

Commencement: 24 March 1972



## CHAPTER 65

### ELECTRICITY SUPPLY

JR 17 of 1971  
Act 21 of 2000

#### ARRANGEMENT OF SECTIONS

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|---|--|
| 1. Interpretation   | 7. Compensation in respect of failure of supply                        |
| 1A. Agreement granting sole concession for electricity outside Port Vila and Luganville | 8. Injurious acts with intent to cut off supply, etc.                  |
| 1B. Other manufacturers and suppliers   | 9. Wasting or diverting electricity                                    |
| 2. Act subject to contract of concession  | 10. Damage to works  |
| 3. Powers of the concessionaire   | 11. Other wrongful acts  |
| 4. Penalty for other persons generating, etc., electricity                              | 12. Power of entry to ascertain quantity of electricity consumed, etc. |
| 5. Further powers of concessionaire   | 13. Assault, obstruction, etc., of authorised officer                  |
| 6. Applications for compensation  | 14. Regulations  |

## ELECTRICITY SUPPLY

**To provide for matters connected with the generation and supply of electricity at Port Vila and Luganville, and to other areas.**

### **1. Interpretation**

In this Act, unless the contrary intention appears –

“concessionaire” means:

- (a) in relation to Port Vila and Luganville – the body holding the sole concession for the manufacture and supply of electricity within those areas; and
- (b) in relation to any other area – the person granted the sole concession under a concession agreement for the manufacture and supply of electricity within that area;

“concession agreement” means an agreement entered into under section 1A;

“concession area” means –

- (a) in relation to Port Vila and Luganville – the areas of Port Vila and Luganville; and
- (b) in relation to any other area – the area specified in the concession agreement;

“Minister” means the Minister responsible for power.

### **1A. Agreement granting sole concession for electricity outside Port Vila and Luganville**

- (1) The Minister may, on behalf of the Government, enter into an agreement granting a person the sole concession for the manufacture and supply of electricity within such areas outside of Port Vila and Luganville as are specified in the agreement for a specified period.
- (2) Nothing in the agreement is to be taken to affect the supply of electricity by the Government under the Supply of Electricity (Districts) Act [Cap. 96] outside of the concession area while the agreement remains in force.

### **1B. Other manufacturers and suppliers**

- (1) A person who is not the concessionaire can manufacture and supply electricity outside a concession area.
- (2) A person who manufactures electricity outside of a concession area can sell the electricity to a concessionaire.

### **2. Act subject to contract of concession**

- (1) The provisions of this Act shall be subject to the terms of the contract with the Minister under which the concession for Port Vila and Luganville was granted.
- (2) A concession agreement is subject to the terms of this Act. If there is any conflict between a provision of the agreement and a provision of the Act, the provision of the Act prevails.

### **3. Powers of the concessionaire**

It shall be lawful for the concessionaire within the concession area granted to it –

- (a) to acquire, construct, operate and control electric lines and works and to generate, supply and sell electricity and to maintain, alter, extend or renew the said lines and works;

- (b) to undertake electrical wiring and the installation and servicing of equipment in industrial, commercial and residential premises.

**4. Penalty for other persons generating etc., electricity**

Any person other than the concessionaire generating, distributing and supplying electricity in the area of a concession shall commit an offence punishable upon conviction by a fine not exceeding VT 250,000:

Provided that nothing in this section shall prohibit any person from generating electricity for his own use in any dwelling house, store, workshops, or other premises owned or occupied by him.

**5. Further powers of concessionaire**

- (1) In the exercise of the powers conferred by this Act, whether in the course of its normal commercial operations or pursuant to any special arrangement with the Minister, it shall be lawful for the concessionaire when so authorised for the purpose by the Minister, by itself, its agents, workmen and labourers, to do all or any of the following –

- (a) enter, survey, and take levels of any private or other land or any part thereof and also dig out and remove any earth, stone, soil, sand and gravel whatsoever for the construction, maintenance or alteration of any line or any part thereof or for any other purpose in connection with the works authorised by this Act;
- (b) cut and remove from any private or other land any tree or any branch, bough or other part of a tree growing on such lands within 100 feet of any main or sub-main used for conducting electricity and which may in any way affect or interfere with the works;
- (c) open or break up any road;
- (d) erect and maintain posts, staywires, poles or pillars in or upon any private or other land and attach, place and maintain wires, lines, conduits or other appliances and things necessary for the works in, under, through or over, across or upon any street, road, land, buildings, houses or premises:

Provided that before the exercise of any of the powers herein conferred notice of the concessionaire's intention shall be served on the owner or owners, or other interested party, if any, at least 7 clear days before the exercise of such power.

- (2) In the exercise of the powers given by this section, the concessionaire shall not be deemed to acquire any right other than that of user only in or over the soil of any land through, over or under which it causes to be placed any of the works and should any of the works so carried through, over or under any such land cause any loss or damage of a certain and material nature to the owner of such land the concessionaire shall remove or alter such work or the owner shall be entitled to reasonable compensation as provided in section 6.
- (3) Every authority given under subsection (1) shall specify whether such power is to be exercised by the concessionaire in its own right or on behalf of the Government and the cost of removal or alteration of such work or the payment of compensation, as the case may be, shall be borne by the concessionaire or the Government.

**6. Applications for compensation**

- (1) Every person who sustains any damage or loss of a certain and material nature by reason of the exercise of any of the powers conferred by section 5 upon the concessionaire may make application for compensation in writing in that behalf to the concessionaire or the Minister as the case may be at any time before the expiration

of 1 year after the act, matter or thing in respect of which such damage or loss is alleged to have been sustained, and if he fails to make application within such period his claim to compensation shall be barred.

- (2) The amount of compensation, if any, payable under the provisions of this Act shall, in default of agreement, be determined by a Compensation Commission, which shall comprise –

Chairman: the Director of Lands;  
Members: the Director of Finance;  
the Director of Public Works;  
two persons resident in the area affected appointed by the Minister.

- (3) The Compensation Commission shall hear the claimant and the concessionaire or the Minister, as the case may be, either in person or by an agent, or if either shall so desire, consider written submissions in lieu thereof, and shall give its decision and the reasons therefor in writing. Such decision shall be final.
- (4) Any sum agreed or determined by the Compensation Commission to be payable as compensation to any person under the provisions of this section, shall forthwith be paid to such person.

#### **7. Compensation in respect of failure of supply**

The concessionaire shall not be liable in damages to any person by reason of any partial or total failure of the supply of electricity which may be due to unavoidable accident, fair wear and tear, circumstances beyond the control of the concessionaire, or the reasonable requirements of the system, and the concessionaire may at any time temporarily discontinue the supply of electricity whenever in its opinion such action is desirable for the purpose of ensuring the efficient operation of the works provided that reasonable notice of discontinuance shall be given where practicable.

#### **8. Injurious acts with intent to cut off supply, etc.**

Any person who maliciously cuts or injures any electric line or work installed or constructed by the concessionaire under the authority of its concession or the provisions of this Act shall commit an offence punishable upon conviction by imprisonment for a term not exceeding 2 years; and any person who maliciously extinguishes any public lamp shall commit an offence punishable upon conviction by a fine not exceeding VT 10,000 or imprisonment for a term not exceeding 3 months or by both such fine and imprisonment.

#### **9. Wasting or diverting electricity**

Any person who causes to be wasted or diverted any electricity supplied by the concessionaire shall commit an offence punishable upon conviction by a fine not exceeding VT 50,000.

#### **10. Damage to works**

Any person who wilfully or negligently injures or damages or causes to be injured or damaged any works, apparatus, appliances, matters or things of whatever description required for the generation, transmission, transformation, distribution, supply or use of electrical energy, installed or constructed by the concessionaire under the authority of its concession or the provisions of this Act, shall commit an offence punishable upon conviction by a fine not exceeding VT 50,000 in addition to proceedings for the cost of repairing such injury or damage.

#### **11. Other wrongful acts**

Any person who wilfully, fraudulently or by culpable negligence injures or permits to be injured any works installed or constructed by the concessionaire under the authority of its concession or the provisions of this Act or alters the index of any meter or prevents any meter from duly registering the quantity of energy supplied or fraudulently abstracts

consumes or uses energy supplied by the concessionaire (without prejudice to any other right or remedy for the protection of the concessionaire or the punishment of the offender) for each day during which the same occurs or continues commit an offence punishable upon conviction by a fine not exceeding VT 5,000 and the concessionaire may in addition thereto recover from such person by proceedings in the appropriate court the amount of any damage by it sustained and may also discontinue the supply of electricity to the person so offending (notwithstanding any agreement or contract previously existing) and the existence of artificial means for causing such alteration or prevention or for fraudulently abstracting, consuming or using electricity supplied by the concessionaire when such meter is under the custody or control of such person shall be *prima facie* evidence that such alteration, prevention, abstraction, consumption or use, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer using such meter.

**12. Power of entry to ascertain quantity of electricity consumed, etc.**

Any officer, servant or agent authorised by the concessionaire may at all reasonable times enter any premises to which electricity is or has been supplied by the concessionaire in order to inspect the electric lines, meters, accumulators, fittings, works and apparatus for the supply of electricity belonging to the concessionaire 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 concessionaire desires 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 concessionaire.

**13. Assault, obstruction, etc., of authorised officer**

Any person who shall assault, molest, hinder or obstruct any authorised officer, servant or agent in the exercise of any of the powers conferred by the preceding section or in the execution of any works authorised by this Act or any regulations made thereunder shall commit an offence punishable upon conviction by a fine not exceeding VT 50,000 or imprisonment for a term not exceeding 3 months, or by both such fine and imprisonment.

**14. Regulations**

The Minister may make regulations, not inconsistent with the provisions of this Act or the terms of any agreement granting a concession to the concessionaire, generally for giving effect to the provisions of this Act and such rules may impose penalties for the breach thereof not exceeding a fine of VT 10,000.

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**Table of Amendments (since the Revised Edition 1988)**

Long Title	Amended by Act 21 of 2000
1	Substituted by Act 21 of 2000
1A, 1B	Inserted by Act 21 of 2000
2(1)	Amended by Act 21 of 2000
2(2)	Inserted by Act 21 of 2000
3	Amended by Act 21 of 2000
4	Amended by Act 21 of 2000
6(2)	Amended by Act 21 of 2000