



KIRIBATI GAZETTE

No:

31st October, 1997

SUPPLEMENT OF ACTS No.

THE PUBLIC UTILITIES ORDINANCE (CAP.83)
(Section 3(4))

SCHEDULE 1 AND SCHEDULE 2
OF THE PUBLIC UTILITIES ORDINANCE
(AMENDMENT) ORDER 1997

In exercise of the powers conferred by section 3(4) of the Public Utilities Ordinance (Cap.83) (hereinafter referred to as "the Ordinance"), the Beretitenti, acting in accordance with the advice of Cabinet, amends Schedule 1 and Schedule 2 of the Ordinance as follows:

Short Title

1. This Order may be cited as the Schedule 1 and Schedule 2 of the Public Utilities Ordinance (Amendment) Order 1997.

Repeal of Schedule 1 and Schedule 2

2. Schedule 1 and Schedule 2 of the Ordinance are repealed and the following Schedules are substituted-

"SCHEDULE 1 (Section 3(2))

Appointment of members of the Board

1. (1) The Board shall consist of not more than 8 nor less than 4 members appointed by notice by the Minister.
(2). Not more than 3 and not less than 1 of the members shall be at the time of their appointment employed as public officers.

Chairman

2. (1) The Minister shall appoint one of the members to be the Chairman of the Board for such period as he may specify.
(2) The Chairman shall keep the Minister fully informed concerning the activities and business of the Board and shall furnish the Minister with such information as the Minister may request with respect to any particular matter relating to the activities and business of the Board.
(3) The Board may by instrument in writing direct that, subject to such conditions as may be specified in that instrument, such of the functions of the Board as may be so specified shall (without prejudice to the performance of those functions by the Board) be performed by the Chairman.
(4) The Minister shall appoint one of the members to be the Deputy Chairman of the Board for such period as

he may specify.

(5) In the case of the absence or inability to act of the Chairman and the Deputy Chairman shall perform the functions of the Chairman.

(6) In the case of the absence or inability to act of the Chairman and the Deputy Chairman the Minister may appoint one of the remaining members to perform the functions of the Chairman.

(7) In the case of the absence or inability to act at any meeting of both the Chairman and the Deputy Chairman the remaining members shall elect one of their number to act as Chairman at that meeting.

Tenure of office

3. (1) A member shall, subject to the provisions of this Schedule, hold office for such period being not less than 2 nor more than 4 years as may be specified in the notice appointing him, but shall be eligible for reappointment.

(2) The Minister may at any time revoke the appointment of any member if he thinks it expedient so to do and if the appointment of the Chairman or Deputy Chairman is so revoked he shall cease to be Chairman or Deputy Chairman as the case may be.

Resignation

4. (1) Any member, other than the Chairman, may at any time resign his office by notice in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such notice such member shall cease to be a member of the Board.

(2) The Chairman may at any time resign his office by notice in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such notice by the Minister.

Authentication of seal and documents

5. All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Chairman or any member authorised to act in that behalf.

Procedure and meetings

6. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Board shall determine.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within 7 days of a written request to that effect addressed to him by any 2 members.

(3) The quorum of the Board shall be 3 including the Chairman or the Deputy Chairman or the member elected to act as the Chairman as aforesaid.

(4) Minutes in proper form for each meeting shall be kept and shall be confirmed, whenever practicable, at the next meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

(5) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(6) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

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(5) In the case of the absence or inability to act of the Chairman and the Deputy Chairman shall perform the functions of the Chairman.

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(6) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

Allowances to members of Board

7. (1) Members of the Board may be paid, out of the funds of the Board, such travelling and other expenses as may be incurred by them in respect of their duties as Members, and, subject to subparagraph (2), an attendance allowance at such rate as the Minister may by order from time to time determine.

Protection of Members

8. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of this Ordinance

Declaration of interest of members

9. (1) If a member has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Board at which the contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the meeting, disclose to the Board the fact and nature of his interest, and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.

(2) Any member of the Board who contravenes any provision of subparagraph (1) shall be guilty of an offence and liable on conviction to a fine not exceeding \$100 or to imprisonment for a period not exceeding 3 months or to both such fine and imprisonment, and the court before which he is convicted may order that he shall vacate his seat as such member and thereupon his seat shall become vacant.

Secrecy

10. (1) Any person employed in the administration of the business of the Board shall regard and deal with all documents, information, returns and forms relating to the business of the Board or any financial records or any other matter of the Board as secret

(2) Any such person who, having possession of or control over any documents, information, returns or forms relating to any of the matter aforesaid, communicates or attempts to communicate such information or anything contain in such documents, returns or forms or financial records to any person-

- a) other than a person to whom he is authorised by the Minister or the Board to communicate it; or
- b) otherwise than for the purposes of the business of the Board; or
- c) otherwise than by or in accordance with the directions of any court,

Shall be guilty of an offence and liable on conviction before a magistrate's court to a fine not exceeding \$100 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.

SCHEDULE 2
(Section 3(3))

Appointment of staff of Board

1. (1) The Board shall appoint the Chief Executive Officer who shall, subject to the Board's instruction, direct the employees of the Board and all other administrative and operational functions of the Board.
- (2) The Board shall from time to time establish such other posts including that of Accountant as it considers necessary and proper for the due and efficient administration, management and performance by the Board of its duties under this Ordinance and shall, appoint staff to fill these posts.
- (3) The termination of appointment, dismissal and disciplinary control of the staff and the Chief Executive Officer shall be vested in the Board.
- (4) (a) In the course of a Board meeting when representations from an employee of the Board are received in relation to the dismissal or disciplinary control of that employee, the Board shall, unless the employee concerned otherwise consents, exclude the Chief Executive Officer from that part of the meeting during which the representations are being received.

(b) In the course of a Board meeting where the Board is deliberating on a matter involving the dismissal or disciplinary control of an employee, the Chief Executive Officer shall be excluded from that part of the meeting during which such deliberations are taking place.

Responsibility of certain officers

2. All officers charged with the receipt, accounting for, or disbursements of money, or with the custody or delivery of stores, or other property belonging to the Board shall be individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all the property entrusted to their care, and for the due observance of all rules and regulations and of all orders and instructions prescribed for their guidance."

Dated 7th day of October, 1997

Hon. Teburoro Tito
Beretitenti

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Rikiana Takeke
for Secretary to Cabine

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