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**THE ELECTRICITY LAW (17 OF 1974)**

**(1997 Revision)**

Revised under the authority of the Law Revision Law (19 of 1975)

Originally enacted-

Law 17 of 1974-15th October, 1974

Revised this 4th day of March, 1997.



**ELECTRICITY LAW**

**(1997 Revision)**

**ARRANGEMENT OF SECTIONS**

1. Short title
2. Definitions
3. Application
4. Application to undertakers
5. Electrical Inspectorate
6. Undertakers
7. Limitation of right of supply to the public
8. Private plants to be licensed
9. Mains to be under the control of mains engineers
10. Certain work to be performed only by contractors
11. Obligation of undertakers to employ a mains engineer
12. Power of mains engineers to withhold or cut off supplies in certain cases
13. Right of appeal against a decision made under section 12
14. Mains engineers' right of access to premises
15. Right of Inspectorate to enter and inspect premises
16. Wayleaves
17. Wayleaves to be registered
18. Power of undertaker to disconnect supply from a consumer in default of payment
19. Protection of undertaker's property against distress, etc.
20. Power to take possession of electrical works in certain cases
21. Regulations
22. Offences
23. Certain other laws not affected
24. Savings



**ELECTRICITY LAW**

**(1997 Revision)**

1. This Law may be cited as the Electricity Law (1997 Revision). Short title
  
2. In this Law- Definitions
  - “animal” includes bird, fish and reptile but does not include insects or vermin;
  - “circuit” means a system of conduction by means of which electricity is conveyed;
  - “conductor” means a substance which readily permits the passage of electricity;
  - “contract” with reference to an undertaker, has reference to that undertaker’s contractual relationship with the Governor;
  - “contractor” means a person licensed to install, supply, maintain and repair, for the public for reward, electric lines, apparatus and works of any kind used for the generation, distribution, measurement and supply or involving the consumption of electricity, limited to the extent of the licence granted in each case;
  - “dynamo” means a device for converting mechanical energy into electricity;
  - “electric line” means any wire or other conductor together with any material insulating, supporting or protecting the same, designed for the purpose of conveying electricity;
  - “electricity” means electric current or energy or any like agency;
  - “Governor” means the Governor in Council;
  - “induction” means the phenomenon whereby certain types of electricity can be conveyed from one circuit to another without recourse to a conductor;
  - “Inspectorate” means the Electrical Inspectorate of the Government established by section 5, and includes an officer thereof;
  - “insulator” means a substance or thing used to prevent leakage of by impeding the passage of electricity;
  - “licensed” means licensed under this Law;

“main” includes any plant, electric line, building, machinery, apparatus and work of whatever description owned, used or controlled by an undertaker for effecting the generation, measurement and supply of electricity in terms of his contract, this Law or the regulations;

“mains engineer” means a contractor licensed to install, maintain, repair and supervise the installation, maintenance and repair of mains;

“plant” means a generating station used for the production of electricity for general purposes;

“regulation” includes every regulation, rule and order enforceable by virtue of this Law;

“repealed law” means the repealed Electric Lighting Law (Cap. 46 of the 1963 Revised Edition of the Laws);

“undertaker” means a person in contractual relationship with the Governor for the purpose of generating electricity and supplying it to the public for reward;

Law 24 of 1991

“vehicle” includes any vehicle capable of being licensed as such under the Traffic Law, 1991; and

“vessel” includes a ship, aircraft, hovercraft and boat.

Application

3. Save as specifically provided otherwise, this Law does not apply to-
- (a) electrical apparatus incorporated in any vessel or vehicle;
  - (b) electricity produced or stored by chemical means unless so connected as to have an output in excess of twenty volts pressure:  
or
  - (c) dynamos used for scientific purposes or as children’s toys which are incapable of producing electricity at a pressure exceeding twelve volts.

Application to undertakers

4. Where any provision of this Law not specifically applicable to undertakers as such is inconsistent with any term of an undertaker’s contract, the contract shall prevail.

Electrical Inspectorate

5. There is established an Electrical Inspectorate which shall be maintained from funds voted by the Legislative Assembly and consist of such officers as the Governor may, from time to time, appoint who shall have such qualifications, functions and powers as may be prescribed.

6. The Governor may, from time to time, enter into a contractual relationship with any person where such person may be granted the exclusive right to provide a supply of electricity to the public in any given area at such charges and upon such terms and conditions as the contract shall provide and otherwise subject to this Law: Undertakers
- Provided that every undertaker shall offer a supply of electricity to all members of the public within his area who request such a supply without discrimination against or preference to any consumer, save that his tariff of charges may allow reasonable discounts or reduced rates to consumers who agree to pay agreed minimum charges upon any sliding or other agreed scale.
7. No person other than an undertaker shall supply electricity to the public for reward, and not more than one undertaker shall be accorded the right to operate in any one given area. Limitation of right of supply to the public
8. (1) No person shall install, maintain or operate any private plant unless licensed in that behalf. Private plants to be licensed
- (2) Subject to subsection (1), any person may install, maintain or operate a private plant anywhere in the Islands for the supply of electricity for his own exclusive consumption.
9. No person other than a mains engineer or a contractor subject to his direct supervision shall install, maintain, repair or operate any main. Mains to be under the control of mains engineers
10. No person other than a contractor licensed in that behalf shall, for reward, install, maintain or repair any plant, electric line or electrical apparatus. Certain work to be performed only by contractors
11. Notwithstanding section 4, every undertaker shall employ at least one mains engineer and may, in addition, employ mains inspectors, being contractors whose work is subject to the supervision of a mains engineer. Obligation of undertakers to employ a mains engineer
12. Where a mains engineer is of the opinion that the provision or continued provision of a mains supply to any premises in an area under his control would-
- (a) constitute a danger to any person, animal or property by reason of the risk of fire or other hazard; or
  - (b) result in a breach or continuance of a breach of this Law or any regulation,
- he may disallow or cut off the supply to such premises until every defect giving rise to the danger or breach has been remedied. Power of mains engineers to withhold or cut off supplies in certain cases

*Electricity Law (1997 Revision)*

- Right of appeal against a decision made under section 12
13. Any person aggrieved by a decision of a mains engineer made under section 12 may appeal thereagainst to the Inspectorate whose decision shall be final and binding upon the undertaker and the aggrieved person.
- Mains engineers' right of access to premises
14. In order to enable them to perform their duties under section 12, mains engineers, and mains inspectors under their control, shall have the right of entry to and inspection of all premises connected to mains supplies under their control-
- (a) at all times when there is reasonable apprehension of danger under paragraph (a) of section 12; and
  - (b) at all reasonable times when a breach of this Law under paragraph (b) of section 12 is suspected.
- Right of Inspectorate to enter and inspect premises
15. The Inspectorate shall have the right of entry to and inspection of any premises in the Islands where any electric line is present or suspected to be present and, where any danger or breach of this Law or any regulation is observed or apprehended, and may suspend any licence or disconnect any mains supply until satisfied that the danger, breach or the apprehension thereof has been removed.
- Wayleaves  
1995 Revision
16. Subject to Part III of the Development and Planning Law (1995 Revision), where the provisions thereof are applicable, an undertaker may enter upon any private or public land and there cut traces, install mains and control vegetation by the uprooting, felling or lopping of trees and shrubs:
- Provided that-
- (a) in the case of public land, the consent of the Governor is first obtained in that behalf and the undertaker complies with such terms and conditions as the Governor sees fit to impose; or
  - (b) in the case of private land, the undertaker obtains a licence upon such terms as may be mutually agreed from any person whose interest in the said land is thereby affected:
- 1996 Revision
- Provided further that where an undertaker and an interested party are unable to reach agreement for the purpose of paragraph (b) the dispute shall be submitted to arbitration under the Arbitration Law (1996 Revision) and the award of the arbitrator or umpire, as the case may be, shall be final and binding upon the parties.
- Wayleaves to be registered  
1995 Revision
17. All undertakers' wayleaves existing at the 20th January, 1975 or arising under section 16 shall, so soon as practicable, be registered by the relevant undertaker as licences under the Registered Land Law (1995 Revision).



18. Where any consumer is indebted to an undertaker for electricity supplied or services rendered and remains so indebted for thirty days or more after demand has been made and served upon him in writing, either by letter addressed to his ordinary address or delivered to the premises to which the supply has been made or at which the services have been rendered, it shall be lawful for the undertaker to enter upon the relevant premises and cut off the supply of electricity from such premises until the amount of the debt, together with the cost of cutting off and restoring the supply, has been paid by the consumer.

Power of undertaker to disconnect supply from a consumer in default of payment

19. Mains in the ownership or control of an undertaker shall not be liable to seizure or detention-

Protection of undertaker's property against distress, etc.

- (a) by distress;
- (b) in the course of any remedy otherwise available to a landlord against his tenants; or
- (c) in the course of any execution proceedings by any court otherwise than in a case where the actual default of the undertaker himself has given rise to the proceedings.

20. If, at any time, from insolvency or other cause, the undertakers are unable to continue to supply electricity to any area for which they were licensed under this Law, it shall be lawful for the Governor to enter upon and take possession of all the works of the said undertakers, together with all wires and electric plant belonging thereto, and to maintain the same in working order for twelve months, or for such time as may be necessary for the sale or the disposal of the same.

Power to take possession of electric works in certain cases

21. The Governor may make regulations-

Regulations

- (a) prescribing the experience, qualifications or conditions of testing requisite for the granting of licenses to contractors in various categories;
- (b) for the granting of licenses for the installation and operation of private plants;
- (c) for the imposition of safety precautions in the installation, repair maintenance and operation of works for the generation, supply, measurement and distribution of electricity;
- (d) prescribing standards to be adhered to in the management and maintenance of electrical installations;
- (e) imposing safety measures in electrical operations for the protection of the public and of persons working on electric lines;
- (f) for the giving of notice by contractors of work being or about to be undertaken;
- (g) prescribing pressures and forms of electricity to be provided by undertakers to the public and permissible variations thereof;

- (h) prohibiting the sale or use of electrical equipment considered by the Inspectorate to be dangerous or unreliable;
- (i) defining vermin for the purpose of the definition “animals” in section 2;
- (j) for the testing and inspection of electrical measuring instruments;
- (k) for the testing of consumer installations prior to connection or reconnection to any main;
- (l) providing for the winding up and taking over of the assets on terms of fair compensation of any undertaker who, in the opinion of the Governor, is in serious breach of his contract;
- (m) for the internal management of the Inspectorate; and
- (n) prescribing fees for services rendered and licenses granted by the Inspectorate.

Offences

22. Whoever-

- (a) fails to comply with any direction of the Inspectorate given under this Law;
- (b) makes any connection to a main without the consent of the mains engineer in charge;
- (c) falsifies any electrical measuring instrument or does anything to render it ineffective so as to deceive any person or be likely to deceive any person as to any amount of electricity transferred or consumed;
- (d) maliciously or fraudulently obstructs, wastes, consumes, diverts or uses any electricity;
- (e) without the authorisation of the responsible mains engineer, interferes with any main;
- (f) falsely purports himself to be a contractor or, being a contractor, performs or offers to perform any work or service outside the scope of his licence;
- (g) obstructs any member of the Inspectorate or any mains engineer in the performance of any duty required or authorised by this Law to be performed;
- (h) sells, installs or operates any electrical equipment, the sale or use of which is prohibited by this Law;
- (i) notwithstanding sections 3 and 4, maintains or operates any electric line or other apparatus which, by induction or otherwise, adversely affects the operation of any other electrical installation or the transmission or reception of any radio or other like signals;
- (j) contravenes any safety regulation; or
- (k) contravenes any other regulation or provision of this Law,

is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months and, in the case of a continuing offence, to a further fine of one hundred dollars for each day the offence continues, without prejudice to any alternative punishment which may be inflicted under any other law.

23. Nothing in this Law shall derogate from any provision of the Radio Law (1996 Revision) or the Telephone Law (1997 Revision).

Certain other laws not affected

24. Any contracts made by virtue and remaining in effect under the repealed law shall continue in operation as if they had been made under the authority of this Law.

Savings

Publication in revised form authorised by the Governor in Council this 4th day of March, 1997.

Carmena H. Parsons  
Clerk of Executive Council