

SAINT LUCIA

No. of 2024

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SAINT LUCIA

No. of 2024

AN ACT to provide for the regulation of electricity services and for related matters.

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BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia and by the Authority of the same, as follows:

PRELIMINARY**Short title and commencement**

1.—(1) This Act may be cited as the Electricity Act, 2024.

(2) This Act shall come into force on a date to be fixed by the Minister by Order published in the *Gazette*.

Interpretation

2. In this Act —

“application” means an application made under this Act;

“applicant” means a person who makes an application under this Act;

“auditor” means a person who is a member of the Institute of Chartered Accountants of the Eastern Caribbean and who holds a practicing certificate issued by the Institute;

“Authority” means the Licensing Authority continued under section 103;

“Chief Electrical Engineer” means a public officer within the Department of Infrastructure appointed as Chief Electrical Engineer by the Public Service Commission;

“Commission” means the National Utilities Regulatory Commission established under section 5 of the National Utilities Regulatory Commission Act, Cap. 9:01;

“consumer” means a person who uses electricity;

“electricity” includes electric voltage, electric current, electric energy and a like agency;

“high voltage” means an operating voltage exceeding thirty-five thousand volts;

“low voltage” means an operating voltage not exceeding one thousand volts;

“medium voltage” means an operating voltage above one thousand volts and not exceeding thirty-five thousand volts;

“Minister” means the Minister responsible for public utilities unless otherwise specified;

“network licensee” means a person who holds a valid network licence;

“person” includes a body corporate or an unincorporated body;

“prescribed” means prescribed in Regulations;

“registered electronic mail” means a type of electronic mail communication used to certify delivery to recipients;

“Regulations” means Regulations made under section 156.

Application and non-application of this Act

3.—(1) This Act binds the Crown.

(2) Notwithstanding subsection (1), this Act does not apply to a ministry, department or government agency that the Minister, by Order published in the *Gazette*, exempts from this Act.

PART I REGULATION OF ELECTRICITY SERVICE

Interpretation: Part I

4. In this Part —

“commercial customer” means a customer carrying out any form of business, trade, professional activities or services;

“Company” —

(a) means the St. Lucia Electricity Services Limited;

(b) includes a person authorized by the St. Lucia Electricity Services Limited to act on its behalf;

“cross subsidy” means the practice of charging one group of customers above the economic cost of service in order to provide service to another group of customers at prices below economic costs;

“customer” —

- (a) means an owner or occupier of premises who is supplied or requires to be supplied with electricity by a network licensee;
- (b) includes **different categories of domestic and non-domestic customers specified by a licensee and approved by the Commission according to the different characteristics of the use of the electricity service;**

“direct subsidy” means a benefit granted by the Government under section 61 —

- (a) to a consumer to pay part of the cost of supply; or
- (b) to a licensee to help pay part of the cost of the service connection, electricity service or construction of the infrastructure necessary for the maintenance, refurbishment, and expansion of facilities;

“distribution” means the transport of electricity by means of a distribution system;

“distribution system” means the set of facilities which consists, wholly or mainly of low and medium electrical lines and electrical plant and which is used for conveying electricity from a sub-station to final consumers;

“domestic customer” means a customer occupying a private, residential dwelling that is not used as a hotel, boarding house or used for the purpose of carrying out any form of business, trade, professional activities or services;

“electrical generation system” means a set of facilities for the generation of electricity;

“electricity” includes electric voltage, electric current, electric energy and a like agency;

“electricity service” means —

- (a) generation and storage of electricity;
- (b) transmission, transformation, distribution or supply of electricity;

“electric line” means a wire or conductor used or to be used for the purpose of conveying, transmitting, or distributing electricity;

“electrical plant” means —

- (a) electric generation equipment and other works or apparatus used for the purpose of generating electricity;
- (b) handling, storage or processing equipment and any other works or apparatus used for the delivery of electricity, including petroleum products, natural gas, biofuels, water, steam and renewable energy resources; and
- (c) a building or structure required to accommodate the equipment, fuel, or other works or apparatus under paragraph (b); and
- (d) electric lines required to deliver the generated electricity to a network licensee;

“environment” —

- (a) means the aspects of a person’s surroundings;
- (b) includes the physical, biological, economic, cultural and social aspects of the surroundings;

“environmental management plan” means the set of mitigation, monitoring and institutional measures to be taken during implementation and operation to illuminate, off-set or reduce the adverse environmental and social impacts;

“extraordinary tariff review” means an extraordinary tariff review under section 60;

“facilities” means the premises and apparatus required to provide an electricity service;

“fair market value” means the face value of the outstanding debt and the value of the shares of the Company in an open and unrestricted market immediately prior to the date of the revocation of the Company’s licence and determined without reference to minority interests that may exist or controlling shareholders to provide a comprehensive value and with reference to the capitalization of future earnings of the Company on a going concern basis or with reference

to the individual net fair values of the Company's assets or liabilities.

“force majeure” —

(a) means an event or condition not existing on the date a licence is granted, not reasonably foreseeable on that date and not reasonably within the control of a licensee, that prevents the performance, in whole or in part, by the licensee of its obligations under the licence or makes performance so difficult or costly as to be commercially unreasonable;

(b) includes —

(i) war,

(ii) a natural disaster or unusually severe weather, such as a drought, earthquake, flood, hurricane, lightning, tsunami or volcanic eruption,

(iii) an act of God,

(iv) a public enemy beyond the reasonable control of the affected licensee, such as epidemic, pandemic or quarantine, riot, insurrection, sabotage, strikes, lockouts, restraint by court or public authority,

(v) an act of State, such as governmental acts and decrees that delay the performance of the licensee,

(vi) fire or explosion,

(vii) equipment damage beyond the control of the licensee, or

(viii) any other cause or happening similar to that specified under subparagraphs (i) to (vii);

“fossil fuel” means energy produced by the gradual decay of animals or plants over millions of years and includes coal, oil and natural gas;

“generation” means the production of electricity from renewable energy sources;

“generation licence” means a licence issued under section 17;

“generation licensee” means a person who holds a valid generation licence;

“Grid Code” means the minimum technical and commercial requirements to be satisfied by a person who owns, controls, operates, or supplies electricity to, or receives electricity from, a public grid;

“hotel customer” means a customer operating an establishment that offers overnight accommodation, meals and other services;

“independent power producer” means a person, other than the network licensee, who generates electricity to supply to the network licensee under a valid power purchase agreement;

“installed capacity” means the sum of the maximum rated electric output of each generator in an electrical generation system, as determined by the manufacturer of the generator;

“interconnection agreement” means a contract between the self-generation licensee and network licensee with respect to interconnection services;

“interconnection services” —

(a) in relation a consumer or independent power producer, means the services needed to connect the consumer or independent power producer to the transmission system or distribution system;

(b) in relation to a network licensee, means the services needed to connect the network licensee to the distribution system;

“land” includes land under a tenure and an easement, a servitude, right, interest or privilege in or over land;

“levy” means the electricity supply service levy charged under section 63;

“licence” means a licence issued by the Commission under

section 17 or continued under this Act;

“licensee” means a person who holds a valid —

(a) generation licence; or

(b) network licence;

“meter” —

(a) means an appliance used to measure, ascertain or regulate the amount of electricity taken, used or supplied by means of an electricity supply service;

(b) includes an appliance used in estimating the flow of electricity in or from a part of the infrastructure;

“net billing” means a system under which a self-generator on the basis of an interconnection agreement with the network licensee —

(a) pays for each kilowatt-hour that the self-generator is supplied by the network licensee at the tariff set by the Commission for electricity sold by the network licensee; and

(b) is credited for each excess kilowatt-hour injected into the grid of the network licensee at the self-generator renewable energy tariff set by the Commission;

“net metering” means measuring the difference between the electricity supplied by a licensee and the electricity generated by a self-generator over the applicable billing period;

“network licence” means —

(a) a licence issued to a person for the generation, transmission, transformation, distribution and supply of electricity to consumers under section 16;

(b) includes the Company;

“periodic tariff adjustment” means a periodic tariff adjustment under section 59;

“power purchase agreement” means an agreement for the purchase of electricity;

“public grid” means a system for the generation, transmission, transformation, distribution and supply of electricity;

“public officer” has the meaning assigned under section 124 of the Constitution of Saint Lucia, Cap. 1.01;

“Register” means the register kept and maintained by the Commission under section 22;

“regulatory period” means the forward-looking period for which tariffs are set under a scheduled tariff review;

“renewable energy” —

(a) means a form of energy that is replenished by natural processes at a rate that equals or exceeds its rate of use;

(b) includes solar energy, wind energy and energy from geophysical and biological sources;

“scheduled tariff review” means a scheduled tariff review under section 58;

“self-generator” means a person who has installed a renewable energy generation capacity within his or private or business premises and who generates electricity using this capacity for his or her own consumption or his or her business, or for the injection into the grid of the network licensee;

“self-generation licence” means a licence issued under section 89 for the generation or storage of electricity;

“self-generation licensee” means a person who holds a valid self-generation licence;

“service connection” means a connection for an electricity service;

“supply” means the sale of electricity;

“supply service” means the activities involved in the sale of electricity to customers;

“tariff” means the rate approved by the Commission which is charged by a licensee for an electricity service;

“transmission” means the transport of electricity by means of a transmission system;

“transmission system” means a set of facilities which consists, wholly or mainly, of high voltage lines and electric plant and which is used for conveying electricity —

- (a) from a generation station to a sub-station;
- (b) from one generating station to another generating station;
- (c) to or from an interconnector; or
- (d) to a consumer;

“universal service” means the provision of an electricity service within a particular geographic area.

Division I
Administration

Functions of the Commission

5.—(1) Without prejudice to the National Utilities Regulatory Commission Act, Cap. 9.01 the Commission shall, in relation to electricity services —

- (a) receive and consider applications for licenses;
- (b) determine, approve, issue, monitor, amend or revoke licenses;
- (c) establish a Grid Code;
- (d) establish and approve tariff schemes under sections 56, 57, 58, 59 and 60;
- (e) determine and monitor electricity service standards;
- (f) establish, maintain, review and amend performance and technical rules and standards;
- (g) hear and determine consumer complaints against licensees;
- (h) hear and determine disputes between licensees;
- (i) conduct public education programmes and consultation

meetings to educate the public and develop public awareness of issues relating to electricity regulation; and

- (j) advise the Minister on —
 - (i) the promotion of the use of renewable energy, and
 - (ii) matters referred to the Commission by the Minister;
- (k) cause to be published in the *Gazette* a list of licenses or self-generation licenses issued, modified, suspended, revoked or surrendered under this Act.

(2) For the purpose of subsection (1)(c), the Commission shall appoint a Grid Code Review Committee as a standing advisory committee charged with keeping all aspects of the grid code and its implementation under review and making recommendations to the Commission concerning the revision and interpretation of the grid code.

(3) The Grid Code Review Committee shall be regulated in the prescribed manner.

Powers of the Commission

6. The Commission has the powers under section 6(2) and (3) of the National Utilities Regulatory Commission Act, Cap. 9.01 in connection with the performance of its functions under this Act.

Budget and plan of action of the Commission

7.—(1) In preparing the budget for the Commission with respect to the regulation of the electricity sector under section 30(1)(a) of the National Utilities Regulatory Commission Act, Cap. 9.01, the Commission shall include —

- (a) an estimate of total operating expenditures for the next financial year, allocated to the regulation of the electricity sector;
- (b) an estimate of the total capital expenditure for the next financial year, allocated to the regulation of the electricity sector;
- (c) an indication of the ways that the licence fees paid by

a licensee are used to regulate that licensee; and

- (d) particulars of the licence fees of a licensee that are brought forward to cover the budget or plan of action for the next financial year.

(2) Subject to subsection (3), in preparing a plan of action under section 30(1)(b) of the National Utilities Regulatory Commission Act, Cap. 9.01, the Commission shall include in the plan of action —

- (a) the strategic priorities of the Commission for the next financial year;
- (b) major activities, such as public consultations that the Commission anticipates undertaking during the next financial year;
- (c) quantitative indicators that the Commission has adopted to measure its performance during the next financial year; and
- (d) preliminary estimates of the budget of the Commission for the next financial year.

(3) The Commission shall, not later than three months before the commencement of the financial year submit to the Minister a preliminary report that contains —

- (a) the proposed plan of action of the Commission for the next financial year;
- (b) the proposed budget, with a request for approval for the next financial year.

(4) On receipt of the preliminary report under subsection (3)(b) (ii) and within one month, the Minister shall —

- (a) consider the preliminary report and other information submitted by the Commission;
- (b) make modifications to the proposed budget as he or she considers necessary and proper;
- (c) lay the proposed budget and plan of action before Parliament in accordance with section 30(2) of the National Utilities

Regulatory Commission Act, Cap. 9.01; and

- (d) issue a written decision with respect to the approval of the budget.

Report of the Commission

8.—(1) Subject to subsection (2), the Commission shall, within three months of the end of its financial year, prepare and submit to the Minister, a written report.

(2) The Minister shall lay the written report under subsection (1) before Parliament at the next sitting immediately subsequent to receipt of the report.

(3) The report made under subsection (1) must include information relating to —

- (a) activities of the Commission with respect to electricity services during the financial year;
- (b) the Commission's finances and audited accounts with respect to electricity services;
- (c) significant developments in the electricity services sector or its economic and technical regulation during that year with respect to matters that fall within the scope of the Commission's functions;
- (d) compliance by licensees with the technical, safety, operational and efficiency standards relating to electricity services specified in this Act, Regulations or licenses;
- (e) activities proposed for the next financial year with respect to electricity services;
- (f) the development of private sector participation in the electricity services sector;
- (g) the progress of the electrification programmes throughout Saint Lucia; and
- (h) the projected finances, accounts and budgetary requirements during the next financial year and, if necessary, projections of future budgetary needs in respect of electricity services.

(4) The Commission shall make a copy of the report under subsection (1) available —

- (a) on the website of the Commission, at no cost; or
- (b) on payment of a fee determined by the Commission, to a person who requests it.

(5) The fee payable under subsection (4)(b) must not exceed the actual administrative cost associated with the production of the report.

Renewable energy capacity

9. The Commission may after consultation with —

- (a) the network licensee;
- (b) the Ministry responsible for energy; and
- (c) other stakeholders that the Commission considers necessary to consult,

set and publish in the *Gazette* the maximum amount of renewable energy capacity that may be individually connected to the public grid and the cumulated targeted installed capacity of the renewable energy power generation systems of licensees and self-generation licensee.

Procurement process

10.—(1) The Commission shall procure all new utility scale renewable generation capacity, other than new fossil generation capacity, under this Act and shall manage and administer the procurement process, by means of competitive selection for generation capacity by existing and potential power producers and the Company may participate as a bidder in any such solicitation.

(2) A procurement administered under subsection (1) —

- (a) must be consistent with the Integrated Resource and Resilience Plan prepared by a network licensee, which shall be subject to the review and approval of the Commission;
- (b) is subject to the negotiation and execution of a power purchase agreement between the Company and the licensee and the power purchase agreement shall be submitted to

the Commission for review and shall be approved if, the agreement is consistent with the approved Integrated Resource and Resilience Plan and will lower or aims to, stabilize the cost of electricity supply to consumers relative to available alternatives.

(3) The Commission shall publish in the *Gazette*, a newspaper in weekly or general circulation, on its website and on the Government website or any media or electronic means its procurement procedures for new renewable energy generation.

(4) The Commission may retain the service of a person to evaluate and review an Integrated Resource and Resilience Plan proposal based on the Commission's procurement procedures.

(5) This section does not apply to the ten Megawatt Solar Farm planned by the Company.

Division 2
Licensing

Requirement for a licence

11.—(1) A person shall not carry on exclusively or non-exclusively an electricity service unless that person holds a valid licence under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding ten years or to both.

Licence application criteria

12.—(1) An applicant for a licence shall submit an application in the prescribed form to the Commission for consideration, together with —

- (a) the prescribed application fee;
- (b) proof that the applicant meets the eligibility criteria under section 15(1);
- (c) proof that the applicant has the requisite technical and managerial capacity and experience in the management of a similar electricity service;

- (d) the financial identity of the applicant in accordance with guidelines issued by the Commission;
- (e) the prescribed maps sufficient to identify the land and such plans, drawings and other materials as are necessary to describe the source of energy which is the subject of the application;
- (f) proof of ownership for land to be used or the consent of the owner if the applicant is not the land owner;
- (g) approval required under the Physical Planning and Development Act, Cap. 5.12 in connection with the electricity service;
- (h) proof of planning permission, if required under the Physical Planning and Development Act, Cap. 5.12;
- (i) the environmental impact statement required under section 22 of the Physical Planning and Development Act, Cap. 5.12;
- (j) an environmental management plan in accordance with guidelines issued by the Commission;
- (k) a development plan in accordance with guidelines issued by the Commission;
- (l) a rehabilitation plan in accordance with guidelines issued by the Commission after consultation with key agencies;
- (m) proof of payment of the prescribed application fee; and
- (n) other information that the Commission considers necessary to determine the application.

(2) An applicant shall deliver to the Commission copies of maps, contracts, agreements, reports, books, accounts, papers and records in its possession or relating to its property or affecting its business and a complete inventory of its property in the form the Commission directs.

(3) In this section “land” has the meaning assigned under section 2 of the Physical Planning and Development Act, Cap. 5.12.

Further information

13.—(1) Without limiting the information required under section 12, the Commission may, within fifteen clear days of the receipt of an application, request further information from the applicant for the purpose of considering an application made under section 12.

(2) Where the Commission makes a request for further information under subsection (1) —

- (a) an applicant shall submit the further information within fourteen days of receipt of the request or within a further period of time granted and specified in writing by the Commission;
- (b) the request must state that the application is subject to cancellation if it is not submitted within the time specified in paragraph (a).

(3) The Commission shall not unreasonably refuse to grant a further time period under subsection (2).

(4) Where further information is requested by the Commission under subsection (1), the application is treated for the purposes of this Act as having been submitted on the date when the further information requested from the applicant is received by the Commission.

(5) Where the applicant does not furnish the further information requested under subsection (1), within the period specified in subsection (2), the Commission may give the applicant notice that the application cannot be determined, cancel the application and shall return the cancelled application to the applicant.

(6) A person whose application has been cancelled under subsection (5) may re-apply for a licence under section 12.

Public input

14.—(1) Where an application for a licence is submitted under section 11, the Commission shall make copies available for public inspection at such places as the Commission considers appropriate for bringing it to the attention of persons who are likely to be affected by the application.

(2) The Commission shall give notice of an application for a licence and the places where and times when the application, the environmental impact statement and other supporting documents may be inspected simultaneously in two successive issues of the *Gazette* and a newspaper in general or weekly circulation in Saint Lucia and any by media or electronic means and shall give such other publicity to the matter as is appropriate to inform the public including persons whose interests are likely to be affected by the application, of the right to make representations to the Commission regarding the application.

(3) A person may, within fourteen clear days after the publication in the *Gazette* of the notice under subsection (2), make representations in respect of an application for a licence to the Commission —

- (a) in writing; or
- (b) in person, at such time and place as determined by the Commission and notified to the applicant at least seven business days before the date on which the representation is to be made.

Grant or refusal of licence

15.—(1) Where an application is submitted to the Commission under section 11, the Commission shall evaluate the application and within forty-five clear days of receipt of the application under section 12 or further information requested under section 13 being received —

- (a) grant the licence to the applicant if satisfied that —
 - (i) the applicant is a person registered under the Companies Act, Cap. 13.01, a constituency council or an agent of the Crown,
 - (ii) the applicant has —
 - (A) the requisite technical and managerial capacity and experience in the management of a similar electricity service;
 - (B) the financial ability for the execution of the electricity service;

- (C) the ability to comply with the grid code established under section 5(c) and to mitigate any detrimental impacts on the security of the public grid; and
- (D) the ability to mitigate detrimental environmental impacts associated with the electricity service,
- (iii) the issue of a licence to the applicant would not result in the cumulative installed capacity of the renewable energy power generation system of all licensees and self-generation licensees being in excess of an amount specified by the **Commission** under section 9,
- (iv) that an environmental impact assessment has been carried out in accordance with section 22 of the Physical Planning and Development Act, Cap. 5.12;
- (b) if not satisfied that the applicant has met the requirements under paragraph (a), shall refuse to grant a licence to that applicant.

(2) The Commission shall within ten clear days of a decision under subsection (1) notify the applicant of the grant or the refusal of a licence and shall give the reasons in writing for a refusal.

(3) A person aggrieved by the decision of the Commission under this section has the right of appeal under section 155.

Right to be heard when a decision is not given

16.—(1) Where a decision for the grant or refusal of a licence is not given to the applicant within the period specified under section 15(2), the applicant shall, on a request made under subsection (2), have the right to be heard by the Commission.

(2) A request for a hearing before the Commission under subsection (1) must be made in the prescribed form within fourteen days of the end of the period specified in section 15(2).

(3) A hearing before the Commission under this section must be held within fourteen days of receipt of a request made under subsection (2) and the Commission shall in accordance with section 15(1) grant or refuse to grant the licence and give notice of its decision and the reasons for a refusal to the applicant within fourteen days of the hearing.

- (4) An applicant has a right of appeal under section 155 if —
 - (a) after a hearing under this section the Commission refuses to grant the licence; or
 - (b) the Commission fails to comply with subsection (3), in which case, the licence is deemed to be refused.

Issue of licence

17.—(1) Subject to subsection (4) and section 15, the Commission may, issue an exclusive or non-exclusive —

- (a) generation licence; or
- (b) network licence.

(2) An exclusive generation licence issued under subsection (1) —

- (a) may specify exclusivity in terms of the source of energy or a specified area for a specified period;
- (b) may require a network licensee to enter into a power purchase agreement with an independent power producer which is approved by the Commission;
- (c) must make provision for the supply of electricity to the public, and the limitation of liability of the Commission and the generation licensee in situations of force majeure; and
- (d) may be subject to conditions the Commission considers fit.

(3) Subject to section 18, a licence granted under section 15(1) (a) or 16(3) must be issued on payment of the prescribed licence fee.

(4) A licence issued under this section —

- (a) must clearly establish the scope of the electricity service, including the service area, minimum generation capacity of the plant, the activities for maintenance and repair of the existing infrastructure and the construction of facilities for the expansion and improvement of the electricity service;
- (b) must specify the duration of the licence;

- (c) must include subject to this Act the terms and conditions, under which the electricity service is to be provided by the licensee including the determination and reviews of the tariffs;
- (d) must outline the principles and provide instructions, guidelines and templates regarding the accounting and information systems required to form the basis on which tariffs are to be calculated to ensure the viability of the licensee's operation;
- (e) must specify the financial reporting obligations of the licensee;
- (f) must provide clear guidelines as to the health and safety standards to be complied with in respect of the licensee's consumers and the public affected by its operation;
- (g) must require that there is an environmental management plan in place in respect of the licensee's operation;
- (h) must require a licensee to provide guarantees in the form and amount specified in the licence for securing the performance of obligations and to be utilized in accordance with section 75;
- (i) may specify special conditions for providing the electricity service, based on the situation regarding the relevant natural resources and other resources;
- (j) must specify the applicable technical and economic conditions;
- (k) may specify conditions regarding the provision of universal service;
- (l) may require a network licensee to enter into a power purchase agreement for purchase of electricity from an independent power producer or sale of electricity to a network licensee, with the prior approval of the Commission;
- (m) may require that the licensee enter into a development agreement with the Government;

- (n) shall require the prior approval of the Commission for the agreement between a licensee and its consumers for the supply of electricity;
- (o) may make provision for the supply of electricity to the public and limitation of liability of the Commission and the licensee in situations of force majeure;
- (p) may impose insurance obligations on the licensee;
- (q) shall make provision for termination of the licence including by mutual agreement;
- (r) may require the payment of a fee in the prescribed manner which shall be charged to and payable by the licensee annually or at such intervals as the Commission determines; or
- (s) may provide that —
 - (i) electricity is to be generated only from renewable energy,
 - (ii) measures must be put in place by the licensee for —
 - (A) securing a safe, regular and efficient supply of electricity;
 - (B) ensuring the safety of the public including protection from personal injury, fire or other danger;
 - (C) preventing and mitigating damage to property in connection with the supply and use of electricity;
 - (D) inspecting the business of a licensee;
 - (E) enforcing the performance by the licensee, of the licensee's obligations, by the imposition of penalties or otherwise; and
 - (F) other conditions that the Commission considers appropriate in the circumstances.

Validity of licence

18.—(1) Subject to subsection (2) and section 19, a licence is valid for the period specified in the licence and may be renewed in accordance with the terms of the licence.

(2) A licence issued to a person registered under the Companies Act, Cap. 13.01 is valid only for the time that the person is in compliance with the Companies Act, Cap.13.01.

Modification

19.—(1) The Commission may —

- (a) modify a term or condition contained in a licence if —
 - (i) the Commission and the licensee agree in writing,
 - (ii) owing to special circumstances, in the Commission's opinion, compliance with the licence would be impossible or great hardship would be inflicted on the licensee; and
- (b) extend time for a licensee to comply with the terms and conditions of a licence on such terms and conditions as the Commission considers fit.

(2) The Commission shall, after consultation with the Minister responsible for national security, in writing, modify a term or condition contained in a licence without the agreement of the licensee where it is necessary in the interest of national security.

(3) A licensee who seeks a modification of the licence shall make an application in the prescribed form to the Commission and sections 12 to 18 apply to that application with the necessary changes.

Suspension and revocation of licence

20.—(1) Subject to subsections (2) and (3) the Commission may by written notice served on a licensee, suspend or revoke a licence on the ground —

- (a) in the case of the network licence, that the network licensee is not providing consumers in its authorized area with a regular, reliable and efficient supply of electricity or unjustifiably withholding interconnection access to

an independent power producer or a self-generator, in accordance with this Act;

- (b) that the licensee has materially contravened, or materially failed to carry out within a reasonable time or discontinued the performance of, the terms or conditions of its licence, or has materially contravened this Act or is supplying electricity in a manner not authorized by its licence;
- (c) that the licensee has failed to pay any undisputed sum due and payable under the licence to a public body and, after written notice, for a period of thirty days has not rectified such failure;
- (d) that the licensee has become bankrupt or has compounded with its creditors or, in the opinion of the Commission, the licensee's financial position causes it to be unable fully and efficiently to discharge the duties and obligations imposed on it by its licence;
- (e) that the licensee has failed to comply with directions issued by the Commission for securing compliance with a condition of the licence;
- (f) that the licence was obtained by fraud or misrepresentation; or
- (g) any other ground specified in the licence.

(2) The Commission may serve on the licensee an initial notice by publication in the *Gazette* and in at least a newspaper in general or weekly circulation in Saint Lucia, by any media or electronic means stating —

- (a) that the Commission is considering service of a final notice of suspension or revocation on the licensee on a ground specified under subsection (1); and
- (b) that the licensee and a person likely to be affected by a suspension or revocation may, within a period of thirty days from the date of receipt of the initial notice, make written, or oral representations to the Commission.

(3) The Commission shall consider any representations made by a licensee and a person likely to be affected by a suspension or revocation in response to an initial notice under subsection (2) before serving a final notice of suspension or revocation of the licence.

(4) After serving a final notice of suspension or revocation in respect of a licence, the Commission shall publish notice of the suspension or revocation in the *Gazette* and in at least a newspaper in general or weekly circulation in Saint Lucia, or by any media or electronic means notifying consumers in the authorized area to which the licence relates.

(5) A final notice of suspension or revocation is effective on the expiration of thirty days from the date of service of the notice.

(6) The Commission shall suspend or revoke a licence on a finding that the suspension or revocation is necessary for reasons of national security.

(7) The Crown may, on the revocation of a licence, compulsorily acquire the immovable property of the licensee if it is in the public interest or in the interest of national security and prompt, adequate and just compensation must be paid in accordance with the Constitution of Saint Lucia, Cap 1.01 and the Land Acquisition Act, Cap. 5.04.

Surrender

21.—(1) Where a licence has been revoked, the licensee shall surrender the licence to the Commission, if so required by the Commission, within the period specified by the Commission.

(2) A licensee may, by written notice given to the Commission, surrender a licence.

(3) A notice under subsection (2) must be given to the Commission at least six months before the surrender is to take effect or if the licence requires a longer period of notice as required by the licence.

(4) The Commission may, by agreement with the licensee shorten the period of the notice.

(5) A voluntary surrender of a licence under subsection (2) does not affect liability incurred by the licensee before the coming into effect of the surrender.

Register

22.—(1) The Commission shall maintain a register under section 6(1) (m) of the National Utilities Regulatory Commission Act, Cap. 9.02, containing information on —

- (a) licenses issued including the names and addresses of the licensees;
- (b) self-generation licenses issued including the names and addresses of self-generation licensees and technical information on generation systems of self-generation licensees;
- (c) modifications, suspensions, revocations, expirations and surrenders of licenses;
- (d) requirements imposed, and approval given to a licensee, by the Commission under the terms of a licence; and
- (e) other prescribed information or documents.

(2) The Register shall, subject to section 36 of the National Utilities Regulatory Commission Act, Cap. 9.02 be open for inspection by members of the public at times and on days as are determined by the Commission.

(3) A person may, on payment of the fee specified under section 36(1) of the National Utilities Regulatory Commission Act, Cap. 9.02, require the Commission to supply a copy or an extract, certified by the Commission as a true copy or extract, from a part of the Register.

*Division 3**Continuation of licence of the Company***Continuation of licence of the Company**

23.—(1) Subject to this Act —

- (a) the licence of the Company granted under the repealed Act for a period of eighty years with effect from the 1st day of July, 1965 continues under this Act as an exclusive network licence for the generation, transmission, transformation, distribution of electricity from fossil fuels, except that under this Act —

- (i) the Commission shall issue to the Company a network licence for the remaining period of the licence,
 - (ii) the Company shall pay to the Commission an annual licence fee of one point five per cent of base revenue excluding fuel and independent power producer costs in two equal installments one on the 15th day of January and the other on the 15th day of July in each year;
 - (b) the Commission shall issue to the Company on receipt of information or documents required by the Commission, a licence for the three Megawatt Solar Farm operated by the Company;
 - (c) the Company shall pay to the Commission licence fees with respect to the three Megawatt Solar Farm beginning from the date of commencement of this Act.
- (2) The Commission shall, no later than forty-five days before the beginning of the financial year of the Company —
- (a) execute an annual assessment of the Company to determine the licence fee payable under subsection (1)(a)(ii); and
 - (b) notify the Company of the annual assessment to which it is subject.
- (3) On or before the 31st day of April in each year the Commission shall prepare and make available to the Minister, in a manner not to disclose the confidential financial information of the Company, an account of the funding received pursuant to this section and the use or other disposition of the licence fee.
- (4) Without prejudice to section 30 of the National Utilities Regulatory Commission Act, Cap. 9.01, the Commission shall include in the budget and plan of action, costs in regulating the network licensee.
- (5) Where the Company fails to comply with this section the Company is liable for the payment of the licence fee together with interest at the statutory rate.

(6) During the continuance of the Company's licence, a person other than the Company, shall not generate electricity from fossil fuels or transmit, distribute or supply electricity to the general public.

(7) A person who contravenes subsection (6) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a period not exceeding six years.

(8) A person who is convicted of an offence under subsection (7) may be ordered by the court to dismantle his or her equipment at his or her own expense within such time as the court specifies.

(9) When a person who fails to obey an order of the court made under subsection (8) within nine months of the order being made, the court shall order —

- (a) the equipment to be dismantled by the Commission; and
- (b) the person to pay the Commission its reasonable charges for dismantling the equipment.

(10) In this section, "gross annual revenue" means the gross revenue derived from the electricity services of the Company in the previously ended financial year.

Electricity supplied to the Government

24.—(1) Whenever required, the Company shall enter into a contract for an electricity service to the Government for the Government's own use and consumption in a constituency supplied with electricity by the Company.

(2) This section does not apply to electricity supplied or to be supplied for the purpose of street lighting.

Duty free importation of goods and treatment of losses

25.—(1) During the continuance of the Company's licence, plant, machinery, equipment, meters, instruments, vehicles and materials imported by the Company for the purpose of the Company's business of generating, transmitting, transforming, distributing or supplying electricity are exempt from customs, and other import duties, landing tax and trade tax.

(2) An exemption under subsection (1) does not apply to plant, machinery, equipment, meters, instruments, vehicles or materials imported by the Company for resale, hire or for the private use of the Company's employees.

(3) Notwithstanding any law to the contrary, for the purpose of computing the Company's liability to income tax or any other tax based on income, losses incurred by the Company may be carried forward indefinitely for the purpose of being set off against the profits of the Company arising in a subsequent year.

Exemption from stamp duty

26. During the continuance of the licence, the Company is exempt from the payment of stamp duty.

Imposition of fee on fuel purchased

27.—(1) A fee is levied on fuel purchased by the Company from a fuel supplier at the rate of one dollar per imperial gallon or part of an imperial gallon.

(2) The fee levied under subsection (1) shall be collected by the fuel supplier on behalf of the Government and must be paid over in accordance with section 28.

(3) The Minister responsible for finance may, by Order published in the *Gazette*, vary —

- (a) the rate per imperial gallon of fuel or part of the fuel; and
- (b) the system of unit of measurement for fuel.

Paying over of fee under section 27

28.—(1) The fee levied under section 27(1) and collected by the fuel supplier during a particular month shall be paid over by the Company before the 21st day of the month following which the fee was collected.

(2) Notwithstanding anything contained in this Act, or in any other enactment or rule of law, for the purposes of the collection of the fee levied by section 27, an unpaid fee is deemed to be a debt owed to the fuel supplier and nothing in this subsection affects the obligation imposed on the fuel supplier under subsection (1).

Returns

29. A fuel supplier shall, at the time of the payment of the fees into the Consolidated Fund, submit to the Accountant General returns and other documentation with respect to the collection of the fees, in the form the Minister responsible for finance determines.

Purchase price to be paid by Government on revocation of licence

30.—(1) The Government shall pay to the respective registered debt holders of the Company, which the Government is obliged to purchase, a purchase price equal to the outstanding amount of the principal moneys represented by the debt held at the date of the revocation of the licence together with unpaid interest which has accrued up to that date on the moneys.

(2) The Government shall pay to the respective registered holders of all preference shares issued by the Company, which the Government is obliged to purchase, the fair market value of the shares as determined under section 31 at the date of the revocation of the licence together with a sum of money equal to the amount of the arrears, if any, of any fixed cumulative dividend, if any, on the preference shares held, the dividend, whether earned or declared or not, being calculated down to the revocation of the licence.

(3) Where the licence is revoked under section 20, the Government shall pay to the respective registered holders of ordinary shares in the capital of the Company, which the Government is obliged to purchase under that section, a purchase price equal to the fair market value of the shares as determined under section 31.

(4) Any purchase price payable by the Government for the shares or debt of the Company must be paid on the date of revocation of the licence and an unpaid portion of the purchase price bears interest, from the date of revocation until payment, at a rate equal to the highest rate of interest payable under a debt incurred by the Company and outstanding on the date; and the unpaid portion of a debt must have a fixed charge security interest of first rank and unpaid amounts for shares of second rank, on all the assets of the Company.

(5) Where the Commission serves on the Company a valid notice revoking the licence, the Company shall not, except with the previous written consent of the Government, issue any share or incur a debt.

(6) In this section —

“ordinary share” means the securities representing an interest in the equity capital of the Company giving to the holders of the securities the right to vote as shareholders of the Company, the right to receive dividends when declared by the Company and the right to participate in the distribution of the assets of the Company in case of liquidation; and the rights are held without preference with respect to the other securities of the Company unless expressly mentioned;

“preference shares” means the securities representing an interest in the equity capital of the Company giving to the holders of the securities different rights from the securities held by the owners of ordinary shares, concerning the right to vote as a shareholder, receive dividends and participate in the distribution of the Company’s assets in case of liquidation;

“shares” means ordinary shares and preference shares that may be issued by the Company.

Determination of fair market value

31.—(1) Where the licence of the Company is revoked a debt holder or shareholder may, after notifying Cabinet in writing, request an independent and qualified valuer to determine the fair market value of the debt or shares of the Company.

(2) The valuer shall prepare and submit a report on the value of the shares or debt and submit copies of the report to the debt holder or shareholder, the Company and Cabinet.

(3) A report under subsection (1) must be in respect of debt or shares.

(4) The expenses incurred in the determination of the fair market value of the shares or debt of the Company shall be met by the Government.

Division 4
Responsibility of Licensee

Provision of electricity services

32. A licensee shall provide the electricity services defined in its licence in accordance with the laws in force in Saint Lucia.

Monthly bill

33. A licensee shall provide each of its consumers with a monthly bill sent by post to the postal address supplied by the consumer or electronic means to the consumer detailing —

- (a) the charges incurred by the consumer for the electricity supplied;
- (b) the levy; and
- (c) the rate applied to the consumer for the electricity service.

Prepaid metering

34. A licensee may provide a consumer with prepaid metering in the prescribed manner.

Provision of information to the Commission

35. A licensee shall provide to the Commission complete and regular information as the Commission requires in order to prove compliance with the tariff, tariff scheme, plan of action, claim proceedings, appeals and all other information required by it to carry into effect this Act.

Facilitation of access and interconnection

36. A licensee shall, with the prior written approval of the Commission, facilitate the access and interconnection of other licensees and self-generation licensees who provide electricity services, including by sharing facilities and installations.

Filing of special report

37. A licensee shall, within a reasonable time, file a special report —

- (a) concerning a matter about which the Commission is authorized by law to inquire or which the Commission is required to enforce;
- (b) to keep the Commission informed.

Sub-contracting

38.—(1) Subject to section 40, a licensee may, with the prior written approval of the Commission, sub-contract an electricity service or part of an electricity service permitted under its licence to one or more third parties.

(2) Where a licensee sub-contracts an electricity service under subsection (1), an obligation of the licensee to perform that electricity service remains, and the licensee continues to be responsible for the performance and discharge of the electricity service.

(3) A licensee shall file with the Commission, a copy of an agreement to sub-contract approved under this section.

Transfer of licence

39.—(1) A licensee shall not transfer a licence to another person.

(2) Notwithstanding subsection (1), a person owning or holding a significant interest in a licensee may, with the prior written approval of the Commission, sell, transfer, charge or otherwise dispose of his or her interest, or a part of his or her interest in the licensee.

(3) A licensee shall not, unless the prior written approval of the Commission has been obtained —

- (a) cause, permit or acquiesce in a sale, transfer, charge or other disposition under subsection (2); or
- (b) issue or allot shares or cause, permit or acquiesce in a reorganization of its share capital that results in —
 - (i) a person acquiring a significant interest in the licensee, or
 - (ii) a person who already owns or holds a significant interest in the licensee, increasing or decreasing the size of his or her interest.

(4) A licensee shall, as soon as reasonably practicable, notify the Commission of a sale, transfer, charge or other disposition under subsection (2) or (3).

(5) Subject to subsection (7), the Commission may, in respect of a licensee whose shares are publicly traded on the Eastern Caribbean Stock Exchange or other stock exchange approved in writing by the Minister responsible for finance, waive the obligation to obtain approval under subsections (2) or (3) and that waiver is subject to a condition that the licensee shall, as soon as is reasonably practicable, notify the Commission of a sale, transfer, charge or other disposition under subsection (2) or (3).

(6) The approval of the Commission required under subsections (2) or (3), or a waiver under subsection (5) must not be granted if it is not in the public interest or in the interest of national security and must not be unreasonably withheld.

(7) Notwithstanding this section, where a sale, transfer, charge or other disposition under this section is a result of an internal reorganization of a body corporate that constitutes ultimate transfer of control of a licensee, a new licence is required in addition to the prior written approval of the Commission.

(8) A transfer or assignment of a licence contrary to this section is void.

(9) In this section “significant interest”, in relation to a company, means a holding or interest in the company or in a holding company of the company held or owned by a person, alone or with any other person and whether legally or equitably, that entitles or enables the person, directly or indirectly —

- (a) to control ten per cent or more of the voting rights of that company at a general meeting of the company;
- (b) to a share of ten per cent or more in dividends declared and paid by the company; or
- (c) to a share of ten per cent or more in a distribution of the surplus assets of the company.

(10) This section does not affect the Public Utilities Restriction of Shareholding (Saint Lucia Electricity Services Limited) Act, Cap. 8.15.

Budget and plan of action of licensee

40. A licensee shall, not later than two months after the end of its financial year, cause to be prepared and submit to the Commission in the prescribed form in respect of the next financial year for the licensee —

- (a) a budget with the estimates of its income and expenditure; and
- (b) a plan of action.

Accounts of licensee

41. A licensee shall keep proper accounting records in accordance with generally accepted international financial reporting standards and principles and shall, under section 43, prepare and retain audited financial statements in respect of each financial year.

Audit of licensee

42.—(1) A licensee shall as soon as is practicable, and no later than three months, after the end of each financial year have its accounts audited annually by an independent auditor appointed by the licensee, who shall conduct the audit in accordance with generally accepted international auditing standards and principles and provide the licensee with an audited financial statement in respect of the electricity service and a report on the financial statement.

(2) The licensee, its directors and employees shall grant to the auditor appointed under subsection (1), access to books, deeds, contracts, accounts, vouchers, or other documents which the auditor considers necessary and the auditor may require the person holding or accountable for the document to appear, make a signed statement or provide information in relation to the document as the auditor considers necessary.

(3) A licensee, director or employee who contravenes subsection (2) 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 one year or to both.

Annual report of licensee to be submitted to the Commission

43.—(1) Subject to subsections (2) and (3) and not later than four months after the end of the licensee's financial year, the licensee shall submit to the Commission an annual report on the work and activities of the licensee for that financial year.

(2) An annual report under subsection (1) must be in the prescribed form and must be accompanied by the auditor's report provided under section 42.

(3) A licensee may make an application to the Commission to extend the time under subsection (1) for the submission of the annual report.

Licensee to publish summary of the annual report

44. A licensee shall publish a summary of its annual report required under section 43 in the *Gazette* and at least a newspaper in general or weekly circulation in Saint Lucia and in any other media or electronic means and the entire annual report must be made available to the public on payment to the licensee of a fee not exceeding the actual cost of production of the report.

Minimum standards

45. A licensee shall comply with the prescribed minimum standards for quality of the electricity and electricity service.

Contravention of this Division

46. A licensee who contravenes this Division commits an offence and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars.

Division 5
Generation Licensee

Sale of electricity by generation licensee

47. A generation licensee may sell electricity to a network licensee.

Division 6
Network Licensee

Interconnection services

48.—(1) A network licensee shall —

- (a) in accordance with the Grid Code, make interconnection services available to another licensee; or self-generation licensee who owns, controls or operates a renewable energy generation system at the request of the self-generation licensees or Independent Power Producer;
- (b) on a rolling basis, determine in conjunction with the Commission the extent of its capability for further interconnection, and ensure the safety and technical capability of its electrical system to interconnect with the electrical systems of licensees and self-generation licensees;
- (c) facilitate the interconnection of licensees and self-generation licensees;
- (d) conclude a power purchase agreement approved by the Commission with a licensee; and
- (e) conclude an interconnection agreement approved by the Commission with self-generation licensees.

(2) A network licensee shall provide the Commission with a written report by the 1st day of February of each year on the following matters with respect to the previous calendar year —

- (a) the number and identity of licensees and self-generation licensees that have been interconnected with and supplied electricity to the network licensee's public grid; their available peak capacity; a comparison of the capacity and energy supplied with the overall available capacity and electricity supplied through the network licensee's public grid; the average capacity; the ability to provide and amount of provided or consumed reactive power, and
- (b) additional data that the Commission requests regarding the quantity of electricity provided to the network licensee's public grid by a licensee and self-generation licensees and the rate that the network licensee paid for it.

(3) A licensee and self-generator licensee that generates electricity, and sells it to a network licensee shall, in exchange for compensation from a network licensee under this Act —

- (a) on a continuous basis, determine and ensure the safety and technical capability of its electric plant or electricity generation system, to interconnect with the public grid of the network licensee;
- (b) facilitate the interconnection of the network licensee with its electric plant or generation system;
- (c) provide the network licensee with the information it reasonably requests to allow it to meet its reporting obligations to the Commission under this Act;
- (d) in the case of an independent power producer, conclude with a network licensee a power purchase agreement approved by the Commission and to sell electricity generated at its electric plant under the terms and conditions of the agreement; and
- (e) in the case of a self-generator, conclude with a network licensee an interconnection agreement approved by the Commission and sell electricity generated from its generation system to a network licensee in accordance with the rates approved by the Commission.

(4) Interconnection services under this section must be —

- (a) offered at points along the public grid subject to —
 - (i) the approval of the Chief Electrical Engineer,
 - (ii) the payment of a fee specified by the network licensee and approved by the Commission in respect of interconnection,
 - (iii) the results of grid impact studies where required.
- (b) made available —
 - (i) on terms and conditions that are reasonable, transparent and non-discriminatory, and
 - (ii) within a reasonable time period.

(5) Where parties fail to agree on the terms and conditions of an agreement referred to in this section or a dispute arises in respect of an agreement, a party may, in writing refer the matter to the Commission for determination.

Request for network licensee Integrated Resource and Resilience draft plan

49.—(1) One year after the Integrated Resource and Resilience Plan is developed and every five years, as determined by the Commission the Commission shall issue a notice requesting an Integrated Resource and Resilience Plan proposal from the network licensee that contains —

- (a) a resilience plan;
- (b) a resource plan that includes the expected demand for the period;
- (c) other resources connected to the Grid of the network licensee; and
- (d) a procurement plan that details how the licensee proposes to meet the expected demand under paragraph (b).

(2) A notice under subsection (1) must require that in preparing the proposal the network licensee consider possible resources, including —

- (a) new generation capacity;
- (b) demand side resources, including demand response and energy efficiency;
- (c) retirement of generation capacity, including renewable energy plants;
- (d) a range of renewable energy and efficient generation options, and a prudent diversification of the generation portfolio;
- (e) prioritize actions that must meet the purposes of this Act, conform to Government policy, and be reasonably likely to supply electricity at the least cost, subject to trade-offs contained in instructions from the Commission;

- (f) proposed limits for total distributed generation capacity over the planning period.

(3) A notice under subsection (1) must be sent to the network licensee by registered mail or registered electronic mail and published on the official website of the Commission, and must indicate —

- (a) the period, not longer than five years, which the proposal is to cover;
- (b) the date, not later than one hundred and eighty days, by which the proposal is to be sent to the Commission;
- (c) the form and content required;
- (d) other guidance or instruction concerning the content and process.

Submission of network Integrated Resource and Resilience Plan proposal

50.—(1) The network licensee shall prepare and submit to the Commission an integrated resource and resilience plan proposal that complies with this Act, administrative determinations, and the request for an Integrated Resource draft plan issued under section 49.

(2) An Integrated Resource and Resilience Plan must contain the requirements that are set out in section 49.

(3) Request for comments and for other generation proposals after receipt of the integrated resource and resilience plan proposal under subsection (1), and acceptance by the Commission.

(4) The Integrated Resource and Resilience Plan proposal must be published on the official website of the Commission and in a newspaper of general circulation in Saint Lucia and a notice must be established of the availability of the integrated resource and resilience plan proposal accepted under this section for review and comments by the public.

Integrated Resource and Resilience Plan consultations and meetings

51.—(1) The Commission shall hold at least one public consultation.

(2) The Commission may hold as many meetings as the network licensee and the Commission decide necessary among the network licensee and other persons that the Commission considers relevant for assessing the integrated resource and resilience plan proposal.

Integrated Resource and Resilience Plan review and approval

52.—(1) A network licensee shall prepare for the review and approval of the Commission a final draft Integrated Resource and Resilience Plan that takes into consideration public comments, if any.

(2) The Commission may approve the Integrated Resource and Resilience Plan if, acting in accordance with the regulatory principles and any administrative determinations, it considers that the final draft Integrated Resource and Resilience Plan is the best approach to meeting the purposes of this Act and complying with Government policy.

(3) A notice of approval of the Integrated Resource and Resilience Plan must be sent to the network licensee by registered mail or registered electronic mail and published in the *Gazette*.

Publication of Integrated Resource and Resilience Plan

53. The Commission shall publish and maintain an Integrated Resource and Resilience Plan approved under section 51 on its official website for the period during which it applies.

*Division 7**Rights and Obligations of Consumer***Rights of consumer**

54. Without prejudice to any other right contained in the contract between the consumer and the licensee providing the electricity service to the consumer, the consumer has the right to —

- (a) be informed by the licensee of the rights and obligations of the licensee under the licence;
- (b) receive an electricity service which complies with the minimum standards of the quality of the electricity supply service and environmental performance, provided for under this Act;
- (c) receive a monthly bill in writing from the licensee sent by post to the postal address supplied by the consumer, or where agreed with the licensee sent via electronic means agreed with the consumer, detailing the charges incurred by the consumer for the electricity supplied, the levy, if

any and the rate applied to the consumer for the electricity service;

- (d) access the contents of a licence and receive a copy of a licence or part of a licence on payment of the prescribed fee to the Commission; and
- (e) make a claim to the Commission against a licensee in accordance with the terms of the licence in the event that the consumer and the licensee are not able to resolve the claim.

Obligations of consumer

55.—(1) Without prejudice to an obligation contained in the contract between a consumer and the licensee providing an electricity service to the consumer, the consumer shall —

- (a) in accordance with the applicable tariff, pay for the electricity service —
 - (i) provided or made available, and
 - (ii) consumed;
- (b) pay the levy, if any;
- (c) pay a security deposit;
- (d) comply with the technical regulations issued by the Authority related to electricity service connections and the maintenance of internal facilities;
- (e) allow the licensee to install a meter to measure the consumer's production or other meters and infrastructure on the property where the electricity service is to be made available to the consumer in a location which complies with the standards set for that purpose under this Act and agreed between the licensee and the consumer;
- (f) keep the meter located on his or her property in good condition, fair wear and tear excepted;

- (g) report a damaged, defective or malfunctioning meter to the licensee as soon as the damage, defect or malfunction occurs or becomes known to the consumer; and
- (h) permit the licensee or its agents and employees to read the meter in accordance with the terms established in the licence.

(2) Where a consumer fails to comply with subsection (1), after having been given the prescribed notice, to comply with subsection (1), the licensee may subject to subsections (3), (4) and (5) —

- (a) apply the security deposit paid to the arrears;
- (b) suspend the electricity service to the customer;
- (c) require a replenishment of the security deposit to cover two months estimated consumption prior to reconnection of the electricity service;
- (d) request the submission of a payment plan within fourteen days of receipt of the notice.

(3) A payment plan under subsection (2)(d) must contain the —

- (a) total amount of the arrears;
- (b) number of installations required to pay off the arrears;
- (c) due date for the payment of the ongoing installations under paragraph (b); and
- (d) amount of each installation;
- (e) period for settlement of the arrears including the commencement date and end date;
- (f) arrangements for payment of the monthly consumption on the due date.

(4) Where a consumer fails to comply with subsection (2)(d), the consumer is liable for the payment of the arrears together with interest at the prevailing rate set by the Eastern Caribbean Supreme Court.

(5) Within fourteen days of receipt by the licensee, the consumer and the licensee shall negotiate the payment plan.

(6) Where the consumer is the Water and Sewerage Company or a Government agency and notwithstanding this section, the licensee may set-off in whole or in part the amount of the arrears against sums due by the licensee to the Government if the Government holds, controls, has custody of monies belonging to the licensee and is due to make payment to the licensee.

(7) Where a consumer fails to submit a payment plan under subsection (2)(d), the consumer and the licensee fails to negotiate under subsection (5), there are insufficient funds for set-off under subsection (6) or a dispute arises in respect of the payment plan or negotiation, the consumer or the licensee may, in writing, refer the matter to the Commission.

(8) Within fifteen days of receipt of the matter under subsection (7), the Commission shall issue a payment plan to the consumer and licensee and the payment plan issued by the Commission under this subsection is binding on the consumer and the licensee.

(9) The licensee may, with the leave of the Court, make an application for the payment plan issued under subsection (8) to be enforced in the same manner as a judgement or order.

(10) Nothing in this section prevents the licensee from pursuing legal rights to recover the arrears owed by a consumer before a court of competent jurisdiction.

(11) In this section, “Government agency” means a Ministry or department responsible for —

- (a) security;
- (b) medical facilities;
- (c) fire prevention.

Division 8

Tariff Scheme, Tariff, Tariff Review, Subsidies and Levy

Tariff scheme and tariff

56.—(1) The Commission shall in accordance with subsection (2) —

- (a) establish a prescribed tariff scheme for the electricity service provided by a network licensee that includes —

- (i) the consumer classes relating to the tariff,
 - (ii) the tariff components, and
 - (b) revise an existing tariff scheme in accordance with the modifications approved by the Commission for an electricity service.
- (2) A tariff scheme for a network licensee must be based on the following general principles —
- (a) a tariff must recover —
 - (i) the efficiently incurred costs of the electricity service, and
 - (ii) a reasonable return on capital;
 - (b) the costs under paragraph (a) are determined on a forward-looking basis for a specific regulatory period using the prescribed methodology;
 - (c) a tariff scheme must be accurate, explicit and elaborated in a manner that makes it easily understood, and must be made available to consumers;
 - (d) subject to paragraph (f), a tariff must not be discriminating, in the sense that consumers in the same class are treated equally;
 - (e) a tariff scheme must not penalize —
 - (i) the network licensee for past gains and benefits resulting from optimized costs, associated with efficiency increases in excess of the costs considered in the previous tariff review,
 - (ii) the Government or users for past losses resulting from higher costs than the costs considered in the last tariff review if the costs are under the control of the network licensee and considered in periodic tariff adjustments; and
 - (f) when demand permits, different tariffs may be established for differing localities, time of day, seasons, classes of consumers, amounts of the electricity provided if the costs of the electricity service justify;

- (g) a tariff scheme may permit the granting of a direct subsidy or a cross subsidy.

(3) The Commission shall publish the details of a tariff scheme established under subsection (1)(a) in the *Gazette*, on the website managed by the Commission and in at least a newspaper in general or weekly circulation in Saint Lucia, by any media or electronic means.

Types of tariff reviews

57. The Commission shall carry out, in relation to an electricity service of a network licensee —

- (a) a scheduled tariff review under section 58;
- (b) a periodic tariff adjustment under section 59; and
- (c) an extraordinary tariff review under section 60, which will be considered by the Commission in approving a tariff or a tariff scheme or a modification of a tariff scheme in the prescribed manner.

Scheduled tariff review

58.—(1) The Commission shall, in respect of a network licensee and subject to subsection (2), carry out and complete the prescribed scheduled tariff review, and if necessary, modify the network licensee's tariff scheme including the level of the tariffs and the tariff structure from the date of commencement of the licence of that network licensee.

(2) A scheduled tariff review must review all the components of the tariff determination, such as demand, investments, operational costs, financing cost of capital and performance targets.

(3) Where a scheduled tariff review is conducted after an extraordinary tariff review, the tariffs determined in the scheduled tariff review have effect for the duration of the regulatory period and are subject to the periodic tariff adjustment.

(4) A scheduled tariff review must be initiated at least nine months before the end of the regulatory period and concluded fifteen days before the beginning of the regulatory period and must be conducted according to the information exchange, validation and stakeholder consultations approved by the Commission.

Periodic tariff adjustment

59. The Commission shall in, respect of a network licensee carry out the prescribed periodic tariff adjustment in order to determine the tariff adjustment which may be required by the network licensee and approved or modified by the Commission.

Extraordinary tariff review

60. An extraordinary tariff review —

- (a) may be carried out by the Commission and required by the licensee, Government or the Commission if it is demonstrated that an unforeseen event, for which the licensee is not responsible, has a positive or negative impact on the revenues to recover the economic costs of the service determined at the last scheduled tariff review that exceeds ten percent;
- (b) must be initiated not less than nine months before the beginning of the next regulatory period;
- (c) must include the review of the components of tariff determination for a scheduled tariff review.

Direct subsidy

61.—(1) A direct subsidy for the provision of an electricity service may be applied to ensure that certain low-income customers have access to a lifeline electricity consumption level as determined by the Government.

(2) Cabinet may, on the advice of the Commission and by Order published in the *Gazette*, determine the direct subsidy and the conditions under which it applies.

(3) An Order under subsection (2) must specify the category of consumers to whom a direct subsidy applies and the precise extent of the direct subsidy.

(4) The Commission shall —

- (a) review not less than annually the operation of a direct subsidy;

- (b) based on the result of a review under paragraph (a) make recommendations to Cabinet that it considers appropriate regarding the termination or continuation of, or an amendment to, the direct subsidy.

(5) Subject to subsection (2), Cabinet may by Order published in the *Gazette* terminate, continue or amend an existing direct subsidy.

Cross subsidy

62.—(1) A cross subsidy between residential customers for the provision of an electricity service may be applied to ensure that certain categories of residential customers have access to a lifeline consumption level as determined by the Government.

(2) Cabinet may, on the advice of the Commission and by Order published in the *Gazette*, determine the cross subsidy and the conditions under which it applies.

(3) An Order under subsection (2) must specify the category of domestic consumers to whom a cross subsidy applies and the precise extent of the cross subsidy.

(4) The Commission shall —

- (a) review not less than annually the operation of a cross subsidy;
- (b) based on the result of a review under paragraph (a) makes recommendations to Cabinet that it considers appropriate regarding the termination or continuation of, or an amendment to, the cross subsidy.

(5) Subject to subsection (4), Cabinet may by Order published in the *Gazette* terminate, continue or amend an existing cross subsidy.

(6) An existing cross subsidy may be amended to allow for its progressive reduction or terminated under subsection (5) if it is not socially justified.

Levy

63.—(1) A levy to be known as the electricity services levy may be charged to each consumer for the provision of an electricity service.

(2) Cabinet may, on the advice of the Commission, by Order published in the *Gazette*, determine the amount of the levy in relation to a licensee.

(3) A network licensee shall state the amount of the levy in the monthly invoice of each consumer and the levy shall be collected by the network licensee.

(4) A network licensee shall submit the levy to the Commission within twenty-eight days of collection and the levy shall form part of the revenue of the Commission in accordance with section 28(1) (b) of the National Utilities Regulatory Commission Act, Cap. 9:01.

(5) Where a network licensee fails to comply with subsection (4), the network licensee is liable for the payment of the levy together with interest at the prevailing banking rate for a regular savings account set by the Eastern Caribbean Central Bank.

Division 9
Competition

Interpretation: Division 9

64.—(1) In this Division —

“anti-competitive arrangement” —

- (a) means an arrangement under section 65(2);
- (b) does not include an arrangement under section 66;

“arrangement” —

- (a) means a type of arrangement, agreement, and understanding;
- (b) in relation to an arrangement made by a licensee, includes, a decision by an association of licensees and a concerted practice involving licensees;
- (c) includes an arrangement where a licensee acquires the whole or substantial part of the assets of another licensee;

“company” means a body corporate incorporated with or without limited liability in any part of the world;

“hinder”, in relation to competition, —

- (a) means prevent, restrict or distort competition; or,
- (b) includes an attempt to prevent, restrict or distort competition;

“make an arrangement” includes enter into an understanding;

“price” includes a charge, discount or margin or any other element of a price;

“publish”, in relation to information, means publish in the *Gazette* and another manner that is likely to bring the information or how the information may be obtained to the attention of the public.

(2) A merger or acquisition occurs for the purposes of this Division if —

- (a) two or more licensees that were previously independent of one another merge; or
- (b) a person who controls a licensee acquires direct or indirect control of the whole or part of another licensee;
- (c) on the creation of a joint venture being an electricity service —
 - (i) carried on jointly by two or more licensees, whether or not in partnership, or
 - (ii) carried on by a company formed by two or more licensees,

to enable the licensees to carry on that electricity service jointly by means of joint control of the company or by means of ownership of shares in the capital of the company.

(3) Control in relation to a licensee exists if decisive influence is capable of being exercised with regard to the activities of the licensee.

(4) In determining if the influence under subsection (3) exists all the circumstances are to be taken into account and not just the legal effect of an instrument, deed, transfer, assignment or other act done or made.

Application to employment contracts exempted

65. Nothing in this Division applies to *bona fide* arrangements involving employers and employees relating to contracts of employment.

Prohibition on hindering competition

66.—(1) Except as otherwise provided by this Division, a licensee shall not make an arrangement with one or more other licensees that has the object or effect of hindering competition in the electricity services sector within Saint Lucia or any part of Saint Lucia.

(2) Subsection (1) applies, in particular, to an arrangement if its object or effect is to —

- (a) directly or indirectly fix purchase or selling prices for electricity or any other trading conditions;
- (b) limit or control production, markets, technical development, investment or sources of supply;
- (c) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage; or
- (d) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by nature or according to commercial usage, have no connection with the subject of the contracts.

(3) An arrangement may be prohibited under subsection (1) if not every party to it is a licensee as long as at least two are parties to the arrangement.

Mergers and acquisitions excluded

67. An arrangement is not an anti-competitive arrangement if it is entered into for the purpose of or as part of a merger or acquisition.

Abuse of dominant market position

68.—(1) Except as otherwise provided by this Division, an abuse by one or more licensees of a dominant position in the electricity services is prohibited.

(2) An abuse of a dominant position may, in particular, consist in —

- (a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;
- (b) limiting generation, markets or technical development to the prejudice of consumers;
- (c) applying dissimilar conditions to equivalent transactions with other trading parties and placing the parties at a competitive disadvantage;
- (d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations that by nature or according to commercial usage have no connection with the subject of the contracts.

(3) For the purpose of this section an abuse of a dominant position consists of a failure or refusal to do something.

(4) A merger or an acquisition involving a licensee having a dominant position in a market is not an abuse of that dominant position contrary to this section.

Mergers or acquisitions not to be executed without approval

69.—(1) A licensee shall not execute a merger or acquisition except and in accordance with the approval of the Commission.

(2) An application for approval for a merger or an acquisition under subsection (1) must —

- (a) be made at the time the Commission determines;
- (b) be in the prescribed form;
- (c) contain or be accompanied by the information and documents the Commission requires relating to the merger or acquisition, the licensees and other persons involved in it and the electricity service, in each case verified in the manner the Commission requires; and
- (d) be accompanied by the prescribed non-refundable application fee.

(3) On receipt of an application under subsection (2) and before determining an application the Commission may request the applicant to provide additional information or documents the Commission may need to enable it to determine the application, verified in the manner the Commission requires.

Grant or refusal of approval

70.—(1) On an application under section 68, the Commission may, within seven days, approve the merger or acquisition, with or without conditions or refuse to approve the merger or acquisition.

(2) The Commission shall approve a merger or acquisition under this section in writing and the approval may contain conditions of a continuing nature and, if expressed to be so, is binding on and enforceable against —

- (a) a party to the merger or acquisition;
- (b) any commercial entity formed as a result of the merger or acquisition; or
- (c) a director or other officer of a party or entity under paragraph (a) or (b).

(3) The Commission may refuse to approve a merger or acquisition —

- (a) if it is satisfied that the merger or acquisition substantially lessens competition in the electricity services sector, in Saint Lucia;
- (b) if the information or document it has requested in connection with the application for the approval is not provided to it within a reasonable time of being requested.
- (c) in writing and the refusal must specify the reasons for the refusal.

(4) The Commission shall publish a decision it makes under this section in the *Gazette* and in at least a newspaper in general or weekly circulation in Saint Lucia, by any media or electronic means.

(5) The Commission may exempt a merger or an acquisition if it is satisfied that there are exceptional and compelling reasons of public interest that make it desirable to do so.

(6) The Commission shall publish its reasons for granting or refusing to grant the exemption, in the *Gazette* and in at least a newspaper in general or weekly circulation in Saint Lucia, by any media or electronic means.

Anti-competitive arrangements

71. Notwithstanding this Division, an anti-competitive arrangement made prior to, and in force immediately before, the commencement of this Act shall not be prohibited until the expiry of six months from the date of commencement of this Act.

Division 10 *Enforcement*

Major events

72. Where there is a major event, the licensee providing the electricity service shall, immediately on becoming aware of the major event, inform the Commission in writing, its consumers, directly if possible and through television, radio, the print media, and other public media or means of public communication, indicating —

- (a) the preventive measures to be taken;
- (b) the problem that caused the lowering of the quality of the electricity service;
- (c) the reason the problem arose;
- (d) the measures being, and to be, taken by the licensee to restore the stipulated minimum electricity service and quality level; and
- (e) the estimated time and expense needed for the measures to restore under paragraph (d), and

the Commission shall, where it considers appropriate, direct the licensee in accordance with section 6 and the licensee shall comply with the directions of the Commission.

Breach of licence

73.—(1) A licensee is in breach of a licence if it —

- (a) unreasonably or without **just** cause —
 - (i) interrupts the provision of its electricity service,
 - (ii) withholds permission for interconnection services;
- (b) does not inform the Commission under section 71;
- (c) does not comply with the tariff scheme;
- (d) fails to comply with this Act, the Regulations or the licence.

(2) When an allegation of breach under subsection (1) has been made to the Commission by a person aggrieved, or where the Commission reasonably suspects that a licensee is in breach of its licence, the Commission shall conduct an investigation into the allegation or suspicion under this Act and section 6(3) of the National Utilities Regulatory Commission Act, Cap. 9.01, and if the Commission finds that —

- (a) the person's allegations or its suspicions are substantiated, the Commission shall notify the licensee of its findings and, where it considers appropriate, issue directions to the licensee —
 - (i) requesting the licensee to take remedial action and stipulating a time period within which the remedial action is to be completed, and
 - (ii) requesting the licensee to compensate a consumer for foreseeable damages caused to that consumer by the breach within a specific time period;
- (b) the person's claim is frivolous or vexatious, it shall terminate its investigations and the person bringing the claim is liable for the cost incurred including costs incurred by the licensee and the Commission.

(3) Without limiting section 38 of the National Utilities Regulatory Commission Act, Cap. 9.01, a licensee who fails to comply with a direction given by the Commission under subsection (2) commits an offence and is liable on conviction on indictment to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding eleven years or to both.

(4) It is a defence for a licensee charged with an offence under subsection (3) to prove that the direction of the Commission was impossible or unreasonable to achieve.

Remedial action, suspension or revocation of licence

74. Where a licensee fails to comply with a direction given by the Commission under section 72 or 73, the Commission may —

- (a) utilize the security or part of the security held by way of guarantee under section 17(4)(h) for the execution of the remedial action or payment of compensation for foreseeable damages caused by the breach;
- (b) suspend or revoke the licence under section 20 and vary the terms of the licence; or
- (c) request a report from the licensee.

Removal or sale of goods from land designated in a licence

75.—(1) The Commission may require a licensee who holds a licence that has expired, been surrendered, or revoked to remove from the land designated in the licence goods belonging to the licensee including the plant, machinery, engines or tools, within a reasonable time and if the goods are not removed within a reasonable time, the goods may be sold by the Commission by auction at the risk of the licensee.

(2) The net proceeds of the sale conducted under this section shall be held by the Commission until applied for by the licensee or may be used in the repair of breaches or faults not made good by the licensee and for the payment of the costs incurred in conducting the sale.

Offences in respect of electricity and electricity service

76.—(1) A person shall not —

- (a) knowingly or willfully cause an apparatus belonging to, or connected with a licensee or an electricity service to be out of repair or to be used or contrived in a way that the electricity supplied to that person is or is likely to be wasted, misused, unduly consumed or its power quality impaired;
- (b) remove or tamper with a gauge, meter, measuring instrument, level, mark, or other appliance forming part of the electricity service;
- (c) damage a part of the electricity supply infrastructure;
- (d) commit an act which by itself or with other acts, impedes or interrupts, or is calculated to impede or interrupt the flow of the supply of electricity;
- (e) obstruct the lawful execution or implementation of this Act or the Regulations;
- (f) discharge a substance the composition of which damages the quality of a source of electricity used for electricity services; or
- (g) use an environment for a purpose that may jeopardize the public health or alter the chemical or bacteriological balance of the electricity supply system.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both.

(3) Where damage infrastructure results from the commission of an offence under this section, the Court may, in addition to the punishment imposed under subsection (2), order the person convicted under that subsection to pay compensation to the licensee.

Offence of obstructing

77.—(1) A person shall not obstruct —

- (a) a member, officer or staff of the Commission of a power or function conferred by this Act; or
- (b) a licensee in the performance of an obligation conferred by this Act.

(2) A person who contravenes subsection (1) 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 one year or to both.

Criminal liability for damage and wrongful service connection

78.—(1) A person shall not —

- (a) damage, remove, disconnect or alter or cause to be damaged, removed, disconnected or altered an electric line, conduit, switch, fuse, meter or other apparatus or facilities of a licensee;
- (b) alter the index of a meter belonging to a licensee or otherwise prevent that meter from correctly registering the quantity of electricity supplied by the licensee;
- (c) fail to report damage to the facilities or alterations to a meter belonging to a licensee of electricity supplied by the licensee; or
- (d) connect to an electrical line, conduit, switch, fuse or meter or a device capable of wrongfully abstracting, diverting, consuming or using electricity or of preventing a meter from correctly registering a quantity of electricity supplied by a licensee.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both.

(3) Where there exists on any premises or land a device capable of wrongful abstracting, diverting, consuming or using electricity

or of preventing a meter from correctly registering a quantity of electricity supplied by a licensee, the burden of proof lies on the person charged to prove that the person has not unlawfully diverted or has not unlawfully prevented a meter from registering a quantity of electricity supplied by the licensee.

(4) Without prejudice to subsection (2) —

- (a) the court may order that the licensee recover any consumption of electricity that is unpaid and the amount of damage sustained by the licensee from a person convicted under that subsection; and
- (b) the licensee may discontinue the electricity service to that person until the licensee receives the amount ordered by the court to be recovered under paragraph (a).

False or misleading information

79.—(1) A person shall not knowingly give false or misleading information to the Commission.

(2) A person who contravenes subsection (1) commits an offence and is liable to the penalty under section 41(1) of the National Utilities Regulatory Commission Act, Cap. 9.01.

Failure to attend to give evidence

80.—(1) A person shall not —

- (a) refuse or fail, without reasonable excuse, to appear before the Commission, having been required to do so; or
- (b) refuse to take an oath or make an affirmation having appeared before the Commission as a witness.

(2) A person who contravenes subsection (1) commits an offence, and is liable, to the penalty under section 42(2) of the National Utilities Regulatory Commission Act, Cap. 9.01.

Division 11
General

Permission under other laws

81. A licence issued under this Act does not have the effect of dispensing with the necessity of obtaining permission where such permission is required under any other law in force in Saint Lucia.

Exemption from taxes

82.—(1) Cabinet may, by Order published in the *Gazette*, after consultation with the Commission, grant exemptions or reliefs from taxes to a licensee or a category of licensee.

(2) An Order made under subsection (1) must specify —

- (a) the tax exemptions and reliefs granted;
- (b) the termination date of each tax exemption and relief;
- (c) any other conditions specified by Cabinet.

(3) Where a licensee fails to comply with the conditions specified in an Order made under this section —

- (a) Cabinet may by Order published in the *Gazette* revoke or suspend the first mentioned Order; and
- (b) tax reliefs or exemptions as were specified in the first mentioned Order is suspended or terminated, with effect from the date specified in the Order.

Acquisition, vesting and divesting of lands required for electricity services

83.—(1) In accordance with the provisions of the Constitution of Saint Lucia, Cap. 1.01 and the Land Acquisition Act, Cap. 5.04, the Governor General may, compulsorily acquire land required for an electricity service and may exercise powers in relation to the acquisition of that land.

(2) The Governor General may, in accordance with the Crown Lands Act, Cap. 5.02 and on such terms and conditions as the Governor General determines, vest in a person the lands required for an electricity service belonging to or held in trust for the Crown or acquired for use of the Government and vested in the Governor General.

(3) This section does not prejudice the right of a person having an interest in land acquired under subsection (1) within the provisions of the Land Acquisition Act, Cap. 5.04 and the Constitution of Saint Lucia, Cap. 1.01.

(4) The Minister may, with the approval of Cabinet, by Order published in the *Gazette*, divest lands vested in a person under subsection (2) to the Crown or to another person specified in the Order.

Access to lands and road works

84.—(1) A licensee authorized in writing by the Department of Infrastructure, may with the permission of the landowner and at a reasonable time, enter on and survey land, other than land covered by buildings or used as a park, for the purpose of ascertaining whether the land is suitable for use by the licensee for, or in connection with, the establishment or the carrying on of the licensee's system for the electricity service.

(2) For the purpose of providing an electricity service, a licensee may lay, maintain or remove, a pole, line, apparatus or equipment or other facilities in or over a street or a public ground and shall repair and restore the street and public ground to the satisfaction of the Chief Electrical Engineer.

(3) Where a licensee fails to comply with subsection (2) within fourteen days of the laying, maintenance or removal, the Chief Electrical Engineer may cause the repairs to be done and the licensee is liable to the cost for the repairs or restorations.

(4) Where, in an exercise of the power conferred by this section —

(a) damage is caused to land or to chattels, a licensee shall make good the damage or pay to a person interested in the land or chattels compensation in respect of the damage;
or

(b) a person is disturbed in his or her enjoyment of land or chattels, the licensee shall pay to that person compensation in respect of the disturbance.

(5) In engaging in the inspection of land or installation or maintenance of poles, lines, apparatus, equipment or other facilities, a licensee shall take reasonable steps to act in accordance with good engineering practice, to protect the environment, to protect the safety

of persons and property, and to ensure that the activity interferes as little as practicable with the operations of a public utility, public roads and paths, the movement of traffic, and the use of land.

(6) A licensee who engages in an activity under subsection (1) or (2) shall ensure that a facility installed over a road, bridge, path or navigable water is installed in a way that allows reasonable passage by persons, vehicles and vessels.

(7) Where a licensee fails to comply with this section the Commission may suspend or revoke a licence under section 19.

Dispute resolution

85. Section 39 of the National Utilities Regulatory Commission Act, Cap. 9.01 applies to disputes arising in respect of this Act.

Division 12 *Self-Generation Licence*

Requirement for a self-generation licence

86.—(1) A self-generator shall not connect his or her generation system to the public grid of a network licensee unless —

- (a) that self-generator holds a valid self-generation licence under this Act; and
- (b) the cumulative generation capacity of the generation system does not exceed the amount specified and published in the *Gazette* by the Commission.

(2) A self-generator whose generation system is interconnected to the public grid of the network licensee and fails to apply for a self-generation licence under this section commits an offence and is liable on summary conviction to a fine not exceeding fifteen thousand dollars, and if the offence for which he or she is convicted continues, the self-generator is liable to a fine not exceeding five thousand dollars for each day on which the offence continues.

Application for a self-generation licence

87. A self-generator may make an application for a self-generation licence in the prescribed form to the Commission, and accompanied by the prescribed fee.

Application procedure

88. The Minister may, on the advice of the Commission, prescribe the procedures which must be followed by a person who applies for a self-generation licence under section 86.

Grant or refusal of self-generation licence

89. The Commission may grant a self-generation licence if granting the licence would not result in the cumulative installed capacity of the renewable energy electrical generation system of all self-generation licensees being in excess of an amount **specified by the Commission under section 85(1)(b).**

Issue of self-generation licence

90. On application and payment of the prescribed fee, the Commission may, issue a self-generation licence with or without conditions, under this Act, Regulations, and the procedures under section 87.

Validity of self-generation licence

91. A self-generation licence is valid for a period not exceeding five years.

Renewal of self-generation licence

92. A self-generation licence may be renewed for the period specified in the self-generation licence.

Modification, suspension or revocation

93. The Commission may —

- (a) modify, suspend, or revoke a self-generation licence where a condition attached to the licence is breached;
- (b) revoke a licence if a self-generator is using its electrical plant in a manner not authorized by the terms and conditions of the self-generation licence.

PART II
ELECTRICAL LICENSING

Interpretation: Part II

94. In this Part —

“apparatus” —

- (a) means electrical apparatus;
- (b) includes apparatus, machines, consuming devices in which conductors are used or of which conductors form a part;

“assistant electrical inspector” means an assistant electrical inspector appointed under section 95(2);

“authorized person” means —

- (a) a person employed, appointed or selected by a network licensee;
- (b) the management or the owner of an installation or by a contractor to carry out duties incidental to the generation, transformation, distribution or use of electricity;

“circuit” means an electrical circuit forming a system or branch of a system;

“conductor” means an electrical conductor arranged to be electrically connected to a system;

“danger” —

- (a) means a risk to health or to human life or limb from shock, burn or other injury resulting from the generation, transformation, distribution or use of electricity;
- (b) includes endangerment to property from fire;

“electrician” means a person who holds a valid electrical licence issued under this Act authorizing the person to wire premises for electricity;

“electrical licence” means a licence issued under this Part permitting an electrical licensee to operate or work an installation;

“electrical licensee” means a person who is the holder of a valid electrical licence issued under this Part;

“generator” means a dynamo of any type for the generation of electricity;

“installation” means the plant, apparatus or works designed for the supply or use of electricity, under one ownership and where management is prescribed, in charge of the same management, including prime movers, if any, with all necessary plant and buildings, in this connection, electric supply lines and consuming apparatus, if any;

“linesperson” means a person who holds a valid electrical licence issued under this Part authorizing the person to construct or install transmission or distribution lines including equipment and accessories necessary to ensure the safe and effective function of the line for the purpose of conducting electricity;

“main” means an electric line through which electricity may be supplied by the network licensee for the purpose of general supply of electricity;

“management” means the person placed in charge of an installation;

“member” means a member of the Board appointed under section 106;

“pressure” means the difference of electrical potential between two conductors or between a conductor and the earth, as read by a standard volt meter;

“private safety” means the obviating of danger to individuals or to private property;

“public safety” means the obviating of danger to the general public, to public property and to roads, streets, wharves, piers, bridges, water-works and their appurtenances and telegraphic, telephonic and other electrical signaling lines;

“prime mover” means a machine supplying power to a generator for the purpose of generating electricity;

“service line” means an electric line through which energy may be supplied by the network licensee to a consumer from any main or directly from the premises of the network licensee;

“system” —

(a) means an electrical system in which conductors and apparatus are electrically connected to a common source of voltage; and

(b) includes the apparatus and conductors under paragraph (a);

“transformation” includes the transformation of pressure up or down by static, rotary or electro-chemical means;

“registered medical practitioner” means a person registered under the Health Practitioners Act, Cap. 11.06;

“works” includes electric lines, buildings, machinery, engines, works, matters or things of whatever description required to supply electricity.

Division I

Chief Electrical Engineer and Assistant Electrical Inspectors

Chief Electrical Engineer and assistant electrical inspectors

95.—(1) The Chief Electrical Engineer is responsible for verifying, inspecting, testing and certifying installations, electrical plant, apparatus, works and to perform other duties specified in this Act.

(2) The Chief Electrical Engineer shall be assisted by such number of assistant electrical inspectors appointed by the Public Service Commission as may be required to inspect installations, electrical plant, apparatus, works and to perform other duties specified in this Act.

(3) The Chief Electrical Engineer may charge the prescribed fees for the purposes of carrying out the functions of the Chief Electrical Engineer under this Act.

Periodical inspections

96.—(1) The Chief Electrical Engineer shall conduct —

- (a) at intervals the Chief Electrical Engineer considers fit, inspections during construction;
- (b) a final inspection on completion of an installation.

(2) An owner or occupier, management or other person in charge of an installation shall afford full facilities for an inspection under subsection (1) at reasonable times.

Extraordinary inspections

97.—(1) The Chief Electrical Engineer shall carry out an inspection of an installation at the request of the Commissioner of Police, Chief Fire Officer, the network licensee, or the occupier or owner, for the purposes of determining whether the installations meet the requirements of safety from personal injury or fire or otherwise to the satisfaction of the Chief Electrical Engineer and in accordance with the requirements of this Act.

(2) An owner or occupier, management or other person in charge of an installation shall afford full facilities for an inspection under subsection (1) at reasonable times.

Entry on premises

98.—(1) The Chief Electrical Engineer or assistant electrical inspectors may enter on premises in or on which an installation or apparatus may be at reasonable times for the purpose of inspecting an installation or apparatus.

(2) An owner or occupier, management or other person in charge of an installation shall afford full facilities for an inspection under subsection (1) at reasonable times.

(3) A person who obstructs the Chief Electrical Engineer or assistant electrical inspector under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

Procedure if installation does not comply with this Act

99.—(1) Where a supply of electricity is being afforded to a consumer by a network licensee, and the Chief Electrical Engineer, after making inspections and examinations as circumstances permit, and having reasonable grounds for believing that the installation does not comply with this Act or the installation causes interference to the supply to other consumers, or is in any way dangerous, the Chief Electrical Engineer shall —

- (a) serve notice, stating the defects in detail on the owner or occupier of the installation to have the defect remedied within a prescribed time, failing which the Chief Electrical Engineer shall request the network licensee to have the supply to the installation discontinued within twenty-four hours; or
- (b) disconnect the whole or part of the installation as a work of emergency in the interests of private safety or of public safety, or in order to avoid undue interference with the efficient supply of electricity to other consumers.

(2) A person shall not operate or use an installation or apparatus that is disconnected under subsection (1).

(3) An owner or occupier, management or other person in charge of an installation shall afford full facilities for an inspection under subsection (1) at reasonable times.

New, extended or replacement installation

100.—(1) A person shall not connect or operate a new installation or an extension or replacement of an existing installation to a public supply unless an inspection has been carried out and a certificate of approval is issued in respect of that new, extended or replacement installation under this section.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

Procedure in case of dangerous defect in installation or apparatus

101.—(1) An owner, occupier, management, or other person in charge of an installation or a consumer, on becoming aware of a defect in an installation or apparatus which is likely to cause danger, shall make a report in writing to the Chief Electrical Engineer as soon as is practicable and the Chief Electrical Engineer shall record the defect.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

(3) On receiving a report of a defect in an installation or apparatus which is likely to cause danger, the Chief Electrical Engineer shall inspect and make such examinations and tests and if necessary take the appropriate action under sections 96 and 97.

Notification of change of load conditions

102. A consumer shall notify the Chief Electrical Engineer and the network licensee of material changes intended to be made in the consumer's installation of load conditions and on notification the network licensee shall determine if a change in lines or other apparatus is necessary.

Liability of network licensee

103. The network licensee shall be responsible for all electric lines apparatus placed by the network licensee on the premises of a consumer and belonging to the network licensee or under their control, whether forming the whole or part of the consumers' installation or not, being installed and maintained in a safe condition, such lines and apparatus being of sufficient size and power and being so fixed and protected as to eliminate danger so far as reasonably practicable.

*Division 2**Electrical Licensing Authority***Continuation of the Licensing Authority**

104.—(1) The Licensing Authority appointed by Cabinet continues for the purpose of carrying out the functions specified in this Act as the Electrical Licensing Authority.

(2) In this section, “Licensing Authority” means the licensing Authority appointed by Cabinet under the Electricity Supply Regulations.

Functions and powers of the Authority

105.—(1) The functions and powers of the Authority include —

- (a) receiving, considering and determining applications for electrical licenses under this Part;
- (b) receiving and determining complaints against electrical licensees;
- (c) examining, testing, evaluating and licensing of electricians and linespersons;
- (d) monitoring and regulating of electricians or linespersons;
- (e) providing advice and making recommendations on issues related to electrical licensing;
- (f) specifying continuing education courses and activities for electrical licensees; and
- (g) any other function or power specified under this Part.

(2) Where the Authority reasonably suspects that an electrician or a linesperson is in breach of this Part or an electrical licence or where an allegation of breach is made to the Authority against an electrician or linesperson, the Authority may conduct an investigation it considers necessary in relation to the electrician or linesperson and may perform any of the following in the course of the investigation —

- (a) compel the production of documents and records in the custody or control of an electrician or a linesperson;
- (b) compel the appearance of an employee or officer of an electrician or a linesperson or another person for the purpose of ascertaining compliance with this Part or the electrical licence;
- (c) inspect, examine or make copies of a document or record in the possession of the electrician or linesperson relevant to the electrical licence;

- (d) require the verification of income and all other matters pertinent to the electrical licence;
- (e) inspect premises for the purpose of ascertaining compliance with this Part or the electrical licence; or
- (f) seize, remove or impound a document or record relating to the licence for the purposes of examination and inspection.

(3) The Authority has the power to do things necessary or convenient to be done for or in connection with the performance of its functions under this Part.

(4) In exercising the Authority's functions and powers under this section, the Authority —

- (a) may consult with the Commission, other statutory body or department of Government likely to be affected, and shall send to the Commission, other statutory body or department of Government likely to be affected, a copy of a report prepared by the Authority in consequence of an investigation conducted under subsection (2); or
- (b) secure the services of consultants, experts or resource persons in facilitation of an investigation under subsection (2).

Composition of the Board

106.—(1) The affairs of the Authority shall be managed by a Board comprising of seven members as follows —

- (a) a registered electrical engineer;
 - (b) an electrician;
 - (c) a representative of the St. Lucia Bureau of Standards;
 - (d) a representative of the Sir Arthur Lewis Community College or other accredited educational institute offering training, testing and examinations for electricians or linespersons;
 - (e) a representative of the Commission;
 - (f) a representative of the Company or network licensee;
- and

(g) the Chief Electrical Engineer.

(2) A member of the Board shall be appointed by the Minister on such terms and conditions as the Minister specifies in a member's instruments of appointment.

(3) Where under section 125 a vacancy exists in the membership of the Board, the Minister shall in accordance with this Part appoint a person to fill the vacancy.

(4) The Minister shall, by Notice published in the *Gazette*, give notice of the names of the members of the Board when the Board is first constituted and every change in the constitution of the Board.

(5) A person appointed as a member of the Board shall act in the public interest to carry out the purposes of this Part and not based on his or her personal or business interest.

Disqualification from being a member of the Board

107.—(1) A person is disqualified from being a member and is not eligible to be appointed as a member, or having been appointed, is not eligible to continue as a member if that person —

- (a) has filed for bankruptcy in a court or is declared by a court to be a bankrupt;
- (b) is declared by a court to be mentally incapacitated;
- (c) has been convicted of a criminal offence except where the offence —
 - (i) is a minor traffic offence, or
 - (ii) is spent in accordance with the Criminal Records (Rehabilitation of Offenders) Act, Cap. 3.13; or
- (d) is a member of Parliament.

(2) A decision of the Board taken at a meeting is not invalidated because a disqualified person sits at the meeting as long as there is the quorum required under section 117(6).

(3) Where a disqualified person sits at a meeting of the Board, the Board may review and amend its decision within two months of that decision being made.

Chairperson and Deputy Chairperson

108.—(1) The Minister shall appoint the registered electrical engineer as the Chairperson of the Board.

(2) The members shall designate one of their number as the Deputy Chairperson of the Board.

(3) Where the Chairperson is absent, the Deputy Chairperson shall have all the powers of the Chairperson.

(4) The Minister shall by publication in the *Gazette* and in at least two newspapers in general and weekly circulation in Saint Lucia give notice of an appointment or designation made under this section.

Terms of appointment

109. The appointment of a member is, for a period of not less than three years or more than seven years, subject to —

- (a) eligibility for reappointment for a further term not exceeding two consecutive terms; and
- (b) staggering of appointments, unless the member resigns under section 121 or the member's appointment is revoked under section 122.

Chief Electrical Engineer as Secretary to the Board

110.—(1) The Chief Electrical Engineer is the Secretary to the Board.

(2) Notwithstanding the generality of subsection (1), the Chief Electrical Engineer shall —

- (a) perform all the functions entrusted to him or her under this Part or by the Authority;
- (b) be an ex-officio member; and
- (c) attend meetings of the Authority unless directed otherwise by the Chairperson and has no voting rights in the meeting.

Authority to regulate its own procedures

111. Subject to this Act, the Authority shall regulate its own procedures and may make rules to regulate its own procedures.

Directions by the Minister

112. The Minister may give directions in writing to the Authority of a general policy nature and the Authority shall comply with the directions.

Delegation

113. The Board may, for the purpose of carrying out its functions under this Part, delegate, in writing to one or more of its members or to the Chief Electrical Engineer, the power to carry out on behalf of the Authority the functions the Authority determines except the functions specified in section 105(1)(a) and (b).

Oath of secrecy and confidentiality

114.—(1) A member is required to take the prescribed oath of secrecy.

(2) Subject to subsection (3), a member shall not disclose to another person information that the member has acquired in the course of his or her duties or in the exercise of the Authority's functions under this Part relating to —

- (a) the affairs of the Authority;
- (b) an application submitted to the Authority under this Act;
- (c) the business affairs of an electrician or linesperson; or
- (d) the affairs of a customer or client of an electrician or linesperson.

(3) Subsection (1) does not apply to a disclosure —

- (a) in respect of the business affairs of an electrician or linesperson or of a customer or client of an electrician or linesperson, with the consent of the electrician, linesperson or customer or client, which consent has been voluntarily given;
- (b) for the purpose of enabling or assisting the Authority in exercising a function conferred on it under this Part;
- (c) if the information disclosed is or has been available to the public from another source;

- (d) where the information disclosed is in a summary or in statistics expressed in a manner that does not enable the identity of an electrician or linesperson or a customer or client of an electrician or linesperson, to which the information relates, to be ascertained;
- (e) lawfully made to a person with a view to the institution of, or for the purpose of —
 - (i) criminal proceedings, or
 - (ii) disciplinary proceedings relating to the discharge of duties by a member of the Authority;
- (f) for the purposes of legal proceedings pursuant to a court order in connection with the electrician or linesperson.

(4) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding two years or to both.

Seal

115.—(1) The Authority shall have an official seal.

(2) The affixing of the official seal of the Authority shall be in the presence, and witnessed by —

- (a) the signature of the Chairperson or the Deputy Chairperson;
and
- (b) the signature of the Chief Electrical Engineer.

(3) All documents, other than those required by law to be under seal, which are executed by, and all decisions of, the Authority shall be signed by —

- (a) the Chairperson or another member authorized in writing by the Chairperson to act on behalf of the Chairperson;
and
- (b) the Chief Electrical Engineer.

Principal place of business

116. The Authority shall establish and maintain an office and principal place of business within Saint Lucia.

Service of documents

117. The service of documents on the Authority is effective if delivered at the principal place of business of the Authority.

Meetings

118.—(1) The Board shall meet at least once a month as far as possible and at the times as may be necessary or expedient for the transaction of business of the Board.

(2) A meeting of the Board shall be held at the place the Chairperson determines.

(3) The Chairperson may call a special meeting of the Board and shall cause a special meeting to be held within seven days of a written request for that purpose addressed to the Chairperson by any three members.

(4) The Chairperson and another member is deemed to be present at a meeting of the Board if the Chairperson or the other member participates by telephone, video link, satellite, or electronic means and all members participating in the meeting are able to hear and to speak to each other.

(5) At a meeting of the Board —

- (a) the Chairperson shall preside;
- (b) if the Chairperson is not present, the Deputy Chairperson shall preside; or
- (c) if the Chairperson or the Deputy Chairperson is not present, the members present shall choose one of their number to preside.

(6) A meeting of the Board is constituted if at the meeting there is a quorum of not less than five members participating in the meeting.

(7) Decisions of the Board are taken by a simple majority of votes of members present and voting at the meeting.

(8) The Chairperson has an original vote and in cases of equal division the Chairperson has the casting vote.

(9) The Board may co-opt a person to attend a particular meeting of the Board at which it is proposed to deal with a particular matter, for the purpose of assisting or advising the Board, and a co-opted person does not have the right to vote.

(10) Minutes of each meeting of the Board shall be recorded and kept by the Secretary to the Board.

Declaration of interest and abstention from voting

119.—(1) A member who directly or indirectly, has a pecuniary or other interest in a matter before the Board shall declare the nature of his or her interest at the first meeting of the Board at which it is practicable to do so.

(2) Where a member declares an interest under subsection (1), the member shall leave the meeting on the matter coming up for discussion and shall not receive any other communication on the matter.

(3) A declaration and the departure of a member from the meeting in accordance with subsection (1) must be noted in the minutes of the meeting.

(4) A member shall not —

- (a) contravene subsection (1);
- (b) vote in respect of a matter before the Board which he or she is interested, whether directly or indirectly; or
- (c) seek to influence the vote of another member in relation to a matter before the Board in which he or she is materially interested, whether directly or indirectly.

(5) A member who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding one year or to both.

Protection from liability

120.—(1) The Authority is not liable for the acts of an electrician or linesperson.

(2) An action or proceedings shall not lie against the Authority, the Board or a member in respect of an act done or omitted to be done in good faith in the exercise or purported exercise of functions under this Part except in cases of personal injury.

(3) The Government shall indemnify a member for the legal cost of defending an action in respect of an act done or omitted to be done in good faith in the exercise or purported exercise of the functions of the Authority under this Part.

Resignation

121.—(1) A member, other than the Chairperson, may resign his or her office by giving two weeks notice in writing addressed to the Minister through the Chairperson.

(2) The Chairperson may resign from his or her office by giving four weeks notice in writing addressed to the Minister.

Revocation

122. The Minister may, in writing, revoke the appointment of a member if, on evidence, the Minister is satisfied that the member —

- (a) is disqualified from being a member under section 110;
- (b) is unable to perform the functions of his or her office;
- (c) is guilty of misconduct;
- (d) has been disqualified or suspended on grounds of misconduct, by a competent authority, from practicing a profession;
- (e) has failed to attend three consecutive meetings of the Board or five meetings of the Board in the aggregate during a twelve-month period of his or her term of appointment, without presenting a medical certificate or without being excused by the Minister in writing, in the case of the Chairperson or by the Chairperson in writing in the case of another member;

- (f) is no longer eligible to be a member on grounds of national security.

Vacancy

123.—(1) The office of a member is vacated —

- (a) on the death of the member;
- (b) if the member becomes disqualified under section 110;
- (c) if the member resigns under section 124;
- (d) if the Minister revokes the appointment of the member under section 125;
- (e) on the expiry of the term of appointment of the member.

(2) A decision of the Board taken at a meeting is not invalidated because there is a vacancy in membership as long as there was the quorum required by section 118(6).

Remuneration

124. A member shall be paid the remuneration determined by Cabinet.

Revenue of the Authority

125.—(1) Sums received by the Authority in respect of application fees, licence fees and other charges imposed by the Authority under this Part shall be paid into the Consolidated Fund.

(2) For the proper discharge of its functions the Authority shall receive its revenue from sums allocated to the Authority by Parliament.

(3) Part XIII of the Public Finance Management Act, Cap. 15.01 applies in relation to finance management.

Estimates of revenue and expenditure

126.—(1) The Authority shall submit to the Minister its estimates of revenue and expenditure in a form the Minister directs.

(2) In accordance with section 78(1)(e) of the Public Finance Management Act, Cap. 15.01, the Authority shall submit estimates of revenue and expenditure for two subsequent financial years for the approval of the Minister responsible for finance.

Strategic, financial, operational and business plan

127. In accordance with section 82 of the Public Finance Management Act, Cap. 15.01, the Authority shall submit to the Minister and the Minister responsible for finance —

- (a) a three year strategic plan reflecting the strategic objectives of the Authority over the financial year and two subsequent financial years; and
- (b) no later than four months before the beginning of a financial year, a financial, operational or business plan reflecting proposals to operationalize the Authority strategic objectives over the financial year.

Accounts and audit

128.—(1) In accordance with section 83 of the Public Finance Management Act, Cap. 15.01, the Authority shall make a report to the Minister and the Minister responsible for finance on its financial operations quarterly and at such other time specified by the Minister or the Minister responsible for finance in relation to its approved business plan for the financial year.

(2) The Authority shall within three months after the end of each financial year have its accounts audited by an independent auditor appointed by the Authority who shall conduct the audit in accordance with generally accepted international auditing standards and provide the Authority with an audited financial statement and a report on the financial statement.

(3) A member of the Board, the Chief Executive Officer, and an employee of the Authority shall grant to the auditor appointed under subsection (2), access to books, deeds, contracts, accounts, vouchers, or other documents which the auditor considers necessary.

Annual report

129. Within four months of the end of each financial year, the Authority shall submit to the Minister an annual report on the operations, activities and transactions of the Authority for the financial year containing —

- (a) revenue and expenditure of the Authority;
- (b) condensed minutes of meetings of the Board of the Authority;
- (c) a budget and plan of action for the Authority for the ensuing year;
- (d) policy recommendations for the development of the sector;
- (e) challenges experienced by the Authority during the financial year;
- (f) the number of licenses granted and refused during the financial year;
- (i) the names of electricians and linespersons who hold valid licenses;
- (j) a description of the activities undertaken by the Authority; and
- (k) a description of actions taken to implement national policies of the Government.

Submission of annual report to Parliament

130. The Minister shall cause a copy of an annual report submitted under section 129 to be laid in Parliament within twenty-eight days of its receipt by the Minister, or if Parliament is not in session, within twenty-eight days of the next session of Parliament.

Public access to records of the Authority

131.—(1) Subject to section 114, on request, the Authority shall make a record of the Authority available for public inspection at the offices of the Authority on payment of the prescribed fee.

(2) The Authority shall not, except in accordance with this section, make the following records available to the public for inspection —

- (a) records relating to the internal personnel rules and practices of the Authority;
- (b) personnel records, medical records, and other records the disclosure of which would constitute an invasion of personal privacy;

- (c) records of intra-governmental communications relating to governmental decision processes;
- (d) records of information obtained by the Authority in the course of the discharge of its functions;
- (e) records containing information relating to the valuation of the property of electricians or linespersons;
- (f) records of trade secrets or proprietary commercial, financial or technical information which is customarily guarded from competitors of electricians or linespersons;
- (g) records of information which are subject to judicial privilege; and
- (h) records which are not open to public inspection by virtue of the provisions of any enactment.

(3) The Authority shall make available records referred to in subsection (2)(d) through the discovery process in court proceedings.

(4) The Authority shall not disclose an investigative record compiled for enforcement purposes for public inspection if to do so —

- (a) interferes with enforcement proceedings;
- (b) deprives a person of the right to fair trial or impartial adjudication;
- (c) constitutes an unjustified invasion of personal privacy;
- (d) discloses the identity of a confidential source;
- (e) discloses investigative techniques or procedures; or
- (f) endangers the life or physical safety of the law enforcement personnel or any other person.

(5) Records of information submitted in connection with an audit, investigation or examination must not be made available for public inspection until the Authority makes its decision with regard to the audit, investigation or examination.

(6) The Authority shall cause to be published in the *Gazette* and in at least a newspaper in general or weekly circulation in Saint Lucia, by any media or electronic means licenses granted, renewed, suspended or revoked.

Exchange of information

132.—(1) The Authority may co-operate and enter into a memorandum of understanding with a commission or another competent authority for the purpose of exchanging of information and may, subject to subsections (2), (3) and (4), exchange information necessary to enable the competent authority or the Authority to exercise its functions.

(2) A memorandum of understanding under subsection (1) must —

- (a) set out the scope, procedure and other details for exchange of information;
- (b) provide for reciprocal treatment;
- (c) not provide for disclosure beyond that which is provided for under this Part; and
- (d) not relieve the Authority of any of its functions or duties under this Part.

(3) The Authority may decline to exercise its power to exchange information under subsection (1) unless the competent authority undertakes to make such contribution towards the costs of the exchange of information as the Authority considers appropriate.

(4) Nothing in this section authorizes a disclosure by the Authority unless the Authority is satisfied that the —

- (a) competent authority is subject to adequate legal restrictions on further disclosures which shall include the provision of an undertaking of confidentiality or the Authority has been given an undertaking for the competent authority not to disclose the information provided without the consent of the Authority;
- (b) assistance requested by the competent authority is required for the purposes of the competent authority's functions including the conduct of civil or administrative investigations or proceedings to enforce laws administered by that competent authority; and
- (c) information provided following the exercise of its powers under subsection (1) will not be used in criminal proceedings against the person providing the information other than proceedings for an offence of perjury.

Directions by the Authority

133.—(1) For the purpose of ensuring compliance with this Part, the Authority may, by notice in writing, give directions to an electrical licensee to take measures or cease activities as may be necessary.

(2) An electrical licensee who fails to comply with a direction of the Authority is deemed to be in breach of his or her licence.

(3) An electrical licensee who fails to comply with a direction given by the Authority under this section commits an offence and on summary conviction is liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or to both.

(4) It is a defence for an electrical licensee charged with an offence under subsection (1) to prove that the direction of the Authority was impossible or unreasonable to achieve.

Dispute resolution by the Authority

134.—(1) The Authority shall in accordance with this section determine disputes —

- (a) between licensees; and
- (b) electrical licensees and their customers,

regarding breaches of a licence or of this Part.

(2) The Authority shall for the purposes of this section have powers to —

- (a) issue summons to compel the attendance of witnesses;
- (b) examine witnesses on oath, affirmation or otherwise; and
- (c) compel the production of documents.

(3) A summons issued by the Authority under this section shall be under the hand of the Chairperson.

(4) A party to a matter before the Authority under this section may appear at the hearing and be represented by an attorney-at-law or any other person who is competent to assist the person in the presentation of the matter.

(5) The Authority may with respect to a matter brought before it under this section —

- (a) make a provisional or interim order or award relating to the matter or part of the matter, or give directions under the hearing or determination;
- (b) dismiss a matter or part of a matter or refrain from further hearing or from determining the matter or part of the matter if it appears that the matter or part of the matter is trivial or vexatious or that further proceedings are not necessary or desirable in the public interest;
- (c) order a party to pay costs and expenses, including expenses of witnesses, as are specified in the order; or
- (d) generally give directions and do things as are necessary or expedient for the expeditious and just hearing and determination of the matter.

(6) The Authority may, review, vary or rescind its decisions or order made by it; and where a hearing is required before that decision or order is made, the decision or order is not suspended or revoked without a further hearing.

(7) The Authority may in writing delegate its powers under this section to a committee established by the Authority for that purpose comprising the Chairperson and two other members designated by the Chairperson.

(8) The decision of a committee established under subsection (7) is binding on the Authority.

Codes of practice

135.—(1) The Authority may issue codes of practice relating to the regulation of electrical licensees.

(2) Codes of practice issued by the Authority under subsection (1) must be made available to —

- (a) the public at the office of the Authority during business hours or on the websites operated by the Authority; or
- (b) a person on payment of the prescribed fee.

(3) A breach of the codes of practice issued by the Authority under subsection (1) is deemed to be a breach of a licence.

Division 3
Electrical Licensing

Requirement for an electrical licence

136.—(1) A person shall not —

- (a) wire premises for electricity or install lines to transmit or distribute electricity; or
- (b) construct or install transmission or distribution lines including all equipment and accessories necessary to ensure the safe and effective function of the line for the purpose of conducting electricity,

unless that person holds a valid electrical licence issued for that purpose under this Part.

(2) A person who contravenes subsection (1) 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 one year, or to both.

(3) For the purpose of this section —

- (a) a person is deemed to have carried on the activity referred to in subsection (1)(a) if that person disconnects or removes, the whole or any part of the electric wiring of any premise, not being the wiring of any telephone or a lightning conductor or the wiring including the earthing, or any wireless aerial;
- (b) a person is not considered to have carried on the activity referred to in subsection (1)(a) by reason only of the fact that he or she manipulates a switch, or connects or disconnects a plug from its socket or replaces or installs lamp in a socket or replaces a fuse so long as such replacement is in conformity with the prescribed duties of persons to act as an electrician or linesperson.

Electrical licensing examination

137.—(1) For the purpose of granting an electrical licence, the Authority shall administer an electrical licensing examination.

(2) The electrical licensing examination under subsection (1) must be held in such place and at such time as the Authority determines.

(3) An examination must comprise a theoretical and a practical component.

(4) The examination structure, content and duration shall be determined by the Authority.

(5) The frequency of an examination is at least once a year.

(6) An applicant is deemed to have —

- (a) passed the electrical licensing examination if the applicant has received a minimum grade as determined by the Authority in both the theoretical and practical components of the examination;
- (b) failed the examination if the applicant fails to receive the minimum grade as determined by the Authority in either examination.

Application for electrical licensing examination

138.—(1) A person may make an application for an electrical licensing examination if that person —

- (a) is an individual;
- (b) is at least eighteen years;
- (c) holds the prerequisite qualifications; and
- (d) is not disqualified from holding a licence under subsection (3).

(2) For the purposes of subsection (1)(c), a person holds the prerequisite qualifications if that person —

- (a) has received training, passed examinations and is in possession of a certificate from a recognized institution which in the opinion of the Authority qualifies him or her to act as an electrician or linesperson;

- (b) possesses particular practical productive or electrical engineering skills with adequate technical knowledge so as to be able to work on their own proficiency and carry out electrical installation work without immediate supervision in the most efficient and economical manner;
- (c) is able to set out jobs from drawings and specifications and requisition the necessary installation materials;
- (d) is able to accept responsibility for the proper completion of jobs; and
- (e) has a working knowledge of this Act and the standards for electrical installations specified in the national standard SLNS/BS 7671 – Requirements for Electrical Installations adopted by the Saint Lucia Bureau of Standards or other prescribed standard.

(3) For the purposes of subsection (1)(d), a person is disqualified from holding an electrical licence if the person —

- (a) is prevented from acting efficiently as an electrician or linesperson by infirmity of mind or body;
- (b) has been convicted of an offence involving dishonesty which he or she committed in the course of acting as a an electrician or linesperson;
- (c) has been guilty of using his or her knowledge as an electrician or linesperson for dishonest purposes;
- (d) has been convicted of any offence against this Act; or
- (e) has been guilty of gross negligence or inefficiency in the course of acting as an electrician or linesperson.

(4) The Authority may grant an exemption from the requirement to have the qualification in subsection (2)(a) where the applicant held licence to act as an electrician or a linesperson, under the repealed Regulations.

(5) An application for an examination under this section must be made in the prescribed form and must be accompanied by —

- (a) proof that the applicant meets the requirements of this section;

- (b) certified copies of certificates or previous licenses, as the case may be unless surrendered on suspension or revocation, on which the applicant bases his or her claim to be qualified as an electrician or lineperson; and
 - (c) a medical certificate of fitness issued by a registered medical practitioner within a month before the date of the application;
 - (d) the prescribed application fee.
- (6) In this section, “recognized institution” includes —
- (a) the Sir Arthur Lewis Community College; or
 - (b) another educational institution whether in Saint Lucia or elsewhere approved by the Authority.

Further information relating to application

139.—(1) Without limiting section 138, the Authority may, within fourteen days of the receipt of an application, request additional information from the applicant for the purpose of considering an application made under section 138.

(2) Where the Authority makes a request for information under subsection (1), the applicant shall submit that information within fourteen days of the request or within a further period of time granted and specified in writing by the Authority.

(3) The Authority shall not unreasonably refuse to give a further time period under subsection (2).

(4) Where further information is requested by the Authority under subsection (1), the application is treated for the purposes of this Part as having been submitted on the date when the information requested from the applicant is received by the Authority.

(5) Where the applicant does not furnish the further information requested under subsection (1), the Authority may, within fourteen days of the request or within a further period of time granted and specified in writing by the Authority, cancel the application and give the applicant notice that the application cannot be determined and has been cancelled and shall return the cancelled application to the applicant.

(6) Nothing in this section prevents a person whose application has been cancelled under subsection (5) from re-applying for a licence in accordance with the application procedure set out in this Part.

Grant or refusal of electrical licence

140.—(1) Where an applicant has successfully completed the electrical licensing examination under section 138, the Authority —

- (a) shall notify the successful applicant;
- (b) shall grant the electrical licence on payment of the prescribed fee;
- (c) if the authority is satisfied that the information provided under section 141 has been falsified or misrepresented, shall refuse to grant a electrical licence to the applicant.

(2) The Authority shall within fourteen days of a decision under subsection (1) notify the applicant of the grant or the refusal and shall give the reasons in writing for a refusal.

(3) A person aggrieved by the decision of the Authority shall have a right of appeal in accordance with section 155.

No notice of grant or refusal of electrical licence

141.—(1) Where a decision for the grant or refusal of a licence is not given to the applicant within the period specified under section 143(2), the applicant shall, on a request being made in accordance with subsection (2), have the right to be heard by the Authority.

(2) The request for a hearing before the Authority under subsection (1) shall be made in the prescribed form.

(3) A hearing before the Authority under this section must be held within fourteen days of a request being submitted under subsection (2) and the Authority shall under section 140(1) grant or refuse the licence and give notice in writing of its decision and the reasons for a refusal, if any, to the applicant within fourteen days of the hearing.

Category and of sub-category of electrical licence

142.—(1) An electrical licence under section 141 and licenses granted in the year 2018 must specify the prescribed category of licence.

(2) The Authority may establish sub-categories of electrical licenses for the purpose of licensing a specialized electricity service.

(3) A specialized electricity service may require that an electrician maintains a professional certification in the specialized area and the certification shall be determined by the Authority.

(4) In this section, “specialized electricity service” includes —

- (a) solar photovoltaic installation;
- (b) solar photovoltaic inspection; or
- (c) solar photovoltaic design.

Issuance, form and condition of electrical licence

143. An electrical licence granted under section 140(1)(a) must —

- (a) be issued on payment of the prescribed initial licence fee;
- (b) be in the prescribed form;
- (c) specify the category of the electrical licence;
- (d) specify the terms and conditions of the licence which may include requirements for the electrician or linesperson to be subject to periodic testing to ascertain his or her continuing competence;
- (e) specify the period of validity of the electrical licence under section 144;
- (f) have a photograph of the electrical licensee affixed to it;
- (g) impose insurance obligations on the electrical licensee.

Validity of electrical licence

144. An electrical licence is valid for the period specified in the licence unless suspended or revoked under section 148.

Renewal of electrical licence

145.—(1) A licence may be renewed on an application being made in the same manner as for an electrical licence under this Part, and sections 138 to 143 apply in relation to an application for renewal.

(2) Notwithstanding subsection (1), the Authority shall grant an application for renewal if an electrical licensee produces evidence of completion of no less than one continuing education course or activity specified by the Authority.

Duplicate electrical licence

146. The Authority may issue a duplicate electrical licence to an applicant who satisfies the Authority that his or her electrical licence has been lost or destroyed and that it has not been suspended or cancelled, subject to payment of the prescribed fee.

Breaches by the electrical licensee

147.—(1) An electrical licensee is in breach of an electrical licence if he or she fails to comply with this Part, any law relating to wiring or his or her electrical licence.

(2) When an allegation of breach under subsection (1) has been made to the Authority by an aggrieved person or where the Authority reasonably suspects that an electrical licensee is in breach of an electrical licence, the Authority shall conduct an investigation into the allegation under section 107(2) and if the Authority finds that —

- (a) the person's allegations or its suspicions are substantiated, it shall so notify the electrical licensee of its findings and where it considers appropriate —
 - (i) issue directions to the electrical licensee —
 - (A) requesting the electrical licensee to take remedial action and stipulating a time period within which such remedial action is to be completed; and
 - (B) requesting the electrical licensee to compensate one or more of its customers for any foreseeable damages caused to such customer by the breach within a specific time period; or
 - (ii) may suspend or revoke the electrical licence under section 148; or
- (b) the person's claim is frivolous or vexatious, it shall stop its investigations and the person bringing the claim is liable for the cost incurred including any cost incurred by the

electrical licensee and the Authority.

(3) Where an electrical licensee fails to comply with any direction given by the Authority under subsection (2)(a)(i), the Authority may suspend or revoke the licence under section 148.

Suspension or revocation of an electrical licence

148.—(1) The Authority may by notice in the prescribed form to an electrical licensee suspend or revoke an electrical licence if the electrical licensee breaches this Part or the electrical licence.

(2) A suspension or revocation under to subsection (1) is not in effect unless the Authority has caused a notice in the prescribed form, to be served on the electrical licensee, giving the electrical licensee two months notice in writing of the intention to suspend or revoke the electrical licence, specifying the grounds for doing so and giving the electrical licensee an opportunity to be heard and to adduce evidence before finally determining the matter —

- (a) in the case of a breach which, in the opinion of the Authority, is capable of being repaired or made good, to repair or make good the breach within a specified period; or
- (b) in the case of a breach that in the opinion of the Authority, is not capable of being repaired or made good, to show cause within a specified period why the electrical licence should not be suspended or revoked;

the electrical licensee has not made good or repaired the breach within the time specified or shown reasonable cause why the electrical licence should not be suspended or revoked.

(3) The Authority shall suspend or revoke an electrical licence on a finding that the suspension or revocation is necessary for reasons of national security.

(4) Where the Authority suspends or revokes an electrical licence under this section the person whose electrical licence was suspended or revoked shall have a right of appeal under section 155.

Surrender

149.—(1) Where an electrical licence has been revoked, the electrical licensee and another person in whose possession or under whose control the electrical licensee may be, shall surrender the electrical licence to the Authority within the period specified by the Authority.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

(3) An electrical licensee may voluntarily surrender an electrical licence by giving three months' notice in writing of the surrender to the Authority and shall act in accordance with the terms and conditions of the electrical licence.

(4) A voluntary surrender of an electrical licence under subsection (3) does not affect liability incurred by the electrical licensee before the surrender has taken effect.

Licenses granted prior to the commencement of this Act

150. A licence granted under the repealed Regulations prior to the commencement of this Act remains in force until its expiry or for six months after the commencement of this Act whichever is less as if granted under this Act after which a new electrical licence must be applied for in accordance with this Act.

*Division 4**Responsibility of Electrical Licensee***Commencement of work on a new installation**

151.—(1) An electrical licensee shall before commencing work on a new installation give notice in the prescribed form to the Chief Electrical Engineer of his or her intention to carry out the work.

(2) On completion and prior to the connection of an installation under subsection (1), in any building to the network licensee distribution and service lines circuits, and on an application in the prescribed form being made under subsection (2), the Chief Electrical Engineer shall, within a reasonable time, inspect and test the installation, and on being satisfied that the requirements of this Act have been met, the Chief Electrical Engineer shall issue a certificate of approval in the prescribed form to the owner or occupier of the building.

(3) The Chief Electrical Engineer may in writing published in the *Gazette* and via any other media as the Chief Electrical Engineer determines, specify —

- (a) installations for which applications must be accompanied by a diagrammatic electrical layout and schedules or an electrical plan of the installation;
- (b) the class or design of wires, fittings and apparatus to be used by consumers and the manner in which they shall be fixed, arranged, protected and controlled and provide for the erection, inspection, testing and maintenance;
- (c) measures to be taken and the fittings to be supplied and used in connection with installations in order to ensure public safety and private safety;
- (d) intervals, times and manner in which an installation or apparatus must be inspected; and
- (e) the notice to be given in relation to inspections and the preparations to be made by an electrician or linesperson and the management for the inspections.

(4) An electrical licensee shall before commencing work by way of addition or alteration to an installation which has been completed and for which a certificate of approval has been issued or which was connected prior to the coming into force of this Act, give notice in the prescribed form to the Chief Electrical Engineer of the nature of the proposed addition or alteration.

(5) A certificate of approval under this section must be in the prescribed form.

Safety precautions

152. An electrical licensee shall during and in connection with the installation, extension, replacement, operation and maintenance of any of his or her works, observe all recognized safety practices and methods and shall take all reasonable precautions to avoid danger to the public or to any employee or authorized person.

Accidents to be reported to Chief Electrical Engineer

153.—(1) An electrical licensee shall notify the Chief Electrical Engineer of any accident of such kind as to have caused, or likely to have caused, loss of life, personal injury, or damage to property which has occurred in any part of the works or circuits installed by the electrician.

(2) The notification under subsection (1) shall be given to the Chief Electrical Engineer within twenty-four hours after the accident occurs.

(3) Where any accident resulting in loss of life, grievous injury to any person, or serious damage to property, has occurred in connection with any installation, electrical plant or apparatus, the owner, occupier, management, or person in charge of such installation or apparatus or consumer as the case may be, shall within twenty-four hours report the facts in writing to the Chief Electrical Engineer and the Chief Electrical Engineer shall record the accident and immediately notify the network licensee of such accident and visit the place where the accident occurred and make investigations into the cause of the accident.

(4) In the event of loss of life or grievous injury to any person due to any accident in connection with any installation or apparatus, no alterations or additions shall, without the consent of the Chief Electrical Engineer, be made to any part of such installation or apparatus which may have contributed to such accident.

(5) Nothing in this section operates to interfere with rescue work or work necessary for the general safety of life and property.

(6) Where there is an accident resulting in loss of life or grievous injury to a person in connection with an installation, electrical plant or apparatus, and the Chief Electrical Engineer, after conducting an investigation —

- (a) has reason to believe that the accident was due to failure to comply with this Act or failure to comply with a lawful order issued by the Chief Electrical Engineer; or
- (b) is satisfied that the accident might have been avoided if proper precautions had been taken and observed in the

working of the installation, electrical plant or apparatus, the Chief Electrical Engineer shall hold an inquiry into the circumstances of the accident.

Duty to produce electrical licence

154. An electrical licensee who, on demand by —

- (a) the Authority;
- (b) a person to whom he or she has offered and is giving his or her services;
- (c) a person by whom he or she is employed by or is about to be employed,

refuses to produce his or her electrical licence within forty-eight hours of such demand, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

**PART III
MISCELLANEOUS**

Appeal

155. A person who is aggrieved by a decision of the Commission or Authority under this Act has the right to appeal to the appeals tribunal established under section 43 of the National Utilities Regulatory Commission Act, Cap. 9.01.

Regulations

156.—(1) Subject to subsection (2), the Minister may, after consultation with the Commission, make Regulations to give effect to this Act.

(2) Without limiting the generality of subsection (1) and in the case of the regulation of an electricity service, the Regulations may in particular, make provision —

- (a) for prescribing forms for applications and licenses;
- (b) for prescribing procedures in respect of application for and grant of a licence;

- (c) relating to the quality of an electricity service;
- (d) for the technical regulation and setting of technical standards;
- (e) for the protection of consumers and of the public generally against personal injury or damage to property arising from the operations of a licensee;
- (f) for enquiries in connection with an accident which is or may be attributed to an electricity supply service;
- (g) relating to tariffs, tariff schemes and tariff reviews;
- (h) for the publication of information regarding an electricity supply service provided by a licensee;
- (i) for the criteria for evaluating applicants for licenses;
- (j) for the form of annual reports;
- (k) for the fees payable under this Act;
- (l) for the circumstances in which, and the methods by which, electricity is to be stored and treated on a premises;
- (m) governing installation, operation and maintenance of an electricity supply system within a private development;
- (n) for minimum standards regarding —
 - (i) the quality of electricity and the provision of an electricity service,
 - (ii) environmental performance;
- (o) for the facilitation of access and interconnection of the other licensees who provide electricity supply services;
- (p) for enquiries to be held in connection with an accident which is or may be attributed to an escape of electricity or to the state of conduct or a part of the electricity operations of a licensee;
- (q) for the purpose of preventing or minimizing radio interference or electrical interference arising from the generation, transmission, distribution or use of electricity;
- (r) setting the share of renewable energy generated;

- (s) specifying the terms of a licence;
- (t) in respect of an electricity service for electricity generated from renewable energy;
- (u) for net billing or net metering in respect of an electricity service;
- (v) for co-generation of electricity;
- (w) for access by licensees to premises of a consumer;
- (x) for enforcement of the grid code established under section 5(c);
- (y) for prescribing a consumer code that provides for —
 - (i) the requirements for an electricity service,
 - (ii) the supply of an electricity service,
 - (iii) customer's installation,
 - (iv) licensee's installation,
 - (v) billing including the recovery of electricity charges through back billing where electricity is supplied illegally or a meter is malfunctioning,
 - (vi) payments on accounts,
 - (vii) meters, and
 - (viii) electrical lines and other works and apparatus; or
- (z) for any matter which may be prescribed under this Act other than those prescribed under subsection (3).

(3) Without limiting the generality of subsection (1) and in the case of electrical licensing, the Minister may, on the advice of the Authority, make Regulations —

- (a) specifying the functions of the Chief Electrical Engineer in respect of an electricity service under this Act;
- (b) for the qualifications of electricians and linespersons;
- (c) for the examination, licensing and registration of electricians and linespersons and for the grant of licenses,

certificates of competency and certificates of registration to electricians and linespersons;

- (d) for the form of licenses, certificates of competency and certificates of registration for electricians and linespersons;
- (e) for the fees to be charged in respect of the examination of electricians and linespersons;
- (f) for the forms of certification of inspection to be issued by the Chief Electrical Engineer, the fees to be charged for inspections and the persons by whom such fees must be paid.

(4) Regulations made under subsection (1), (2) or (3) may create offences for breach of the Regulations, subject to the imposition of a fine not exceeding five thousand dollars and a term of imprisonment not exceeding six months.

(5) Fees prescribed under the Regulations made under subsections (2) or (3) must be determined in accordance with the prescribed formula.

Repeal

157. The Electricity Supply Act, Cap. 9.02 and the Electricity Regulations, Cap. 9.02 are repealed.

Saving

158. Subject to this Act, a licence issued prior to the commencement of this Act under the repealed Act or repealed Regulations remain valid to the extent that it is not inconsistent with this Act and Regulations issued under this Act.

Transitional

159. A self-generator who is interconnected to the grid of a network licensee shall, within six months, make an application to the Commission to obtain a self-generation licence under this Act.

No.]

Electricity Act

[2024

Passed in the House of Assembly this day of , 2024.

.....
Speaker of the House of Assembly.

Passed in the Senate this day of , 2024.

.....
President of the Senate.