

MONTSEERRAT

**ELECTRICAL INSTALLATIONS (AMENDMENT) ACT
2014**

No. 1 of 2014

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I ASSENT

(Sgd.) Adrian Davis
Governor

DATE: 18.3.14

M O N T S E R R A T

No. 1 of 2014

AN ACT TO AMEND THE ELECTRICAL INSTALLATIONS ACT (CAP. 8.15).

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat and by the authority of the same as follows—

1 Short title

This Act may be cited as the Electrical Installations (Amendment) Act, 2014.

2 Interpretation

In this Act “**principal Act**” means the Electrical Installations Act (Cap. 8.15).

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3 Replacement of “grant”, “granted” and “granting”

The principal Act is amended by deleting “**grant**”, “**granted**” and “**granting**” wherever they appear and substituting “**issue**”, “**issued**” and “**issuing**” respectively.

4 Section 2 amended

Section 2 of the principal Act is amended by inserting the following definition in the correct alphabetical order—

“**citizen of a protocol Member State**” means a person who is a citizen of a Member State of the Organisation of Eastern Caribbean States that is a party to the Protocol of the Eastern Caribbean Economic Union, except for a person who is a citizen as a result of meeting an economic criteria established by any Protocol Member State;”.

5 Section 5 amended

Section 5(1) of the principal Act is deleted and the following is substituted—

“(1) A person may apply for a licence to operate as a wiring contractor or wireman if he is—

- (a) a Montserratian;
- (b) a permanent resident of Montserrat;
- (c) a citizen of a protocol Member State; or
- (d) the holder of a valid work permit authorising him to work in Montserrat.”.

6 Section 6 amended

Section 6 of the principal Act is deleted and the following is substituted—

“**6. Grant of licence and fees**

(1) Subject to subsection (2), if the Authority is satisfied that a person is qualified to receive a licence, the Authority shall, on payment by

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the person of the requisite fee, issue to the person the licence for a period of one year or three years, as the Authority considers appropriate.

- (2) The Authority may issue to a person, a temporary licence for the duration of, or in respect of, a project specified in the licence, if the person applies under section 5(1)(d) and is not—
- (a) a Montserratian;
 - (b) a permanent resident of Montserrat; or
 - (c) a citizen of a protocol Member State.
- (3) The Authority shall provide to a person who is issued a licence, an identification card as set out in the Eighth Schedule, for the period specified in the licence.”.

7 Section 6A inserted

The principal Act is amended by inserting the following as section 6A—

“6A. Conditions attached to the issue of a licence

A licence issued under section 6 is subject to the following conditions—

- (a) during the licensing period, a licensee shall successfully complete training for a wiring contractor or wireman conducted by or approved by the Authority; and
- (b) a licensee who is contracted to undertake an installation shall present his licence to the contractor.”.

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8 Section 7 amended

Section 7(3) of the principal Act is deleted and the following is substituted—

- “(3) A person who is issued a licence is deemed to be licensed until—
- (a) his license expires; or
 - (b) he is served with a notice that his licence has been revoked.”.

9 Section 7A inserted

The principal Act is amended by inserting the following as section 7A—

“7A. Register of licensed wiremen and wiring contractors

- (1) The Executive Secretary shall establish and maintain a register of licensed wiremen and wiring contractors, in which he shall enter—
 - (a) the name and address of a licensed wireman and a wiring contractor;
 - (b) the type of licence issued;
 - (c) the duration of the licence; and
 - (c) any other particulars as the Authority considers relevant.
- (2) On paying the applicable fee prescribed in paragraph 4 of the Second Schedule, a person—
 - (a) may inspect the register; or
 - (b) is entitled to a copy of the register.”.

10 Section 9 amended

Section 9(2) of the principal Act is amended by deleting “such rules” and substituting “regulations”.

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11 Section 11 amended

Section 11 of the principal Act is amended—

(a) by deleting subsection (1) and substituting the following as subsections (1), (1A) and (1B)—

“(1) Subject to subsection (1A), the Authority may refuse to issue a licence or may cancel a licence if a person applying for a licence or a licensee—

(a) has been convicted of an offence involving dishonesty which he committed in the course of exercising his duties as a wiring contractor or wireman;

(b) has been convicted of an offence against this Act or Regulations made under this Act;

(c) has been found guilty of gross negligence in the course of exercising his duties as a wiring contractor or wireman;

(d) has previously been refused a licence under this Act or has previously had his licence cancelled on any ground specified in this subsection;

(e) is incapable of performing his duties as a wiring contractor or wireman because of infirmity of the mind or body; or

(f) fails to satisfy the Authority that he is qualified under section 8 to receive and retain a licence.

(1A) Before a licence is refused or cancelled under subsection (1), the Authority shall give the person applying or the licensee an opportunity to be heard.

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- (1B)** A person is deemed to have been given an opportunity to be heard under this section if—
- (a) he attends before the Authority personally or by a legal practitioner or other agent and makes representations before the Authority; or
 - (b) he is given written notification of the date and time on which he is to attend before the Authority; and
 - (i) he fails to attend as required under the written notice; or
 - (ii) he intimates personally or by a legal practitioner or other agent, that he does not wish to be heard.”;
- (b) in subsection (3), by deleting “it shall be the duty of the licensee forthwith to surrender his licence to the Authority” and substituting “the licensee shall immediately surrender his licence and identification card to the Authority”;
- (c) by deleting subsection (4) and substituting the following—
- “(4)** A licensee who fails to surrender his licence and identification card—
- (a) after his licence is cancelled; or
 - (b) when the Authority demands that he does so,
- commits a summary offence and is liable to a fine of \$500.”;
- (d) by deleting subsection (5) and substituting the following—
- “(5)** A licensee shall not be prosecuted under this section if, within twenty-four hours after the Authority demands the production of the cancelled licence and the identification card,

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the licensee produces the licence and identification card—

(a) to the Authority; or

(b) at the police station specified by him when the Authority demanded the production of the licence and identification card.”; and

(e) by deleting subsection (6) and substituting the following as subsections (6), (7), (8) and (9)—

“(6) A person may make appeal to the Physical Planning (Appeals) Tribunal against the decision of the Authority to refuse to issue a licence or to cancel a licence and the decision of the Tribunal is final.

(7) The Physical Planning (Appeals) Tribunal may co-opt a person with sufficient technical experience in electrical installation to advise on a matter before the Tribunal.

(8) A person co-opted by the Tribunal under subsection (7) has no right to vote.

(9) The Physical Planning (Appeals) Tribunal shall regulate its own proceedings.”.

12 Section 12 amended

Section 12 of the principal Act is deleted and the following is substituted—

“12. Duty to produce licence or identification card

A person who refuses to produce his licence or identification card for inspection on demand by the Authority or by a police officer commits a summary offence and is liable to a fine of \$100.”.

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13 Section 19A inserted

The principal Act is amended by inserting the following as section 19A—

“19A. Power to amend Schedules

The Governor acting on the advice of
Cabinet may, by Order, amend the
Schedules.”.

14 Second Schedule amended

The Second Schedule of the principal Act is deleted and the following is substituted—

“SECOND SCHEDULE

[ss. 6(1), 7(2), 7A(2) and 15(2)]

1. LICENCE FEES

Temporary Wireman Licence		\$ 500
Temporary Wiring Contractor’s Licence.....		\$1000
Replacement Licence.....		Equivalent Fee to the Licence to be replaced
Wireman	– One Year.....	\$100
	– Three Years	\$210
Wiring Contractor	– One Year.....	\$175
	– Three Years	\$400

. RENEWAL FEES

Wireman	– One Year.....	\$100
	– Three Years	\$210
Wiring Contractor	– One Year.....	\$175
	– Three Years	\$400

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3. INSPECTION FEES

Domestic Installations

(a)	Temporary Supplies	\$50
(b)	0 – 500 Sq. Ft.	\$50
(c)	501 – 1000 Sq. Ft.	\$100
(d)	1001 – 2000 Sq. Ft.	\$150
(e)	2001 – 3000 Sq. Ft.	\$200
(f)	3001 – 4000 Sq. Ft.	\$250
(g)	4001 – 5000 Sq. Ft.	\$300
(h)	5000 Sq. Ft. & above	\$350

Commercial And Industrial Installations

(a)	Temporary Supplies	\$75
(b)	0 – 500 Sq. Ft.	\$125
(c)	501 – 1000 Sq. Ft.	\$150
(d)	1001 – 2000 Sq. Ft.	\$200
(e)	2001 – 3000 Sq. Ft.	\$250
(f)	3001 – 4000 Sq. Ft.	\$300
(g)	4001 – 5000 Sq. Ft.	\$350
(h)	5000 Sq. Ft & above	\$400

For 3-Phase Installations

A sum of \$50 is payable in addition to the charges under paragraphs 1, 2 and 3 above.

NOTE:

All dimensions are external gross floor areas and relate to the total

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floor area to be created and in which the installation is to be undertaken. The Inspector shall waive payment of an inspection fee where the installation is being undertaken for a Government Department.

4. INSPECTION OF REGISTER ETC

For inspection of Register \$10
 For a copy of a register page \$5”.

15 Eighth Schedule inserted

The principal Act is amended by inserting the following as the Eighth Schedule—

“EIGHTH SCHEDULE

[s. 6(3)]

(front)

ELECTRICAL LICENSING AUTHORITY WIREMAN/WIRING CONTRACTOR* IDENTIFICATION CARD		
PHOTO	Name:	Identification Card No.
		First issue Renewal Temporary <i>(Indicate whether first issue, renewal or temporary)</i>
	Address:	Nationality:
	Date of Birth: <i>(dd/mm/yyyy)</i>	Sex:
	Qualifications (if any):	
..... Signature of Cardholder	Date of Issue: <i>(dd/mm/yyyy)</i>	Expiry date: <i>(dd/mm/yyyy)</i>
Issued under the Electrical Installations Act (Cap. 8.15)		

** Delete if not applicable*

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(back)

<p>This card is the property of the Electrical Licensing Authority.</p> <p>If found, please return card to: Licensing Authority Physical Planning Unit Ministry of Agriculture, Lands, Housing and the Environment Brades Montserrat Telephone: (664) 491-6795</p> <p>-----</p>	<p>..... Chairman, Licensing Authority</p> <p><i>(Affix stamp or seal of Authority)</i></p>
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(Sgd.) Teresina Bodkin
SPEAKER

Passed the Legislative Assembly this 27th day of February, 2014.

(Sgd.) Judith Baker
CLERK OF THE LEGISLATIVE ASSEMBLY