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ELECTRICITY

ELECTRICITY

AN ACT TO REGULATE THE GENERATION, TRANSMISSION, TRANSFORMATION, DISTRIBUTION, SUPPLY AND USE OF ELECTRICAL ENERGY.

Act Nos,

19 of 1950

22 of 1955

59 of 1957

17 of 1969

[1st March
, 1951]

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

Electrical 2.
energy to be
supplied
under
licence.

(1) Save as hereinafter expressly provided, no person, unless he is authorized in that behalf by a licence granted by the Minister, shall

(a) establish or maintain any installation for the generation of electrical energy for the purpose of transmitting or distributing such energy for use in any place which is not the property of that person, or

(b) for any fee or reward supply electrical energy to any other person;

Provided that the requirements of the preceding provisions of this section as to a licence shall not apply to the establishment or maintenance of any such installation or the supply of electrical energy

(i) for any purpose, by the Board, or
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1969.]

(ii) in the circumstances and for the purposes specified in section 11, by the holder of a permit issued under that section.

(2) For the purposes of this section any place of which any person is the lessee shall be deemed to be the property of that person.

LICENCE TO SUPPLY ENERGY

Licences. 3.

(1) Every application for a licence shall be made in the prescribed form and in the prescribed manner.

(2) Subject to the provisions of section 61, any application for a licence may be refused by the Minister if he is satisfied that the grant of the licence will not be in the public interest.

(3) A payment at the prescribed rate shall be made at the prescribed time and in the prescribed manner in respect of each licence.

(4) Each licence shall be subject to such provisions and special conditions as may, subject to the provisions of section 61, be set out therein and declared to be applicable thereto, and be subject, in addition, to the provisions of this Act and of any regulations made thereunder relating to licences or prescribing the general conditions applicable to all licences.

(5) Each licence shall be in force for such period, not exceeding twenty-one years, as may be specified therein whether in the first instance or by way of subsequent amendment made therein upon any extension of the period. The period so specified is hereinafter referred to as "the period of the licence".

(6) No licence shall be assigned or transferred except with the prior consent of the Minister, such consent being evidenced upon the licence by writing under the hand of the Minister.

Provisions 4. Provisions relating to all or any of the following matters may, which may subject to the provisions of section 61, be included in any be included licence; in a licence.

(a) the authorized area of supply, and the system according to which the supply is to be given;

(b) the works necessary for generating energy, whether by fuel or head of water, and for effecting the transmission, transformation, distribution and supply of energy, together with all works and extensions ancillary thereto;

(c) the sequence in which the works are to be executed, and the period within which each portion of the works is to be completed ;

(d) the conditions on which the period for which the licence is in force may be extended ;

(e) the method of charging for the supply of energy to consumers, the maximum rates chargeable, and the variation of rates and charges ;

(f) in the case of a licence granted to any person or body of persons other than a local authority, the terms and conditions on which the undertaking may be purchased by the Government or by a local authority at the expiration of the licence or at specified intervals during the period of the licence.

Rights that may be conferred by licence. 5. A licence may, subject to the provisions of section 61, confer upon the licensee all such rights as may be necessary for the purposes of the electrical undertaking which it is intended to authorize, including the right

- (a) to use natural water supplies;
- (b) to construct waterways and pipe lines;
- (c) to erect buildings and plant;
- (d) to break and open up streets; or
- (e) to erect or lay aerial lines or underground cables, and the exercise of each right so conferred shall be subject to any provisions relating to that right which are hereinafter set out or which may be made by regulations.

Power to revoke licence. 6.

(1) If at any time during the period of a licence, the licensee makes default in complying with any of the provisions of the licence, the Minister may give the licensee notice in writing specifying the matter or matters in respect of which the default has occurred and requiring the licensee to take such steps as may be specified in the notice within three months from the date thereof; and if the licensee fails for any cause not beyond his control to take such steps within the aforesaid period, the Minister may forthwith revoke the licence.

(2) If at any time during the period of a licence, the licensee is adjudged bankrupt or insolvent, or, being a company, goes into liquidation (other than a voluntary liquidation for the purpose of any bona fide reconstruction) the Minister may forthwith revoke the licence.

(3) Where a licence is revoked under this section, the Minister may make such orders as he may in his discretion deem necessary for the administration and operation of the undertaking to which the licence relates and for the maintenance of the supply of energy therefrom.

Power to impose further terms and conditions in lieu of revoking licence. 7. The Minister may, in lieu of revoking a licence under section 6, permit the licence to remain in force subject to such further terms and conditions as may be determined by him and endorsed on the licence under his hand; and the further terms and conditions so endorsed shall be binding upon and be observed by the licensee.

Power to extend, curtail or modify the authorized area. 8. The Minister may at any time, by order in writing and subject to such conditions and restrictions as he may in his discretion specify in the order, extend, curtail or modify the authorized area of supply under any licence, such extension, curtailment or modification being evidenced upon the licence by writing under the hand of the Minister; and thereafter, the area so extended, curtailed or modified shall for all the purposes of this Act be deemed to be the authorized area of supply under that licence.

Recommendations 9. No decision shall be taken by the Minister in respect of any as to revocation of licence as to the revocation of the licence under section 6 or the licence, &c. imposition of further terms and conditions under section 7 or the extension, curtailment or modification of the authorized area of supply under section 8

(a) unless an inquiry in accordance with the prescribed procedure has first been held by the prescribed officer or authority and the licensee has been given an opportunity of being heard at that inquiry, and

(b) otherwise than in accordance with the provisions of section 61.

Authorization 10.

of supply
outside the
authorized
areas.

(1) Where upon a request made by any person or persons any licensee desires to supply electrical energy to any place outside the authorized area of supply under his licence, the Minister, if he considers it expedient that the provision of a supply of energy to that place should be authorized otherwise than by the extension of that authorized area of supply, may by order in writing authorize the licensee, subject to such conditions and restrictions as may be set out in the order, to supply energy to such person or persons and to lay the electric lines and construct the works necessary for that purpose.

An order under the preceding provisions of this section shall not be made so as to authorize the supply of energy by any licensee to any place within the authorized area of supply of any other licensee, unless the consent of the other licensee has been obtained or has, in the opinion of the Minister, been unreasonably withheld.

(2) A licensee who is authorized by an order under subsection (1) to supply energy outside his authorized area of supply shall not be deemed to have the power outside that area to open or break up any street, railway or tramway, or any sewer, drain or tunnel in or under any street, railway or tramway, without the written consent of the local authority or person by whom such street, railway, tramway, sewer, drain or tunnel is maintained, unless the Minister, after such inquiry as he thinks fit, considers that such consent has been unreasonably withheld and himself grants consent in writing to the execution of the work.

(3) Save as otherwise provided by subsection (2), the provisions of this Act shall apply in the case of any supply authorized under subsection (1) as they apply in the case of a supply made within the authorized area under any licence.

(4) No licensee shall supply electrical energy to any person outside the authorized area of supply under his licence, unless the supply to that person has been authorized by an order under this section.

Permit for temporary supply of electrical energy. **11** Where a temporary supply of electrical energy is required in any place to which electrical energy cannot be supplied by a licensee or by the Board, then, if such supply is for any fee or reward or if such place is a public place, a permit to generate and supply electrical energy in such place may, upon application made in the prescribed form and manner, be granted to any person

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(a) where such place is within the administrative limits of any local authority who is a licensee, by the chief executive officer of that local authority, or

(b) where such place is not within the administrative limits of any such local authority, by the Board.

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Every such permit shall be subject to the prescribed terms and conditions and shall be valid for such period not exceeding three months as may be specified in the permit.

CONSTRUCTION AND MAINTENANCE OF WORKS

Time-limit &c., for execution of work by licensee. **12.**

(1) A licensee shall carry out all, works necessary for or connected with the generation transmission, transformation, distribution and supply of energy within such period or periods as may be specified in the licence in respect of each such work.

(2) In carrying out and completing the works referred to in subsection (1), a licensee shall

(a) take all such precautions and such steps as may be necessary to secure that the materials used for each of the buildings and other structures, the nature, design and efficiency of the plant and machinery, the class or type and quality of wires and fittings and apparatus and generally the construction and equipment of the entire installation, are of the prescribed standards or, in the event of minimum standards being prescribed, are not below such minimum standards, and

(b) provide the prescribed safety devices and adopt the prescribed preventive measures so as to ensure the safety of the workers who will be employed in the installation when it commences operations and of the consumers and the public in general.

Specifications 13.

and plans for approval of the chief electrical inspector.

(1) A licensee shall, before Specifications commencing any of the works enumerated and plans for in column 1 hereunder, submit for the approval of the Chief Electrical Inspector copies of the respective specifications, plans and drawings of the description set out in the corresponding item in column 2, and on a scale not less than the scale specified in the corresponding item in column 3, hereunder:

(2) Notwithstanding anything in subsection (1), plans and drawings on a scale smaller than the scale specified in that subsection may be approved by the Chief Electrical Inspector in the special circumstances of any case,

(3) A licensee shall not execute any of the works enumerated in column 1 of subsection (1) except in accordance with specifications, plans and drawings approved by the Chief Electrical Inspector.

(4) Where any communication from the Chief Electrical Inspector disapproving the specifications, plans and drawings submitted by a licensee under subsection (1) is not received before the expiry of three months after the date of such submission, the specifications, plans and drawings shall be deemed to have been approved and the licensee shall be at liberty to execute the works.

The foregoing provisions of this subsection shall also apply to any amended specifications, plans and drawings which the licensee may submit to the Chief Electrical Inspector to meet any disapproval or objections raised by him.

Acquisition 14 Where it is proved to the satisfaction of the Minister that any land by land or building is required for the purposes of an electrical Government undertaking authorized by a licence and cannot be purchased by for licensee. the licensee by private treaty, that land or building may be acquired by the Government in accordance with the law for the time being in force relating to the acquisition of land for public purposes, and may be transferred to the licensee upon his paying to the Government the amount of the compensation paid and the expenses incurred by the Government.

Power of 15.

licensee to enter on land for purpose of installing lines or works.

(1) In connexion with the carrying out of the works referred to in section 12, a licensee or a person authorized by him in that behalf in writing shall be entitled, after giving one week's notice in the prescribed form and in the manner set out in subsection (4), to enter upon any land notwithstanding that it is private property for the purpose of a preliminary inspection in connexion with the proposed works.

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(2) In carrying out the works referred to in section 12, a licensee or a person authorized by him in that behalf in writing shall, subject to the provisions of subsection (3), be entitled to enter upon any land notwithstanding that it is private property, and shall have power

(a) to lay, place or carry electric lines on, in, under or over the land, or on, over or along any building on the land;

(b) to erect or fix any post or apparatus on or in the land ; and

(c) to take such other action on the land as may be necessary to render such wire, post or apparatus safe and efficient,

subject, however, to the condition that he shall pay compensation to the owner of the land for any disturbance, disability or damage that may be caused by the exercise of any of the aforesaid powers.

(3) Before a licensee or a person authorized by him in that behalf in writing enters on any land for the purpose specified in subsection (2), the licensee shall give thirty days' notice stating as fully and accurately as possible the nature and extent of the acts intended to be done. Such notice shall be substantially in the prescribed form.

(4) Any notice referred to in subsection (1) or subsection (3) shall

(a) where the land is occupied, be given to the occupier thereof;

(b) where the land is not occupied, be given to the owner thereof if his name and address are known or can with reasonable diligence be ascertained;

(c) where the land is not occupied and the name and address of the owner cannot with reasonable diligence be ascertained, be exhibited in some conspicuous position on the land;

(d) where the land is used or reserved for any public purpose, be given to the officer or other person in charge of the execution of that purpose.

(5) For the purpose of giving a notice referred to in subsection (1) or subsection (3), the licensee or a person authorized by him in writing in that behalf shall be entitled to enter the land.

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(6) Any person to whom notice is given, or who is affected by a notice given or exhibited, by a licensee under subsection (3) may, within fourteen days after the date on which the notice is received by that person or is exhibited for the first time under that subsection, lodge with the Government Agent a written objection to any of the intended acts of the licensee. The Government Agent shall in writing notify such objection and the date fixed by him for the hearing thereof to the licensee, and shall in like manner notify such date to the objector.

(7) If no objection is lodged within the time-limit fixed for that purpose by subsection (6), the licensee or a person authorized by him in that behalf in writing may forthwith enter upon the land and do all or any of the acts specified in the notice under subsection (3).

(8) If an objection is lodged and is not withdrawn before the date fixed for the hearing thereof, the Government Agent shall hold an inquiry giving all parties concerned an opportunity to be heard, or direct an officer to hold such inquiry on his behalf and to make recommendations to him.

(9) Upon the conclusion of the inquiry held by him or upon receipt of the recommendations made by the officer directed to hold the inquiry, the Government Agent may, either unconditionally or subject to such terms, conditions and stipulations as he thinks fit, authorize or prohibit any of the acts mentioned in the notice given under subsection (3).

(10) The Government Agent may, if he thinks fit, in lieu of making an order under subsection (9), direct the licensee to take steps for the acquisition of any land affected by the notice given under subsection (3).

(11) The decision of the Government Agent under this section in regard to any of the acts specified in the notice under subsection (3) shall be final.

Power of licensee to enter on land and carry out works of repair and maintenance and operations for ensuring safety of the public.

16. For the purposes of the maintenance and repair of any electric line or works forming part of the installation or for the purpose of ensuring the safety of the public, a licensee or any person authorized by him in that behalf in writing may at all reasonable times enter upon any land on, under or over which the line has been laid, placed or carried or upon which posts or other apparatus have been erected, or on or over which there are trees, branches of trees or any wires which are likely to cause damage to the said electric line or works and thereby prejudice public safety, and may carry out all necessary maintenance operations or repairs and all operations necessary for ensuring safety of the public safety, and may in the course thereof fell or lop trees, remove vegetation or any wires other than telegraph lines and do all other things necessary for the aforesaid purposes, subject, however, to the condition that the repairs or other operations shall be so carried out as to cause as little damage as possible and that the licensee shall pay compensation to the owner of the land for any damage that may be caused.

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Assessment of 17.

compensation

[17, 17 of 1969.] (1) The Government Agent, after such inquiry as he may deem sufficient, shall determine the question whether any compensation is payable by a licensee under section 15 or section 16 and shall, where any compensation is so payable, assess the amount of the compensation :

Provided that where compensation has been paid under any of those sections, no further compensation shall be payable for the felling or lopping of any tree or the removal of vegetation which has grown or been allowed to grow or for the removal of any wire which has been fixed after that payment in such a manner as to obstruct or interfere with the electric line or apparatus.

(2) Where any person claims compensation from a licensee under section 15 or section 16 and the Government Agent decides that no compensation is payable by the licensee, the Government Agent shall communicate his decision in writing to that person.

(3) A licensee who is liable to pay to the owner of a land an amount assessed by the Government Agent as the compensation payable under section 15 or section 16 shall tender that amount to that owner. Where that owner is unknown or where the ownership of that land is subject to dispute, the licensee shall

(a) pay that amount into the District Court or the Primary Court having jurisdiction over the place where that land is situated, according as that amount exceeds or does not exceed one thousand five hundred rupees, to be drawn from that court by the owner of that land upon proof of title, and

(b) give the occupier of that land written notice of the payment of that amount into the court, or, if there is no occupier, exhibit that notice in some conspicuous position on that land.

(4) An owner of a land who is aggrieved by the decision of the Government Agent that no compensation under section 15 or section 16 is payable to him or who is dissatisfied with the amount assessed by the Government Agent as such compensation, may for the recovery of the compensation claimed by him or of the difference between the amount of the compensation claimed by him and the amount of the compensation tendered to him, institute in a court of competent jurisdiction an action against the licensee from whom the compensation is claimed.

(5) An action by any person under subsection (4) shall be instituted within two months after the date on which

(a) he receives a communication sent by the Government Agent under subsection (2), or

(b) the amount assessed by the Government Agent as the compensation payable to him is tendered to him under subsection (3), or

(c) the notice of the payment of that amount into the court is given, or is exhibited for the first time, under subsection (3).

Power to **18.**
order
removal of
line, posts or
apparatus
already laid
or erected
on any land.

(1) Where a licensee has laid a line or erected posts or apparatus on any land under section 15, and the owner or other person entitled to the possession of the land desires to use the land in such a manner as to render it necessary or convenient that the line, posts or apparatus should be removed to another part thereof, or to a higher or lower level or altered in form, he may make an application to the licensee for the removal or alteration of the line, posts or apparatus accordingly.

(2) If a licensee omits to comply with an application made by any person under subsection (1), such person may submit the application to the Chief Electrical Inspector who may in his discretion reject the application or hold an inquiry or direct an inquiry to be held on his behalf, (all parties being given an opportunity to be heard at such inquiry) and may make an order absolutely or subject to conditions for the removal or alteration of the line, posts or apparatus.

(3)

(a) As a condition precedent to the holding of an inquiry into an application for any removal or alteration under this section, the applicant may be required by the Chief Electrical Inspector to deposit a sum equal to the estimated cost of the removal or alteration; and an inquiry shall not be held if the deposit is not made as required by the Chief Electrical Inspector.

(b) Where after inquiry the application is refused by the Chief Electrical Inspector, he may direct the whole or any part of the amount of the deposit to be applied towards the costs or any part of the costs of the inquiry; and where only a part of the amount is so applied, the balance shall be refunded to the applicant.

(c) Where after inquiry the application is allowed by the Chief Electrical Inspector, the amount of the deposit shall, subject as hereinafter provided, be refunded to the applicant;

Provided that in any case where the application under subsection (1) is made on the ground that the applicant proposes to execute any work on the land and that the removal or alteration is necessary to enable such work to be executed, the amount of the deposit shall continue to be kept in deposit and shall

(i) if such work on the land is completed within a period of one year next succeeding the completion of the removal or alteration, be refunded to the applicant, or

(ii) if the aforesaid work is not completed within that period, be applied, to such extent as the Chief Electrical Inspector may determine, towards the defraying of the expenses incurred by the licensee in completing the removal or alteration, and the balance, if any, shall be refunded to the applicant.

(4) A licensee shall comply with every order made by the Chief Electrical Inspector for a removal or alteration under this section:

Provided that where the Chief Electrical Inspector makes an order for the removal or alteration of any main transmission line, or any posts or apparatus connected therewith, a licensee may, instead of removing or altering such main transmission line, posts or apparatus, apply to the Minister to acquire or direct the acquisition of so much of the land as is required for maintaining such line, posts or apparatus in the original position.

For the purpose of this subsection, any transmission line the intended pressure of which is not less than eleven thousand volts shall be deemed to be a main transmission line.

Notice to be **19**. Where a licensee who is not a local authority intends to break served on up or open any street, sewer, drain or tunnel, constructed or road maintained by a road authority, he shall give to the road authority authority written notice of his intention to do such work. Such before notice shall

- breaking up streets or opening drains, &c.
- (a) in the case of any new work, be given not less than fourteen days before the beginning of such work ;
 - (b) in the case of house connections, be given not less than two days before the beginning of the necessary work; and
 - (c) in cases of emergency arising from defects in any of the distributing mains, or service lines, be given so soon as is possible after the necessity for the work arises or the work is begun.

Conditions as to **20**. No street, sewer, drain or tunnel constructed or maintained superintendence by a road authority, shall, save in a case of emergency, be broken of breaking up up or opened by a licensee, except under the superintendence of of streets. an officer of the road authority, or except according to such plan as may previously have been approved by the road authority, or except after compliance with any condition imposed by the road authority requiring the licensee to make such temporary arrangements or take such other measures as may be necessary for guarding against any interruption of the drainage, water supply or other public service during the execution of any works which may otherwise interfere therewith:

Provided that if the officer of the road authority fails to attend at the time fixed for the breaking up or opening of any such street, sewer, drain or tunnel, after having had notice of the licensee's intention, or does not propose any plan for such breaking up or opening, or refuses or neglects to superintend the operation, the licensee may perform the work specified in such notice without the superintendence of such officer.

Streets, **21.**
sewers,
drains or
tunnels
broken up or
opened to
be
reinstated
without
delay.

(1) Where a licensee, in the exercise of any powers conferred by or under this Act, breaks up or opens the soil or pavement of any street, or any sewer, drain or tunnel, he shall

(a) immediately cause the part broken up or opened to be fenced and guarded ;

(b) while the part remains broken up or open, cause a light or lights, sufficient for the warning of passengers, to be set up at sunset and maintained until sunrise against or near such part; and

(c) with all reasonable speed fill in the ground and reinstate and make good the soil or pavement or the sewer, drain or tunnel broken up or opened, and shall keep it in good repair for three months and, where any subsidence occurs, for any further period, not exceeding six months, during which the subsidence continues.

(2) Where a licensee who is not a local authority makes default in complying with any of the provisions of subsection (1), the road authority having the control or management of the street, sewer, drain or tunnel in respect of which the default has occurred, may cause to be executed the work which the defaulter has delayed or omitted to execute, and may recover from him the expenses incurred in such execution.

Laying of **22.**
electric lines,
&c., near
sewers,
pipes or
other
electric lines
or works.

(1) The provisions of this section shall apply in every case where

(a) a licensee requires to dig or sink any trench for laying any electric lines or for the purposes of any other works in or immediately adjoining any place in which any sewer, drain, water-course, pipe or other work or fixture belonging to or under the control of any authority or authorized person (whether a department of the Government or a local authority or any other licensee or person duly empowered in that behalf) has lawfully been constructed or placed ; or

(b) any such authority or authorized person requires to dig or sink any trench for laying down or constructing any new pipes or other works, in any place in or adjoining which any electric lines or works of a licensee have lawfully been placed.

The licensee, or the authority or authorized person, as the case may be, who proposes or carries out any digging or sinking operation as aforesaid is hereinafter in this section referred to as " the operating owner"; and in relation to such operating owner, the authority or authorized person or the licensee, as the case may be, whose works or properties will be or are affected by such operation is hereinafter in this section referred to as " the affected owner ".

(2) In every case referred to in subsection (1), the operating owner shall, except in a case of emergency or unless otherwise provided in any agreement in force and applicable to the case, give to the affected owner not less than fourteen days' notice in writing before commencing the operation of digging or sinking the trench. The affected owner shall have the right to be present during the execution of the operation, and the operation shall be executed to his reasonable satisfaction.

(3) Where the operating owner finds it necessary to undermine, but not to alter the position of any pipe, electric line or work or property of the affected owner, he shall support it in position during the execution of the operation, and before completion shall provide a suitable and proper foundation for it at all points where it was so undermined.

(4) Where the operating owner is a licensee

(a) he shall lay his electric lines in a manner capable of preventing them from coming into contact with any pipes or lines belonging to or under the control of the affected owner; and

(b) in the event of any part of any such electric line being laid across, or laid in such manner as to be liable to be brought into contact with, any pipe or line belonging to or under the control of the affected owner, the licensee shall effectively insulate that part of such line.

(5) Where the operating owner makes default in complying with any of the provisions of this section, he shall be liable to pay full compensation to the affected owner for any loss or damage caused by or resulting from such default.

(6) Every difference or dispute arising under this section shall be determined by arbitration.

Protection 23.
of telegraph
line.

(1) No alteration in any telegraph line shall be made by a licensee except with the consent of the Director of Telecommunications (hereinafter referred to as "the Director").

(2)

(a) A licensee shall not, in the exercise of the powers conferred by this Act or the licence, lay or construct any electric line or other works whereby any telegraph line is or may be injuriously affected.

(b) Before commencing the work of laying or constructing any electric line or other works within thirty-three feet of a telegraph line (other than the work of repairing or renewing any existing electric line in such manner that the course, height or depth of the electric line and the amount, nature and voltage of the energy transmitted thereby are not altered) a licensee shall give not less than fourteen days' notice in writing to the Director, and forward at the same time a plan specifying the course and nature of the work, including the gauge of any electric lines that are to be laid; and the licensee shall comply with such reasonable requirements either general or special as may, from time to time, be made by the Director for the purpose of preventing any telegraph line from being injuriously affected by such work.

(c) Any difference which arises between the Director and a licensee with respect to any requirement made by the Director shall be determined by arbitration.

(3) If any telegraph line is injuriously affected by the laying or construction of the electric lines or other works of a licensee, the licensee shall pay the cost of all such alterations as may be necessary to remedy such injurious condition.

(4) If any telegraph line is injuriously affected, the Director may, for the purpose of ascertaining whether such condition is due to a licensee's electric lines or works, authorize in writing any qualified person to enter any station for the generation or transformation of electrical energy belonging to the licensee at any reasonable time when energy is being generated, and to inspect the licensee's plant and the working thereof; and the licensee shall, in the presence of such person, carry out any electrical tests required by the Director and shall produce for inspection the records kept by him for the purposes of this Act:

Provided that no test shall be so required to be made which is likely to cause undue interference with the proper supply of energy by the licensee.

(5) For the purposes of this Act a telegraph line shall be deemed to be injuriously affected where telegraphic or telephonic communication by means of that line is, whether through induction or otherwise, in any manner affected.

Protection of railway telegraphs. **24.** A licensee shall take all reasonable precautions, in laying or constructing his electric lines or other works, and in operating his installation, to ensure that the working of any telegraph line maintained and used by the General Manager of the railway is not injuriously affected ; and for the protection of each such telegraph line, the provisions of section 23 shall apply as if every reference therein to the Director were a reference to the General Manager of the railway.

Alteration of pipes or wires. **25.**

(1) A licensee may alter the position of any pipe (not forming, in a case where the licensee is not a local authority, part of a local authority's main sewer) or of any wire under or over any place which he is authorized to open or break up, if such pipe or wire is likely to interfere with the exercise of his powers under this Act; and any person may, with the previous approval of the licensee, alter the position of any electric lines or works of the licensee under or over any such place as aforesaid, if such electric lines or works are likely to interfere with the lawful exercise of any powers vested in that person.

(2) In every case referred to in subsection (1), the following provisions shall, in the absence of an agreement to the contrary between the parties concerned, apply :

(a) not less than one month before commencing any alteration, the licensee or other person desiring to make the alteration (hereinafter in this section referred to as " the operator") shall serve upon the person for the time being entitled to the pipe, wire, electric lines or works, as the case may be (hereinafter in this section referred to as " the owner"), a notice in writing, describing the proposed alteration and intimating the time when it is to be commenced, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case less than one inch to eight feet vertically and sixteen inches to the mile horizontally, and shall subsequently give such further information in relation thereto as the owner may desire;

(b) within fourteen days after the service of the notice, section and plan upon the owner, the owner may serve upon the operator a requisition to the effect that any question or matter arising upon the notice, section or plan and specified in the requisition shall be determined by arbitration, and thereupon the question or matter shall, unless settled by agreement, be determined by arbitration;

(c) every arbitrator to whom a reference is made under paragraph (b) shall have regard to all duties or obligations which the owner is under, and may require the operator to execute any temporary or other works so as to avoid, as far as possible, interference with such duties or obligations;

(d) where no requisition is served upon the operator under paragraph (b) within the time specified therein, or where such a requisition has been served and the matter has been settled by agreement or determined by arbitration, the alteration may, upon payment or securing of any compensation accepted or determined by arbitration, be executed in accordance with the notice, section and plan and subject to such modifications as may have been determined by arbitration or agreed upon by the parties ;

(e) the owner may, at any time before the operator is entitled to commence the alteration, serve upon the operator a statement in writing to the effect that he desires to execute the alteration himself and requires the operator to give such security for the repayment of any expenses as may be agreed upon or, in default of agreement, determined by arbitration;

(f) where a statement is served upon the operator under paragraph (e), he shall, not less than forty-eight hours before the execution of the alteration is required to be commenced, furnish such security and serve upon the owner a notice in writing intimating his requirements as to the time when the alteration should be commenced or completed, and the manner in which it should be executed; and thereupon the owner may proceed to execute the alteration as required by the operator;

(g) where the owner declines to comply, or does not, within the time and in the manner prescribed by a notice served upon him under paragraph (f), comply with the notice, the operator may himself execute the alteration;

(h) all expenses properly incurred by the owner in complying with a notice served upon him by the operator under paragraph (f) may be recovered by him from the operator.

(3) Where the operator makes default in complying with any of the foregoing provisions of this section, he shall be liable to pay full compensation to the owner for any loss or damage caused by or resulting from the default, and any difference or dispute arising as to the amount of such compensation shall be determined by arbitration.

Settlement 26.
of disputes.

(1) Where, in the case of any difference between a licensee and a local authority or other person concerning any plan, works, or alteration to existing works provided for in sections 20, 21, 22 and 25, either party desires such difference to be determined by arbitration, the matter shall be referred to the Secretary to the Ministry, and the Secretary to the Ministry may either hold an inquiry at which all parties are given an opportunity to be heard, or may direct two public officers to hold such an inquiry on his behalf and to make recommendations to him.

(2) The decision of the Secretary to the Ministry on any matter referred to him under this section shall be final.

Temporary 27.
aerial lines.

(1) In any case of emergency caused by a defect in an electric line, a licensee may place an aerial line along or across any street, subject to the condition, where the licensee is not a local authority, that he gives, where possible, written notice of his intention to place such aerial line to the road authority responsible for the maintenance of the street.

(2) An aerial line placed in accordance with the provisions of subsection (1) shall

(a) be used only until the defect causing the emergency is repaired, but in no case for a period exceeding six weeks or such longer period as the Chief Electrical Inspector may, in the special circumstances of any case, specify in writing, and

(b) be removed as soon as may be after the defect is repaired.

Prohibition 28. No person shall permit any part of his electric lines to be of connected with earth except in such manner as may be connection prescribed by regulations.
with earth.

Power of Chief Inspector to interfere in certain cases of default. **29.**

(1) If at any time it is established to the satisfaction of the Chief Electrical Inspector

(a) that any part of an electric line is connected with earth contrary to the provisions of section 28 ; or

(b) that any electric lines or works for the generation, transmission, supply or use of energy are likely to endanger the public safety or affect injuriously any telegraph line; or

(c) that any electric lines or works are not in accordance with the provisions of this Act or of any regulations thereunder,

the Chief Electrical Inspector may, by written order specifying the defect or the nature of the contravention, require the owner or user of such electric lines or works to take, within such time as may be specified in the order, such remedial measures as may be so specified, and, where he considers it necessary in the interests of the public safety, prohibit the use of such electric lines or works until the order is complied with to his satisfaction.

(2) Where an order issued to any person under subsection (1) is not complied with within the time specified therein, the Chief Electrical Inspector may carry out the measures specified in the order, and the amount of the expenses incurred by the Chief Electrical Inspector in carrying out those measures shall be paid by such person within one month after a demand made therefor by or on behalf of the Chief Electrical Inspector. If such amount is not so paid, it may, on application made by the Chief Electrical Inspector to the Magistrate's Court, be recovered for him by that court in like manner as if it were a fine imposed by that court on such person.

SUPPLY OF ENERGY

Supply of energy to be licence shall, in every case, be in accordance with in accordance with Act &c. **30.** The supply of electrical energy by Supply of the holder of a

(a) the provisions of this Act and of the regulations made thereunder;

(b) such general conditions as may be prescribed under the Act and declared to be applicable to all licences of the class or description to which that licence belongs; and

(c) such special conditions as may be set out in that licence and declared to be applicable to that licence.

Map of area **31.**
of supply to
be made.

(1) A licensee shall, forthwith after commencing to supply energy

(a) cause a map to be made of the area of supply on a scale of not less than sixteen chains to an inch and cause to be marked thereon the position of all mains; and

(b) cause plans of each part of his authorized area of supply in which distributing mains have been laid, to be prepared on a scale of not less than two chains to an inch so as to show the position of all aerial and underground lines, and cause the depth of such underground lines below the surface to be marked on the plans, and as soon as may be practicable after any extension lines have been laid, the licensee shall cause such map and each such plan to be corrected by the marking of such extension thereon:

Provided that the licensee may, with the approval of the Chief Electrical Inspector, cause the maps and plans referred to in paragraphs (a) and (b) of this subsection to be made on scales smaller than the scales specified in those paragraphs.

(2) Every map or plan made or corrected under subsection (1) or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the licensee at his office and shall at all reasonable times be made available for inspection to any authorized officer of Government, or where the licensee is not the local authority of the area, to any authorized officer of Government or of the local authority; and the licensee shall, if required by the Chief Electrical Inspector, supply to him a copy of any such map or plan.

Conditions **32.** A licensee shall not be compelled to give a supply of energy under which to any premises unless he is reasonably satisfied that the supply may consumer's lines, fittings, and apparatus therein are in good be declined. order and condition, and are not likely to affect injuriously the use of energy by other persons or the supply thereof by the licensee.

Supply for **33.**
private
purposes.

[17, 17 of 1969.]

(1) A licensee shall, upon being required to do so by the owner or occupier of any premises situated within one hundred and fifty feet from any distributing main of the licensee in which he is for the time being required to maintain or is maintaining a supply of energy for the purposes of general supply to private consumers, give and continue to give a supply of energy to those premises in accordance with the provisions of this Act and the regulations made thereunder, and he shall furnish and lay any service lines that may be necessary for the purpose of supplying the maximum power which may be required by such owner or occupier.

(2) The performance of the duty imposed on the licensee by the provisions of subsection (1) shall be subject to the following conditions:

(a) The owner or occupier of the premises who requires a supply of energy from the licensee shall

(i) make a written application to the licensee specifying a point at which such energy is required to be supplied and the maximum power required to be supplied and the day upon which such supply is required to commence, not being an earlier day than is reasonable after the date of the receipt of the application by the licensee, having regard to the situation of the point at which such supply is required to be given and to the length of line which has to be laid and plant which has to be erected for affording such supply;

(ii) if required by the licensee so to do, enter into a, written contract with the licensee to continue for a period of at least five years, to receive and, subject to any prescribed rebate, pay for a supply of such an amount of energy that the payment to be made for the supply will be at least twenty per centum per annum on the outlay (excluding expenditure upon generating plant then already provided and any electric line then already placed) incurred by the licensee in making provision for the supply ; and

(iii) if required by the licensee so to do, defray the cost of the construction of the service line.

(b) The wires, fitting and apparatus which are to be laid or installed by such owner or occupier upon his premises for the purpose of receiving, transforming or using the supply of energy shall be of the prescribed quality or not inferior thereto ; they shall be laid or installed in the prescribed manner, and they shall not be of any type or description prohibited by regulation on the ground of its being dangerous or on any similar ground.

- Equality of treatment.** **34.**
- (1) A licensee shall not, in entering into contracts for the supply of energy, grant any undue preference to any consumer over the other consumers in the same locality or in any other locality where the conditions of supply, including power factor, are similar.
- (2) No consumer of energy supplied by a licensee shall, except with the consent in writing of that licensee, use energy supplied to him under one method of charging, in a manner for which a higher method of charging is in force.
- Methods of charging.** **35.** In the absence of any agreement, a licensee may charge for energy supplied to any consumer in accordance with any method of charging provided for in the licence.
- Maximum prices.** **36.** The prices to be charged by a licensee for energy supplied by him shall not exceed those specified in his licence as appropriate to the several methods of charging provided for therein:
- Provided that a licensee may, at any time after the expiration of a period to be specified in the licence, make a representation to the Chief Electrical Inspector that the prices or methods of charge stated in the licence or approved thereunder ought to be altered, and the Chief Electrical Inspector, after such inquiry as he may think fit, may, in accordance with the provisions of the licence, vary the prices or methods of charge or substitute other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect (on or after such day as may be specified by the Chief Electrical Inspector) as if they had been stated in the original licence;
- Provided also that the prices and methods of charge in force thereafter may be altered in like manner at any time after the expiration of each such further period as may be specified in that behalf in the licence.
- Agreement as to charges.** **37.** Subject to the provisions of the licence and of this Act, and to the right of the consumer to require that he shall be charged according to one or other of the methods mentioned in section 35, a licensee may make any agreement with an individual consumer as to the price to be charged for energy and the mode in which those charges are to be ascertained, and may charge accordingly.
- Supply of energy to public lamps.** **38.** Where a licensee is not the local authority of the authorized area of supply, the licensee shall, upon receiving reasonable notice from such local authority requiring him to supply energy to any public lamp within a distance of two hundred and twenty-five feet from any distributing main of the licensee in which he is for the time being required to maintain or is maintaining a supply of energy for the purposes of general supply, give and continue to give a supply of energy to that lamp in such quantities as the local authority may require.

Prices for supply to public lamps. **39.** In every case referred to in section 38, the prices to be charged by the licensee and to be paid to him for all energy supplied to the public lamps maintained by the local authority, and the mode in which those charges are to be ascertained, shall be settled by agreement between the local authority and the licensee and, in case of difference, shall be determined by arbitration, regard being had to the circumstances of the case and the cost of laying any distributing or other mains which may be necessary for the purpose of giving the supply, and the prices charged to individual consumers in the district.

Point where supply is delivered. **40.** For the purposes of this Act the point at which the supply of energy by a licensee to a consumer shall be deemed to commence shall, unless otherwise agreed between them, be the outgoing terminals of the meter or metering equipment used to measure the supply to the consumer.

Meters. **41.**

(1) In the absence of an agreement to the contrary, the amount of energy supplied to a consumer shall be ascertained by means of a correct meter.

(2)

(a) Where a meter is to be used for the purpose of ascertaining the amount of energy supplied by a licensee to a consumer, the licensee shall cause the meter to be fixed on the premises of the consumer and connected with the service line, but may, before doing so, require the consumer to give security in an amount equal to the price of a meter and to enter into an agreement for the hire thereof.

(b) Where a consumer enters into an agreement with a licensee for the hire of a meter, the licensee shall keep the meter correct, and where he makes default in so doing, the consumer shall not be liable to pay for the hire of the meter for the period during which the default continues.

(3) A licensee or any person duly authorized by him shall, at all reasonable times, have access to, and be at liberty to inspect and test, and for that purpose to take off and remove, any meter fixed by him under subsection (1); and all expenses of, and incidental to, such inspecting, testing, taking off and removing shall be borne by the licensee:

Provided that a licensee may recover any reasonable expenses for removing a meter to another position at the request of a consumer;

Provided further that where any difference or dispute has arisen between a consumer and a licensee as to the correctness of a meter fixed by the licensee under subsection (1), the licensee shall not be at liberty to take off or remove that meter until the matter of the difference or dispute has been determined as provided in subsection (4).

(4)

(a) Where any difference or dispute arises between a consumer and a licensee as to the correctness of a meter fixed by the licensee under subsection (1), the matter shall be decided by an electrical inspector, upon the application of either the consumer or the licensee and on payment of the prescribed fee in the prescribed manner.

(b) Where the meter has, in the opinion of the inspector, ceased to be correct, the inspector shall estimate the amount of the energy supplied to the consumer, during such time as the meter may not, in the opinion of the inspector, have been correct.

(c) Except in the circumstances referred to in paragraph (b), the register of the meter shall, in the absence of fraud, be conclusive proof of the amount of energy supplied to a consumer.

(d) An application by either a licensee or a consumer to an electrical inspector under this subsection shall not be deemed to have been duly made unless the applicant has given to the other party not less than seven days' notice of his intention to make the application.

(5) In addition to any meter which a licensee may fix on the premises of a consumer under subsection (1), the licensee may place upon those premises such other meter or such maximum demand indicator or other apparatus as he may think fit for the purpose of ascertaining or regulating the amount of energy supplied to the consumer, or the number of hours during which the supply is given, or the rate per unit of time at which energy is supplied to the consumer, or any other quantity or time connected with the supply;

Provided that such other meter or such indicator or apparatus shall not, in the absence of an agreement to the contrary, be placed otherwise than between the distributing mains of the licensee and any meter fixed on such premises under subsection (1);

Provided also that, where the charges for the supply of energy depend wholly or partly upon the reading or indication of such other meter or such indicator or apparatus, the licensee shall, in the absence of an agreement to the contrary, keep that meter, indicator or apparatus correct; and the provisions of subsections (3) and (4) shall in that case apply as though that meter, indicator or apparatus were a meter referred to in subsection (1).

(6) A meter shall be deemed to be "correct" if it registers the amount of energy supplied, within the prescribed limits of error, and a maximum demand indicator or other apparatus referred to be in subsection (5) shall be deemed to be "correct" if it complies with such conditions as may be prescribed in the case of any such indicator or other apparatus.

Meter testing instruments. **42.** Every licensee shall maintain standard instruments for testing and calibrating meters, and maintain the standard instruments in proper working order, and take steps, from time to time, to have the accuracy of the standard instruments tested by the Chief Electrical Inspector or any person appointed by him for the purpose.

Maximum power. **43.**

(1) The maximum power which a consumer may require a licensee to supply shall not exceed what may reasonably be estimated as necessary for the maximum consumption on the consumer's premises.

(2) A consumer who has required a licensee to supply him with any specified maximum rate of energy shall not be entitled to alter that maximum except upon reasonable notice to the licensee, and except upon payment of such amount as the licensee may require the consumer to pay towards any expenses reasonably incurred by the licensee in respect of the service lines by which energy is supplied to the premises of that consumer, or of any fittings or apparatus of the licensee upon those premises consequent upon the alteration.

(3) If any difference arises between a consumer and a licensee as to what may be reasonably estimated as the consumption of energy on the consumer's premises or as to the reasonableness of any expenses under subsection (2), such difference shall be determined by an electrical inspector upon application by either party and upon payment of the prescribed fee.

Licensee not to prescribe special form of lamp or appliance. **44.**

(1) A licensee shall not be entitled to prescribe any special form of lamp or other energy-consuming appliance to be used by a consumer, or in any way to control or interfere with the manner in which energy supplied by him to a consumer is used :

Provided that no consumer shall use any lamp or appliance so as unduly or improperly to interfere with the supply of energy by a licensee to any other consumer.

(2) Where any difference or dispute arises as to whether a licensee has, in contravention of subsection (1), prescribed any special form of lamp or appliance, or controlled or interfered with the manner in which energy is used, the matter shall be referred to an electrical inspector whose decision thereon shall be final.

Right of license to discontinue to supply. **45.** In any case where a consumer uses any lamp or appliance, or uses the energy supplied to him, in such a manner as to interfere unduly or improperly with the supply of energy by the licensee to any other consumer, or maliciously or fraudulently injures or alters a meter or an indicator or apparatus of the licensee or prevents such meter, indicator or apparatus from duly registering, or fails to comply with any regulations relating to the conditions of supply, the licensee may, notwithstanding any agreement for the time being in force, discontinue the supply of energy to the first-mentioned consumer until the use of such lamp or appliance or such use of energy is discontinued or until such meter, indicator or apparatus has been repaired or restored to proper working order, or until such regulations are complied with.

Power of licensee to make regulations. **46.**

(1) A licensee may make regulations to be observed by consumers as to

- (a) the conditions of supply;
- (b) the terms and length of contract* required to be entered into ; and
- (c) any other matters relating to the supply to consumers.

(2) No regulation made by a licensee under subsection (1) shall have effect until it has received the approval of the Minister or, where the licensee is a local authority, the approval of the Minister in charge of the subject of Local Government given after consultation with the Minister.

Power of
licensee to
enter
premises. **47.**

(1) A licensee or any person authorized by a licensee may, at any reasonable time, enter any premises to which energy is or has been supplied by him for the purpose of

(a) inspecting and testing or repairing and maintaining the electric lines, meters, fittings, works and apparatus belonging to the licensee ; or

(b) ascertaining the amount of energy supplied; or

(c) removing, where a supply of energy is no longer required or where the licensee is authorized to cut off such supply, any electric lines, meters, fittings or apparatus belonging to the licensee.

(2) A licensee or any person authorized by a licensee may also, after giving not less than twenty-four hours' notice in writing to the occupier, enter any premises to which energy is or has been supplied or is to be supplied by him, for the purpose of examining and testing the electric wires, fittings, works and apparatus belonging to the consumer.

(3) Where a consumer refuses to allow a licensee or any person authorized by a licensee to enter his premises in pursuance of the provisions of subsection (1) or subsection (2), or to perform any act which the licensee or that person is authorized by any of those subsections to perform, or fails to give reasonable facilities for such entry or the performance of such act, the licensee may, after the expiry of twenty-four hours from the service of a notice in writing on the consumer, cut off the supply to the consumer for so long as such refusal or failure continues.

Security for
payment. **48.** A licensee may, before executing the necessary work for connecting or reconnecting any premises to any distributing mains, by notice in writing require the owner or occupier of those premises, within seven days after the date of the service of the notice, to give him security for the payment of all moneys which may be due to him or fall due in respect of the supply in any case where the owner or occupier has not already given that security, or where any security given has become invalid or insufficient; and where the owner or occupier fails to comply with the terms of the notice, the licensee may, if he thinks fit, refuse to supply energy for the premises so long as the failure continues.

Discontinuance⁴⁹.

of supply to
consumer
neglecting to
pay charges.

(1) In any case where a person neglects to pay any charge for energy or any other sum due from him to a licensee in respect of the supply of energy to him, the licensee may, after giving such person not less than forty-eight hours' notice in writing, cut off the supply, and for that purpose cut or disconnect any electric line or other works, being the property of the licensee, through which energy may be supplied, and may discontinue the supply until such charge or sum, together with the amount of any expenses which have been incurred by him in cutting off the supply or may be incurred in reconnecting the line or other works, is paid.

(2) When a person consumes energy at two or more premises and neglects to pay any charge due from him in respect of any of the premises, the licensee who supplies such energy may, after giving that person not less than forty-eight hours' notice in writing, cut off the supply from the premises or all those premises, notwithstanding that the several premises are supplied under separate agreements.

(3) Where any dispute arises between a consumer and a licensee regarding any charge for energy or any other sum due from the consumer to the licensee, such dispute shall be referred to the Chief Electrical Inspector and shall be determined by such inspector or by any person appointed by him for the purpose. The decision of such inspector or of the person so appointed on any such dispute shall be final.

(4) Where any such dispute between a consumer and a licensee as is mentioned in subsection (3) has been referred to the Chief Electrical Inspector before notice under subsection (1) or subsection (2) is given by the licensee to the consumer, the licensee shall not exercise the powers conferred by subsection (1) or subsection (2) until the decision on that dispute has been given under subsection (3):

Provided that such powers may be exercised by the licensee in any case where the licensee has requested the consumer in writing to deposit with the Chief Electrical Inspector the amount of the licensee's charges or other sums in dispute or a sum sufficient to meet the licensee's further charges for energy as they accrue, and the consumer has failed to comply with such request.

Payments in 50. Where the occupier of any premises to which energy has been supplied for his use by a licensee, leaves the premises without paying all sums due from him to the licensee in respect of the energy supplied or in respect of meter rent, the licensee shall not be entitled to demand from the next occupier of the premises, as a condition of the supply of energy to him, payment of the sums so left unpaid by the former occupier.

Recovery of **51.** Where any person neglects to pay any sum due from him to a sums due to licensee, the right of the licensee to recover the sum, with costs, licensee. by action in any court of competent jurisdiction shall not be deemed to be prejudiced or in any other way affected by any of the other provisions of this Act.

Variations in **52.** A licensee shall not make or cause or permit any variation in pressure. the nature or the pressure or the periodicity of the energy &c., to be supplied by him except in accordance with such regulations as made only in may for the time being be in force prescribing the circumstances accordance in which, the limits within which, and the conditions subject to with which, such variation may be made. regulations.

ADMINISTRATION OF ACT

Chief **53.**
Electrical
Inspector,

(1) A suitable person, to be designated the Chief Electrical Inspector, shall be appointed for the purposes of this Act.

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(2) In the exercise of his powers and in the discharge of his duties under this Act, the Chief Electrical Inspector shall be subject to the general direction and control of the Minister.

Appointment**54.**
of inspectors
and duties of
inspectors.

(1) There may be appointed, from time to time, such number of fit and proper persons as may be necessary as electrical inspectors for the purposes of this Act.

(2) It shall be the duty of an electrical inspector

(a) to inspect the construction of works and the erection of electric lines and plant, to inspect and test such works or lines after construction with a view to ascertaining whether the works are in accordance with the provisions of this Act and the regulations made thereunder;

(b) to conduct an inquiry into the cause of any accident affecting the safety of the public if so directed by the Minister or Chief Electrical Inspector;

(c) to examine and test any meter intended for ascertaining the amount of energy supplied, upon being required to do so either by a licensee or a consumer, and to settle any difference which may arise between a licensee and a consumer concerning the accuracy of a meter;

(d) to test the variation of pressure on a consumer's terminals, when required to do so by the consumer;

(e) to make such inspection and testing of the service lines, apparatus, and works of a licensee upon a consumer's premises as may be necessary for ascertaining whether the licensee has complied with the provisions of this Act or the regulations made thereunder or the conditions of the licence ; and

(f) to take such other measures as may be required of him under the provisions of this Act or the regulations made thereunder.

(3) An electrical inspector shall have the right of access at all reasonable hours to any of the premises of a licensee for the purpose of ascertaining whether the provisions of this Act or the regulations made thereunder or the conditions of the licence are being complied with, and, on informing the licensee of his intention, shall have the right of access to all standard instruments under the control of the licensee for the purpose of testing the accuracy of any meter or other instrument.

(4) An electrical inspector may, at all reasonable times and after informing the occupier of his intention, enter any premises in or to which energy is generated or supplied, for the purpose of inspecting and testing the electric lines, service lines, meters, fittings, works, and apparatus for the supply and use of energy installed therein and of ascertaining whether the provisions of this Act or the regulations made thereunder are being complied with.

Notice of 55.
accidents.

(1) Every licensee shall send to the Minister written notice of

(a) any accident or explosion or fire which has occurred in any part of the licensee's works,

, (b) any accident or explosion or fire which has occurred in any part of any premises supplied with electrical energy from the licensee's works, if such event has been brought to the notice of the licensee, and

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(c) any loss of life or personal injury occasioned thereby.

The notice shall be sent by the earliest practicable means after the occurrence of the event, or, as the case may be, after the loss of life or personal injury becomes known to the licensee.

(2) The Minister may, if he deems it necessary, direct any electrical inspector or electrical inspector or appoint any other fit person to enquire into and report on

, (a) the cause of any accident, explosion, fire, loss of life or personal injury referred to in subsection (1), whether notice of such accident, explosion, fire, loss of life or personal injury has or has not been received from the licensee, or

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(b) the manner and extent in and to which the provisions of the licence and this Act and the regulations made thereunder have been complied with by the licensee.

Any person appointed under this subsection not being an electrical inspector, shall for the purposes of his appointment have all the powers of an electrical inspector.

Licensee to 56.
give facilities
for testing
and
instruments.

(1) Every licensee shall keep and maintain in proper working order suitable and proper instruments for recording the variation of pressure and for all other purposes which may be specified in the regulations. He shall also keep and maintain one or more sets of portable instruments for testing insulation of electric lines and of the wiring of consumer's premises.

(2) Every licensee shall afford to the electrical inspectors all facilities necessary for the inspection, testing and reading of the instruments kept by him for the purposes of compliance with subsection (1).

Representation 57. A licensee may, if he thinks fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the licensee by any electrical inspector, be represented by any of his employees or by an agent authorized by him in that behalf, but such employee or agent shall not interfere with the testing or inspection.

Right of appeal against inspector's report. **58.** If a licensee or any interested person is dissatisfied with any decision or report of an electrical inspector, the matter shall be referred to and decided by the Chief Electrical Inspector and his decision shall be final.

Public servants. **59.** The Chief Electrical Inspector, the electrical inspectors appointed under section 54, and persons appointed under subsection (2) of section 55 shall, while performing their duties under this Act, be deemed to be public servants within the meaning of the Penal Code.(' Sections 59A, 59B, 59C and 59D are repealed.)

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GENERAL

Power to make regulations. **60.**

(1) The Minister may, subject to the provisions of section 61, make all such regulations as he may deem necessary for the purpose of carrying out the provisions or giving effect to the principles of this Act.

(2) In particular and without prejudice to the generality of the power conferred by subsection (1), regulations may be made thereunder for or in respect of all or any of the following matters or purposes :

(a) The form and manner of application for the licence to supply electrical energy ; the terms and conditions of the licence; the fees payable in respect of the licence.

(b) The preparation and submission of accounts and statistics by licensees and the form in which they are to be submitted.

(c) The exercise by the Government of financial supervision over the operations of licensees. The inspection, testing and supervision of the installations of licensees to ensure a regular, constant and sufficient supply of energy by licensees to consumers.

(e) The conditions under which a supply of electricity may be given, and the regulation and variation of the nature, pressure and periodicity of the supply.

(f) The design, construction and protection of the plant and equipment for the transmission and distribution of electrical energy and the maintenance, inspection and testing of such plant and equipment during operation.

(g) The class or design, classes or designs of wires, fittings and apparatus to be used by consumers and the manner in which they shall be fixed, arranged, protected and controlled, and the prohibition of the sale or use of dangerous apparatus.

(h) The form and manner of application for the permit for a temporary supply of energy, and the terms and conditions to be attached to such permit.

(i) The measures to be taken for ensuring the safety of the public and of the operators employed by the licensees or permit holders.

(j) The qualifications required of, and the duties to be performed by electrical inspectors.

(k) The qualifications required of persons placed in charge of installations and in control of the operation of apparatus, and arrangements for the proper relief of such persons.

(l) The fees or charges to be paid in respect of any matter or thing for which payment is required by or under this Act.

(m) All matters stated, required or authorized by this Act to be prescribed.

(3) No regulation under this section shall have effect until it has been approved by Parliament. Notification of such approval shall be published in the Gazette.

Upon the publication in the Gazette of the notification of the approval of any regulation, it shall be as valid and effectual as if it were herein enacted.

Concurrence **61.** Except with the concurrence of the Minister in charge of the of Minister subject of Local

in charge of
subject of
Local
Government
necessary in
certain
cases.

(a) no licence shall be granted or refused where the applicant for the licence is a local authority or a person intending to supply electrical energy in any area which is within the administrative limits of a local authority, or where any local authority is likely to be affected by the grant or refusal of the licence,

(b) no provision relating to any matter specified in section 4 and no condition shall be included in a licence which is to be granted to a local authority or any such person as aforesaid,

(c) no right referred to in section 5 shall be conferred on a licensee who is a local authority or any such person as aforesaid,

(d) no decision referred to in section 9 shall be taken in regard to a licensee who is a local authority or any such person as aforesaid, and

(e) no regulation applicable to a licensee who is a local authority or any such person as aforesaid shall be made under section 60.

Supplying **62.**
energy
without
license

(1) Every person who acts in contravention of the provisions of section 2 shall be guilty of an offence punishable with a fine not exceeding five hundred rupees or with imprisonment of either description for a term not exceeding six months.

(2) Upon the conviction of any person of an offence under this section, the court may, in addition to or in lieu of imposing any punishment hereinbefore prescribed make order directing that the installation involved in the offence shall be dismantled and removed within such period as may be specified in the order. Such period shall, where the conviction or the order is taken up in appeal and is affirmed by the Court of Appeal, be reckoned from the date on which the decision of the Court of Appeal is communicated to the offender.

(3) Where an offender fails to comply with an order under subsection (2), the Chief Electrical Inspector may cause the installation involved in the offence to be dismantled and the dismantled parts to be removed to any place agreed upon with the offender or, in the absence of any agreement, to a suitable place, and the expenses incurred by him in so doing may be recovered as a debt due to the State from the offender.

Penalty for illegal or defective supply or for non-compliance with order. **63.** A licensee, who

(a) save as authorized by his licence or by any order under section 10 or by any permit issued to him under section 11, supplies energy or lays down or constructs any electric line or works outside his area of supply, or

(b) makes default in complying with any order issued to him under section 29, shall be guilty of an offence punishable, save as provided in section 73, with a fine not exceeding two hundred and fifty rupees, and, in the case of a continuing offence, with a daily fine not exceeding twenty-five rupees.

Penalty for failure to supply energy **64.**

(1) A licensee who makes default in supplying energy to any owner or occupier of premises to whom he is required to supply energy by or under the provisions of this Act or of his licence, shall be guilty of an offence punishable, save as provided in section 73, with a fine not exceeding twenty-five rupees in respect of each day on which or on any part of which any such default occurs.

(2) A licensee who makes default in supplying energy to any of the public lamps to which he is required to supply energy by or under the provisions of this Act or of his licence, shall be guilty of an offence punishable, save as provided in section 73, with a fine not exceeding five rupees in respect of each such lamp for each day on which or on any part of which any such default occurs.

(3) Notwithstanding anything in the preceding subsections, the fine to be inflicted on a licensee under any of those subsections shall in no case exceed in the aggregate the sum of seven hundred and fifty rupees in respect of any defaults, not being wilful defaults, made by the licensee on any one day.

Theft of, or maliciously wasting energy. **65.** Whoever fraudulently or dishonestly abstracts, consumes or uses any electrical energy or maliciously causes any electrical energy to be wasted or diverted, shall be guilty of an offence punishable with a fine not exceeding five hundred rupees or with imprisonment of either description for a term not exceeding six months; and the possession of artificial means for such abstraction shall be prima facie evidence of such fraudulent or dishonest abstraction of energy.

Unlawfully and maliciously injuring electric lines or works. **66.** Whoever unlawfully and maliciously cuts or injures any electric line or works with intent to cut off any supply of energy shall be guilty of an offence punishable with a fine not exceeding five hundred rupees or with imprisonment of either description for a term not exceeding six months or with both such fine and such imprisonment.

Penalty for **67.** Whoever

interference
with meters
or licensee's
works and
for improper
use of
energy.

(a) not being an authorized officer of a licensee or the Board, connects or disconnects any electric line through which energy is or may be supplied by the licensee to or from any meter, indicator or apparatus referred to in section 41; or

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(b) without the consent of a licensee or the Board lays or causes to be laid any electric line or connects up any electric line, equipment, apparatus, or works, for the purpose of establishing a connection with any electric line, apparatus or works belonging to a licensee or the Board; or

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(c) maliciously injures any meter, indicator or apparatus placed by a licensee under section 41, or wilfully or fraudulently alters the index of any such meter, indicator or apparatus, or prevents any such meter, indicator or apparatus from duly registering; or

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(d) in any case where energy supplied by a licensee or the Board is not ascertained by meter, uses the energy supplied to him in any other manner or to a greater amount than that specified in his contract or agreement with the licensee or the Board ; or

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(e) supplies any other person with any part of the energy supplied to him by a licensee or the Board,

shall be guilty of an offence punishable with a fine not exceeding five hundred rupees, and, in the case of a continuing offence, with a daily fine not exceeding twenty-five rupees.

For the purposes of this section, the possession of any artificial means for making such connection as is referred to in paragraph (a), or such connection as is referred to in paragraph (b), or causing such alteration or prevention as is referred to in paragraph (c) or facilitating such use or supply as is referred to in paragraphs (d) and (e) of this section shall, where the meter, indicator or apparatus is under the custody or control of the person charged, whether it is his property or not, be prima facie evidence that such connection, alteration, prevention, use or supply, as the case may be, has been knowingly or wilfully caused by the person charged.

Extinguishing **68.** Whoever maliciously extinguishes any public lamp shall be public lamps. guilty of an offence punishable with a fine not exceeding two hundred and fifty rupees or with imprisonment of either description for a term not exceeding three months.

General penalty. **69.**

(1) A licensee who makes any default, not otherwise provided for, in complying with any of the provisions of this Act or of any regulation made or order issued thereunder or with any of the conditions of his licence or contravenes any such provision or condition, shall be guilty of an offence punishable, save as provided in section 73, with a fine not exceeding two hundred and fifty rupees, and, in the case of a continuing offence, with a daily fine not exceeding twenty-five rupees.

(2) Whoever, not being a licensee, makes any default, not otherwise provided for, in complying with any of the provisions of this Act or of any regulation made or order issued thereunder or contravenes any such provision, shall be guilty of an offence punishable with a fine not exceeding two hundred and fifty rupees or with imprisonment of either description for a term not exceeding three months, and, in the case of a continuing offence, with a daily fine not exceeding twenty-five rupees.

(3) Where any offence of which a person is convicted is continued after the conviction, that person shall be guilty of a further offence punishable on a further prosecution with the daily fine hereinbefore prescribed.

Jurisdiction, **70.** Every offence under this Act shall be triable summarily by a Magistrate's Court.

Prosecutions **71.** A prosecution in respect of any default or contravention on against the part of a licensee shall not be instituted except by, or with license. the sanction of, the Attorney-General.

Offences by **72.** corporations.

(1) Where an offence under this Act has been committed by a licensee who is an incorporated company, every person who at the time of the commission of the offence was a director, manager, secretary or other similar officer of such company, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(2) In any case where a licensee who is a local authority is prosecuted for an offence under this Act, the chief executive officer or any other prescribed officer of that local authority shall represent that local authority in that case; and accordingly the prosecution may be instituted against that local authority as represented by such officer, and any process or document which, for the purposes of that case, is required to be served on that local authority, may be served on such officer; and any fine, cost or compensation imposed or awarded in that case shall be paid out of and recoverable from the fund of that local authority.

- Special provisions as to punishment in certain cases.
- 73.** Notwithstanding anything in the provisions of this Act
- (1) in any prosecution instituted in respect of any default or contravention on the part of a licensee
- (a) no punishment shall be imposed if the court is of opinion that such default was caused by inevitable accident or force majeure or was of so slight or so unimportant a character as not materially to affect the value of the supply, or
- (b) where the licensee is a local authority, the court may, in lieu of imposing the punishment hereinbefore in this Act prescribed for such default or contravention, act under section 74, and
- (2) in any prosecution instituted in respect of any default or contravention on the part of any person other than a licensee, no punishment shall be imposed, if the court is of opinion that the case was one of emergency or that such person complied with the requirements of this Act and of the regulations thereunder as far as was reasonable or practicable in the circumstances of the case.

Alternative **74.** Where a licensee who is a local authority is charged with any offence under this Act and the court is of opinion that the charge is proved and that the default or contravention constituting the offence is likely to prejudice the safety and convenience of the public, the court may, without proceeding to conviction, report such default or contravention to the Minister, and thereupon the following provisions shall have effect:

(1)

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(a) Where it appears to the Minister to be in the public interest that steps should be taken without delay to make good or to rectify the default or the contravention on the part of the local authority, the Minister may authorize the Board to execute all such works (whether of construction, replacement, repair or maintenance) as may be necessary and to recover the amount of the expenses and charges incurred in that behalf from the local authority.

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(b) The amount of such expenses and charges certified under the hand of the General Manager of the Board shall, notwithstanding anything in any other law relating to the fund of the local authority, be payable by that authority out of that fund within one month of the date of a demand made therefor by or on behalf of the Board.

(c) Such amount, if it is not so paid, may

(i) on application made by the Board to the Magistrate's Court, be recovered for him by that court in like manner as if it were a fine imposed by that court on such local authority; or

(ii) on a reference of the matter to the Minister in charge of the subject of Local Government, be deducted by order of that Minister from any grant or subsidy payable to such local authority out of the Consolidated Fund. An order of the Minister in charge of the subject of Local Government authorizing any deduction from a grant or subsidy under the foregoing provisions shall be final and shall have the like effect as if the moneys voted by Parliament for the purposes of such grant or subsidy had been duly reduced by Parliament.

(2)

(a) Where, upon consideration of the nature and the circumstances of the default or the contravention, whether by itself or taken with any previous default or contravention on the part of such local authority or the previous conduct of such local authority as a licensee, the Minister is satisfied that such local authority is not in a position to carry on the business of supplying energy in the manner prescribed by law and demanded by the public interest, the Minister may, with the concurrence of the Minister in charge of the subject of Local Government, revoke the licence issued to such local authority.

(b) Where any licence is revoked under paragraph (a), it shall be lawful for the Commissioner of Local Government or an officer or person authorized by him in writing in that behalf, notwithstanding anything in section 2, to take over and carry on the business of supplying energy within the area of supply specified in the revoked licence, until a fresh licence is duly issued to a fit and proper person or authority.

(c) Where under paragraph (b) the Commissioner of Local Government or an officer or person authorized by him takes over a local authority's business of supplying energy, it shall be the duty of the local authority

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(i) to give him free access to all the premises, plant, machinery, works, equipment, records, books and accounts belonging to, connected with or relating to that business;

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(ii) to transfer to an account to be opened by him in a bank for that purpose, such part of the fund of the local authority as may have been derived as income from, or may otherwise be attributable to, that business; and

(iii) to afford all such facilities and render all such assistance as he may require for the proper conduct of that business.

(3)

(a) Where the Minister considers that there is prima facie evidence to show that, in regard to the business of supplying energy, there has been persistent disregard of the public safety and convenience and gross incompetence and mismanagement of affairs on the part of a local authority, he may refer the case for inquiry and disciplinary action to the Minister in charge of the subject of Local Government.

(b) In any case referred to the Minister in charge of the subject of Local Government under paragraph (a) he may hold or cause to be held such inquiry or investigation as may appear to him to be necessary ; and such incompetence or mismanagement or persistent disregard of the public safety and convenience on the part of a local authority as may be disclosed by such inquiry or investigation shall be a ground for the removal of the members of that local authority from office or for the dissolution of that local authority, in addition to any other grounds that may for the time being be specified in the law relating to the establishment, supervision and control of the local authority.

Savings for legal remedies. 75. Nothing in this Act shall be deemed to take away or affect or prejudice the right of the Government or of any person to sue for and recover compensation for or in respect of damage or injury caused by any act or omission which constitutes an offence against this Act or the regulations made thereunder.

Exemption of electric lines apparatus from attachment in certain cases 76. Where any electric lines, meters, apparatus, fittings or works belonging to a licensee are, for the purpose of supplying energy, placed in or upon any premises which are not in the possession of the licensee, such electric lines, meters, apparatus, fittings, or works shall not be liable to be taken in execution under any process of any court or to be sequestered or seized in any proceedings in insolvency or bankruptcy against the person in actual possession of the premises.

Annual accounts of licensees who are not local authorities. 77. Every licensee who is not a local authority shall, unless expressly exempted by order under the hand of the Minister, prepare and render to the Chief Electrical Inspector, on or before the prescribed date in each year, a statement of the accounts of his electrical undertakings made up to such date, in such form, and containing such particulars, as may be prescribed.

Arbitration. 78. Any dispute, difference or question, not otherwise provided for, which may arise between the Government and a licensee touching the construction, meaning or effect of any of the provisions of a licence granted under this Act or the rights or liabilities under such licence or otherwise howsoever in relation thereto shall be referred to arbitration.

Protection for done in 79. No suit, prosecution or other proceeding shall lie against any person acts employed in the public service for anything done or

Service of **80.**
 notices,
 orders or
 documents

(1) Every notice, order or other document by or under this Act required or authorized to be addressed to any person may be served by post or left

(a) where the Board is the addressee, at the office of the Board ;

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(b) where the Minister is the addressee, at the office of the Minister ;

(c) where the Chief Electrical Inspector is the addressee, at the office of the Chief Electrical Inspector;

(d) where a local authority is the addressee, at the office of the local authority;

(e) where a company is the addressee, at the registered office of the company or, in the event of the registered office of the company not being in Sri Lanka, at the principal office of the company in Sri Lanka or at the office of any agent of the company in Sri Lanka; and

(f) where any other person is the addressee, at the usual or last known place of abode or business of such person.

(2) Every notice, order or other document by or under this Act required or authorized to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the " owner " or " occupier " of the premises (the premises being specified by name or assessment number or other adequate description) and shall be deemed to be duly served by the delivery thereof or of a true copy thereof, to some person on the premises to whom it can with reasonable diligence be delivered, or by the affixing thereof on some conspicuous part of the premises.

Board to **81.** For the purposes of the electrical installations of the Board have powers and the supply of energy by the Board, the Board shall have all of a licensee the powers conferred on a licensee by this Act, and shall, in the exercise of any such power, comply with such of the provisions of this Act as a licensee is required by this Act to comply with when exercising that power.

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Interpretation. **82.** In this Act, unless the context otherwise requires

" aerial line " means any electric supply line which is placed above ground and in the open air;

" area of supply " or " authorized area of supply ", in relation to a licensee, means the area within which alone the licensee is for the time being authorized by his licence to supply energy;

[§ 17.17 of 1969.] " Board " means the Ceylon Electricity Board established under the Ceylon Electricity Board Act;

[§ 17, 17 of 1969.] " consumer " means any person or body of persons supplied or entitled to be supplied with energy by a licensee or the Board, or whose premises are for the time being connected for the purposes of supply of energy with the works of a licensee or the Board;

[§ 17, 17 of 1969.] " consumer's terminals " means the ends of the electric lines situated upon any consumer's premises and belonging to him, being the ends at which the supply of energy is delivered from the service lines ;

" daily fine " means a fine in accordance with section 69 (3) for each day on which an offence of which any person is convicted is continued after the conviction;

" distributing main " means a portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply;

" earthed " means connected to the general mass of earth in such manner as to ensure at all times an immediate and safe discharge of energy to earth;

" electric line " means any wire or other conductor of whatsoever description, whether above ground or under ground, used for the purpose of conveying, transmitting or distributing energy, together with any supports, casing, coating, covering, tube, pipe or insulator supporting, enclosing or surrounding such wire or conductor or any part thereof or any apparatus connected therewith for the purpose of conveying, transmitting or distributing such energy;

" electrical inspector " means an inspector appointed under section 54, and, for the purposes of subsection (2) of section 55, includes a person appointed under that subsection;

" energy" means electrical energy when generated, transmitted, supplied or used for any purpose other than the transmission of a message ;

" general supply" means the general supply of energy to ordinary consumers, and, where the local authority is not a licensee and there is an agreement in that behalf with the local authority, includes the general supply of energy to the public lamps, but does not include the supply of energy under any special agreement to any one or more consumers;

" Government Agent" includes an Assistant Government Agent;

" licence" means a licence issued under section 2 for the purposes of this Act, and " licensee" shall be construed accordingly;

"local authority" means any Municipal Council, Urban Council, Town Council or Village Council, or any other institution which may hereafter be established by law for purposes of local self-government with power to impose and levy a rate on property;

" main " means any electric line through which energy is or is intended to be supplied to the public;

" Minister " means the Minister in charge of the subjects and functions relating to or connected with electrical undertakings;

" Minister in charge of the subject of Local Government" means the Minister in charge of the subjects and functions relating to or connected with Local Government, whether with or without any other subjects or functions;

" period of the licence " means the period for the time being specified in a licence as the period for which the licence is to be in force ;

" Secretary to the Ministry" means the Secretary to the Ministry of the Minister;

” power” means electrical power or the rate per unit of time at which energy is supplied;

” prescribed ” means prescribed by this Act or by any regulation made thereunder;

“public lamp” means any electric lamp used for the lighting of any street;

” public purposes”, in any context relating to the use of energy for public purposes, means the lighting of any street or place belonging to or subject to the control of a local authority or of any place of public worship or of any hall or building belonging to or subject to the control of any public authority or of any public theatre, but does not include any other purposes to which energy may be applied ;

” regulation” means a regulation made under this Act,

” road authority “, with reference to any street, sewer, drain, or tunnel, means such local authority, committee, or person as is responsible for the maintenance of that street, sewer, drain, or tunnel;

” service line” means any electric line through which energy is or is intended to be supplied-

(i) to a consumer either from a distributing main or immediately from the premises of the supplier; or

(ii) from a distributing main to a group of consumers on the same premises or on adjoining premises supplied from the same point of the distributing main;

” street ” includes all public carriageways, cartways and pathways as well as bridges, drains and embankments, causeways and ditches belonging or appertaining to a road, and all land adjoining any road which has been reserved for its protection or benefit, and all land which has been marked off or reserved for the construction of any road, and all waste land which, not being private property, lies within a distance of thirty-three feet of the centre of the public carriageways or cartways or within ten feet of the centre of public pathways (the burden of proving that such waste land is private property being on the person asserting the same) and all public squares, greens, parks, market places and other public places other than public buildings ;

” telegraph line ” means any wire or other conductor of whatsoever description used by the Director of Telecommunications for the purpose of transmitting or receiving telegraphic, telephonic or other communications by means of electricity, galvanism, magnetism or other form of energy, together with any supports, casing, coating, covering, tube, pipe or insulator supporting, enclosing, or surrounding such wire or conductor, or any part thereof, or any apparatus connected therewith for the purpose of conveying such communications, and includes all telegraph, telephone and signal systems operated under the direction of the General Manager of the railway, but does not include a telegraph line erected by a licensee; and

” works ” includes distributing mains, electric lines, poles, pillars, lamps, street boxes, machinery, buildings, earth and water works, and any apparatus or other works of whatsoever description required for the generation, transmission, transformation, distribution, or supply and use of energy.

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