

**NIUE LAWS
LEGISLATION AS AT DECEMBER 2006**

ELECTRIC POWER SUPPLY ACT 1960

1960/6 – 1 September 1960

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To make provision for the control of electric installations, wiring and appliances

1 Short title

This is the Electric Power Supply Act 1960.

2 Interpretation

In this Act –

"Director" means Director of Works;

"electric line" or **"line"** or **"electric line or work"** means any wire or wires or other conductor, instrument, apparatus, device, or means used or intended to be used or reasonably capable of being used for transmitting, distributing, or otherwise conducting electrical energy, or for the consumption or application of electrical energy used under a licence under this Act; and includes a telephone line;

"maintenance" includes any alteration, examination, removal or repair; **"owner"** includes occupier.

3 Licences required

(1) No person shall lay, construct, put up, place, or use any electric line except under the authority of a licence issued to him by Cabinet.

(2) Every person who commits a breach of this provision is liable to a fine not exceeding 0.5 penalty units and where the offence is a continuing one to a further fine of 0.5 penalty units for each day during which the offence continues.

4 Inspection

The Director may direct any officer appointed by him to inspect any electric line or work whether such electric line or work is the property of the Government or not and upon or after such inspection may require that such additions, alterations or repairs shall be made thereto as in his opinion are necessary or desirable for the utility and safety of the undertaking and the public; all such additions, alterations or repairs shall be made in the manner to be approved by the Director or by an officer appointed by him for the purpose.

5 Notice regarding repairs or alterations

(1) Where in the opinion of the Director or any officer appointed by him any additions, alterations or repairs to any electric line or work are necessary the Director shall cause a notice to be served on the owner of the electric line or work or on the consumer of electricity setting out the work required to be done and the time (being not less than 14 days after service) within which such work shall be completed to the satisfaction of the Director or an officer authorised by him.

(2) If the owner of any electric line or work or any consumer of electricity refuses or neglects to comply with any such notice issued under this section Cabinet in addition to instituting any proceedings against any person for breach of this Act may also discontinue the supply of electricity to the person so offending or cancel the licence for the continued use of such electric line or work.

6 Power to enter premises

An officer appointed by the Director may at all reasonable times enter any premises to which electricity is or has been supplied in Niue in order to inspect the electric lines or work, meters, measuring instruments, fittings and apparatus for the supply of electricity and for the purpose of ascertaining the quantity of electricity consumed or supplied, or, where the supplying of electricity is no longer required or where the Government desires to take away and cut off the supply of electricity from any premises for the purpose of removing any electric lines, works, meters, measuring instruments, fittings, or apparatus belonging to the Government of Niue.

7 Hindering or obstructing the Director

(1) Every person commits an offence against this Act who obstructs or hinders the Director or any person duly employed or authorised in the exercise of any power or function conferred on him by or under this Act or any regulation made thereunder.

(2) No proceedings for the recovery of any fine in respect of any such offence shall be a bar to an action at law by the Director or person so authorised by him in respect of any such act as aforesaid but every such action may be commenced and proceeded with as if no such proceedings had been taken under this Act.

8 Offence to repair or interfere with wires

(1) Every person commits an offence against this Act who wilfully or negligently does any of the following –

(a) Repairs, alters, or makes additions to any electric line or work or permits to be repaired, altered or added to any electric line or work except by a person acting under the authority either of the Director or of a licence issued to him under section 3;

(b) Injures or suffers to be injured any electric line or work, meter or any electric measuring instrument;

(c) Removes, alters or in any way interferes with the index in any electric meter or electric measuring instrument or knowingly prevents any such meter or measuring instrument from duly registering the quantity of electric energy supplied.

(2) For each such offence the offender shall, in addition to the expenses of making good any damage so occasioned to any electric line or work or any electric meter or electric measuring instrument, be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding 1 penalty unit, and to a further penalty not exceeding 0.5 penalty units for every day after the first day during which any such offence continues.

(3) Notwithstanding anything to the contrary in this section, Cabinet, in addition to instituting any proceedings against any person for a breach of this section may also discontinue the supply of electricity to the person so offending (notwithstanding any agreement or contract previously existing).

(4) In any proceedings against any person on a breach of this section the existence of artificial means for causing any alteration to the index to any electric meter or measuring instrument or prevention in the registration of electricity supplied to any consumer or for fraudulently abstracting, consuming or using electricity when such electric line or work or electric meter or electric measuring instrument is under the custody or control of any consumer shall be prima facie evidence that such alteration, prevention, abstraction, or consumption has been fraudulently, knowingly and wilfully caused by the person using such electric line or work or electric meter or measuring instrument.

9 Stealing electricity

Electricity is hereby declared to be a thing capable of being stolen within the meaning of section 188 of the Niue Act 1966 and any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses any electricity shall be guilty of theft and punishable accordingly.

10 Government not liable for failure of supply

No person who is a consumer of electrical energy supplied or sold by the Government shall have any claim against the Government in the event of any failure of the supply of any such energy through accident, tempest, drought or other unavoidable cause.

11 Power to alter dangerous radio aerials

Where in the opinion of the Director any radio aerial by its proximity to an electric line is likely to be the cause of public or private danger, he shall cause a notice to be served on the owner of the aerial in terms of section 5 and the provisions of that section shall apply as far as they are applicable.

12 Sale of electrical appliances and fittings

No person shall sell or keep for sale any electrical appliances or electrical fittings unless he is the holder of a licence to sell such electrical appliances or fittings granted by Cabinet.

13 Power to enter on land

(1) Subject to this Act the Government may enter on any land for the purposes of the construction or maintenance of any electric line or work and may remain on that land for such time and execute and do all things necessary in connection with such line or work.

(2) In the exercise of the power conferred by this section the Government may cut and remove within a distance of 33 feet on either side of a line whether existing or proposed any trees and undergrowth which interfere or are likely to interfere with such line.

(3) Where it appears necessary from the hilly nature of the country the Government may cut and remove any trees and undergrowth within a distance of not more than 3 chains on either side of any such line.

14 Removal of trees

(1) If any tree growing on any land causes or is likely to cause damage to an electric line or work the Government may cause notice to be given to the owner of that land to remove the said tree or any part thereof and if the owner of that land fails to comply with the terms of such notice within the time specified therein (being not less than 7 days after service) the Government may enter upon that land and remove the tree or any part of it but so that no unnecessary damage is done or incurred thereby.

(2) If the rights and powers conferred by sections 13 and 15 shall have already been exercised in respect of any land no compensation shall be paid in respect of any tree or part thereof on such land and cut under the powers conferred by this section.

15 Compensation

(1) Subject to this Act, where in the exercise of the powers conferred any damage is caused to land the owner shall be entitled to compensation.

(2) Where any such power is exercised with the consent of the owner and to the extent of such consent no compensation shall be paid.

16 General penalty for offences

Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section shall be liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding 0.5 penalty units.

17 Fines recoverable

A fine incurred under this Act shall except where it is otherwise expressly provided, be recovered upon the information of any person appointed by Cabinet in that behalf either generally or in any particular case.

18 Application of fees and fines

All fees and fines levied and received under this Act shall be paid into the Niue Treasury and shall form part of the revenue of Niue.

19 Regulations

Cabinet may by notice published in the Gazette make regulations –

(a) Prescribing the forms of licences under this Act the conditions on which such licence may be issued and the fees payable on it;

(b) So as to secure the protection of persons and property from injury or damage caused, either directly or indirectly, by electrical energy;

(c) Prescribing conditions in respect of the construction, installation, maintenance, use, management, inspection, and testing of electric lines or works and of instruments, materials, appliances, apparatus, accessories, and equipment used or intended to be used in the construction, installation, maintenance, or use of electric lines or works or in the application of electrical energy;

(d) Prohibiting the manufacture, importation, sale, and use of any materials, appliances, accessories, devices, and equipment which do not satisfy any prescribed tests or standards, or the use of which may be dangerous to persons or property, or which do not comply with any regulations under this section;

(e) Providing for the removal of lines laid or erected in breach of this Act, and of any line in the use of which any of the conditions of the licence under which it was laid or erected are not observed or complied with, and for the removal or alteration of any dangerous line (whether erected under the authority of a licence issued under this Act or any other Act or not), at the expense in each case of the owner of the line;

(f) Defining what may be deemed a dangerous electric line or work for the purpose of any regulations;

(g) Prescribing conditions for and controlling the supply of electrical energy;

(h) Prescribing fees to be paid in connection with any inspection or testing authorised by any regulations;

(i) Imposing fines not exceeding 0.5 penalty units for the breach of any regulation.