ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER E35

ELECTRICITY ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 2/2003, in force 6 February 2003
Act 11/2010, in force 1 November 2010
Act 2/2016, in force 5 April 2016

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ELECTRICITY ACT

PART 1

PRELIMINARY

Interpretation

1. In this Act—

"area of supply" and "supply area", in relation to a public supplier, means the area within which the supplier is authorised to supply electricity under its public supplier's licence;

"consumer" means any person who is supplied with electricity by a public supplier;

"consumer's terminals" means the ends of the electric lines on, in or over a consumer's premises at which the supply of electricity is delivered from the service lines;

"distributing main" means the portion of any main which is used for the purpose of general supply and from which service lines have their origin;

"electric line" means any wire or conductor used or to be used for the purpose of conveying, transmitting or distributing electricity or as a pilot line for remote control, protection, metering or telecommunication, together with any casing, coating, covering, tube, pole, stay wire, bracket, pipe or insulator enclosing, surrounding or supporting the same, or any part thereof;

"electrical fittings" means electric fittings, apparatus and appliances designed for use by consumers of electricity for lighting, motive power and other purposes for which electricity can be used;

"electrical plant" means any plant, equipment, transformer, switchgear, apparatus and appliances used for the purpose of generating, transmitting and distributing electricity, and includes any building or structure required to accommodate any of the same but does not include any electrical fittings;

"electricity" means energy involving the use of electricity when generated, transmitted, distributed, supplied or used for any purpose except transmission of any telecommunication within the meaning of section 1 of the Telecommunications Act, save that such exception shall not have effect so as to prevent the holder of a public supplier's licence from transmitting his own internal communications by means of his electricity distribution system;

"Electricity Commissioner" means the person appointed as such by the Executive Council under section 35;

(Act 2/2016, s. 7)

"general supply" means the supply of electricity to consumers other than the supply of electricity to consumers under special agreement;

"Government Electrical Inspector" means the person appointed to such post under section 25;

"licence" means a public supplier's licence or a private supplier's licence granted under section 3;

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"licensed supplier" means the holder of any licence granted under section 3;

"mains" means any electric lines through which electricity may be or is intended to be supplied for the purposes of general supply;

"meter" means an electricity meter;

"permanent secretary" means the permanent secretary responsible for Finance;
(Act 2/2016, s. 3)

"point of supply" means any point at which a supply of electricity is provided by a licensed public supplier pursuant to the provisions of this Act;

"potential consumer" means any person entitled to be supplied with electricity by a public supplier;

"pressure" means the difference of electrical potential between any 2 conductors through which a supply of electricity is given, or between any part of the conductor and the earth;

"private supplier" means the holder of a private supplier's licence;
(Act 2/2016, s. 3)

"private supplier's licence" means a licence granted pursuant to section 3(1)(b);

"public supplier" means the holder of a public supplier's licence;

"public supplier's licence" means a licence granted pursuant to section 3(1)(a);

"road" has the same meaning as in the Roads Act;

"service line" means any electrical line through which electricity may be supplied, or is intended to be supplied, to a consumer from a main or directly from a property of a public supplier.

PART 2

CONTROL OF SUPPLY OF ELECTRICITY

Licences for the Supply of Electricity

Licence required for supply of electricity

2. (1) Save as otherwise provided in subsection (2), a person shall not use, or cause or permit to be used, any electrical plant for the purpose of supplying any premises with electricity except under and in accordance with the terms of a licence granted under section 3.

(2) Subsection (1) shall not apply to the use of any electrical plant which—

(a) is powered only by wind and which is used by any person for the purpose only of supplying electricity to his own premises;

(b) is used only for the photovoltaic generation of electricity by any person for the purpose only of supplying electricity to his own premises;

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(c) is installed in any vehicle, vessel or aircraft for the purpose only of supplying electricity to that vehicle, vessel or aircraft;

(d) is used only for the purpose of supplying electricity at such times as there is a temporary breakdown in the supply of electricity under a public supplier's licence;

(e) is such electrical plant as mentioned in paragraph (d) at such times as the plant is being used only for the purpose of servicing or testing the plant;

(f) is used only in connection with the carrying on of any constructional or repair work, or any excavation, in any case where it is not reasonably practicable to use electricity supplied under a public supplier's licence; or

(g) is electrical plant of any class or description as may be prescribed by the Executive Council by regulation for the purposes of this subsection.

(Act 2/2016, s. 7)

Public supplier's licence and private supplier's licence

3. (1) The Executive Council may grant—

(a) a public supplier's licence, that is to say, a licence authorising the applicant to use any electrical plant for the purpose of supplying electricity to any premises within the area specified in the licence, with or without any restriction as to the purposes for which electricity may be supplied under the licence to any such premises; or

(b) a private supplier's licence, that is to say, a licence authorising the applicant to use any electrical plant for the purpose of supplying his own premises, as specified in the licence, with electricity.

(2) An application for any licence under this section shall be made, in the case of a public supplier, in writing addressed to the Executive Council and, in the case of a private supplier, in such form as may be prescribed.

(3) On receiving an application for the grant or for the renewal of a private supplier's licence for the supply of electricity within the area of supply of a public supplier, the Executive Council shall give the holder of such public supplier's licence written notice of such application, the applicant's name and address and the grounds stated in support of such application. Within 30 working days from the date of receipt of such notice, the holder of such public supplier's licence may inform the Executive Council in writing whether it objects to the grant or renewal of such private supplier's licence and any reasons therefor.

(4) A licence granted under this section shall be in such form as may be prescribed.

(5) Subject to the power to revoke a licence in accordance with the terms of the licence or under section 6, the period of validity of a licence under this section shall be a period, not exceeding 50 years in the case of a public supplier's licence and not exceeding 5 years in the case of a private supplier's licence, as shall be specified in such licence.

(6) The Executive Council may, on application made in writing by a private supplier, not later than one year before the expiration of the period of validity of the private supplier's licence, renew

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such licence for such period of 5 years as shall be endorsed on such licence and subject to such terms and conditions as shall be so endorsed.

(7) The Executive Council may, on application made in writing by a public supplier, not later than one year before the expiration of the period of validity of the public supplier's licence—

(a) where such licence has been originally granted for a period of less than 50 years, extend the period of validity of such licence for such further period as not to exceed 50 years reckoned from the original date of validity of the licence as shall be endorsed on such licence; or

(b) where such licence has been originally granted for a period of 50 years, renew such licence for such period not exceeding 50 years as shall be endorsed on such licence and subject to such terms and conditions as shall be so endorsed.

(8) Where a public supplier intends not to seek renewal of its licence, the supplier shall give notice in writing to the Executive Council of the supplier's intention not to renew its licence not later than 2 years before the expiration of the validity of such licence.

(9) Where a public supplier contravenes subsection (8), such supplier shall pay to the Government $1,000,000 and the Government may recover the amount from the supplier as a civil debt.

(10) For the grant of a public supplier's licence or a private supplier's licence, the public supplier or the private supplier shall pay licence fees to the Inland Revenue Department in the manner prescribed.

(11) The permanent secretary is responsible for determining the amount of licence fees payable on an annual basis and the manner in which payment shall be made by the public supplier or the private supplier.

(12) The amount of the licence fees payable, the manner in which payment shall be made and any penalties shall be established by regulations.

(13) Licence fees payable in accordance with regulations may be made and enforced with retrospective effect.

(Act 2/2016, s. 4 and 7)

Penalty for supplying electricity unlawfully

4. Any person who contravenes section 2(1) is guilty of an offence and is liable on summary conviction to a fine of $5,000 or to imprisonment for a term of 6 months, and in the case of a continuing offence, he is liable to a further fine of $100 a day for every day during which the offence continues after his conviction.

Securing compliance with licence conditions

5. (1) Where the Electricity Commissioner is satisfied that a supplier has contravened any of the conditions of its licence, the Electricity Commissioner may, by notice in writing, require the supplier to take such steps within such reasonable period as the Electricity Commissioner may consider necessary to secure compliance with that condition and to make good any loss or damage caused in consequence of any contravention of that condition.

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(2) A notice under subsection (1) shall state the relevant condition of the licence in respect of which it is served and the acts or omissions which, in the opinion of the Electricity Commissioner, constitute a contravention of that condition.

(3) Subject to subsection (4), if the supplier, within the period specified in the notice under subsection (1), fails to take the steps specified in such notice, he is liable to a penalty of $50 for each day after the expiry of such period and such penalty shall be recoverable as a civil debt.

(4) If an appeal under section 7(1) or (3) is brought against a notice under subsection (1), the notice shall not take effect until the appeal is determined.

Revocation and termination of licences

6. (1) Subject to subsections (2) and (3), the Executive Council, in addition to the exercise of any power conferred on it under a licence to revoke that licence, may, by notice in writing served on a licensed supplier, revoke the licence held by the supplier on any of the following grounds—

(a) in the case of a public supplier's licence where the High Court has determined that the licence should be revoked on the grounds that the supplier has failed to comply with a notice under section 5(1) in respect of a material contravention of any of the conditions of its licence;

(b) in the case of a private supplier's licence—

(i) that the supplier has failed to pay any sum due and payable under the licence to the Government,

(ii) that the supplier is using the electrical plant which he is authorised to use under the licence in a manner likely to constitute a nuisance, or to cause an injury to, any other person,

(iii) that the supplier has failed to comply with a notice under section 5(1) in respect of a material contravention of any of the conditions of his licence, or

(iv) that the licence was obtained by fraud.

(Act 2/2016, s. 7)

(2) Before serving on a private supplier a notice under subsection (1) (hereafter in this section referred to as a "notice of revocation"), the Electricity Commissioner shall serve on the licensee a notice in writing stating—

(a) that the Executive Council is considering serving a notice of revocation under this subsection on the supplier on the grounds specified in the notice; and

(Act 2/2016, s. 7)

(b) that the supplier may, within the period of 30 working days from the date of the service on him of the notice under this subsection, make written representations to the Executive Council.

(Act 2/2016, s. 7)

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(3) The Executive Council shall consider any representations made by a private supplier in response to a notice under subsection (2) before serving a notice of revocation on the supplier.

(Act 2/2016, s. 7)

(4) After a public supplier's licence has been revoked under subsection (1) or terminated under subsection (6), the Executive Council shall cause notice to be published in the *Gazette* and in such other way as appears to it expedient for notifying consumers in the supply area to which the licence relates.

(Act 2/2016, s. 7)

(5) A notice of revocation shall not have effect within a period of 3 months from the date of the service of such notice in the case of a private supplier's licence.

(6) The Executive Council shall—

(a) at the request of a public supplier made at least 24 months prior to the intended date of termination, terminate the licence held by the supplier on such date; and

(b) at the request of a private supplier made at least 3 months prior to the intended date of termination, terminate the licence held by the supplier on such date.

(Act 2/2016, s. 7)

Appeals

7. (1) A licensed supplier may appeal to the Electricity Commissioner against a notice under section 5(1).

(2) An appeal under subsection (1) shall be instituted by a licensed supplier within the period of 21 days from the date on which the notice was served on the supplier.

(3) A public supplier may appeal to the High Court against a decision of the Electricity Commissioner under subsection (1), and in the case of a private supplier, the decision of the Electricity Commissioner under subsection (1) shall be final.

Purchase of assets by Government on revocation of a public supplier's licence

8. (1) Where the Executive Council revokes a public supplier's licence in accordance with section 6, the Government shall within 3 months from such revocation, purchase all the tangible assets of the public supplier used pursuant to its obligations under its licence at the then current market value of such tangible assets.

(Act 2/2016, s. 7)

(2) Where the Executive Council refuses to renew the validity of a public supplier's licence under section 3, the public supplier shall sell its tangible assets used pursuant to its obligations under its licence to such person as the Government may approve, and, where there is no such person to purchase the tangible assets of such public supplier, the Government shall purchase all such tangible assets at the then current market value of such tangible assets.

(Act 2/2016, s. 7)

(3) For the purposes of this section, the current market value of the tangible assets shall be determined by an independent valuer agreed upon by the Government and the public supplier.

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PART 3

SUPPLY OF ELECTRICITY BY PUBLIC SUPPLIER

Rights, Powers and Duties of Public Supplier as to Wayleaves, the Construction of Works, etc., and the Acquisition of Land

Rights, powers and duties as to wayleaves, the construction of works, etc.

9. (1) All wayleaves, easements and other rights of whatsoever nature which have been enjoyed by the Crown and the Government over any land (together with all rights which would have been wayleaves, easements and other rights over land in the occupation of the Crown and the Government had such land been in the occupation of a third party) in connection with or in relation to the generation, transmission, distribution and supply of electricity by the Government prior to 1st April, 1991 shall vest in the holder of a public supplier's licence on the entry into effect of any such licence, save that such vesting shall not have effect so as to transfer to the holder of that licence any liabilities of whatsoever nature relating to such wayleaves, easements and other rights attaching to the Crown or the Government prior to the entry into effect of such licence.

(2) For the purpose of a public supplier's licence, a public supplier may from time to time cause standards, poles and towers together with fixtures and fittings to be erected, and electric lines to be laid and carried through, across, over or under any road or through, over or under any land whatsoever, enclosed or otherwise.

(3) A public supplier shall, in addition to the rights, powers and duties conferred or imposed on him under the provisions of this Act or under his licence, have such rights, powers and duties as provided in the Schedule.

(4) In the exercise of the powers given by this section, a public supplier shall not be deemed to acquire any right, other than that of a user only, in or over the soil of any enclosed and other land whatsoever through, over or under which the supplier places any of the works; and should any of the works so carried through, over or under any such land become a nuisance or the cause of loss to the owner of such land, the supplier shall at the supplier's own expense remove or alter such works or shall give reasonable compensation as provided by subsection (5).

(5) In the exercise of the powers given by this section, a public supplier shall do no more damage than is necessary in the circumstances and shall make full compensation to any person interested for all damage sustained by him by reason or in consequence of the exercise of such powers. In the event of disagreement, the amount of such compensation shall be determined by the Electricity Commissioner and his decision shall be final.

Acquisition of land

10. (1) When a public supplier needs land for the purpose of generating, transmitting, distributing or supplying electricity, the supplier shall endeavour to acquire such land by private treaty.

(2) Where the public supplier fails to acquire such land by private treaty and where the Executive Council considers that such land is necessary for the purpose of generating, transmitting, distributing or supplying electricity, the Executive Council may, at the request of the public supplier, cause necessary action to be taken to acquire such land in accordance with the provisions of the Land Acquisition Act and, upon such acquisition, to transfer the land to the public supplier on payment of the full cost of acquisition to the Government by the supplier.

(Act 2/2016, s. 7)

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(3) Acquisition of any land for the purpose of subsection (2) shall be deemed to be for a public purpose within the meaning of the Land Acquisition Act.

Supply of Electricity

Supply of electricity

11. (1) A public supplier shall not be bound by the terms and conditions under which electricity is supplied to a consumer by a previous supplier.

(2) A public supplier shall, on being required in writing to supply electricity by a consumer or potential consumer at any premises within the supplier's supply area, give and continue to give a supply of electricity for the premises in accordance with this Act and any conditions of the supplier's licence, and shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which such consumer or potential consumer is entitled to be supplied under this Act.

(3) Notwithstanding the provisions of subsection (2), a public supplier may refuse to give a supply of electricity to any consumer or potential consumer at any premises—

(a) unless the consumer or potential consumer at those premises furnishes to the supplier security for the payment of all money which may become due to the supplier in respect of the supply of electricity to those premises and pays to the supplier any outstanding sums due to the supplier for the supply of electricity or due to the Government for such supply prior to the entry into effect of the public supplier's licence;

(b) unless the consumer or potential consumer at those premises pays to the supplier such sums as may be prescribed; or

(c) unless the relevant provisions of the electricity supply regulations have been duly complied with.

(4) Where, as respects any premises, the security furnished in pursuance of paragraph (3)(a) is or becomes insufficient, the supplier may cease to supply electricity to the premises for so long as the supplier is not furnished with sufficient security by the consumer at the premises.

(5) Where any security is required under this section, the security shall be by way of a deposit and of such amount as may be prescribed.

Systems and modes of supply and maximum power

12. (1) A public supplier shall supply electricity in such manner as may be prescribed.

(2) Where a consumer has required a public supplier to supply him with a maximum power of any specified amount, the consumer shall not be entitled to alter that maximum except on giving one month's notice in writing to the supplier; and any expenses reasonably incurred by the supplier consequent on the alteration, in respect of the service lines by which electricity is supplied to the premises of the consumer, or in respect of any electrical plant of the supplier on those premises, shall be paid to the supplier by the consumer and shall be recoverable by the supplier as a civil debt.

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(3) The consumer shall be entitled to be supplied with an amount of power as may reasonably be required having regard to the anticipated load on his premises.

(4) Any difference between a consumer and a public supplier—

(a) as to what may be reasonably anticipated as the maximum power required by the premises of the consumer; or

(b) as to the reasonableness of any expenses incurred by the supplier under subsection (2);

shall be determined by the Electricity Commissioner and his determination shall be final.

Reduction and cessation of supply

13. (1) A public supplier may reduce by means of reduction in load or in voltage or in load and voltage the quantity of electricity supplied to any consumer if, by reason of any unforeseen circumstances beyond the supplier's control, it appears that the supply of electricity generated is insufficient to enable the full quantity to be conveniently supplied.

(2) Where the quantity of electricity has been reduced by a public supplier in pursuance of subsection (1)—

(a) no liability shall be incurred by the supplier in respect of any loss or damage caused by the reduction; and

(b) in appropriate cases, an abatement in the charges for the supply of electricity shall be made in proportion to the reduction made.

(3) A public supplier shall not be liable for any injury or damage to any person or property arising out of the supply of electricity or for any cessation of the supply of electricity or any failure to supply electricity, if the injury, damage, cessation or failure is due to—

(a) unavoidable accident;

(b) exceptional wear and tear;

(c) overloading due to the unauthorised connection of electrical fittings;

(d) the reasonable measures adopted by the supplier to protect the interests of the consumers at large;

(e) defects in any private electrical plant not provided by the public supplier;

(f) war or hostilities, actual or reasonably apprehended, acts of violence, civil disorder, or industrial action by the employees of a public supplier;

(g) epidemic; or

(h) flood, hurricane or other act of God;

unless the injury, damage, cessation or failure resulted from negligence on the part of the supplier or any servant or agent of the supplier or from the faulty construction of any plant made or provided by

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the supplier, save that the total liability of the supplier and its servants and agents in respect of each claim of whatever nature arising out of or connected with the foregoing shall be limited to the sum of $1,000,000.

Supply of electricity for street lighting

14. A public supplier shall, on being given reasonable notice in writing on behalf of the Government, supply the Government with street lighting within the supply area of the supplier on such terms as may be prescribed.

Power to discontinue supply in default of payment of charges by consumer

15. (1) If a consumer fails or refuses to pay and discharge any charge or other sum due and payable by the consumer to a public supplier in respect of any premises, the supplier may, after payment of the same remains outstanding for more than 30 days from the date of the relevant bill, discontinue the supply of electricity to such premises until that charge or other sum, together with the amount of any reconnection fee under section 16, is paid in full, but, when a public supplier is intending to discontinue the supply of electricity to an essential service provided by Government, the public supplier shall give to the Permanent Secretary of the Government Department to which such supply is afforded, one week's notice of its intention to discontinue such supply and the public supplier shall act in conformity with the terms and conditions, if any, imposed by the Electricity Commissioner on the public supplier as to the mode of discontinuance where such discontinuance may result in loss of life or damage to property.

(2) The powers of a public supplier to discontinue the supply of electricity to any premises of a consumer as provided in this section shall have effect so as to empower such supplier to discontinue such supply in the manner provided in this section to any premises of a person previously supplied with electricity by a previous supplier in circumstances where any charge or other sum due and payable by that person in respect of electricity so supplied to such premises by the previous supplier remains outstanding for more than 30 days from the date of the relevant bill.

Reconnection

16. Where a public supplier has discontinued the supply of electricity to any premises of any person in accordance with the provisions of this Act, a reconnection fee as may be prescribed shall be payable by that person to the public supplier prior to reconnection of such supply to that person.

Classification of premises

17. (1) The determination of which prescribed category a consumer's premises falls into for the purpose of the supply of electricity shall lie with the supplier.

(2) Any difference between a consumer and the supplier as to any determination under subsection (1) shall be determined by the Electricity Commissioner and his decision shall be final.

Notice to be given by consumer before quitting his premises

18. (1) Where the consumption of electricity by a consumer on any premises is determined by meter, then, in the absence of any express agreement to the contrary between the consumer and the public supplier, at least 15 working days notice in writing shall be given by the consumer to the supplier before he quits the premises.

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(2) In default of such consumer giving such notice to a public supplier in respect of any premises, such consumer shall be liable to pay to the supplier any money accruing due in respect of the supply of electricity by the supplier to those premises up to—

(a) the expiration of the usual period for reading the meter on the premises next following the date on which such consumer quit the premises; or

(b) the date on which the subsequent occupier of those premises requires the supplier to supply electricity to the premises;

whichever first occurs, and the supplier may refuse to supply such consumer with electricity at any other premises until all such money has been paid to the supplier.

(3) Notice to the effect that liability may accrue to a consumer under this section on quitting his premises shall be endorsed on each demand note for the payment of electricity supplied to the premises.

Penalty for failure by public supplier to supply

19. (1) Subject to subsections (3) and (4), a public supplier who fails or refuses to supply electricity to any consumer, except where such failure or refusal is authorised under this Act, is guilty of an offence and is liable on summary conviction, in respect of each consumer in respect of whom the supplier so fails or refuses to supply electricity, to a fine of $10 for each day during which the offence is continued.

(2) Subject to subsections (3) and (4), where a public supplier fails or refuses to supply electricity to any public lamps in accordance with section 14 is guilty of an offence and is liable on summary conviction, in respect of each lamp in respect of which the supplier so fails or refuses to supply electricity, to a fine of $10 for each day during which the offence is continued.

(3) A fine imposed under subsection (1) or (2) shall not exceed $500 for any one day except where the commission of the offence in respect of which the fine is imposed was due to the wilful refusal of the public supplier convicted of the offence to supply electricity.

(4) In any proceedings for an offence under subsection (1) or (2), it shall be a defence for the person charged to prove—

(a) that the commission of the offence was due to a mistake, to reliance on information supplied to him, to the act or default of another person, or to an accident or other cause beyond his control; and

(b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or any person under his control.

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PART 4

MEASUREMENT BY METER OF ELECTRICITY SUPPLIED BY PUBLIC SUPPLIER

Meters

Consumption of electricity to be determined by meter

20. The consumption by a consumer of electricity supplied to him by a public supplier shall be determined by means of a meter, but in appropriate cases the public supplier may estimate the consumption of electricity.

Supply of meters by public supplier

21. (1) Where the supply of electricity to a consumer by a public supplier is to be determined by meter pursuant to section 20, such meter shall be in accordance with such standards as may be prescribed and shall be supplied by the public supplier and shall be fixed in such position on the premises of the consumer as may be determined by the Government Electrical Inspector.

(2) A public supplier shall not under section 20 connect any meter to be used for determining the consumption of electricity with any electric line through which electricity is supplied by the supplier, or disconnect a meter used for such determination from such line, unless he has given not less than 5 working days notice in writing of his intention to do so.

(3) A public supplier shall move the position of any such meter as is referred to in subsection (2) at the request and cost of the consumer, if the consumer has given not less than 5 working days notice in writing to the supplier of such request.

Public supplier to keep meters in repair

22. (1) A public supplier shall, at his expense, keep all meters supplied by him for the purposes of determining the consumption of electricity by any consumer in proper order for correctly registering the consumption within the limits of error as may be prescribed.

(2) Subject to subsection (3), the expenses incidental to the removal, testing, inspection or replacement of a meter incurred by a public supplier in pursuance of this section shall be borne by the supplier.

(3) Where such expenses are reasonably incurred by a supplier by reason of any unreasonable act or omission of the consumer, the supplier may recover the amount of such expenses from the consumer as a civil debt.

Public supplier may place meters to measure supply or to check measurement of supply

23. (1) In addition to any meter which may be placed on the premises of a consumer to determine the consumption of electricity supplied by a public supplier, the supplier may place, in appropriate circumstances, on the premises such meter or other apparatus as the public supplier thinks fit for the purpose of ascertaining or regulating—

(a) the amount of electricity supplied to the consumer;

(b) the number of hours during which the supply is given;

(c) the maximum power taken by the consumer; or

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(d) any other quantity or time connected with the supply.

(2) Such other meter or other apparatus used by a public supplier for any of the purposes mentioned in subsection (1) in respect of the premises of any consumer shall be supplied and maintained at the expense of the supplier and shall not, except by agreement, be placed otherwise than between the mains of the supplier and the consumer's terminals.

Penalty for damaging meter and for reconnecting service line with meter without consent

24. (1) Any person who—

(a) wilfully, fraudulently or recklessly removes, damages, or suffers to be removed or damaged, any meter, or alters the index of any meter or prevents any meter from duly registering the quantity of electricity supplied; or

(b) reconnects with a meter a service line which has been disconnected by a public supplier, without the authority of the supplier;

is, without prejudice to any other right or remedy for the protection of the public supplier or the punishment of the offender, guilty of an offence and is liable on summary conviction, for each offence, to a fine of $2,000 or to imprisonment for a term of 3 months.

(2) The prosecution of any offence under subsection (1) shall not prevent a public supplier from recovering the amount of any damage caused to the supplier by the commission of such offence and—

(a) if the offence results in any damage or interference with a meter or other fittings belonging to the supplier, the supplier may also, until the damage or interference has been remedied, but no longer, discontinue the supply of electricity to the offender; and

(b) if the offence is an offence under paragraph (1)(b), the supplier may again disconnect the line at the meter.

(3) The existence of any means for causing an alteration to the index of any meter or for the prevention of a meter from duly registering, when the meter is in the custody or under the control of a consumer, shall be *prima facie* evidence that the alteration or prevention has been fraudulently and wilfully caused by the consumer using the meter.

Government Electrical Inspector and Testing of Meters, etc.

Government Electrical Inspector

25. (1) There shall be a Government Electrical Inspector who shall be appointed by the Executive Council.

(Act 2/2016, s. 7)

(2) The Government Electrical Inspector shall have the right, at all reasonable times, for the purpose of inspecting or testing any electrical line or any electrical fitting or wiring, to enter upon any land or premises to which electricity is supplied by a licensed supplier or upon any premises at which electricity is generated, transmitted or distributed other than by a public supplier.

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(3) The Government Electrical Inspector shall have the right to direct a licensed supplier not to supply electricity to premises in which any installation, fitting or wiring is deemed by him to be unsafe. The licensed supplier shall comply with such direction as soon as may be practicable and shall only reconnect the supply of electricity to such premises when the Government Electrical Inspector has certified that the installation, fitting or wiring in question has been made safe.

(4) The Government Electrical Inspector shall have the power at all reasonable times to inspect and test any installation, fitting or wiring which he has cause to believe is unsafe on any premises to which electricity is supplied.

(5) The Government Electrical Inspector shall be entitled to supervise any test carried out pursuant to the provisions of section 26(1).

(6) The Government Electrical Inspector shall have such other powers, functions and duties as may be prescribed.

Consumer may require test of meter, voltage and frequency

26. (1) Whenever requested to do so by any consumer and after payment by such consumer of any testing fee as may be prescribed, the public supplier shall test the meter registering the electricity supplied to such consumer against a standard meter and supply the consumer with a report showing the result of the test.

(2) If the report supplied under subsection (1) shows that the meter is registering more than 3% above or below the registration of the standard testing meter, the public supplier shall replace the meter in question and shall refund to such consumer the testing fee paid by him. The meter shall be deemed to have been so registering erroneously from the first day of the period for reading the meter prior to the then current period until the date upon which the meter is replaced, and the public supplier shall make either an allowance to or a surcharge on such consumer in respect of electricity supplied during such time.

(3) Any consumer may, on payment of a testing fee as may be prescribed, require the Government Electrical Inspector to test the voltage or the frequency of the electricity supplied to such consumer and the Government Electrical Inspector shall, within a reasonable time, carry out such test and supply such consumer with a report showing the result of the test. If the result of the test shows that the voltage or the frequency is not in accordance with any regulations made hereunder, the public supplier shall refund to such consumer the testing fee paid by him.

Apparatus for meter testing, etc.

27. (1) A public supplier shall provide and maintain in proper condition such apparatus as may be prescribed or as may be approved by the Electricity Commissioner for the examination, testing and regulating of meters used or intended to be used in connection with the supply of electricity by the supplier, and shall afford to the Government Electrical Inspector all necessary facilities for the use of such apparatus for the purpose of the exercise and performance of his powers, functions and duties under this Act in relation to such meters.

(2) Notwithstanding subsection (1), the public supplier may make use of testing facilities in such places outside his area of supply as may be agreed with the Electricity Commissioner.

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PART 5

CHARGES FOR ELECTRICITY SUPPLIED BY PUBLIC SUPPLIER

Charges for electricity supplied by public supplier to be at prescribed rates

28. (1) The charges made by any public supplier for electricity supplied by him to a consumer shall be in accordance with such tariff of rates and charges as may be prescribed.

(2) Any charges made by a public supplier to a consumer under and in accordance with this Act shall be recoverable by the supplier as a civil debt.

New occupier not to be liable for arrears

29. If the consumer at any premises quits the premises without paying any amount due to a public supplier in respect of charges for electricity, the supplier shall not be entitled to require from the next consumer or potential consumer at the premises the payment of the amount due.

Maximum charges for reselling electricity

30. The maximum charges in consideration of which electricity supplied by a public supplier may be resold by persons to whom the electricity is supplied, or by any class of such persons, shall be determined in writing by the Electricity Commissioner in his sole discretion.

PART 6

SUPPLEMENTARY PROVISIONS WITH RESPECT TO PUBLIC SUPPLIER

Rights of Entry

Right of entry of public supplier

31. A person authorised by a public supplier may at all reasonable times (and at any time in an emergency) on the production of some duly authenticated document showing his identity, enter upon any land or premises to which electricity is or has been supplied by the public supplier for the purpose of inspecting, testing, maintaining, fixing, replacing or moving the electric lines, meters, fittings, wiring and apparatus thereon belonging to the public supplier, or of ascertaining the quantity of electricity consumed or supplied in or to such premises or, where a supply of electricity is no longer required or where the public supplier is entitled to cut off the supply of electricity from any such land or premises, for the purpose of removing any electric lines, meters, fittings, wiring or apparatus belonging to the public supplier, but—

(a) the public supplier shall repair all damage caused by any such entry, inspection, testing, maintenance, fixing, replacement, moving or removal; and

(b) should anyone wilfully or maliciously place or erect anything which impedes or hinders the easy entry, inspection, testing, maintenance, fixing, replacement, moving or removal by the public supplier of his property, the public supplier shall be at liberty to remove the impediment or hindrance in question at the cost of the occupier of the land or premises in question and the public supplier shall not be responsible for any damage caused thereby.

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Exemptions

Power of Executive Council to confer exemption

32. (1) The Executive Council may exempt, by regulation, a public supplier from liability to pay any taxation, duties, imposts, levies and rates, including income tax, withholding taxes, corporation tax, tax on profits, advance corporation tax, accumulation tax, capital gains tax, capital transfer tax, gift tax, inheritance tax, value added tax, customs duty, capital duty, excise duties, import duties, development land tax, stamp duty, stamp duty reserve tax and generally any tax, duty, impost, levy or rate or other amount and any interest, penalty or fine in connection therewith which would otherwise be payable in respect of the operations, activities, investments and profits of the supplier arising pursuant to the supplier's holding of a public supplier's licence.

(Act 2/2016, s. 7)

(2) Notwithstanding subsection (1), an exemption does not apply to the payment of licence fees.

(Act 2/2016, s. 5)

(3) An exemption under subsection (1) shall last for such period, not exceeding the period of validity of the supplier's licence, as shall be specified in the regulations.

(4) The Executive Council may similarly exempt the supplier from any exchange or other restriction or control in relation to the remittance of funds by the supplier to others whether overseas or otherwise.

(Act 2/2003, s. 1, Act 11/2010 and Act 2/2016, s. 7))

Additional information

33. The Electricity Commissioner may, once in each year, request from a public supplier such information with respect to the property and activities of any such supplier relating to the public supply of electricity as the Executive Council may reasonably require.

(Act 2/2016, s. 7)

Special Provisions as to Ownership and Control of Assets of Public Supplier

Electric lines, etc., to remain property of public supplier

34. Except where otherwise agreed between a public supplier and a consumer, all electric lines, meters and any electrical fittings belonging to a public supplier which are in or on any premises, not being in the possession of the supplier—

(a) shall be the property of the supplier;

(b) shall not be subject to distress or to the landlord's remedy for rent, or be liable to be taken in execution under any process of any court or proceedings in bankruptcy, insolvency, liquidation or receivership against the person in whose possession they are; and

(c) shall not be deemed to be landlord's fixtures;

notwithstanding that they may be fixed or fastened to any part of the premises.

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PART 7

ELECTRICITY COMMISSIONER

Appointment and functions of Electricity Commissioner

35. (1) There shall be an Electricity Commissioner appointed by the Executive Council.
(Act 2/2016, s. 7)

(2) The Electricity Commissioner shall have such powers and shall perform such duties and functions as are conferred or imposed on him by this Act or as may be prescribed.

Notification of accidents; inquiries

36. (1) A licensed supplier shall give notice in writing to the Electricity Commissioner of any accident by explosion, fire or otherwise which has occurred in or in connection with any part of the licensed supplier's electrical plant or electric lines and which has caused loss of life or personal injury, and such notice shall contain particulars of any loss of life or personal injury caused by the accident.

(2) Where an accident as mentioned in subsection (1) has occurred, the notice required to be given to the Electricity Commissioner under that subsection shall be given as soon as may be reasonably practicable after the occurrence of the accident.

(3) Where an accident as mentioned in subsection (1) (except where no loss of life or personal injury has resulted therefrom) has occurred and caused substantial damage to any property, the Electricity Commissioner may request from the licensed supplier information relating to such accident.

(4) The Executive Council may direct the Electricity Commissioner—

(a) to inquire into and report on any accident affecting public safety in or in connection with any part of a licensed supplier's electrical plant or electric lines, whether or not notice under subsection (1) of any accident has been received by the Electricity Commissioner; or

(b) to inquire into and report whether the provisions of this or any other relevant Act, and the conditions of the licensed supplier's licence, in so far as they affect the safety of persons, have been complied with by the licensed supplier.
(Act 2/2016, s. 7)

Assumption of control of exercise of public supplier's licence by Electricity Commissioner

37. (1) Where the Executive Council is satisfied—

(a) that a public supplier is failing, or is likely to fail, to supply electricity to such an extent as to cause hardship to consumers generally in the supplier's area of supply for a longer period than may reasonably be expected in the case of a temporary breakdown in such supply; and

(b) that the failure or apprehended failure of the supplier cannot be remedied adequately or in good time by the exercise of the Electricity Commissioner's powers under section 5;

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the Executive Council may, without prejudice to the exercise of its powers under section 5 or 6, or any powers conferred on it by the public supplier's licence, by order, direct the Electricity Commissioner or such other person as may be specified in the order to take over the control and management of any undertaking carried on by the supplier for the purpose of supplying electricity under the public supplier's licence and to take all such steps as the Electricity Commissioner or that person may deem necessary or expedient to ensure the maintenance of a proper and efficient supply of electricity to consumers in that area.

(Act 2/2016, s. 7)

(2) An order under subsection (1) shall have effect until it is revoked by a subsequent order and shall be sufficient authority for the Electricity Commissioner or such other person as may be specified in the order—

(a) to enter any premises, whether or not in the possession of the public supplier, for the purpose of ensuring a proper and efficient supply of electricity to consumers in the supplier's area of supply;

(b) to take possession of and use any electrical plant and vehicle in connection with the supply of electricity under the supplier's licence;

(c) to exercise any such rights or powers which the supplier is entitled to exercise, whether under this Act or otherwise, as may be necessary for that purpose; and

(d) to require any person who, immediately before the making of the order, was employed by the supplier in connection with the supply of electricity under the supplier's licence to assist him in taking any steps required to be taken for that purpose.

(3) The Executive Council shall cause a copy of an order made under subsection (1) and of any subsequent order revoking that order to be served on the public supplier and shall cause any such order to be published in the *Gazette*.

(Act 2/2016, s. 7)

(4) A public supplier may appeal to the High Court against an order made under subsection (1) within 21 days of the date of service on the supplier of a copy of the order in accordance with subsection (3), and on such an appeal the High Court may quash, confirm or vary the order.

PART 8

MISCELLANEOUS

Other lines may be attached to electricity poles

38. (1) Subject to subsection (2), any company for the time being entitled to operate a public telecommunication system under the Telecommunications Act or any other Act or any licensed cable television company may, on the terms and subject to the conditions of any agreement between either of them and the public supplier, attach and keep attached, any line used or intended to be used for the purposes of the telecommunications system or the cable television system, as the case may be, to any pole or other support used by the public supplier for suspending an electric line above ground.

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(2) Any company mentioned in subsection (1) shall not attach a line to any pole or other support used by a public supplier as mentioned in that subsection unless any such company has, by notice in writing served on the public supplier, intimated its intention of attaching the line to that pole or support and the time when it is intended to attach the line and has received the prior written consent of the public supplier to do so. Any such company shall be liable to make payment to the public supplier in respect of any damage, fair wear and tear excepted, loss or injury caused or arising out of the attachment of any such line; and such payment shall be recoverable as a civil debt.

Damaging electrical plant to cut off supply; stealing electricity

39. (1) Any person who unlawfully and maliciously damages any electrical plant with intent to cut off any supply of electricity, or who incites any other person to do so, is guilty of an offence and is liable on summary conviction to a fine of $2,000 or to imprisonment for a term of 6 months or to both.

(2) Any person who knowingly and without legal right abstracts or causes to be abstracted, or diverts or causes to be diverted, any electricity, or consumes or uses any electricity, which has been unlawfully abstracted or diverted, is guilty of an offence and is liable on summary conviction to a fine of $2,000 or to imprisonment for a term of 3 months, and is liable to make payment of any damages awarded by the court to the supplier in respect of the electricity which has been so abstracted or diverted.

(3) Any person who without legal right wilfully, fraudulently or recklessly removes, damages or disconnects or suffers to be removed, damaged or disconnected any electric line, switch or wiring or apparatus belonging to a public supplier is guilty of an offence and is liable on summary conviction to a fine of $2,000; and, without prejudice to the foregoing, the public supplier may thereafter recover from such person the amount of any loss or damage sustained by it and may also discontinue any supply of electricity to such person.

(4) If, upon any premises or land in the occupation of a consumer, there is connected, or adjacent to any electric line there is connected, any wire or device capable of wrongfully abstracting, diverting, consuming or using electricity, the existence of such wire or device shall be *prima facie* evidence that such consumer has, without legal right, abstracted or diverted electricity.

False statements, etc.

40. Any person, who for the purpose of obtaining a licence under this Act, whether for himself or any other person, or for any other purpose connected with this Act—

(a) knowingly makes a false statement or false representation; or

(b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular;

is guilty of an offence and is liable on summary conviction to a fine of $2,000 or to imprisonment for a term of 3 months.

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Obstruction

41. (1) Any person who obstructs—

(a) any other person authorised by a public supplier to perform any of the supplier's powers, functions or duties under this Act, in the exercise or the performance of any such powers, functions or duties by that other person; or

(b) the Electricity Commissioner or the Government Electrical Inspector in the exercise or performance of any of his respective powers, functions or duties under this Act;

is guilty of an offence and is liable on summary conviction to a fine of $2,000 or to imprisonment for a term of 3 months.

(2) Where the owner of any land over which any overhead electric line belonging to a public supplier is situated obtains planning permission in respect of such land, the public supplier shall be entitled (at its cost) to move such line to a suitable alternative route over such land so that the development in respect of which planning permission has been obtained shall not interfere with the supply of electricity by the public supplier through such line.

Damage caused by lopping trees or by motor vehicles

42. (1) Any person who fells, lops or trims any tree or shrub thereby causing damage to any property of a public supplier shall be liable to pay the expense of remedying the damage so caused.

(2) Any person who drives any motor vehicle and thereby causes damage to any property of a public supplier shall be liable to pay the expense of remedying the damage so caused.

Rules of High Court

43. The Chief Justice may make rules with respect to the practice and procedure of the High Court in relation to any jurisdiction conferred on the High Court by this Act and until rules are made under this section, that jurisdiction shall be exercised in accordance with such directions as the Chief Justice may give in any particular case.

Regulations

44. (1) The Executive Council may make regulations for giving effect to any of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Executive Council may make regulations—

(a) prescribing matters required or permitted to be prescribed by this Act;

(b) providing for matters as may be—

(i) contemplated by or necessary for giving full effect to this Act and for its administration, or

(ii) incidental to or consequential upon any provision of this Act; and

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(c) providing for penalties.

(Act 2/2016, ss. 6 and 7)

Service of notices

45. Any notice, order or other document required or authorised to be given or served on any person under this Act may be given or served on that person—

(a) by delivering it to him personally;

(b) by leaving it at, or sending it by post addressed to him, at his usual or last known place of abode or business; or

(c) if it is not practicable after reasonable enquiry to ascertain the name or address of that person, by displaying it in a prominent place on the premises affected.

Citation

46. This Act may be cited as the Electricity Act, Revised Statutes of Anguilla, Chapter E35.

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SCHEDULE

(Section 9(3))

RIGHTS, POWERS AND DUTIES OF PUBLIC SUPPLIER AS TO WAYLEAVES, CONSTRUCTION OF WORKS, ETC.

Interpretation

1. In this Schedule—

"Minister" means the Minister responsible for public works;

"owner", in relation to any road which is not maintained or maintainable at public expense, means any person having control of the road.

Restrictions on mode of supply

2. A public supplier shall not, except under and in accordance with the written consent of the Electricity Commissioner, permit any part of any circuit to be connected with earth, except in so far as may be necessary for carrying out the provisions of any regulations under this Act. A public supplier shall be empowered to place any electric line or electrical plant below ground as well as above ground, subject to the provisions of this Act, and to the provisions of any other law relating to planning, development, air navigation, seashore or environment and, subject to prior notification being given to the Minister, where it is proposed to position the same on a road or public land.

Power to break up roads, to construct boxes and to erect lamp posts on public roads, etc.

3. Subject to the provisions of this Act, a public supplier may, within his area of supply—

(a) open and break up a road and place electric lines or other works in, under or over the road;

(b) open and break up, alter or remove any sewers, drains or tunnels within or under a road;

(c) repair, alter or remove any electric lines or other works placed in, under or over a road;

(d) remove or use all earth or other materials in or under a road for the purposes of any works mentioned in paragraph (a), (b) or (c);

(e) construct in a road such boxes as may be necessary for purposes in connection with the supply of electricity, including apparatus for the proper ventilation of the boxes; and

(f) erect in a public road any lamp posts, standards or other lighting apparatus;

and do all such other acts which the supplier thinks necessary for supplying electricity in that area.

Special provisions as to boxes constructed in roads

4. (1) No box or apparatus as mentioned in section 3(e) shall be placed by a public supplier above or below ground, unless prior approval of the Minister has been obtained.

(2) Every such box shall be for the exclusive use of the public supplier and under the supplier's sole control, and shall be used by the supplier—

(a) for leading off service lines and other distributing conductors;

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(b) for examining, testing, regulating, measuring, directing or controlling the supply of electricity;

(c) for examining or testing the condition of the mains or other works; or

(d) for any other purposes connected with the supply of electricity by the supplier under its public supplier's licence;

and the supplier may place in such box meters, switches and other suitable and proper apparatus for any of the purposes mentioned in this subsection.

(3) Every such box, including the upper surface or covering of the box, shall be constructed of such materials, and shall be constructed and maintained by the public supplier in such manner as not to be a source of danger, whether by reason of inequality of surface or otherwise.

Repair, renewal and alteration of works in roads

5. (1) Where the repair, renewal or alteration by a public supplier of any works will involve any interference with any road, the supplier shall, except in a case of emergency—

(a) give to the Minister at least 48 hours notice before commencing to effect the repair, renewal or alteration; and

(b) in the case where the road is not maintained or maintainable at public expense, unless otherwise agreed with the owner of the road, give similar notice to the owner;

and the supplier shall comply with such reasonable requirements as may be made by the Minister or the owner when effecting the repair, renewal or alteration.

(2) It shall be lawful for a public supplier, subject to the public supplier making good to the reasonable satisfaction of the Minister all damage occasioned thereby, to erect, install or replace along or under or over any road in the area of supply of the public supplier without payment of any wayleave, rent, fee or other charge, any poles, electric lines, conductors, substations, pipelines, cables or other apparatus, to remove or repair all or any of the same, to retain all or any of the same already so erected or installed without payment as aforesaid, and in connection with any such erection, installation, replacement, removal or repairs to break up, excavate and temporarily obstruct any such road.

(3) Whenever the public supplier breaks up or excavates any road, he shall with all convenient speed complete the work for the purpose of which the road was broken up or excavated. Where a road has been broken up or excavated, the public supplier shall make the same good to the reasonable satisfaction of the Minister and shall carry away the rubbish occasioned thereby. Until the road has been made good, the public supplier shall fence the road where it has been broken up or excavated and shall maintain during the hours of darkness a light sufficient to warn persons using the road of the danger constituted by the breaking up or excavation. At any place where a road has been broken up or excavated by the public supplier, the public supplier shall keep the same in good repair for 3 months after it has been made good and for such further period not exceeding 12 months as the subsoil of the road at that place shall continue to subside.

(4) A public supplier shall take, in the exercise of the powers conferred by this Act, all reasonable precautions when laying down any electric line or doing any other work for the supply of electricity so as to avoid any telecommunications apparatus installed for the purpose of the public telecommunications system being injuriously affected.

Wayleaves

6. (1) The provisions of this section relate to wayleaves, easements and like rights over land other than land referred to in section 9 of the Act.

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(2) Subject to the provisions of this Act, a public supplier may place an electric line below ground across any land (not forming part of a road), and above ground across any such land, other than land covered by buildings; and where any line has been so placed across any land, the supplier may enter on the land for the purpose of repairing, renewing or altering the line.

(3) Before placing an electric line across any land, a public supplier shall serve on the owner and occupier (or agent therefor, if known to the supplier) of the land (and of any land or of any road not maintained or maintainable at public expense which affords access thereto) a notice of the supplier's proposal, together with a description of the nature and position of the proposed line.

(4) If the owner and occupier (or agent) on whom a notice under subsection (3) has been served does not respond in writing to the public supplier within 30 days after the date of service of such notice, such owner and occupier (or agent) shall be deemed to have consented to the supplier's proposal.

(5) If, within 30 days after the date of service by a public supplier of a notice under subsection (3) on the owner and occupier (or agent) of any land or road not maintained at public expense, the owner and occupier (or agent) notifies the supplier in writing that he objects to the laying of any electric line across such land or road or attaches to his consent any terms or conditions to which the supplier objects, the supplier shall not place the line across such land or road unless prior consent of the Electricity Commissioner has been obtained in accordance with subsection (6).

(6) The Electricity Commissioner may, after giving the parties an opportunity of making representations to him, give his consent for the purpose of subsection (5) either unconditionally or subject to such terms and conditions as he thinks fit.

(7) The power conferred by this section for the placing of electric lines across land shall include the power of placing an electric line across or along a canal, inland navigation, dock or harbour.

Power to lop trees

7. (1) Where any tree or shrub obstructs or interferes with the construction, maintenance or working of any electric line of a public supplier, or will interfere with the maintenance or working of such a line, the supplier may serve a notice on the owner and occupier of the land on which the tree or shrub is growing requiring him to lop or cut it so as to prevent obstruction or interference, on condition that the supplier shall pay the expenses reasonably incurred by the owner or occupier in complying with the notice.

(2) In any case where a notice under subsection (1) is served by a public supplier on any person who is the occupier but not the owner of the land on which the tree or shrub in question is growing, a copy of the notice shall also be served by the supplier on the owner (if known to the supplier).

(3) If, within 21 days from the date of service of a notice under subsection (1), neither the owner nor the occupier of the land in respect of which notice has been served—

(a) has complied with the requirements of the notice; or

(b) has made an objection under subsection (4) to the notice;

the public supplier or any person authorised by him in writing in that behalf, may enter the land and lop or cut the tree or shrub in question as required by the notice; save that, in the case of an emergency, the public supplier or such authorised person (having, where practicable, advised the owner or occupier or both) may forthwith enter the land and cut or lop the tree or shrub in question but, in such circumstances, the owner or occupier or both may seek reasonable compensation pursuant to subsections (4) and (5).

(4) If, within 21 days from the date of service of a notice under subsection (1) by a public supplier, or within 21 days from the date on which the tree or shrub in question is lopped or cut under subsection (3)

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pursuant to an emergency, the owner and or occupier of the land in respect of which the notice has been served serves a counter notice in writing on the supplier either objecting to the requirements of the first-mentioned notice or seeking compensation for the lopping or cutting, as the case may be, either party may refer the matter to the Director of Agriculture for determination within 21 days from the date of service of the counter notice.

(5) On such a reference the Director of Agriculture, after giving the parties an opportunity of making written representations to him and after taking any such representations into account, may make such order as he thinks fit, including an order empowering the public supplier, after giving reasonable notice to the other party, to cause the tree or shrub in question to be lopped or cut, and may determine any question as to what compensation and expenses are to be paid.

(6) Where no such reference is made to the Director of Agriculture in accordance with subsection (4), a counter notice under that subsection shall be deemed not to have been served for the purposes of subsection (3).

(7) Trees and shrubs shall be lopped or cut by or on behalf of a public supplier in pursuance of this section so as to cause as little damage as may be reasonable in all the circumstances to trees, shrubs, fences and growing crops; and the supplier shall cause the boughs lopped to be removed as far as practicable in the circumstances of each case in accordance with the directions, if any, of the owner or occupier and shall make good any damage done to the land.

(8) Any compensation or expenses payable by a public supplier under this section shall be recoverable as a civil debt.

(9) Where it is necessary to fell any tree for the purpose of the construction or maintenance of any electric line, this section shall apply to the felling of trees as it applies to the lopping of trees.

Entry on land for purposes of survey

8. (1) Without prejudice to any other rights of entry exercisable by a public supplier, a public supplier, or any person authorised by him in writing in that behalf, may, at any reasonable time, enter and survey any land, other than land covered by buildings, for the purpose of ascertaining whether the land would be suitable for the purposes of the supplier in the exercise of its public supplier's licence.

(2) Where in the exercise of any power conferred on a public supplier by subsection (1), if any loss or damage is sustained by any person, that person shall be entitled to compensation to the extent of such loss or damage from the supplier.

Preservation of amenity

9. A public supplier, in exercising any powers conferred by this Act in relation to the execution of any works or otherwise, shall have regard to the desirability of preserving natural beauty, conserving flora and fauna and geological features of special interest, and protecting buildings or objects of architectural or historical interest.

Compensation for loss or damage resulting from works carried out by public supplier

10. (1) Any question arising as to compensation under any of the provisions of this Schedule other than section 7 may, in default of agreement between the parties, be referred by either party to the Electricity Commissioner within 3 months of the date on which the loss or damage in respect of which the compensation is sought was sustained.

(2) Compensation under any of the provisions of this Schedule to which this section applies shall be recoverable as a civil debt.

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