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## CHAPTER 194

## ELECTRICITY

**An Act to provide for the establishment of a corporation to be known as The Bahamas Electricity Corporation and for the exercise and performance by the Corporation of functions relating to the supply of electricity and certain other matters; for the transfer to the Corporation of electrical installations owned by the Government of The Bahamas; to amend and consolidate the law relating to electrical installations and the generation, supply and use of electricity and for purposes connected with the matters aforesaid.**

*17 cf 1956*  
*34 cf 1958*  
*52 cf 1959*  
*43 cf 1963*  
*44 or 1963*  
*38 cf 1964*  
*11 cf 1965*  
*40 cf 1965*  
*36 cf 1966*  
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*33 cf 1992*  
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*18 cf 1999*  
*34 cf 1999*

*[Assent 17th May, 1956]*

*[Commencement 1st October, 1956]*

**PART I**  
**PRELIMINARY**

1. This Act may be cited as the Electricity Act.
2. 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;
  - “arbitration” means arbitration under and in accordance with the provisions of section 46 of this Act;
  - “authorised person” means a person appointed by the Corporation, or by a contractor, for the time being, to the Corporation, to carry out certain duties incidental to the generation, transformation, distribution and use of energy, 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;

Short title

Interpretation  
*23 cf 1971, Sch ,*  
*19 cf 1972, s 2*

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- “bulk supply” means a supply of electricity to be used for the purpose of distribution;
- “conductor” means an electrical conductor arranged to be electrically connected to a system;
- “consumer” means a person who is supplied with energy or whose premises are for the time being connected with any Corporation public installation for the purpose of a supply of energy;
- “conversion” means the conversion of alternating current to direct current or *vice versa* by static or dynamic means;
- “the Corporation” means the Corporation established by section 3 of this Act;
- “Corporation installation” or “Corporation undertaking” means an installation or undertaking the property of, or operated by, the Corporation;
- “Corporation public installation” means a Corporation installation operated by or on behalf of the Corporation for the supply of energy to any person other than the Corporation;
- “dead”, applied to any system or part of a system, means that it is not live;
- “energy” means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of any communication or signal;
- “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 energy;
- “generator” means a rotating machine of any type for changing mechanical energy into electrical energy;
- “inspector” means an electrical inspector appointed under section 10 of this Act;

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- “installation” means the whole of any plant or apparatus designed for the supply or use, or both, as the case may be, of energy, including prime movers, if any, with all necessary plant, buildings and land in connection therewith, pipe lines, supply lines and consuming apparatus, if any;
- “licensed undertaker” means a person authorised under the Out Islands Electricity Act to supply energy to the public in any part of the Out Islands; *44 cf 1963, s 2 Ch 195*
- “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;
- “main” means a supply line through which energy is or can be supplied, whether such line is in use or not;
- “member of the Corporation” includes the Executive Chairman, the Deputy Chairman, a temporary Chairman, a temporary Deputy Chairman and any temporary member of the Corporation; *23 cf 1971, Sch*
- “Minister” means the Minister charged with the responsibility for relations with the Corporation; *23 cf 1971, Sch*
- “prescribed” means prescribed in accordance with the provisions of section 58 or 60 of this Act and in relation to any charges or fees for the rendering of any service by the Corporation or a licensed undertaker such charges or fees as are determined by the Commission established under the Public Utilities Commission Act, 1993; *31 cf 1993, s 2*
- “public lamp” means an electric lamp used for the lighting of any street, wharf, dock or other public place;
- “public safety” means the obviation of danger to the general public, to public property and to roads, streets, canals, docks, wharves, piers, bridges, water-works and their appurtenances and telegraphic, telephonic and other electrical signalling lines owned or operated by the Government of The Bahamas;

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“street” includes any way, road, lane, path, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way and also the roadway and footway over any public bridge;

“supply line” means a conductor or conductors or other means of conveying, transmitting or distributing energy, together with any casing, coating, covering, tube, pipe, insulator or part 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 energy;

“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*.

19 *cf* 1972, s 2

- (2) Any reference in this Act to area of supply —
- (a) as respects the Corporation, is a reference to the Island of New Providence or any designated Out Island or part of an Out Island;
  - (b) as respects any licensed undertaker, is a reference to the area within which such licensed undertaker is empowered to supply energy to the public, and in relation to paragraph (a) of this subsection the following provisions shall have effect, that is to say —
  - (c) the expression “designated Out Island or part of an Out Island” means an Out Island or part of an Out Island (not being an Out Island or part of an Out Island included within an agreement made and in force under the provisions of the Out Islands Electricity Act) designated for the purposes of this subsection by the Minister by an order made under this subsection;
  - (d) in any such order the Minister may specify the functions that the Corporation may exercise in the Out Island or part of an Out Island the subject of the order, and, where any functions

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are so specified in relation to an Out Island or part of an Out Island, those functions, and those functions only, may be exercised by the Corporation within that Island or part.

## PART II ELECTRICITY CORPORATION

**3.** There is hereby established a body to be called the Bahamas Electricity Corporation which shall be a body corporate with perpetual succession and a common seal and with power to acquire, hold and dispose of property, to enter into contracts, to sue and be sued in its said name and to do all things necessary for the purposes of this Act:

Establishment and incorporation of the Electricity Corporation.

Provided that, subject to any existing contractual obligations, the Corporation shall not —

*44 cf 1963, s 3 ;  
23 cf 1971, Sch*

- (a) mortgage, charge or demise any of its immovable property without the approval of the Minister; or
- (b) sell or otherwise alienate any of its immovable property in fee simple without the approval of both Houses of Parliament signified by resolution.

**4.** All deeds, documents and other instruments requiring the seal of the Corporation shall be sealed with the seal of the Corporation in the presence of the Executive Chairman or Deputy Chairman and of the secretary of the Corporation or some other person authorised by the Corporation to act in that behalf who shall both 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 Corporation.

Use of common seal.  
*23 cf 1971, Sch*

**5.** (1) The Corporation shall consist of such number of members not exceeding nine or less than five, as the Governor-General may from time to time decide. Members shall be appointed by the Governor-General by notice in the *Gazette*; they shall hold office at the Governor-General's pleasure and subject to this, shall be appointed for such period not exceeding three years as the Governor-General may fix in relation to each member at the time of his appointment:

Constitution of Corporation.  
*38 cf 1964, s 2 ;  
2 cf 1973, s 2*

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Provided that no person shall be qualified to be appointed or to hold office as a member of the Corporation under this section if he is a Minister.

*23 cf 1971, Sch*

(2) The Governor-General shall appoint one of the members as Executive Chairman of the Corporation and the members shall appoint one of their number to be Deputy Chairman.

*23 cf 1971, Sch*

(3) In the absence of the Executive Chairman, the Deputy Chairman shall act in his place:

Provided that the members of the Corporation, or in their default the Governor-General, may appoint an acting Chairman during the temporary absence of both the Executive Chairman and his Deputy owing to illness, inability to attend, absence from The Bahamas, or other reasonable cause.

*44 cf 1963, s 4*

(4) In the exercise of the powers conferred upon him by this section, the Governor-General shall act on the advice of the Prime Minister.

*23 cf 1971, Sch*

(5) There shall be paid to the Executive Chairman or any Acting Chairman or any other member of the Corporation such remuneration (if any) whether by way of salary, honorarium, or fees and such allowances (if any) as the Minister may determine, and in the exercise of his powers under this subsection it shall be competent for the Minister to make different provision respecting different members of the Corporation.

Disclosure of  
interest by  
members

**6.** A member of the Corporation, if he is interested in any company or undertaking with which the Corporation have or propose to make any contract, shall disclose to the Corporation the fact and nature of his interest and shall not take part in any deliberation or decision of the Corporation relating to such contract, and such disclosure shall be forthwith recorded in the minutes of the Corporation.

Quorum  
*44 cf 1963, s 5 ,  
23 cf 1971, Sch*

**7.** (1) The quorum at all meetings of the Corporation shall be not less than half the total number of the members for the time being of the Corporation of whom one shall be the Executive Chairman or, in his absence, the Deputy Chairman:

Provided that when the votes of the members present with regard to any question shall be equally divided the presiding member shall have a casting vote in addition to his own.

(2) The General Manager shall be entitled to attend any meeting of the Corporation, to take part in discussion of any matter other than such as may concern him personally, but shall not be entitled to vote. *33 cf 1992, s 2*

**8.** Subject to the provisions of this Act, the Corporation may make standing orders regulating its own procedure generally, and, in particular, regarding the holding of 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. *Procedure of the Corporation.*

**9.** (1) The Minister, after consultation with the Corporation, may give to the Corporation such directions whether of a general or a specific character as to the exercise and performance of its powers and duties under this Act as appear to the Minister to be requisite in the public interest and the Corporation shall give effect to any such directions. *Minister's relations with the Corporation. 44 cf 1963, s 6; 32 cf 1969, s 2*

(2) The Corporation shall afford to the Minister facilities for obtaining information regarding the property and activities of the Corporation and furnish him with returns, accounts, and other information with respect thereto and afford to him facilities for the verification of information furnished in such manner and at such times as he may require.

**10.** The Corporation shall appoint a General Manager, a secretary and such other officers, servants and agents as the Corporation may, from time to time, determine, and in particular, may appoint and employ such electrical inspectors as may be necessary for the purpose of inspecting undertakings and electrical plant, apparatus and works and of performing such other duties as may be required by the Corporation. *Appointment of officers and servants of the Corporation. 44 cf 1963, s 7*

**11.** (1) All members, officers and servants of the Corporation shall be deemed to be public officers within the meaning of the Penal Code. *Public servants. Ch. 84.*

Ch. 83.

(2) The Limitation Act shall apply to any action, suit, prosecution or other proceeding against the Corporation, or against any member, officer or servant of the Corporation in respect of any act, neglect or default done or committed by him in such capacity.

General  
functions.  
*23 cf 1971, s 2*

**12.** (1) Subject to the provisions of this Act, it shall be the primary duty of the Corporation to secure the supply of electricity at reasonable prices within its area of supply, and for the performance of such duty the Corporation shall have power to purchase, generate, transmit, transform, distribute and sell energy either in bulk or to individual consumers within that area.

*23 cf 1971, s 2*

(2) Notwithstanding the provisions of subsection (1) of this section, the Corporation shall have power, whether within its area of supply or elsewhere in The Bahamas —

- (a) to carry on any business usually associated with an electricity undertaking, and also the wholesale purchase for resale to any person of electrical generating and transmission equipment;
- (b) to promote and encourage the use of electricity and especially the use of electricity for domestic, commercial, agricultural, industrial and manufacturing purposes;
- (c) to acquire in accordance with the provisions of this Act, any property, movable or immovable, which the Corporation deems necessary or expedient for the purpose of constructing, extending or maintaining any installation or otherwise carrying out its functions under this Act; and
- (d) to carry on all such activities as may appear to it requisite, advantageous or convenient for or in connection with the discharge of such functions.

(3) Notwithstanding any provision in this section, the Corporation shall not enter into retail trade, instalment plan financing, or other extension of credit facilities for appliances.

Corporation may  
establish  
subsidiary  
companies.  
*2 cf 1984, s 2*

**13.** Anything to the contrary notwithstanding in this Act, the Corporation with the prior approval of the Minister, may for the purposes of carrying out its functions —

- (a) form subsidiary companies to assist the Corporation in the performance of those functions;
- (b) subscribe for, take or otherwise acquire and hold shares in any company or undertaking having objects altogether or in part similar to those of the Corporation,

and any reference to the Corporation in this Act shall include a subsidiary company referred to in paragraph (a) in so far as regards the carrying out by that company of such functions as are authorised by the Corporation.

**14.** The Corporation, insofar as it is able to do so, shall supply energy to any person requiring a supply of energy (in this section referred to as a consumer, if such consumer undertakes to enter into a contract with the Corporation, giving such security as the Corporation may require, to take, or continue to receive, and to pay for a supply of energy upon such terms and conditions as the Corporation may determine.

Duty of the Corporation to supply energy

**15.** (1) Except with the approval of the Minister and in conformity with any conditions to which any such approval may be made subject, no person other than the Corporation shall install or operate in New Providence any generating station with a generating capacity exceeding two hundred and fifty kilowatts:

Prohibition of unauthorised generation of electricity  
*36 cf 1966, s 2*

Provided that the prohibition imposed by this section shall not apply to any standby generating plant which is used only for the supply of energy in case of the failure of the energy supply by the Corporation or other emergency.

(2) The Minister shall not refuse his approval under this section for the installation or operation of any generating station by any person in any case in which the energy required by such person cannot be supplied or cannot be supplied within a reasonable time by the Corporation.

(3) Any person who installs or operates or permits the operation of any generating station in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine of three thousand dollars and in the case of a continuing offence to a further penalty of one hundred and fifty dollars for each day that the offence continues.

*General Financial Provisions*

Power to the  
Corporation to  
issue stock  
44 *cf* 1963, s 9

**16.** (1) For the purpose of enabling the Corporation to carry out its functions under this Act, the Corporation may borrow money by the issue of debentures or debenture stock, or raise capital by the issue of shares or stock of such class and value and upon such terms as it may deem expedient, for all of the following purposes —

- (a) the provision of working capital;
- (b) the fulfilling of the functions of the Corporation;
- (c) the redemption of any shares or stock which it is required or entitled to redeem;
- (d) any other expenditure properly chargeable to capital account.

(2) The Corporation may make regulations not inconsistent with the provisions of this Act to provide for such matters in connection with shares, stock, debentures or debenture stock issued under this Act as may appear necessary or expedient to the Corporation, and, in particular, for regulating the method of issue, transfer, redemption, or other dealing with such shares, stock, debentures or debenture stock.

44 *cf* 1963, s 9

(3) The borrowing of money by the Corporation under the powers conferred by this section shall be subject —

23 *cf* 1971, Sch

- (a) in the case of borrowing from the Government, to the prior approval in writing of the Minister; and
- (b) in any other case, to the enactment of enabling legislation by Parliament.

Power to  
Government to  
guarantee loans  
to Corporation

**17.** The Government may guarantee in such manner and upon such terms as it may think fit the payment of the interest and principal or either of them of any loan proposed to be raised by the Corporation.

Power to borrow  
money  
44 *cf* 1963, s 10

**18.** Notwithstanding the provisions of section 16, the Corporation may, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for meeting its obligations and discharging its functions under this Act.

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**19.** (1) The revenue of the Corporation for any financial year shall be applied in defraying the following charges —

Application of  
revenue  
23 *cf* 1971, Sch

- (a) any remuneration payable to the Executive Chairman or to any Acting Chairman or to any member of the Corporation pursuant to subsection (5) of section 5 of this Act and any salaries, fees, remuneration, pensions, superannuation allowances and gratuities (including any payment to the Government on account of pensions and gratuities under section 31 of this Act) of the officers, agents and servants, and technical and other advisers of the Corporation;
- (b) working and establishment expenses and expenditure on, or provision for, the maintenance of any of the installations of the Corporation, and the discharge of the functions of the Corporation properly chargeable to revenue account;
- (c) interest on any debentures and debenture stock issued, and on any loan raised, by the Corporation;
- (d) 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;
- (e) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the Corporation having regard to the amount set aside out of revenue under paragraph (d) of this subsection;
- (f) any other expenditure authorised by the Corporation and properly chargeable to revenue account.

(2) The balance of the revenue of the Corporation shall be applied —

- (a) to the creation of a general reserve; and
- (b) to the payment of such interest on shares and stock issued by the Corporation as the state of the undertakings and the financial position of the Corporation appear, in the opinion of the Corporation, to warrant, but so that, in the case of ordinary shares or stock, the rate of interest

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shall not exceed an average rate, taking one year with another, of six *per centum* per annum of the nominal value thereof.

Investment of  
funds  
44 *cf* 1963, s 11

**20.** Any funds of the Corporation not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Corporation may be invested in such securities as may be approved by the Minister.

Rates and scales  
of charges for  
electricity

**21.** (1) All charges made by the Corporation for electricity sold by them in bulk or direct to consumers, and for the services rendered by the Corporation, shall be fixed at such rates and on such scales that the revenue derived in any year by the Corporation from such sales and services, together with their revenue (if any) in such year from other sources, will be sufficient, and only sufficient, as nearly as might be, to pay all remunerations, superannuation allowances and gratuities, salaries, pensions, working expenses and other outgoings of the Corporation properly chargeable to income in that year including the payments falling to be made in such year by the Corporation in respect of interest on, or payment of, the principal of any money borrowed by the Corporation and provision for the redemption of securities issued by the Corporation under this Act, and such sums as the Corporation may think proper to set aside in that year for reserve fund, extensions, renewals, depreciation, loans and other like purposes.

(2) The charges under this section may, if the Corporation thinks fit, be fixed at different rates and scales for different localities, but so that no undue preference shall be given to any locality:

Provided that nothing in this section or in such regulations shall prevent the Corporation from charging other prices by special agreement.

(3) It shall be lawful for the Corporation to meet, payments of interest falling due in any year from money borrowed, whilst the expenditure out of such moneys remains unremunerative, for such period and subject to such conditions as the Minister may determine.

44 *cf* 1963, s 21

Reimbursement  
of expenditure  
incurred on  
behalf of the  
Government

**22.** (1) All expenditure incurred by the Corporation in respect of any of the matters specified in subsection (2) of this section shall be deemed to be expenditure incurred by the Corporation on behalf of the Government, and the



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amount of any such expenditure shall be refunded to the Corporation by the Government:

Provided that, in calculating the amount of any such expenditure, the amount of any fees or other moneys received by the Corporation in respect of any such matters shall be credited against the expenditure.

(2) The matters referred to in subsection (1) of this section are —

- (a) investigations and reports under section 50 of this Act;
- (b) the duties and functions of the Corporation and inspectors under section 53 of this Act.

(3) For the purpose of this section “expenditure” shall be deemed to include a proper proportion of the salary and allowances of any officer or servant of the Corporation employed in connection with any matter specified in subsection (2) of this section, together with an appropriate contribution in respect of any pension; gratuity, leave pay and cost of passages payable to or in respect of any such officer or servant.

**23.** (1) The Corporation may, with the approval of the Minister and the consent in writing of the Minister of Finance, establish a scheme or schemes for the payment of superannuation allowances, pensions or gratuities to officers and servants of the Corporation who retire from the service of the Corporation, or otherwise cease to hold office, by reason of age, or of infirmity of body or mind, or of abolition of office.

*Superannuation schemes, etc  
44 cf 1963, s 14,  
11 cf 1965, s 2,  
E L A O, 1974*

(2) The following provisions shall apply to any scheme established under this section:

- (a) no assurance on the life of any contributor under any such scheme, and no moneys or other benefits payable under any such assurance, and no pension, gratuity or other allowance granted under any such scheme to any person who has been employed by the Corporation, shall be assignable or transferable, or liable to be garnisheed, attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt to the Corporation or the Government;

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- (b) no donation or contribution to a fund established under any such scheme or interest thereon shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever other than a debt due to the Corporation or to the Government;
  - (c) no such donation or contribution or interest shall be subject to the debts of the contributor, nor shall such donation, contribution or interest pass to a receiver on the bankruptcy of such contributor, but, if such contributor is adjudicated a bankrupt or is declared insolvent by a court, such donation or contribution or interest shall, subject to the provisions of this Act, be deemed to be impressed with a trust in favour of the persons entitled thereto on the death of the contributor;
  - (d) the bankruptcy of a contributor shall not affect the making of deductions from the salary of the contributor in accordance with any such scheme, but such deductions shall continue to be made notwithstanding the provisions of any Act, and the portion of salary so deducted shall not be deemed to form part of his after acquired property;
  - (e) subject to the provisions of any such scheme, all moneys paid or payable out of any fund established under any such scheme on the death of a contributor shall be deemed to be impressed with a trust in favour of the persons entitled thereto under the will or intestacy of such deceased contributor, or under a nomination in such form as may be prescribed in such scheme, and shall not be deemed to form part of his estate or be subject to the payment of his debts.

Accounts and  
audit  
*44 c.f.1963, s 15*

**24.** (1) The Corporation 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 in such form as the Minister may, from time to time, direct.

(2) The accounts of the Corporation shall be audited by auditors to be appointed by the Minister.

(3) After the end of each financial year, as soon as the accounts of the Corporation have been audited, the Corporation 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 auditors on that statement or on the accounts of the Corporation. *23 cf 1971, Sch*

(4) The Minister shall cause a copy of every such statement and report to be laid on the table of both Houses of Parliament. *23 cf 1971, Sch*

**25.** (1) The Corporation shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister a report in such form as the Minister may, from time to time, direct dealing generally with the activities of the Corporation during the preceding year. *Annual Report. 44 cf 1963, s 15; 23 of 1971, Sch*

(2) The Minister shall cause a copy of every such report to be laid on the table of both Houses of Parliament. *23 cf 1971, Sch; 19 cf 1975, s 2*

**26.** The Corporation shall be liable to such duties under the Tariff Act as specified in the First Schedule in respect of any of the items specified in the First Schedule which are imported for use by the Corporation. *Duties and Exemptions. 18 cf 1999, s 2 Ch. 295. First Schedule.*

### PART III TRANSFER TO CORPORATION OF GOVERNMENT UNDERTAKINGS

*Property, Contracts, etc.*

**27.** In this Part of this Act, unless the context otherwise requires — *Interpretation.*

“public undertaking” means any installation which was, immediately before the commencement of this Act, the property of the Government or was vested in any person for and on behalf of such Government, and was operated by or on behalf of such Government, for the supply of energy to the public and for Government purposes;

“transferred undertaking” means any installation vested in the Corporation by section 28 of this Act.

Transfer to Corporation of Government installations.

**28.** (1) Upon the commencement of this Act all public undertakings shall be deemed to have been transferred to, and shall vest in, the Corporation.

(2) Such transfer shall extend to the whole of such undertakings and shall include all plant, lands, works and other property, movable or immovable, assets, powers, rights and privileges held or enjoyed in connection therewith or appertaining thereto.

Existing contracts.

**29.** Subject to the provisions of sections 31 to 35 of this Act, all deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the commencement of this Act, affecting any of the transferred undertakings shall be of as full force and effect against or in favour of the Corporation, and enforceable as fully and effectually as if, instead of the Government or any person acting on behalf of the Government, the Corporation had been named therein or had been a party thereto.

Compensation for transferred undertakings.

**30.** As soon as practicable after the commencement of this Act, the Corporation shall, by way of compensation for the transferred undertakings —

- (a) in respect of moneys expended, or to be expended from loan funds of the Government in connection with the transferred undertakings, as set out in the Second Schedule to this Act, create and issue to the Government debenture stock of an equal nominal value, bearing similar interest rates and repayment dates;
- (b) in respect of moneys expended from the general revenue of the Government in connection with the transferred undertakings, create and issue to the Government ordinary stock of a total nominal value to be agreed upon by and between the Governor-General and the Corporation.

Second Schedule.

#### *Officers and Servants*

Provisional transfer of officers of Electrical Department to Corporation.

**31.** (1) Every pensionable officer of the Electrical Department shall, upon the commencement of this Act, be deemed to be transferred from the service of the Government to the service of the Corporation for a period extending from the date of such commencement to the date on which the officer accepts permanent employment with

the Corporation under the provisions of section 32 of this Act or for a period of one year from the date of such commencement, whichever is the shorter:

Provided that nothing in this subsection shall be deemed to preclude an officer, deemed to be transferred to the service of the Corporation under this subsection, from applying at any time during such period as aforesaid, for a transfer to a Government Department in accordance with the terms and conditions of service attached to the appointment held by such officer at the commencement of this Act and, on such application being made, the same consideration shall be given thereto as if the applicant had continued to be in the service of the Government.

(2) During such period as aforesaid every such officer shall be so employed by the Corporation that his remuneration and conditions of service are not less favourable than those which are attached to the appointment under the Government held by such officer at the commencement of this Act or which would have become attached to such appointment, during such period as aforesaid, had such officer continued in the service of the Government, but, for the purposes of pension and gratuity, such period of service with the Corporation shall be deemed to be service with the Government; the Corporation shall pay to the Government such contributions in respect of the cost of pensions earned by such officers during such period as aforesaid as may be determined by the Treasurer.

**32.** (1) Within the period of one year referred to in section 31 of this Act, the Corporation shall offer to each officer transferred to the service of the Corporation under that section, permanent employment with the Corporation upon terms and conditions not less favourable than those which are attached to the appointment under the Government held by such officer at the commencement of this Act or which would have become attached to such appointment, during such period as aforesaid, had such officer continued in the service of the Government. In the case of officers who, on the date on which they were transferred as aforesaid, were not eligible to be contributors to the Widows and Orphans' Pension Act, the Corporation shall, in assessing such terms and conditions, have regard to the prospect which such officers had of becoming, at a

Offer of  
permanent  
employment by  
the Corporation

65 *cf* 1954

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subsequent date, contributors to such fund if they continued to be in the service of the Government, and shall offer similar prospects of becoming contributors to a widows' and orphans' pension fund, or an alternative scheme, to be established by the Corporation.

(2) Every officer who accepts permanent employment with the Corporation offered to him under the provisions of subsection (1) of this section, shall, for all purposes other than contribution to widows' and orphans' pension funds as hereinafter mentioned, be deemed to have ceased to be in the service of the Government on the date of such acceptance.

(3) For the purposes of such permanent employment the Corporation shall establish in respect of such officers a pension scheme or schemes not less favourable than the pensions scheme or schemes applicable to such officers under any Act in force at the date of the commencement of this Act, and, for the purpose of any such Act relating to pensions, service with the Corporation shall be deemed to be service with the Government within the meaning of such Act.

For the purpose of this subsection "pensions scheme" does not include a widows' and orphans' pension scheme.

(4) Upon the expiration of such period of one year, any such officer who has not accepted permanent employment with the Corporation under the provisions of this section shall be deemed to have retired from the service of the Government in consequence of the abolition of his office on the expiration of such period, or, if such officer is, at that date entitled to any period of leave, on such later date as will enable him to take such leave, and the provisions of any Act relating to pensions applicable to such officer shall apply accordingly:

Provided that the Corporation may, with the consent of the officer, retire, at any time before the expiration of such period of one year, any officer who does not desire to accept permanent employment with the Corporation and, in such case, the provisions of this subsection shall apply as if the date of retirement were the date of abolition of office.

(5) The provisions of subsection (2) of section 23 of this Act shall apply, so far as the same may be applicable, to any pensions scheme established under subsection (3) of this section.

**33.** (1) For the purposes of subsection (4) of section 32 of this Act, an officer, who has not accepted permanent employment with the Corporation under the provisions of the said section and has been deemed to have retired from the service of the Government in consequence of the abolition of his office, may be granted a pension at the rate of one-six hundredth (1/600th) of his pensionable emoluments in respect of each complete month of pensionable service until two hundred and forty six-hundredths (240/600ths) is reached with the further addition of one-seven hundred and twentieth (1/720th) of his pensionable emoluments in respect of each complete month of pensionable service in excess of two hundred and forty months.

Pension under abolition of office.

(2) No pension shall be granted under this section exceeding in amount the pension for which the officer would have been eligible under section 4 of the Pensions Act if he had continued to hold his office with the Government until he reached the normal retiring age under section 16 of the said Act.

Ch. 43.

**34.** (1) Upon the commencement of this Act every employee of the Electrical Department, not being an officer to whom the provisions of sections 31 and 32 of this Act apply, shall be deemed to be transferred to the service of the Corporation at the same rate of pay and, as near as may be, on the same conditions, as those on which he was employed by the Electrical Department.

Transfer of other employees of the Electrical Department to the Corporation.

(2) Nothing in this section shall be deemed to affect the right of the Corporation to terminate the employment of any such employee transferred to the service of the Corporation, or to vary his rate of pay or conditions of service, in the manner and to the extent that the Government could have done had he continued in the service of the Government.

**35.** (1) Where any employee transferred to the service of the Corporation under section 34 of this Act retires from or dies in the service of the Corporation in circumstances in which, if his service with the Corporation had been service with the Government, he would have been eligible for the grant of a pension, gratuity or annual allowance under any Act relating to pensions for the time being in force, the Corporation may, with the concurrence of the Treasurer, grant him or his legal personal

Retirement of non-pensionable officers and employees transferred to the service of the Corporation.

representative a pension, gratuity or annual allowance not exceeding that for which he would have been eligible if his service with the Corporation had been service with the Government.

(2) The Government shall pay to the Corporation in respect of any pension, gratuity or annual allowance granted under subsection (1) of this section, a contribution equal to such proportion of the pension, gratuity or annual allowance as the term of service of the employee with the Government bears to the total term of his service with the Government and the Corporation.

(3) Nothing in this section shall be deemed to prevent the Corporation from granting, in its discretion, any sum or sums to any such employee by way of pension, gratuity or other allowance in addition to any pension, gratuity or other allowance granted under the provisions of subsection (1) of this section, but the Government shall not be required to make any contribution towards any such additional sum so granted.

(4) The provisions of paragraph (a) of subsection (2) of section 23 of this Act shall apply to any pension, gratuity or annual allowance granted under this section.

Contribution  
towards leave  
earned in  
Government  
service

**36.** The Government shall pay to the Corporation in respect of the cost of passages and leave earned during his service with the Government by any officer transferred to the service of the Corporation under the provisions of this Act, such contributions as may be determined by the Treasurer.

Widows' and  
Orphans'  
Pension

65 *cf* 1954

**37.** Every officer transferred to the service of the Corporation under the provisions of this Act, who, at the commencement of this Act, was a contributor to the widows' and orphans' pension scheme established under the Widows' and Orphans' Pension Act, shall continue to contribute to such scheme and shall be entitled to benefit under such scheme to all intents as if his service with the Corporation were service with the Government:

Provided that if at any time, the Corporation establishes a widows' and orphans' pension scheme, any such officer who has accepted permanent employment with the Corporation may elect to contribute to such last mentioned scheme, and, in such event, the provisions of



section 18 of the Widows' and Orphans' Pension Act shall apply, and, for such purpose, service with the Corporation shall be deemed to be service to which such section relates.

#### PART IV ACQUISITION OF PROPERTY, ETC.

**38.** (1) Where any immovable property, not being Crown land, is needed for the purposes of the Corporation, the Corporation may, in default of agreement, request the acquisition of such property and, in such case, such property may be acquired in accordance with the provisions of the Acquisition of Land Act or any other Act relating to the acquisition of land for public purposes for the time being in force, and any declaration required under any such Act that land is so needed may be made notwithstanding that compensation is to be paid out of the funds of the Corporation and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose made in accordance with such Act.

Acquisition of land.

Ch. 252.

(2) Expenses and compensation in respect of any immovable property acquired under this section shall be paid by the Corporation.

(3) Where any immovable property has been acquired under this section, the Corporation, shall pay the rent to which such property is subject.

(4) Nothing in this section shall apply to the acquisition of any property in respect of which special provision in that behalf is contained in this Act.

**39.** Whenever it appears to the Executive Chairman that it will or probably will be necessary to exercise the powers conferred by this Act upon the Corporation in respect of any land for the purpose of constructing an installation or part of an installation, the Executive Chairman or any person authorised by the Executive Chairman in that behalf may, after not less than seven days previous notice to the occupier thereof, if any, enter upon such land and may survey and take levels and do all other acts necessary to ascertain the suitability of the land, so far as the same may be possible without causing damage or disturbance:

Power to enter on and examine land.

*23 cf 1971, s 3 and Sch*

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Provided that the Corporation shall pay compensation for any injury caused by such entry or by doing the aforesaid acts or things in accordance with the provisions of section 43 of this Act.

Power to enter  
on land for  
purposes of  
construction

**40.** (1) Subject as hereinafter provided, whenever it is necessary so to do for the purposes of constructing a supply line or of installing any system of distribution of energy under this Act, the Corporation may lay, place or carry on, under or over any land, other than Crown land, such posts and other apparatus as may be necessary or proper for the purposes of the Corporation installation and may take such other action as may be necessary to render such installation safe and efficient, paying full compensation in accordance with the provisions of section 43 of this Act to all persons interested for any disturbance, damage or injury that may be caused thereby; such compensation may include an annual payment for land used for the purpose of the posts or other apparatus.

(2) Before entering on any land for the purpose specified in subsection (1) of this section the Corporation shall cause to be lodged with a stipendiary and circuit magistrate a notice substantially in the form specified in the Third Schedule to this Act stating as fully and accurately as possible the nature and extent of the act intended to be done by the Corporation upon the land.

Third Schedule

(3) Upon receipt of the notice provided by subsection (2) of this section, the said magistrate shall fix a date for the hearing by him of the objections by the owner and by the occupier of the land having due regard to the then believed whereabouts within or without The Bahamas of the said owner or the said occupier, and shall cause notices of such hearing accompanied by copies of the notice provided by subsection (2) of this section to be served upon such owner and such occupier or their authorised agents personally, by registered post or by substituted service as the said magistrate may deem fit.

(4) The owner or the occupier or both the owner and the occupier may personally or by an authorised agent, at any time prior to the date fixed by the said magistrate for the hearing of objections, as provided by subsection (3) of this section, lodge with the said magistrate and with the Corporation verbal or written objections to the intended act of the Corporation.

(5) If no objection is lodged within the time limited for that purpose by subsection (4) of this section, the Corporation may forthwith enter on the land and do all or any of the acts specified in the notice given by it under the provisions of subsection (2) of this section.

(6) If any objection is lodged and is not withdrawn before the date fixed for the hearing thereof the said magistrate shall hold an inquiry regarding such objection, giving all parties an opportunity to be heard and the said magistrate may adjourn such inquiry from time to time as he may deem fit.

(7) Upon the conclusion of the said inquiry the said magistrate may, either unconditionally or subject to such terms, conditions or stipulations as he thinks fit, authorise or prohibit, in whole or in part, any of the acts mentioned in the notice given under subsection (2) of this section.

(8) The decision of the said magistrate under subsection (7) of this section shall be final as to any question of fact arising in such proceedings, but any person aggrieved by the decision of the said magistrate may appeal to the Supreme Court on any ground involving a point of law and the provisions of Part IV of the Magistrates Act shall apply to such appeal.

*40 cf 1965, s 2*

**41.** For the purpose of constructing a supply line or of installing any system of distribution for any Corporation installation, the Executive Chairman, or any person authorised by him in that behalf, may, at all reasonable times, subject to the approval of the Minister and the Minister responsible for Crown Lands, enter upon any Crown land and erect in or upon such Crown land such posts and other apparatus as may be necessary or proper for the purpose of such installation, and may carry out all necessary works in connection therewith, and may, in the course thereof, fell or lop trees, remove vegetation and do all things necessary to such purposes:

Power to enter on Crown land for purposes of Corporation installation  
*23 cf 1971, Sch, E.L.A.O., 1974*

Provided that —

- (a) when any such work interferes with improvements, buildings, growing trees or crops, the Corporation shall pay compensation in accordance with the provisions of section 43 of this Act for disturbance or damage; and

- (b) where the land is occupied under a lease or licence for temporary occupation, such compensation shall be paid to the lessee or licensee under such lease or licence.

Maintenance and repair of installation.  
23 *cf* 1971, Sch

**42.** Whenever it is necessary so to do for the purpose of maintaining or repairing a Corporation installation or any part thereof, the Executive Chairman, or any person authorised by him in that behalf, may at all reasonable times enter upon any lands on, under or over which supply lines have been laid, placed or carried, or upon which posts or other apparatus have been erected, and may carry out all necessary repairs, and may, in the course thereof, fell or lop trees, remove vegetation and do all other things necessary to the said purpose, causing as little damage as possible and paying full compensation in accordance with the provisions of section 43 of this Act to all persons interested for any damage that may be caused thereby for which compensation has not already been assessed under section 40 and section 41 of this Act:

40 *cf* 1965, s 3

Provided that if any person is aggrieved by the determination of the amount of any compensation awarded under the provisions of this section, he may appeal to the Supreme Court within such time and in such manner as may be provided by rules made under section 76 of the Supreme Court Act.

Ch. 53.

Compensation payable under sections 39, 40, 41 and 42.

**43.** In the absence of agreement between the parties the amount of compensation, if any, payable under the provisions of section 39, section 40, section 41 or section 42 of this Act shall be determined by arbitration under the provisions of section 46 of this Act:

Provided that no further compensation shall be allowed for the felling and lopping of trees or removal of vegetation where such action is necessary for the maintenance of the installation and such trees or vegetation have grown or been allowed to grow since the payment of compensation under section 39, section 40, section 41 or section 42 of this Act in such manner as to obstruct or interfere with the electric supply line or posts or apparatus.

Payment of compensation etc. by Corporation.

**44.** Compensation or other moneys payable under the provisions of this Part of this Act in respect of any undertaking or installation acquired by the Corporation under the provisions of this Part of this Act shall be discharged by the Corporation as soon as the amount has

been agreed or otherwise finally determined under the provisions of this Act.

**45.** Except as otherwise provided in this Act, in all cases where compensation is directed to be paid by this Act the amount of such compensation may, in default of agreement, be claimed and determined by action or suit in the appropriate court.

Determination of compensation by court.

**46.** (1) Where any matter is required to be determined by arbitration under this Act, the same shall be determined by an arbitrator or arbitrators not exceeding three chosen by the parties, or, if they are unable to agree, by the Supreme Court.

Method of arbitration.

(2) Each party shall have power to appoint an assessor to sit with the arbitrator, but the arbitrator alone shall have the power to decide and the award shall be his alone. Where more than one arbitrator is appointed, a majority of them may decide and make an award.

(3) The arbitration shall take place at such place within The Bahamas as the arbitrator shall decide, or at such place outside The Bahamas as may be agreed by both parties, and shall, subject to the provisions of this section, be governed by the Arbitration Act.

Ch. 180.

(4) The remuneration of an arbitrator appointed by the Supreme Court in accordance with this section shall be fixed by the Supreme Court, and the remuneration of an arbitrator chosen by the parties shall be fixed by them. The costs of the reference and the award, including the remuneration of the arbitrator, shall be paid by the parties in such proportion as the arbitrator may decide:

Provided that the remuneration and the allowance of an assessor shall be paid by the party appointing him.

## PART V GENERAL

**47.** For the purpose of inspecting any part of an installation or fitting, removing meters or other instruments for measuring the quantity of energy supplied, making or removing connections between mains and private fittings, repairing damage, or for other proper cause, the Executive Chairman or any person authorised

Power to inspect.

23 *cf* 1971, Sch

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by the Executive Chairman in that behalf, may at all reasonable times enter upon any lands, houses or buildings to which energy has been, is, or will be supplied.

Reduction or  
cessation of  
supply

**48.** (1) The Corporation may reduce, as it may think fit, the quantity of energy supplied to any consumer if, by reason of any unforeseen circumstances beyond its control, it may appear that the supply of energy generated is insufficient to enable the full quantity to be conveniently supplied.

(2) Where the quantity of energy has been reduced as aforesaid —

- (a) no liability shall be incurred by the Corporation 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 energy shall be made in proportion to the reduction made.

(3) The Corporation shall not be liable for any damage to person or property or for any cessation of the supply of energy which may be due to unavoidable accident, fair wear and tear or overloading due to unauthorised connection or apparatus, or to the reasonable requirements of the system, or to defects in any installation not provided by the Corporation but shall be liable only when such damage or cessation is shown to have resulted from negligence on the part of persons employed by the Corporation or from faulty construction of the installation.

Precautions in  
execution of  
work

**49.** (1) The execution of all work in connection with the generation or supply of energy which may affect any street, railway, canal or other waterway or any system of irrigation, drainage or water supply or any telegraphs, telephones, radio-communications, harbour works or other public or private works, and the erection of any supply line crossing, whether overhead or underground, any such way or work as aforesaid, shall be carried out in the prescribed manner and without prejudice to public safety or private safety.

(2) Any person who, without lawful excuse, contravenes or fails to comply with any provision of this section shall be guilty of an offence against this Act.

**50.** If the Executive Chairman is satisfied that the working or operation of any installation causes electrical interference with any radio-communication, telecommunication, telegraph, telephone or other electrical signalling process or circuit owned or operated by or on behalf of the Government or the Corporation, the Executive Chairman shall call upon the owner to abate the interference, and if, within a period of fourteen days, or such longer period as the Executive Chairman considers reasonable in any particular circumstances, such interference is not abated, the Executive Chairman shall report the matter to the Minister who may in the case of any installation, by order, prohibit the working or operation of such part thereof as causes the electrical interference, until arrangements have been made to the satisfaction of the Executive Chairman for preventing the recurrence of such electrical interference as aforesaid.

Electrical interference with Government signalling lines.  
*23 cf 1971, Sch*

*23 cf 1971, Sch*

*44 cf 1963, s 17*

**51.** (1) No consumer shall use energy supplied to him by the Corporation for purposes other than that for which it is supplied.

Use of energy supplied.

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

**52.** When any electric wires, meters, fittings, works or apparatus belonging to the Corporation have been placed in or upon any private premises for the purpose of supplying or measuring energy, 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.

Exemption of apparatus from distress and attachment.

**53.** (1) Subject to the provisions of subsection (2) of this section, an inspector may enter upon any premises, in or upon which any apparatus may be, at any time between the hours of six in the morning and six in the evening and also at any other time when the apparatus may be at work, and may seize any article or thing which is reasonably suspected to be any article or thing concerning an offence under this Act or by which such an offence has been committed.

Entry on premises.

(2) An inspector seeking to enter any premises under the powers conferred by subsection (1) of this section shall carry, and shall produce on demand, an official identification card or badge in such form as may be prescribed, and

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no person shall be obliged to admit to his premises any person purporting to be an inspector except upon production of such identification card or badge as hereinafter provided.

Disconnection of  
supply of energy

**54.** (1) Where any person employed by the Corporation finds upon any premises evidence which in his opinion proves that an offence has been committed under subsection (3) of section 55 of this Act, the Corporation or any person duly authorised by the Corporation may, upon giving not less than twenty-four hours' notice thereof, in such form as may be prescribed, cause the supply of energy to be disconnected from such premises.

(2) Notwithstanding the provisions of subsection (1) of this section, where the energy is used by the consumer for business, professional or industrial purposes and the disconnection of the supply of energy would prevent the consumer from carrying on his business, profession or industry, the supply of energy shall not be disconnected without the approval of the Corporation endorsed upon such written notice.

23 *cf* 1971, Sch

(3) If the supply of energy has been disconnected under subsection (1) of this section, it shall not be reconnected until the Executive Chairman at his discretion gives permission for reconnection:

Provided that the period of disconnection shall not exceed one month.

(4) If the supply of energy has been disconnected under subsection (2) of this section, the Corporation may at its discretion determine the period for which such disconnection shall be enforced:

Provided that the period of disconnection shall not exceed one month.

(5) No notice given under subsection (1) of this section and no approval of such notice given by the Corporation under subsection (2) of this section shall be called into question in any court, and no action or suit shall be instituted in any court, against the Corporation or any officer or servant of the Corporation in respect of any matter or thing arising or resulting from the operation of this section.



**55.** (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 for each such offence shall be liable to imprisonment for a term not exceeding five years. Offences

(2) Any person who by any reckless or negligent act or omission in respect of any installation under his control causes hurt to any person or injury to property shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding eight hundred dollars or to both such imprisonment and fine. *5 cf 1987, s 2*

(3) Any person who in any manner whatsoever dishonestly —

- (a) abstracts energy; or
- (b) consumes energy; or
- (c) uses energy; or
- (d) alters the index of any meter or other instrument used in connection with any Corporation installation for recording the output or consumption of energy; or
- (e) prevents any such meter or instrument from duly recording the output or consumption of energy,

shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars or to both such imprisonment and fine. *5 cf 1987, s 2*

(4) Any person who wilfully injures any meter or other instrument used on or in connection with any Corporation installation for recording the output or consumption of energy shall be guilty of an offence and shall be liable to a fine not exceeding two hundred dollars. *5 cf 1987, s 2*

(5) Any person who, without due authority in that behalf, wilfully extinguishes any public lamp, or damages or defaces any post, bracket or other means of support of a public lamp, shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred dollars or to both such imprisonment and fine. *5 cf 1987, s 2*

(6) Any person who, without the consent of the Corporation, affixes or causes to be affixed any advertisement, bill or notice or any paper against upon, or otherwise defaces, any building, post or bracket or other apparatus or the enclosure thereof used for or in connection with any Corporation installation shall be guilty of an offence and shall be liable to a fine not exceeding two hundred dollars.

*5 cf 1987, s 2*

(7) Any person who wilfully or negligently —

- (a) causes energy 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 energy,

shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred dollars or both such imprisonment and fine.

*5 cf 1987, s 2*

(8) Any person who obstructs or impedes any officer or servant of the Corporation in the exercise of his duties under this Act or any regulations made thereunder, or fails to comply with any order lawfully given in pursuance of this Act or such regulations, shall be guilty of an offence and shall be liable to a fine not exceeding two hundred dollars and, in the case of a continuing offence, to a fine not exceeding twenty dollars for every day or part of a day during which the offence is continued after the first day on which a conviction is had.

*5 cf 1987, s 2*

(9) Any person guilty of an offence against this Act for which no penalty is expressly provided shall be liable to a fine not exceeding two hundred dollars and, in the case of a continuing offence, to a fine not exceeding twenty dollars for every day or part of a day during which the offence is continued after the first day on which a conviction is had.

*5 cf 1987, s 2*

(10) Any person charged with an offence under this Act may be tried on indictment or summarily on complaint made by the Commissioner of Police:

*5 cf 1959, s 2*

Provided that no person shall be proceeded against on indictment unless the proceedings are instituted by or with the consent of the Attorney-General or the person charged elects to be tried by jury.

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**56.** In any prosecution for an offence under subsection (3) of section 55 of this Act, proof of — Onus of proof

- (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 for registering the quantity of energy 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 energy supplied, or would facilitate the dishonest abstraction, consumption, or use of energy; or
- (c) the fitting of any mechanical or other means to, or the absence or removal of any part or connection from, or 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 energy supplied, or would facilitate the dishonest abstraction, consumption, or use of energy,

shall be *prima facie* evidence that —

- (i) there has been dishonest alteration of the index of any meter or instrument, or prevention, abstraction, consumption or use, as the case may be, and
- (ii) such dishonest alteration, prevention, abstraction, consumption or use, as the case may be,

has been carried out by —

- (a) the person fitting such artificial, mechanical or other means as aforesaid; or
- (b) the person removing any such part or connection as aforesaid; or
- (c) the person interfering with any such part or connection as aforesaid; or
- (d) the consumer using such meter or instrument; or
- (e) the person having control of the installation where it is fixed,

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

Compensation  
for damage

**57.** (1) Any person who removes, destroys or damages 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 energy, shall, in addition to any penalty to which he may be liable under this 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 any court of competent jurisdiction.

(2) Without prejudice to the provisions of subsection (1) of this section, any court before which a person is charged with an offence under this Act may assess the compensation payable under this section and may make an order for the payment of the same. Any such order may be enforced as if it were a judgment in a civil action or suit.

## PART VI

### RULES, REGULATIONS AND MISCELLANEOUS

Rules made by  
the Minister  
44 *cf* 1963, s 18

- 58.** (1) The Minister may make rules to prescribe —
- (a) the minimum standards and specifications which shall be used in the design, construction, protection and maintenance of electrical installations and apparatus, the conditions under which such installations or apparatus shall be worked or operated and the prohibition of the use of dangerous apparatus;
  - (b) the manner in which energy shall be measured and the standards of measurement which shall be employed and the manner in which energy is permitted to be, or is prohibited from being, supplied or used;
  - (c) the manner of regulation and the limits of variation of the nature, voltage and periodicity of the energy supplied;
  - (d) the class or design 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;
- (e) 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 any apparatus;
  - (f) the nature of the tests to be employed for ascertaining whether persons possess the qualifications prescribed by rule under paragraph (e) of this section, the form and period of validity of certificates to be issued to persons found to possess such qualifications and the conditions of the issue, suspension and revocation of such certificates;
  - (g) the approval and registration of wiring contractors and the fees to be paid for such registration;
  - (h) the measures to be taken and the fittings to be supplied and used in connection with installations in order to ensure public and private safety;
  - (i) 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;
  - (j) the powers and duties of inspectors appointed by the Corporation, or any licensed undertaker; 23 *cf* 1971, Sch
  - (k) any other matters required to be prescribed under this Act or which may appear to the Minister 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 energy to the public.

(2) Rules made by the Minister under the powers conferred by this section shall apply throughout The Bahamas or within such part or parts thereof as may be prescribed by such rules.

**59.** (1) The Minister may from time to time in writing appoint any suitably qualified person to be a government electrical inspector who may be authorised by the Minister to inspect any electrical installation or apparatus of the Corporation or of any licensed undertaker or the wiring, fittings or apparatus used by any consumer.

Government  
electrical  
inspectors  
44 *cf* 1963, s 19

(2) Any such government electrical inspector shall have such powers of entry on premises in relation to his duties as an inspector as may be conferred upon inspectors by this Act or by rules made by the Minister under section 58.

(3) The Corporation and any licensed undertaker shall give to any government electrical inspector such information as may be required by him for the purpose of performing his functions under this Act.

**60.** Subject to the approval of the Minister, the Corporation or any licensed undertaker may make regulations to provide within their respective areas of supply for any of the following matters:

- <sup>1</sup>(a) to prescribe rate of charges or fees payable in respect of services rendered other than those charges or fees to be determined by the Commission under the Public Utilities Commission Act 1993.
- (b) to prescribe the forms of applications for the supply of electricity to the consumer, the manner of effecting the supply of electricity and the incidence of the charges in respect of the cost of connecting the consumer's premises with the mains;
- (c) to prescribe the methods to be adopted for the supply of electricity to consumers and the use of electricity by consumers, 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 or any other law or any rules or regulations made thereunder, or is in arrears with his payments of any proper charges or uses defective fittings and in all other cases where such discontinuance may be deemed necessary or advisable;

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<sup>1</sup> Section 4 of Act 31 of 1993 reads as follows —

“Any charges or fees which were prescribed under the principal Act prior to its amendment by section 3 and in force at the coming into operation of that section shall continue to apply until replaced or cancelled by any determination made by the Commission established under the Public Utilities Commission Act, 1993 ”

- (d) to regulate, except as may be provided by any rules made by the Minister, the methods of wiring of premises, the types of apparatus that may be used, the inspection and testing of wiring or apparatus and such other matters as may appear expedient in relation to the supply of energy;
- (e) to regulate the performance of any acts necessary or expedient for the proper management of the supply of energy to consumers.

**61.** The Minister may by notification in the *Gazette* exempt from any or all of the provisions of Part V of this Act and of rules made under this Act — *34 cf 1999, s 2*

- (a) any installation, or part thereof, owned by or worked by or on behalf of the Corporation;
- (b) any installation, or part thereof, constructed before the commencement of this Act;
- (c) any other particular class of installation or apparatus,

and may by similar notification cancel any exemption so notified.

### FIRST SCHEDULE (Section 26)

*18 cf 1999, s 3,  
34 cf 1999, s 2*

#### ITEMS EXEMPT FROM DUES AND DUTIES

Items	Rate of Duty	
Engines and generators .....	Free	<i>34 cf 1999, s 2</i>
Petroleum products .....	10	
Accessories and tools .....	10	
Apparatus and equipment for cleaning and filtering petroleum products .....	10	
Structural steel, including stanchions, girders, trusses, joists, beams, purlins, cranes and crane beams, bolts, nuts and washers, gutter pipes, flashings, windows and glass, galvanised steel and aluminium sheeting, fastenings and accessories	10	
Fresh and salt water filtering and treatment plant apparatus including spares and accessories .....	10	
Air, steam, water, gas and oil pipe, valve fittings and accessories therefor — .....	10	

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Overhead and underground electricity distribution apparatus, materials and tools .....	10
Insulating materials, including compounds, varnishes, tapes, cloths, tubes and rods .....	10
Street lighting apparatus, fittings, lamps, spare parts and accessories .....	10
Electricity, thermal, pressure and vacuum measuring apparatus and instruments, relays, signalling and radio apparatus, including spares and materials .....	10
Air filtering, cleaning and conditioning apparatus and instruments, including spares and materials .....	10
Gas and electric welding and brazing rods, welding and brazing apparatus and equipment, including spares and materials, solder of all grades, soldering fluxes, materials and apparatus .....	10
Fuel oil storage and road transporting tanks, flexible fuel pipes and valves and fuel measurement instruments, special vehicle bodies .....	10

### **SECOND SCHEDULE (Section 30)**

#### **EXISTING ELECTRICITY LOANS**

Electricity Loan 1965	—	£ 73,000	—	3% Debentures
Electricity Loan 1966	—	£ 208,000	—	4% Debentures
Electricity Loan 1970	—	£ 179,000	—	4% Debentures



**THIRD SCHEDULE (Section 40)**

**NOTICE OF INTENTION TO DO WORK ON LAND UNDER SECTION 40**

**THE ELECTRICITY ACT**

TO: The Stipendiary and Circuit Magistrate,  
Nassau, New Providence.

Description of land .....  
.....  
.....

Name/s of owner/s of land .....  
.....

Name/s of occupier/s of land .....  
.....

Take notice that the Bahamas Electricity Corporation is desirous of entering the above mentioned land for the purpose of

<sup>2</sup>(a) .....  
.....  
.....  
.....

It is requested that a date be fixed for the hearing of objections, if any, to the proposed action by the Corporation and that owners and/or occupiers or other authorised agents be served with notice of such hearing date and with a copy of this notice in accordance with subsection (3) of section 40 of the Electricity Act (Chapter 194).

Dated the ..... day of ..... 19 .....

.....  
Secretary to the Corporation

<sup>2</sup> Set out fully and accurately nature of intended work