



BELIZE

**ELECTRICITY ACT
CHAPTER 221**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
ARRANGEMENT OF SECTIONS	3
ELECTRICITY ACT	8
Amendments in force as at 31st December, 2000.	



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CHAPTER 221

ELECTRICITY

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CHAPTER 221**ELECTRICITY**

13 of 1992.
40 of 1999.

[28th August, 1992]

PART I*Preliminary*

- Short title. 1. This Act may be cited as the Electricity Act.
- Interpretation. 2. In this Act, unless the context otherwise requires:-
- “appointed day” means the day referred to in section 3;
- “B.E.B.” means the Belize Electricity Board established under section 3 of the Belize Electricity Board Act;
- “Commission” means the Public Utilities Commission established under the Public Utilities Commission Act;
- “interested persons” means a person who may be materially affected by any decision, Order, regulations or by-laws made or issued by the Commission or the Minister;
- “local authority” means any authority having municipal or administrative jurisdiction over and within any area in respect of which rights are exercised under this Act;
- “Minister” means the Minister for the time being responsible for electricity;
- “modifications” includes additions, alterations and omissions, and cognate expressions shall be construed accordingly.

CAP. 182,
R.E. 1980-1990.

CAP. 223.
40 of 1999.

40 of 1999.

PART II

Regulation and Provision of Electricity Services

3.-(1) As from such day as the Minister may by Order appoint for the purpose of this Act (in this Act, referred to as “the appointed day”) the B.E.B. shall, subject to section 4 of this Act, cease to perform the functions imposed upon it by PART IV of the Belize Electricity Board Act.

Cessation of B.E.B’s functions.
CAP. 182, R.E. 1980-1990.

(2) On the appointed day, the B.E.B. shall, subject to section 4 of this Act, cease to-

- (a) generate, distribute, supply and sell energy for public and private purposes;
- (b) promote and encourage the effective and efficient development and administration of electricity supply, having regard to the development, well-being and security of the country.

4.-(1) During the transition period, the B.E.B. shall continue to perform those functions necessary and sufficient for the provision of electricity services, other than those functions transferred to the Commission under section 7 below.

National and regional electrical services.

(2) For the purposes of this Act, “the transition period” means the period beginning with the appointed day and ending on the vesting day.

5. On and from the appointed day when the performance of certain functions and authority imposed on the B.E.B. shall cease under section 3 above, the performance of these functions and authority shall by virtue of this section stand transferred to and vest in the Director, and on or from the 24th August, 1999, those powers shall stand transferred from the Director to the Commission.

Vesting of functions in Commission.

6.-(1) The Commission may, by Order made by statutory instrument, delegate all or any of his powers and functions under this Act to the Commission, subject

Delegating of powers and functions by

Minister.
40 of 1999.

to such restrictions and limitations as may be specified in the Order-

- (a) to secure that there are provided throughout Belize, save in so far as the provision thereof is impracticable, such electrical services as satisfy all reasonable demands for them including, in particular, emergency services, and services in rural areas; and
- (b) without prejudice to the generality of paragraph (a) above, to secure that any person by whom any such service is to be provided is able to finance the provision of those services.¹

40 of 1999.

(2) Subject to subsection (1) above, the Commission shall exercise the functions assigned or transferred to it under this Act in a manner which it considers is best calculated to¹-

- (a) secure that all reasonable demands for electricity are satisfied;
- (b) secure that licence holders are able to finance the carrying on of the activities which they are authorized by their licences to carry on;
- (c) promote competition in the generation and supply of electricity;
- (d) protect the interests of consumers of electricity supplied by persons authorized by licences to supply electricity in respect of-

1. The delegation of powers by the Minister to the Commission took effect from 24th August, 1999 by virtue of Act No. 40 of 1999. Before that day, the delegation was made to the Director General of Electricity Supply, whose office was abolished by the said Act 40 of 1999.

- (i) the prices charged and the other terms of supply;
 - (ii) the continuity of supply; and
 - (iii) the quality of the electricity supply services provided;
- (e) promote efficiency and economy on the part of persons authorized by licences to supply or transmit electricity and the efficient use of electricity supplied to consumers;
- (f) promote research into and the development and use of new techniques by or on behalf of persons authorized by a licence to generate, transmit or supply electricity;
- (g) protect the public from dangers arising from the generation, transmission or supply of electricity; and
- (h) secure the establishment and maintenance of machinery for promoting the health and safety of persons employed in the generation, transmission or supply of electricity;

and the Commission has a duty to take into account, in exercising those functions, the effect on the physical environment of activities connected with the generation, transmission or supply of electricity. 40 of 1999.

(3) In performing its duty under subsection (2) (d) (i) above, the Commission shall take into account, in particular, the protection of the interests of consumers of electricity in rural areas. 40 of 1999.

(4) In performing its duty under subsection (2) (d) (iii) above, the Commission shall take into account, in particular, the interests of those who are disabled or of pensionable age. 40 of 1999.

(5) In this Part, “licence” means a licence under section 15 below, and “licence holder” shall be construed accordingly.

By-laws.
40 of 1999.

7.-(1) The Commission may, with the approval of the Minister, make by-laws relating to-

- (a) the inspection of electrical installations;
- (b) the fixing and testing of meters;
- (c) the prevention of the misuse or waste of energy supplied;
- (d) the protection of electrical installations;
- (e) the conditions under which fixtures and fittings may be installed;
- (f) matters generally connected with the electric light and power service which are not otherwise provided for, the generality of this provision not being limited by the preceding paragraphs;
- 40 of 1999. (g) the methodology and process for the determination of tariffs, charges and fees to be charged for the provision of electrical services by licencees for transmission or supply;
- 40 of 1999. (h) the quality of service standards, including penalties for violations of such standards, and the methodology and process for establishing and enforcing quality of service standards, and the calculation and assessment of penalties for their violations;
- 40 of 1999. (i) the entities that may be afforded open access to the transmission system and the terms of such access;
- 40 of 1999. (j) the use by licencees of a uniform system of accounts.

(2) Any person who contravenes or fails to comply with any by-laws made under this section commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding six months, or to both such fine and term of imprisonment.

(3) By-laws made under this section shall have no effect or force until they have been published in the *Gazette*.

(4) By-laws on tariffs, charges, fees and quality of service standards to be made by the Commission under subsection (1) (g) and (h) above shall be made in a manner:-

- (a) calculated to afford a licensee a reasonable opportunity to recover the reasonable costs of providing service and secure a reasonable rate of return on investment when operating in a manner compatible with international standards of an efficiently operated power system of similar characteristics to that of Belize; and
- (b) that reasonably allocates to particular customer classes the cost of serving such customers, subject to implementation of rates for the needy that assures their access to basic electric services at an affordable price in accordance with overall government's policy and objectives.

8.-(1) It shall also be the duty of the Commission,¹ so far as it appears to it practicable from time to time to do so, to collect information with respect to commercial activities connected with electricity carried on in Belize and the persons by whom they are carried on with a view to its becoming aware of, and ascertaining the circumstances relating to, the matters with respect to which its functions are exercisable.

Duty of
Commission.

1. See footnote to section 6. The duties of the Commission took effect from 24th August, 1999. Before this they were exercised by the Director General of Electricity Supply.

(2) This section applies to any activities connected with the generation, transmission and supply of electricity.

40 of 1999.

(3) The Commission shall, subject to the approval of the Commission, assess annual licence fees and collect such fees from entities licensed under this Act and pay such fees into the Consolidated Revenue Fund, and in making assessments of fees under this subsection, the Commission shall assess fees adequate to reimburse the Consolidated Revenue Fund for the monies allocated from that Fund to meet the budget of its Office. A licensee shall be allowed, subject to the provisions of this Act, to recover the licence fees paid to the Commission after assessment through approved electricity service tariffs, charges and fees.

Publication of
information and
advice.
40 of 1999.

9. The Commission may arrange for the publication of all relevant information that may be considered expedient in protecting the interest of consumers.

Investigations.
40 of 1999.

10.-(1) It shall be the duty of the Commission¹ to consider any matter which:-

- (a) relates to electricity services provided or electric lines or electrical plants supplied in Belize; and
- (b) is the subject of a representation (other than one appearing to the Commission¹ to be frivolous) made to the Commission¹ by or on behalf of a person appearing to the Commission¹ to have an interest in that matter.

Power to require
information.
40 of 1999.

11.-(1) The Commission¹ may, for any relevant purpose in connection with electricity in Belize, by notice in writing signed on its behalf:-

- (a) require any person to produce, at a time and place specified in the notice, to the Commission¹ or to any person appointed

1. See footnote to section 6.

by it for the purpose, any documents which are specified or described in the notice and are in that person's custody or under his control; or

- (b) require any person carrying on any business to furnish to the Commission¹ such estimates, returns or other information as may be specified or described in the notice, and specify the time, the manner and the form in which any such estimates, returns or information are to be furnished; but no person shall be compelled for such purpose to produce any documents which he could not be compelled to produce in civil proceedings before the court or in complying with any requirement for the furnishing of information, or to give any information which he could not be compelled to give in evidence in such proceedings.

(2) A person who refuses or, without reasonable excuse, fails to do anything duly required of him by a notice under subsection (1) above commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

(3) A person who-

- (a) intentionally alters, suppresses or destroys any document which he has been required by a notice under this section to produce; or
- (b) in furnishing any estimate, return or other information required of him under any such notice, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular;

1. This power became vested in the Commission as from 24th August, 2000. See footnote to section 6.

commits an offence.

(4) A person who commits an offence under subsection (3) above shall be liable-

- (a) on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment;
- (b) on conviction on indictment, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and term of imprisonment.

(5) Where a person makes default in complying with a notice under subsection (1) above, the court may, on the application of the Commission¹, make such order as the court thinks fit for requiring the default to be made good; and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officer of a company or other association who is responsible for such default.

(6) In this section-

“the court” means the magistrate’s court;

“relevant purpose” means any purpose connected with the exercise of the Commission’s¹ functions under this Act.

Power to establish advisory bodies.

12.-(1) The Minister may, as soon as practicable after the appointed day, establish advisory bodies for matters affecting Belize in electricity matters; and each body so established shall consist of such members as the Minister may from time to time appoint.

1. See footnote to section.

(2) In establishing a body under subsection (1) above, the Minister shall have regard to the desirability of having members who have the expertise and knowledge of the particular area (including, in particular, the special requirements and circumstances of consumers, purchasers and other users in part of electricity services and electric lines or electrical plants).

(3) It shall be the duty of an advisory body established under this section to advise the Minister on any matter-

- (a) in respect of which any of the Commission's¹ functions is exercisable; and
- (b) which is referred to it by the Minister.

(4) The Minister may defray or contribute towards the expenses of an advisory body established under this section.

13.-(1) Where powers are conferred upon the Commission under this Act to make regulations or any other form of subsidiary legislation subject to the approval of the Minister, the Commission shall not submit such regulations to the Minister for approval without first circulating for comments the final draft copies of such regulations or other subsidiary legislation to any interested person, and without genuinely consulting with such person and taking such person's views and comments into account.

Proceedings
before the
Commission.
40 of 1999.

(2) Where powers are conferred upon the Commission under this Act to make regulations or any other form of subsidiary legislation, and where provision is made that such regulations or subsidiary legislation shall, after signature by the Commission, come into force upon publication in the *Gazette*, the Commission shall not cause such regulations or subsidiary legislation to be published in the *Gazette* without first circulating for comments the final draft

1. See footnote to sections 9, 10 and 11.

copies thereof to any interested person, and without genuinely consulting with such person and taking such person's views and comments into account:

Provided that the Commission, after consulting any interested person under this subsection or subsection (1) above, shall not be obliged to follow the views or comments of that person.

(3) Where powers are conferred upon the Commission under this Act or any subsidiary legislation made thereunder to make any Orders or decisions, or to give or issue any directives to any person, the Commission shall not make such Orders or decisions, or give or issue such directives without first giving notice to, and inviting comments from, any person who may be interested or affected by such Orders, decisions or directives.

(4) The notice referred to in subsection (3) above shall be published by the Commission through such medium as is likely to reach the largest number of persons in Belize, and shall additionally specify:-

- (a) the last date on which comments should be received by the Commission;
- (b) the date on which a public hearing will be held, if interested persons so request.

(5) The Commission may make an Order or a decision, or give a directive without holding a public hearing where no interested party has requested a public hearing pursuant to subsection (4) (b) above, or where the reasons stated for the request for a public hearing in any comments received from interested persons pursuant to subsection (4) (a) above are, in the opinion of the Commission, frivolous and vexatious.

(6) Any person aggrieved by an Order, decision or directive of the Commission, including a decision relating to the issuance, modification, transfer, suspension, cancellation, withdrawal or refusal of a licence or permit, either

generally or conditionally, may apply to the Commission for review of its Order, decision or directive within thirty days of the making of such Order, decision or directive.

PART III

Licensing of Supply, etc.

- 14.-(1) The Commission¹, may grant a licence authorizing any person-
- Licences
authorising
supply.
40 of 1999.
- (a) to generate electricity for the purpose of giving a supply to any premises or enabling a supply to be so given;
 - (b) to transmit electricity for that purpose in that person's authorized area; or
 - (c) to supply electricity to any premises in that person's authorized area.
- (2) The Commission may:-¹ 40 of 1999.
- (a) grant a licence authorizing any person to supply electricity to any premises specified or of a description specified in the licence; or
 - (b) extend such a licence by adding to the premises or description of premises specified in the licence.
- (3) An application for a licence or extension shall be made in the prescribed manner and shall be accompanied by such fee (if any) as may be prescribed; and within fourteen days after the making of such an application, the applicant shall publish a copy of the application in the prescribed manner.

1. See footnote to sections 9, 10 and 11.

40 of 1999. (4) Before granting a licence under subsection (1) (b) or (c) above, the Commission¹ shall give notice-

- (a) stating that it proposes to grant the licence;
- (b) stating the reasons why it proposes to grant the licence; and
- (c) specifying the time (not being less than twenty-eight days from the date of publication of the notice) within which representations or objections with respect to the proposed licence may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

40 of 1999. (5) A notice under subsection (4) above shall be given by publishing the notice in such manner as the Commission¹ considers appropriate for bringing it to the attention of persons likely to be affected by the grant of the licence.

(6) A licence shall be in writing and, unless previously revoked in accordance with any term contained in the licence, shall continue in force for such period as may be specified in or determined by or under the licence.

40 of 1999. (7) As soon as practicable after granting a licence, the Commission shall send a copy of the licence to the Minister.

40 of 1999. (8) When issuing a licence to transmit or supply electricity under this section, the Commission may include a condition in the licence that the licensee shall transfer the licence and some of its property and assets related to the business of transmitting or supplying electricity, to another licensee, upon the happening of certain events or under specified circumstances, at the book value of such property or some other price agreed upon by prior negotiation.

1. See footnote to sections 9, 10 and 11.

(9) In this Part-

40 of 1999.

“authorized area”, in relation to a person authorized by a licence under paragraph (b) or (c) of subsection (1) above to transmit or supply electricity, means so much of the area designated as such in the licence as is not for the time being designated in a subsequent licence under that paragraph.

(10) Any sums received under this section shall be paid into the Consolidated Revenue Fund.

15.-(1) Subject to subsection (4) below, a person who-

Prohibition on
unlicensed
supply, etc.
40 of 1999.

- (a) generates electricity from a plant having a capacity greater than seventy-five kilowatts for the purpose of giving a supply to any premises or enabling a supply to be given;
- (b) transmits electricity for that purpose; or
- (c) supplies electricity to any premises,

commits an offence unless he is authorized to do any of the acts specified under paragraphs (a), (b) or (c) above by a licence.

(2) A person guilty of an offence under this section shall be liable-

- (a) on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment;
- (b) on conviction on indictment, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and term of imprisonment.

40 of 1999. (3) Proceedings for an offence under this section may be instituted by or on behalf of the Commission.

40 of 1999. (4) Nothing in this section shall in any way limit the right of any person to install on premises owned or occupied by him a generating plant with a capacity of not more than seventy five kilowatts and to generate and supply energy to those premises only or, with the written approval of the Commission and subject to such conditions as may be specified therein, to any other premises owned or occupied by him.

(5) In this Part, unless the context otherwise requires-

“supply” in relation to electricity, means supply through electric lines otherwise than to premises occupied by a licence holder for the purpose of carrying on the activities which he is authorized by his licence to carry on;

“transmit” in relation to electricity, means transmit by means of a transmission system, that is to say, a system which consists (wholly or mainly) of high voltage lines and electrical plant and is used for conveying electricity from a generating station to a substation, from one generating station to another, or from one substation to another.

Stamping and duration of licence.

16. A licence granted under this Part shall be in writing, stamped with the official seal of the Commission¹ and, unless previously revoked in accordance with any term in that behalf contained in the licence, shall continue in force for such period as may be specified in or determined by or under the licence.

Granting of licences.

17.-(1) A licence granted under this Part may be granted either to all persons, to persons of a class or to a particular person.

¹ See footnote to sections 9, 10 and 11.

(2) A licence granted under this Part may authorize-

- (a) the connection to any electric line or electrical plant to which the licence relates of-
 - (i) any other electric line or electrical plant specified in the licence or of a description so specified; and
 - (ii) any electric line or electrical plant so specified or of a description so specified; and
- (b) the provision by means of any electric line or electrical plant to which the licence relates of any electrical services specified in the licence or of a description so specified.

(3) A licence granted under this section otherwise than to a particular person shall be published in such manner as may be considered appropriate for bringing it to the attention of the persons for whose benefit it will enure.

(4) Where a licence granted under this section to a particular person includes a provision requiring that person to run any electric line or to install any electrical plant to which the licence relates through the agency of some other person, that other person, as well as the first mentioned person, shall be taken for the purposes of this section and the following provisions of this Part to be authorized by the licence to run that line and/or to install that electrical plant.

(5) Any sums received under this section shall be paid into the Consolidated Revenue Fund.

18.-(1) A licence may include-

- (a) such conditions (whether or not relating to the activities authorized by the licence) as appear to the Commission to be requisite or expedient having regard to the duties im-

Conditions of licences: general. 40 of 1999.

posed by section 6 above; and

40 of 1999. (b) conditions requiring the rendering to the relevant authority of a payment on the grant of the licence, or payments during the currency of the licence, or both, of such amount or amounts as may be determined by or under the licence and in accordance with section 8 above.

(2) Without prejudice to the generality of paragraph (a) of subsection (1) above, conditions included in a licence by virtue of that paragraph-

(a) may require the licence holder to enter into agreements with other persons for the use of any electric lines and electrical plant of his (wherever situated and whether or not used for the purpose of carrying on the activities authorized by the licence) for such purposes as may be specified in the conditions;

(b) and may include provision for determining the terms on which such agreements are to be entered into.

(3) Conditions included in a licence by virtue of subsection (1) (a) above may require the licence holder-

40 of 1999. (a) to comply with any direction given by the Commission as to such matters as are specified in the licence or are of a description so specified;

40 of 1999. (b) except in so far as the Commission consents to his doing or not doing them, not to do or to do such things as are specified in the licence or are of a description so specified;

40 of 1999. (c) to refer for determination by the Commission such questions arising under the licence as are specified in the licence or are of a description so specified; and

- (d) to refer for approval by the Commission such things falling to be done under the licence, and such contracts or agreements made before the grant of the licence, as are specified in the licence or are of a description so specified. 40 of 1999.

(4) Conditions included in a licence by virtue of subsection (1) (a) above may-

- (a) instead of specifying or describing any contracts or agreements to which they apply, refer to contracts or agreements designated (whether before or after the imposition of the conditions) by the Commission; and 40 of 1999.
- (b) instead of containing any provisions which fall to be made, refer to provisions set out in documents so designated and direct that those provisions shall have such effect as may be specified in the conditions.

(5) Conditions included in a licence may contain provision for the conditions to cease to have effect or be modified at such times, in such manner and in such circumstances as may be specified in or determined by or under the conditions.

(6) Any provision included by virtue of subsection (5) above in a licence shall have effect in addition to the provision made by this Part with respect to the modification of the conditions of a licence.

(7) Any sums received by the Government in consequence of the provisions of any condition of a licence shall be paid into the Consolidated Revenue Fund.

19. It shall be the duty of the holder of a licence authorizing him to transmit electricity- General duties of licence holders.

- (a) to develop and maintain an efficient, coordinated and economical system of electricity transmission; 40 of 1999.

- 40 of 1999. (b) to facilitate competition in the supply and generation of electricity; and
- 40 of 1999. (c) to provide open access to the transmission system, subject to technical constraints and a licensee's rights and responsibilities as to expansion of the system and control of transmission losses, to the entities specified in by-laws by the Commission, in accordance with the terms for such access set forth in such by-laws.

Charging of tariffs
by licensees.
40 of 1999.

20.-(1) A licensee may charge its customers or users of its service such fees for electricity transmission, distribution and supply, installations, rentals, removals and all other matters chargeable in connection with the provision of those services as may from time to time be approved or fixed by the Commission:

Provided that such fees as are referred to in this subsection which were in force immediately before the commencement of this Act shall continue in force and shall be levied by such licensee until replaced by fees prescribed under this subsection.

(2) In approving or fixing the fees referred to in subsection (1) above, the Commission shall observe the process and apply the basis and the methodology for approving and fixing fees prescribed in applicable by-laws.

(3) Upon approval, such fees shall be published for the information of the licensee's consumers, customers and users of its service, and for general public information, in such manner as may be prescribed in applicable by-laws.

(4) A licensee shall conduct its business in a manner which it reasonably considers to be best calculated to achieve established quality of service standards, and shall pay the penalties for non-observance or failure to meet such standards, in accordance with by-laws, decisions or Orders which the Commission may from time to time make in respect thereto.

21.-(1) Subject to the following provisions of this section, the Commission may modify the conditions of a licence if the holder of the licence consents to the modifications. Modification of licences by agreement. 40 of 1999.

(2) Before making modifications under this section, the Commission shall give notice- 40 of 1999.

- (a) stating that it proposes to make the modifications and setting out their effect;
- (b) stating the reasons why it proposes to make the modifications; and
- (c) specifying the period (not being less than twenty eight days from the date of publication of the notice) within which representations or objections with respect to the proposed modifications may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(3) A notice under subsection (2) above shall be given-

- (a) by publishing the notice in such manner as the Commission considers appropriate for the purpose of bringing the notice to the attention of persons likely to be affected by the making of the modifications; and 40 of 1999.
- (b) by serving a copy of the notice on the holder of the licence.

(4) The Commission shall also send a copy of a notice under subsection (2) above to the Minister. 40 of 1999.

Special provisions applicable to certain licences.

22.-(1) This section applies to any licence granted under section 14 to a particular person which includes conditions requiring that person-

- (a) to provide such electricity services as are specified in the licence or are of a description so specified;
- (b) to connect to any electric line or electrical plant to which the licence relates or permit the connection to any such electric line or electrical plant of such other electric line or electrical plant as are specified in the licence or are of a description so specified;
- (c) to permit the provision by means of any electric line or electrical plant to which the licence relates of such services as are specified in the licence or are of a description so specified;
- (d) not to show undue preference to, or to exercise undue discrimination against, particular persons or persons of any class or description (including in particular, persons in rural areas) as respects any service provided, connection made or permission given in pursuance of such conditions as are mentioned in the foregoing paragraphs (whether in respect of the charges or other terms or conditions applied or otherwise); and
- (e) to publish, in such manner and at such times as are specified in the licence, a notice specifying, or specifying the method that is to be adopted for determining the charges and other terms and conditions that are to be applicable to such services so provided, such connections so made and such permissions so given as are specified in the licence or are of a description so specified.

(2) Before granting a licence to which this section applies, the Commission shall give notice-

- (a) stating that it proposes to grant the licence and setting out its effect;
- (b) stating the reasons why it proposes to grant the licence; and
- (c) specifying the time (not being less than twenty eight days from the date of publication of the notice) within which representations or objections with respect to the proposed licence may be made, and shall consider any representations or objections which are duly made and not withdrawn.

(3) A notice under subsection (2) above shall be given by publication in such manner as the Commission considers appropriate for bringing the matters to which the notice relates to the attention of persons likely to be affected by them.

23.-(1) Where the Commission is satisfied that a person who is authorized by a licence granted under section 14 above (in this Act referred to as a "licence holder") is contravening or has contravened and is likely again to contravene any of the conditions of his licence, the Commission may by Order make such provisions as are requisite for the purpose of securing compliance with that condition.

Securing compliance with licence.
40 of 1999.

(2) In determining the extent of the Order to be made, the Commission shall consider in particular the extent to which every person is likely to sustain loss or damage in consequence of anything which, in contravention of the relevant condition, is likely to be done, or omitted to be done.

40 of 1999.

(3) The Order made under subsection (1) above-

- (a) shall require the licence holder (according to the circumstances of the case) to do, or not to do, such things as are specified in the Order;
- (b) shall take effect at such time, being the earliest practicable time, as is determined by or under that Order; and
- 40 of 1999. (c) may be revoked at any time by the Commission.
- (4) In this section “contravention” in relation to any condition of a licence, includes any failure to comply with that condition and “contravene” shall be construed accordingly.
- 40 of 1999. (5) Nothing in this section shall supersede the authority of the Commission to cancel a licence under section 29 below.
- Keeping of register.
40 of 1999. 24.-(1) The Commission shall keep a register of licences granted under section 14 above and any Orders at such premises and in such form as it may determine.
- 40 of 1999. (2) The Commission shall cause to be entered in the register the provisions of-
- (a) every licence granted under section 14 above and every modification or revocation of, and every direction or consent given, or determination made under, such a licence; and
- (b) every Order and every revocation of such an Order.
- (3) The register shall be open to public inspection during such hours and subject to payment of such fees as may be prescribed by an Order made by the Commission by statutory instrument.
- 40 of 1999.

(4) Any person may, on payment of such fee as may be prescribed by an Order so made, require the Commission to supply to him a copy of or extract from any part of the register, certified by the Commission to be a true copy or extract. 40 of 1999.
40 of 1999.

(5) Any sums received under this section shall be paid into the Consolidated Revenue Fund.

25.-(1) Where licences granted under section 14 above include provisions which are framed by reference to the carrying out of relevant operations by persons for the time being approved under this section, then, for the purposes of those provisions, persons may be approved under this section in relation to such operations by the Commission. Approval of contractors.
40 of 1999.

(2) A person applying for an approval under this section may be required by the person to whom the application is made to comply with such requirements as the person to whom the application is made may think appropriate; and those requirements may include a requirement to satisfy some other person with respect to any matter.

(3) An approval under this section may apply either to a particular person or to persons of a description specified in the approval, and may so apply either in relation to particular relevant operations or in relation to relevant operations of a description so specified.

(4) An approval under this section may specify conditions which must be complied with if the approval is to apply, for any purposes specified in the approval to any person who is so specified or is of the description so specified and any such conditions may impose on the person to whom the approval is given a requirement from time to time to satisfy any person with respect to any matter.

- 40 of 1999. (5) Nothing in this section shall preclude a person (not being the Commission) by whom any matter is to be determined for the purposes of any requirement imposed in pursuance of subsection (2) or (4) above from charging any fee in respect of the carrying out of any test or other assessment made by him.
- (6) Any power conferred by this section to give an approval includes power to vary or withdraw an approval given in exercise of that power.
- 40 of 1999. (7) The Commission may by Order made by statutory instrument, provide for the charging of fees in respect of the exercise of any functions conferred by or under this section.
- (8) Any sums received under this section shall be paid into the Consolidated Revenue Fund.
- (9) In this section, “relevant operations” means the installation, maintenance, adjustment, repair, alteration, moving, removal or replacement of electrical works to which a licence under section 14 above relates.
- Register of approved contractors.
40 of 1999.
40 of 1999. 26.-(1) The Commission shall keep a register of approvals given under section 25 above at such premises and in such form as it may determine.
- (2) The Commission shall cause particulars of every such approval, and of every variation or withdrawal of such an approval, to be entered in the register.
- (3) Subsections (3) to (5) of section 24 above shall, as far as may be, apply for the purposes of this section.
- Approval, etc., of equipment. 27.-(1) Where licences granted under section 14 above include provisions which are framed by reference to equipment for the time being approved under this section for connection to electrical systems to which the licences relate, then, for the purposes of those provisions, equipment may be approved for

connection to those systems by the Commission.

40 of 1999.

(2) A person applying for an approval under this section may be required by the person to whom the application is made, to comply with such requirements as the person to whom the application is made may think appropriate; and those requirements may include a requirement to satisfy some other person with respect to any matter.

(3) An approval under this section may apply either to particular equipment or to any equipment of a description specified in the approval and may so apply either for the purposes of a particular electrical system or for the purpose of any electrical system of a description so specified.

(4) An approval under this section may specify conditions which must be complied with if the approval is to apply, for any purposes specified in the approval, to any equipment which is so specified or is of a description so specified; and any such condition may impose on the person to whom the approval is given a requirement from time to time to satisfy any person with respect to any matter.

(5) Nothing in this section shall preclude a person (not being the Commission) by whom any matter is to be determined for the purpose of any requirement imposed in pursuance of subsection (2) or subsection (4) above from charging any fee in respect of the carrying out of any test or other assessment made by him.

40 of 1999.

(6) Standards to which equipment of a description specified in the designation shall confirm whether it is to be approved for connection to an electric line or electrical plant so specified or of a description so specified may be designated by the Commission; and a standard so designated may apply subject to such exceptions as may be determined by or under the designation.

40 of 1999.

(7) A designation under this section may specify conditions which must be complied with if equipment of a description specified in the designation is to be regarded, for any purposes so specified, as conforming to the standards to which the designation relates.

40 of 1999.

(8) Before designating a standard under this section, the Commission shall give notice-

- (a) stating that it proposes to make the designation and setting out its effect;
- (b) stating any conditions which it proposes to specify in any such designation; and
- (c) specifying the time (not being less than twenty eight days from the date of publication of the notice) within which representations or objections with respect to the proposed designation may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

40 of 1999.

(9) A notice under subsection (8) above shall be given by sending a copy of the notice to the person running the system and such other persons (if any) as the Commission considers appropriate.

(10) Any power conferred by this section to give an approval or designate a standard includes power to vary or withdraw an approval given or designation made in the exercise of that power.

40 of 1999.

(11) The Commission may by Order made by statutory instrument, provide for the charging of fees in respect of the exercise of any functions conferred by or under this section.

(12) Any sums received under this section shall be paid into the Consolidated Revenue Fund.

28.-(1) The Commission shall keep a register of approvals given and designations made under section 27 above at such premises and in such form as it may determine.

Register of approvals, etc.
40 of 1999.

(2) Subject to any direction given under subsection (3) below, the Commission shall cause particulars of every such approval or designation, and of every variation or withdrawal of such an approval or designation, to be entered in the register.

40 of 1999.

(3) Subsections (3) to (5) of section 24 above shall, as far as may be, apply for the purposes of this section.

29.-(1) Any licence, permit, permission or consent granted under this Act may at any time be cancelled or withdrawn by the Commission or suspended by it for such period, not exceeding twelve months as the Commission specifies, in the event of any contravention by the licensee or the person to whom the permit, permission or consent was granted, as the case may be, under the provisions of this Act, and any such licence may be cancelled or suspended at any time by the Commission if in its opinion the public interest so requires.

Cancellation of licence.
40 of 1999.
40 of 1999.

40 of 1999.

(2) Where any licence, permit, permission or consent granted under this Act is cancelled, withdrawn or suspended, no part of any fee or other sum paid in respect thereof shall be refunded.

PART IV

Powers, etc., of Licence Holders

30.-(1) Subject to the provisions of this Act, a person authorized by a licence to transmit electricity may acquire, hold, mortgage and dispose of any property real or personal.

Power to acquire and dispose of property.

40 of 1999.
40 of 1999.
CAP. 182.
CAP. 183.

(2) Where a licence holder is unable to acquire by agreement and upon reasonable terms any land which it considers necessary to acquire for the purposes of this Act, the licence holder shall report the fact to the Commission and, if the licence holder so requests, the Commission may if it thinks fit, take such steps as may seem requisite towards the compulsory acquisition of such land under the provisions of the Land Acquisition Acts, or any Act in amendment or substitution of the same.

Power to cross
rivers, etc.
40 of 1999.

31. A licence holder, with the approval of the Commission, to be given after the Commission has obtained the approval of the Minister, may convey any electric line or electrical plant over, through or below any river, stream, or watercourse in the country and do anything necessary for the purpose:

Provided that nothing in this section shall authorize the licence holder to do anything which may permanently interfere with navigation upon any such water.

Powers to install,
adjust, etc.,
electrical lines,
etc., and to break
up streets.

32.-(1) Subject to the provisions of this Part, for any purpose connected with the carrying on of the activities which he is authorized by his licence to carry on, a licence holder may execute-

- (a) the following kinds of work, that is to say, installing under, over, in, on, along or across any street and from time to time inspecting, maintaining, adjusting, repairing, altering, replacing or removing-
 - (i) any electric line or electrical plant; and
 - (ii) any structures for housing or covering any such lines or plants; and
- (b) any works requisite for or incidental to the purposes of any works falling within paragraph (a) above, including for those purposes-

- (i) opening or breaking up any street or any sewers, drains or tunnels within or under any street;
- (ii) tunnelling or boring under any street; and
- (iii) removing or using all earth and materials in or under any street,

but nothing in this sub-paragraph shall empower a licence holder to lay down or place any electric line or electrical plant into, through or against any building, or in any land not dedicated to the public use.

(2) The licence holder shall give reasonable notice to the relevant authority of the intention so to do, specifying the portion of the street proposed to be opened and broken up.

(3) The licence holder shall cause a light sufficient for the warning of passengers to be set up and maintained at night on the portion of the street so opened and broken up until the street has been reinstated and made good to the satisfaction of the relevant authority.

(4) During such time as the street shall be opened and broken up, the licence holder shall provide, to the satisfaction of the relevant authority, reasonable facilities for the passage of ordinary vehicular and pedestrian traffic on the street.

(5) The licence holder shall pay the costs of reinstating and making good the street to the satisfaction of the relevant authority.

(6) The licence holder shall not place any electric line or electrical plant or post, pole, pillar or other works in any position objected to by the relevant authority and, in the event of any such objection, the licence holder shall refer the matter to the Commission which shall make a decision thereon.

40 of 1999.

(7) In this section, “relevant authority” means, in the case of a street falling within the limits of a city or town, the local authority concerned, and in the case of any other street, the Ministry of Works.

Duty to take care. 33.-(1) A licence holder shall do as little damage as possible in the exercise of the powers conferred by section 32 above and shall make compensation for any damage done in the exercise of those powers.

(2) A licence holder shall exercise the powers conferred by section 32 above in such manner as will secure that nothing which he installs or keeps installed under, over, in, on, along or across any street becomes a source of danger to the public.

Power to execute works, etc., on land. 34.-(1) A licence holder may execute electrical works as may be necessary in, over or upon any land subject to-

- (a) in the case of Government land, to the consent in writing of the Lands Commissioner or an officer of the Lands Department appointed by him for the purposes of this section;
- (b) in the case of any other land, after giving reasonable notice in that behalf to the owner or occupier thereof.

(2) In the exercise of the powers given by this section, the licence holder shall not be deemed to acquire any right other than that of user only in or over the soil of any enclosed and other land whatsoever in, over or upon which he places any of his works; and should any of the works so carried on, over or upon any such land, become a nuisance or cause of loss to the owner of such land, the licence holder shall at his own expense, remove or alter such work or shall give such reasonable compensation as is provided under subsection (3) of this section.

(3) In the exercise of the powers given by this section, the licence holder shall do as little damage as possible and full compensation shall be paid by the licence holder to any owner or occupier, or other person having a lawful interest in the land, who suffers damage as a result of the exercise of those powers:

Provided that, subject to section 17 of the Belize Constitution, no compensation shall be payable in respect of any right of user acquired under subsection (2) of this section. CAP. 4.

35.-(1) A licence holder may execute works in pursuance of section 32 or section 34 above, notwithstanding that they involve a temporary or permanent alteration of any of the following, namely- Alteration of works.

- (a) any electric line or electrical plant under the control of another licence holder;
- (b) any gas pipe under the control of a public gas supplier;
- (c) any relevant pipe under the control of a water undertaker, or a sewerage undertaker or any water pipe under the control of a person lawfully supplying water; .
- (d) any telecommunication apparatus used for the purpose of a telecommunication system which is operated by a person to whom the Telecommunications Act applies. CAP. 229.

(2) Where a licence holder is proposing to execute works which involve or are likely to involve any such alteration as is mentioned in subsection (1) (a), (b) or (c) of this section, the following subsections of this section shall apply; and in those provisions “the relevant undertaker” means the other licence holder, the public gas supplier or the person lawfully supplying water in the exercise of statutory powers, as the case may be.

(3) The licence holder shall, not less than one month before the works are commenced, give the relevant undertaker a notice, specifying the nature of the licence holder's works, the alteration or likely alteration involved and the time and place at which the works will be commenced.

(4) Subsection (3) above shall not apply in relation to any emergency works of which the licence holder gives the relevant undertaker notice as soon as practicable after commencing the works.

(5) Where a notice has been given under subsection (3) above by the licence holder to the relevant undertaker, the undertaker may, within the period of seven days beginning with the giving of the notice, give the licence holder a counter-notice which may state either-

- (a) that the undertaker intends himself to make any alteration made necessary or expedient by the licence holder's proposed works; or
- (b) that he requires the licence holder, in making any such alterations, to do so under the supervision and to the satisfaction of the undertaker.

(6) Where a counter-notice given under subsection (5) above states that the relevant undertaker intends himself to make any alterations-

- (a) the undertaker shall (subject to subsection (8) below) have the right, instead of the licence holder, to execute any works for the purpose of making that alteration; and
- (b) any expenses incurred by the undertaker in or in connection with the execution of those works and the amount of any loss or damage sustained by the undertaker in consequence of the alteration shall be recoverable by the undertaker from the licence holder in any court of competent jurisdiction.

(7) Where a counter-notice given under subsection (5) above states that any alteration is to be made under the supervision and to the satisfaction of the relevant undertaker-

- (a) the licence holder shall not make the alteration except as required by the notice or under subsection (8) below; and
- (b) any expenses incurred by the undertaker in or in connection with the provisions of that supervision and the amount of any loss or damage sustained by the undertaker in consequence of the alteration shall be recoverable by the undertaker from the licence holder in any court of competent jurisdiction.

(8) Where-

- (a) no counter-notice is given under subsection (5) above; or
- (b) the relevant undertaker, having given a counter-notice falling within that subsection, fails to make any alteration made necessary or expedient by the licence holder's proposed works within such period (being not less than forty-eight hours) as the licence holder may by notice specify or, as the case may be, unreasonably fails to provide the required supervision,

the licence holder may himself execute works for the purpose of making the alteration or, as the case may be, may execute such works without the supervision of the undertaker; but in either case the licence holder shall execute the works to the satisfaction of the undertaker.

(9) Where the licence holder or any of his agent-

- (a) executes any works without the notice required by subsection (3) above having been given; or

- (b) unreasonably fails to comply with any reasonable requirement of the relevant undertaker under this paragraph,

he commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment.

Dispute as to compensation.

36. Where any dispute arises as to:-

- (a) whether any compensation is payable under subsection (2) or (3) of section 34 above;
- (b) the amount of any such compensation; or
- (c) the person to whom such compensation is payable;

the dispute shall be referred for determination by a fit and proper person as arbitrator to be agreed upon by the parties, or failing such agreement by the parties, by arbitration in accordance with the provisions of the Arbitration Act:

CAP. 125.

CAP. 182.
CAP. 183.

Provided that where an interest in land is acquired under the Land Acquisition Acts, any dispute referred to in this section shall be determined under those Acts, as may be appropriate.

Removal, etc., of line or posts, where necessary to use land.

37.-(1) Where any person desires to use land in a way that makes it necessary to remove to another part of the land any electric line, electrical plant or works maintained by a licence holder in, over or upon the land under section 34 or alter such electric line, electrical plant or works in any way, he may by notice in writing served on the licence holder require the removal or alteration of the electric line, electrical plant, post, pole, pillar, or other work.

(2) Any expenses incurred by a licence holder in complying with a requirement under subsection (1) above may be recovered from the person who made the requirement.

38.-(1) Subject to subsection (2) below, a licence holder who installs or alters, or changes the mode of operation of, any electric line or electrical plant shall take all reasonable precautions for securing that the operation of that line or plant does not interfere with the operation of any telecommunication apparatus which is-

Protection from interference.

- (a) under the control of a person to whom the Telecommunications Act applies; and
- (b) not unusually sensitive to interference with its operation.

CAP. 229.

(2) In the case of any telecommunication apparatus which is subsequently installed or altered or whose mode of operation is subsequently changed, the duty imposed by subsection (1) above shall not apply in relation to-

- (a) any momentary interference with its operation; or
- (b) where it is installed in unreasonably close proximity to the electric line or electrical plant, any other interference with its operation.

(3) Subsections (1) and (2) above shall be read as also applying in the converse case of a person to whom the Telecommunications Act applies who installs or alters, or changes the mode of operation of any telecommunication apparatus, and in such a case shall have effect as if-

CAP. 229.

- (a) any reference to the licence holder were a reference to that person;
- (b) any reference to an electric line or electrical plant were a reference to such apparatus; and
- (c) any reference to such apparatus under the control of a person to whom that Act applies were a reference to such a line or such plant under the control of a licence holder.

CAP. 229.
CAP. 125.

(4) Any difference arising under this section between a licence holder and a person to whom the Telecommunications Act applies shall be referred to arbitration by an arbitrator in accordance with the provisions of the Arbitration Act.

(5) In this section, “momentary interference” means any interference of momentary duration which is not a regular occurrence (whether caused by physical contact or otherwise).

Felling and
lopping of trees,
etc.

39.-(1) This section applies where any tree is or will be in such close proximity to an electric line or electrical plant which is kept installed or is being or is to be installed by a licence holder as-

- (a) to obstruct or interfere with the installation, maintenance or working of the line or plant; or
- (b) to constitute an unacceptable source of danger (whether to children or to other persons).

(2) The licence holder may give notice to the occupier of the land on which the tree is growing or standing, requiring him to fell or lop the tree or cut back its roots so as to prevent it from having the effect mentioned in subsection (1) (a) or (b) above, subject to the payment to him by the licence holder of the expenses reasonably incurred by him in complying with the notice.

(3) Where the occupier is not also the owner of the land, a copy of any notice under subsection (2) above shall also be served on the owner.

(4) If within twenty one days from the giving of notice under subsection (2) above-

- (a) the requirements of the notice are not complied with; and
- (b) neither the owner nor occupier of the land gives a counter-notice under subsection (5) below,

the licence holder may cause the tree to be felled or lopped or its roots to be cut back so as to prevent it from having the effect mentioned in subsection (1) (a) or (b) above.

(5) If, within twenty one days from the giving of a notice under subsection (2) above, the owner or occupier of the land gives a counter-notice to the licence holder objecting to the requirements of the notice, the matter shall, unless the counter notice is withdrawn, be referred to the Commission, which shall inform the Minister. 40 of 1999.

(6) On a reference under subsection (5) above, the Commission, after giving the parties an opportunity of being heard by a person appointed by it, may make such Order as it thinks just, and any such Order-

- (a) may empower the licence holder (after giving such notice to any person by whom a counter-notice was given of the commencement of the work as the Order may direct) to cause the tree to be felled or lopped or its roots to be cut back so as to prevent it from having the effect mentioned in subsection (1) (a) or (b) above; and
- (b) may determine any question as to what expenses (if any) are to be paid.

(7) Where the licence holder exercises any powers conferred under subsection (4) or (6) above, he shall-

- (a) cause trees to be felled or lopped or their roots to be cut back in accordance with good aboricultural practice and so as to

do as little damage as possible to trees, fences, hedges and growing crops;

- (b) cause felled trees, lopped boughs or root cuttings to be removed in accordance with the directions of the owner or occupier; and
- (c) make good any damage done to the land.

(8) In this section, “tree” includes any shrub and references to felling or lopping, felled trees or lopped boughs shall be construed accordingly.

Entry on land for purposes of exploration.

40.-(1) Subject to the following provisions of this section and without prejudice to any other right of entry, a person authorized in writing by a licence holder may, at any reasonable time enter upon and survey any land for the purpose of ascertaining whether the land would be suitable for use for any purpose connected with the carrying on of the activities which the licence holder is authorized by his licence to carry on.

(2) A person authorized to enter upon any land under this section shall not demand to do so as of right unless-

- (a) fourteen days notice of the intended entry has been given to the occupier; and
- (b) if required to do so, he has produced evidence of his authority.

(3) The powers conferred by this section shall not be exercisable in relation to land which is covered by a building or will be so covered on the assumption that any planning permission which is in force is acted on.

(4) The power to survey land conferred by this section includes power to search and bore for the purposes of ascertaining the nature of the subsoil; but

works may not be carried out on the land for this purpose unless notice of the proposed works is included in the notice given under subsection (2) above.

(5) Where any person exercises any powers conferred by this section, the licence holder by whom he was authorized shall make good any damage done to the land.

(6) In this section, “building” includes any garden, yard, outhouses and appurtenances belonging to or usually enjoyed with a building.

41.-(1) Any person who intentionally obstructs a person acting in the exercise of any power conferred by or under section 39 or 40 above shall be liable on summary conviction to a fine not exceeding five thousand dollars. Penalty for obstruction.

(2) Where in the exercise of any power conferred by or under section 39 or 40 above any damage is caused to land or to movables, any person interested in the land or movables may recover compensation in respect of that damage from the licence holder on whose behalf the power is exercised; and where in consequence of the exercise of such a power a person is disturbed in his enjoyment of any land or movables he may recover from that licence holder compensation in respect of that disturbance.

(3) Any question of disputed compensation under subsection (2) above shall be referred to and determined in accordance with the provisions of the Arbitration Act. CAP. 125.

42.-(1) Any notice required to be given by a licence holder to any person for the purpose of any provision of this Act shall be in a form approved by the Commission and considered adequate for indicating to that person - Serving of notices.
40 of 1999.

(a) the effect of the notice;

(b) such provision of this Act as is relevant to the notice; and

(c) the steps to be taken by that person.

(2) Any notice required to be given to any person for the purposes of any provision of this Act may be given to him either by delivering it to him or by leaving it at his proper address or by post, but a notice shall not be given by post unless it is sent by registered letter or by the recorded delivery service.

(3) Any notice required to be given under this Act may be given to an incorporated company or body by giving it to the secretary or clerk of the company or body.

(4) For the purposes of this section, the proper address of a person for service by post shall be -

(a) if the person to whom the notice is to be given has furnished the person giving the notice with an address for service under this Act, that address;

(b) in a case not falling under paragraph (a) above, where the person to whom the notice is to be given is an incorporated company or body, the registered or principal office of the company or body; and

(c) in any other case, the last known address of the person to whom the notice is to be given.

(5) Where it is not practicable, for the purposes of giving any notice under this Act, after reasonable inquiries to ascertain the name and address of-

(a) the person who is for the purposes of any provision of this Act the occupier of any land; or

(b) the owner of any interest in any land;

a notice may be given under this Act by addressing it to a person by the description of “occupier” of the land (describing it) or, as the case may be, “owner” of the interest (describing both the interest and the land) and by delivering it to some person on the land or, if there is no person on the land to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous object on the land.

(6) In any proceedings under this Act, a certificate purporting to be signed on behalf of the Commission and stating that a particular form of notice has been approved by it as mentioned in subsection (1) above shall be conclusive evidence of the matter certified.

43.-(1) Except as provided under the preceding provisions of this Act, a licence holder shall not be liable to compensate any person for, or be subject to any other liability in respect of, any loss or damage caused by the lawful exercise of any right conferred on him by or under this Act.

Savings and exclusions of certain remedies, etc.

(2) The ownership of any property shall not be affected by the fact that any electrical work is installed in, or under, or affixed to any land by any person in exercise of a right conferred by or under this Act.

44.-(1) Subject to the provisions of this section, references in this Act to electrical wires installed in, under or over any land include references to the electrical wires so installed before this Act comes into force.

Application of Act to existing electricity supply.

(2) Without prejudice to subsection (1) above, any electric line, or electrical plant lawfully installed before this Act comes into force which, if this Act had come into force could have been installed under section 34 of this Act, shall (subject to subsection (6) below) be treated for the purposes of this Act as if it had been so installed, before this Act came into force.

(3) Any consent given (or deemed to have been given) for the purpose of any provision of the B.E.B. Act before this Act comes into force shall -

CAP. 182, R.E. 1980-1990.

- (a) have effect after this Act comes into force as an agreement given for the purposes of this Act; and
- (b) so have effect, to any extent that is necessary for ensuring that the same persons are bound under this Act as they were bound by the consent, as if it were an agreement to confer a right or, as the case may require, to bind any interest in land of the person who gave (or is deemed to have given) the consent.

(4) Where by virtue of subsection (3) above any person is bound by any right, that right shall not be exercisable except on the same terms and subject to the same conditions as the right which, by virtue of the giving of the consent, was exercisable before this Act comes into force; and where under any enactment repealed by this Act those terms and conditions included a requirement for the payment of compensation or required the determination of any matter by any court or person, the amount of the compensation or, as the case may be, that matter shall be determined after the coming into force of this Act in like manner as if this Act had not been passed.

(5) A person shall not be entitled to compensation under any provision of this Act if he is entitled to compensation in respect of the same matter by virtue of subsection (4) above.

(6) Neither this Act nor the repeal by this Act of any provision of the B.E.B. Act (which contains provisions confirming or continuing in force certain agreements) shall prejudice any rights or liabilities (including any rights or liabilities transferred by virtue of this section) which arise at any time under any agreement which was entered into before this Act comes into force and relates to the installation, maintenance, adjustment, repair, alteration or inspection of any electric line or electrical plant or to keeping any such line or plant installed on, under or over any land.

CAP. 182,
R.E. 1980-1990.

45.-(1) Where an emergency has been declared in whole or in part in Belize, in which it is necessary and expedient in the public interest that the Government should have control over electricity supply, the Minister, or the Commission with the approval of the Minister, by warrant under his hand or its Chairman's hand may direct or cause such electricity supply as is specified in the warrant to be taken possession of and/or to be used for the service of the Government, and subject thereto, for such ordinary service as may seem fit, or may direct and authorize such person or persons as he or it thinks fit to assume control of such electricity supply and cause it to be used in such manner as he or it may direct in the warrant.

Possession of electricity supply by the Government in emergencies. 40 of 1999.

(2) Any such warrant issued under subsection (1) above shall be effective for a period not exceeding thirty days from the date of issue and shall be deemed to have expired on the cesser of the emergency. The Minister, or the Commission with the approval of the Minister, may, where the emergency continues after thirty days, by a like warrant extend the warrant for a further period not exceeding thirty days.

40 of 1999.

(3) The Government shall pay to the licence holder or the owner of any electricity supply taken possession of under this section, as compensation for any loss of profit sustained by the licence holder by reason of the exercise of the powers conferred by this section, such sum as may be agreed between the Government and the licence holder or, in the case that the parties cannot agree, or, failing such agreement by the parties, by arbitration by a fit and proper person to be agreed on by the parties, by arbitration in accordance with the provisions of the Arbitration Act.

CAP. 125.

PART V

*Reorganization of the Industry**Transfer of Undertaking of Belize Electricity Board**Vesting of Property, etc. of Belize Electricity Board in a company recommended by the Minister.*

Vesting of property, etc., in the successor company.
40 of 1999.

46.-(1) On such day as the Minister may by Order appoint for the purposes of this Act (in this Act referred to as the “vesting day”), there shall vest in the successor company, free of any trust, express or implied, but subject to the functions assigned to the Commission by this Act -

- (a) the whole of the undertaking of the B.E.B. together with all lands, buildings, electric lines, electrical plants, electrical installations and all other materials, appliances, equipment and apparatus used for, by or in connection with the said undertaking and being owned by the B.E.B.;
- (b) all interests, rights, easements, assets, liabilities, which immediately before the vesting day were enjoyed or borne by the B.E.B., or on its behalf, by its agent, in connection with or in relation to the said undertaking or operation thereof;
- (c) the right to recover monies due and payable to the B.E.B. or its agent in respect of value given or anything done by the B.E.B. or its agent in connection with the operation of the said undertaking.

(2) As from the vesting day, the benefits and burdens of any contract made in respect of the aforesaid undertaking for the provision of electricity supply to which the B.E.B. or its agent is a party, and which was in force

immediately before the vesting day, shall be deemed to have been transferred to the successor company.

(3) Without prejudice to the generality of the foregoing provisions of this section, where by the operation of any of the said provisions, any right or liability vests in a successor company, the said company and all other persons shall have the same rights, powers and remedies (and in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing those rights or liabilities as they would have had if it had at all times been a right or liability of the successor company, and any applications to any authority pending on the vesting day by or against the B.E.B. or its agent, in so far as they relate to any property, right, liability or obligation vested in the successor company by this Act or to any contract which has effect in accordance with subsection (2) of this section, or any agreement applied to the B.E.B. by or under this Act, shall be continued by or against the company.

47.-(1) As soon as the Minister is satisfied after consulting B.E.B., that nothing remains to be done by B.E.B., the Minister may by Order, on the vesting day -

- (a) dissolve B.E.B.,
- (b) nominate as the successor company, a company formed and registered under the Companies Act, provided that on the vesting day such successor company is a company limited by shares and such shares are wholly owned by the Government of Belize.

Dissolution of B.E.B. and nomination of successor company.

CAP. 250.

(2) On the vesting day, the Belize Electricity Board Act shall stand repealed.

CAP. 182,
R.E. 1980-1990.

PART VI

Miscellaneous

- Use of meters.
First Schedule.
48. The provisions of the First Schedule (which relate to the use, certification, testing and maintenance of electricity meters) shall have effect.
- Preservation of
amenity and
fisheries.
Second Schedule.
49. The provisions of the Second Schedule (which relate to the preservation of amenity and fisheries) shall have effect.
- Electrical
inspectors.
40 of 1999.
- 50.-(1) The Commission may appoint competent and impartial persons to be electrical inspectors under this Act.
- (2) The duties of an electrical inspector under this Act shall be as follows:
- (a) to inspect and test, periodically and in special cases, electric lines and electrical plants belonging to persons authorized by a licence to generate, transmit or supply electricity;
- (b) to examine, periodically and in special cases, the generation, transmission or supply of electricity by such persons;
- (c) to inspect and test, if and when required by any consumer, any such lines and plant on the consumer's premises, for the purpose of determining whether any requirement imposed by or under this Act in respect of the lines or plants or the supply of electricity through or by them has been complied with;
- (d) to do such other duties as may be imposed by regulations under this section or as the Commission may determine.
- 40 of 1999.

(3) The Commission may by regulations-

- (a) prescribe the manner in which and the times at which any duties are to be performed by electrical inspectors;
- (b) require persons authorized by a licence to generate, transmit or supply electricity-
 - (i) to furnish electrical inspectors with records or other information; and
 - (ii) to allow such inspectors access to premises and the use of electrical plant and other facilities;
- (c) make provision for relieving persons authorized by a licence to supply electricity from any obligation to supply in cases where safety would be compromised by the provision of supply; and 40 of 1999.
- (d) prescribe the amount of the fees which are to be payable to such inspectors.

(4) Any fees received by electrical inspectors shall be paid into the Consolidated Revenue Fund.

51.-(1) Subject to subsections (2) and (4) below, a generating station shall not be constructed, extended or operated except in accordance with a consent granted by the Commission. Consent required for construction, etc., of generating stations. 40 of 1999.

(2) Subsection (1) above shall not apply to a generating station whose capacity-

- (a) does not exceed the permitted capacity, that is to say, seventy five kilowatts; 40 of 1999.

- (b) in the case of a generating station which is to be constructed or extended, will not exceed the permitted capacity when it is constructed or extended,

and an Order under this subsection may make different provisions for generating stations of different classes or descriptions.

40 of 1999. (3) The Commission may, by Order published in the *Gazette*, provide that subsection (2) above shall have effect as if for the permitted capacity mentioned in paragraph (a) above there were substituted such other capacity as may be specified in the Order, provided that such Order must be of general application.

40 of 1999. (4) The Commission may by Order direct that subsection (1) above shall not apply to generating stations of a particular class or description, either generally or for such purposes as may be specified in the Order.

(5) A consent under this section -

40 of 1999. (a) may include such conditions (including conditions as to the ownership or operation of the station) as appear to the Commission to be appropriate; and

(b) shall continue in force for such period as may be specified in or determined by or under the consent.

(6) Any person who without reasonable excuse contravenes the provisions of this section shall be liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and term of imprisonment.

40 of 1999. (7) No proceedings shall be instituted in respect of an offence under this section except by or on behalf of the Commission.

(8) The provisions of the Third Schedule (which relate to consents under this section and section 52 below) shall have effect. Third Schedule.

(9) In this Part, “extension” in relation to a generating station, includes the use by the person operating the station, of any land (wherever situated) for a purpose directly related to the generation of electricity by that station and “extend” shall be construed accordingly.

52.-(1) Subject to subsection (2) below, an electric line shall not be installed or kept installed above ground except in accordance with a consent granted by the Commission. Consent required for overhead lines. 40 of 1999.

(2) Subsection (1) above shall not apply-

- (a) in relation to an electric line which has a nominal voltage not exceeding seventy kilovolts and is used or intended to be used for supplying a single consumer;
- (b) in relation to so much of an electric line as is or will be within premises in the occupation or control of the person responsible for its installation; or,
- (c) in such other cases as may be prescribed.

(3) A consent under this section -

- (a) may include such conditions (including conditions as to the ownership and operation of the line) as appear to the Commission to be appropriate; 40 of 1999.
- (b) may be varied or revoked by the Commission at any time after the end of such period as may be specified in the consent; and 40 of 1999.

- (c) subject to paragraph (b) above, shall continue in force for such period as may be specified in or determined by or under the consent.

(4) Any person who without reasonable excuse contravenes the provisions of this section shall be liable on summary conviction to a fine not exceeding ten thousand dollars.

(5) No proceedings shall be instituted in respect of an offence under this section except by or on behalf of the Commission.

40 of 1999.

Regulations.
40 of 1999.

53.-(1) The Minister, or the Commission with the approval of the Minister, may make regulations with respect to any of the following matters:

- (a) the further duties of electrical inspectors;
- (b) the qualifications to be required and the examination and licensing of electricians and wiremen;
- (c) the fees to be charged in respect of the examination and licensing of electricians and wiremen;
- (d) the fees to be charged for inspections made by electrical inspectors and the persons by whom such fees shall be paid;
- (e) the forms of licences;
- (f) the prohibition of the installation of any electric line or electrical plant except by licenced electricians or wiremen;
- (g) generally, for securing the safety of persons and property from injury from shock or fire or otherwise, and the prevention of accidents.

(2) Regulations made under this section may provide that contravention of specified provisions of such regulations shall be an offence and may provide penalties therefor:

Provided that no penalty so provided shall exceed a fine of ten thousand dollars or imprisonment for a term of six months.

54.-(1) Subject to the following provisions of this section, no information with respect to particular business which-

General
restrictions on
disclosure of
information.

- (a) has been obtained under or by virtue of the provisions of this Act; and
- (b) relates to the private affairs of any individual or to any particular business;

shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.

(2) Subsection (1) above does not apply to any disclosure of information which is made-

- (a) for the purpose of facilitating the performance of any functions assigned or transferred to the Minister, or the Commission by or under this Act;
- (b) for the purpose of facilitating the performance of any functions of any Minister;
- (c) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;

40 of 1999.

(d) for the purpose of any civil proceedings brought under or by virtue of this Act;

(e) in pursuance of a community obligation.

(3) Nothing in subsection (1) above shall be construed -

(a) as limiting the matters which may be published under section 9 above or may be included in, or made public as part of, a report of the Commission under this Act; or

(b) as applying to any information which has been so published or has been made public as part of such a report.

(4) Any person who discloses any information in contravention of this section commits an offence and shall be liable-

(a) on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment; or

(b) on conviction on indictment, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and term of imprisonment.

40 of 1999.

Offences by companies.

55.-(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment if he proves that the offence was committed

without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1) above, where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

(3) In this section -

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

56. Proceedings for an offence under this Act which is punishable on summary conviction may be commenced at any time within twelve months next after the commission of the offence, and not thereafter. Time limit for summary proceedings.

57. There shall be paid out of such monies as may be provided by the National Assembly all administrative expenses incurred by the Minister and the Commission in the performance of their functions under this Act. Financial provisions. 40 of 1999.

58.-(1) The Minister, or the Commission with the approval of the Minister, may make such regulations as he or it thinks fit for the purpose of - Regulations relating to supply and safety. 40 of 1999.

- (a) securing that supplies of electricity are regular and efficient;
- (b) protecting the public from dangers arising from the generation, transmission or supply of electricity, from the use of electricity supplied in or from the installation, maintenance or use of any

electric line or electrical plant;

- (c) without prejudice to the generality of paragraph (b) above, eliminating or reducing the risks of personal injury, or damage to property or interference with its use, arising as mentioned in that paragraph;
- (d) setting standards of performance by licence holders and by the promotion by licence holders of the efficient use of electricity;
- (e) prescribing anything that needs to be prescribed;
- (f) the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1) above, regulations under this section may -

- 40 of 1999. (a) prohibit the supply or transmission of electricity except by means of a system approved by the Commission;
- 40 of 1999. (b) make provision requiring notice in the prescribed form to be given to the Commission, in such cases as may be specified in the regulations, of accidents and of failures of supplies or transmission of electricity;
- (c) make provision as to the keeping, by persons authorized by a licence or exemption to supply or transmit electricity, of maps, plans and sections and as to their production (on payment, if so required, of a reasonable fee) for inspection or copying;
- (d) make provision for relieving persons authorized by a licence to supply electricity from any obligation to supply in such cases as may be prescribed;

- (e) make provision requiring compliance with notices given by the Commission specifying action to be taken in relation to any electric line or electrical plant, or any electrical appliance under the control of a consumer, for the purpose of - 40 of 1999.
- (i) preventing or ending a breach of regulations under this section; or
 - (ii) eliminating or reducing a risk of personal injury or damage to property or interference with its use;
- (f) provide for particular requirements of the regulations to be deemed to be complied with in the case of any electric line or electrical plant complying with specified standards or requirements;
- (g) provide for the granting of exemptions from any requirements of the regulations for such periods as may be determined by or under the regulations.

(3) Regulations under this section may provide that any person -

- (a) who contravenes any specified provision of the regulations; or
- (b) who does so in specified circumstances,

shall be liable on summary conviction to a fine not exceeding ten thousand dollars; but nothing in this subsection shall affect any liability of any such person to pay compensation in respect of any damage or injury which may have been caused by the contravention.

(4) No proceedings shall be instituted in respect of an offence under this section except by or on behalf of the Minister or the Commission. 40 of 1999.

Injurious acts with intent to cut off supply.

59.-(1) Any person who -

- (a) maliciously cuts or injures any electric line or work with intent to cut off any supply of energy; or
- (b) otherwise maliciously causes any interruption to the supply; or
- (c) incites other persons to do so,

commits an offence, and on summary conviction shall be liable to a fine not exceeding three thousand dollars or to a term of imprisonment not exceeding three years, or to both such fine and term of imprisonment.

(2) Nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provisions of this Act, or under any other law or Act, but no person shall be punished twice for the same offence.

Entry on certain land without permission.

60. Any person who, without lawful authority or excuse, enters or remains on any land in the occupation of a licenced electricity supplier commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

Assault on persons engaged in the business of a licenced electricity supplier.

61. Any person who wilfully obstructs, resists or in any way interferes with, or who assists any other person in obstructing, resisting, or in any way interfering with any officer or employee of a licenced electricity supplier acting under the provisions of this Act or by-laws or regulations made thereunder, commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

FIRST SCHEDULE

[Section 48]

*Use, etc., of Electricity Meters**Consumption to be Ascertained by Appropriate Meter*

1.-(1) Where a customer of a licenced electricity supplier is to be charged for his supply wholly or partly by reference to the quantity of electricity supplied, the supply shall be given through, and the quantity of electricity shall be ascertained by, an appropriate meter.

(2) The meter shall be provided by the licenced electricity supplier, whether by way of sale, hire or loan.

(3) The meter shall be installed on the customer's premises in a position determined by the licenced electricity supplier, unless in all the circumstances it is more reasonable to place it outside those premises or in some other position.

(4) The electricity supplier may require the replacement of any meter provided and installed in accordance with sub-paragraphs (2) and (3) above where its replacement-

- (a) is necessary to secure compliance with this Schedule or any regulations made under it; or
- (b) is otherwise reasonable in all circumstances,

and any replacement meter shall be provided and installed in accordance with those sub-paragraphs.

(5) Where the customer refuses or fails to take his supply through an appropriate meter provided and installed in accordance with sub-paragraphs

(2) and (3) above, the supplier may refuse to give or may discontinue the supply.

(6) For the purposes of this paragraph, a meter is an appropriate meter for use in connection with any particular supply if it is of a pattern or construction which, having regard to the terms on which the supply is to be charged for, is particularly suitable for such use.

Restrictions on use of Meters

2.-(1) No meter shall be used for ascertaining the quantity of electricity supplied by a licenced electricity supplier to a customer unless the meter is -

- (a) of an approved pattern or construction and is installed in an approved manner; and
- (b) certified under paragraph 5 below,

and in this Schedule “approved” means approved by or under regulations made under this paragraph.

(2) Regulations made under this paragraph may provide for -

- (a) determining the fees to be paid for approvals given by or under the regulations;
- (b) revoking an approval so given to any particular pattern or construction of meter and requiring meters of that pattern or construction which have been installed to be replaced with meters of an approved pattern or construction within a prescribed period;
- (c) revoking an approval so given to any particular manner of installation and requiring meters which have been installed in

that manner to be installed in an approved manner within such a period,

and may make different provision for meters of different descriptions or for meters used or intended to be used for different purposes.

3.-(1) If an electricity supplier supplies electricity through a meter which is used for ascertaining the quantity of electricity supplied and is not of an approved pattern or construction or is not installed in an approved manner he shall be liable on summary conviction to a fine not exceeding ten thousand dollars.

(2) Where the commission by any person of an offence under this paragraph is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this sub-paragraph whether or not proceedings are taken against the first - mentioned person.

(3) In any proceedings in respect of an offence under this paragraph, it shall be a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(4) Proceedings for an offence under this paragraph may be instituted by or on behalf of the Commission. 40 of 1999.

Meter Examiners

4.-(1) The Commission shall appoint competent and impartial persons as meter examiners for the purpose of this Schedule. 40 of 1999.

(2) There shall be paid out of money provided by the National Assembly to meter examiners such remuneration and such allowances as may be determined by the Commission with the approval of the National Assembly. 40 of 1999.

(3) All fees payable in respect of the examination of meters by meter examiners shall be paid into the Consolidated Revenue Fund.

Certification of Meters

5.-(1) Subject to sub-paragraph (2) below, a meter may be certified-

- (a) by a meter examiner appointed under paragraph 4 above; or
- (b) by a person who is authorized to certify meters of that description by or under regulations made under this paragraph,

and in this paragraph "examiner" means a meter examiner or a person so authorized.

(2) No meter shall be certified unless the examiner is satisfied -

- (a) that the meter is of an approved pattern or construction; and
- (b) that the meter conforms to such standards (including standards framed by reference to margins of error) as may be prescribed,

and references in this Schedule to prescribed margins of error shall be construed accordingly.

(3) An examiner may certify any meter submitted to him, notwithstanding that he has not himself examined or tested it, if -

- (a) the meter is submitted to him by a person authorized by the Commission for the purposes of this sub-paragraph;
- (b) the meter is accompanied by a report stating that the meter has been examined and tested by the person submitting it and

40 of 1999.

containing such other information as may be prescribed;

- (c) the examiner considers that the report indicates that the meter is entitled to be certified;
- (d) the meter is one of a number submitted at the same time by the same person,

and the examiner has himself examined and tested as many of those meters as he may consider sufficient to provide a reasonable test of all of them.

(4) Regulations under this paragraph may make different provisions for meters of different descriptions or for meters used or intended to be used for different purposes and may include provision -

- (a) for the termination of certification in the case of meters which no longer conform to the prescribed standards and in such other cases as may be prescribed;
- (b) for determining the fees to be paid for examining, testing and certifying meters, and the person to whom they are to be paid; and
- (c) as to the procedure to be followed in examining, testing and certifying meters.

(5) Regulations under this paragraph may also include provision for-

- (a) determining the fee to be paid in respect of any authorization under sub-paragraphs (1) or (3) above;
- (b) imposing conditions on any such authorization; and

- (c) withdrawing any such authorization before the end of any period for which it is given if any of those conditions are not satisfied.

Apparatus for Testing, etc., of Meters

40 of 1999.

6.-(1) It shall be the duty of a person to whom this paragraph applies, that is to say, a licenced electricity supplier or a person authorized by the Commission for the purposes of paragraph 5 (3) above to -

40 of 1999.

- (a) provide and maintain such apparatus for the examination, testing and regulation of meters, and such apparatus for the sealing and unsealing of meters, as may be specified by a direction of the Commission;
- (b) use apparatus so provided and maintained to carry out such examination, testing and regulation of meters, or to seal or unseal meters in such circumstances, as may be so specified; and
- (c) keep such records and make such reports of things done in pursuance of sub-paragraph (b) above as may be so specified.

(2) It shall also be the duty of a person to whom this paragraph applies to afford to meter examiners, acting in the exercise of their functions under this Schedule, all necessary facilities for the use of apparatus provided and maintained in pursuance of sub-paragraph (1) above.

40 of 1999.

(3) Where the Commission considers that any person to whom this paragraph applies has made satisfactory arrangements whereby apparatus provided by some other person is available for the examination, testing or regulation of the first mentioned person's meter, the Commission may direct that this paragraph shall not apply to that person to such extent as may be

specified in the direction.

(4) Any two or more persons to whom this paragraph applies may, with the approval of the Commission, enter and carry into effect arrangements whereby apparatus provided by one or more of the parties is to be available to all or any of them for the purposes of fulfilling their obligations under this paragraph. 40 of 1999.

Testing, etc., of Meters

7.-(1) It shall be the duty of a meter examiner, on being required to do so by any person, and after giving notice to such persons as may be prescribed -

- (a) to examine and test any meter used or intended to be used for ascertaining the quantity of electricity supplied to any premises;
- (b) to determine whether it is of an approved pattern or construction and, if it is installed for use, whether it is installed in an approved manner;
- (c) to determine whether it is in proper order for ascertaining the quantity of electricity supplied within the prescribed margins of error and, if it has been in use and there is a dispute as to whether it registered correctly at any time, to determine if possible whether it registered within those margins at that time; and
- (d) to make a written report of his conclusions as to the matters mentioned in sub-paragraphs (b) and (c) above.

(2) If a meter examiner determines that a meter is, or was at any time, operating outside the prescribed margins of error, he shall if possible, give an opinion as to-

- (a) any period for which the meter has or may have been so operating; and
- (b) the accuracy (if any) with which it was or may have been operating for any such period.

(3) Regulations under this paragraph may make provision for determining the fees to be paid for examining and testing meters, and the persons by whom and the circumstances in which they are to be paid.

(4) In relation to a meter used or intended to be used by an electricity supplier, this paragraph shall have effect as if any reference to the prescribed margins of error included a reference to any margins of error agreed between the electricity supplier and the customer (in this Schedule referred to as “agreed margins of error”).

8.-(1) This paragraph applies where there is a genuine dispute as to the accuracy of a meter used for ascertaining the quantity of electricity supplied to any premises and notice of the dispute is given -

- (a) to the electricity supplier by the customer, or to the customer by the electricity supplier; or
- (b) to the electricity supplier and to the customer by any other person interested.

(2) Where it becomes necessary for the supplier to remove a meter for examination, a careful note shall be taken of the meter reading and the meter shall be sent to the meter examiner within forty-eight hours. In no circumstances shall the meter be removed or altered by the customer.

(3) Where the customer removes or alters the meter in contravention of sub-paragraph (2) above he shall be liable on summary conviction to a fine not exceeding one thousand dollars.

Presumption and Evidence

9.-(1) This paragraph applies to meters used for ascertaining the quantity of electricity supplied to any premises.

(2) The register of a meter to which this paragraph applies shall be admissible in any proceedings as evidence of the quantity of electricity supplied through it.

(3) Where electricity has been supplied for any period through such a meter which is of an approved pattern or construction and is installed in an approved manner, the register of the meter shall be presumed to have been registering for that period within the prescribed margins of error unless the contrary is proved.

(4) Where a meter to which this paragraph applies has been operating for any period within the prescribed margins of error the meter shall be conclusively presumed to have been correctly registering for that period the quantity of electricity supplied through it.

(5) The report of a meter examiner on any question relating to such a meter shall be admissible in evidence in any proceedings in which that question is raised; and any conclusions in the report as to the accuracy of the meter when it was tested shall be presumed to be correct unless the contrary is proved.

Meters to be Kept in Proper Order

10.-(1) A customer of an electricity supplier shall at all times, at his own expense, keep any meter belonging to him in proper order for correctly registering the quantity of electricity supplied to him; and in default of his doing so the supplier may discontinue the supply of electricity through that meter.

(2) An electricity supplier shall at all times, at his own expense, keep any meter let for hire or lent by him to any customer in proper order for correctly registering the quantity of electricity supplied.

(3) An electricity supplier shall have power to remove, inspect and re-install any meter by which the quantity of electricity supplied by him to a customer is registered, and shall, while any such meter is removed, fix a substituted meter on the premises; and the cost of removing, inspecting and re-installing a meter and of fixing a substituted meter shall be defrayed by the supplier.

(4) Sub-paragraphs (2) and (3) above are without prejudice to any remedy the supplier may have against the customer for failure to take proper care of the meter.

Interference with Meters

11.-(1) Where any person intentionally or by culpable negligence-

- (a) alters the register of any meter used for measuring the quantity of electricity supplied to any premises by an electricity supplier; or
- (b) prevents any such meter from duly registering the quantity of electricity supplied,

he shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

(2) Where any person is prosecuted for an offence under subparagraph (1) above, the possession by him of artificial means for causing an alteration of the register of the meter or, as the case may be, the prevention of the meter from duly registering shall, if the meter was in his custody or under his control, be *prima facie* evidence that the alteration or prevention was intentionally caused by him.

(3) Where an offence under sub-paragraph (1) above has been committed,

the supplier may discontinue the supply of electricity to the premises until the matter has been remedied, and remove the meter in respect of which the offence was committed.

(4) Where an electricity supplier removes a meter under sub-paragraph (3) above, he shall keep it safely until the Commission authorizes him to destroy or otherwise dispose of it. 40 of 1999.

Interpretation

12. In this Schedule-

“agreed margins of error” has the meaning given by paragraph 7 (4) above;

“approved” means approved by or under regulations made under paragraph 2 above;

“electricity supplier” means a person authorized by a licence under this Act to supply electricity;

“prescribed” means prescribed by regulations;

“prescribed margins of error” has the meaning given by paragraph 5(2) above;

“regulations” means regulations made by the Commission with the approval of the Minister. 40 of 1999.

SECOND SCHEDULE

[Section 49]

Preservation of Amenity and Fisheries

1.-(1) In formulating any relevant proposals, a licence holder authorized to generate or supply electricity shall-

- (a) have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archeological interest; and
- (b) do all he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

(2) In considering any relevant proposals for which its consent is required under section 51 or 52 of this Act, the Commission shall have regard to-

- (a) the desirability of the matters mentioned in sub-paragraph (a) of paragraph (1) above; and
- (b) the extent to which the person by whom the proposals were formulated has complied with his duty under sub-paragraph (b) of that paragraph; and
- (c) any other environmental factors which need to be taken into account.

(3) In this paragraph -

“building” includes structure;

“relevant proposals” means any proposals for -

- (a) the construction or extension of a generating station of a capacity not less than 10 megawatts, or for the operation of such a station in a different manner;
- (b) the installation (whether above or below ground) of an electric line; or
- (c) the execution of any other works for or in connection with the transmission or supply of electricity.

(4) The Commission may by Order provide that sub-paragraph (3) above shall have effect as if for the capacity mentioned in sub-paragraph (a) there were substituted such other capacity as may be specified in the Order. 40 of 1999.

2.-(1) A licence holder shall within twelve months from the grant of his licence prepare, and from time to time modify, a statement setting out the manner in which he proposes to perform his duty under paragraph 1(1) above, including in particular the consultation procedures which he intends to follow.

(2) Before preparing or modifying a statement under this paragraph, a licence holder shall consult with any relevant or interested bodies or organization or societies.

THIRD SCHEDULE

*Consents Under Sections 51 and 52**Application For Consent*

1.-(1) An application for a consent under section 51 or 52 of this Act shall be in writing and shall describe by reference to a map the land to which the application relates, that is, the land-

- (a) on which the generating station is proposed to be constructed, extended or operated; or
- (b) across which the electric line is proposed to be installed or kept installed.

(2) An application for a consent under section 51 of this Act shall also state-

- (a) the length of the proposed line and its nominal voltage; and
- (b) whether all necessary wayleaves have been agreed with owners and occupiers of land proposed to be crossed by the line,

40 of 1999. and shall be supplemented, if the Commission so directs, by such additional information as may be specified in the direction.

40 of 1999. (3) The Commission may by regulations make provision for determining the fees to be paid on application for consent under section 51 or 52 of this Act, and the circumstances in which they are to be paid.

(4) Any sums received under this paragraph shall be paid into the Consolidated Revenue Fund.

Objections by Relevant Planning Authority

2.-(2) Where an application is made to the Commission for its consent under section 51 or 52 of this Act, notice of the application shall be served on the relevant planning authority. 40 of 1999.

(2) Where the relevant planning authority notifies the Commission that they object to the application and their objection is not withdrawn, the Commission- 40 of 1999.

(a) shall cause a public inquiry to be held; and

(b) before determining whether to give its consent, shall consider the objection and the report of the person who held the inquiry.

(3) For the purpose of sub-paragraph (2) above the Commission may make regulations limiting the time within which notification of objections may be made to the Commission by relevant planning authorities, and providing that the objections which are not notified within the time so limited may be disregarded for those purposes. 40 of 1999.
40 of 1999.

(4) Sub-paragraph (2) above shall not apply where the Commission proposes to accede to the application subject to such modifications or conditions as will give effect to the objections of the relevant planning authority. 40 of 1999.

(5) The Commission may make regulations providing that, in relation to applications for consent under section 51 of this Act for electric lines of a nominal voltage less than 132 kilovolts, the provisions of this paragraph shall have effect with such modifications as may be prescribed. 40 of 1999.

(6) In this Schedule, “relevant planning authority” means a local planning authority within the meaning of the Housing and Town Planning Act. CAP. 182.

Objections by other Persons

- 40 of 1999. 3.-(1) The Commission may by regulations make provision for securing-
- (a) that notice of any application for consent under section 51 or 52 of this Act shall, in such circumstances as may be prescribed by the regulations, be published in such manner as may be so prescribed;
- 40 of 1999. (b) that notice of any such application shall, in such circumstances as may be prescribed by the regulations or where the Commission so directs, be served on such persons as may be so prescribed or, as the case may be, specified in the direction;
- (c) that every notice published or served in pursuance of the regulations shall state the time within which, and the manner in which, objections to the applications may be made by persons other than the relevant planning authority, and that the time so stated shall not be less than such minimum period as may be prescribed by the regulations; and
- 40 of 1999. (d) that, in so far as any such notice requires objections to be sent to any person other than the Commission, copies of the objections shall be sent to the Commission by that person,
- 40 of 1999. and in relation to applications for consent under section 51 of this Act to the extension of a generating station or to the operation of such a station in a different manner, the regulations may include provision for enabling the Commission to give directions dispensing with the requirements of the regulations in such cases as it thinks fit.

(2) Where in the case of an application for consent under section 51 or 52 of this Act -

- (a) the Commission is not required by virtue of paragraph 2(2) above to cause a public inquiry to be held; but 40 of 1999.
- (b) objections or copies of objections have been sent to the Commission in pursuance of regulations made under this paragraph, 40 of 1999.

the Commission shall consider those objections, together with all other material considerations, with a view to determining whether a public inquiry should be held with respect to the application and, if it thinks it appropriate to do so, shall cause a public inquiry to be held, either in addition to or instead of any other hearing or opportunity of stating objections to the application. 40 of 1999.

Public Inquiries

4.-(1) Where, in accordance with paragraph 2(2) or 3(2) above, a public inquiry is to be held in respect of an application for consent under section 51 or 52 of this Act, the Commission shall inform the applicant accordingly; and the applicant shall in two successive weeks publish a notice stating - 40 of 1999.

- (a) the fact that the application has been made, and the purpose of it, together with a description of the land to which it relates;
- (b) a place in the locality where a copy of the application, and of the map referred to in it, can be inspected; and
- (c) the place, date and time of the public inquiry.

(2) A notice under sub-paragraph (1) above shall be published in one or more newspapers circulating in the locality in which the land in question is situated, or circulating respectively in the several localities in which different parts of that land are situated, as the applicant may consider appropriate.

40 of 1999.

(3) If it appears to the Commission that, in addition to the publication of a notice in accordance with sub-paragraphs (1) and (2) above, further notification of the public inquiry should be given (either by the service of notices, or by advertisements, or in any other way) in order to secure that the information specified in (a) to (c) of sub-paragraph (1) above is sufficiently made known to persons in the locality, the Commission may direct the applicant to take such further steps for that purpose as may be specified in the direction.

40 of 1999.

(4) Where in accordance with paragraph 2 (2) or 3 (2) above, a public inquiry is to be held in respect of an application for consent under section 51 or 52 of this Act, the public inquiry shall extend to all the matters arising in the concurrent proceedings, and any notice of the inquiry (in addition to any other matters required to be stated in it) shall indicate the extent of the inquiry accordingly.

Provisions Supplementary to Paragraphs 2 to 4

5.-(1) Where in accordance with paragraph 2 (2) or 3 (2) above, a public inquiry is to be held and the application for consent relates to land in the areas of two or more relevant planning authorities-

40 of 1999.

40 of 1999.

- (a) the application shall not be the subject of a public inquiry in so far as it relates to land which is not within the area of a planning authority who have notified the Commission that they object to the application, unless the Commission otherwise directs, having regard to objections by other persons of which it has notice; and

(b) in so far as the application is to be the subject of a public inquiry in relation to land in the areas of two or more relevant planning authorities, the Commission may direct that separate public inquiries shall be held, 40 of 1999.

and where the Commission gives any such directions, the provisions of paragraphs 2 to 4 above shall apply with the necessary modifications. 40 of 1999.

(2) For the purposes of sub-paragraph (1) (a) above, a relevant planning authority who has notified the Commission that they object to the application shall be treated as not having done so if the Commission proposes to accede to the application subject to such modifications or conditions as will give effect to the objection. 40 of 1999.
40 of 1999.

(3) In this Schedule, “necessary wayleave” means consent for the licence holder to install and keep installed the electric line on, under or over the land and to have access to the land for the purpose of inspecting, maintaining, adjusting, repairing, altering, replacing or removing the electric line.