

**TRINIDAD AND TOBAGO ELECTRICITY
COMMISSION ACT**

CHAPTER 54:70

Act

42 of 1945

Amended by

32 of 1952

49 of 1952

26 of 1954

15 of 1958

25 of 1960

8 of 1961

16 of 1962

9 of 1969

31 of 1972

45 of 1979

11 of 1988

37 of 1989

28 of 1994

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Note on Subsidiary Legislation

Subsidiary Legislation made under sections 10, 31, 33, 34A and 34B have been omitted. *See* the Current Edition of the Consolidated Index of Acts and Subsidiary Legislation for references to these Subsidiary Legislation.

Note on Repealed Ordinances

The following Ordinances, namely:

- (a) Trinidad Electricity Board Ordinance (Ch. 37. No. 5) (1940 Rev. Ed.);
- (b) Trinidad Electricity Board (Loan) Ordinance (Ord. No. 27 of 1941);
- (c) Port-of-Spain Corporation (Electricity) Ordinance (Ch. 39 No. 6.) (1950 Rev. Ed.);
- (d) San Fernando Electric Works Ordinance (Ch. 39 No. 9.) (1950 Rev. Ed.);
- (e) San Fernando Corporation Ordinance (Ch. 39 No. 7.) (1950 Rev. Ed.),

mentioned in this Act have been repealed.

References to specific provisions mentioned in these Ordinances should be read in the light of the corresponding provisions of the Acts which have repealed and replaced these Ordinances.

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**TRINIDAD AND TOBAGO ELECTRICITY
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**TRINIDAD AND TOBAGO ELECTRICITY
COMMISSION ACT**

1950 Ed.
Ch. 37 No. 5.
42 of 1945.

An Act to establish an Electricity Commission for Trinidad and Tobago, to enable the Commission to generate and supply electrical energy and for other purposes in connection therewith.

Commencement.

[1ST JANUARY 1946]

PART I

SHORT TITLE AND INTERPRETATION

Short title.

1. This Act may be cited as the Trinidad and Tobago Electricity Commission Act.

Interpretation.
[8 of 1961
16 of 1962
32 of 1994
6 of 2009].

2. In this Act—

“aerial line” means any electric line which is placed above ground and in the open air;

“apparatus” means any appliance used or which may be used in connection with the supply or use of electrical energy;

“appropriate meter” means a meter of a pattern approved by an Electric Inspector;

“approved generator of electricity” means a body corporate or firm declared to be an approved generator of electricity under section 31(3C);

“circuit” means an electrical circuit forming a system or branch of a system;

“consumer” means any person supplied, or entitled to be supplied, with energy by the Commission;

“consumer’s terminals” means the ends of the electric lines situated upon any consumer’s premises and belonging to him, at which the supply of energy is delivered from the service line;

“consumer’s wire” means any electric line on the consumer’s premises which is electrically connected with an electric distribution line or main;

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“distributing main” means the portion of any main which is used for the purpose of giving origin to the service lines for the purposes of general supply;

“earthed” means connected to the general mass of earth in such manner as will ensure at all times an immediate and safe discharge to earth of electrical energy;

“electricity” or “electrical energy” or “energy” means energy involving the use of electricity, electric current or any like agency which may be produced either by mechanical or chemical means and which is generated, transmitted, supplied or used for any purpose except the transmission of a message;

“Electric Inspector” means any electric inspector appointed under the provisions of the Electricity (Inspection) Act;

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“electric line” means a wire or wires, conductor or other means used for the purpose of conveying, transmitting, or distributing electricity, with any casing, coating, covering, tube, pole, or insulator enclosing, surrounding, or supporting the same or any part thereof, or any apparatus connected therewith, for the purpose of conveying, transmitting, or distributing electricity;

“general supply” means the general supply of energy to ordinary consumers, but does not include the supply of energy to any one or more particular consumers under special agreement;

“generating station” or “power house” means any station or works for generating and distributing energy;

“land” means any land not being a street or portion thereof;

“Local Authority” means any authority having municipal or administrative jurisdiction over and within any area in respect of which any rights are exercisable under this Act;

“main” means an electric line which may be laid down or erected by the Commission, in, over, along, across, or under any street, or public place, or being already so laid down or erected, has been acquired by the Commission under the authority of this Act, and through which energy may be supplied, or intended to be supplied, by the Commission for the purposes of general supply;

“mechanical appliances” includes the poles, brackets, sleepers, wires, fittings, and all other works, appliances or things which form part of or are required for or are used in connection with the electrical or other mechanical power by this Act authorised to be used;

“message” means any telegram, message, or other communication transmitted or intended for transmission by a telegraph or telephone line or by radio-telegraphy or radio-telephony;

“Minister” means Minister with responsibility for the Trinidad and Tobago Electricity Commission;

“overhead system” means an electrical system in which the electric supply lines, conductors or other apparatus used or which may be used for conveying, transmitting, transforming, distributing or supplying energy are placed above ground and in the open air and shall include any portions of a system so placed above ground and in the open air excepting within premises in the sole occupation or control of the Commission and excepting so much of any service line as is necessarily so placed for the purpose of supply;

“power” means electrical power, or the rate per unit of time at which energy is supplied;

“pressure” means the difference of electrical potential between any two conductors through which a supply of energy is given or between any part of the conductor and earth;

“private purposes” includes any purposes whatever to which electricity may for the time being be applicable, not being public purposes;

“public purposes” means lighting any street or place belonging to or subject to the control of any Local Authority, or any church or place of worship, or any wall or building belonging to or subject to the control of any public authority, or any public theatre, but does not include any other purpose to which electricity may be applied;

“service line” means any electric line through which energy may be supplied, or intended to be supplied by the Commission to a consumer either from any main or directly from the premises of the Commission;

“street” includes any highway, whether over any bridge or not, and any road, lane, footway, square, court, alley or passage, over which the public have a right of way; and the pavement of a street and all channels, drains and ditches at the side of a street shall be deemed to be part of the street;

“substation” means the works or station where energy is received for transformation, conversion, storage or distribution and includes all buildings and plant used for the purpose and the site thereof;

“system” means an electrical system in which all the conductors and apparatus are electrically connected to a common source or sources of energy;

“telegraphic line” includes any electric line used for telephonic or electric signalling communication;

“tramway” means any railway for the conveyance of public traffic constructed mainly or partly along the public roads and streets as herein defined;

“transformer” means a static transformer for transforming energy;

“use of electrical energy” means the conversion of energy into chemical energy, mechanical energy, heat or light, or the use or application of electrical energy to or for any of the purposes for which it may be or become or be found to be adapted;

“works” means the works authorised by this Act or any of them, and includes generating stations, substations, buildings, machinery, engines, transmission lines, distributing mains, electric lines, poles, pillars, street boxes, lamps, waterworks, wells, dams, pipe-lines, and any other works, apparatus,

appliances, matters or things of whatever description required for the generation, transmission, transformation, distribution, supply or use of electrical energy.

PART II

**ESTABLISHMENT AND CONSTITUTION OF
ELECTRICITY COMMISSION**

Establishment
of the
Electricity
Commission.

3. (1) For the purposes of this Act there shall be established a Commission to be called the Trinidad and Tobago Electricity Commission (in this Act referred to as “the Commission”) which shall be a body corporate with perpetual succession and a common seal which shall be officially and judicially noticed and with power to acquire and hold land. The seal shall be authenticated by the signatures of the Chairman and one other member of the Commission authorised by the Commission to act in that behalf.

(2) The Commission may sue and be sued in their corporate name and may for all purposes be described by that name. Service of any process or notice on the Commission may be effected by leaving the same at the office of the Commission with the Manager or Secretary appointed as provided below.

Constitution of
Commission.
[8 of 1961
9 of 1969].

4. (1) The Commission shall consist of no fewer than five nor more than nine members appointed by the President. Of the members, four shall be appointed from amongst persons who have special qualifications in, and have had experience of, matters relating to engineering, accountancy, law, economics or business management.

(2) The President shall appoint the Chairman and the Deputy Chairman of the Commission from the members of the Commission.

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(3) A member of the Commission shall, subject to subsection (4) and the revocation of his appointment, hold office for such period not exceeding five years, as the President may direct, but a member of the Commission is eligible for reappointment.

(4) A member of the Commission may at any time resign his office by instrument in writing addressed to the Chairman who shall forthwith forward the resignation to the Minister of Finance.

(5) The appointment of any member of the Commission and the termination of office of a member, whether by death, resignation, revocation, effluxion of time or otherwise, shall be notified in the *Gazette*.

(6) A member of the Commission holding office on the commencement of this section continues to hold office subject to and in accordance with this section; but such a member shall, unless his appointment is earlier terminated by resignation under subsection (4) or by revocation, vacate his office at the end of two years from the date of his appointment.

5. (1) The President may give the Commission directions of a general character on the policy to be followed in the exercise of the powers conferred and the duties imposed on the Commission by or under this Act in relation to matters that appear to the President to affect the public interests of Trinidad and Tobago.

Policy directions.
[8 of 1961].

(2) The Commission shall, as soon as practicable, give effect to all directions issued pursuant to subsection (1).

6. (1) Decisions of the Commission may be taken at meetings or, in cases in which the Chairman shall so direct, by the recording of the opinions of members on papers circulated among them; but where papers are circulated, the Chairman may direct that the papers shall not be circulated to any member who through interest, illness, absence from Trinidad and Tobago or otherwise is, in the opinion of the Chairman, incapacitated from voting on such papers.

Decisions of the Commission.
[45 of 1979].

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(2) The quorum of the Commission at any meeting or for the purpose of voting on papers circulated shall be four.

(3) The decisions of the Commission shall be by the majority of votes. However, in any case in which the voting is equal, the Chairman or, at meetings, the person presiding shall have a second or casting vote.

Meetings of the Commission.
[9 of 1969].

7. (1) The Commission shall meet at such times as may be necessary or expedient for transacting their business. The Chairman or any members of the Commission may convene a special meeting. Minutes of each meeting in proper form shall be kept by the Secretary and shall be confirmed by the Chairman at the next succeeding meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

(2) The General Manager shall, unless the Minister otherwise directs, attend all meetings of the Commission, but he shall not have any right to vote.

Co-opted members.
[9 of 1969].

8. (1) The Commission may co-opt any one or more persons to attend any particular meeting of the Commission for the purpose of assisting or advising the Commission, but no such co-opted person shall have any right to vote.

(2) Where any person is co-opted by the Commission under subsection (2) the Commission may, with the approval of the Minister, by resolution declare the remuneration and allowances of such person and such sums shall properly be payable out of the funds and resources of the Commission.

No personal liability to attach to members of the Commission.

9. No personal liability shall attach to any member of the Commission in respect of anything done or suffered in good faith under the provisions of this Act and any sums of money, damages or costs which may be recovered against them or any of them for anything done or suffered as mentioned above shall be paid out of the funds of the Commission.

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10. (1) Subject to appropriate provision being made in the estimates of the Commission and approved as provided below, the Commission may appoint, at such remuneration and on such terms and conditions as the Commission may think fit, a General Manager (who shall be the chief executive officer and responsible for carrying out the decisions of the Commission), a Secretary, and an Accountant, and such engineers, electricians, operators, clerks, assistants, inspectors, collectors, and other officers and servants as may be necessary and proper for the due and efficient exercise of their powers and performance of their duties under this Act.

Appointment of officers and servants and provision for Provident Fund and Pension Fund.
[15 of 1958
16 of 1962
45 of 1979].

(2) The holders of such offices under the Trinidad Electricity Board immediately prior to the coming into force of this Act as directed by the President (or the Minister) shall be deemed to be transferred to the service of the Commission and to hold such offices subject to the provisions of this Act.

(3) The Commission may require any officer or servant in their service to give security to their satisfaction for the due execution of his duties.

(4) The Commission, with the approval of, and subject to such terms and conditions as may be imposed by the President, may put into operation a Provident Fund Scheme and a Pension Scheme for the benefit of the officers and servants of the Commission, and for that purpose establish and maintain the necessary Provident Fund or Pension Fund, as the case may be, and make arrangements with such insurance company or companies as may be approved by the President with respect to the establishment and maintenance of the necessary Provident Fund or Pension Fund.

(5) A Provident Fund Scheme or a Pension Scheme referred to in subsection (4) may, subject to the approval of the President, provide that moneys or securities belonging to the Provident Fund or Pension Fund, as the case may be, or mortgages effected with moneys belonging to either Fund, may be held in the name of a custodian trustee, approved by the President, whose duty shall be to manage the investments of such Fund.

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(6) Any money on deposit in the Provident Fund authorised by section 7(2) of the Trinidad Electricity Board Ordinance (Ch. 37 No. 5—1940) on behalf of any employee of the Trinidad Electricity Board in respect of whom no life assurance has been effected or pure endowment policy purchased by the Board in connection with the Fund shall, on the establishment of the Provident Fund authorised by subsection (4) and if such employee becomes an employee of the Commission by virtue of this Act, be paid, together with the interest accruing thereon by the Board to the Commission and placed to the credit of the employee in the latter Fund.

Ch. 37 No. 5.
(1940 Ed.).

(7) Every policy of assurance effected by the Trinidad Electricity Board on behalf of any employee of the Board in connection with the Provident Fund authorised by section 7(2) of the Trinidad Electricity Board Ordinance shall, on the establishment of the Provident Fund authorised by subsection (6) and if such employee becomes an employee of the Commission by virtue of this Act, be deemed to be assigned to the Commission.

Retrospective effect of subsections (4) and (5), validation of acts previously performed by the Commission and indemnity for such acts. [15 of 1958].

(8) Subsections (4) and (5) shall be deemed to have come into operation on 1st January 1956 and any act or thing done by the Commission between that date and the date of the commencement of the Trinidad and Tobago Electricity Commission (Amendment) Ordinance 1958 (that is, 10th July 1958) in purported exercise of the powers conferred by this section and which would have been lawfully done if the Amendment Ordinance had been in force between such dates, shall be deemed to have been lawfully done.

(9) The Commission and every officer and servant of the Commission are discharged, freed and indemnified from any consequences incurred by them between 1st January 1956 and the commencement of the Trinidad and Tobago Electricity Commission (Amendment) Ordinance 1958 (that is, 10th July 1958), if such consequences would not have been incurred by them had the Amendment Ordinance been in force between such dates.

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PART III

VESTING OF CERTAIN PROPERTY, RIGHTS AND
LIABILITIES IN THE COMMISSION

11. (1) On the coming into force of this Act—

- (a) there shall be deemed to be vested in the Commission in absolute ownership such part of the undertaking carried on by the Trinidad Electricity Board under the authority of the Trinidad Electricity Board Ordinance as is situated outside the limits of the City of Port-of-Spain, such part of the undertaking as is situated within the said limits and is required for the generation of electrical energy and all cables used for distributing energy to premises outside the said limits;
- (b) the benefit, and burden of any lease or tenancy agreement in which the Trinidad Electricity Board was tenant immediately before 1st January 1946 shall, if the lease or agreement relates to any lands or buildings vested in the Commission by virtue of paragraph (a), be deemed to be transferred from the Trinidad Electricity Board to the Commission;
- (c) all interests, rights and easements, and all liabilities in or appertaining to the property vested in the Commission by virtue of paragraph (a) shall become the interests, rights, easements and liabilities of the Commission; and all policies of insurance effected by the Trinidad Electricity Board on any of the property mentioned above shall be deemed to be assigned to the Commission;
- (d) such of the benefits and burdens of any contract to which the Trinidad Electricity Board is a party and which is in force immediately prior to such coming into force, as to which the then Governor in Council, with the approval of the then Legislative Council, may by Order direct that this paragraph shall be applicable, shall be deemed to have been transferred from the Board to the Commission;

Vesting of certain property, rights and liabilities in the Commission.

Ch. 37 No. 5.
(1940 Ed.).

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- (e) such moneys standing to the credit of the Trinidad Electricity Board immediately prior to such coming into force, as the then Governor in Council, with the approval of the then Legislative Council, shall by Order determine, shall be deemed to be transferred to and vested in the Commission;
- (f) the right to recover and receive such moneys due to the Trinidad Electricity Board immediately prior to such coming into force, or which would thereafter have become due to the Board if this Act had not been enacted, as the then Governor in Council with the approval of the then Legislative Council, shall by Order determine, shall be deemed to be transferred to and vested in the Commission.

(2) The provisions of subsection (1)(f) shall have effect as if the moneys referred to in it had always been payable to the Commission.

(3) The then Governor in Council may, with the approval of the then Legislative Council, by Order direct that any liability or part thereof of the Trinidad Electricity Board (including liability for interest on any loan raised by the then Governor under the authority of the Trinidad Electricity Board (Loan) Ordinance and for contribution to any redemption fund established in connection with any such loan), shall be deemed to have been transferred to, and to have become the liability of, the Commission.

27 of 1941.

(4) The then Governor in Council, with the approval of the then Legislative Council, may by Order make such provision as may appear to him to be expedient for securing the transfer to the Commission of the property, rights and liabilities mentioned above and for matters consequential thereon.

Transitory provisions.

12. (1) The then Governor in Council may, with the approval of the then Legislative Council, by Order make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to any transfer of

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powers or duties by or under this Act including provisions for the transfer of any property, rights, and liabilities held, enjoyed, or incurred by the Trinidad Electricity Board, in connection with any powers or duties transferred, and may, with the like approval, make such Orders as may be necessary to make exercisable by the Commission and their officers the powers and duties so transferred.

(2) In the construction and for the purposes of any Ordinance, Rules, Regulations, Bye-laws, judgment, decree, order, award, deed, contract or other document passed or made before the transfer to the Commission of any powers or duties by or under this Act, but so far only as may be necessary for the purpose or in consequence of the transfer, the name of the Commission shall be substituted for the name of the Trinidad Electricity Board or of the Trinidad Electric Company, Limited, as the case may be.

(3) Where anything has been commenced by or under the authority of the Trinidad Electricity Board before the transfer to the Commission of any powers or duties by or under this Act and such thing is in relation to the powers or duties so transferred, such thing may be carried on and completed by or under the authority of the Commission.

(4) Where at the time of the transfer of any powers or duties by or under this Act any legal proceeding is pending to which the Trinidad Electricity Board is a party and the proceeding has reference to the powers and duties transferred by or under this Act, the Commission shall be substituted in the proceeding for the Trinidad Electricity Board, and the proceeding shall not abate by reason of the substitution.

***PART IV**

PORT-OF-SPAIN CORPORATION AND SAN FERNANDO CORPORATION: VESTING OF CERTAIN PROPERTY RIGHTS AND LIABILITIES THEREOF IN COMMISSION

13. (1) There is hereby vested in the Commission in absolute ownership the whole of the electricity undertaking of the Port-of-Spain Corporation that is carried on under the authority of the repealed Port-of-Spain Corporation (Electricity) Ordinance, including the substations, electric lines, mains, service lines, works,

Port-of-Spain
electricity
undertaking
vested in
Commission.
[8 of 1961].
Ch. 39 No. 6.
(1950 Ed.).

*This Part came into operation on 20th April 1961. See GN 43/1961.

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apparatus and mechanical appliances that relate to the distribution of electrical energy within the limits of the City of Port-of-Spain or that relate to the sale or repair of electrical materials, fittings, accessories, apparatus and other electrical devices.

(2) All interests, rights and easements and all liabilities in or appertaining to the property vested in the Commission by subsection (1) hereby become the interests, rights, easements and liabilities of the Commission.

(3) All policies of insurance effected by the Port-of-Spain Corporation on any of the properties vested in the Commission by subsection (1) are hereby assigned to the Commission.

(4) Subject to section 16, the benefits and burdens of any contracts or leases or tenancy agreements, in force immediately before the commencement of this Part and that appertain to the undertaking vested in the Commission by subsection (1) and to which the Port-of-Spain Corporation is a party, are hereby transferred from the Port-of-Spain Corporation to the Commission.

(5) All moneys that, immediately before the commencement of this Part, stood to the credit of the Port-of-Spain Corporation in respect of the electricity undertaking of that Corporation are hereby transferred to and vested in the Commission.

(6) The right to recover and receive any moneys that, immediately before the commencement of this Part, were due to the Port-of-Spain Corporation in respect and for the account of the electricity undertaking of the Port-of-Spain Corporation or that would after that date have become due to that Corporation if this Part had not been enacted, are hereby transferred and vested in the Commission; and this subsection shall be given effect as if those moneys had always been payable to the Commission.

(7) Any liability of the Port-of-Spain Corporation that refers solely to the electricity undertaking of the Port-of-Spain Corporation including liability for interest—

(a) on any loan deemed to have been transferred to and to have become the liability of that Corporation under section 3(3) of the Port-of-Spain Corporation (Electricity) Ordinance, or

- (b) on any loan raised, or on any advances borrowed, or on any overdraft with any bank arranged, by that Corporation under the authority of section 13 of that Ordinance,

is hereby transferred to and becomes the liability of the Commission.

14. Acts, engagements and defaults done or undertaken or committed by the Port-of-Spain Corporation Electricity Board within the scope of the authority conferred upon that Board by the repealed Port-of-Spain Corporation (Electricity) Ordinance shall for the purposes of this Part be deemed to be the acts, engagements and defaults of the Commission.

Acts, etc., of Port-of-Spain Electricity Board. [8 of 1961]. Ch. 39 No. 6. (1950 Ed.).

15. All sums payable to or that accrue to the Commission under section 13 shall be deemed to be revenue of the Commission for the purposes of section 23, and with the other moneys of the Commission shall be applied in and towards the discharge of any liabilities of the Port-of-Spain Corporation that have been transferred by this Part.

Funds of Commission. [8 of 1961].

16. (1) The holders of such offices in the Port-of-Spain Corporation as may be designated by the Commission and approved by the Minister for the time being administering the subject of electricity—

Transfer of offices to Commission. [8 of 1961].

- (a) shall be transferred to the service of the Commission on the commencement of this Part, and
- (b) shall hold similar offices under the Commission or such other offices as the Commission may determine, in either case at salaries or wages no less than those that applied in respect of their services under the Port-of-Spain Corporation Electricity Board, on 30th September 1960,

if immediately before the commencement of this Part the holders of those offices were employed by the Port-of-Spain Corporation Electricity Board pursuant to section 9 of the repealed Port-of-Spain Corporation (Electricity) Ordinance.

Ch. 39 No. 6. (1950 Ed.).

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Ch. 39 No. 6.
(1950 Ed.).

(2) Any money on deposit, in the Provident Fund authorised by section 9(4) of the Port-of-Spain Corporation (Electricity) Ordinance, on behalf of any employee of the Port-of-Spain Corporation Electricity Board for whom no life assurance has been effected or pure endowment policy purchased in connection with that Provident Fund, if the employee becomes an employee of the Commission by virtue of this Part, shall, as soon as practicable after the commencement of this Part, be paid, together with the interest thereon, to the Commission by that Board and shall be placed to the credit of the employee in the Provident Fund or Pension Fund authorised under section 10(4) of this Act.

(3) Policies of assurances effected on behalf of any employee of the Port-of-Spain Corporation Electricity Board in connection with the Provident Fund authorised by section 9(4) of the Port-of-Spain Corporation (Electricity) Ordinance, if the employee becomes an employee of the Commission by virtue of this Part, are hereby assigned to the Commission with effect from the date of the commencement of his employment with the Commission.

San Fernando
electricity
undertaking
vested in
Commission.
[8 of 1961].
Ch. 39 No. 9.
(1950 Ed.).

17. (1) There is hereby vested in the Commission in absolute ownership the whole of the electricity undertaking of the San Fernando Corporation that is carried on under the authority of the repealed San Fernando Electric Works Ordinance, including electric lines, mains, service lines and mechanical appliances that relate to the distribution of electrical energy within the City of San Fernando.

(2) The benefit and burden of any lease or tenancy agreement in which the San Fernando Corporation was tenant immediately before the commencement of this Part and that relates to any lands or buildings vested in the Commission by subsection (1), are hereby transferred from that Corporation to the Commission.

(3) All interests, rights and easements and all liabilities in or appertaining to the property vested in the Commission by subsection (1), hereby become the interests, rights, easements and liabilities of the Commission.

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(4) All policies of insurance effected by the San Fernando Corporation on any of the properties vested in the Commission by subsection (1), are hereby assigned to the Commission.

(5) All liabilities of the San Fernando Corporation referable solely to capital expenditure in respect of the electricity undertaking of the San Fernando Corporation that is vested in the Commission by subsection (1), including any liabilities for interest on any loan raised therefor by that Corporation under the authority of section 133 of the San Fernando Corporation Ordinance are hereby transferred to, and become the liabilities of, the Commission.

Ch. 39 No. 7.
(1950 Ed.).

18. The moneys of the Commission shall be applied in and towards the discharge of any liabilities of the San Fernando Corporation that have been transferred to the Commission by section 17.

Funds of the
Commission.
[8 of 1961].

19. (1) Subject to subsection (2), the President may, by Order, make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the transfer of powers or duties under this Part, including provisions for the transfer of any property, rights and liabilities held, enjoyed or incurred by the Port-of-Spain Corporation or the San Fernando Corporation, as the case may be, in connection with any powers or duties transferred, and may make such Orders as may be necessary to enable the Commission and the officers thereof to exercise the powers and duties so transferred to the Commission.

Supplementary
Order of
President.
[8 of 1961].

(2) An Order made under this section has no effect until approved by resolution of the then Legislative Council.

20. (1) Where, before the commencement of this Part, any matter or thing has been commenced—

Completion of
acts and
proceedings.
[8 of 1961].

(a) by or under the authority of the Port-of-Spain Corporation Electricity Board, or

(b) by or under the authority of the repealed San Fernando Electric Works Ordinance,

Ch. 39 No. 9.
(1950 Ed.).

and the matter or thing relates to the powers or duties transferred to the Commission by or under this Part, the matter or thing may be carried on and completed by or under the authority of the Commission.

(2) Where, at the time of the transfer of any powers or duties by or under this Part, any legal proceeding is pending to which the Port-of-Spain Corporation or San Fernando Corporation is a party and the proceeding has reference to the powers and duties transferred to the Commission by or under this Part, the Commission shall be substituted in the proceeding for the Port-of-Spain Corporation or San Fernando Corporation, as the case may be, and the proceeding does not abate by reason of the substitution.

PART V

FINANCIAL PROVISIONS

Power to borrow or raise capital. [8 of 1961].

21. (1) The Commission may, with the approval of the President, borrow, secure or raise money by the issue of debentures or debenture stock, or other security, for all or any of the following purposes:

- (a) the provision of working capital;
- (b) the fulfilling of the functions of the Commission under this Act;
- (c) the provision of capital for the expansion of and additions to its fixed assets;
- (d) the redemption of any debenture or debenture stock or other security that the Commission is required or entitled to redeem;
- (e) any other expenditures properly chargeable to capital account.

(2) The Commission may, from time to time, borrow by way of overdraft or otherwise for periods not exceeding twelve months such sums as the Commission may require for meeting its obligations and discharging its functions under this Act.

Borrowing by advances from Government. [8 of 1961].

22. (1) The Commission may borrow by way of advances from the Government such sums as may be necessary for carrying out its functions under this Act, but notice of any such advance shall be given to Parliament.

(2) For the purpose of making approved advances to the Commission under this section, the Minister of Finance may

authorise advances out of the proceeds of any loan raised for the purpose or out of the reserve fund, revenues or surplus balances of Trinidad and Tobago.

(3) Pending the raising of any such loan, the Minister of Finance by warrant under his hand, may authorise the Comptroller of Accounts to make advances out of public funds to the Commission in such sums and on such terms and conditions as the Minister of Finance may think fit for the purposes authorised by this Act.

(4) The repayment of any such advances and the payment of interest thereon shall be made by the Commission in the same manner as any other borrowings by the Commission, subject to any special terms and conditions which may be stipulated with respect to any such advance by the Minister of Finance upon the making thereof.

22A. The Commission may receive such sums as may be appropriated by Parliament for the purpose of providing services in the public interest and in accordance with public policy considerations.

Sums appropriated by Parliament. [6 of 2009].

23. (1) The revenue of the Commission for any financial year shall be applied in defraying the following charges:

Application of revenue. [8 of 1961].

- (a) the remuneration fees and allowances of the members of the Commission;
- (b) the salaries, fees, remuneration and gratuities, [including payments for the maintenance of the Provident Fund or Pension Fund authorised by section 10(4)] of the officers, agents and servants, and technical and other advisers, of the Commission;
- (c) working and establishment expenses and expenditure on, or a provision for, the maintenance of any of the works of the Commission, and the discharge of the functions of the Commission properly chargeable to revenue account;
- (d) interest on any debenture and debenture stock or other security issued, and on any loan raised by, the Commission;

- (e) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or other security or the repayment of other borrowed money;
- (f) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the Commission having regard to the amount set aside out of the revenue under paragraph (e);
- (g) any other expenditure authorised by the Commission and properly chargeable to revenue account.

(2) The balance of the revenue of the Commission shall be applied to the creation of reserve funds to finance future expansion.

Authorised investments.
[8 of 1961].

24. Funds of the Commission not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Commission may be invested from time to time in securities approved by the President for investment by the Commission.

Duty of the Commission in financial matters.
[8 of 1961].

25. (1) The prices to be charged by the Commission for the supply of energy and services shall be in accordance with such tariffs as may, from time to time, be fixed under section 53.

(2) Subsection (1) does not prevent the Commission from charging other prices by special agreement under section 54.

(3) In fixing tariffs and making agreements for the supply of energy, the Commission shall not show undue preference as between consumers similarly situated, and shall not exercise undue discrimination as between persons similarly situated, having regard to the place and time of supply, the quantity of energy supplied, the consumer load and power factor, and the purpose for which the supply is taken.

Accounting of Commission.
[32 of 1952
8 of 1961].

26. (1) All decisions, Orders, Rules and Regulations relating to the financial operations of the Commission and authorised by this Act shall be made by resolution of the Commission at a meeting thereof and shall be recorded in the minutes of the Commission.

(2) The Commission shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement in respect of each financial year.

(3) The accounts of the Commission shall be audited by auditors to be appointed annually by the Commission or under the supervision of the Auditor General in accordance with the Exchequer and Audit Act if so directed by resolution of Parliament. Ch. 69:01.

(4) After the end of each financial year of the Commission, the Commission shall, as soon as the accounts of the Commission have been audited, cause a copy of the statement of account to be transmitted to the President, together with a copy of any report made by the auditors on that statement or on the accounts of the Commission.

(5) The President shall cause a copy of every such statement and report to be laid on the table of Parliament.

27. (1) All moneys of the Commission accruing from their operations under this Act shall be paid into some bank or banks appointed by resolution of the Commission, and the moneys shall, as far as practicable, be paid into the bank from day to day, except such sum as the accountant of the Commission may be authorised by Regulations of the Commission to retain in his hands to meet petty disbursements for immediate payments. Cash deposits and payments. [8 of 1961].

(2) All payments out of the funds of the Commission except petty disbursements not exceeding a sum to be fixed by the Regulations of the Commission, shall be made by the accountant, or on his behalf by any other officer appointed by the Commission, in accordance with the Regulations of the Commission made in that behalf.

(3) Cheques against any banking account required to be kept or withdrawals from any savings bank account shall be signed by the accountant and countersigned by the Chairman of the Commission or any member of the Commission or any officer of the Commission appointed by resolution of the Commission for the purpose, and a copy of any such resolution shall be certified by the Chairman and forwarded to the bank or banks concerned.

Regulations.
[8 of 1961].

28. The Commission shall by resolution make Rules and Regulations in respect of the following matters:

- (a) the manner in which and the officers by whom payments are to be approved;
- (b) the bank or banks into which the moneys of the Commission are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;
- (c) the appointment of a member of the Commission or an officer of the Commission to countersign cheques on behalf of the Chairman or in the absence of the Chairman;
- (d) the sum to be retained by the accountant to meet petty disbursements and immediate payments and the maximum sum that may be so disbursed for any one payment;
- (e) the method to be adopted in making payments out of the funds of the Commission; and
- (f) generally as to all matters necessary for the proper keeping and control of the accounts and books and the control of the finances of the Commission.

Annual report.
[8 of 1961].

29. (1) The Commission shall as soon as practicable after the end of each financial year of the Commission, make and transmit to the President a report dealing generally with the activities of the Commission during the preceding financial year and containing such information relating to the operations and policy of the Commission as the President may from time to time direct.

(2) The President shall cause a copy of every such report to be laid on the table of Parliament.

Non-application
of Exchequer
and Audit Act.
[8 of 1961].
Ch. 69:01.

30. Notwithstanding section 37 of the Exchequer and Audit Act, sections 38, 39, 41(1), 42 and 43 of that Act do not apply to the Commission.

PART VI

DUTIES AND POWERS OF THE COMMISSION

- 31.** (1) Subject to this Act, the Commission shall—
- (a) manage and operate the works acquired by the Commission pursuant to this Act;
 - (b) establish, manage and operate such works as the Commission may consider expedient to establish;
 - (c) promote and encourage the use of energy with a view to the economic development of Trinidad and Tobago;
 - (d) advise the Government on all matters relating to the generation, transmission, distribution and use of energy.

Duties and powers of Commission. [26 of 1954 8 of 1961 32 of 1994].

(2) For the purposes of subsection (1), the Commission may—

- (a) subject to this Act, generate, transmit, transform, distribute and sell energy to consumers in any part of Trinidad and Tobago;
- (aa) participate, with the consent of the Minister, in the formation of companies or firms which propose to engage in the generation of energy;
- (ab) with the consent of the Minister, hold shares or be a partner, and exercise the rights of a shareholder or partner, in companies or firms engaged in the generation of energy;
- (ac) with the consent of the Minister, purchase energy from an approved generator of electricity;
- (ad) with the consent of the Minister, grant loans to an approved generator of electricity;
- (ae) subject to sections 21, 31A, 32 and 33 and with the consent of the Minister, enter into contracts of guarantee, surety or indemnity, create charges, liens, encumbrances, or other forms of security interest over its property and assets and give any other undertaking in relation to its property and assets.

- (b) purchase, construct, reconstruct, maintain and operate all appropriate works;
- (c) sell, hire or otherwise supply electrical materials, fittings, accessories, apparatus and other electrical devices, and instal, repair, maintain or remove any such materials, fittings, accessories, apparatus and devices, and operate a merchandising and repair department;
- (d) acquire, in accordance with this Act, any real or personal property that the Commission considers necessary or expedient for the purpose of constructing, extending or maintaining any works or otherwise carrying out its duties and functions under this Act;
- (e) do all acts and things necessary for developing, controlling, generating and distributing a full supply of energy for public purposes and private purposes within Trinidad and Tobago, including the opening and breaking up, subject to this Act, of any street in Trinidad and Tobago;
- (f) undertake the electrical wiring of industrial, commercial and residential premises within Trinidad and Tobago;
- (g) carry on all such other activities as may appear to the Commission requisite, advantageous or convenient to be carried on for or in connection with the performance of the duties and functions of the Commission under this Act or with a view of making the best use of any of the assets of the Commission;
- (h) do all things necessary, appropriate or incidental to its duties, functions and powers.

(3) Subject to this Act, the right to generate energy in any part of Trinidad and Tobago for the public or any member thereof is vested in the Commission who may, subject to subsection (5) enter into a licence agreement with an approved generator of electricity permitting the approved generator of electricity the non-exclusive right to generate electricity.

(3A) Subject to this Act, the right to supply energy in any part of Trinidad and Tobago to the public or any member thereof, either directly or indirectly, is vested in the Commission.

(3B) Subject to section 37, the right to lay, place and carry electric lines through, across, over or under any land in connection with the supply of energy to the public or any other member thereof and the right to erect standards or posts for that purpose are vested in the Commission exclusively and shall not be transferred or assigned to an approved generator of electricity.

(3C) The Commission may, with the approval of the Minister, by Order declare a body corporate or firm to be an approved generator of electricity.

(4) Notwithstanding any power of the Commission conferred by this Act, where the Commission intends to embark upon any programme for expanding its facilities and services that will involve borrowing moneys upon the credit of Trinidad and Tobago, or that will require a longer period than one year to complete, the Commission shall obtain the approval of the President before incurring any liability in respect thereof.

(5) The right of an approved generator of electricity to generate energy is subject to such terms and conditions as the Minister may determine.

31A. (1) Where the Commission creates a charge over any of its property or assets, it shall keep at its Head Office a copy of each Deed or other instrument creating the charge, duly certified as a complete and correct copy thereof by an Attorney-at-law. Register of Charges.
[32 of 1994].

(2) The Commission shall keep and maintain at its Head Office a register (hereinafter referred to as “the Register of Charges”) in which shall be entered the following particulars of each charge over its property or assets:

- (a) the amount secured by the charge;
- (b) the date of the creation of the charge;
- (c) the nature of the instrument creating the charge;

- (d) a general description of the property or assets charged; and
- (e) the name, address and description of the person entitled to the charge.

(3) The Commission shall, subject to such reasonable restrictions as the Commission may impose, permit any member of the public to examine, during business hours and upon payment of such reasonable fee not exceeding ten dollars as the Commission may demand, the Register of Charges.

(4) A person dealing with the Commission in connection with any property or asset that is the subject of a charge registered under subsection (2) is deemed to have notice of that charge.

Power of Commission to guarantee, etc., payment of cost of installation of wiring. [25 of 1960].

32. (1) Subject to this section the Commission may underwrite, guarantee or pay the cost of the electrical wiring of industrial, commercial or residential premises within the area of supply.

(2) Before underwriting, guaranteeing or paying the cost of any electrical wiring of the premises referred to in subsection (1), the Commission shall require any person at whose instance any such premises are to be, or have been wired, to enter into an agreement to secure the repayment of the cost of the electrical wiring with or without interest charged thereon and upon such other terms and conditions as the Commission may think fit. However, there shall be included in any such agreement a term specifying that the repayment of the cost of the electrical wiring be made over a period not exceeding five years.

(3) The provisions of section 36 but not the proviso thereto shall apply in respect of any sum (whether representing the whole or any instalment or part of the cost of the electrical wiring) due and payable to the Commission under an agreement entered into in accordance with subsection (2) as though the sum due under such an agreement were a sum due to the Commission in respect of a supply of electrical energy.

(4) Notwithstanding subsection (3), any sum due and payable under an agreement entered into in accordance with subsection (2) shall be, and until actual payment shall remain, a civil debt recoverable in the manner provided by section 95.

33. (1) Subject to this section, the Commission may enter into a contract of guarantee for guaranteeing the repayment of not more than thirty per cent of the amount of a loan made to any of its employees on the security of a mortgage.

Power to enter into contract of guarantee and to establish a scheme for the purpose.
[31 of 1972].

(2) A contract of guarantee referred to in subsection (1) may be entered into only—

- (a) to enable any such employee to construct a house on land held by him or to purchase a house and land, for use by him as a residence for himself and his family; and
- (b) in respect of a first mortgage.

(3) The Commission may, by Rules made with the approval of the President, provide for—

- (a) the establishment of a scheme for the giving of a guarantee under subsection (1); and
- (b) for the establishment and maintenance of a Housing Loans Guarantee Fund (in this section referred to as “the Fund”) for the purpose of meeting liability arising out of the guarantee.

(4) Without prejudice to the generality of subsection (3), Rules made under that subsection may—

- (a) prescribe the terms and conditions on which a loan may be guaranteed by the Commission;
- (b) provide for the payment to the Commission of a guarantee fee on the giving of a guarantee and in the event of a person ceasing to be employed by the Commission, of an additional guarantee fee;
- (c) provide for the efficient operation and management of the Fund.

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(5) Notwithstanding anything in this Act, the Commission may transfer to the Fund such part of its Pension Fund or Provident Fund as may from time to time be approved by the President.

Power of Government to give certain guarantees and undertakings. [32 of 1994].

33A. (1) The Government may, in such manner and on such terms and subject to such conditions as may be agreed between it and an approved generator of electricity—

- (a) guarantee the discharge of the obligations and liabilities of the Commission under any power purchase agreement which may be entered into by the Commission with an approved generator of electricity;
- (b) undertake to indemnify an approved generator of electricity from and against such costs, liabilities, damages or loss as the approved generator of electricity may incur, where such costs, liabilities, damages or losses occur as a result of—
 - (i) the imposition of environmental standards;
 - (ii) the condition of any building, plant or equipment of the Commission prior to its transfer to an approved generator of electricity under section 34A(1);
 - (iii) the presence on or below the surface of any property of the Commission of any hazardous material prior to the transfer of that property to an approved generator of electricity under section 34A(1);
 - (iv) legal proceedings brought against the Commission, in which an approved generator of electricity is joined as a party.

(2) A guarantee or undertaking given under this section shall be in writing and signed on behalf of the Government by the Minister to whom responsibility for finance is assigned.

Power of the Commission to acquire and dispose of property.

34. (1) The Commission may purchase or otherwise acquire and hold any personal property required for the purposes of this Act and may dispose of any such personal property no longer required for such purposes.

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(2) The Commission may purchase or otherwise acquire and hold and may take on lease any real property and any interest therein required for the purposes of this Act.

(3) Nothing contained in subsections (1) and (2) shall be construed as extending to the compulsory acquisition or use of any privately owned installation.

(4) The Commission may acquire any real property or any interest therein by agreement, or may acquire the same compulsorily under the provisions of the Land Acquisition Act for the purpose of any of their powers and duties under this Act, and on the approval of the President signified in the manner required by section 3 of that Act the Commission may exercise all the powers conferred on the Sub-Intendant of State Lands by the said section 3. Ch. 58:01.

(5) The Commission, with the consent of the President under the Seal of the President of the Republic of Trinidad and Tobago but not otherwise, may sell and alienate any real property or interest therein vested in them, and demise any such property or interest for any term exceeding ten years from the time when such lease shall be made. The Commission, without such consent, may lease or demise any real property for any term not exceeding ten years, provided the full rental value in respect of the same be reserved year by year on the lease or demise, and no premium is payable in respect of the same.

34A. (1) Notwithstanding section 34(5) but subject to section 31(3B), where an agreement has been entered into by the Commission with the other shareholders or partners of an approved generator of electricity of which the Commission is a shareholder or partner, the Commission may, with the approval of the Minister, by Order transfer and vest in that approved generator of electricity any of its property, assets, rights, powers and obligations. Power to vest property, rights, etc., of Commission in an approved generator of electricity. [32 of 1994].

(2) The Commission may enter into a licence agreement with an approved generator of electricity permitting an approved generator of electricity the non-exclusive right to supply electricity.

(3) Where the Commission enters into a licence agreement with an approved generator of electricity for the supply of energy in any part of Trinidad and Tobago to the public or any member thereof, either directly or indirectly—

- (a) the exercise of that right by the approved generator of electricity shall be subject to such terms and conditions as are specified in the licence agreement, including a provision—
 - (i) specifying the period during which the right may be exercised;
 - (ii) requiring the approved generator of electricity to pay to the Commission a fee for the use of such electric lines and apparatus of the Commission as may be necessary for that purpose; and
- (b) section 49 shall apply, *mutatis mutandis*, to the approved generator of electricity.

Exemption from duties.
[32 of 1994].
Ch. 76:01.
Ch. 75:06.

34B. (1) The Stamp Duty Act and the Value Added Tax Act, shall not apply to a transfer under section 34A(1).

(2) The Stamp Duty Act shall not apply to a transfer of shares, or an issue or transfer of debenture stock, of an approved generator of electricity of which the Commission is a shareholder.

(3) Notwithstanding any other written law, the President may, by Order, grant to an approved generator of electricity such exemption from the payment of stamp duty, Customs duty, value added tax and any other taxes or duties payable on imports for such period and on such conditions as are specified in the Order.

Conditions of supply of electricity by the Commission.

35. The Commission may agree to supply electrical energy to any person upon such terms and conditions and for such period as the Commission may think fit. However, the Commission, without incurring any liability for so doing other than a liability to make a proportionate abatement in the sum agreed to be paid for the supply of electrical energy, may reduce as they see fit the quantity of electrical energy agreed for if by reason of any circumstance beyond their control the supply of electrical energy generated is insufficient to supply the full quantity.

36. If any person neglects to pay any charge (not reasonably being the subject of a dispute), after the same has been legally demanded, for electrical energy, or any other sum due from him to the Commission in respect of the supply of electrical energy, the Commission may cut off the supply, and for that purpose may cut or disconnect any electric supply line or other work through which electrical energy may be supplied, and may until the charge or other sum, together with any expenses incurred by the Commission in cutting off and reconnecting the supply of electrical energy as mentioned above, are fully paid, but no longer, discontinue the supply of electrical energy to the person; provided that where any person has given to the Commission a deposit as security for payment for a supply of electrical energy, the Commission shall not be entitled to discontinue the supply until the sum due to them for that supply equals the sum so deposited as security and after payment has been demanded as mentioned above.

Supply may be cut off on failure to pay charges.

37. (1) The Commission may for the purposes of this Act—

(a) cause standards, together with fittings and fixings to be erected and electric lines to be laid and carried through, across, over or under any street (and after reasonable notice in writing in that behalf) through, over or under any enclosed or other land whatsoever, doing as little damage as may be practicable;

Powers of the Commission to enter land, cut trees, erect lines and other apparatus. Erection and laying of electric lines. [28 of 1994].

(b) cause to be constructed in any street all such boxes as may be necessary for the purposes in connection with the supply of electrical energy and may place therein meters, switches and other suitable and proper apparatus for the purpose of leading off service lines and other distributing conductors or of examining, testing, measuring, directing or controlling the supply of electrical energy or testing the conditions of the mains and other portions of the works;

Erection of necessary apparatus in connection with the supply of electricity.

(c) cause such lamp irons, lamp posts, standards or other lighting apparatus to be put up or fixed upon or against the walls or palisades of any houses or buildings or enclosures (doing as little damage as may be practicable thereto) or to be put up or erected in such other manner as shall be deemed

Erection of street lamps, posts, etc.

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proper and may also cause such number of lamps of such sizes and sorts to be provided and affixed and put on such lamp irons, lamp posts and standards as are necessary for lighting the streets and to cause the same to be lighted during such hours as are necessary;

Entry on land.

(d) enter or authorise any person to enter upon any land at all reasonable times and to remain thereon as long as may be necessary for the purpose of effectually doing any act or thing as may be reasonably necessary for the purpose of any survey or preliminary investigation or incidental to the exercise of any power or the performance of any duty of the Commission, or for carrying into effect any of the objects of this Act and for any of the said purposes and for the protection of the works executed thereon to cut down from the vicinity thereof, to such extent as may be necessary, any trees or brushwood growing upon any such land so entered upon.

Commission to have a limited right of user over land.

(2) In the exercise of the powers given by this section, the Commission shall not be deemed to acquire any right other than that of user only in or over the soil of any enclosed and other land whatsoever through, over or under which they place any of the works, and that should any of the work so carried through, over or under any such land become a nuisance or the cause of loss to the owner of such land the Commission shall at their own expense remove or alter such work or shall give reasonable compensation as provided by subsection (3).

Compensation for damage done.

(3) In the exercise of the powers given by this section, the Commission shall do as little damage as may be practicable and shall make full compensation to any person interested for all damage sustained by him by reason or in consequence of the exercise of the powers. The amount of such compensation shall in the event of disagreement be determined by a Judge in the High Court. However, no compensation shall be payable in respect of any right of user acquired under the authority of subsection (2).

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38. The Commission may make Bye-laws relating to the following matters appertaining to the operations, personnel and services of the Commission:

Commission to
make Bye-laws.
[8 of 1961].

- (a) the duties of officers and servants appointed under this Act;
- (b) the qualifications to be required of electrical engineers, operators, electricians and inspectors;
- (c) the inspection of works, electric lines, meters, accumulators, fittings and apparatus constructed and placed on any public land or private premises within the area of supply under the provisions of this Act or any contract or agreement made thereunder;
- (d) the inspection, testing and maintenance of the installations and apparatus and in respect of the fixing and testing of meters and in respect of any other service properly rendered on account of consumers within the area of supply;
- (e) the regulation of the use of and the prevention of the misuse of or waste of electrical energy supplied;
- (f) the erection, extension, control, use and working of the electric light service within the area of supply;
- (g) the protection of electric lines or any apparatus connected therewith for the purposes of conveying or distributing electricity within the area of supply;
- (h) securing the safety of the public from personal injury or from fire or otherwise;
- (i) the protection of persons and property by reason of contact with or the proximity of, or by reason of the defective or dangerous condition of, any appliance or apparatus used in the generation, transmission, distribution, supply or use of electrical energy;

- (j) the prevention of any telegraph, telephone or electric signalling lines, or the currents in such lines, from being injuriously affected by any appliance or apparatus used in the generation, transmission, distribution, supply or use of electrical energy;
- (k) the conditions under which fixtures, fixings and fittings may be installed and electrical energy supplied for private purposes;
- (l) the hiring out to any person of electrical meters and the charges therefor;
- (m) the time, place, and manner for the payment of moneys payable under this Act or Bye-laws thereunder and the mode of collection;
- (n) the units or standards for the measurement of electrical energy and the installation and verification of meters, and the rent or the fees to be charged therefor and the settlement of disputes as to measurements of electrical energy and limits of error;
- (o) the frequency, type of current and pressure of electrical energy to be generated or supplied and the mode of supplying electrical energy;
- (p) the securing of a regular, constant and sufficient supply of electrical energy, the testing at various parts of the system of the regularity and sufficiency of such supply, and the examination of the records of such tests in the interests of consumers;
- (q) prescribing the penalties to be imposed for contravention of such Bye-laws;
- (r) generally in respect of any matter in connection with the electric light and power service not otherwise provided for, the generality of this provision not being limited by the particular matters provided in the preceding paragraphs.

PART VII
SUPPLY OF ELECTRICAL ENERGY

AREA OF SUPPLY

39. Subject to this Act, the area of supply shall as from 1st May 1954, be the whole of Trinidad and Tobago. Area of supply.
[26 of 1954].

NATURE AND MODE OF SUPPLY

40. Electrical energy shall be supplied by means of the alternating system or the direct current system, for arc or incandescent lighting, or such other system as shall be approved by the President; and subject to such Regulations and conditions for securing the safety of the public and for ensuring a proper supply of energy as the President may from time to time impose. Systems and
mode of supply.

41. The Commission may, subject to this Act and with the consent (which shall not be unreasonably withheld) of the authority or person by whom any street, railway or tramway is repairable, break up any such street, railway or tramway. However, consent shall not be necessary for the execution of repairs, renewals or amendments of existing works, of which the character and position are not altered. Power to break
up streets, etc.

42. (1) Where the exercise of any of the powers of the Commission, in relation to the execution of any works, will involve the placing of any lamps or pillars, or poles for stringing wires in, under, along, over, or across any street, the Commission shall also be subject to the following Regulations: Notice and plan
of works to be
served on Local
Authority.

- (a) seven days before commencing the execution of such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Commission shall serve a notice upon the Local Authority, describing the proposed works, together with a plan of the works, if required by the Local Authority, showing the mode and position in which the works are

intended to be executed, and the manner in which it is intended that such street is to be interfered with, and shall, upon being required to do so by the Local Authority, from time to time give them any such further information in relation thereto as they may desire;

- (b) the Local Authority may, in their discretion, approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of the approval or disapproval to the Commission;
- (c) where the Local Authority approve any such works or plan, subject to any amendments or conditions with which the Commission are dissatisfied, or disapprove of any such works or plan, the Commission may appeal to the President, and the President may enquire into the matter and allow or disallow the appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same;
- (d) if the Local Authority fail to give any such notice of approval or disapproval to the Commission within fifteen days after the service of the notice upon them, they shall be deemed to have approved such works and plan;
- (e) notwithstanding anything in this Part, the Commission shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan (if any) which has been approved, or is to be deemed to have been approved, by the Local Authority as above mentioned; but where any such works, description, and plan are so approved, or to be deemed approved, the Commission may cause such works to be executed in accordance with the description and plan, subject in all respects to the provisions of this Part;

(f) if the Commission make default in complying with any of the requirements or restrictions of this section, they shall (in addition to any other compensation to which they may be liable under the provisions of this Part) make full compensation to the Local Authority for any loss or damage which they may incur by reason thereof.

(2) For the purposes of this Part, the word “plan” means a plan drawn to a horizontal scale of at least six inches to one mile, or such other scale as the Local Authority may consider necessary to show the details of the works to be executed.

43. Where the exercise of the powers of the Commission in relation to the execution of any works will involve the placing of any works in, under, along, over, or across any street, or part of a street, not repairable by the Local Authority, or over or under any railway, tramway, or canal, the following shall have effect, unless otherwise agreed between the parties interested:

Provisions as to streets not repairable by Local Authority, railways, tramways and canals.

(a) seven days before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Commission shall, in addition to any other notices which they may be required to give under this Part, serve a notice upon the authority or person liable to repair such street, or part of a street, or the authority or person for the time being entitled to work such railway, tramway, or canal (in this section referred to as “owners”) describing the proposed works, and stating the amount of compensation, if any, proposed to be made in respect thereof, and the manner in which the compensation is proposed to be paid or secured, together with a plan of the works, showing the mode and position in which the works are intended to be executed and placed, and shall, upon being required to do so by any such owners, from time to time give them any further information in relation thereto as they may desire;

- (b) every such notice shall contain a reference to this section, and direct the attention of the owners to whom it is given, to the provisions thereof;
- (c) within two weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the Commission requiring that any question in relation to such works, and any other question arising upon the notice or plan, as mentioned above, shall be settled by arbitration; and thereupon the question, unless settled by agreement, shall be settled by arbitration accordingly;
- (d) in settling any question under this section, an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street, railway, tramway, or canal, and may, if he thinks fit, require the Commission to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible;
- (e) where no such requisition as is in this section mentioned is served upon the Commission, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the Commission may, upon paying or securing any compensation which they may be required to pay or secure in the manner proposed by them, or settled by arbitration as mentioned above, cause to be executed the works specified in the notice and plan, and may from time to time repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Part, and only in accordance with the notice and plan so served by them, or such modifications thereof respectively, as may have been settled by arbitration as mentioned above, or as may be agreed upon between the parties;

- (f) all works to be executed by the Commission under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present, either in person or by anyone deputed by them, during the execution of the works;
- (g) where the repairs, renewals, or amendments of any existing works, of which the character and position are not altered, will involve any interference with the working of or traffic on any railway or tramway over or under which such works have been placed, the Commission shall, unless otherwise agreed between the parties, or in any case of emergency, give to the owners not less than twenty-four hours' notice before commencing to effect such repairs, renewals, or amendments, and the owners shall be entitled by their officer to superintend the work, and the Commission shall conform to such reasonable requirements as may from time to time be made by the owners or such officer;
- (h) if the Commission make default in complying with any of the requirements or restrictions of this section, they shall, in addition to any other compensation to which they may be liable under the provisions of this Part, make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof.

44. The Local Authority, and any authority or person for the time being liable to repair any street or part of a street, or entitled to work any railway or tramway, which the Commission may be empowered to break up for the purposes of this Part may, if they think fit, from time to time serve a notice upon the Commission, stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Commission, as therein specified

Local Authority, etc., may give notice of desire to break up streets, etc., on behalf of Commission.

in relation to the breaking up, filling in, reinstating or making good any streets, or other works vested in or under the control or management of the Local Authority, or other authority or person, as the case may be, and may from time to time amend or revoke any such notice by another notice similarly served. Where the Local Authority or any such authority or person as mentioned above (in this section referred to as “the givers of the notice”) have or has given notice that they or he desire or desires to exercise or discharge any such specified powers and duties of the Commission, then, so long as the notice remains in force, the following shall have effect, unless otherwise agreed between the parties interested:

- (a) the Commission shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as mentioned above, except where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with the requisition as provided below, or in cases of emergency;
- (b) in addition to any other notices which they may be required to give under the provisions of this Part, the Commission shall, not less than two days and not more than four days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice, stating the time when the exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged;
- (c) upon receipt of any such requisition under paragraph (b), the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Commission, subject to the like restrictions and conditions as the Commission would themselves be subject to in the exercise or discharge, so far as the same may be applicable;

- (d) if the givers of the notice decline, or, for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with the requisition, the Commission may themselves proceed to exercise or discharge the powers or duties therein specified, in the same manner as they might have done if the notice as mentioned above had not been given to them by the givers of the notice;
- (e) in any case of emergency, the Commission may themselves proceed at once to exercise or discharge so much of any specified powers or duties as mentioned above as may be necessary for the actual remedying of any defect from which the emergency arises, without serving any requisition on the givers of the notice, but in such case the Commission shall, within twelve hours after they begin to exercise or discharge such powers or duties, give information thereof in writing to the givers of the notice;
- (f) all reasonable expenses properly incurred by the givers of the notice in complying with any requisition of the Commission under this section shall be repaid to them by the Commission and may be recovered summarily before a Magistrate, who shall have powers to determine the amount thereof;
- (g) the givers of the notice may from time to time, if they think fit, require the Commission to give them such security for the repayment to them of any expenses incurred, or to be incurred, by them under this section as may be determined in manner provided by this Part. If the Commission fail to give any such security within seven days after being required to do so, or, in case of difference, after the difference has been determined by a Magistrate, they shall not be entitled to serve any further requisition upon the givers of the notice requiring them to

exercise or discharge any powers or duties under this section until such security has been duly given. However, nothing in this or in section 43 shall in any way affect the rights of the Commission to exercise or discharge any powers or duties conferred or imposed upon them by this Part in relation to the execution of any works beyond the actual breaking up, filling in, reinstating, or making good any such street, or part of a street, or other works, or railway, or tramway as mentioned in this section.

Security.

45. Where any security is required under this Act to be given to or by the Commission, that security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default of agreement may be determined, on the application of either party, by a Judge of the High Court, and the Judge shall also order by which of the parties the costs of the proceedings before him shall be paid, and the decision of the Judge shall be final and binding on all parties.

Protection of telegraphic and telephonic wires.

46. (1) The Commission shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions, and in working their undertaking, so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such wire or line, should the wire or line be in existence prior to the laying down or placing of the electric lines or other works.

(2) Seven days before commencing to construct any electric line, or to supply energy through any electric line (excepting through existing lines, of which the character and position are not altered) in any manner, whereby the work of telegraphic or telephonic or electric signalling communication through any wires or lines lawfully laid down, or placed in any position, may be injuriously affected, the Commission shall, unless otherwise agreed between the parties interested, give to the Local Authority or other person for the time being entitled to

such wires or lines, notice in writing specifying the course, nature, and gauge of the electric lines, and the amount and nature of the currents intended to be sent along the same, and the extent to and manner in which (if at all) earth returns are proposed to be used; and the Commission shall conform with such reasonable requirements as may from time to time be made by the Local Authority or such person as aforesaid, for the purpose of preventing the communication through the wires or lines from being injuriously affected.

(3) Nothing in this section shall be held to give to any person any right of action or complaint against the Commission in respect of, or to protect, any electric wire, line, or apparatus, or the currents therein, unless in the construction, erection, maintaining, and working of the wires, lines, and apparatus, all reasonable and proper precautions have been taken by such person to prevent injurious affection therewith, and with the currents therein, by and from other electrical currents; and nothing in this section shall apply to repairs or renewals of any existing electric line, so long as the course, nature, and gauge of the electric line and the amount and nature of the current transmitted thereby are not altered.

(4) If any difference arises between the Local Authority or any such person and the Commission with respect to the reasonableness of any requirements so made, such difference shall be determined by arbitration.

(5) If the Commission make default in complying with any of the requirements or restrictions of this section, they shall make full compensation to the Local Authority or other person entitled to any such wire or line for any loss or damage which they may incur by reason thereof, and in addition thereto they are liable to a fine of thirty dollars for every such default, and, in the case of a continuing offence, to a further fine of six dollars for every day after the first day during which the default continues; but the Commission shall not be subject to any such fines if the Court having cognisance of the case is of opinion that the case was one of emergency, and that the Commission complied with the requirements and restrictions of this section so far as was reasonable

under the circumstances, or that the default in question was due to the fact that the Commission were ignorant of the position of the wires or lines affected thereby and that the ignorance was not owing to any negligence on the part of the Commission.

Works
improperly
executed.

47. If it appears to the President, on the representation of the Local Authority or any other person affected thereby, that any works of the Commission have been or are in course of being executed otherwise than according to the provisions of this Part, the President may, if he thinks fit, by order, require the Commission to discontinue or remove the works until such provisions have been complied with, or may permit them to continue the same subject to such conditions for the due protection of the party making the representation or other party affected as the President may impose, and may, in case the Commission make default in complying with any such Order, if he is of the opinion that the default is wilful or unreasonably prolonged, temporarily suspend the operation of this Part as to any part of the area of supply in which the said works have been or are in course of being executed.

Furnishing of
supply of
energy to
owners and
occupiers within
area of supply.
[8 of 1961].

48. (1) The Commission shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Commission, in which they are for the time being maintaining a supply of energy for the purposes of general supply to private consumers under this Act, or under any Regulations and conditions subject to which they are authorised to supply energy under this Act, give and continue to give a supply of energy for the premises in accordance with this Act and of all such Regulations and conditions as mentioned above, and they shall furnish and lay any electric lines that may be necessary for the purposes of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Act, subject to the condition that the cost of so much of any electric line for the supply of energy to any owner or occupier as may be constructed upon the property of the owner, or in the possession of the occupier, and of so much of any such electric lines as it may be necessary to construct for a greater

distance than sixty feet from any distributing main of the Commission, although not on such property, shall, if the Commission so require, be defrayed by the owner or occupier.

(2) If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or apparatus, the difference shall be determined by arbitration.

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

Reduction of energy.
[8 of 1961].

(2) Where the quantity of energy has been reduced by the Commission no liability is incurred by the Commission for any loss or damage caused by the reduction, and in appropriate cases, an abatement in the charges for the supply of energy shall be made in proportion to the reduction made.

(3) The Commission are not liable for any damage to person or property or for any cessation of the supply of energy, if the damage or cessation is due to unavoidable accident, fair wear and tear or overloading due to the unauthorised connection of apparatus, or to the reasonable requirements of the system, or to defects in any installation not provided by the Commission; and the Commission are only liable when the damage or cessation results from negligence on the part of persons employed by the Commission, its agents or servants, or from faulty construction of the installation.

50. The Commission, upon receiving reasonable notice from any Local Authority, requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Commission, in which they are for the time being maintaining a current of energy for the purposes of general supply under this Part, or under any Regulations and conditions subject to which they are authorised to supply energy under this Part, shall upon approval of the Minister, give and continue to give a supply of energy to the lamps in such quantities as the Local Authority may from time to time require to be supplied.

Supply of energy to public lamps.
[6 of 2009].

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Price for supply to public lamps. [6 of 2009].

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Methods of charging for supply.

Tariff of prices for electricity. [8 of 1961].

51. The price to be charged by the Commission, and to be paid to them, for all energy supplied to the public lamps, shall be payable by the Minister in accordance with the rates as determined by the Regulated Industries Commission pursuant to the Regulated Industries Commission Act.

PRICE

52. (1) Consumption of energy shall, except as otherwise agreed between the consumer and the Commission, be determined by meter only provided by the Commission and readings of meters shall be *prima facie* evidence of the amount of energy consumed; but if the supply of meters at any time is not equal to the demand, a consumer may be charged on the basis of his average monthly consumption during the previous six months and in the case of a new consumer or of a change of tenant a meter shall be installed until an average is obtained. However, the Commission may in any special case sanction a fixed monthly charge in place of payment at the above rates by meter and may also grant reduced rates in any particular case in which such a course appears to them to be in the interest of the consumer and the Commission.

(2) If a meter ceases to register, the consumer shall pay for the energy consumed under such circumstances a sum based on the average daily consumption in the previous three months.

53. (1) Subject to section 25(3), the Commission may prescribe a tariff of prices to be paid by consumers for energy supplied to them by the Commission.

(2) In fixing tariffs of prices to be paid by consumers, the Commission shall ensure that rates are adequate to provide sufficient revenue—

- (a) to cover operating expenses, including taxes, if any, and to provide adequate maintenance and depreciation, and interest payments on borrowings;
- (b) to meet periodic repayments on long-term indebtedness to the extent that any such repayments exceed the provisions for depreciation;

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(c) to create reserves to finance a reasonable part of the cost of future expansion.

(3) Tariffs shall be made or varied by resolution of the Commission and the tariffs so made or varied shall have effect after such date as may be mentioned in the resolution.

53A. *(Repealed by Act No. 37 of 1989).*

54. Notwithstanding section 53 but subject to section 25(3), the Commission may make any agreement with a consumer as to the price to be charged for a supply of energy and the mode in which the price is to be ascertained.

Charges by agreement.
[8 of 1961].

55. Every Electric Inspector, on being required to do so by the Commission, or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter intended for ascertaining the consumption of energy, and shall certify the same as a certified meter if he considers it fit to be so certified. However, where any alteration is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines, the meter shall cease to be a certified meter under this Act.

Electric Inspector to certify meters.

56. Where the consumption of energy is to be ascertained by means of a meter, the Commission shall supply the consumer with an appropriate meter, and shall fix the same upon the premises of the consumer and connect the service lines therewith, and if required by the consumer shall procure the meter to be duly certified under this Act, and for such purposes may authorise and empower any officer or person to enter upon the premises at all reasonable hours and execute all necessary works and do all necessary acts. However, if a consumer requires more than one meter for the same premises, the Commission may require the consumer to hire the meter and for that purpose may require him to enter into an agreement for the hire of the meter.

Commission to supply meters if required.

57. No consumer shall connect any meter used or to be used under this Act for ascertaining the consumption of energy with

Meters not to be connected or disconnected without notice.

any electric line through which energy is supplied by the Commission, or disconnect any such meter from any such electric line, unless he has given to the Commission not less than forty-eight hours notice in writing of his intention to do so, and if any person acts in contravention of this section he is liable for each offence to a fine of seventy-five dollars.

Commission to keep meters in repair.

58. (1) The Commission shall at all times, at their own expense, keep all meters installed by them for the purpose of enabling them to ascertain the consumption of energy in proper order for correctly registering the consumption.

(2) The Commission shall, for the purposes mentioned in subsection (1), at all reasonable times have access to, and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times.

(3) All reasonable expenses of and incidental to any such taking off, removing, testing, inspecting, and replacing at the request of a consumer, shall, if the meter is found not to be in proper order, be paid by the Commission, but if the same is in proper order, all expenses connected therewith shall be paid by the consumer.

Differences as to correctness of meter to be settled by Electric Inspector.

59. If any difference arises between any consumer and the Commission as to whether any meter, whereby the consumption of energy is ascertained, is or is not in proper order for correctly registering the consumption, or as to whether the consumption has been correctly registered in any case by any meter, the difference shall be determined, on the application of either party, by an Electric Inspector, who shall order by which of the parties the costs of the proceedings shall be paid, and the decision of the Inspector shall be final and binding on all parties. Subject as mentioned above, the register of the meter shall be conclusive evidence, in the absence of fraud, of the consumption of energy.

Commission may place meter to measure supply or to check measurement thereof.

60. In addition to any meter which may be placed upon the premises of any consumer to ascertain the consumption of energy, the Commission may from time to time place upon his

premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of the energy supplied to the consumer, or the number of hours during which the supply is given, or the maximum power taken by the consumer, or any other quantity or time connected therewith. However, the meter or apparatus shall be of such construction and pattern, and shall be fixed and connected with the service lines in such manner, as may be approved by the Electric Inspector, and shall be supplied and maintained entirely at the cost of the Commission, and shall not, except by agreement, be placed otherwise than between the mains of the Commission and the consumer's terminals.

GENERAL PROVISIONS

61. (1) Where this Part provides for any consent or approval of the President, the President may give that consent or approval subject to terms or conditions, or may withhold the consent or approval, as he may think fit.

Cost of application for approval or consent of the President. [16 of 1962].

(2) All costs and expenses of or incidental to any application for any approval, consent, or Order of the President, including any tests which may be required to be made by the President for the purpose of determining whether the same should be given or made, to such an amount as may be certified to be due, shall be borne and paid by the applicant or applicants therefor.

(3) Where any approval is given by the President to any plan, pattern, or specification, he may require such copies of the same as he may think fit to be prepared and deposited at his office at the expense of the applicant or applicants, and may from time to time, as he may think fit, revoke any approval so given or permit the approval to be continued subject to such modifications as he may think necessary.

62. Where the President, on the application of the Commission, gives any approval or grants any extension of any time limited for the performance of any duties by the

Notice of approval of President, etc., to be given by advertisement.

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Commission under the provisions of this Part, notice that the approval has been given, or such extension of time granted, shall be published in the *Gazette* and in one other newspaper in Trinidad and Tobago.

Power of entry for ascertaining quantity of electricity consumed, etc.

63. Any officer appointed by the Commission may, at all reasonable times, enter any premises to which electricity is or has been supplied by the Commission, in order to inspect the electric lines, meters, accumulators, fittings, works, and apparatus for the supply of electricity belonging to the Commission, and for the purpose of ascertaining the quantity of electricity consumed or supplied, or, where a supply of electricity is no longer required, or where the Commission are authorised to take away and cut off the supply of electricity from any premises, for the purpose of removing any electric lines, meters, accumulators, fittings, works, or apparatus belonging to the Commission. However, the Commission shall repair all damage caused by the entry, inspection, or removal.

Electric lines, etc., not to be subject to distress, etc., in certain cases.

64. Where any electric lines, meters, accumulators, fittings, works, or apparatus belonging to the Commission are placed in or upon any premises not being in the possession of the Commission for the purpose of supplying electricity under this Act, the electric lines, meters, accumulators, fittings, works, or apparatus shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, nor to be taken in execution under any process of a Court of Justice, or under any proceeding in bankruptcy or insolvency, against the person in whose possession the same may be.

Notices to be given to Commission before removing.

65. (1) Where the consumption of energy is to be determined by meter, then, save as otherwise provided by the terms of the agreement between the Commission and the consumer, twenty-four hours' notice in writing shall be given to the Commission by the consumer before he quits any premises supplied with energy by the Commission, and, in default of the notice, the consumer so quitting is liable to pay to the Commission the money accruing in respect of the supply up to the next usual period for ascertaining the register of the meter on the premises, or the date from which any subsequent occupier of the premises may require the Commission to supply energy to the premises, whichever first occurs.

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(2) Notice to the effect under this section shall be endorsed upon any demand note for charges for energy.

PART VIII

LICENCES FOR INSTALLATIONS

65A. This Part does not apply to an approved generator of electricity.

Non-application of Part VIII. [32 of 1994].

66. (1) Except as may be otherwise prescribed by law, no person shall—

Licences required for use of installation; terms, conditions and contents of licences. [8 of 1961].

- (a) use, work or operate or permit to be used, worked or operated any installation; or
- (b) supply to or for the use of any other person energy from any installation,

except under and in accordance with the terms of a licence expressly authorising the use or supply, as the case may be. In the case of any installation which is being used, worked or operated when this Act comes into force a licence to continue the use, working or operation thereof shall not be required until the expiration of one month after such coming into force, or, if application is meanwhile made for a licence, until the application is disposed of by the President.

(2) Such licences may be granted by the President in consideration of such payments, if any, as he may think fit.

(3) No licence shall be transferred unless the consent of the President to the transfer is evidenced upon the licence by writing under his hand.

(4) Every licence shall be subject to such conditions relating to sound technical practice as may be prescribed, and every licence to supply to or for the use of any other person energy from an installation shall be subject to such further conditions, if any, as may in each case be imposed, in the exercise of his discretion, by the President. Such last-mentioned conditions shall be set out in the licence.

(5) Licences in respect of installations which are not being used, worked or operated when this Act comes into force may be for such period as the President may in each case approve; but no such licence shall be for a period exceeding ten years in the first instance. However, any such licence may be renewed from time to time for such periods not exceeding ten years at any one time as the President may determine.

(6) A licence shall not be refused by the President in the case of an installation which is being used, worked or operated when this Act comes into force but every such licence shall be granted without restriction of the period of use, working or operation.

(7) The period of duration of every licence in respect of any installation referred to in subsection (5) shall be set out therein, and in every licence for a public installation there shall be set out—

- (a) the area of supply outside which the licensee is not authorised to supply energy;
- (b) the declared pressure and the variations permitted therefrom;
- (c) the maximum charges payable by consumers.

(8) There shall be payable on the issue of licences such fees as may be prescribed.

(9) Where on the application of any person for a licence the President is satisfied—

- (a) that the Commission cannot or will not provide such person with a reasonable and continuous supply of energy on reasonable terms; or
- (b) that the supply of energy to such person by the Commission would interfere with the economical and efficient working of the business of such person,

he shall grant a licence to such person under this section.

67. (1) A licence may extend to authorising the licensee to lay, place or carry on, under or over State land, to the extent and in the manner specified in the licence, such electric supply lines and to erect and maintain in or upon such land such posts and other apparatus as may in the opinion of the President be necessary or proper for the purposes of the licensed installation, and such authority may be given or added to at any time during the currency of the licence by endorsement thereon under the hand of the Minister.

Supply lines and other apparatus on State land.

(2) All apparatus placed in or upon State land which shall not be removed therefrom within six months or such longer period as the President may permit, after the expiration or other determination of the licence under the authority whereof the same was so placed shall vest in and become the property of the State.

68. (1) The President may in his discretion require that, before the issue of any licence, such security as he may specify shall be furnished for the due observance of the terms and conditions of the licence and of the provisions of this Act and the Electricity (Inspection) Act, and any Rules or Regulations made under the provisions of either of these Acts.

Security.

Ch. 54:72.

(2) A licence may be at any time suspended or revoked by the President on breach of any of the conditions thereof or in default of payment of any moneys accrued due thereunder, or if the licensee ceases to work or operate the installation in respect of which the licence has been granted.

Suspension and revocation of licence.

69. A licensee who is by the conditions of his licence restricted to using or supplying for specified purposes only, shall not use or supply such energy for any purpose other than those so specified.

Restriction of use to specified purposes.

70. In this Part—
“installation” means the whole of any particular plant, apparatus or works designed for the supply or use, or both, as the case may be, of electrical energy, under one ownership, and, where management is prescribed, in charge of the same management, including prime movers, if any, with all

Definitions of “installation” and “prime mover”.

necessary plant and buildings in connection therewith, electric supply lines and consuming apparatus, if any, and also includes all replacements and additions thereto;

“prime mover” means a machine supplying power to a generator for the purpose of generating energy;

“public installation” means an installation operated by a licensee for the supply of energy to the State, the public or to any person other than the licensee, provided that the licensee may use energy for his own purposes where the use is consistent with the terms of the licence.

PART IX

INJURIOUS ACTS, OFFENCES AND PENALTIES

Injurious acts with intent to cut off supply or maliciously extinguishing public lamp.

71. Any person who maliciously cuts or injures any electric line or work with intent to cut off any supply of electrical energy, or otherwise maliciously causes any interruption to the supply, or incites other persons to do so is guilty of an offence and, on conviction on indictment, is punishable with imprisonment for two years; and any person who maliciously extinguishes any public lamp is liable, on summary conviction, to a fine of three hundred dollars and to imprisonment for four months; but nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provision of this Act, or under any other law, provided that no person shall be punished twice for the same offence.

Stealing electricity.

72. Every person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses any electricity, is guilty of simple larceny and shall be punishable accordingly.

Wrongful and fraudulent practices.

73. Any person who lays, erects, or installs or permits to be laid, erected or installed any conductor, and connects it with any conductor to which electrical energy is supplied by the Commission without their consent, or who in case the value of the supply of electrical energy by the Commission is not ascertained by meter, uses any apparatus or lamp other than he has contracted to pay for or uses the apparatus or lamp at any other time than the time specified and for which he has contracted to pay, or who otherwise improperly uses the supply of electrical

energy or supplies any other person with any part of the electrical energy supplied to him by the Commission, shall forfeit to the Commission a sum not exceeding one hundred and fifty dollars for every such offence, and also a sum not exceeding seventy-five dollars for every day the conductor so remains, or the apparatus or lamp is so used, or the excess is so committed or continued, or the supply furnished without prejudice to the right of the Commission to recover in addition the amount of any damage suffered by them; and the Commission may also until the matter complained of has been remedied, but no longer, discontinue the supply of electrical energy to the premises of the person so offending, notwithstanding any contract which may have been previously entered into.

74. (1) Should the owner or occupier of any premises being a consumer receiving a supply of electrical energy use any form of apparatus, lamp or burner or use or permit to be used the supply for any purpose or deals or permits it to be dealt with in any manner so as to interfere unduly or improperly with the efficient supply of electrical energy by the Commission to any other consumer, the Commission may, if they think fit, discontinue to supply electrical energy to the consumer so long as the electrical energy is so used or dealt with.

Protection of Commission from improper interference by a consumer.

(2) If any difference arises as to any improper use of electrical energy, or as to any alleged defects in, or as to unsuitability, or as to necessary apparatus or protective devices, that difference shall be referred to an Electric Inspector.

75. (1) Any person who wilfully, fraudulently or by culpable negligence injures or permits to be injured any works of the Commission, or alters the index of any meter for ascertaining the consumption of energy, or prevents or does or permits to be done any act or thing which is calculated to prevent any such meter from duly registering the consumption of energy or fraudulently abstracts, consumes or uses the electrical energy of the Commission, shall (without prejudice to any right or remedy for the protection of the Commission or the punishment of the offender) for every such offence forfeit and pay to the Commission a sum not exceeding one thousand dollars, and the Commission may in addition thereto recover the amount of any damage sustained by them.

Penalties in respect of other wrongful acts. [49 of 1952].

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(2) In any case in which any person has wilfully and fraudulently injured or permitted to be injured any works of the Commission or altered the index of any meter for ascertaining the consumption of energy or prevented, or done or permitted to be done any act or thing which is calculated to prevent any such meter from duly registering the consumption of energy, the Commission may also, until the matter complained of has been remedied but no longer, discontinue the supply of electrical energy to the person offending (notwithstanding any contract previously existing); and the existence of artificial or unlawful means for causing the alteration or prevention (when the meter is under the custody of the consumer) or for abstracting, consuming or using the electrical energy of the Commission, shall be *prima facie* evidence that the alteration, prevention, act or thing calculated to prevent abstraction, or consumption, as the case may be, has been fraudulently, knowingly and wilfully caused or permitted by the consumer.

(3) The amount of any forfeit or damage to which the Commission is entitled under this section may be recovered summarily by them as a civil debt.

Liabilities for careless or accidental damages to works.

76. Any person who carelessly or accidentally breaks, throws down or damages any works of or under the control of the Commission, shall pay such sum of money to the Commission by way of satisfaction for the damages done as any Court of competent jurisdiction may award.

Occupier liable for wrong user of electricity.

77. If at any time after the supply of electrical energy to any premises has been cut off by the Commission it is found that the supply has been renewed without the order of the Commission and that the electrical energy is being used by any person, the consumer shall be deemed (until the contrary is proved) to have authorised the user and is liable, on summary conviction, to a fine of thirty dollars for each day the electrical energy has been so used.

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78. If any person wilfully removes, destroys or damages any of the works or electric lines, or apparatus of the Commission, any person who sees the offence committed may apprehend, and also any other person may assist in apprehending the offender and, by the authority of this Act and without any warrant, deliver him to any police officer who shall with all reasonable despatch convey him before a Magistrate, to be dealt with according to law.

Apprehension of offender.

79. If any person assaults, molests, hinders or obstructs any member of the Commission or any officer or servant of the Commission or any person authorised by the Commission in making or attempting to make any entry or inspection or in the execution of any of the works authorised by this Act or any Regulations or Bye-laws made thereunder, such person is liable on summary conviction to a fine of three hundred dollars.

Assault and obstruction of officers and servants.

80. (1) Any person who in contravention of the provisions of section 66 supplies energy from an installation to or for the use of any other person is liable to a fine of six thousand dollars, and if the contravention is continued to a fine of seven hundred and fifty dollars for every day on which the same is continued after the first day on which a conviction is had.

Penalties on contravention of provisions of section 66.

(2) Any licensee who without express authority from the President in that behalf supplies energy or lays down any electric supply line or constructs any electrical works outside the area of supply specified in his licence, is liable to a fine of six thousand dollars and any such authorised line or works may, after conviction had under this subsection in respect thereof, be removed by Order of the President and the reasonable cost of the removal may be recovered from the licensee.

(3) Any person who in contravention of the provisions of section 66 uses, works or operates, or permits to be used, worked or operated any installation is liable to a fine of one thousand five hundred dollars and, if the contravention is continued, to a fine of one hundred and fifty dollars for every day on which the same is continued after the first day on which a conviction is had.

PART X

MISCELLANEOUS PROVISIONS

Discretionary powers of President.

81. Where under this Act the consent of the President is required to authorise the doing of any act or thing, or the President's decision is required in reference to any matter, the President may, after giving to all parties concerned an opportunity of submitting their claims in writing, and after considering the matter, give his consent or decision either unconditionally or on such terms and subject to such conditions and stipulations as he thinks fit; and the President in deciding whether to give or withhold his consent, or to impose any terms, conditions or stipulations, shall among other considerations have regard primarily to the interests of the general public.

Arbitration.

82. (1) Where any matter is by this Act or Regulations or Bye-laws directed to be determined by arbitration, the matter shall, except as otherwise expressly provided, be determined by a qualified electrical engineer or other fit person as arbitrator, to be agreed to by the parties to the arbitration, or, failing such agreement by the parties, then by arbitration in accordance with the Arbitration Act.

Ch. 5:01.

(2) Where any matter, question or dispute arises under this Act, or the Regulations or Bye-laws, the interpretation or settlement of which is not affected by agreement or is not specifically provided for, the matter, question or dispute may be interpreted or settled by arbitration.

(3) Subject to this section all such arbitration proceedings shall be conducted in accordance with and governed by the Arbitration Act.

Restrictions on placing of electric lines over railways, docks, waterworks, etc.

83. The Commission shall not—

- (a) place any electric line across, along, over or under any railway, navigable river, dock, or harbour, without the consent of the President;

(b) place any electric line in, or to erect supports for an overhead electric line on, any ground in, through or over which any easement or right is enjoyed by any public body in charge of any waterworks, except with the consent of the public body; but the consent shall not be unreasonably withheld, and any question whether or not the consent has been unreasonably withheld shall be determined by the President.

84. The Commission shall at all times have an office in a locality approved by the President, and shall state the full address of the office on every document issued by them. Office.

85. Notices, orders and other documents under this Act may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the Commission, the signature thereof by their secretary shall be sufficient authentication. Notices, etc., may be printed or written.

86. (1) A notice, order or document required or permitted by this Act to be given to or served on any person may be given to or served on the person personally, or by leaving the same at his usual or last known place of abode or business with some adult person therein, or may be posted in a prepaid letter addressed to the person at his usual or last known place of abode or business. Service of notices, orders and documents.

(2) Any notice, order or document which is to be given to any person as the owner or occupier of any land or other premises may be addressed to him as the “owner” or “occupier”, as the case may be, of the land or other premises (naming them) and may be posted in some conspicuous place on the land or other premises, or, where the premises are a building, may be left with some adult person in the building; but service shall not be effected in any manner provided in this subsection if it would be practicable after reasonable inquiry to effect service in any manner provided in subsection (1).

(3) Service on one co-owner or co-occupier shall be deemed to be service on all co-owners or co-occupiers, as the case may be.

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Publication of
Rules and
Regulations.
[51/1980].

87. All Rules, Regulations, Bye-laws, and conditions made under this Act affecting the undertaking and for the time being in force, shall, within one month after the same, as made or last altered, have come into force, be printed at the expense of the Commission, and true copies thereof, certified by or on behalf of the Commission, shall be kept by them at their registered office and supplied to any person demanding the same at a price not exceeding two dollars for each copy.

DAMAGES

Injuries to
public property.

88. All losses, damages, or injuries caused by the Commission, their officers, agents, or contractors either in the construction, operation, or maintenance in accordance with the terms of this Act or otherwise of the works contemplated by this Act to any of the property of the State, shall be paid by the Commission.

Injurious
affection.

89. (1) The right conferred by this Act on the Commission to use and supply electrical energy shall be exercised only in accordance with the Regulations, from time to time made by the President under the provisions of this Act, and in every case in which, so far as the same may be relevant, such Regulations may be complied with, the Commission shall be deemed to have taken all sufficient, reasonable, and proper precautions for preventing injurious affection to or interference with the electric works and lines of other persons, and the currents therein.

(2) Nothing in this Act or in the Regulations shall be held to give to any person any right of action or complaint against the Commission in respect of or to protect any electric works, lines, or apparatus, or the currents therein, unless, in the construction, erection, maintaining, and working of the works, lines, and apparatus, all reasonable and proper precautions have been taken by such person to prevent injurious affection thereto and interference therewith, and with the currents therein, by or from other electrical currents.

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90. (1) In the course of constructing and for the more effective working of the undertaking, the Commission shall, subject to the Regulations to be made from time to time by the President, have power, by their officers and agents duly authorised for that purpose in writing, to cut and remove from any street and to enter upon and to cut and remove from any private or public lands any tree, or any branch, bough, or other part of a tree, growing on such lands within one hundred feet of any main or sub-main used for conducting electricity and which may tend to interfere with, endanger, or otherwise prejudicially affect the working of the undertaking; but no employee of the Commission shall, except with the consent of the occupier, enter upon any private lands under the provisions of this section until after the expiration of seven days' notice in writing given to the occupier of the land or posted up conspicuously thereon.

Cutting trees and boughs. [28 of 1994].

(2) The Commission shall make compensation to the owner of any tree so cut and for any damages done to the owner or other person in respect thereof, and the compensation shall be settled either by arrangement between the parties or by valuation assessed by the Ministry of Agriculture or by a Judge of the High Court in accordance with Rules made under section 39 of the Land Acquisition Act, and the Regulations made by the President under this section.

Ch. 58:01.

91. (1) A person shall not trim, cut, or fell any tree growing or being within fifty feet of any works authorised by this Act, unless he has given to the Commission twenty-four hours' previous notice of the intended trimming, cutting, or felling.

Felling trees within fifty feet of works.

(2) Any person who trims, cuts, or fells any tree in contravention of this section shall, for every such offence, be liable to a fine of one hundred and fifty dollars.

RESERVATION OF RIGHTS

92. The President shall have the right to use any of the poles, posts, or necessary supports of the Commission for the purpose of stringing wires thereon for the fire alarm or Police service upon payment of an appropriate rental.

Use of poles, etc.

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General penalty.

93. Any person guilty of an offence against this Act or any Rule, Regulation or Bye-law made thereunder for which no penalty is expressly provided, is liable on summary conviction to a fine of one hundred and fifty dollars.

Recovery of penalties.

94. All penalties under this Act or any Rules, Regulations or Bye-laws made in pursuance of this Act may be recovered and enforced in a summary manner before a Magistrate, and the procedure in any such case shall be in accordance with the Summary Courts Act.

Ch. 4:20.

Recovery of fees, expenses, etc.

95. Any fee, expenses, or other moneys recoverable under this Act or under the Regulations or Bye-laws, recovery of which is not otherwise specially provided for, shall be a civil debt recoverable summarily without limit of amount.

Commission responsible for all damages.

96. The Commission shall be answerable for all accidents, damages, and injuries happening through the Act or default of the Commission, or of any person in their employment, by reason of or in consequence of any of the Commission's works, and shall save harmless all persons by whom any street is repairable, and all other persons and their officers and servants, from all damages and costs in respect of those accidents, damages, and injuries.

Nuisances.

97. Nothing in this Act shall exonerate the Commission from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Reservation to the State.

98. Nothing herein contained shall affect or be deemed to affect the rights of the State, or of any bodies politic or corporate, or other person or persons except such as are mentioned or referred to in this Act, and those claiming by, from, through, and under them.

Saving of State rights.

99. Although any shore, bed of a lake, river, channel, creek, bay or estuary is included in the area of supply, nothing in this Act shall authorise the Commission to take, use or in any manner interfere with any portion of that shore or bed of the lake, or of the river, channel, creek, bay or estuary, or any right in respect thereof without the previous consent in writing of the President.

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100. (1) Notwithstanding anything contained in any other Act, all plants, machinery, mechanical appliances, engines, boilers, dynamos, meters, transformers, insulators, and all materials, apparatus and equipment of every kind whatsoever imported into Trinidad and Tobago for the purpose of carrying out the provisions of this Act shall be free of all Customs duty whatsoever; but this subsection shall not apply to any electrical materials imported by the Commission for the purposes of electric wiring of premises undertaken by the Commission.

Exemptions
from Customs
duty and income
tax.
[32 of 1994].

(2) The Corporation Tax Act shall not apply to the profits or income of the Commission.

Ch. 75:02.

(3) The Commission is exempt from the payment of stamp duty.
