



ST. CHRISTOPHER AND NEVIS

CHAPTER 16.01

SAINT CHRISTOPHER ELECTRICITY SUPPLY ACT and Subsidiary Legislation

Revised Edition
showing the law as at 31 December 2017

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CHAPTER 16.01

SAINT CHRISTOPHER (ELECTRICITY SUPPLY) ACT

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CHAPTER 16.01

SAINT CHRISTOPHER ELECTRICITY SUPPLY ACT

AN ACT TO PROVIDE FOR THE SUPPLY OF ELECTRICITY IN THE ISLAND OF SAINT CHRISTOPHER, TO ALLOW FOR THE PRIVATISATION OF ELECTRICITY SERVICES AND FOR RELATED MATTERS.

PART I

PRELIMINARY MATTERS

Short title.

1. This Act may be cited as the Saint Christopher Electricity Supply Act.

Interpretation.

2. In this Act unless the context otherwise indicates—

“area of supply” in relation to a public supplier, means the area within which a supplier is authorized to supply electricity under a public supplier’s licence;

“auto-producer” means the person authorised by this Act and by the regulations adopted pursuant to it, to carry out electricity generation to meet all or part of its electricity need and to sell its excess to the electricity supplier as prescribed;

(Inserted by Act 13 of 2015)

“auto-production” means the generation of electricity carried out by an auto-producer;

(Inserted by Act 13 of 2015)

“commission” means the Public Utilities Commission established under section 3 of the Public Utilities Act, Cap. 16.04;

“consumer” means any final consumers of electricity;

(Substituted by Act 13 of 2015)

“consumer-generator” means any consumer allowed to produce electricity under a net metering system;

(Inserted by Act 13 of 2015)

“co-generation” means the combined production of heat and electricity;

(Inserted by Act 13 of 2015)

“co-generator” means a person authorized pursuant to this Act and as prescribed by regulations to carry out co-generation;

(Inserted by Act 13 of 2015)

“distribution” means the transport of electricity through the distribution network;

(Inserted by Act 13 of 2015)

“distribution network” means medium and low voltage networks and associated equipment as prescribed by regulations;

(Inserted by Act 13 of 2015)

“electrical fittings” means electric fittings, apparatus and appliances designed for use by consumers of electricity for lighting, motive, power and other purposes for which electricity may be used;

“electrical plant” means any plant, equipment, transformer, switchgear, apparatus and appliance used for the purpose of generating, transmitting and distributing electricity, and includes any building or structure required to accommodate any of the same but does not include any electrical fittings;

“electricity” includes electric voltage, electric current, electric energy or any like agency;

“electricity activity” means any activity carried out in the electricity sector of Saint Christopher, including electricity generation, transmission, distribution and supply;

(Inserted by Act 13 of 2015)

“Electricity Department” means the department within the Government responsible for the generation and supply of electricity to consumers and include all lands, buildings, electrical plants, furnishings and vehicles used by the department;

“electricity line” means any wire or conductor used or to be used for the purpose of conveying, transmitting or distributing electricity or as pilot lines for remote control, protection, coating, covering, tube, pole, stay wire, bracket, pipe or insulator enclosing, surrounding or supporting the same, or any part thereof;

“energy conservation” means the reduction in the amount of energy consumed in a process or system or by a person through economy elimination of energy waste and rational use;

(Inserted by Act 13 of 2015)

“energy efficiency” means the use of less energy to provide the same service;

(Inserted by Act 13 of 2015)

“general supply” means the supply of electricity to consumers;

“generation” means the production of electricity from renewable and/or non-renewable energy sources;

(Inserted by Act 13 of 2015)

“generation plant” means the electrical facility used for the generation of electricity;

(Inserted by Act 13 of 2015)

“government” means the Government of Saint Christopher and Nevis;

“independent power producer” means any person other than the SKELEC which, is authorised by this Act, the regulations adopted pursuant to it or any other legislation, to carry out electricity generation;

(Inserted by Act 13 of 2015)

“licence” means a licence issued pursuant to this Act;

(Inserted by Act 13 of 2015)

“licensed supplier” means the holder of any licence granted under section 5;

“meter” means any electricity meter;

“meter aggregation” means the administrative combination of readings from and billing for all meters, regardless of the rate class, on premises owned or leased by a consumer-generator located in Saint Christopher;

(Inserted by Act 13 of 2015)

“Minister” means the Minister responsible for Energy;

“net metering” means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a consumer-generator over the applicable billing period;

(Inserted by Act 13 of 2015)

“person” means—

(a) any natural person, or

(b) any public body, company or association or any person corporate or unincorporated;

(Inserted by Act 13 of 2015)

“potential consumer” means any person entitled to be supplied with electricity and to be recognised by other rights granted to consumers by this Act or Regulations made under it;

(Substituted by Act 13 of 2015)

“premises” include a dwelling house;

“prescribed” means prescribed by Regulations;

(Inserted by Act 13 of 2015)

“private purposes” includes any purposes for which electricity may be used or applicable, not being public purpose;

“private supplier’s licence” means a licence granted for private purposes and “private supplier shall be construed accordingly;

“production” means the generation of electrical power from renewable and/or non-renewable energy sources;

(Inserted by Act 13 of 2015)

“property” means any land and or building other than a dwelling house;

“public purposes” includes the general supply of electricity for the island of Saint Christopher, the lighting of public roads, provision of lighting for Government buildings and institutions;

“public supplier” means the holder of a public supplier’s licence;

“public supplier’s licence” means a licence granted for the supply of electricity for public purposes;

“renewable energy sources” means energy generated from natural and alternative energy sources, including wind, solar, biomass, geothermal, hydro, ocean and tidal energy, landfill gas, and biogases and biodegradable fraction of municipal and industrial waste, and such other sources as are prescribed by regulations;

(Inserted by Act 13 of 2015)

“SKELEC” means the St. Kitts Electricity Company Limited;

(Inserted by Act 13 of 2015)

“supplier” means a person authorized pursuant to this Act to supply electricity to consumers;

(Inserted by Act 13 of 2015)

“supply” means the sale of and resale of electricity to consumers;

“system operation” means the co-ordination of transmission services so as to ensure that the system is constantly in state of static equilibrium, equaling power demand and power supplies in the electricity system;

(Inserted by Act 13 of 2015)

“transmission” means the transport of electricity through the transmission network;

(Inserted by Act 13 of 2015)

“transmission network” means the transmission of electricity through high voltage electricity networks as prescribed, and the transmission of electricity for interconnecting the island of Saint Christopher with another island or country.

(Inserted by Act 13 of 2015)

PART II

CONTROL OF ELECTRICITY ACTIVITIES

(Title substituted by Act 13 of 2015)

Licences required for electricity activities.

(Title substituted by Act 13 of 2015)

3. (1) Subject to subsection (2), no company or person shall generate, transmit, distribute or supply electricity except under an Act or under a licence granted under this Act or regulations adopted pursuant to it.

(Substituted by Act 13 of 2015)

(2) The Minister, in consultation with the Commission, shall prescribe in any private licence issued pursuant to subsection (1), such special conditions where the application is in respect of an electrical plant that is—

- (a) powered only by wind and which is used by a person for the sole purpose of supplying electricity to his or her own premises;
- (b) used only for the photovoltaic generation of electricity by any person for the sole purpose of supplying electricity to his or her own premises.

(3) The Minister may determine that a licence is not required if the application is in respect of electrical equipment or electricity that may be—

- (a) installed in any vehicle, vessel or aircraft for the sole purpose of supplying electricity to that vehicle, vessel or aircraft;
- (b) used only in connection with the carrying on of any construction or repair work, or any excavation, in any case where it is not reasonably practicable to use electricity supplied under a public supplier’s licence; or
- (c) of such a limited nature and for the sole purpose of supplying electricity to a person’s own premises that the grant of a licence is not deemed necessary under the circumstances in question.

(4) Consumers authorised to install a generation plant to produce electricity from renewable energy sources under a net metering system are exempted from the obligation of obtaining a licence.

(Inserted by Act 13 of 2015)

(5) The Minister may prescribe that a licence is not required by independent power producers or auto-producers if the application is related to electricity generation or auto-generation from renewable energy sources and the generation plant is of limited installed capacity.

(Inserted by Act 13 of 2015)

(6) Licences required for generation and auto-generation of electricity from renewable energy sources shall be subject to the conditions established in Part XI of this Act.

(Inserted by Act 13 of 2015)

Application of Act.

4. This Act shall apply to any consumer and to any person who may, pursuant to the conditions established in this Act, be authorised to generate, transmit, distribute and supply electricity in Saint Christopher.

(Substituted by Act 13 of 2015)

Minister may by licence grant right to carry out generation, transmission, distribution and supply of electricity.

(Substituted by Act 13 of 2015)

5. (1) The Minister may, from time to time, by licence, grant to any company or person the right to supply, generate, transmit or distribute electricity for any public or private purposes within any area and for such period as the Minister may consider proper but subject to the following provisions of this section.

(Substituted by Act 13 of 2015)

(2) A licence may be for any period but the exclusive right granted by a license shall not extend beyond a period of twenty-five years from the commencement of a licence granting such right.

(3) Prior to the expiration of the period for which any licence, other than an exclusive licence, has been granted, a new licence may be granted with rights under such licence to take effect from the date of the expiration of the previous licence.

(4) Every person applying for a licence shall apply in such form and the application shall contain such particulars as the Minister may prescribe.

(5) The Minister shall publish by Notice in the *Official Gazette* the grant of ant license under this Act.

(6) No person or company shall be granted an exclusive right to generate electricity in Saint Christopher.

(Subsection (6) inserted by Act 13 of 2015)

Minister may make rules or Regulations.

6. (1) The Minister may make, rescind, alter or vary any rules or Regulations, including prescribing all forms necessary for the proper carrying out of this Act and may prescribe any fees applicable to the grant of any licence under this Act.

(2) Without prejudice to the generality of subsection (1), the Minister, may make regulations on—

- (a) quality of service standards;
- (b) access and use of transmission and distribution networks;
- (c) safety, security, and health;
- (d) auto-production;
- (e) co-generation.

(Inserted by Act 13 of 2015)

Conditions of licence.

7. (1) Any licence under this Act shall be subject to conditions governing the following matters—

- (a) the limits within which and the conditions under which a supply of electricity is to be provided;
- (b) the securing of a regular and efficient supply of electricity;
- (c) securing the safety of the public from personal injury or from fire or otherwise;
- (d) the limitation of the prices to be charged in respect of the supply of electricity;
- (e) the authorising of inspection and enquiry from time to time by the Minister;
- (f) the enforcement of the due performance of the duties of any company or person licensed under this Act in relation to the supply of electricity by the imposition of penalties or otherwise and by the revocation of any licence where any company or person licensed under the Act has, in the opinion of the Minister, practically failed to carry the powers granted to them into effect within a reasonable time or discontinued the exercise of such powers; and
- (g) generally with regard to any other matter in connection with the licence.

(2) The Minister may, on application made in writing by a private supplier not later than one year before the expiration of the period of validity of the relevant private supplier's licence, renew such licence for a period not exceeding the original period for which the licence was granted as shall be endorsed on that licence and subject to such terms and conditions as shall be so endorsed.

(3) The Minister may, on application made in writing by a public supplier not later than one year before the expiration of the period of validity of the public supplier's licence—

- (a) where such licence was originally granted for a period of less than twenty-five years, extend the period of validity of such licence for such further period as not to exceed twenty-five years reckoned from the original date of validity of the licence;
- (b) where such licence was originally granted for a period of twenty-five years, renew that licence for a period not exceeding twenty-five years as shall be endorsed on that licence and subject to such terms and conditions as shall be agreed.

(4) Where a public supplier has no intention of seeking renewal of its licence, the supplier shall give notice in writing to the Minister of the supplier's intention not to renew its licence no later than two years before the expiration of that licence.

(5) Where a public supplier contravenes subsection (4), such supplier shall pay to the Government one million dollars or such greater sum that shall be commensurate with the extent of the supplier's default and the Government may recover the amount from the supplier as a civil debt.

(6) Where a private supplier contravenes subsection (4), such supplier may be liable to pay the Government two thousand five hundred dollars or such greater sum

that shall be commensurate with the extent of the supplier's default and the Government may recover the amount from the supplier as a civil debt.

Act binds Crown.

8. This Act binds the Crown.

Revocation of licences.

9. (1) Subject to subsections (2) and (3), the Minister, in addition to the exercise of any power conferred on him under a licence to revoke that licence, may, by notice in writing served on a licensed supplier, revoke the licence held by the supplier on any of the following grounds—

- (a) in the case of a public supplier's licence, where the supplier—
 - (i) has been convicted of non-compliance with an order of the Public Utilities Commission pursuant to section 38 of the Public Utilities Act, Cap. 16.04; or
 - (ii) where the Minister has exercised his powers under section 36 of this Act;
- (b) in the case of a private supplier's licence where—
 - (i) the licensee performs its functions under the licence in a manner likely to constitute a nuisance or to cause injury to any other person;
 - (ii) the licensee performs in any manner the services of a public supplier that it is not so authorised to perform;
 - (iii) the licensee unlawfully taps into or accesses the public supply of electricity;
 - (iv) the licence was obtained by fraud.

(2) Before serving on a private supplier a notice of revocation pursuant to subsection (1), the Minister shall serve on the licensee a notice in writing stating—

- (a) that the Minister is considering the service of a notice of revocation under this subsection on the supplier on the grounds specified in the notice; and
- (b) that the supplier may, within a period of thirty working days from the date of the service on him of the notice under this subsection, make written representations to the Minister.

(3) The Minister shall consider any representations made by a private supplier in response to a notice under subsection (2) before serving a notice of revocation on the supplier.

(4) After a public supplier's licence has been revoked under subsection (1) or terminated under this section, the Minister shall cause notice to be published in the *Gazette* and in such other way as appears to him expedient for notifying consumers in the supply area to which the licence relates.

(5) A notice of revocation shall not have effect within a period of three months from the date of the service of such notice in the case of a private supplier's licence.

(6) The Minister shall—

- (a) at the request of a public supplier made at least twenty-four months prior to the intended date of termination, terminate the licence held by the supplier on such date; and
- (b) at the request of a private supplier made at least three months prior to the intended date of termination, terminate the licence held by the supplier on such date.

Appeals.

10. (1) A public supplier may appeal to the High Court against a notice of revocation issued in respect of its licence under subsection (1) of section 9.

(2) A private supplier may appeal to the Magistrate's Court against a notice issued in respect of its licence under subsection (1) of section 9.

(3) An appeal under subsection (1) or (2) shall be instituted by a licenced supplier within a period of twenty-one days from the date on which the notice was served on the supplier.

Purchase by Government on revocation of a public supplier's licence.

11. (1) Where the Minister revokes a public supplier's licence in accordance with this Act, the Government may purchase all the assets of the public supplier used pursuant to its obligations under its licence at the then current market value.

(2) Where the Minister fails to renew the public supplier's licence under section 7, the public supplier may sell its assets used pursuant to its obligation under its licence to such person as the Government may approve and where there is no such person to purchase the assets of the public supplier the Government shall purchase all such assets at the then current market value of such assets.

(3) For the purposes of this section the current market value of the assets shall be determined by an independent value agreed upon by the Government and the public supplier.

PART III

SKELEC

(Title substituted by Act 13 of 2015)

Role of SKELEC.

12. (1) SKELEC shall—

- (a) provide electricity production, transmission, distribution and supply in Saint Christopher pursuant to this Act and the regulations adopted pursuant to it;
- (b) comply with this Act, the regulations, the decision of the Commission and of the Minister adopted pursuant to it.

(2) SKELEC shall—

- (a) ensure the long-term ability of the system to meet reasonable demands for the transmission and distribution of electricity;

- (b) construct, operate, maintain, develop, repair, replace and extend its transmission and distribution network in an economical manner so as to ensure a secure, reliable and efficient transmission and distribution system with due regard to the environment;
 - (c) maintain sufficient reserve capacity;
 - (d) maintain and expand its transmission and distribution networks, and develop expansion plans so as to ensure security of supply;
 - (e) inform their expansion plans to the Commission and to the Ministry;
 - (f) comply with the technical and commercial quality of service standards set by the legislation adopted pursuant to this Act;
 - (g) comply with the regulations on safety, security, health and environment and any other technical regulation adopted pursuant to this Act;
 - (h) comply with the obligations imposed by this Act and by any legislation, regulations or code adopted pursuant to this Act or related to the creation of SKELEC;
 - (i) grant access and use of its transmission and distribution system pursuant to the conditions and requirements set by this Act and by any regulation or decision of the Commission or of the Minister adopted pursuant to this Act;
 - (j) provide to potential consumers, consumer-generators, independent power producers, co-generators, and auto-producers the information they need to connect and use its transmission and distribution networks;
 - (k) contribute to security of supply through an adequate transmission capacity and system reliability;
 - (l) manage electricity flows on the system and ensure a secure, reliable and efficient electricity system and comply with the relevant regulations;
 - (m) provide the quality of service as prescribed by regulations.
- (3) SKELEC—
- (a) co-ordinating transmission services so as to ensure that the system is constantly in state of static equilibrium, equalling power demand and power supplies at each node of the network;
 - (b) dispatching all generation installations connected to transmission facilities;
 - (c) dealing with bottlenecks in the network while dispatching generation and balancing the system;
 - (d) co-ordinating planned generation and planned transmission outages;
 - (e) managing electricity flows on the systems;
 - (f) ensuring a secure, reliable and efficient electricity system as well as all necessary ancillary services.
- (4) SKELEC shall supply electricity to all consumers located in their area at the tariffs set by the Commission.

(5) Subject to the requirements, conditions and prices prescribed by regulations, consumer-generators and auto-producers authorised to generate electricity pursuant to Section XI of this Act as well as co-generators have the right to sell their excess of electricity production to the SKELEC, and to be supplied by SKELEC with the electricity that they cannot generate by its own installations.

(6) SKELEC shall provide the Ministry and the Commission accurate information on—

- (a) its estimations of electricity demand growth;
- (b) its estimation of new generation, transmission and distribution capacities necessary to meet new demand in the short term;
- (c) its plan of expansion of generation, transmission and distribution to meet new demand in the short and medium term and to comply with the National Energy Policy;
- (d) any other information that the Commission or the Ministry may require.

(7) The expansion plans of the Commission shall be subject to review of the Commission who may amend or give instructions on modifications when that is necessary to comply with the National Energy Policy.

(Substituted by Act 13 of 2015)

Access and use of SKELEC electricity transmission and distribution networks.

13. (1) SKELEC shall grant non-discriminatory access to its transmission and distribution networks to independent power producers, auto-producers, co-generators and consumer-generators as prescribed by this Act and to the regulations adopted pursuant to it.

(2) SKELEC shall not deny access and use to its electricity transmission and distribution networks except if there is not sufficient capacity and it is properly justified.

(3) SKELEC shall within 6 months of the publication of this Act, publish—

- (a) the rules governing access and use of its transmission and distribution networks;
- (b) the procedures governing requests to connection access to and use of its transmission network;
- (c) the connection agreement models offered to consumers, auto-producers, independent power producers and co-generators who request access and use of its distribution and transmission networks;
- (d) which shall be subject to review, amendment and approval by the Commission.

(Substituted by Act 13 of 2015)

Regulations on access and use of electricity networks.

14. (1) The Commission may propose and the Minister approves regulations ruling all aspects of access and use of electricity transmission and distribution networks in Saint Christopher.

(2) Without prejudice to the generality of subsection (1), the Commission may propose and the Minister approves—

- (a) regulations setting the technical conditions of access and use of electricity transmission and distribution networks;
- (b) regulations on safety, security and health;
- (c) regulations on electrical installations;
- (d) standard connection agreements between SKELEC and independent power producers, auto-producers, co-generators and consumer-generators.

(Substituted by Act 13 of 2015)

(3) The Commission shall settle any dispute related to access and use of transmission and distribution networks between SKELEC and any potential consumer-generator, independent power producer, auto-producer or co-generator within 3 months of being submitted by one of the parties.

PART IV

ROLE OF PUBLIC UTILITIES COMMISSION

Powers and Duties of the Commission.

15. (1) Further to any powers exercisable by it under the Public Utilities Act, Cap. 16.04 the Commission shall have power to regulate and oversee generally the overall use and supply of electricity in Saint Christopher.

(2) In exercising its powers, the Commission shall be responsible for and use its best efforts to—

- (a) promote and encourage the effective and efficient development and administration of the electricity supply, having regard to the development, well-being and security of the country;
- (b) oversee the generation, distribution, supply and sale of energy for public and private purposes;
- (c) promote the interests of consumers of electricity supplied by persons licensed to supply electricity in terms of—
 - (i) the prices charged and the other terms of supply;
 - (ii) the continuity of supply; and
 - (iii) the quality of the electricity supply services provided;
- (d) encourage the operation and development of a safe, efficient and economic electricity sector in Saint Christopher;
- (e) ensure the security and efficiency of the supply of electricity in Saint Christopher through the conduct of an efficient long-term supply planning process with due regard for future potential generation sources such as renewable energy and wind energy;
- (f) facilitate the promotion of sustainable and fair competition in the electricity sector where it is efficient to do so;
- (g) protect the interests of all classes of consumers of electricity as to the terms and conditions and price of supply;

- (h) protect the public from dangers arising from the generation, transmission or supply of electricity;
- (i) facilitate the collection, publication, and dissemination of information relating to standards of performance by licensed operators and for the electricity sector in Saint Christopher for use by the electricity industry and its consumers and by prospective investors in the sector;
- (j) secure the establishment and maintenance of machinery for promoting the health and safety of persons employed in the generation, transmission or supply of electricity;
- (k) promote the use of renewable energy sources in electricity generation;
- (l) encourage investments in the electricity sector in addition to improving the operational efficiency and sale of energy at reasonable prices;
- (m) promote energy efficiency and energy conservation in the electricity sector;
- (n) ensure the provision of safe, secure, reliable and high quality services when performing activities related to the electricity sector;
- (o) ensure that all persons operating in the energy sector shall comply with applicable environment protection standards and with general public safety conditions;
- (p) protect the interests of consumers, provided that they comply with the terms or obligations related to the provision of electricity service;
- (q) monitor and ensure that SKELEC, independent power producers, auto-producers, co-generators and consumer-generators comply with their legal and licences' obligations and with quality of service standards;
- (r) monitor and enforce all applicable legislation.

(Paragraphs (k) to (r) inserted by Act 13 of 2015)

(3) In exercising its duties referred to in subsection (2), the Commission shall have due regard to—

- (a) national and international environmental standards as they affect the electricity sector and shall consult with environmental bodies in Saint Christopher or in the region where necessary or expedient in relation to consumer and industry interests; and
- (b) developments with respect to regional co-operation in electricity supply and regulation in the Region.

General Functions of the Commission.

16. The Commission shall—

- (a) review and advise the Minister on legislation relating to the provision of electricity supplies;
- (b) advise the Minister on the generation, transmission, distribution and supply of electricity;
- (c) review and set appropriate tariff rates for the supply of electricity;
- (d) establish, maintain, review and amend as appropriate technical and performance standards for all types of facilities within the electricity

- sector and shall monitor and enforce compliance with such technical standards;
- (e) establish, maintain, review and monitor safety standards for all types of facilities within the electricity sector and shall monitor and enforce compliance with such safety standards;
 - (f) approve, modify monitor and enforce terms and conditions for the supply of electricity to consumers;
 - (g) set operational and efficiency standards and benchmarks for licensees and monitor the performance of licensees against such standards, benchmarks and mutually agreed targets;
 - (h) review the development plans, expansion programmes and fuel cost efficiencies of licensees;
 - (i) review and report on the efficiency of asset utilisation and optimisation and the appropriateness and implications of rate structures;
 - (j) take such other actions as the Commission deems necessary to fulfil its duties and functions under this Act or as are otherwise necessary to serve the public interest or to fulfil the objectives of other legislation or treaties relating to the electricity sector in Saint Christopher;
 - (k) enforce this Act, the regulations, licences, decisions, and other legislation adopted pursuant to this Act;
 - (l) organise consultation documents and public hearings procedure;
 - (m) regulate the internal procedure for the imposition of sanctions in the event of statutory, regulatory or contractual infringements, ensuring due process;
 - (n) ensure publicity of its decisions;
 - (o) perform any other function that may be imposed to it by the regulations, codes, licences and any other legislation to be adopted pursuant to this Act;
 - (p) do any such other act as may be conducive to the best attainment of its functions and objective of this Act;
 - (q) prepare and publish its annual report;
 - (r) propose regulations setting the technical conditions of connection and use of electricity networks;
 - (s) propose regulations on safety, security, and health related to electricity;
 - (t) propose any other regulation necessary to implement this Act;
 - (u) review, approve and impose amendments to standardised connection agreements between the SKELEC and producers, auto-producers, consumer-generators and consumers authorised to produce electricity pursuant to Part XI of this Act;
 - (v) monitor the compliance of, and enforce, the regulations ruling access and use of electricity networks, regulations related to safety, security and health, and any other regulation adopted pursuant to this Act;

- (w) settle any dispute concerning access and use of transmission and distribution network between the SKELEC and producers, auto-producers, co-generators, consumer-generators, and—
 - (i) when the dispute is related to the access and use of transmission or distribution networks, the Commission shall take a decision within three (3) months of the submission by one of the parties;
 - (ii) the Commission shall adopt internal procedures for dispute resolution which shall ensure compliance with the principles of due process.
(Paragraphs (k) to (w) inserted by Act 13 of 2015)

PART V

ELECTRICITY INSPECTORS

Electricity Inspectors.

17. (1) As from the vesting day there shall be appointed by the Governor-General officers to be known as electricity inspectors for the purpose of carrying out the functions assigned to them under this Act and specifically to do the following—
- (a) the right at all reasonable times to enter and inspect all electrical installations in all buildings and places, whether public or private, before energy is supplied, for the purpose of determining whether such installations have been carried out in accordance with the requirements of Regulations made under this Act and to the satisfaction of the electricity inspector.
 - (b) to inspect on the request of the Public Utilities Commission, of the Commissioner of Police or any insurance company directly concerned or the occupier or owner of electrical installations in all buildings and places, whether public or private, for the purpose of determining whether—
 - (i) such installations meet all proper requirements of safety from personal injury or fire or otherwise to the satisfaction of an electricity inspector;
 - (ii) such installations have been carried out in accordance with the requirements of Regulations made under this Act;
 - (c) the superintendence of all electrical installations to be carried out in Government premises or properties and of requiring all repairs in connection with the same and the superintendence of fixing and repairs of all Government lightning conductors and the testing of the same;
 - (d) the inspection of the wiring and connections from the licensee's mains to the consumers' meters for the purpose of determining—
 - (i) whether the said wiring and connections are capable of conveying to the consumers' meters the electric supply guaranteed by the licensee;

- (ii) availability of the supply of electricity at the mains with safety and without undue drop in voltage when all the lights and electrical appliances of the consumers' installations are in use;
 - (e) to notify both the licensee and the consumers if the wiring and connections referred to in paragraph (d) are inadequate or incapable of conveying or maintaining the electricity supply;
 - (f) to carry out such other duties as may be prescribed by the Minister under the authority of this Act or any other enactment.
- (2) (a) An electricity inspector shall have the right to direct a licensed supplier not to supply electricity to premises or property in which any installation, fittings or wiring is deemed by him to be unsafe;
- (b) The licensed supplier shall comply with such direction as soon as may be practicable and shall only re-connect the supply of electricity to such premises or property when the electricity inspector has certified that the installation, fittings or wiring in question has been made safe;
- (3) An electricity inspector shall be entitled to supervise any test carried out pursuant to the provisions of subsection (1).
- (4) Where an electricity inspector conducts an inspection pursuant to subsection (1) paragraphs (a) and (d), he shall, within fourteen days of such inspection make and deliver a report thereon to the Minister.
- (5) In the exercise of the powers granted to inspectors under this Act, there shall be appointed by the Governor-General a Chief Inspector who shall be responsible for the supervision of all electricity inspectors appointed pursuant to this Act and shall have ultimate responsibility for the performance of the obligations assigned to the office of an electricity inspector.

Consent for supply of electricity.

- 18.** (1) No electricity shall be supplied to any property or premises after the vesting day, or to any extension of any property or premises in existence before that date until the Chief Electricity Inspector grants his permission in writing to the person seeking the supply of such electricity.
- (2) Where the applicant for the supply of electricity or his representative is dissatisfied with the decision of an electricity inspector, he may appeal to the Commission.

Consent for alteration.

- 19.** No person shall alter or extend any electrical installation to his property or premises without the permission of an electricity inspector.

Fees.

- 20.** (1) It shall be lawful for electricity inspectors to charge such fees as may be prescribed in respect of the services provided by them.
- (2) All fees collected by the electricity inspectors shall be paid into the Consolidated Fund.

Consumer may require test of meter.

21. (1) Whenever requested to do so by any consumer and after payment by such consumer of any testing fee as may be prescribed, a public supplier shall test the meter registering the electricity supplied to such consumer against a standard meter and supply the consumer with a report showing the result of the test.

(2) If the report supplied under subsection (1) shows that the meter is registering above or below such standard as may be prescribed in accordance with the Public Utilities Act, Cap. 16.04 the public supplier shall replace the meter in question and shall refund to such consumer the testing fee paid by him.

(3) Pursuant to section (2) the meter shall be deemed to have been so registering erroneously from the first day of the period for reading the meter prior to the then current period until the date upon which the meter is replaced, and the public supplier shall make an allowance to such consumer in respect of electricity supplied during such time.

PART VI**SUPPLY OF ELECTRICITY BY PUBLIC SUPPLIER****Power to discontinue supply.**

22. Notwithstanding anything contained in the Public Utilities Act, Cap. 16.04 if a consumer fails or refuses to pay and discharge any charge or other sum due and payable by the consumer to a public supplier under the Act in respect of the supply of electricity to such consumer, the supplier may cut off such supply and for that purpose may cut or disconnect any electricity line or other work through which electricity may be supplied and may, until such charge or sum, together with any expenses incurred in so cutting off the supply of electricity is fully paid.

Re-connection.

23. Where a public supplier has discontinued the supply of electricity to any premises or property of any person in accordance with the provisions of this Act a re-connection fee, as may be prescribed by the public supplier, with the approval of the Commission shall be payable by that person to the public supplier, prior to re-connection of such supply to the premises or property of that person.

Fraudulent Abstraction.

24. (1) Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes or uses any electricity commits an offence of larceny and shall be liable on summary conviction to a fine of five thousand dollars and one hundred dollars for each day that the offence continues unabated, or to imprisonment for a term of two years.

(2) Where electricity is fraudulently abstracted by a corporation, the corporation shall be liable to a fine of ten thousand dollars and two hundred and twenty-five dollars for each day that the offence continues unabated.

(3) The provisions of subsections (1) and (2) shall not affect the right of the supplier to recover the cost of electricity that was unlawfully abstracted from a person who commits such an act.

Notice by consumer before quitting premises or property.

25. (1) In the absence of any express agreement to the contrary between a consumer and a public supplier, at least fifteen working days' notice in writing shall be given by the consumer to the supplier before he quits any premises or property to which the public supplier supplies electricity.

(2) In default of a consumer giving notice to a public supplier in respect of any premises or property, such consumer shall be liable to pay to the supplier any monies due in respect of the supply of electricity by the supplier to those premises or property up to—

- (a) the expiration of the usual period for reading the meter on the premises or property next following the date on which such consumer quits the premises or property; or
- (b) the date on which the subsequent occupier of those premises or property requires the supplier to supply electricity to the premises or property,

whichever first occurs, and the supplier may refuse to supply any electricity to such consumer under this section on quitting his premises or property until all such monies have been paid to the supplier.

(3) Notice to the effect that liability may accrue to a consumer under this section on quitting his premises or property shall be endorsed on each demand note for the payment of electricity supplied to the premises or property.

PART VII**MEASUREMENT BY METER OF ELECTRICITY SUPPLIED BY PUBLIC SUPPLIER****Consumption of electricity to be determined by meter.**

26. The consumption by a consumer of electricity supplied to him or her by a public supplier shall be determined by means of a meter.

Public supplier to keep meters in repair.

27. (1) A public supplier shall, at its expense, keep all meters supplied by it for the purposes of determining the consumption of electricity by any consumer, in proper working order, correctly registering the consumption within the limits of error as may be prescribed in accordance with the Public Utilities Act, Cap. 16.04.

(2) Subject to subsection (3), the expenses incidental to the removal, testing, inspection or replacement of a meter incurred by a public supplier in pursuance of this section shall be borne by the supplier.

(3) Where the expenses referred to in subsection (2) are reasonably incurred by a supplier by reason of any unreasonable act or omission of the consumer, the supplier may recover the amount of such expenses from the consumer as a civil debt.

Penalty for damaging meters and for re-connecting service line with meter without consent.

28. (1) Any person who—

- (a) wilfully, fraudulently or recklessly removes, damages, or suffers to be removed or damaged, any meter, or alters the index of any meter or prevents any meter from duly registering the quantity of electricity supplied; or
- (b) reconnects with a meter service line with meter which has been disconnected by a public supplier, without the authority of the supplier,

shall, without prejudice to any other right or remedy for the protection of the public supplier in question or the punishment of the offender, be guilty of an offence and liable on summary conviction, for each offence, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year.

(2) The prosecution of any offence under subsection (1) shall not prevent a public supplier from recovering the amount of any damage caused to the supplier by the commission of such offence and if the offence is an offence under paragraph (b) of that subsection, the supplier may again disconnect the line at the meter.

PART VIII

CHARGES FOR ELECTRICITY SUPPLIED BY PUBLIC SUPPLIER

Charges for electricity supplied by public supplier to be at prescribed rates.

29. (1) The charges made by any public supplier for electricity supplied by him to a consumer shall be in accordance with such tariff of rates and charges as may be prescribed in accordance with this Act or the Public Utilities Act, Cap. 16.04.

(2) Any charges made by a public supplier to a consumer under and in accordance with this Act shall be recoverable by the supplier as a civil debt.

New occupier not to be liable for arrears.

30. If the consumer at any premises or property quits the premises or property without paying any amount due to a public supplier in respect of charges for electricity, the supplier shall not be entitled to require from the next consumer or potential consumer at the premises or property the payment of the amount due.

PART IX

SUPPLEMENTARY PROVISIONS WITH RESPECT TO PUBLIC SUPPLIER

Right of entry of public supplier.

31. (1) A person authorised by a public supplier may at all reasonable times or at any time during an emergency, on the production of some duly authenticated document showing his identity, enter upon the property or premises to which electricity is or has been supplied by the public supplier for the following purposes—

- (a) inspecting, testing, maintaining, fixing, replacing or moving the electricity lines, meters, fittings, wiring and apparatus thereon belonging to the public supplier;

- (b) ascertaining the quantity of electricity consumed or supplied in or to such premises or property;
- (c) where a supply of electricity is no longer required or where the public supplier is entitled to cut off the supply of electricity in order to remove any electricity lines, meters, fittings, wiring or apparatus belonging to the public supplier;
- (d) any other work that is necessary for the supply of electricity authorised by the licence granted to the public supplier.

(2) The public supplier shall repair all damage caused by any such actions taken pursuant to subsection (1).

(3) Where any person wilfully or maliciously places or erects anything on any property or premises which impedes or hinders or is likely to impede or hinder the easy entry, inspection, testing, maintenance, fixing, replacement, moving or removal by the public supplier of its property, the public supplier shall be at liberty to remove the impediment or hindrance in question at the cost of the occupier of the property or premises in question and the public supplier shall not be responsible for any damage caused thereby.

Power of Government to confer exemption.

32. (1) The Government may exempt, by order, a public supplier from liability to pay any taxation, duties, imposts, levies and rates and any interest, penalty or fine in connection therewith which would otherwise be payable in respect of the operations, activities, investments and profits of the supplier arising pursuant to the supplier's holding of a public supplier's licence.

(2) Where an exemption is granted in accordance with subsection (1), the exemption shall last for such period, not exceeding the period of validity of the supplier's licence, as shall be specified in the order.

(3) The Government may similarly exempt such supplier from any exchange or other restriction or control in relation to the remittance of funds by the supplier to others whether overseas or otherwise.

Additional information.

33. The Chief Electricity Inspector may, at least once in each year, request from a public supplier such information with respect to the property and activities of any such supplier relating to the public supply of electricity as the Minister may reasonably require.

Electricity lines etc., to remain property of public supplier.

34. Except where otherwise agreed between a public supplier and a consumer, all electricity lines, meters and any electrical fittings belonging to a public supplier which are in or on any property or premises, not being in the possession of the supplier—

- (a) shall be the property of the supplier;
- (b) shall not be taken as remedy for rent, or be liable to be taken in execution under any process of any court or proceedings in bankruptcy, insolvency, liquidation or receivership against the person in whose possession they are; and
- (c) shall not be deemed to be a landlord's fixture,

notwithstanding that they may be fixed or fastened to any part of the property or premises.

Notification of accidents and inquiries.

35. (1) A licensed supplier shall give notice in writing to an electricity inspector of any accident by explosion, fire or otherwise which has occurred in or in connection with any part of the supplier's electrical plant or electricity lines, and which has caused loss of life or personal injury and such notice shall contain particulars of any loss of life or personal injury caused by the accident.

(2) Where an accident mentioned in subsection (1) occurs and no loss of life or personal injury has resulted therefrom but which has caused substantial damage to any property or premises, the electricity inspector may request from the licensed supplier information relating to such incident.

(3) The Minister may direct the chief electricity inspector to inquire into and report on the following—

- (a) any accident affecting public safety in or in connection with any part of a licensed supplier's electrical plant or electricity lines, whether or not notice under subsection (1) of any accident is received by the chief electricity inspector; or
- (b) whether the provisions of this or any other relevant law, and the conditions of the licensed supplier's licence, in so far as they affect the safety of persons, have been complied with by the licensed supplier.

Assumption of control of exercise of public supplier's licence by the Minister.

36. (1) Where the Minister is satisfied—

- (a) that a public supplier is failing or is likely to fail, to supply electricity to such an extent as to cause hardship to consumers generally in the supplier's area of supply for a longer period than may reasonably be expected in the case of a temporary breakdown in such supply; and
- (b) that the failure or apprehended failure of the supplier cannot be remedied adequately within a reasonable time,

the Minister may enter upon and take possession of all the works of the public supplier.

(2) Where the Minister takes action pursuant to subsection (1), he may by order, direct such person as may be specified in the order, to take over the control and management of any undertaking carried on by the supplier for the purpose of supplying electricity under a public supplier's licence and to take all such steps as that person may deem necessary or expedient to ensure the maintenance of a proper and efficient supply of electricity to consumers in that area.

(3) An order made under subsection (2) shall have effect until it is revoked by a subsequent order and shall be sufficient authority for such person as may be specified in the order to—

- (a) enter any property or premises, whether or not in the possession of the public supplier for the purpose of ensuring a proper and efficient supply of electricity to consumers in the supplier's area of supply;
- (b) take possession of and use any electrical plant and vehicle in connection with the supply of electricity under the supplier's licence;

- (c) exercise any such rights or powers which the supplier is entitled to exercise, whether under this Act or otherwise, as may be necessary for that purpose; and
- (d) require any person who, immediately before the making of the order, was employed by the supplier in connection with the supply of electricity under the supplier's licence to assist the Minister in taking any steps required to be taken for that purpose.

(4) The Minister shall cause a copy of an order made under subsection (2) and of any subsequent order revoking that order to be served on the public supplier and shall cause any such order to be published in the *Gazette*.

(5) A public supplier may appeal to the High Court against an order made under subsection (2) within twenty-one days of the date of service on the supplier of a copy of the order in accordance with subsection (4) and on such an appeal, the High Court may quash, confirm or vary the order.

PART X

MISCELLANEOUS

Other lines may be attached to electricity poles.

37. Any company entitled to operate a public telecommunications system under the Telecommunications Act, Cap. 16.05 and any licensed cable television company, on the terms and subject to the conditions of any agreement between each of them and the public supplier, may attach and keep attached, any line used or intended to be used for the purposes of the telecommunications system or the cable television system as the case may be to any pole or other support used by the public supplier for suspending an electricity line above ground.

Damaging electrical plant to cut off supply and stealing electricity.

38. (1) Any person who unlawfully and maliciously damages any electrical plant with intent to cut off a supply of electricity, or who incites any other person to do so, commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(2) Any person who unlawfully obstructs or causes to be obstructed, or diverts or causes to be diverted, any electricity, or consumes or uses any electricity which has been unlawfully obstructed or diverted, commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months and in addition to such fine or imprisonment shall be liable to make payment of any damages awarded by the court to the supplier in respect of the electricity which has been so obstructed or diverted.

(3) Any person who wilfully, fraudulently or recklessly removes, damages or disconnects or suffers to be removed, damaged or disconnected any electricity line, switch or wiring or apparatus belonging to a public supplier commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months and without prejudice to the foregoing, the public supplier may thereafter recover from such person the amount of any loss or damage sustained by it.

(4) If, upon any premises or property in the occupation of a consumer, there is connected or adjacent to any electricity line, any wire or device capable of wrongfully obstructing, diverting, consuming or using electricity, the existence of such wire or device shall be *prima facie* evidence that such consumer has unlawfully, obstructed or diverted electricity.

False statements, etc.

39. (1) Any person, who for the purpose of obtaining a licence under this Act, whether for himself or herself or any other person, or for any other purpose connected with this Act—

- (a) knowingly makes a false statement or false representation; or
- (b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one month.

Obstruction.

40. Any person who obstructs—

- (a) any other person authorised by a public supplier to perform any of the supplier's powers, functions or duties under this Act, in the exercise or the performance of any such powers, functions or duties by that other person; or
- (b) an electricity inspector in the exercise or performance of any of his powers, functions or duties under this Act,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one month.

Right of public supplier to move lines.

41. Where the owner of any land over which any overhead electricity line belonging to a public supplier is situated, obtains planning permission in respect of such land, the public supplier shall be entitled, at its expense, to move such line to a suitable alternative route so that the development in respect of which planning permission has been obtained shall not interfere with the supply of electricity by the public supplier through such line.

Damage caused by lopping trees or by motor vehicles.

42. (1) Any person who fells, lops or trims any tree or shrub thereby causing damage to any property of a public supplier shall be liable to pay the expense of remedying the damage so caused.

(2) Any person who drives any motor vehicle and thereby causes damage to any property of a public supplier shall be liable to pay the expense of remedying the damage so caused.

(3) For the purposes of this section “property” means any electrical plant, electricity line or electricity pole.

Power to execute works on land.

43. (1) A public supplier may execute electrical works as may be necessary in, over or upon any land subject to—

- (a) in the case of land belonging to the Government, the consent in writing of the Minister of Lands in the Government or an officer appointed by him for the purposes of this section;
- (b) in the case of any other land, the receiving of permission in writing from the owner or occupier thereof,

on the condition that in case of emergency a public supplier may undertake such works as may be necessary on any land and immediately thereafter notify the owner or occupier of such land.

(2) Before placing an electricity line across any land or along any road not maintained or maintainable at public expense, a public supplier shall serve an owner or occupier thereof notice of the supplier's proposal, together with a description of the nature and position of the proposed line.

(3) If the owner or occupier on whom a notice under subsection (2) is served, does not respond in writing to the public supplier within thirty days after the date of service of such notice, such owner or occupier shall be deemed to have consented to the supplier's proposal.

(4) If, within thirty days after the date of service by a public supplier of a notice pursuant to subsection (2), the owner or occupier notifies the public supplier that he objects to the laying of any electricity line across such land or road or attaches to his consent any terms or conditions to which the supplier objects, the supplier shall not place the line across such land or road unless prior approval of the Chief Electricity Inspector has been obtained in accordance with subsection (5).

(5) The Chief Electricity Inspector may, after giving the parties an opportunity of making representations to him or her, give his or her approval for the purpose of subsection (4), either unconditionally or subject to such terms and conditions as he or she thinks fit.

(6) A public supplier, an owner or an occupier may appeal to the Magistrate's Court against a decision of the Chief Electricity Inspector under this section.

Power to lop trees.

44. (1) Where any tree or shrub obstructs or interferes with the construction, maintenance or working of any electricity line of a public supplier, or will interfere with the maintenance or working of such line, the supplier may serve a notice on the owner and occupier of the land in which the tree or shrub is growing, requiring him to lop or cut it so as to prevent obstruction or interference, on condition that the supplier shall pay the expenses reasonably incurred by the owner or occupier in complying with the notice.

(2) In any case where a notice under subsection (1) is served by a public supplier on any person who is the occupier but not the owner of the land in which the tree or shrub in question is growing, a copy of the notice shall also be served by the supplier on the owner, if known to the supplier.

(3) If, within twenty-one days from the date of service of a notice under subsection (1), neither the owner nor the occupier of the land in respect of which notice has been served—

(a) has complied with the requirements of the notice; or

(b) has made an objection under subsection (4) to the notice,

the public supplier or any person authorised by him in writing in that behalf, may enter the land and lop or cut the tree or shrub in question as required by the notice.

(4) Notwithstanding subsection (3), in the event of an emergency, the public supplier or such authorised person having, where practicable, advised the owner and/or occupier, may forthwith enter the land and cut or lop the tree or shrub in question but, in such circumstances, the owner and/or occupier may seek reasonable compensation pursuant to subsection (5) and (6).

(5) If, within twenty-one days from the date of service of a notice under subsection (1) by a public supplier, or within twenty-one days from the date on which the tree or shrub in question is lopped or cut under subsection (4) pursuant to an emergency, the owner and/or occupier of the land in respect of which the notice has been served, serves a counter-notice in writing, seeking compensation for the lopping or cutting as the case may be, either party may refer the matter to an electricity inspector for determination within twenty-one days from the date of service of the counter-notice.

(6) Once a referral is made to an electricity inspector in accordance with subsection (5), the electricity inspector may, after giving the parties an opportunity of making written representations to him or her and after taking any such representations into account, make such order as he thinks fit, including an order empowering the public supplier concerned, after giving reasonable notice to the other party, to cause the tree or shrub in question to be lopped or cut, and may determine any question as to what compensation and expenses are to be paid.

(7) An order made by the electricity inspector under subsection (6) may be appealed to the Commission within twenty-one days from the date of the order.

(8) Where no such reference is made to the electricity inspector in accordance with subsection (4), a counter-notice under that subsection shall be deemed not to have been served for the purposes of subsection (3).

(9) Trees and shrubs shall be lopped or cut by or on behalf of a public supplier in pursuance of this section so as to cause as little damage as may be reasonable in all the circumstances to trees, shrubs, fences and growing crops.

(10) Where a public supplier takes action pursuant to subsection (1), it shall cause the boughs lopped to be removed as far as practicable in accordance with the particular circumstances of the owner or occupier and shall make good any damage done to the land.

(11) Where it is necessary to fell any tree for the purpose of construction or maintenance of any electricity line, this section shall apply to the felling of trees as it applies to the lopping of trees.

Power to survey lands.

45. (1) A public supplier, without prejudice to any other rights of entry exercisable by it, or any person authorised by the supplier in writing in that behalf, may, at any reasonable time, and after giving ten days prior notice to the owner or occupier of the land, enter and survey any land, other than land covered by buildings, for the purpose of ascertaining whether the land would be suitable for the purposes of the supplier in the exercise of the public supplier's licence.

(2) Where in the exercise of any power conferred on a public supplier by subsection (1), any loss or damage is sustained by any person, that person shall be entitled to compensation to the extent of such loss or damage from the supplier.

Preservation of amenity.

46. A public supplier, in exercising any powers conferred by this Act in relation to the execution of any works or otherwise, shall have regard to the desirability of preserving natural beauty, of conserving flora and fauna and geological features of special interest, and of protecting buildings or objects of architectural or historical interest.

Regulations.

47. (1) The Minister may make Regulations prescribing all matters authorised or required to be prescribed under this Act or as may appear to him to be necessary or desirable for the purpose of giving effect to this Act.

(2) Regulations under this section may provide that a person contravening the Regulations shall be guilty of an offence against this Act and liable on summary conviction to a fine not exceeding one thousand dollars.

Service of notices.

48. (1) Any notice, order or other document required or authorized to be given or served on any person under this Act may be given or served on that person—

- (a) by delivering it to him or her personally;
- (b) by leaving it at, or sending it by post addressed to him or her, at his or her usual or last known place of abode or business; or
- (c) if it is not practicable after reasonable enquiry to ascertain the name or address of that;
- (d) person, by displaying it in a prominent place on the premises or property.

***PART XI**

PROMOTION OF RENEWABLE ENERGY SOURCE

Principles for the formulation of the National Energy Policy.

49. (1) The Ministry shall formulate and review the National Energy Policy.

(2) The National Energy Policy shall pursue the objectives of ensuring—

- (a) security of energy supply;
- (b) the use and promotion of renewable energy source in all sectors, including electricity, transport, industrial and any other sector consuming energy sources;
- (c) protection of the environment;
- (d) efficient use of energy and energy conservation;

* Act 13 of 2015 inserted Part XI (containing sections 50 to 62) and Part XII (containing sections 63 and 64) and these sections are renumbered as 49 to 63

- (e) high quality of energy services;
- (f) safe, secure, reliable energy operations;
- (g) adequate protection of consumers;
- (h) promotion of non-discrimination, equality and transparency;
- (i) promotion of investments in clean and alternative technologies in the energy sector;
- (j) identify the actions necessary for permitting the modification of the current energy matrix for more sustainable patterns of production and consumption of energy in all sectors;
- (k) identify the actions necessary for replacing the use and consumption of fossil energy sources by renewable energy sources in all sectors consuming energy sources;
- (l) set the basis for sustainable development in the country;
- (m) promote regional cooperation.

(3) Without limiting the generality of section (1) on the responsibility of the Ministry for the formulation of the National Energy Policy, the Ministry may establish an intergovernmental committee or commission, which may include representatives of other ministries and of the Nevis Island Administration.

(4) Any committee or commission created pursuant to subsection (3) may have any of the following functions and powers—

- (a) advise and assist the Ministry in the formulation and review of the National Energy Policy;
- (b) advise, assist and make recommendation to the Ministry on—
 - (i) all aspects related to the promotion of use of renewable energy sources and energy efficiency in all sectors;
 - (ii) reviewing and amending the energy planning;
 - (iii) actions necessary for the implementation of the National Energy Policy and attainment of the objectives indicated in subsection (2);
 - (iv) actions necessary for the promotion of investments in renewable energy alternatives and energy efficiency in all sectors;
 - (v) any aspect related to the electrical interconnection between the islands of Saint Christopher and Nevis and between them with other countries and islands of the region;
 - (vi) any other issue linked to the National Energy Policy adoption and implementation;
- (c) identify and propose—
 - (i) studies and analysis related to the potential, economic and technical feasibility of different renewable energy technologies and sources available in the country;
 - (ii) actions related to information and education campaigns necessary for the attainment of the objectives mentioned in subsection (2);

- (iii) any other aspect related to the formulation, review and implementation of the National Energy Policy;
- (d) ensure an institutional framework of co-ordination of policies between the federal authorities and the authorities of Nevis, and between the country with other countries of the region and regional institutions;
- (e) co-opt a person to prepare any kind of studies or to advise it on matters of a technical or financial nature as necessary to carry out its functions and powers.

Adoption of schemes of promotion of renewable energy sources.

50. At any time, the Minister may make regulations as provided under this Part providing for one or more schemes for the promotion of renewable energy sources as follows—

- (a) net metering;
- (b) feed-in-tariffs;
- (c) premium tariffs;
- (d) renewable portfolio standard obligations;
- (e) any other scheme of promotion of electricity produced from renewable energy sources.

Functions and powers of the Public Utilities Commission with regard to the promotion of renewable energy sources.

51. With regard to the promotion of renewable energy sources, the Public Utilities Commission shall—

- (a) propose a strategy for the implementation of policy goals;
- (b) review and coordinate with the Ministry the short goal and long-term energy planning for the attainment of the National Energy Policy;
- (c) review and approve the technical and meter requirements as well as the related connection agreement models to be required to consumer-generators under a net metering system;
- (d) approve the technical requirements and model of connection agreements necessary for the implementation of a feed-in-tariff, premium tariff or any other scheme of promotion mentioned in this Part;
- (e) propose and advise the Minister on specific schemes to foster and support the use of renewable energy sources for the production of electricity and propose modifications to existing schemes;
- (f) propose to the Ministry the tariffs that may be paid to independent power producers, auto-producers or consumer-generators shall be paid for the electricity sold to SKELEC under a net metering, a feed-in-tariff or a premium tariff scheme;
- (g) conduct studies necessary for the adoption of any scheme of promotion or renewable energy sources;
- (h) advise and propose to the Ministry tariffs of electricity to be paid to independent power producers or consumer-generators for the

electricity sold to SKELEC under a net metering, a feed-in-tariff or a premium tariff scheme;

- (i) develop and implement national information and consumers' education programmes to foster and develop public awareness and education in all levels related to the promotion of the use of renewable energy sources and energy efficiency in electricity;
- (j) develop, implement and maintain technical training programmes, being allowed to make agreements with universities, professional associations or other organisations to that effect;
- (k) advise and make recommendations to the Minister in all matters related to the promotion of renewable energy sources;
- (l) carry out studies and analysis related to the potential of different renewable energy technologies and sources available in the country;
- (m) propose legislation on measures and support options to promote the use of renewable energy sources;
- (n) advise, make studies and propose the adoption of schemes of promotion of renewable energy sources, including Feed-in-Tariffs, Power Purchase Agreement and Renewable Portfolio Standards, and the creation of funds to support investments in renewable energy technologies;
- (o) advise, make studies and propose to the Minister and to any other authority on the need of adoption of other financial or tax incentives, including among others direct subsidies, loans at privileged rates, investments grants and any kind of tax incentives, including tax rebates, reductions, credits and exemptions;
- (p) make recommendations on standards related to renewable energy equipments;
- (q) make available in its website this Act, all regulations, decisions and other legislation adopted pursuant to it, including its own decision and annual report;
- (r) issue public consultation documents and/or conduct public hearings on issues on which the Commission shall take a decision or make a recommendation that will have an important impact on the electricity sector or on the interest of consumers, consumer-generators, independent power producers, auto-producers, co-generators, SKELEC and any other licensee.

Public availability of date and consultation mechanism.

52. (1) The Commission shall foster transparency while exerting its power and duties and adopting decisions, making also available relevant data and information.

(2) The Commission shall provide the Minister, the Cabinet of Ministers and the Parliament with the annual report of the Sector and any other decision or report relating to the electricity sector.

(3) The Commission shall publish its decision and the resolution that it issues, together with the reasons for those decisions and resolutions as well as the annual report via such publishing and advertising tools at it thinks fit.

(4) Relevant documents, files, information, studies and documents related to the electricity sector, to the promotion of renewable energy sources and to the work of the Commission shall be opened to public information, except those containing confidential information.

(5) The confidentiality mentioned in subsection (4) is not presumed and it must be explicitly determined by the Commission.

(6) The Commission shall make publicly available all information, files, records and data, to the extent not related to commercial secrecy and confidentiality obligations.

(7) The Commission may hold public hearing and issue one or more consultation documents on any specific issues about which it must take a decision in order to inform and ask opinions to the operators and consumers that may be affected by the decision, or when the matter has significant impact in the electricity sector or in the promotion of renewable energy sources and/or energy efficiency.

(8) Consultation documents contain—

- (a) information about the subject on which the Commission shall take a decision and the interest involved;
- (b) any investigation and analysis on the matter that may have been carried out by the Commission;
- (c) major opinions, comments or objections submitted by licence holders or consumers to the content of a previous consultation document;
- (d) deadlines and formal requirements for submitting any comment or opinion to the consultation document;
- (e) its evaluation, findings and reasons of any proposal.

(9) Consultation documents shall be sent to all licence holders, persons authorised to produce electricity, SKELEC and they shall be available on the web site of the Commission.

(10) Public hearings shall be opened to the participation of SKELEC, licence holders, persons authorised to produce electricity, any authority, consumer or person with an interest in a matter related to the public hearing.

(11) The Commission shall issue and publish its own rules on public hearing, indicating the requirements of participation and the related procedure.

(12) Public hearings are published in the website of the Commission and may be also published in the *Official Gazette* and/or a newspaper of major circulation in the country, and shall contain—

- (a) indication of the subject to be analysed in the public hearing;
- (b) date and place where the public hearing will be held;
- (c) requirements for participation in the hearing and for submission of written opinions, studies or any other relevant information.

(13) Before holding a public hearing, the Commission shall—

- (a) make available all relevant information related to the objective of that hearing;
- (b) inform the deadlines and formal requirements for participating in the public hearing;

- (c) inform the requirements for submitting written opinions, studies or any other relevant information;
- (d) inform the days and time during which any interested person may consult the information gathered by the Commission with relation to the matter to be analysed in the public hearing, including any application submitted to the Commission and information gathered by the Commission on the matter.

(14) The Commission shall develop a web page making available all information of interest for all kinds of consumers and licence holders, including—

- (a) this Act and any regulation, legislation or decision adopted pursuant to it with regard to the electricity sector and to the production of electricity from renewable energy sources;
- (b) statistics and relevant information on the electricity sector;
- (c) information related to available schemes of promotion of energy efficiency and renewable energy sources, including applications criteria, related procedures, model contracts and on any requirements to be complied with;
- (d) information related to connection and use of electricity networks including model connection agreements;
- (e) decisions and annual reports of the Commission;
- (f) any information of interest.

Net metering.

53. (1) SKELEC shall offer to make net metering available to consumers pursuant to the conditions established in the regulations adopted by the Ministry.

(2) Regulations shall indicate all the conditions and requirements for the implementation of a net metering system in Saint Christopher.

(3) Without prejudice to the generality of subsection (2), regulations on net metering shall indicate—

- (a) the maximum cumulative generating capacity to be installed under the net metering system;
- (b) the maximum generation capacity allowed to each eligible consumer;
- (c) eligibility criteria linked to the generation installation, including of energy sources and technologies from which electricity may be produced under this system;
- (d) equipment necessary to meet applicable safety, power equality, and any other interconnection requirements.

(4) SKELEC shall allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the Minister, that the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection.

(5) The Minister may adopt by regulation additional safety, power quality, and interconnection requirements for consumer-generators, including limitations on the number of consumer-generators and total capacity of net metering systems that may

be interconnected to the electricity networks of SKELEC when that is necessary to protect public safety and system reliability.

(6) Consumers shall not be required to obtain a licence to produce electricity under a net metering system.

(7) Applicants for net metering shall comply with this Act, all applicable regulations and shall sign a connection agreement with SKELEC.

(8) The Minister may decide to replace the net metering system established by this Act by a feed-in-tariff or by a premium tariff scheme, or to complement it with any promotion scheme mentioned in this Part XI.

Net energy measurement and calculation.

54. (1) The net energy measurement must be calculated in the following manner—

- (a) SKELEC shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices;
- (b) if the electricity supplied by SKELEC exceeds the electricity generated by the consumer-generator and fed back to the electric utility during the billing period, the consumer-generator shall be billed for the net electricity supplied by SKELEC, in accordance with normal metering practices;

(2) If the electricity generated by the consumer-generator exceeds the electricity supplied by the electric utility, the consumer-generator—

- (a) shall be billed for the appropriate consumer charges for that billing period, in accordance with details established in the regulations; and
- (b) shall be credited for the excess kilowatt-hours or units generated during the billing period, with this kilowatt-hour credit appearing on the bill for the following billing period.

(3) Regulations determine whether or not a compensation is due to the consumer-generator for any remaining unused kilowatt-hour credit accumulated during the previous year.

(4) The Commission shall set the price at which any unused kilowatt-hour credit shall be paid to consumer-generators.

Meter aggregation.

55. If a consumer-generator requests, SKELEC shall provide meter aggregation—

- (a) for consumer-generators participating in meter aggregation, kilowatt-hours credits or units earned by a net metering system during the billing period first shall be used to offset electricity supplied by the electric utility;
- (b) not more than the maximum generation capacity established by the Regulations shall be aggregated among all consumer-generators participating in a generating facility under this subsection;
- (c) excess kilowatt-hours credits earned by the net metering system, during the same billing period, shall be credited equally by the electric

utility to remaining meters located on all premises of a consumer-generator at the designated rate of each meter.

Feed-in-tariffs.

- 56.** (1) A feed-in-tariff may be established by the Minister by regulations.
- (2) Without prejudice to the generality of subsection (2), regulations on feed-in-tariff may establish—
- (a) the eligibility criteria applicable for being eligible for a feed-in-tariff scheme, including any financial, technical or any other requirement;
 - (b) the guaranteed tariffs at which electricity produced under a feed-in-tariff shall be purchased;
 - (c) the duration of such guaranteed tariffs;
 - (d) the duration of the feed-in-tariff scheme;
 - (e) any mechanisms of adjustment of the guaranteed prices;
 - (f) the type of renewable energy sources and technologies eligible for the feed-in-tariff;
 - (g) the maximum total new generation capacity which may be installed under a feed-in-tariff scheme;
 - (h) requirements related to meters, equipment necessary to meet applicable safety, power quality conditions and any interconnection requirements;
 - (i) the criteria, requirements and the procedures that an applicant shall comply with to become eligible under the feed-in-tariff.
- (3) Feed-in-tariffs adopted pursuant to this Act may include—
- (a) different prices for different renewable energy sources used for the production of electricity;
 - (b) different duration of the guaranteed prices for different renewable energy sources used for the production of electricity;
 - (c) different prices for different capacity levels of eligible generation plants;
 - (d) any obligation of SKELEC related to priority of dispatch and purchase of the electricity produced under a feed-in-tariff scheme.
- (4) Regulations on a feed-in-tariff may also make provisions for the following—
- (a) the establishment, implementation, monitoring and enforcement of the feed-in-tariff or bonus scheme;
 - (b) requirements of generation plants and installation;
 - (c) eligibility conditions including any economic, financial, technical and any other criteria, that shall be required to applicants of a feed-in-tariff;
 - (d) model of power purchase agreement;
 - (e) model of interconnection agreements.

(5) The Commission shall be responsible for the implementation, monitoring and enforcement of the regulations related to this section.

Premium tariff.

57. (1) A premium tariff scheme established pursuant to this Act sets guaranteed premium or bonus to be paid on top of an identified electricity price of reference for a period of time to be paid to market participants generating electricity from renewable energy sources.

(2) Regulations shall establish all the criteria, requirements and procedures that an applicant shall comply with to become eligible under the premium tariff.

(3) Without prejudice to the generality of subsection (2), premium tariff regulations set—

- (a) the eligibility criteria applicable for being eligible for a feed-in-tariff scheme, including any financial, technical or any other requirement;
- (b) the duration of such premium tariffs;
- (c) any mechanisms of adjustment of the guaranteed premium tariffs;
- (d) the type of renewable energy sources and technologies eligible for the premium tariffs;
- (e) the maximum total new generation capacity which may be installed under a premium tariffs system;
- (f) all requirements related to meters, equipment necessary to meet applicable safety, power quality conditions and any interconnection requirement.

(4) The premium tariff may include—

- (a) different premium tariffs for different renewable energy sources used for the production of electricity;
- (b) different duration of the premium tariffs for different renewable energy sources used for the production of electricity;
- (c) different premium tariffs for different capacity levels of eligible generation plants;
- (d) any obligation of SKELEC related to priority of dispatch and purchase of the electricity produced under a premium scheme.

(5) Regulations on premium tariffs may also make provisions for the following—

- (a) technical and other requirements of generation plants and installations;
- (b) eligibility conditions including any economic, financial, technical and other criteria, that shall be required to applicants of a premium tariff;
- (c) model of power purchase agreement;
- (d) model of interconnection agreements.

(6) The Commission shall be responsible for the implementation, monitoring and enforcement of the regulations related to this section.

Renewable portfolio standards.

58. (1) The Minister may adopt regulations to establish a renewable portfolio standard obligation pursuant to this Act, under which the SKELEC shall be obliged to supply a certain amount or proportion of electricity generated from renewable energy sources.

(2) Without prejudice to the generality of subsection (1), Regulations setting a renewable portfolio standard obligation may determine—

- (a) if SKELEC is obliged to generate the electricity, or if SKELEC is allowed to or obliged to purchase it from other independent power producers, auto-producers or consumers;
- (b) the specific renewable energy sources which shall be used to comply with the renewable portfolio standard obligation;
- (c) sanctions in the case of a breach of obligations;
- (d) the establishment of a certification system related to control the compliance of the renewable portfolio standard obligation.

(3) The Commission shall be responsible for the implementation, monitoring and enforcement of the regulations adopted pursuant to this Act and it administers the certification system.

Tenders.

59. (1) The Minister may in consultation with the Commission launch a competitive tender for the establishment of new electricity generation capacity from renewable energy sources.

(2) The calls for tender may—

- (a) specify the nature and/or type of the primary energy source;
- (b) the installed capacity and technical aspects of the new power plant;
- (c) provide for the eligibility requirements of the applicant;
- (d) determine the mechanism for the purchase of the electricity thus generated by the new power plant;
- (e) set the conditions for the selection of the best bidder; and
- (f) any other conditions or requirements as may be determined by the Minister in consultation with the Commission.

(3) A purchase power agreement granted pursuant to this section shall establish—

- (a) quantity of electricity and power to be generated;
- (b) installed capacity of the new generation plants that may be subject to it;
- (c) all rights and obligations of the parties of that power purchase agreement;
- (d) sanctions in case of breach of obligations.

Information and education programmes.

60. (1) The Commission shall develop and implement national information and consumers' education programmes on the promotion and use of renewable energy sources, in order to develop and enhance public awareness and education at all levels.

(2) Information on all related financial, economic, social, environmental as well as available subsidies, loans and other advantages shall be properly disseminated.

(3) The Commission may require SKELEC to provide consumers with information on any issue related to renewable energy promotion, advantages of the use of renewable energy technologies and energy efficiency in electricity.

(4) The Commission may require sellers and installers of equipment using renewable energy sources to provide information specified by the Commission.

Obligations related to the generation of electricity pursuant to this Part.

61. (1) Applicants to net metering or any of the schemes of promotion indicated by this Part shall—

- (a) comply with all the criteria established by this Act, the regulations adopted pursuant to it;
- (b) comply with all obligations established in the Development Control and Planning Act, Cap. 20.07 and obtain the permissions required by that Act;
- (c) comply with all obligations related to the preparation and approval of an environmental impact study;
- (d) comply with the National Conservation and Environment Protection Act, Cap. 11.03 and by any other applicable legislation.

(2) Persons authorised to generate electricity pursuant to this Part shall—

- (a) comply with all the obligations established by this Act, and by the regulations, legislation and decisions adopted pursuant to it;
- (b) comply with all obligations established in the licences, connection agreements and any other legal document allowing them to generate electricity;
- (c) operate and maintain their facilities and equipment without endangering safety, security and health, and comply with technical regulation related to the access and use of electricity networks, to safety, security, health and any other applicable regulation;
- (d) permit inspections of their facilities and equipment subject as prescribed.

PART XII

LICENSING AND INCENTIVISATION OF EXPLORATION FOR AND EXPLOITATION OF
GEOTHERMAL RESOURCES**Minister may grant Licences for use and production of geothermal energy.**

62. (1) The Minister may for the purpose of promoting the use of geothermal energy for the production of electricity and other compatible purposes—

- (a) grant licences, whether exclusive or otherwise and for such periods as the Minister may deem fit, for the exploration and resource validation of geothermal fields on Crown lands or other lands in Saint Christopher where the owners so consent, for such periods as the Minister may deem fit;
- (b) grant licences, exclusive or otherwise and for such periods as the Minister shall deem fit for the exploitation and use of geothermal energy within St. Christopher for the production of electricity and other compatible purposes;
- (c) provide, on such terms as the Minister shall deem fit, access to Government lands, plant and equipment and administrative and other support from Government resources to any persons granted a licence under paragraph (a) or (b) of this subsection;
- (d) take such other actions and specify such conditions as are necessary to facilitate the successful exploitation for or exploitation of geothermal sources within St. Christopher pursuant to a licence issued under paragraph (a) or (b) of this section.

(2) (a) The Minister may, subject to paragraphs (b), (c) and (d) of this subsection and subject to the approval of Cabinet, grant to any person to whom a licence is granted under subsection (1)(a) or (1)(b) of this section concessions, exemptions, reductions, rebates from government charges and other rights in accordance with the provisions of this Part, for the purpose of inducing financing of and investment in the exploration or exploitation of geothermal sources pursuant to the licence and of allowing a financial return to the licensee.

- (b) The concessions, exemptions, reductions, rebates and other rights granted by the Minister pursuant to paragraph (a) shall be such as are proportionate in the Minister's estimation, to the anticipated benefits to the public and Government to be gained over time from the exploration for and development and use of geothermal energy by the licensee.
- (c) For the purposes of this Part, the expression "government charges", means duties, income, value added and other taxes, levies, tariffs, assessments, exactions, charges, surcharges and fees of every type, nature and description however referred to and whenever imposed or any other payment owing to the Government now or arising subsequently.

(3) The Government, SKELEC, or any statutory corporation or other entity controlled by the Government may participate, whether as a partner or shareholder or in any other capacity in a corporate or other legal entity formed for the purpose of developing or exploiting geothermal energy pursuant to a licence issued under this Part and for the purpose of the generation of electrical power from geothermal energy sources.

(4) The Minister may, in any licence issued under subsection (1)(a) or (1)(b) of this section—

- (a) permit the erection or use of equipment and the erection of such buildings and plant as the Minister shall deem necessary for the due execution of the licence and to establish the safety, health, planning, environmental and other standards to be met by the licensee;
- (b) provide for the interconnection between the plant or facilities of the licensee and the generation plant of any public supplier and the terms and conditions thereof;
- (c) take such other action as may be required for promoting or facilitating the production and use of geothermal energy for the production of electricity and other compatible purposes and for the efficient, safe and productive conduct of any electrical activity involving the use of geothermal energy.

Transitional provision.

63. Until the Commission is effectively established, the Minister shall exercise the functions of the Commission.

(Parts XI and XII inserted by Act 13 of 2015)

FIRST SCHEDULE

(Section 47)

ELECTRICITY (TARIFFS) REGULATIONS

Citation.

1. These Regulations may be cited as the Electricity (Tariffs) Regulations.

Tariffs.

2. Subject to Regulation 3, the tariffs for electrical energy shall be charged as provided in the Schedule to these Regulations.

Fuel Cost Adjustment.

3. The rates for energy consumption shall be increased or decreased by one cent per unit for each 12 cent increase or decrease, as the case may be, on \$3.38 per gallon of fuel to adjust the energy cost for electricity generation in the Federation.

(Inserted by S.R.O. 3/1998- saved by section 19 of the Interpretation Act, Cap. 1.02)

SCHEDULE TO THE REGULATIONS*(Regulation 2)***ALL CHARGES PER MONTH**

<u>1. GENERAL SERVICES</u> Application for all services and temporary supplies.	CHARGES Energy charge of \$0.91 cents per unit with minimum total of \$ 11.00
<u>2. DOMESTIC SERVICES</u> Served by 230 volt single phase supply.	<u>ENERGY CHARGE</u> (1) For the first 50 units \$0.59 cents per unit. (2) For the next 100 units \$0.65 cents per unit. (3) All units exceeding 150 units to be charged at \$0.68
	DEMAND CHARGE For 15 Amps of fuse rating or part thereof of fuse protecting service \$13.00
<u>3. INDUSTRIAL AND COMMERCIAL</u> Applicable for all manufacturing and commercial premises	ENERGY CHARGE SERVICES (1) For the first 50 kwh/kvA \$0.80 per unit (2) For the next 75 kwh/kvA \$0.76 per unit (3) For the next 100 kwh/Kva \$0.72 per unit. (4) For all units exceeding 250 kwh/kvA \$0.65 per unit DEMAND CHARGE Every kvA of demand or part thereof \$ 15.00 per kvA.

NOTE: One unit is equivalent to one kwh (kilowatt-hour).

(Substituted by S.R.O. 6/2011)

SECOND SCHEDULE

SAINT CHRISTOPHER ELECTRICITY SUPPLY VESTING ORDER

Citation.

1. This Order may be cited as the Saint Christopher Electricity Supply Vesting Order.

Vesting day.

2. The 1st day of August, 2011 is hereby appointed as the day on which the whole of the undertaking held by the Electricity Department of St. Kitts and more particularly described in the Second Schedule hereto, is vested in the St. Kitts Electricity Company Limited.

Transfer of whole undertaking.

3. Notwithstanding the generality of the foregoing, the whole of the undertaking of the Electricity Department includes—
 - (a) all land, buildings, electricity lines, electric plants, electric installations, electrical fittings and all other materials, appliances, equipment and apparatus used for, by or in connection with the production and supply of electricity in the island of Saint Christopher;
 - (b) all interests, rights, easements, assets, or liabilities, which immediately before the vesting day were enjoyed or borne by the Electricity Department;
 - (c) the right to recover monies due and payable to the Electricity Department in connection with the production and supply of electricity.

SCHEDULE 1

Land.

1. (1) Central Street—
 - (a) All that plot piece and parcel of land located at Central Street in the town of Basseterre in the island of Saint Christopher comprising by admeasurement Five Thousand Eight Hundred and Eighty-Nine (5,889) Square Feet and more particularly drawn on the survey plan of Mr. Dwight C. Francis dated March 14th 2011 a copy of which is set out in Schedule 2.
 - (b) All that plot piece and parcel of land located at Central Street in the town of Basseterre in the island of Saint Christopher comprising by admeasurement Twelve Thousand Eight Hundred and Five Square Feet (12,805) and more particularly drawn on the survey plan of Mr. Dwight C. Francis dated March 14th 2011 and set out in Schedule 2.

Needsmust.

- (2) (a) All that plot, piece and parcel of land located at Needsmust Estate in the Island of Saint Christopher comprising by admeasurement 1.73 acres and more

particularly drawn on the survey plan of Mr. Dwight C. Francis, Licensed Land Surveyor dated March 14th 2011 and set out in Schedule 2.

- (b) All that plot, piece and parcel of land located at Needsmust Estate in the Island of Saint Christopher comprising by admeasurement 3 acres and more particularly drawn on the survey plan of Mr. Dwight C. Francis, Licensed Land Surveyor dated March 14th 2011 and set out in Schedule 2.
- (c) All that plot, piece and parcel of land comprising by admeasurement 2.79 acres and more particularly drawn on the survey plan of Mr. Dwight C. Francis, Licensed Land Surveyor dated March 14th 2011 and set out in Schedule 2.

Buildings.

- 2. (a) Central Street—
 - (i) Old Ice Plant Building;
 - (ii) Office and Store Room;
 - (iii) Substation;
 - (iv) Old Electricity Office.
- (b) Needsmust—
 - (i) Power Station Building;
 - (ii) Administration building;
 - (iii) Workshop and Stores Building;
 - (iv) Engine Room A;
 - (v) Engine Room B;
 - (vi) Heavy Fuel Oil Treatment Room;
 - (vii) Enclosure Power Plant and all equipment therein.

Transmission and distribution equipment.

- 3. (a) Transmission 11 KV;
- (b) All transmission and distribution connections and related equipment.

Motor vehicles.

- 4. (a) 8 Ford Ranger Jeeps;
- (b) 3 Land Rover Jeeps;
- (c) 2 Land Rover Vehicles;
- (d) 3 Ford Buckett Truck;
- (e) 1 Ford Crane Truck;
- (f) 1 Ford Iveco Truck;
- (g) 1 Nissan Bus;
- (h) 1 Toyota Pickup;
- (i) 1 Ford Tractor;

- (j) 1 JCB Backhoe;
- (k) 1 Nissan Forklift;
- (l) 1 Ford Ranger.

Generators.

- 5. (a) G1-Mirrlees 8MB430;
- (b) G2-MAN 18V28/32S;
- (c) G3-MAN 18V8/32S;
- (d) G4-MAN 18V6/32S;
- (e) G7-Mirrlees KV12Mk 1;
- (f) G8-Mirrlees KV12Mk 1;
- (g) G9-Mirrlees K8 Mk 3;
- (h) G10-MAN 18V8/32;
- (i) G11-MAN 18V28/32;
- (j) G12-MAN 18V28/32.

Furniture and office equipment.

- 6. All furniture and office equipment, computer and software equipment, inventory including spares, fuel, office supplies which formed part of the property of the Electricity Department.

SCHEDULE 2

- 1. Survey plan of properties at Central Street.
- 2. Survey plan of properties at Needsmust Estate.

(Inserted by S.R.O. 44/2011)

THIRD SCHEDULE

ELECTRICITY, ICE AND COLD STORAGE (SERVICE CHARGES) REGULATIONS

Citation.

- 1. These Regulations may be cited as the Electricity, Ice and Cold Storage (Service Charges) Regulations.

Service charges.

- 2. The charges set out in the Schedule hereto shall be paid for services rendered by the Electricity and Cold Storage Authority and described in the said Schedule.

SCHEDULE TO THE REGULATIONS*(Regulation 2)*

Service	Charge
1. Single Phase Service	Full cost of installation
2. Three Phase Service	Full cost of installation
3. Removal and replacement of service lines or meter at request of Consumer.	\$25.00
4. Reconnection following disconnection from cut-out for arrears	\$30.00
5. Reconnection following disconnection from pole or bracket for arrears	\$50.00
6. Enlarging Consumer's mains for commercial purposes.	Full cost of installation
7. Enlarging Consumer's mains for domestic purposes	Full cost of installation
8. Testing of meter	\$10.00 (payable in advance and refundable to Consumer if meter found to be faulty)
9. Installation Test for supply of Electricity:	
a) to a new consumer – for each inspection after the first until installation approved	\$25.00
b) by request, where an installation has not already failed	\$15.00
10. Resiting meter	\$15.00 and cost of materials
11. Installation of temporary supply of electricity	Full cost of installation

(Inserted by S.R.O. 11/1986- saved by section 19 of the Interpretation Act, Cap. 1.02)