

Licensee Supply Regulations, 1990

LICENSEE SUPPLY REGULATIONS, 1990 ARRANGEMENT OF REGULATIONS

Regulations

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IN exercise of the powers conferred by section 53 of the Electricity Supply Act, 1990, the Minister makes the following regulations:

1. Citation and commencement.

The requirements of this subregulation are that the consumer in default-

- (1) These Regulations may be cited as the Licensee Supply Regulations, 1990.
- (2) These Regulations come into operation on 15th November 1990.

2. Interpretation.

Any word or expression used in these Regulations shall, unless the context otherwise requires, have the same meaning as in the Electricity Supply Act, 1990.

3. Recovery of electricity charges.

(1) A licensee may recover from a consumer any charges due to him in respect of the supply of electricity, or in respect of the supply and fixing of any electricity meter, supply line or electrical equipment.

(2) If a consumer quits any premises at which electricity has been supplied by a licensee without giving notice thereof to the licensee so that it is received by the licensee at least three working days before he quits the premises, he shall be liable to pay the licensee all charges in respect of the supply of electricity to the premises accruing up to whichever of the following first occurs, namely-

- (a) the third working day after he has given such notice to the licensee;
- (b) the next day on which the register of any meter has to be ascertained; or
- (c) the day from which any subsequent occupier of the premises requires the licensee to supply electricity to the premises.

(3) The provisions of subregulation (2), or a statement of the effect thereof, shall be endorsed on every demand note for electricity charges payable to a licensee by a consumer.

(4) If a consumer quits any premises at which electricity has been supplied to him by a licensee without paying any amount due from him by way of charges in respect of the supply, the licensee may refuse to furnish him with a supply of electricity at any other premises until he pays the amount due:

Provided that the licensee shall not be entitled to require payment of that amount from the next occupier of the premises.

(5) If a consumer has not, after the expiry of seven working days from the making of a demand in writing by a licensee for payment thereof, paid all monies due from him in respect of the supply of electricity by the licensee to any premises or the provision by the licensee of any supply line or electrical equipment, the licensee, after the expiration, of not less than three working days notice of his intention, may

(a) cut off the supply to the premises, or to any other premises occupied by the consumer, by such means as he thinks fit; and

(b) recover any expenses incurred in so doing from the consumer.

4. Bills

(1) Bills in respect of amounts due to the licensee shall be rendered to the consumer monthly and shall be paid within thirty working days of presentation.

(2) In default of payment, the consumer's supply of electricity from the installation may be disconnected by serving a notice, by registered post or delivered by hand to the registered address of the consumer stating the reason and date the supply is to be disconnected, at least seven working days in advance, before the intended disconnection:

Provided that no disconnection of the supply shall be carried out during the eve of weekends or public holidays.

(3) All sums of money payable to the licensee shall be paid at the office as stated on the bill, which has been authorised by the licensee to receive such monies and only receipts on the licensee's printed forms or any other form authorised by the licensee, shall be considered valid.

(4) In the event it is not possible for the licensee to read the meter due to the following circumstances:

(a) the gate is locked;

(b) the door is locked;

(c) the owner of the premise or its agent denies entry;

(d) the premises is guarded by a fierce and loose dog;

(e) the meter is blocked from normal sight;

(f) where the meter glass is not clean, not clear or foggy due to the consumer's act;

(g) the circumstances are beyond the licensee's control such as natural disaster, passage to the premise is blocked due to riot, commotion and strike; or

(h) any other circumstances which would endanger to the safety of licensee,

the licensee shall bill the consumer based upon the consumer's consumption record and history for the previous three months consecutively and make the necessary adjustment to the consumer's account when the actual meter reading is obtained.

(5) Subject to subregulation 12(1), the licensee may levy a surcharge of one per cent per month which shall be calculated for every day or part of a day for any such period of late payment of monies due from a consumer to the licensee in respect of the electricity supplied by the licensee immediately after the thirtieth days the monies remain unpaid under subregulation (1).

(6) The imposition of surcharge shall be subject to the following conditions:

(a) the consumer shall be informed of the amount to be surcharged and the date of commencement of such surcharge;

(b) no surcharge shall be levied after the supply has been disconnected under subregulation (2); and

(c) that where the meter is not able to be read under the circumstances in subregulation (4), surcharged amount

shall be adjusted when the actual meter reading is obtained.

5. Deposit

(1) A consumer may be required to deposit, within seven days of demand, a sum sufficient to cover the estimated charges for two months' supply of energy and two months' rental of equipment, if any.

(2) The deposit may be payable in the form of cash, cheque, bankers draft, cashier order, bank guarantee or any other form of negotiable instrument from any licensed financial institution, and the said deposit shall be subject to adjustment from time to time upon variation of the estimated charges.

(3) The deposit shall be a security and not a payment in advance and shall not relieve the customer from any liability under regulation 4.

(4) In default of payment of deposit within the time specified in subregulation (1), the supply to the consumer's installation may be disconnected, by serving a notice, by registered post or delivered by hand, to the registered address of the consumer, stating the reason and date the supply is to be disconnected, at least seven working days in advance before the intended disconnection and the supply may remain disconnected until such time after the deposit has been paid:

Provided that the disconnection of the supply shall not be carried out during the eve of weekends or public holidays.

(5) Where the licensee has collected the deposit from the consumer under subregulation (1), the licensee shall pay a sum equivalent to five percent per annum or such percentage to be determined by the Minister as a rebate on the amount of deposit, other than deposit paid in the form of bank guarantee, held by licensee, to be calculated on a pro-rated basis from the date of the supply until the supply has been terminated and shall credit it into the consumer's account at the end of January of every year.

(6) The licensee shall refund the deposit not later than thirty days after the termination of the supply to the consumer, his successor in title, lawful assign, trustee, personal representative, administrator or any person entitled to that amount of money, subject to the deduction of any amount then due to the licensee by the consumer:

Provided that the deposit shall not be refunded to any person other than the consumer, but where a person is able to furnish the licensee with a discharge and indemnity letter, such deposit may be refunded to such a person.

6. Restoration of supply.

(1) Where a licensee has cut off the supply of electricity to any premises in consequence of any default on the part of a consumer, the licensee shall be under an obligation to resume the supply of electricity before the end of the period of two working days beginning with the time when the requirements of subregulation (2) are satisfied.

(2) The requirements of this subregulation are that the consumer in default-

(a) has made good the default;

(b) has paid the reasonable expenses of disconnecting the supply; and

(c) has given such security as is mentioned in section 28 (1) of the Electricity Supply Act 1990.

(3) The obligation imposed by subregulation (1) shall be a duty owed to any person who may be affected by a failure to comply with the obligation.

(4) Where a duty is owed by virtue of subregulation (3) to any person, any breach of the duty which causes that person to sustain loss or damage shall be actionable at the suit or instance of that person.

(5) In any proceedings brought against a licensee in pursuance of subregulation (4), it shall be a defense for the licensee to prove that it took all reasonable steps and exercised all due diligence to avoid failing to comply with the obligation imposed by subregulation (1).

6A. Notice of disconnection, cessation or interruption of supply.

(1) Notwithstanding any other provisions in these Regulations, the licensee may, by giving not less than twenty-four hours' notice in Form A of the Schedule, disconnect the supply from any premises in pursuant to subsection 38(1) of the Act.

(2) Notwithstanding subregulation (1), the licensee shall not in any circumstances, including for scheduled maintenance under section 22 of the Act, except in the circumstances beyond the control of the licensee, temporarily cease or interrupt the supply without first giving prior notice in Form B of the Schedule at least forty-eight hours to the consumer before the intended temporary cessation or interruption of supply.

(3) The notice under subregulation (2) shall be served-

(a) where the temporary cessation or interruption of supply affects only the one customer, by personal service; and

(b) where the temporary cessation or interruption affects more than one consumer, by written announcement at a conspicuous place, in the newspaper or in the newspaper or in any form of electronic media.

7. Entry during continuance of supply.

Any officer authorised by a licensee may at all reasonable times, on the production of any duly authenticated document showing his authority, enter any premises to which a supply of electricity is being given by the licensee, or by another licensee (wholly or partly) through the first-mentioned licensee's supply lines and electrical equipment, for any of the following purposes, namely-

(a) inspecting any supply line or electrical equipment belonging to the licensee;

(b) ascertaining the register of any electricity meter; or

(c) removing inspecting or re-installing any electricity meter or installing any substitute meter.

8. Entry on discontinuance of supply.

(1) Where a licensee is authorized under the Electricity Supply Act, 1990

(a) to discontinue the supply of electricity to any premises; and

(b) to remove the electricity meter in respect of which an offence has been committed, any officer authorized by the licensee may at all reasonable times, on production of any duly authenticated document showing his authority, enter the premises for the purpose of disconnecting the supply and removing the meter.

(2) Where-

(a) a licensee is authorized by any provision of the Electricity Supply Act 1990 or of the regulations made

thereunder (including any such provision as applied by any such agreement as referred to in section 29 (1) of the Act) to cut off or discontinue the supply of electricity to any premises;

(b) a person occupying any premises supplied with electricity by a licensee, or by another licensee (wholly or partly) through the first-mentioned licensee's supply lines and electrical equipment, ceases to require such a supply;

(c) a person entering into occupation of any premises previously supplied with electricity by a licensee, or by another licensee (wholly or partly) through the first-mentioned licensee's supply lines and electrical equipment, does not require such a supply; or

(d) a person entering into occupation of any premises previously supplied with electricity through a meter belonging to a licensee, does not hire or borrow that meter,

any officer authorized by the licensee, may at all reasonable times, on production of any duly authenticated document showing his authority, enter the premises for the purpose of disconnecting the supply or removing any electrical equipment, supply line or electricity meter.

9. Entry for replacing, repairing, or altering lines or plant.

(10) Any officer authorized by the licensee after giving three working days' notice to the occupier of any premises, or to the owner of any premises which are unoccupied, may at all reasonable times, on production of any duly authenticated document showing his authority, enter the premises for the purpose of

(a) placing a new supply line or new electrical equipment in the place of or in addition to any existing line or equipment which has already been lawfully placed; or

(b) repairing or altering any existing supply line or electrical plant.

(2) In the case of emergency arising from faults in any supply line or electrical equipment, entry may be made under subregulation (1) without the notice required to be given by the same subregulation.

10. Provisions as to powers of entry.

(1) Where in pursuance of any powers of entry conferred by these Regulations, entry is made on any premises by an officer authorised by a licensee-

(a) the officer shall ensure that the premises are left no less secure by reason of the entry; and

(b) the licensee shall make good, or pay compensation for, any damage caused by the officer, or by any person accompanying him in entering the premises, in taking any action therein authorized by these Regulations, or in making the premises secure.

(2) Any officer exercising the powers of entry conferred by these Regulations may be accompanied by such persons as may be necessary or expedient for the purpose for which the entry is made, or for the purposes of sub regulation (1).

11. Metering of supplies.

(1) The licensee shall provide and fix such meters as it considers necessary for the measurement of the supply of energy to a consumer. Where additional meters are installed by the licensee at the request of the consumer the charge as determined by the licensee shall be paid by the consumer.

(2) The reading of the consumer's meter shall be prima facie evidence of the amount of electricity consumed,

provided that in the event a consumer has been undercharged or overcharged as a result of:

- (a) meter inaccuracy;
- (b) malfunctioning of the meter or its associated installation or part thereof;
- (c) incorrect meter reading;
- (d) incorrect application of a meter multiplying constant;
- (e) cross-connection of installation to different accounts; or
- (f) faulty installation.

the licensee shall make retrospective adjustments to the consumer's account in respect of consumption and demand for such period by taking into consideration the licensee's records, the consumer's consumption record and history, available technical evidence and other relevant circumstances to rectify such undercharged or overcharged situation:

Provided that the period for any retrospective adjustment shall not exceed three months from the date the consumer has been informed about being undercharged or overcharged; and

(3) In the event that the supply of meters at any time is not equal to the demand, the licensee may make a fixed-monthly charge for the supply of energy.

(4) The licensee shall give supply of electricity to the consumer at the prevailing tariff rates or any modifications thereof from time to time at the date of application pursuant to the provision of section 26 of the Act.

(5) Where a consumer has been granted a supply of electricity and levied a particular tariff for such supply and subsequently discovered that a different tariff should have been levied or if the consumer converted his category from domestic to business or changed his business to a different kind of nature in which such change requires a different category of tariff to be imposed, the licensee shall be entitled to make retrospective adjustments to the consumer's account in respect of the tariff of the period in question subject to the reference to the licensee's records, the consumer's consumption record and history, available technical evidence and other relevant circumstances:

Provided that the period for such retrospective adjustments shall not exceed three months from the date of the licensee or the consumer has been informed of the discovery or changes.

(6) When a situation under subregulation (4) or (5) occurs, the licensee and the consumer shall as soon as possible enter into an agreement to give effect to the actual tariff.

(7) In the event the consumer refuses to enter into an agreement as mentioned under subregulation (6), the licensee shall have the right to disconnect the supply from the said premise after giving fourteen days prior written notice to the consumer of its intention to do so.

12. Testing of meters.

(1) Where a consumer suspect that his meter is not registering the supply of electricity correctly, he may on request to the licensee in writing and on tendering the fee as determined by the licensee, which shall be liable to be refunded in the circumstances detailed in subregulations (2) and (3), have the meter tested.

(1A) The test under subregulation (1) shall be made as soon as practicable after receipt of the request and the fee by the licensee and the consumer may be present at the test if he so desires.

(1B) The consumer shall not be levied a surcharge on the late payment of the bill rendered due to subregulation (1) until the matter is resolved.

(2) If the meter is found to be inaccurate by more than three per cent, the fee shall be refunded and the consumer's account shall be adjusted.

(3) If the meter is found to be registering the consumption of energy when no current is flowing, the fee shall be refunded and the consumer's account shall be adjusted.

(4) The accounts to be adjusted shall be limited to the bill rendered for the month previous to that in which the consumer requested a test of his meter, and to the account from the date of the last bill to the date of removal of the meter for testing:

Provided that the licensee may, if it considers special circumstances justify such a course, authorise adjustment of bills rendered prior to the abovementioned period.

(5) Where in any case the licensee finds its meter is not registering correctly, the consumer's account shall be adjusted as stated in subregulation (4).

13. Licensee's installation.

(1) In giving supply to a consumer, the licensee shall have the right where it deems necessary, to require the consumer or the registered owner of any building or any type of fixture to which supply is given, to provide for the licensee, a space, a compartment, a building or any other type of place or siting, either in the form of leasehold or freehold, for the placement of an installation.

(2) If in order to give a supply to the consumer, it is necessary to provide an extension of the licensee's High Tension or Low Tension mains or to provide an installation, a contribution thereto may be required from the consumer.