



GUYANA

ACT No. 2 of 1981

ENERGY ACT 1981

I assent.

L. F. S. Burnham,
President.

8th April, 1981.

ARRANGEMENT OF SECTIONS

PART I

SHORT TITLE AND INTERPRETATION

Section

1. Short title and commencement.
2. Interpretation.

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PART II**THE GUYANA NATIONAL ENERGY AUTHORITY**

3. Establishment of the Authority.
4. Constitution of the Authority and responsibility of the Chairman
5. Salary and expenses.
6. Employment of the staff of the Authority.
7. Experts.
8. Rules.
9. Advisory functions of the Authority.
10. Power to compel information.
11. Preservation of secrecy.
12. Responsibility of monitoring compliance with subsidiary legislation.
13. Authority undertaking other tasks assigned by the Minister.
14. Relations with the Council.

PART III**THE ENERGY ADVISORY COUNCIL**

15. Establishment and constitution of the Council.
16. Chairman and Vice-Chairman.
17. Expenses.
18. Secretary and other employees.
19. Meetings and procedure.
20. Duties of the Council.
21. Preservation of secrecy.

PART IV**POWERS OF THE MINISTER**

22. Powers under this Act.
23. Powers under any other written law.
24. Provisions relating to subsidiary legislation

PART V**GENERAL**

25. Bank Account.
26. Fund and resources of the Authority.
27. Expenditure.
28. Accounts and Audit.
29. Secondment or transfer of officers to the Authority.

SCHEDULE

AN ACT

Intituled

AN ACT to make provision with respect to the nation's resources of and use of energy.

Enacted by the Parliament of Guyana :—

A.D. 1981

PART I

SHORT TITLE AND INTERPRETATION

1. This Act may be cited as the Energy Act 1981 and shall come into operation on such date as the Minister may appoint by order. Short title and comm. management.

2. In this Act —

Inter-pretation.

"Authority" means the Guyana National Energy Authority established by section 3;

"Council" means the Energy Advisory Council established by section 15;

"energy" includes power and fuel;

"plant" means fixtures, implements or machinery used in any industrial process;

"vehicle" means every description of vehicle propelled by means of a mechanism contained within itself whether constructed or adapted for use on a road or not, and includes a steam traction engine, steam roller and an aircraft.

PART II

THE GUYANA NATIONAL ENERGY AUTHORITY

3. (1) There is hereby established the Guyana National Energy Authority. Establishment of the Authority.

(2) The Authority in the discharge of its functions shall be, except in relation to the contents of a report or recommendation made by it to the Minister, subject to the control and direction of the Minister.

Constitution
of the
Authority
and responsi-
bility of the
Chairman.

4. (1) The Authority shall consist of not more than five members to be appointed by the Minister, who shall appoint one member to be Chairman and one member to be Vice-Chairman.

(2) The Chairman shall be the chief executive officer of the Authority and, subject to the general policy decisions of the Authority, shall be responsible for the management of the Authority, including the organisation and discipline of the staff in accordance with the general terms and conditions of service established by the Authority with the approval of the Minister.

(3) If the Chairman is absent or is unable to act or if the office is vacant, the Vice-Chairman shall have and may discharge the functions of the Chairman.

(4) The Minister may at any time, by written notice to that effect to a member, terminate the appointment of a member of the Authority.

(5) A member of the Authority may at any time resign by written notice to that effect to the Minister.

Salary and
expenses.

5. A member of the Authority shall be paid a salary and expenses at rates determined by the Minister.

Employment
of the
staff of the
Authority.

6. The Authority, with the approval of the Minister, may employ at such remuneration and on such other terms and conditions as it thinks fit (including the payment of pensions, gratuities and other like benefits by reference to the service of its officers and other employees) a Secretary and such other officers and employees as the Authority may require.

Experts.

7. The Authority may, at any time, retain the services of experts and other professional persons (including consultants) having specialised knowledge relevant to the Authority's functions and responsibilities and may pay such persons such remuneration in respect thereof as the Authority, with the approval of the Minister, may determine.

Rules.

8.(1) The Authority may make rules respecting —

- (a) the sittings of the Authority;
- (b) the apportionment of the work of the Authority among its members; and
- (c) generally for the carrying on of the work of the Authority, the management of its internal affairs

and the duties of its officers and other employees, subject to the provisions of section 4(2).

(2) Notwithstanding section 21 of the Interpretation and General Clauses Act rules made under this section are not required to be published in the Gazette. Cap. 9:01

9.(1) The Authority shall study and keep under review matters relating to the exploration for, production, recovery, processing, transmission, transportation, distribution, sale, purchase, exchange and disposal of energy and sources of energy within and outside Guyana, shall report thereon to the Minister and shall recommend to the Minister such measures as it considers necessary or in the public interest for the control, supervision, conservation, use, marketing and development of energy and sources of energy. Advisory functions of the Authority. 27.

(2) The Authority shall, at the request of the Minister, prepare studies and reports on any matter relating to energy or sources of energy, including research into alternative sources of energy, or the application of such research, and shall recommend to the Minister the making of such arrangements as it considers desirable for co-operation with governmental or other agencies in or outside Guyana in respect of matters relating to energy and sources of energy.

(3) In the discharge of its functions under this section the Authority shall, wherever appropriate, utilise agencies of the Government to obtain technical, economic and statistical information and advice.

(4) Studies and reports of the Authority made under this section may be made public with the approval of the Minister.

10. The Authority may require any producer, importer, distributor, processor, or consumer of energy or source of energy to provide any information in respect of his production, importation, distribution, processing or consumption of that energy or source of energy that the Authority considers necessary for the discharge of its functions under this Act. Power to compel information.

11.(1) Except for the purpose of the discharge of his functions or when lawfully required to do so by any court or under the provisions of any law, a member or officer or other employee of the Authority shall not disclose any information which he has acquired in the discharge of his functions. Preservation of secrecy.

(2) Any person who fails or neglects to provide any information when lawfully required to do so under section 10 or contravenes the provisions of subsection (1) of this section shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

Responsibility of monitoring compliance with subsidiary legislation. 12. The Authority shall have the responsibility of monitoring, and of submitting regular periodic reports to the Minister on, compliance with the subsidiary legislation made by the Minister under section 22 or 23.

Authority undertaking other tasks assigned by the Minister. 13. The Authority shall undertake such other activities related to energy management as may be assigned to it by the Minister. Without prejudice to the generality of the foregoing, such tasks may include the dissemination of information related to energy management including energy conservation and the development and utilisation of alternative sources of energy and also the formulation or implementation or monitoring of energy-related projects. The Authority shall submit regular periodic reports on any such activities to the Minister.

Relations with the Council. 14.(1) The Authority may refer to the Council any matter upon which it proposes to advise or to report to the Minister, for the comments of the Council thereon.

(2) The Authority shall refer a matter to the Council for its comments thereon if so directed by the Minister.

PART III

THE ENERGY ADVISORY COUNCIL

Establishment and constitution of the Council. 15.(1) There is hereby established the Energy Advisory Council

(2) The Council shall consist of persons nominated, on the basis of one nominee for each organisation, by the organisations listed in the Schedule, and approved by the Minister, to represent the respective interests of those organisations, and such other persons, if any, from the Private Sector as the Minister, in his discretion, may appoint.

(3) The Minister may, by order, amend the Schedule.

Chairman and Vice-Chairman. 16.(1) The Minister shall appoint one member of the Council to be Chairman and one member to be Vice-Chairman.

(2) If the Chairman is absent or is unable to act or if the office is vacant, the Vice-Chairman shall have and may discharge the functions of the Chairman.

(3) The provisions of section 4(4) and (5) shall *mutatis mutandis* apply to a member of the Council as they apply to a member of the Authority.

17. A member of the Council shall be paid expenses at rates determined by the Minister. Expenses

18.(1) The Secretary of the Authority shall be Secretary Secretary and other employees also of the Council.

(2) The Chairman of the Authority shall make available to the Council the services of such other staff and such other facilities as are necessary for the proper and efficient discharge of the functions of the Council.

19. The Council shall meet whenever necessary to ensure the proper discharge of its functions under this Act or whenever directed by the Minister or by the Chairman of the Authority and, subject to the approval of the Minister, the Council may regulate its own procedure. Meetings and procedure.

20. The Council shall, as soon as possible after receipt of any matter referred to it by the Authority, consider the matter expeditiously and communicate to the Authority in writing the opinions and comments of the Council thereon. Duties of the Council.

21. The provisions of section 11 shall *mutatis mutandis* apply to the members of the Council and to the officers and other employees referred to in section 18 as they apply to members, officers or other employees of the Authority. Preservation of secrecy.

PART IV

POWERS OF THE MINISTER

22.(1) The Minister may, for the purpose of formulating and implementing measures calculated to improve the situation in Guyana with regard to energy and sources of energy, make regulations: Powers under this Act.

- (a) regulating or prohibiting the production, supply, acquisition or use of energy or sources of energy;
- (b) respecting technical efficiency standards of plant, equipment, appliances and vehicles that consume or produce energy;
- (c) prohibiting or restricting the import of plant, equipment, appliances and vehicles that do not comply with a prescribed technical efficiency in

respect of energy consumption or production, or use a type of fuel which, in the opinion of the Minister, is inappropriate in the context of energy conservation or the utilisation of alternative sources of energy;

- (d) respecting technical standards, procedures and guidelines for the storage, production, processing and distribution of energy and sources of energy, and for technical persons employed therein;
- (e) respecting incentives, financial or otherwise, for the development and utilisation of alternative sources of energy including the conversion to an alternative source of energy of plant, equipment, appliances, vehicles or other energy-consuming machinery or for the modification thereof or of buildings for the purpose of reducing energy consumption;
- (f) generally for carrying out the purposes and provisions of this Act.

(2) Regulations made under this section are subject to negative resolution of the National Assembly.

Powers
under any
other
written law.

23(1) The President may, by order, declare that any power exercisable by any other Minister or other authority under any other written law shall, in so far as that power relates to energy or sources of energy, be transferred to the Minister to be exercised exclusively by him for carrying out the purposes and provisions of this Act.

(2) Where an order transferring a power is made under subsection (1) any subsidiary legislation made by any other Minister or other authority from whom the power is transferred and in force at the time of the transfer shall continue in force until amended, repealed or replaced by subsidiary legislation made by the Minister in exercise of the transferred power.

(3) Subsidiary legislation made by the Minister under a power transferred to him under this section is subject to negative resolution of the National Assembly.

Provisions
relating to
subsidiary
legislation.

24(1) Subsidiary legislation made by the Minister in exercise of a power under section 22 or transferred to him under section 23 —

- (a) may be made so as to apply or operate throughout Guyana or a specified part thereof;

- (b) may be made to operate for any time, period or occasion specified therein;
- (c) may be of general operation or limited according to times, places, circumstances, conditions or restrictions specified therein;
- (d) may be made so as to apply either to persons or undertakings generally or to any particular person or undertaking or class of persons or undertaking;
- (e) may provide for the empowering of a person or authority specified therein to make regulations, rules or orders or give directions for any purpose for which the subsidiary legislation is authorised to be made; and
- (f) may provide for a penalty for the contravention thereof of a fine of one thousand dollars and imprisonment for three months.

(2) This section applies notwithstanding the provisions of the written law in which a power transferred to the Minister under section 23 is contained.

PART V

GENERAL

25. The Authority may keep and operate a bank account. Bank Account.
26. The funds and resources of the Authority shall consist of — Funds and resources of the Authority.
- (a) such monies as may from time to time be voted by Parliament for the purposes of this Act; and
 - (b) all other sums or property that may in any manner become payable to or vested in the Authority in respect of any matter incidental to its powers and duties.
27. All expenditure for the purposes of this Act shall be paid out of the funds of the Authority. Expenditure.
- 28.(1) The Authority shall keep accounts of its transactions, including the receipt of moneys under section 26. Accounts and audit.
- (2) All books of account kept by the Authority shall be subject to examination and audit at any time by the Auditor General.

(3) The accounts of the Authority shall be audited annually by an auditor appointed by the Authority with the approval of the Minister.

(4) The members, officers and employees of the Authority shall grant to the Auditor General or the auditor appointed under subsection (3) access to all books, documents, cash and securities of the Authority and shall give him on request all such information as may be within their knowledge in relation to the operation of the Authority.

Secondment
or transfer
of officers
to the
Authority
Cap. 27:02.

29.(1) Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of the Pensions Act to an office with the Authority section 5 of that Act shall apply to him as if his services with the Authority were service in a public office.

(2) Where a public officer is appointed to an office with the Authority, his service with the Authority shall be other public service within the meaning of, and for the purpose of such provisions applicable in relation thereto as are contained in, the Pensions Act (including the Pensions Regulations 1957).

Cap. 39:05

(3) Subsections (1) and (2) shall, as they apply in relation to a public officer, apply *mutatis mutandis* in relation to a teacher to whom the Teachers' Pension Act applies and who is employed by the Authority.

Section 15

SCHEDULE

ORGANISATIONS REPRESENTED ON THE ENERGY ADVISORY COUNCIL

State Planning Commission.

Bank of Guyana.

Ministry of Trade and Consumer Protection.

Guyana State Corporation.

Guyana Sugar Corporation.

Guyana Electricity Corporation.

Upper Mazaruni Development Authority.

Guyana Consumers Association.

National Science Research Council.

Guyana Association of Professional Engineers.

Trades Union Congress.
Guyana Mining Enterprise.
Guyana Manufacturers Association.
Georgetown Chamber of Commerce.
Linden Chamber of Commerce.
Berbice Chamber of Commerce and Development Association.
Shell Antilles & Guianas Ltd.
Esso Standard Oil S.A. Ltd.
Texaco West Indies Ltd.
Guyana Oil Company Ltd.
Institute of Applied Science and Technology.

Passed by the National Assembly on the 27th March, 1981

F. A. Narain,
Clerk of the National Assembly.