

**THE ELECTRICITY (FREQUENCY CONVERSION)
ACT**

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THE ELECTRICITY (FREQUENCY CONVERSION)
ACT

Laws
3 of 1957,
39 of 1960.
Act
18 of 1970.

[1st May, 1957.]

1. This Act may be cited as the Electricity (Frequency Conversion) Act. Short title.

2. In this Act—

“Commission” means the Commission established under section 3;

Interpreta-
tion.

“consumer” means a consumer of electricity supplied by an undertaker but does not include a private supplier:

Provided that a private supplier who consumes electricity supplied by an undertaker shall be a consumer within the meaning of this Act only so far as relates to the electrical apparatus required for the consumption of electricity so supplied;

“cost of conversion” means—

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(a) the cost of altering or replacing the electrical apparatus of the undertaker and the consumers in the area affected by a scheme; and

(b) any other expenditure reasonably and necessarily caused by, or incurred in connection with, the altering or replacing of such electrical apparatus as aforesaid or the financing of the conversion and determined by the Minister to be an item of expenditure which may be included in the cost of conversion;

“electrical apparatus” includes all plant, equipment, apparatus and appliances of whatever description designed

for the generating, transforming, transmitting, distributing, supplying or consuming of electricity;

“electricity” means electrical energy generated, transmitted, supplied or used for any purpose;

“private supplier” means a person authorized by the Electric Lighting Act to generate electricity and use it solely for his own purposes which purposes may include supply to his employees;

“scheme” means a scheme approved pursuant to section 4;

“undertaker” means any local authority or other person who, by the Electric Lighting Act, is authorized to generate electricity and supply it to the public but shall not include a private supplier.

Establishment of Electricity Frequency Standardization Commission.
Schedule.

3.—(1) For the purposes of this Act there shall be established a body to be known as the Electricity Frequency Standardization Commission.

(2) The provisions of the Schedule shall have effect as to the constitution and operations of the Commission and otherwise in relation thereto.

(3) The Commission shall be a body corporate having perpetual succession and a common seal with power to purchase, take, hold and dispose of land and other property of whatever kind for the purposes of this Act.

(4) The Commission may sue and be sued in their corporate name and may for all purposes be described by such name.

(5) The seal of the Commission shall be authenticated in the manner prescribed in the Schedule and shall be officially and judicially noticed.

(6) The Commission shall appoint such officers and servants as they may consider expedient for securing the proper discharge of their functions under this Act.

(7) No member of the Commission shall be personally liable for any act or default of the Commission done or omitted to be done in good faith in the course of the operations of the Commission.

4.—(1) The Commission shall, as soon as practicable, prepare a number of schemes each relating to the area of supply of the undertaker who is specified therein—

Duty of the Commission to prepare schemes for standardization.

(a) requiring the undertaker within such time as may be stated in the scheme and to the satisfaction of the Commission—

(i) to provide in his undertaking for the generation and supply of electricity at a frequency of fifty cycles; and

(ii) to make such alteration in, or replacement of, his electrical apparatus and the electrical apparatus of consumers in the area of supply as may be necessary to carry this change of frequency into effect;

(b) containing an estimate of the cost of conversion;

(c) containing such supplemental, incidental and consequential provisions as may appear necessary or expedient for giving effect to the purpose of this Act.

(2) In subsection (1) the expression “area of supply” means the area or areas comprised in any licence or licences granted under the Electric Lighting Act and held by an undertaker.

(3) In the preparation of every scheme made under this section the Commission shall consult with the undertaker in the area affected by the proposed scheme.

(4) The undertaker and every consumer in the area affected by a proposed scheme shall render to the Commission all such assistance by way of information and other-

wise as is necessary for the purpose of preparing the scheme and lies within his power to render.

(5) Every scheme prepared under the provisions of this section shall be submitted by the Commission to the Minister for his approval and, upon his approval being obtained, it shall be the duty of the undertaker, from such date as may be notified to him by the Commission, to carry the scheme into effect to the satisfaction of the Commission.

(6) If the Commission are satisfied that there is not available, and cannot be made available, to a particular undertaker sufficient technical staff to enable that undertaker satisfactorily to carry the scheme into effect, the Commission may, with the approval of the Minister, undertake the duty of giving effect to the scheme and, for this purpose, may engage such personnel, acquire such electrical apparatus, enter into such contracts and do all such other things as may be necessary for that purpose.

(7) For the purpose of giving effect to any scheme it shall be lawful for the undertaker or, if effect is being given to the scheme by the Commission, for the Commission—

- (a) to alter or replace such electrical apparatus belonging to consumers within the area affected by the scheme as may be necessary; and
- (b) to agree with any such consumer that the alteration or replacement of his electrical apparatus for the purpose of the scheme shall be done by him upon such terms and conditions as, subject to the provisions of this Act and the scheme, may be agreed or, in default of agreement, as may, in either case, be determined by the Commission:

Provided that it shall be a term of any such agreement that the consumer shall be paid a reasonable amount for the cost incurred by him in

altering or replacing such electrical apparatus in conformity with the agreement.

(8) All amounts paid to consumers pursuant to paragraph (b) of subsection (7) shall be part of the cost of conversion.

(9) The Minister may by notice published in the *Gazette* vary any scheme approved pursuant to this section. 39/1960
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5. It shall be lawful for the purpose of preparing a scheme or of giving effect to a scheme— Access to
informa-
tion
obtained
under the
Electricity
(Survey)
Act.

- (a) for the Commission to request the Commission established by the Electricity (Survey) Act, (in this section referred to as "the Electricity Survey Commission") to furnish to the Commission any information obtained by the Electricity Survey Commission pursuant to that Act and for the Electricity Survey Commission to furnish such information to the Commission;
- (b) for the Commission to furnish such information to the undertaker;
- (c) for the Commission to authorize the Electricity Survey Commission to furnish such information direct to the undertaker;
- (d) for the undertaker to use information so obtained for the purpose of discharging his duties in regard to the preparation of the scheme or carrying the scheme into effect.

6.—(1) It shall be lawful for the undertaker or any contractor of the undertaker or any employee of the undertaker or of any such contractor to enter upon the premises of a consumer for the purpose of carrying out his duties in relation to the scheme but so always that Powers of
entry.

such right of entry shall be exercised at reasonable hours and upon production, if demanded by the occupier of the premises, of written evidence of identity.

(2) The persons described in subsection (1) shall have authority to inspect the electrical apparatus of the consumer and, if necessary, to alter it or remove it from the premises of the consumer for the purpose of altering it or replacing it in accordance with the scheme.

(3) The Commission, any contractors of the Commission and the employees of the Commission or of such contractors shall have all the powers conferred upon undertakers and their contractors and the employees of undertakers and their contractors respectively by subsections (1) and (2).

Disposal of
replaced
apparatus.

7. The electrical apparatus of an undertaker or a consumer which is replaced in the course of giving effect to a scheme shall be the property of the Commission who may sell such apparatus and receive the proceeds of sale thereof.

Financial
provisions.

8.—(1) Save as otherwise provided in this Act, the cost of conversion shall, in the first instance, be borne by the undertaker who is charged with carrying the scheme into effect, and such cost, save as otherwise provided in this Act, shall be recoverable by means of the surcharge for which provision is made in section 10.

(2) If an undertaker satisfies the Minister that the financial resources of his undertaking are not sufficient to enable him to discharge the obligation imposed upon him by subsection (1), the Minister may either authorize the Commission to advance to the undertaker, upon such terms as the Minister may determine, such sums as may be

necessary to enable the undertaker to carry the scheme into effect or may require the Commission themselves to carry the scheme into effect.

9.—(1) The cost of conversion shall not include the expenditure incurred in establishing and maintaining the Commission and such expenditure shall be met from public funds. Cost of conversion.

(2) The cost of conversion shall include interest on advances made to the undertaker pursuant to the provisions of section 8 and also interest on moneys, other than such advances, borrowed by an undertaker for the purpose of discharging the obligation to finance the conversion which is imposed upon him by section 8.

(3) Subject to the provisions of subsection (5), there shall not be charged against the cost of conversion any expenditure incurred in converting the electrical apparatus of an undertaker or of a consumer to the extent to which such expenditure results in a permanent improvement to such electrical apparatus, and such expenditure shall be borne by the undertaker or the consumer, as the case may be, and may accordingly be recovered—

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- (a) in any case where the expenditure results in permanent improvement to electrical apparatus belonging to a consumer, from the consumer by the undertaker; or
 - (b) where the scheme is carried into effect by the Commission, from the consumer or undertaker as the case may be, by the Commission,
- as a civil debt by him or them as the case may be.

(4) There shall be set off against the cost of conversion the amount recovered by the Commission for the sale of electrical apparatus which is replaced pursuant to section 7.

(5) If any question shall arise as to what part, if any, of the expenditure incurred in converting the electrical apparatus of an undertaker or of a consumer shall, pursuant to subsection (3), be borne by the undertaker or consumer, as the case may be, such question shall be decided by the Commission and, in making such a decision, the Commission may, in their discretion, disregard improvements to the electrical apparatus of a consumer which, in their opinion, are unavoidable in the course of conversion or are negligible.

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(6) The Commission shall, by such means as it considers expedient, ensure that any item of expenditure which pursuant to this Act is not to be charged against the cost of conversion is not so charged; and the powers vested in the Commission by subsection (5) shall not be prejudiced or affected by the fact that the Commission or any person acting on behalf of the Commission negotiates with an undertaker or consumer or does any other thing in pursuance of this subsection.

Surcharge.

10.—(1) The cost of conversion of every scheme shall be ultimately recovered from consumers within the area affected by the scheme by means of a surcharge payable by such consumers and in such amount and over such period of time and to such persons as may be prescribed by an order made by the Minister and approved by a resolution of the House of Representatives.

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(2) An order under subsection (1)—

- (a) may be made at any time after approval of the scheme to which the order relates and the surcharge may be made to have effect forthwith;
- (b) may be based on the estimated cost of conversion set out in such scheme as aforesaid; and

- (c) may be varied by another order made pursuant to subsection (1) by the Minister and approved by a resolution of the House of Representatives.

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11. It shall be the duty of every undertaker and every consumer affected by any scheme to conform with every requirement of such scheme which affects him and, if an undertaker or consumer fails so to do, or if an undertaker or a consumer fails to fulfil the obligation imposed on him by subsection (4) of section 4, such default shall, in the case of an undertaker, be deemed to be a failure by the undertaker to perform a duty under the licence granted to him pursuant to the Electric Lighting Act and enforceable accordingly and, in the case of a consumer, shall render him liable to have his supply of electricity cut off until the default has been made good.

Penalty for default by undertaker or consumer.

12. Notwithstanding that a private supplier is not, save as is expressly provided in this Act, a consumer within the meaning of this Act, it shall be lawful for the Commission to enter into an agreement with any private supplier in relation to the conversion of the electrical apparatus used by him for the purposes for which he generates electricity upon such terms and conditions as may, subject to the approval of the Minister, be agreed, but the cost of such conversion shall not be part of the cost of conversion within the meaning of this Act and shall be borne by the private supplier.

Power of Commission to agree with private suppliers to convert.

13. The Minister may make regulations—

- (a) with regard to any matter required by this Act to be prescribed;
- (b) prescribing the accounting and other procedure to be followed by undertakers and others in giving effect to a scheme;
- (c) generally for giving effect to the provisions of this Act.

Regulations.

SCHEDULE

(Section 3)

- Appointment of members. 1. The Commission shall consist of five persons to be appointed by the Minister.
- Temporary appointments. 2. The Minister may appoint any person to act temporarily in the place of any member of the Commission in the case of the absence or inability to act of such member.
- Chairman. 3. (1) The Minister shall appoint one of the members of the Commission to be the chairman thereof.
(2) In the case of the absence or inability to act of the chairman the remaining members of the Commission shall elect one of their number to act as chairman at that meeting.
- Tenure of office. 4. A member of the Commission shall, subject to the provisions of this Schedule, hold office during the pleasure of the Minister.
- Resignation. 5. (1) Any member of the Commission, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Commission.
(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.
- Publication of membership. 6. The names of all members of the Commission as first constituted and every change in the membership thereof shall be published in the *Gazette*.
- Authentication of seal and documents. 7. (1) The seal of the Commission shall be authenticated by the signatures of the chairman or one member of the Commission authorized to act in that behalf and the secretary of the Commission.
(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Commission may be signified under the hand of the chairman or any member authorized to act in that behalf or the secretary of the Commission.
- Procedure and meetings. 8. (1) The Commission shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Commission may determine.
(2) The chairman may at any time call a special meeting of the Commission and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members of the Commission.
(3) The chairman or in the case of the absence or inability to act of the chairman, the person elected to act as chairman in accordance with the provisions of sub-paragraph (2) of paragraph 3 shall preside

at the meetings of the Commission, and the chairman or the person elected as aforesaid to act as chairman shall have an original and a casting vote.

(4) The quorum of the Commission shall be three including the chairman or person elected to act as chairman as aforesaid.

(5) Subject to the provisions of this Schedule the Commission may regulate their own proceedings.

(6) The validity of any proceeding of the Commission shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

9. There shall be paid to the chairman and other members of the Commission such remuneration, if any (whether by way of salaries or travelling or other allowances) as the Minister may determine. Remuneration of members.

10. The funds of the Commission shall consist of such moneys as may from time to time be placed at their disposition for the purposes of this Act by the Legislature and such other moneys as may lawfully be paid to the Commission. Funds of the Commission.

11. The Commission may appoint and employ at such remuneration and on such terms and conditions as they think fit a secretary, and such officers, agents and servants as they deem necessary for the proper carrying out of their functions. Power to appoint officers, agents and servants.