

REPRINT

ELECTRICITY ACT (CAP. 128)

As in force at: 1 October 2009

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SOLOMON ISLANDS ELECTRICITY AUTHORITY, FOR THE TRANSFER OF ELECTRICAL INSTALLATIONS TO THE AUTHORITY AND FOR AMENDMENT OF THE LAW RELATING TO ELECTRICITY

ELECTRICITY ACT (CAP. 128)

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PART I PRELIMINARY

1 Short title

This Act may be cited as the *Electricity Act*.

2 Interpretation

In this Act, unless the context otherwise requires:

“apparatus” means electrical apparatus and includes all apparatus, machines, consuming devices and fittings in which conductors are used or of which they form a part;

“area of supply” means that area within which a licensee is authorised by his licence to supply electricity;

“Authority” means the Solomon Islands Electricity Authority established by the provisions of section 3;

“Authority installation” means an installation, the property of or operated by the Authority;

“Authority public installation” means an Authority installation operated by or on behalf of the Authority for the supply of electricity to any person other than the Authority;

“authorised person” means a person appointed by the Authority, or by a licensee, or by the management or the owner of an installation, or by a contractor for the time being to the Authority, licensee, management or owner, to carry out certain duties incidental to the generation, transformation, distribution and use of electricity, provided that such person possesses the qualifications, if any, prescribed for persons performing such duties, or, if no qualifications are prescribed, is competent for the purpose for which he is employed, the burden of proof of competency being on the employer;

“Chairman” means the Chairman of the Authority appointed under the provisions of section 4 and includes a temporary Chairman;

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

“consumer” means a person who is supplied with electricity or whose premises are for the time being connected for the purpose of a supply of electricity with any public installation or Authority public installation;

“conversion” means the conversion of alternating current to direct current by static or dynamic means;

“danger” means danger to health or to human life or limb from shock, burn or other injury resulting from the generation, transformation, distribution or use of electricity and includes danger to property from fire resulting as aforesaid;

“dead”, applied to any system or part of a system, means that it is not live;

“generating station” means any station for generating electricity including any buildings and plant used for the purpose, and the site thereof, and includes a site intended to be used for a generating station, but does not include any station for transforming, converting or distributing electricity;

“generator” means a rotating machine of any type for changing mechanical electricity into electricity;

“grievous harm” and **“harm”** have the meanings respectively assigned thereto in the *Penal Code*;

“high voltage” means a voltage normally exceeding six hundred and sixty volts;

“inspector” means an officer in the public service or any other person appointed pursuant to the provisions of section 45 as an electrical inspector for the purposes of this Act and includes the Chief Inspector;

“installation” means the whole of any plant or apparatus under one ownership or, where a management is prescribed, in charge of the same management, designed for the supply or use, or both, as the case may be, of electricity, including prime movers, if any, with all necessary plant, buildings and land in connection therewith, pipe lines, supply lines, and consuming apparatus, if any, and the Minister may either generally or specifically, by order, exclude any installation or classes of installations from the provisions of this definition;

“insulated” means covered or protected by insulating materials;

“insulating”, used as an epithet to characterise any substance, means of such size, quality and construction, according to circumstances, as to afford adequate protection from danger;

“licence” means a licence issued under the provisions of this Act permitting the licensee to operate or work an installation;

“licensee” means a person permitted by licence to work or operate an installation, and includes an authorised agent;

“live” or **“alive”** applied to a system or any part of a system, means that a voltage exists between any conductor and earth or between any two conductors in the system;

“low voltage” means voltage not exceeding two hundred and fifty volts between phase and neutral;

“main” means a supply line through which electricity is, or can be, supplied whether such line is in use or not;

“main supply line” means any extra high voltage supply line for transmitting energy from a generating station to another generating station or to a sub-station, and includes any building or part of a building used in connection with any such line;

“management” means the authorised person for the time being placed in charge of the installation by the Authority, by the licensee, by the owner, or by a contractor;

“member of the Authority” includes the Chairman and any temporary member of the Authority;

“motor” means a motor of any type for the transformation of electricity into mechanical electricity;

“prime mover” means a machine supplying mechanical electricity to a generator;

“private installation” means an installation operated by a licensee or owner solely for the supply of electricity to and use thereof on the licensee’s or owner’s own property or premises; or, in the case of a consumer taking electricity from a public installation for use only on the property or premises of the licensee or owner;

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

“public installation” means an installation operated by a licensee for the supply of electricity to any person other than the licensee:

Provided that the licensee may use electricity for his own purposes where such use is consistent with the terms of the licence;

“public safety” means the obviation of danger to the general public, to public property and to streets, docks, wharves, bridges, water works and their appurtenances, and telegraphic, telephonic and other electrical signalling lines owned or operated by the Government or by other bodies authorised in that behalf by the Minister,

“Secretary” means the Secretary of the Authority appointed under the provisions of section 11;

“street” includes any road, lane, footpath, square, alley or passage over which the public has a right-of-way and also the roadway and footway over any public bridge;

“supplier” means the Authority and includes a licensee;

“supply line” means a conductor or conductors or other means of conveying, transmitting or distributing electricity together with any casing, coating, covering tube, pipe, insulator or post enclosing, surrounding or supporting the same or any part thereof, or any building or apparatus connected therewith for the purpose of

transforming, conveying, transmitting or distributing electricity;

“system” means an electrical system in which all the conductors and apparatus are electrically or magnetically connected;

“transformation” means the transformation of voltage from a lower to a higher voltage or vice versa.

PART II SOLOMON ISLANDS ELECTRICITY AUTHORITY

Establishment, Incorporation and Constitution of the Authority

3 Establishment and incorporation of Solomon Islands Electricity Authority

- (1) There is hereby established an Authority to be known as the Solomon Islands Electricity Authority which shall be a body corporate under that name with perpetual succession and a common seal and which may, in such name, sue and be sued, and may enter into contracts, and may acquire, purchase, take, hold and enjoy real and personal property of every description, and may convey, assign, surrender and yield up, charge, mortgage, transfer or otherwise dispose of, or deal with or in, real or personal property vested in the Authority upon such terms as the Authority deems fit.
- (2) All deeds, documents and other instruments required to be sealed with the common seal of the Authority shall be sealed therewith in the presence of the Chairman and of the Secretary or some other person authorised by the Authority to act in that behalf, who shall sign every such deed, document or other instrument to which such seal is affixed, and such signing shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the Authority.
- (3) Service of any document upon the Authority shall be deemed to be effected by delivering the same or by sending it by registered post to the Secretary.

4 Constitution of the Authority

- (1) The Authority shall consist of:

- (a) a Chairman; and
 - (b) not less than four members (not more than two of whom shall be public officers),
- who shall be appointed by the Minister; and
- (c) the General Manager, as *ex officio* member.
- (2) Subject to the provisions of this Act, the members of the Authority shall hold office for such term and subject to such conditions as the Minister may determine.
 - (3) If at any time it appears to the Minister that removal from office of all or any of the members of the Authority is necessary, he may remove from office, without assigning any reason therefor, all or so many of the members of the Authority as he considers necessary.
 - (4) The Minister may, at any time, accept the resignation of any member of the Authority.
 - (5) The Minister may appoint any person to be a temporary member of the Authority, and any member to be temporary Chairman, if such member or the Chairman is, from time to time, ill or absent from Solomon Islands or for any other reason unable to perform his functions as such member or Chairman.
 - (6) The Chairman may, in writing, authorise any person to exercise any power or perform any function, other than the functions referred to in section 3 (2), conferred on the Chairman by or under the provisions of this Act.

5 Members of the Authority to dispose of interest in any electricity undertaking

- (1) Every person appointed to be a member of the Authority shall, within three months after his appointment, sell or dispose of all shares or other interest in any electricity undertaking which, at the time of his appointment, he owns or is interested in for his own benefit, and it shall not be lawful for any member of the Authority, whilst he holds office as such, to purchase or become interested in, for his own benefit, any shares in any electricity undertaking, and, if any member

of the Authority becomes entitled, for his own benefit, under any will or succession, to any shares in any electricity undertaking, he shall sell or dispose of the whole within three months after he has become entitled thereto:

Provided that the Minister may waive the requirements of this subsection in any specific case.

- (2) The Chairman or any other member of the Authority who retains, purchases, takes or becomes or remains interested in any shares in any electricity undertaking in contravention of the provisions of this section shall be disqualified from, and shall be deemed to have vacated, his office, and an entry to that effect shall be made in the minutes of the Authority as soon as practicable after the fact of any such contravention is known.
- (3) The fact of any person disqualified under the provisions of this section having sat on, or taken part in any proceedings of, the Authority before such entry as aforesaid has been made in the minutes shall not invalidate any resolution or proceeding of the Authority.
- (4) In this section “**shares in any electricity undertaking**” means any stock, shares, debentures, debenture stock, bonds or other securities of any company engaged in Solomon Islands in the generation, distribution or supply of electricity, or the manufacture therein of electricity apparatus, and includes any share or interest in any unincorporated undertaking similarly engaged.

6 Disclosure of interest in contract by member of the Authority

A member of the Authority, if he has any interest in any company or undertaking with which the Authority proposes to make any contract, or has any interest in any such contract, shall disclose to the Authority the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Authority, and, unless specifically authorised thereto by the Chairman, such member shall take no part in any deliberation or decision of the Authority relating to such contract.

7 Salaries, fees, etc., of members of the Authority

There shall be paid to members of the Authority, out of the funds of the Authority, such salaries, fees, allowances and expenses as the Minister may from time to time determine.

8 Meetings and proceedings

- (1) The quorum at all meetings of the Authority shall be two members present in addition to the Chairman.
- (2) All questions coming or arising before a meeting of the Authority shall be decided by a majority of the members present and voting thereon at that meeting, and, in the case of an equality of votes, the Chairman shall have and exercise a second or casting vote.
- (3) The Chairman may invite any person to attend and to speak upon any matter at any meeting of the Authority but no such person shall vote upon any matter.

9 Procedure

Subject to the provisions of this Act, the Authority may regulate its own procedure and, in particular, may regulate the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes, the custody, production and inspection of such minutes, and the opening, keeping, closing and audit of accounts.

10 Vacancies

The Authority may act notwithstanding any vacancy in its membership.

Officers and Servants of the Authority

11 Appointment of officers and servants

- (1) The Authority may, from time to time, and on such terms as to remuneration and otherwise as it may think fit, appoint and employ a General Manager, a secretary, a chief engineer and such other officers, agents, servants and advisers as it may deem necessary for the efficient discharge of its functions under this Act and may dismiss

any person so appointed.

- (2) The Authority may delegate its power of appointment and dismissal to the General Manager.

12 Liability of members, officers and servants

No member, officer or servant of the Authority shall be personally liable for any act or default of the Authority done in good faith and without negligence in the course of the operations of the Authority.

Functions and Duties of the Authority

13 General functions of the Authority

- (1) Subject as hereinafter in this Act provided, it shall be the duty of the Authority:
 - (a) to manage and work any electrical installations transferred to the Authority by the Government and such other installations and apparatus as may be acquired by the Authority;
 - (b) to establish, manage and work such electrical installations as the Minister may from time to time require or as the Authority may from time to time deem it expedient to establish;
 - (c) to secure the supply of electricity at reasonable prices;
 - (d) to promote and encourage the generation of electricity with a view to the economic development of Solomon Islands;
 - (e) to advise the Minister on all matters relating to the generation, transmission, distribution and use of electricity;
 - (f) to ensure standards of safety, efficiency and economy in respect of the production, transmission, distribution and use of electricity.
- (2) For the purposes of subsection (1), the Authority may:
 - (a) subject to the provisions of this Act, generate, transmit, transform, distribute and sell electricity either in bulk or to individual consumers;

- (b) purchase, construct, reconstruct, maintain and operate supply lines, generating stations, transformer stations and all other appropriate stations, buildings and works;
- (c) sell, hire or otherwise supply electrical plant and electrical fittings and apparatus, and install, repair, maintain or remove any electrical plant, fittings and apparatus;
- (d) acquire, in accordance with the provisions of this Act or otherwise, any property, real or personal, which the Authority deems necessary or expedient for the purposes of constructing or extending or maintaining any installation or otherwise for carrying out its duties and functions under the provisions of this Act;
- (e) carry on all such other activities as may appear to the Authority requisite, advantageous or convenient for it to carry on for or in connection with the purposes of its duties under the provisions of this Act.

14 Power of Minister to issue directions

- (1) The Minister may, from time to time, after consultation with the Authority, give the Authority directions of a general character not inconsistent with the provisions of this Act as to the policy to be followed in the exercise of the powers conferred and the duties imposed on the Authority by or under the provisions of this Act in relation to matters which appear to him to affect the interests of Solomon Islands, and the Authority shall, as soon as possible, give effect to all such directions.
- (2) The Authority shall furnish the Minister with such returns, accounts and other information with respect to its property and activities as he may from time to time require.

15 Duty of the Authority to supply electricity

- (1) Subject to the provisions of subsection (2) and section 21(1), in so far as it is able to do so, the Authority shall supply electricity to any person, other than a licensee, requiring a supply of electricity, if such person undertakes to enter into a contract with the Authority, giving such security as the Authority may require, to become a consumer

and to undertake to receive and pay for or to continue to receive and pay for a supply of electricity upon such terms and conditions as the Authority may determine:

Provided that where the supply of electricity to such person requires an extension or augmentation of the Authority's distribution or transmission system, the Authority may require such person to pay to the Authority all or part of the costs for the work done by the Authority in respect of the extension or augmentation; and

Provided further that where the Authority is satisfied that the supply of electricity through the extension or augmentation cannot be provided or maintained economically, the Authority may require such person to enter into an agreement with the Authority for the payment of all or part of the costs of the work done by the Authority in maintaining the supply of electricity to such person through the extension or augmentation.

- (2) The Authority shall not supply electricity to a consumer, other than a licensee, in any area which, for the time being, forms part of the area of supply of a licensee, except with the consent of such licensee:

Provided that where the consent of the licensee is required under the provisions of this subsection and such licensee refuses or withholds such consent, the Authority may refer the matter to the Minister who may dispense with such consent if he is satisfied that it was unreasonably refused or withheld.

- (3) For the purposes of the proviso to subsection (2), consent shall be deemed to be unreasonably refused or withheld if the licensee is not willing and able to supply the requisite electricity upon reasonable terms and within a reasonable time, having regard, amongst other things, to the terms upon, and the time within, which the Authority is willing and able to supply such electricity.

General Financial Provisions

16 Power to borrow

- (1) The Authority may, from time to time, with the approval of the Minister of Finance, borrow money by the issue of debentures or debenture stock or in whatsoever manner and subject to such terms, security,

guarantee, mortgage, pledge or charge as may be so approved, for all or any of the following purposes:

- (a) the provisions of working capital;
 - (b) for performing the functions of the Authority under this Act;
 - (c) the acquisition of undertakings;
 - (d) any other expenditure properly chargeable to capital account;
and
 - (e) any other purpose whatsoever which the Minister may specify.
- (2) Subject to the approval of the Minister of Finance, the Authority may make rules, not inconsistent with the provisions of this Act, to provide for the issue of debentures or debenture stock, or in connection with any other purpose mentioned in subsection (1) or which may be specified by the Minister from time to time, and, in particular, for regulating the issue, transfer, redemption or other dealing with debentures or debenture stock.

17 Temporary loans or overdrafts

The Authority may borrow by way of temporary loan or overdraft such sums of money as it deems fit not exceeding an amount approved by the Minister

18 General duties and powers of Authority in financial matters

It shall be the policy of the Authority so to exercise and perform its functions under this Act as to secure that the total revenues of the Authority are sufficient to meet its total outgoings properly chargeable to revenue account, including depreciation, loan redemption and interest on capital, taking one year with another and making adequate allowance for any increase or decrease in the cost of replacing any property owned and used by the Authority.

19 Exemption from income tax

That part of the income of the Authority which is derived from the sale of electricity shall not be liable to income tax.

20 Annual subsidy

The Government shall pay to the Authority any annual subsidy which the Minister, after consultation with the Authority, may determine appropriate to compensate the Authority for any loss, actual or anticipated, which has been or might be sustained:

- (a) through taking over any supply of electricity under Part III; and
- (b) through managing and operating any supply of electricity which it is required to manage and operate under section 13(1)(b).

21 Rates and scales of charges for electricity

The prices to be charged by the Authority for the supply of electricity shall be in accordance with such tariffs as may, from time to time, be fixed by, the Minister on the recommendation of the Authority.

22 Schemes for the benefit of employees

The Authority may establish such schemes as it thinks necessary for the purpose of making payments, loans or advances to its officers or servants as part of their conditions of services:

Provided that such payments, loans or advances may be made upon such terms as the Authority may consider reasonable.

23 Application of revenue

- (1) The revenue of the Authority for any financial year shall be applied in defraying the following charges:
 - (a) the salaries, fees, remuneration, pensions, superannuation allowances and gratuities of the officers, agents and servants and technical or other advisers of the Authority, or any payment due under any scheme established under the provisions of section 22;
 - (b) the remuneration, fees, allowances and expenses of the members of the Authority;
 - (c) working and establishing expenses and expenditure on, or provision for, the maintenance of any of the installations of the

Authority, and the discharge of the functions of the Authority properly chargeable to revenue account;

- (d) the cost or any portion of the cost of any new installation which the Authority, with the approval of the Minister, may determine to charge to revenue;
 - (e) interest on any debentures and debenture stock issued, and the principal and interest on any loan raised, by the Authority;
 - (f) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or the repayment of other borrowed moneys;
 - (g) such sums as it may deem appropriate to set aside in respect of depreciation on the property of the Authority having regard to the amount set aside out of revenue under the provisions of paragraph (f);
 - (h) such contributions to charitable objects as the Authority, with the approval of the Minister, may, from time to time, determine;
 - (i) any other expenditure authorised by the Authority and properly chargeable to revenue account.
- (2) The balance of the revenue of the Authority shall be applied to a general reserve or to such other reserves as the Authority, with the approval of the Minister, may determine.
- (3) Any general or other reserve formed under subsection (2) shall be applied in such manner as the Authority may, with the approval of the Minister, from time to time determine:

Provided that no part of the moneys comprised in such general or other reserve shall be applied otherwise than for the purposes of the Authority.

24 Investment of funds

Any funds of the Authority not immediately required to be expended in the meeting of any obligations or the discharge of any functions of

the Authority may be invested from time to time in securities authorised for the time being for the investment of trust funds or in such other investments and securities as may be approved from time to time by the Minister.

25 Accounts and audit

- (1) The Authority shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of account in respect of each financial year terminating on the 31st day of December.
- (2) The accounts of the Authority shall be audited annually by an auditor appointed by the Authority subject to the approval of the Minister.
- (3) After the end of each financial year, as soon as the accounts of the Authority have been audited, the Authority shall cause a copy of the statement of account to be transmitted to the Minister, together with a copy of any report made by the auditor on that statement or on the accounts of the Authority and such explanation of any matters referred to in the auditor's report as may be necessary.

26 Annual report

- (1) The Authority shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Authority during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may from time to time direct.
- (2) A copy of the report shall be printed and laid before Parliament by the Minister as soon as may be after the close of the financial year to which the report relates.

PART III TRANSFER TO AUTHORITY OF GOVERNMENT UNDERTAKINGS

27 Vesting assets in the Authority

The Minister may by order and without further assurance vest in the Authority such assets as he may from time to time think fit subject to

such terms as may be specified in such order.

28 Existing contracts

All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the commencement of this Act, affecting any of the undertakings which may be transferred to the Authority from time to time by the Government shall be of as full force and effect against or in favour of the Authority, and enforceable as fully and effectually as if, instead of the Government or any person acting on behalf of the Government, the Authority had been named therein or had been a party thereto.

29 Pending proceedings

Any proceedings or cause of action pending or existing immediately before the commencement of this Act by or against the Government or any person acting on behalf of the Government in respect of any of the transferred undertakings specified in section 28 may be continued or enforced by or against the Authority as it might have been by or against the Government or such person, if this Act had not been enacted.

PART IV SUPPLY OF ELECTRICITY

30 Licence required for use of installations; contents of licences

(1) No person other than the Authority shall:

- (a) use, work or operate, or permit to be used, worked or operated, any installation; or
- (b) supply to or for the use of any other person electricity from any installation,

except under and in accordance with the terms of a licence expressly authorising such use or supply, as the case may be.

(2) Any person contravening the provisions of subsection (1) shall be guilty of an offence and liable to a fine of one thousand penalty units and, if the contravention be continued, to a fine of fifty penalty units for every day or part of a day during which the contravention

continues after the date of conviction.

- (3) Such licences may be granted by the Authority on payment of such fees, if any, as may be prescribed.
- (4) No licence shall be capable of being transferred unless the consent of the Authority to the transfer be evidenced upon the licence by writing under the hand of the Chairman.
- (5) Licences shall be subject to such conditions as may be prescribed and to such further conditions, if any, as may be imposed by the Authority and set out in the licence.
- (6) Licences may be for such periods as the Authority may in each case approve:

Provided that no licence shall, without the express approval of the Minister, be granted for a period exceeding twenty-one years.

- (7) The period of duration of every licence shall be set out therein, and in every licence for a public installation there shall be set out:
 - (a) the area of supply;
 - (b) the declared voltage and the variation permitted therefrom;
 - (c) the maximum charges payable by consumers;
 - (d) such other matters as the Authority may consider desirable including provisions for the revision or variation of any of the matters set out in such licence.

31 Security: suspension and revocation of licences

- (1) The Authority may, in its discretion, require that, before the issue of any licence, such security as it may specify shall be furnished for the due observance of the terms and conditions of the licence and of the provisions of this Act, and any regulations made under section 55.
- (2) A licence may at any time be suspended or revoked by the Authority on breach of any of the conditions thereof or in default of payment of any moneys accrued due thereunder, or if the licensee ceases to work or operate the installation in respect of which the licence has

been granted:

Provided that, where a licence has been suspended or revoked on the ground that the licensee has ceased to work or operate an installation, the licensee may, if he considers that he has suffered or may suffer undue hardship by reason of such suspension or cancellation, appeal to the Minister against such suspension or cancellation, and the decision of the Minister on such appeal shall be final.

32 Restriction of use to specified purposes

A licensee who is, by the conditions of his licence, restricted to using or supplying electricity for specified purposes only, shall not use or supply such electricity for any purpose other than those so specified, and any person contravening the provisions of this section shall be guilty of an offence.

PART V ACQUISITION OF LAND

33 Acquisition of and dealings in land

- (1) Subject to the provisions of the *Land and Titles Act*, the Authority may for all the purposes of any of its functions under this Act, by agreement acquire, whether by way of purchase, lease, gift or exchange, any land situate within Solomon Islands, whether such land is immediately required or not.
- (2) Any land acquired under subsection (1) may, until it is required for the purpose for which it was acquired, be held and used for the purpose of any of the functions of the Authority.
- (3) Any land belonging to the Authority and not required for the purpose for which it was acquired may be appropriated for any other purpose.

PART VI GENERAL

34 Power to enter on and examine land

- (1) In the exercise of the powers conferred upon the Authority or a licensee by the provisions of this Act, the Authority or licensee, as the case may be, may by their officers, agents or servants, do all or

any of the following:

- (a) enter, survey and take levels of any land or any part thereof and also dig out and remove any earth, stone, soil, and gravel whatsoever for the construction, maintenance or alteration of any line or part thereof or for any other purpose in connection with the works authorised by this Act;
- (b) after consultation with the local authority, cut and remove from any land any tree or any branch, bough, or other part of a tree growing on such land within fifteen metres of any main or submain used for conducting electricity and which may in any way affect or interfere with the works:

Provided that the Authority or licensee, as the case may be, may cut and remove any tree or any part thereof which is within one metre of a conductor without having to consult with the local authority or Town and Country Planning Board;

- (c) open or break up any road:

Provided that such road shall be repaired and relaid by or at the expense of the Authority or licensee, as the case may be, when any necessary work has been completed;

- (d) after consultation with the local authority, erect and maintain posts, staywires, poles or pillars in or upon any land and attach, place and maintain wires, lines, conduits and other appliances and things necessary for the works in, under, through or over, across or upon any street, road, land, building, houses or premises:

Provided that before the exercise of any of the powers conferred by the provisions of this paragraph, notice of the intention of the Authority or the licensee, as the case may be, shall be served on the owner or owners or other interested party at least fourteen clear days before the exercise of such power.

- (2) In the exercise of any of the powers conferred by the provisions of this section, the Authority or the licensee, as the case may be, shall not be deemed to acquire any right other than that of user only in or over the soil of any land through, over or under which the Authority

or the licensee, as the case may be, causes to be placed any of the works.

- (3) Any person who sustains any damage or loss by reason of the exercise of any of the powers conferred by this section upon the Authority or a licensee may make application for compensation in writing in that behalf to the Authority, or licensee, as the case may be, at any time before the expiration of three months after the act, matter or thing in respect of which such damage or loss is alleged to have been sustained, and if he fails to make application within the aforesaid period his claim to compensation for the alleged damage or loss may be disallowed.
- (4) The amount of compensation payable under the provisions of this section may, in default of agreement, be claimed and determined by civil action in a court.

35 Power to inspect

For the purpose of inspecting any part of an installation or fitting, removing meters or other instruments for measuring the quantity of electricity supplied, making or removing connections between mains and private fittings, repairing damage, or for other proper cause the Chairman or licensee or any person authorised by the Chairman or licensee in that behalf may at all reasonable times, enter upon the lands, houses or buildings to which electricity has been, is, or will be, supplied.

36 Power to fix lamp-posts, etc.

The Chairman or licensee, or any person authorised by the Chairman or licensee in that behalf, may, subject to the provisions of any Act for the time being in force, cause such lamp-irons, lamp-posts, insulating material, brackets, stays or other apparatus to be put up or fixed upon or against the walls or fences of any house, building or enclosure or to be put up or erected in such other places and manner as may be deemed proper, doing as little damage as may be practicable and making sufficient amends, by way of repairs, restoration or compensation to all persons interested, for such damage as may be done, and may cause such number of lamps of such sizes and types to be put and affixed to such lamp-irons, lamp-posts and brackets as may be deemed necessary, and may cause

the same to be lighted during such hours as may be deemed necessary.

37 Reduction or cessation of supply

- (1) The Authority and any licensee may reduce, as they may think fit, the quantity of electricity supplied to any consumer if, by reason of any unforeseen circumstances beyond their control, it may appear that the supply of electricity generated is insufficient to enable the full quantity to be conveniently supplied.
- (2) Where the quantity of electricity has been reduced as aforesaid:
 - (a) no liability shall be incurred by the Authority or the licensee, as the case may be, in respect of any loss or damage caused by such reduction; and
 - (b) in appropriate cases, an abatement in the charges for the supply of electricity shall be made in proportion to the reduction made.
- (3) The Authority or a licensee, their servants or agents, shall not be liable for any damage to persons or property or for any cessation of the supply of electricity which may be due to unavoidable accident, fair wear and tear, or overloading due to unauthorised connection of apparatus, or to the reasonable requirements of the system, or to defects in any installation not provided by the Authority or licensee, as the case may be, but shall be liable only when such damage or cessation is shown to have resulted from negligence on the part of the Authority or licensee, or their servants or agents as the case may be, or from faulty construction of the installation.

38 Protection of electrical works belonging to the Authority

- (1) No person shall lay or carry any mains, pipes, conduits or wires in, along, through, across, over or under any street or place in a manner which is likely to interfere with or cause damage to any electrical works or apparatus of the Authority without first obtaining permission from the Authority and such permission may be granted or withheld at the discretion of the Authority, or may be granted upon such terms and conditions as the Authority thinks fit to impose.

- (2) Any person who contravenes any of the provisions of this section shall be guilty of an offence against this Act

39 Use of electricity supplied

- (1) No consumer shall use electricity supplied to him for purposes other than those for which such electricity is supplied.
- (2) Any person who contravenes the provisions of this section shall be guilty of an offence against this Act.

40 Exemption of apparatus from distress and attachment

When any electric wires, meters, fittings, works or apparatus belonging to the Authority have been placed in or upon any private premises for the purpose of supplying or measuring electricity and when any electric wires, meters, fittings, works or apparatus belonging to a licensee have been placed in or upon premises, not owned or occupied by such licensee, for the purpose of supplying or measuring electricity, such wires, meters, fittings, works or apparatus shall not be subject to distress nor be liable to be taken in execution under any process of a court or in any bankruptcy or insolvency proceedings against any person.

41 Disconnection of supply of electricity

- (1) Where any person employed by the Authority or a licensee finds upon any premises evidence which in his opinion indicates that an offence has been committed under the provisions of section 42(2), the Authority or the licensee or any person duly authorised by the Authority or the licensee, as the case may be, may cause the supply of electricity to be disconnected from such premises.
- (2) Notwithstanding the provisions of subsection (1), where electricity is used by the consumer for business, professional or industrial purposes and the disconnection of the supply of electricity would prevent the consumer from carrying on his business, profession or industry, the supply of electricity shall not be disconnected without the approval of the Chairman, the General Manager or any member or employee of the Authority duly authorised for that purpose.
- (3) If the supply of electricity has been disconnected under the

provisions of subsection (1), it shall not be reconnected until:

- (a) in the case of the Authority, the Chairman or the General Manager or any member or employee of the Authority duly authorised for that purpose; or
- (b) in the case of a licensee, the licensee or his authorised employee,

gives permission for reconnection.

- (4) If the supply of electricity has been disconnected under the provisions of this section, the Authority or licensee, as the case may be, may determine the period for which such disconnection shall be enforced.
- (5) No liability shall lie upon the Authority or the licensee or any officer, servant or employee of the Authority or licensee for any act done by the Authority or licensee or any of their officers, servants or employees in carrying out the provisions of this section.

PART VII OFFENCES AND PROCEEDINGS

42 Offences

- (1) Any person who wilfully so tampers with or adjusts any installation or part thereof as to cause or to be likely to cause danger to human life or limb or injury to any apparatus or other property shall be guilty of an offence and liable to a fine of one thousand five hundred penalty units or to imprisonment for five years or to both such fine and such imprisonment.
- (2) Any person who in any manner whatsoever dishonestly:
 - (a) abstracts electricity; or
 - (b) consumes electricity; or
 - (c) uses electricity; or
 - (d) alters the index of any meter or other instrument used on or in connection with any Authority installation or any licensed installation for recording the output or consumption of

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electricity; or

- (e) prevents any such meter or instrument from duly recording the output or consumption of electricity,

shall be guilty of an offence and liable to a fine of five hundred penalty units or to imprisonment for two years or to both such fine and such imprisonment.

- (3) Any licensee who without express permission from the Authority in that behalf supplies electricity or lays down any supply line or constructs any electrical works outside the area of supply specified in his licence shall be guilty of an offence and liable to a fine of five hundred penalty units, and any such unauthorised line or works may, after conviction under this subsection in respect thereof, be removed by order of the Authority, and the reasonable cost of such removal may be recovered from the licensee.
- (4) Subject to the provisions of sections 37 and 41, any licensee who is authorised by his licence to supply electricity to other persons and who, in breach of any conditions of his licence or of any regulations made under section 55 and without reasonable cause (the burden of proving which shall lie on him), fails to supply electricity to any consumer whose premises lie within the area of supply specified in his licence, or discontinues the supply of electricity to any such consumer, shall be guilty of an offence and liable to a fine of five hundred penalty units, and in the case of continued failure or discontinuance, to a fine of fifty penalty units for every day or part of a day during which the failure or discontinuance continues after the date of conviction.
- (5) Any person who wilfully injures any meter or other instrument used on or in connection with any Authority installation or any licensed installation for recording the output or consumption of electricity shall be guilty of an offence and liable to a fine of two hundred penalty units.
- (6) Any person who wilfully or negligently:
 - (a) causes electricity to be diverted from its proper course or to be wasted; or

- (b) breaks, throws down, causes to fall or damages any supply line or any post, pole or other apparatus connected with the supply of electricity,

shall be guilty of an offence and liable to a fine of two hundred penalty units or to imprisonment for six months or to both such fine and such imprisonment.

- (7) Any person who obstructs or impedes any officer or servant of the Authority or of a licensee in the exercise of his powers and duties under the provisions of this Act or any regulations made under section 55 or fails to comply with any order lawfully given in pursuance of the provisions of this Act or such regulations, shall be guilty of an offence and liable to a fine of two hundred penalty units, and, in the case of a continuing offence, to a fine of fifteen penalty units for every day or part of a day during which the offence is continued after the date of conviction.
- (8) Any licensee who, without lawful excuse, fails to comply with any condition expressed, or, by virtue of this Act, implied, in his licence shall be guilty of an offence and liable to a fine of two hundred penalty units, and if the failure be continued, to a fine of fifteen penalty units for every day or part of a day during which the failure is continued after the date of conviction.
- (9) Any person guilty of an offence against this Act for which no penalty is expressly provided shall be liable to a fine of two hundred penalty units and in the case of a continuing offence, to a fine of fifteen penalty units for every day or part of a day during which the offence is continued after the date of conviction.

43 Onus of proof

In any prosecution for an offence under the provisions of section 42(2), proof of:

- (a) the existence of artificial means which, either alone or in conjunction with additional artificial means not found, could be used for altering, or facilitating the alteration of, the index of any meter or instrument used for registering the quantity of electricity supplied; or

(b) the existence of artificial means which, either alone or in conjunction with additional artificial means not found, would prevent, or facilitate the prevention of, any meter or instrument from duly registering the quantity of electricity supplied, or would facilitate the dishonest abstraction, consumption or use of electricity; or

(c)

(i) the fitting of any mechanical or other means to; or

(ii) the absence or removal of any part or connection from; or

(iii) the interference with any part or connection of,

any apparatus in such circumstances that such fitting, absence, removal or interference would prevent or facilitate the prevention of any meter or other instrument from duly registering the quantity of electricity supplied, or would facilitate the dishonest abstraction, consumption or use of electricity,

shall be *prima facie* evidence that there has been dishonest alteration of the index of any meter or instrument, or prevention, abstraction, consumption or use of electricity, as the case may be, and that such dishonest alteration, prevention, abstraction, consumption or use, as the case may be, has been carried out by:

(aa) the person fitting such artificial, mechanical or other means as aforesaid; and

(bb) the person removing any such part or connection as aforesaid; and

(cc) the person interfering with any such part or connection as aforesaid; and

(dd) the consumer using such meter or instrument; and

(ee) the person having control of the installation where it is fixed,

or that such person or consumer has abetted the offence of such alteration, prevention, abstraction, consumption or use, as the case

may be.

44 Compensation for damage

- (1) Any person who, without lawful excuse, removes, destroys or damages, whether wilfully or otherwise, any installation or any part thereof, or any public lamp or any post, bracket or other means of support of a public lamp, or any instrument used in connection with any installation for recording the output or consumption of electricity shall, in addition to any penalty to which he may be liable under the provisions of this or any other Act, be liable to pay full compensation for the damage he has done and such compensation shall be recoverable by civil action or suit before a court.
- (2) Without prejudice to the provisions of subsection (1), any court before which a person is charged with an offence under this Act may assess the compensation payable under the provisions of this section and may make an order for the payment of the same and any such order may be enforced as if it were a judgment in a civil action or suit.

PART VIII PROVISIONS RELATING TO INSPECTION, REGISTRATION, ETC

45 Appointment of inspectors

- (1) There shall be a Chief Inspector and such other inspectors as may be necessary for the purposes of giving effect to the provisions of this Act.
- (2) The Chief Inspector shall be the officer in charge of electrical engineering within the Authority.
- (3) The other inspectors shall, if the persons to be appointed are to be public officers, be appointed in accordance with the *Constitution*, but otherwise their appointments may be made by the Minister.

46 Power of inspectors to enter on premises

- (1) Subject to the provisions of subsection (2), an inspector may enter any premises, in or upon which any installation or apparatus may be, at any time between the hours of 6 o'clock in the forenoon and 6 o'clock in the afternoon and also at any other time when the

installation or apparatus may be at work, and may seize any article or thing which is reasonably suspected to be an article or thing which concerns an offence under the provisions of this Act or by which such an offence has been committed.

- (2) An inspector seeking to enter any premises under the powers conferred by subsection (1) shall carry, and shall produce on demand, an official identification card or badge in such form as may be prescribed, and no person shall be obliged to admit to his premises any person purporting to be an inspector except on production of such identification card or badge.

47 Periodical inspections of installations

- (1) Where any person, other than the Authority, is about to construct, alter or extend an installation, he shall give notice of such proposed construction, alteration or extension to the Chief Inspector who may periodically inspect such construction, alteration or extension.
- (2) In addition to periodical inspections as provided for in subsection (1) and final inspections on completion, all installations, while in operation, shall be subject to such periodical inspections as may be prescribed by regulations made under section 55.
- (3) The licensee and management and persons in charge of any installation or of the construction of any installation shall afford full facilities for inspection during working hours.

48 Installations completed or begun before commencement of Act

All installations which have been operated or whereof the construction has been completed or begun before the commencement of this Act shall be subject to the provisions of this Act and any regulations made under section 55.

49 Restriction on connection with earth

- (1) No person shall, in the generation, transmission, supply or use of electricity, permit any part of his supply line to be connected with earth except as may be required by or under the provisions of this Act or be expressly permitted by the Chief Inspector.

- (2) In the event of any breach of the provisions of subsection (1), the Chief Inspector may by written order require the licensee or owner to remove such connections and may prohibit the use of any supply line or works or installation until the order is complied with, and any person who fails to comply with any such order shall be guilty of an offence.

50 Procedure in case of dangerous defect in installation apparatus

- (1) In the event of an inspector finding in any installation or apparatus any defect which in his opinion is likely to cause danger, he may, by notice in writing posted at the place where the installation or apparatus to which it relates is installed or working, or served upon the licensee or owner thereof, require such defect to be made good or removed within such period as may be specified in the notice and in such case the installation or apparatus shall not be operated or used after the expiration of such period unless the defect has been made good or removed to the satisfaction of the inspector:

Provided that if the inspector is of the opinion that the defect is likely to cause immediate danger, he may, by notice posted or served as aforesaid, forthwith suspend the operation and use of such installation or apparatus until such defect is made good or removed, and in such case the installation or apparatus shall not be operated or used so long as such notice of suspension remains unrevoked.

- (2) Every licensee and every management and person in charge of an installation becoming aware of a defect therein which is likely to cause danger, and every consumer becoming aware of a defect in any apparatus which is likely to cause danger, shall forthwith cause the defect to be made good or removed or shall report thereon to an inspector.
- (3) If in the opinion of the Chief Inspector any defect in any installation in respect whereof a licence is in force is of such a nature that it cannot be made good or removed, the Authority shall hold an inquiry and, if it considers it necessary so to do, shall cancel the licence.
- (4) Any person who contravenes or fails to comply with any of the provisions of subsections (1) or (2) shall be guilty of an offence against this Act.

51 Serious accidents to be reported and investigated

- (1) Whenever any accident causing or resulting in loss of life or serious injury to any person or property has occurred in connection with any installation or electrical plant or apparatus, the owner or licensee thereof and the management thereof shall report the accident to an inspector by the quickest means available, and subsequently, with the least possible delay, shall report in writing to an inspector the facts of the matter so far as they are known and the inspector may as soon as practicable after receipt of the first report:
 - (a) visit the place where the accident occurred;
 - (b) make a preliminary investigation of the circumstances;
 - (c) record in writing his findings upon such investigation;
 - (d) forward his report to the Chief Inspector;
 - (e) if there has been any loss of life or there is reason to believe that any person has been seriously injured, send a copy of his findings to the nearest Magistrate.
- (2) In the event of loss of life or grievous hurt to any person due to any accident in connection with any installation or electrical plant or apparatus, no alteration or addition shall, without the consent of an inspector be made to any part of such installation, plant or apparatus which may have contributed to the occurrence of such accident, nor shall any alteration be made, without such consent, to the site of the accident until an inspector has completed his investigation:

Provided that nothing herein contained shall operate to interfere with rescue work or work necessary for the general safety of life or property.

- (3) If upon a preliminary investigation under the provisions of subsection (1) it appears to the officer making such investigation that there is reason to believe that the accident was due to any failure to comply with the provisions of this Act or of any regulations made under section 55 or to neglect of any lawful order given by an inspector, or if the officer making such investigation is satisfied that the accident might have been prevented if proper precautions had been taken and

observed in the working of any installation or electrical plant or apparatus, the Chief Inspector shall further investigate the circumstances of the accident together with the inspector and if the Chief Inspector is of the opinion that criminal proceedings could lie against any person he shall then forward to the Director of Public Prosecutions a copy of the inspector's report together with his opinion of the circumstances and findings.

- (4) Any person concerned in any investigation held under the provisions of this section shall be entitled, upon payment of the prescribed fees, to receive a copy of the report of the inspector, a copy of the opinion of the Chief Inspector, and copies of statements, if any, taken in evidence by the inspector or Chief Inspector, as the case may be.
- (5) Any person who, without lawful excuse, contravenes or fails to comply with any of the provisions of subsections (1) or (2) shall be guilty of an offence against this Act.

52 Questions for decision by Chief Inspector subject to appeal to High Court

- (1) In the event of any difference of opinion between a licensee and an inspector, other than the Chief Inspector, or between the management or owner of any installation or apparatus and an inspector, other than the Chief Inspector, regarding any matter affecting the construction, erection, maintenance or operation of any installation or apparatus, the matter shall be referred in writing to, and decided by, the Chief Inspector.
- (2) Any person who feels aggrieved by a decision made by the Chief Inspector may appeal in writing to the High Court for reconsideration of the matter in dispute within twenty-one days from the date of the decision of the Chief Inspector, or within such further period as the High Court may in special circumstances allow, and such appeal shall contain the grounds of the grievance.
- (3) Upon receipt of an appeal under the provisions of subsection (2), the Judge shall hear the appellant and such other parties as he may deem necessary.
- (4) Any person having technical qualifications or experience in the matter concerned in the appeal, may be called upon to give evidence

during the hearing of such appeal.

- (5) At the conclusion of the appeal proceedings, the Judge who heard the appeal shall inform all persons concerned of his decision.
- (6) Any person concerned shall be entitled, upon payment of the prescribed fees, to a copy of a summary of the evidence given during the appeal proceedings, and of the Judge's decision.

53 Liabilities unaffected

Nothing in this Act contained shall operate to relieve any licensee or management from any civil or criminal liability arising otherwise than under this Act.

54 Exemption orders

The Minister may, on the recommendation by the Authority, exempt any installation or class of installation from all or any of the provisions of Part IV and Part VIII or any regulation made thereunder.

PART IX SUBSIDIARY LEGISLATION

55 Regulations

The Minister on the recommendation of the Authority, may make regulations not inconsistent with the provisions of this Act to prescribe:

- (a) the duties of inspectors;
- (b) the intervals, times and manner in which any installations or apparatus shall be inspected, the notice (if any) to be given in relation to inspections and the preparations to be made by the licensees and the management for such inspections;
- (c) the minimum standards and specifications which shall be used in the design, construction, protection and maintenance of installations and apparatus, the conditions under which any installation or apparatus shall be worked or operated and the prohibition of the use or importation of dangerous apparatus;
- (d) the means which may be employed (to the exclusion of other

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means) for the generation, conversion, transmission, transformation, distribution and application of electricity;

- (e) the manner in which electricity shall be measured and the standards of measurement which shall be employed and the manner in which electricity is permitted to be, or is prohibited from being, supplied or used;
- (f) the standards to be adopted for measurement of dimensions of installations and apparatus;
- (g) the manner of regulation and the limits of variation of the nature, voltage and periodicity of the electricity supplied;
- (h) the class or design, or classes or designs, of wires, fittings and apparatus to be used by consumers, and the manner in which such wires, fittings and apparatus shall be erected, fixed, arranged, protected, controlled, inspected, tested and maintained;
- (i) the fees to be paid for licences and certificates of registration of installations and any other fees which require to be prescribed under the provisions of this Act;
- (j) the form and contents of and the conditions to be prescribed in licences and the conditions for suspension, extension and revocation of licences;
- (k) the qualifications to be possessed by persons before they may be entrusted with the construction, erection, repair or alteration of any installation or apparatus or with the charge of any installation or the control of the operation of apparatus;
- (l) the nature of the tests to be employed for ascertaining whether persons possess the qualifications prescribed by regulations under the provisions of paragraph (k), the form and period of validity of certificates to be issued to persons found to possess such qualifications, and the manner and conditions of the issue, suspension and revocation of such certificates;
- (m) the approval and registration of wiring contractors;

- (n) the measures to be taken and the fittings to be supplied and used in connection with installations in order to secure public and private safety;
- (o) the precautions to be taken on the relief of persons in control of apparatus;
- (p) the manner of calculating the power of generators and motors;
- (q) the manner of holding inquiries under the provisions of this Act;
- (r) the forms of notices and the manner of service thereof;
- (s) the means to be adopted, whether by prohibition or otherwise, to prevent or abate any nuisance likely to arise or arising from the working of any installation or apparatus;
- (t) the time, place and manner for the payment of fees payable under this Act or any regulations made under this section, and the mode of collection and disposal thereof;
- (u) any other matters required to be prescribed by this Act or which may appear to him expedient for the better carrying out of the provisions of this Act, or for securing the safety of the public or for ensuring a proper and sufficient supply of electricity;
- (v) prescribing the rate of charges to be made in respect of electricity supplied from Authority public installations and of the hire of apparatus belonging to or operated by the Authority, and the fees payable in respect of the inspection, testing and maintenance of consumers' installations and apparatus, and in respect of the fixing and testing of meters, and in respect of any other services properly rendered on account of consumers;
- (w) prescribing the form of applications for electricity, the manner of effecting the supply of electricity, and the incidence of the charges in respect of the cost of connecting the consumers' premises with the mains;
- (x) prescribing the methods to be adopted for the supply and use of electricity, the security to be furnished by consumers and the conditions for the discontinuance of the supply in cases where

the consumer fails to observe the requirements of this Act or of any regulations made under this section or is in arrear with the payment of any proper charges, or uses defective fittings, and also in other cases where such discontinuance may be deemed necessary or advisable;

- (y) regulating the methods of wiring premises, the types of apparatus that may be used, and such other matters as may appear expedient;
- (z) prescribing any other matters necessary for the proper management of the supply of electricity.

ENDNOTES

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KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 128 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

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LIST OF LEGISLATION

Electricity Act (Cap. 128)

<i>Constituent legislation:</i>	15 of 1968 (Commenced 1 January 1969)
	11 of 1970
	LN 46A of 1978
	LN 88 of 1978
	3 of 1988

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

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LIST OF AMENDMENTS

s 30	amd by Act No. 14 of 2009
s 42	amd by Act No. 14 of 2009