (b) where low and medium voltage distribution lines are erected in vertical formation and high voltage lines are not supported on the same poles, the neutral conductor shall be erected in the lowermost position;
- (c) where low and medium voltage distribution lines cross telephone lines the distribution lines shall have a minimum clearance of 3 feet above the telephone lines and shall have the conductors in vertical formation with

the earthed neutral conductor, or the earthed guard wire erected in the lowermost position.

27. STANDARD OF CONSTRUCTION OF HIGH VOLTAGE TRANSMISSION LINES

- (1) The standard of construction of lines shall not be lower than that prescribed in No. 1320 of 1946 issued by the British Standard Institution except as prescribed in paragraph (2) of this regulation.
- (2) Spans greater than those enumerated in Tables 3 and 4, British Standard 1320 of 1946 may be used, provided the conductor spacing is appropriately increased to avoid the danger of the wires swinging together and provided the conductors, insulators, crossarms, poles and other appurtenances of the line are designed to provide the same factors of safety as those specified in British Standard 1320 of 1946.

28. SUPPLY AUTHORITY MAY TRANSFORM AND CONTROL ENERGY AT HIGH VOLTAGE

The Supply Authority may transform or convert high voltage energy in outdoor and indoor sub-stations or switch stations above ground only. Indoor sub-stations and switch stations shall be constructed in accordance with the Electricity Supply Regulations made by the Electricity Commissioners of the United Kingdom.

29. OUTDOOR SUB-STATIONS

- (1) Where outdoor substations and switching apparatus or stations are so constructed that there are no high voltage connections or other live parts less than 15 feet above ground level, no enclosures or other protection is required.
- (2) Where sub-stations and switch stations are so constructed that all high voltage and low voltage connections are totally enclosed in a metal casing connected with earth, the said apparatus also being connected with earth, the said apparatus also being connected with the system by armoured electric lines, no further enclosure or other protection is required.

- (3) Where outdoor sub-stations and switch stations are so constructed that all high voltage and insulated medium and low voltage connections are less than 15 feet from the ground, such sub-stations and switch stations shall be enclosed with a barbed wire fence not less than 5 feet in height having not less than 10 strands so as to prevent access to the electric lines and apparatus therein by any unauthorised person. This fence shall be so positioned that the horizontal distance from any high voltage connection or any low or medium voltage conductor to the fence shall not be less than 6 feet. Where any high voltage connection or low or medium voltage uninsulated conductor is situated less than 6 feet measured horizontally from the enclosed fence, that part of the fence shall be constructed of 2” mesh chain-link fencing and be not less than 8 feet high.
- (4) Entry to enclosures surrounding sub-stations and switch stations shall be through a padlocked gate and permitted only to authorised persons. The gate shall be so positioned, protected and arranged that when opened it shall not be possible for the person opening the gate to come into accidental contact with any metal electrically charged. All metallic parts of fencing and enclosures around sub-stations and switch stations shall be bonded together and efficiently earthed.
- (5) Danger notices of the sizes and colours specified in the appropriate British Standard Specification, shall be affixed in prominent positions to all sub-stations.

30. MEANS TO RENDER HIGH VOLTAGE LINES DEAD DUE TO BREAKAGE

All high voltage lines shall be protected by suitable fusible cut-outs or circuit breakers so rated that they will disconnect the line from the source of supply should the conductor break and fall to the ground.

31. SWITCHING AND FUSING OF SUB-STATIONS

- (1) Every outdoor transformer sub-station shall be provided with means for disconnecting of the high voltage lines from the transformers (switches, insulators or isolating fuses) and these means shall be operated with an appropriate operating pole from outside the enclosure. When the isolators are opened there shall be no live high voltage connection nearer than 9 feet to

any platform on which the authorised person may stand. Where a portable ladder is used for the purpose of operating, special means shall be provided to secure the ladder in position and the arrangements shall be such that there is no danger to an authorised person when operating.

- (2) In the case of branch high voltage lines feeding single-phased or phase/neutral transformers mounted on poles so that no high voltage connection is less than 15 feet from the ground, it shall be sufficient for the line to such transformers to be controlled by an isolating fuse at the point of tee-off from the main transmission line.
- (3) The insertion of a fuse, switch or isolator in the neutral conductor or a phase/neutral line is prohibited.

32. EARTHING

- (1) The neutral connection to transformers on a phase/neutral system may be made either through a non-insulated conductor connected to the earthed “star” point of the nearest 3 phase main sub-station, or, where a good earth is available, by connection to earth at the transformer.
- (2) Where a phase/neutral transformer has one side of the high voltage connection made through an earth connection at the transformer, this earth connection shall be insulated from the earth connection to the transformer case and pole metal work, and the neutral earth plate or rod shall be separated by not less than 15 feet from the other earth plate or rod.
- (3) The transformer and tank shall always be efficiently earthed.
- (4) Earth rods or plates shall be of copper, galvanized iron, or other non-corrosive material and the design and construction of the earth rod or earth plates shall be such that, when contact is made between a line conductor and metal connected with earth, the resulting leakage current shall not be less than twice the leakage current required to operate the devices (circuit breakers or fuses) which make the line dead.
- (5) All earth electrodes shall be so installed as to eliminate danger from voltage gradients at ground level.
- (6) Where steel poles are used they shall be efficiently bonded to all other metal work (except the conductors) on the poles, and

shall be effectively earthed, preferably by running a continuous earth wire bonded to each pole and earthed at every fifth pole. Stay wires attached to earth steel poles shall be bonded to them and not have an insulator interposed in the stay.

- (7) The metal work on wooden poles shall not be bonded or earthed, except where switch gear (other than isolators or fuses operated by an insulated pole) and/or transformers are mounted on the pole. Stay wires attached to wooden poles having an unearthed metal work shall have an insulator interposed at a height of not less than 10 feet off the ground.
- (8) Wooden poles having switch gear (other than isolators or fuses operated by an insulated operating pole) and/or transformers mounted on them, shall have all metal work bonded and earthed at the pole. If the neutral conductor is also earthed at the same pole the neutral earth wire shall be insulated from the metal work bonding an earth wire end earth plate or rod, and the latter shall be separated by a distance of not less than 10 feet from the neutral earth rod or plate. Where the metal work or a wooden pole is bonded and earthed, any stay attached to that pole shall be bonded to the metal work and shall not have an insulator interposed in it.
- (9) All earth wires shall be insulated or covered with a wooden capping from ground level to a spot 10 feet above ground level.
- (10) Earth connections shall be inspected and tested regularly and the results of such tests shall be recorded in a book kept for this purpose, and this book shall be made available at all times to the Chief Electrical Inspector for the purpose of checking that this regulation is being carried out.
- (11) All medium voltage and low voltage systems shall have a neutral conductor connected to a neutral brought out from the low tension side of the transformer and this neutral shall be solidly earthed at or adjacent to the transformer sub-station.

33. PROTECTION AGAINST EXCESS ENERGY

Every circuit of the Supply Authority (other than service lines from distributing mains), shall be protected against excess current and energy by a suitable fusible cut-out or automatic circuit breaker of adequate rupturing capacity. In no case shall any fusible cut-out or

circuit breaker be inserted in any conductor permanently connected with earth.

34. PROTECTION OF CONSUMERS' INSTALLATIONS AGAINST EXCESS ENERGY

- (1) The Supply Authority shall insert a fusible cut out or automatic breaker in every service line as close as practicable to the supply terminals and in a position which in the opinion of the Supply Authority is suitable for the purpose.
- (2) In no case shall any fuse or circuit breaker be inserted in a neutral conductor.

35. SAFETY PRECAUTIONS

The Supply Authority shall during and in connection with the installation, extension, replacement, operation and maintenance of any of their works, observe all recognised safety practices and methods and shall take all reasonable precautions to avoid danger to the public or to any employee or authorised person.

36. ACCIDENTS TO BE REPORTED BY SUPPLY AUTHORITY TO CHIEF ELECTRICAL INSPECTOR

The Supply Authority shall notify the Chief Electrical Inspector of any accident of such kind as to have caused, or be likely to have caused, loss of life, or personal injury or damage to property which has occurred in any part of the works or circuits of the Supply Authority. The notice shall be sent within 24 hours after the accident occurs. (*Amended by S.I. 2/1988*)

37. POWER TO INSPECT AND TEST SUPPLY AUTHORITY WORKS

- (1) The Chief Electrical Inspector or any person acting under general or specific instructions of the Chief Electrical Inspector shall be entitled at all reasonable times to inspect and to make examinations and tests of the Supply Authority works and to examine and take records of the readings of any instruments.
- (2) The Supply Authority shall afford all due facilities for any such inspections, examinations and tests.

(Amended by S.I. 2/1988)

PART 3

WIREMEN OR LINESMEN GENERALLY

38. LICENSING OF PERSONS WHO WIRE BUILDINGS FOR ELECTRICITY

- (1) Licensing of persons who wire buildings for electricity or install lines to transmit electricity. This part of these Regulations provide for the licensing of persons who carry out the electric wiring of buildings, or the installation of lines for the transmission and distribution of electricity, the regulation of such operations and generally the prevention of minimising of danger to persons or property which may arise from the electrical wiring of buildings, or from transmission or distribution lines.
- (2) For the purpose of this part of these Regulations—
 - (a) a person shall be deemed to act as a licensed wireman, who, on any occasion, disconnects or removes, the whole or any part of the electric wiring of any building, not being the wiring of any telephone or a lighting conductor or the wiring (including the earthing), or any wireless aerial; but a person is not considered to act as a licensed wireman by reason only of the fact that he or she manipulates a switch, or connects or disconnects a plug from its socket or replaces or installs lamp in a socket or replaces a fuse so long as such replacement is in conformity with any regulations which may be made to regulate the duties of persons to act as wiremen;
 - (b) a person shall be deemed to act as a linesman who constructs or installs transmission or distribution lines for the purpose of conducting electricity; including all equipment and accessories necessary to ensure the safe and effective function of the lines, as required by the Regulations.

(Substituted by S.I. 2/1988)

39. APPOINTMENT OF LICENSING AUTHORITY

- (1) Cabinet may appoint one or more persons to be a Licensing Authority for the purposes of these Regulations and the Chief Electrical Inspector shall be deemed to have been so appointed.
- (2) Each person appointed under subregulation (1) except in the case of the Chief Electrical Inspector, shall hold office for a period of 3 years and is eligible for re-appointment.
- (3) Where more than one person is appointed under subregulation (1) to be the Licensing Authority the Chief Electrical Inspector is the chairperson of the Licensing Authority.

(Amended by S.I. 2/1988)

40. LICENCES

The Licensing Authority may grant a licence to any person to act as a licensed wireman or linesman who—

- (a) makes an application to the Licensing Authority in the prescribed Form A;
 - (b) satisfies the Licensing Authority that he or she is qualified in accordance with these Regulations, to hold a licence;
 - (c) is not less than 18 years of age; and
 - (d) pays the prescribed fee.
- (2) Every licence to act as a licensed wireman or linesman shall be in the prescribed Form B, and shall have attached thereto one or 2 recent photographs of the holder which shall be supplied to the Licensing Authority by the applicant for a licence when making his or her application, and every such licence shall be valid for a period of one year unless sooner suspended or cancelled as provided below.
 - (3) Licences shall be renewed annually on payment of the prescribed fee.

(Amended by S.I. 2/1988)

41. APPLICATION FOR LICENCES

An application for a licence under these Regulations shall be in the appropriate form and shall be accompanied by the certificates or previous licence (unless surrendered on suspension or cancellation)

on which the applicant bases his or her claim to be qualified under regulations 40 and 42. Such certificates shall be returned by the Licensing Authority to the applicant when or before the licence is granted or refused, as the case may be, together with any previous unexpired licence.

42. QUALIFICATIONS FOR LICENCES

A person who—

- (a) has qualified for a certificate of efficiency as a wireman or linesman;
- (b) has satisfied the Licensing Authority that he or she has received training in or outside Saint Lucia and is in possession of a certificate which qualifies him or her to act as a wireman or linesman;
- (c) was the holder of a licence issued or deemed to have been issued under any Electricity Rules or Regulations in Saint Lucia, before the coming into force of these Regulations;
- (d) has previously held a licence to act as a wireman or linesman under these Regulations;
- (e) has passed the examination prescribed by the Licensing Authority and paid the prescribed fee; or
- (f) has been apprenticed as a wireman or linesman and who in the opinion of Licensing Authority can efficiently carry out the duties of a wireman or linesman although he or she does not hold a certificate of proficiency, or has not passed any examination to act as a wireman or linesman,

may be licensed to act as a licensed wireman or linesman.

(Amended by S.I. 2/1988)

43. DUPLICATE LICENCES

The Licensing Authority may issue a duplicate licence to an applicant who satisfies the Licensing Authority that his or her licence has been lost or destroyed and that it has not been suspended or cancelled, subject to a fee of \$50. *(Amended by S.I. 2/1988)*

44. POWER OF LICENSING AUTHORITY TO REFUSE OR CANCEL LICENCES

- (1) It shall be lawful for the Licensing Authority to refuse to issue a licence under these Regulations or to cancel a licence held by a licensed wireman or linesman if it is established to the satisfaction of the Licensing Authority that the applicant or licensee—
 - (a) is prevented from acting efficiently as a licensed wireman or linesman by infirmity of mind or body;
 - (b) has been convicted of an offence involving dishonesty which he or she committed in the course of acting as a licensed wireman or linesman;
 - (c) has been guilty of using his or her knowledge as a licensed wireman or linesman for dishonest purposes; or
 - (d) has been convicted of any offence against these Regulations; or
 - (e) has been guilty of gross negligence or inefficiency in the course of acting as a licensed wireman or linesman.
- (2) Where the Licensing Authority refuses to issue a licence or cancels a licence in accordance with paragraphs (c) and (e) of this regulation they shall afford the applicant or licensee an opportunity to be heard and adduce witnesses before finally determining such refusal or cancellation.
- (3) Subject to the preceding paragraph, whenever the Licensing Authority refuses to issue a licence or cancels a licence it shall serve notice of such refusal or cancellation on the applicant or licensee, as the case may be, on the prescribed Forms G and H.
- (4) Whenever notice of a cancellation of a licence shall have been served in accordance with paragraph (3) of this regulation, it shall be the duty of the licensee to surrender his or her licence to the Licensing Authority, failing which he or she is liable on summary conviction to a fine not exceeding \$100.

(Amended by S.I. 2/1988)

45. DUTY TO PRODUCE LICENCE

Any licensed wireman or linesman who, on demand by—

- (a) the Licensing Authority;

- (b) a person to whom he or she has offered and is giving his or her services;
- (c) a person by whom he or she is employed or is about to be employed,

refuses to produce his or her licence to act as a licensed wireman or linesman within 48 hours of such demand, commits an offence against these Regulations and is liable on summary conviction to a fine not exceeding \$100.

(Amended by S.I. 2/1988)

46. REGULATING THE DUTIES OF WIREMEN

- (1) It shall be lawful for the Licensing Authority to regulate the performance of the duties of persons acting as wiremen.
- (2) A person shall not perform the duties of a licensed wireman unless he or she holds a valid licence under the provisions of these Regulations.

PART 4 MISCELLANEOUS

47. NOTIFICATION OF CHANGE OF LOAD CONDITIONS

A consumer shall notify the Supply Authority of any material change intended to be made in his or her installation of load conditions. Upon such notification the Supply Authority shall determine if a change in lines or other apparatus is necessary.

48. LIABILITY OF SUPPLY AUTHORITY

The Supply Authority shall be responsible for all electric lines apparatus placed by them on the premises of a consumer and either belonging to the Supply Authority or under their control (whether forming the whole or part of the consumers' installation or not) being installed and maintained in a safe condition, such lines and apparatus being of sufficient size and power and being so fixed and protected as to eliminate danger so far as reasonably practicable.

49. EXTRAORDINARY INSPECTIONS

The Chief Electrical Inspector shall carry out inspections at the request of the Commissioner of Police, the Supply Authority, or the occupier or owner as the case may be for the purposes of determining whether all such installations meet the requirements of safety from personal injury or fire or otherwise to his or her satisfaction and in accordance with the requirements of these Regulations.

50. INSTALLATION COMPLETED OR BEGUN BEFORE COMMENCEMENT OF REGULATIONS

All installations coming into operation after these Regulations have been gazetted shall be subject to the provisions of these Regulations.

51. NOTICES

All notices issued under these Regulations shall be in writing and shall be delivered or sent through the post to the last known place of abode in Saint Lucia of the person for whom it shall be intended or to his or her agent, and proof of posting shall be proof of delivery.

52. SETTLING OF DIFFERENCES BETWEEN CHIEF ELECTRICAL INSPECTOR AND LICENSEE

In the event of any difference of opinion between a licensee and the Chief Electrical Inspector or between the management or owner of any installation or apparatus and the Chief Electrical Inspector, regarding any structural question, a question of fitting or adjustment to any installation or apparatus, the matter shall be referred to and determined by a duly qualified person who is mutually acceptable. The cost of the services of such person shall follow the result of the determination or be apportioned between the parties proportionately accordingly.

53. CHIEF ELECTRICAL INSPECTOR MAY DELEGATE POWERS

The Chief Electrical Inspector may delegate to any officer appointed under these Regulations any or all of the powers conferred on him or her under these Regulations.

54. LICENSING AUTHORITY MAY SUSPEND LICENCE

- (1) The Licensing Authority may in its discretion suspend the licence of a licensed wireman or linesman in those cases in which the licence may be cancelled if the licensed wireman or linesman admits his or her default in writing to the Licensing Authority.
- (2) No period of suspension for any one offence should exceed 3 months and in no case shall a licence be suspended for more than 5 months in any one calendar year.
- (3) Notice of the suspension of a licensed wireman's or linesman's licence shall be issued to him or her by the Licensing Authority on the prescribed Form I.

(Amended by S.I. 2/1988)

55. CHIEF ELECTRICAL INSPECTOR TO KEEP RECORDS ETC

The Chief Electrical Inspector shall keep records of issues of licences, cancellations of licences, suspensions of licences, applications for licences, refusals of issue of licence and all other matters which he or she may consider fit to record. *(Amended by S.I. 2/1988)*

56. FEES

- (1) The Licensing Authority shall charge such fees as set out in Schedule 1.
- (2) Should the installation on inspection be found not fit for approval the fees chargeable in Schedule 1 shall nevertheless be paid for every subsequent inspection required to be made by the Chief Electrical Inspector for the purpose of issuing a certificate of approval.

However, the Chief Electrical Inspector may, where in his or her opinion the circumstances of any particular case justify a reduction of the fees for re-inspection reduce such fees by 50%.
- (3) The fees payable for a licence and for installations shall be as specified in Schedule 2.

(Amended by S.I. 2/1988)

57. PENALTIES

A person who commits an offence under any of these Regulations for which no specific punishment is provided by these Regulations is liable on summary conviction to a fine not exceeding \$500. (*Amended by S.I. 2/1988*)

SCHEDULE 1

PART 1

FORM A

(Reg. 40)

No

Particulars to be given by Applicant for issue or renewal of Wireman's Licence.

- 1. Full name of applicant
- 2. Postal address of residence of applicant
- 3. Date of birth of applicant
- 4. Are you the holder of a wireman's licence, and have you at any time been previously the holder of a licence? If so, state number and date of issue
- 5. State particulars of any wireman's licence which you hold or have previously held
- 6. State particulars of any endorsement on any wireman's licence which you hold or have previously held
- 7. Have you been at any time disqualified from holding a wireman's licence ? If so, state particulars as to the court by which, the date on which and the period for which the disqualification was imposed.
- 8. Have you passed an electric wireman's test ? If so, state by whom tested
- 9. State particulars of certificate or diplomas which you hold

Declaration

Revision Date: 31 Dec 2008

I hereby declare that I am not suffering from any infirmity and my mental fitness is such as to qualify me for the issue of a Wireman's Licence.

Signature of applicant

Date of application

FORM B

(Reg. 40)

Licence to act as a Wireman

Licence No of 20

The Licensing Authority hereby grants a licence to of to act as a licensed wireman until further notice.

Dated the day of 20 \$25.00 (licence fee).

.....
.....

(Endorsements)

.....

Members of the Licensing Authority.

FORM C

No.....

(Reg. 7)

Notification of an Addition or Alteration to an Electric Installation

I, being a licensed wireman no. do hereby give notice that I propose, at the request of owner/occupier, to carry out the addition/alteration to the electric installation situated at and described below.

Description of present Installation—

Description of proposed addition/alteration—

and will on completion make application for inspection.

I have informed, whose signature appears below, that it is illegal to operate any addition or alteration to the installation until the same has been inspected and a certificate of approval issued.

Dated the day of 20.....

.....
Licensed Wireman.

I confirm that I have been informed as above.

Dated the day of 20.....

OFFICE STAMP

.....
Occupier / Owner.

FORM D

No

(Reg. 6).

Notification of intention to work on new installation

I being a licensed wireman
No do hereby give notice that I propose, at the request of
..... owner/occupier, to install electrical wiring in the
premises at and as described below—

(Description of Proposed Installation)

and will on completion make application for inspection.

I have informed, whose signature appears below, that it is illegal to connect or operate any installation until it has been inspected and a certificate of approval issued.

Revision Date: 31 Dec 2008

Dated the day of 20.....

.....

Licensed Wireman.

I confirm that I have been informed as above.

Dated the day of 20.....

OFFICE STAMP

.....

Owner / Occupier.

FORM E.

(Regs. 6, 7.)

Application for an Inspection of an Electrical Installation

Date

Type of inspection

(State whether new installation, alteration, extension, reconnection or condition)

Applicant's name

(Block Letters)

Owner's name

Owner's address

Address and location of installation

—

—

(Please give exact details to facilitate location of installation)

Nature of premises

(i.e. Commercial, domestic, Industrial)

No. of points

Name of wiring contractor

Address of wiring contractor

Wiring contractor's licence no

Wiring Contractor's Certificate

I certify that the whole/part of the electrical installation has been inspected and tested by me and found to be up to standard.

.....
Wiring Contractor's Signature.

.....
Applicant's Signature.

Date Received	Application No.	Inspection Date
.....
.....
.....

FORM F.

(Reg. 8)

Certificate No

Chief Electrical Inspector's Certificate of Approval

 Revision Date: 31 Dec 2008

I certify that the whole/part of the Electrical Installation No for details of which are given below has been inspected and tested on 20....., and that to the best of my knowledge and belief, the above Electrical Installation satisfies the requirements of the Regulations. The whole/part of the Electrical Installation when tested with a constant pressure of Volts D.C. showed an insulation resistance of ohms between all unearthed conductors and the earth electrode, and between all conductors earthed and unearthed ohms. The effectiveness of the continuity taken between any unearthed material of the above Electrical Installation and the earth electrode showed a resistance of ohms.

The tests on the above Electrical Installation was carried out with all switches and lamps out/in.

The above Electrical Installation consists of—

No. of lighting points

No. of convenience outlets

No. of power outlets Rating/s

No of fixed appliances Rating/s

No. of circuits

Type of wiring

(Open, Conduit, etc.)

Any other information not detailed above—

I recommend that this installation be periodically inspected and tested at intervals of not more than years commencing the day of 20....., and a report obtained on its condition.

Dated the day of 20.....

.....
Chief Electrical Inspector.

N.B.—This Certificate is valid for not more than 3 months for

connection purposes.

FORM G

(Reg. 44).

Notice of Refusal of Issue of Wireman’s Licence

To:

TAKE NOTICE that your application for the issue to you of a wireman’s licence has been refused.

Dated the day of 20.....

.....
.....
.....

Members of the Licensing Authority.

FORM H

(Reg. 44).

Notice of Cancellation of Wireman’s Licence

To:

Take notice that your licence no of 20..... to act as a licensed wireman has been cancelled with effect from the day of, 20.....

Dated the day of 20.....

.....
.....
.....

Members of the Licensing Authority.

FORM I

(Reg. 54).

Notice of Suspension of Wireman’s Licence

To:

TAKE NOTICE THAT your Licence No..... of 20....., to act as a licensed wireman has been suspended for the period..... with effect from theday of....., 20.....

Dated the.....day of....., 20.....

.....
.....
.....

Members of the Licensing Authority.

**PART 2
ELECTRICAL INSPECTION FEE**

I. SINGLE PHASE INSTALLATION (NEW OR ALTERATION)

(A) Domestic (1–Phase)

<i>NATURE OF INSPECTION</i>	<i>FEES</i>
1. For inspecting any single phase domestic installation under 500 sq ft	\$40.00 basic charge plus \$1.00 for every outlet installed.
2. For inspecting any single phase domestic installation 500 sq ft or over, but under 1,000 sq ft	\$80.00 basic charge plus \$1.00 for every outlet installed.
3. For inspecting any single phase domestic installation 1,000 sq ft or over but under 1,500 sq ft	\$200.00 basic charge plus \$1.00 for every outlet installed.

4. For inspecting any single phase domestic installation 1,500 sq ft or over \$300.00 basic charge plus \$1.00 for every outlet installed.

(B) Commercial/Industrial (1-Phase)

5. For inspecting any single phase commercial or industrial installation under 500 sq ft \$80.00 basic charge plus \$1.00 for every outlet installed.
6. For inspecting any single phase commercial or industrial installation 500 sq ft or over, but under 1,000 sq ft \$200.00 basic charge plus \$1.50 for every outlet installed plus \$2.00 for every kilowatt rated capacity.
7. For inspecting any single phase commercial or industrial installation 1,000 sq ft or over but under 5,000 sq ft \$400.00 basic charge plus \$1.50 for every outlet installed plus \$2.00 for every kilowatt rated capacity.
8. For inspecting any single phase commercial or industrial installation, 5,000 sq ft or over but under 10,000 sq ft \$600.00 basic charge plus \$1.50 for every outlet installed plus \$2.00 for every kilowatt rated capacity.
9. For inspecting any single phase commercial or industrial installation, 10,000 sq ft or over \$1,000 basic charge plus \$1.50 for every outlet installed, plus \$2.00 for every kilowatt rated capacity.

II 3 PHASE INSTALLATION

(A) Commercial/Industrial/Domestic (3-Phase)

10. For inspecting any 3-phase installation under 500 sq ft \$150.00 basic charge plus \$1.50 for every single-phase outlet installed plus \$2.50 for every 3-phase

Revision Date: 31 Dec 2008

- outlet plus \$2.50 for every kilowatt rated capacity.
11. For inspecting any 3-phase installation, 500 sq ft or over, but under 1,000 sq ft \$300.00 basic charge plus \$1.50 for every single-phase outlet installed plus \$2.50 for every 3-phase outlet plus \$2.50 for every kilowatt rated capacity.
12. For inspecting any 3-phase installation, 1,000 sq ft or over, but under 5,000 sq ft \$750.00 basic charge plus \$2.00 for every single phase outlet plus \$2.50 for every 3-phase outlet plus \$2.50 for every kilowatt rated capacity.
13. For inspecting any 3-phase installation 5,000 sq ft or over, but under 10,000 sq ft \$1,500 basic charge plus \$2.00 for every single phase outlet plus \$2.50 for every 3-phase outlet plus \$2.50 for every kilowatt rated capacity.
14. For inspecting any 3-phase installation 10,000 sq ft or over, but under 25,000 sq ft \$3,000 basic charge plus \$2.00 for every single phase outlet plus \$2.50 for every 3-phase outlet plus \$2.50 for every kilowatt rated capacity.
15. For inspecting any 3-phase installation of 25,000 sq ft or over \$6,000 basic charge plus \$2.00 for every single-phase outlet, plus \$2.50 for every 3-phase outlet, plus \$2.50 for every kilowatt rated capacity.

III TEMPORARY INSTALLATIONS

16. For inspecting temporary domestic installation \$50.00 flat for a period of not more than 3 months.

17. For inspecting temporary installations commercial or industrial \$200.00 flat for a period of not more than 3 months.

IV ROUTINE INSPECTIONS

(A) Domestic (Single-phase or 3-phase)

18. For routine inspection of any domestic installation under 500 sq ft \$ 25.00
19. For routine inspection of any domestic installation 500 sq ft or over, but under 1,500 sq ft \$60.00
20. For routine inspection of any domestic installation 1,500 sq ft or over \$200.00

(B) Commercial/Industrial (1-phase)

21. For routine inspection of any single phase commercial or industrial installation under 500 sq ft \$60.00
22. For routine inspection of any single phase commercial or industrial installation 500 sq ft or over \$300.00

(C) Commercial/Industrial (3-phase)

23. For routine inspection of any 3-phase commercial or industrial installation under 500 sq ft \$100.00
24. For routine inspection of any 3-phase commercial or industrial installation 500 sq ft or over but under 10,000 sq ft \$500.00
25. For routine inspection of any 3-phase commercial or industrial installation 10,000 sq ft or over but under 25,000 \$1,500.00

 Revision Date: 31 Dec 2008

- sq ft
26. For routine inspection of any 3-phase commercial or industrial installation 25,000 sq ft or over \$2,500.00
27. Additional charges for sundries on all items \$2.00

V DUPLICATE CERTIFICATE

28. For the issue of any duplicate inspection certificate \$20.00

PART 3 VETTING OF ELECTRICAL PLAN

FEE

For the vetting of a building electrical plan \$0.10 for every sq ft of floor space.

(Inserted by S.I. 3/1995)

SCHEDULE 2

PART 1 ELECTRICAL LICENCE FEES

1. Licence to act as an electrician \$400.00
2. Annual renewal of licence to act as an electrician \$200.00
3. Issue of a duplicate licence \$100.00

4. Examination by the Electrical Licensing Authority \$100.00

PART 2

Class	Installation	Fees (Not to exceed)
A	any installation where the cable for the fixed wiring is exposed or run, directly on a surface without the use of conduit or trunk line. The charge for every point contracted	\$30.00
B	any installation where P.V.C. conduit or trunk line forms part of the fixed wiring exposed or concealed. The charge for every point contracted	\$50.00
C	any installation where metal conduit or trunk line exposed or concealed forms part of the fixed wiring. The charge for every point contracted	\$70.00

(Inserted by S.I. 2/1988 and Substituted by S.I. 3/1995)

ELECTRICITY SUPPLY ORDER – SECTION 30(3)

(Statutory Instrument 57/2008)

Commencement [9 June 2008]

1. CITATION

This Order may be cited as the Electricity Supply Order.

2. INTERPRETATION

In this Order—

“**domestic consumers**” means consumers who use the electricity in their homes;

“**principal Act**” means the Electricity Supply Act, Cap.9.02

3. APPLICATION OF DECREASE IN BASIC ENERGY RATE TO CONSUMERS IN NEED OF SPECIAL PROTECTION

3. Subject to section 4, it is hereby determined that the decrease in basic energy rates shall apply to domestic consumers using not more than 180 units of electricity per month in accordance with section 30 (3) of the principal Act.

4. DURATION

The decrease in basic energy rates referred to in section 3 shall apply to domestic consumers in the month following the month in which this Order comes into force and in all subsequent months up to and including the month in which the Company submits its interim return for the financial year 2008 pursuant to section 30 (1) of the principal Act.