



ST HELENA

REVISED EDITION OF THE LAWS, 2017

INFRASTRUCTURE & PUBLIC UTILITIES

ELECTRICITY ORDINANCE, 1961¹

*Ordinance 8 of 1961
In force 7 August 1961*

Amended by Ordinances 7 of 1995, 1 of 1996, 3 of 2013, 14 of 2017 and L.N. 11/2010

Subsidiary legislation:

ELECTRICITY REGULATIONS, 1995

Legal Notice 13 of 1995

Amended by L.N. 4/1996, L.N. 5/2000, L.N. 1/2002, L.N. 25/2007, L.N. 4/2011, L.N. 7/2013

ELECTRICITY (TARIFFS) REGULATIONS, 2012

Omitted, as rendered obsolete by section 14 of the Utility Services Ordinance, 2013. See the Directives for Maximum Electricity and Water Tariffs: G.N. 21 of 26 March 2014; G.N. 50 of 31 March 2015; G.N. 56 of 29 February 2016.

ELECTRICITY ORDINANCE, 1961

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AN ORDINANCE to regulate the generation, distribution, supply and use of electricity.

Short title and application

1. This Ordinance may be cited as the Electricity Ordinance, 1961 and applies only to St Helena.

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

Interpretation

2. In this Ordinance—

“**consumer**” means any person or body of persons supplied or entitled to be supplied with electricity by the Utilities Provider or whose premises are for the time being connected for the purpose of such supply;

“**Utilities Provider**” means a person or body of persons licensed under section 6 of the Utility Services Ordinance, 2013 to provide public utility services relating to the generation, distribution or supply of electricity.

Establishment of Electricity Authority

3. *Repealed*

Generation, etc. of electricity

4. *Repealed*

Offences

5. (1) It is an offence for a person to—

- (a) wilfully or fraudulently injure or otherwise interfere with, or cause or permit to be injured or otherwise interfered with any electrical line, meter or apparatus the property of the Utilities Provider;
- (b) fraudulently alter the index of such a meter;
- (c) fraudulently prevent such a meter from giving a correct indication; or
- (d) fraudulently abstract, divert, consume, use or waste any electricity of the Utilities Provider or cause or permit such electricity to be so dealt with.

Penalty: A fine of £20,000 or imprisonment for 2 years, or both.

(2) It is an offence for a person wilfully or negligently—

- (a) to injure or permit to be injured any electrical line, meter or apparatus the property of the Utilities Provider; or
- (b) to prevent such meter from giving a correct indication.

Penalty: A fine of £1,000.

(3) If a meter the property of the Utilities Provider is on the premises of a consumer and means of causing any alteration, prevention, abstraction, diversion, consumption or use contrary to the provisions of subsection (1) are found on the premises or under the control of the consumer, the finding is *prima facie* evidence that any such alteration, prevention, abstraction, diversion, consumption or use as the case may be was fraudulently, knowingly and wilfully caused by the consumer.

(4) Subject to subsection (5), if an offence under this Ordinance is committed by a corporate body, every director, manager, secretary or other similar officer of the body commits the like offence and is liable to be proceeded against, convicted and punished accordingly.

(5) A person is not liable to be convicted under subsection (4) if the person shows

that he or she was unaware (and could not by reasonable diligence have been aware) of the acts or omissions which constituted the offence.

Entry on land and compensation

6. (1) For the purpose of constructing or affixing any electrical line or maintaining or repairing any such line or apparatus, the Utilities Provider or any person authorised by the Utilities Provider for the purpose may, subject to this section -

- (a) at all reasonable times enter upon any land and carry out all necessary works and repairs; and
- (b) in the course thereof affix electrical lines to any building, fell or lop trees, remove vegetation and do all other things necessary to such purpose.

(2) Section 4 of the Land Acquisition Ordinance, 2006 applies to the payment of compensation for any injury caused by such entry or by doing any of the aforesaid acts or things in like manner as it applies to the payment of compensation in respect of a preliminary investigation.

(3) Except in an emergency, no tree may be lopped or felled before 7 clear days' notice has been given by the Utilities Provider to the owner of the land on which the tree stands or, in the case of dispute between the Utilities Provider and the owner, before reference has been made to the Utilities Regulatory Authority established by section 3 of the Utilities Services Ordinance, 2013, whose decision in the matter is final.

(4) No additional compensation is payable for the felling or lopping of trees or removal of vegetation if -

- (a) such action is necessary for the maintenance of an electrical line or other apparatus; and
- (b) the trees or vegetation have grown or been allowed to grow in such a manner as to obstruct or interfere with the electrical line or other apparatus since a previous payment of compensation in respect of trees or vegetation in the same place.

Regulations

7. (1) The Governor in Council may make regulations for the better carrying of this Ordinance into effect and in particular, without limiting that power—

- (a) ...
- (b) ...
- (c) 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 -
 - (i) a consumer fails to observe the requirements of this Ordinance or of any regulations made under it or is in arrears with the payment of any proper charges or uses defective fittings; or
 - (ii) such discontinuance is considered necessary or advisable;
- (d) regulating the methods of wiring of premises, the types of apparatus that may be used and other matters that appear expedient;
- (e) for the reporting of accidents;
- (f) regulating the examination, licensing and registration of electrical engineers,

chargemen, wiremen and electrical contractors and the granting of certificates of competency and of registration to such persons;

- (g) for the performance of all acts necessary for the proper management of the supply of electricity,

and such regulations may provide for a penalty not exceeding £500 for any breach of them.

- (2) Regulations made for the purpose of subsection (1)(d) may be made—
- (a) so as to require a matter affected by the regulations to be—
- (i) in accordance with a specified standard or specified requirement; or
- (ii) approved by or to the satisfaction of a specified person or body of persons; or
- (b) so as to apply, adopt or incorporate a matter contained in a document, code, standard, rule, specification or method formulated, issued, prescribed or published by an authority or body whether—
- (i) wholly or partially or as amended by the regulations; or
- (ii) as formulated, issued, prescribed or published—
- (A) at the time the regulations are made or at any time before then; or
- (B) from time to time;
- (c) so as to confer a discretionary authority or impose a duty on a specified person or body of persons; and
- (d) so as to provide in a specified case for exemption from a provision of the regulations, whether unconditionally or on specified conditions and either wholly or to a specified extent.

ELECTRICITY ORDINANCE, 1961

ELECTRICITY REGULATIONS, 1995

(Section 7)

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Citation

1. These Regulations may be cited as the Electricity Regulations, 1995.

Interpretation

2. *Repealed*

Apparatus to comply with certain standards

3. (1) Subject to sub-regulation (2), a person must not—
 - (a) install electrical apparatus with the intention that it be connected to the Utilities Provider's supply line; or
 - (b) connect electrical apparatus to the Utilities Provider's supply line, unless the apparatus conforms to the Regulations for the Electrical Equipment of Buildings of the Institution of Electrical Engineers (UK) for the time being in force.
- (2) The Utilities Provider may permit a person not to comply with a requirement of a Regulation referred to in sub-regulation (1) if the Utilities Provider is satisfied that the requirement is not appropriate in any particular circumstance.
- (3) Permission under sub-regulation (2) may be given subject to conditions.
- (4) A person to whom permission is given under sub-regulation (2) must comply with any condition subject to which the permission is given.
- (5) If a person fails to comply with a condition imposed under sub-regulation (3) the Utilities Provider may cut off any supply of electricity to the premises.
- (6) A person who contravenes sub-regulation (1) or (4) commits an offence.
Penalty: A fine of £500.

Authorisations required for certain installations and connections

4. (1) It is an offence for a person to—
 - (a) install any electrical apparatus which is intended to be connected to the Utilities Provider's supply line, while not being the holder of a current licence issued by the Governor which authorises the person to undertake work of that nature; or
 - (b) connect any electrical apparatus to the Utilities Provider's supply line without first obtaining the written approval of the Utilities Provider.
- Penalty: A fine of £500.

(2) Any licence or approval issued or obtained in compliance with sub-regulation (1) must be in a form, for a duration, and subject to requirements or conditions (including the payment of any fee for the licence) that the Utilities Provider considers appropriate.

(3) The Utilities Provider may, at any time during the currency of a licence or approval obtained in compliance with sub-regulation (1) extend, revoke, vary the conditions,

or in any other manner amend the licence or approval.

Exclusion from provisions of regulation 4

5. For the purposes of regulation 4(1) “**electrical apparatus**” does not include any equipment constructed or attached in a manner which enables it to be immediately connected to or disconnected from any electrical supply by any person, irrespective of the person’s own skills.

Installation to include earth leakage breaker

6. (1) Subject to sub-regulation (2), a person must not connect an electrical installation to the Utilities Provider’s supply line or allow an electrical installation to remain connected to the Utilities Provider’s supply line unless the electrical installation is protected by an earth leakage circuit breaker having a rated residual operating current not exceeding 30 milliamps.

(2) The Utilities Provider may permit a person not to comply with sub-regulation (1) if the Utilities Provider is satisfied that the requirement of the sub-regulation is not appropriate in any particular circumstance.

(3) Permission under sub-regulation (2) may be given subject to conditions.

(4) A person to whom permission is given under sub-regulation (2) must comply with any condition subject to which the permission is given.

(5) If a person fails to comply with a condition imposed under sub-regulation (3) the Utilities Provider may cut off any supply of electricity to the premises.

(6) A person who contravenes sub-regulation (1) or (4) commits an offence.
Penalty: A fine of £500.

Power of Utilities Provider to cut off supply of electricity for non-payment of accounts

7. The Utilities Provider may cut off the supply of electricity to premises if any account for—

- (a) electricity consumed on the premises or for the meter hire;
- (b) testing a meter on the premises in accordance with a request made under regulation 15(1); or
- (c) the balance of the cost of installing a service line to the premises payable by virtue of regulation 17(3),

is not paid in full within 28 days of the account being sent by the Utilities Provider to the last address for the consumer known to the Utilities Provider.

Power of Utilities Provider to require fault to be remedied

8. (1) The Utilities Provider may by notice in writing served on a consumer require the consumer to rectify a fault or deficiency in the consumer’s electrical installation within the period stated in the notice.

(2) A consumer must not fail to comply with any requirement specified in a notice served on him in accordance with sub-regulation (1).

(3) If a consumer fails to comply with any requirement specified in a notice served on the consumer in accordance with sub-regulation (1) the Utilities Provider may cut off any supply of electricity to the consumer's premises.

(4) A person who contravenes sub-regulation (2) commits an offence.
Penalty: A fine of £500.

Power of Utilities Provider to stop electrical interference

9. (1) If the Utilities Provider is of the opinion that the use by a consumer of electrical equipment is unreasonably interfering with the supply of electricity to another consumer the Utilities Provider may serve on the first-mentioned consumer a notice requiring that consumer not to use the electrical equipment—

- (a) specified in the notice;
- (b) specified in the notice, except during the period specified in the notice; or
- (c) specified in the notice, except when the conditions specified in the notice are being complied with.

(2) A consumer must comply with a notice served on the consumer in accordance with sub-regulation (1).

(3) A notice served under sub-regulation (1) may be served orally or in writing but if served orally ceases to have effect unless within 24 hours a written notice is served on the consumer.

(4) If a consumer fails to comply with any requirement specified in a notice served on the consumer in accordance with sub-regulation (1) the Utilities Provider may cut off the supply of electricity to the consumer's premises.

(5) A person, being a consumer, who contravenes sub-regulation (2) commits an offence.
Penalty: A fine of £500.

Power of Utilities Provider to disconnect supply to dangerous installation

10. The Utilities Provider may at any time disconnect an installation from the Utilities Provider's supply line if the Utilities Provider is satisfied that the installation is dangerous.

Reconnections

11. (1) If the Utilities Provider cuts off a supply of electricity in accordance with these Regulations the Utilities Provider may refuse to restore the supply until—

- (a) all outstanding amounts in respect of electricity supplied to the premises have been paid;
- (b) any other amounts due to the Utilities Provider from the consumer have been paid;

- (c) any work required by the Utilities Provider to be done has been done; and
- (d) the prescribed reconnection charge is paid.

(2) *Repealed*

Construction of works

12. (1) The Utilities Provider must serve a notice setting out in general terms the work the Utilities Provider proposes to carry out before exercising any of the powers vested in the Utilities Provider by section 6 of the Ordinance.

(2) The Utilities Provider must, wherever practicable, serve the notice referred to in sub-regulation (1) on the owner of the premises affected by the proposed work and, (unless the premises are in multiple occupation) the occupier of those premises.

(3) The notice referred to in sub-regulation (1) must with reasonable particularity or by an accompanying sketch map indicate—

- (a) the proposed position of any sub-station, transformer, post or similar apparatus or obstacle; and
- (b) the proposed run of any wiring.

(4) A notice referred to in sub-regulation (1) must also state that if the person upon whom it is served has any objection to the proposed work the person must lodge the objection with the Utilities Provider within 3 weeks from the date of issue of the notice.

(5) The Utilities Provider must—

- (a) consider any objection received in accordance with sub-regulation (4); and
- (b) try to satisfy the objector and secure the withdrawal of the objection or arrive at a compromise.

(6) If agreement cannot be reached and the objection is not withdrawn, either the objector or the Utilities Provider may appeal to the Governor in Council who may make any order authorising entry to the premises and the construction of the works that appears to the Governor in Council to be necessary and appropriate.

Power to enter premises

13. (1) The Utilities Provider may at all reasonable times enter upon premises—

- (a) to inspect, test or maintain the electric lines, meters, fittings or other works and apparatus belonging to the Utilities Provider on the premises;
- (b) to ascertain the quantity of electricity consumed in or supplied to the premises;
- (c) if a supply of electricity is no longer required to the premises - to remove any electric lines, meters, fittings or other works or apparatus belonging to the Utilities Provider;
- (d) if the Utilities Provider may in accordance with these regulations cut off a supply of electricity to the premises - to remove any electric lines, meters, fittings or other works or apparatus belonging to the Utilities Provider; or
- (e) if a notice has been served in accordance with regulation 12(1) and—
 - (i) no objection to the notice has been received by the Utilities Provider within

- the period of 3 weeks specified in regulation 12(4); or
- (ii) an objection has been received by the Utilities Provider but a compromise has been reached; or
 - (iii) the Governor in Council has made an order under regulation 12(6) - to carry out the work in accordance with the notice, compromise or order, as the case may be.

(2) The Utilities Provider must repair any damage caused by the Utilities Provider when carrying out a function referred to in sub-regulation (1).

(3) A person must not hinder the Utilities Provider when carrying out a function referred to in sub-regulation (1).

(4) A person who contravenes sub-regulation (3) commits an offence.
Penalty: A fine of £500.

Electrical accidents to be reported

14. (1) If—

- (a) an accident results from the use of electricity; and
- (b) the accident causes the death of or serious injury to a person,

the occupier of the premises on which the accident occurred must immediately inform the Utilities Provider of the accident.

(2) A person who contravenes sub-regulation (1) commits an offence.
Penalty: A fine of £500.

Utilities Provider must test meters upon request

15. (1) The Utilities Provider must test an electrical meter on the premises of a consumer if requested to do so by the consumer.

(2) Subject to sub-regulation (3), the prescribed fee must be paid for testing a meter.

(3) No fee is payable for a test carried out in accordance with sub-regulation (1) if the meter is found to give a reading that differs from a correct reading by more than 3%.

General charges

16. *Repealed*

Installation charges

17. (1) Subject to the following provisions of this regulation, and for the purpose of calculating the total charge to be levied for the installation of a service line from the Utilities Provider's mains to the premises of a consumer, the Utilities Provider must first cost all necessary labour and materials at current prices, and then add 20% to the total of them to cover the Utilities Provider's administration costs and other overheads.

(2) If the initial cost of a service line has been borne by one consumer, and the Utilities Provider makes any subsequent connection to that line for the benefit of another consumer or consumers, the consumer or consumers must pay to the Utilities Provider a proportion of the total initial installation cost charged that the Utilities Provider considers fair and reasonable.

(3) All amounts paid to the Utilities Provider pursuant to sub-regulation (2) must, on receipt, be immediately paid over to the first and any subsequent previous contributor in such proportion, where more than one, as the Utilities Provider considers fair and reasonable.

(3A) A consumer who has paid or contributed to the payment of the initial installation or any subsequent connection costs does not have any entitlement under sub-regulation (3) after the expiry of a period of 6 years from completion of the installation and connection of the service to which the consumer is a registered contributor.

(4) If it appears to the Utilities Provider that any application by a prospective consumer, if granted, is likely to form part of a multiple customer area mains service, the Utilities Provider may in a manner which the Utilities Provider considers fair and reasonable –

- (a) apportion the total costs of the works necessary to constitute such service, including investment costs and other costs stipulated in sub-regulation (1), among the total number of consumers projected for that area by the Utilities Provider; and
- (b) calculate the charge to be levied in respect of the prospective consumer on that basis.

(5) The Utilities Provider must not commence any works of installation of a service line until payment has been made of not less than one half of the total amount required to be paid in any case by a consumer under this regulation.

(6) The balance (if any) remaining upon completion of the installation of a service line must be paid by the customer immediately upon demand.

Ownership of service lines and equipment

18. The service line to a consumer's premises, together with all poles and other equipment ancillary to such line or service, are and remain the property of the Utilities Provider up to and including the consumer's meter, even if the cost, or a proportion of the cost of the initial installation or any subsequent connection has been paid by the existing consumer or any previous consumer responsible for the premises.

Distribution of electricity

19. Subject to regulation 12, the Utilities Provider—

- (a) may arrange electrical distribution in whatever way is considered best by the Utilities Provider; and
- (b) may add electrical supply lines at any point whether or not—
 - (i) the point is on a consumer's premises; or
 - (ii) the electrical supply line is required to supply other consumers.