

THE PUBLIC UTILITIES PROTECTION ACT

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THE PUBLIC UTILITIES PROTECTION ACT

[14th November, 1984.]

Act
19 of 1984

1. This Act may be cited as the Public Utilities Protection Act. Short title.

2. In this Act—

“public utility” includes any electric light, telephone, telegraph, water, sewerage, cable or wireless service, system or undertaking and any other service system, or undertaking which the Minister may from time to time declare to be a public utility for the purposes of this Act;

Interpretation.

“works” includes such cable, wire, line conduit, meter, pole, pipe, main, premises, plant, machinery, apparatus, dam, reservoir, tank, equipment, matter or thing as are erected or used by a public utility for or in connection with its operations.

3.—(1) Subject to the provisions of this section, any person who, as respects any public utility—

Offence to trespass on or interfere, etc., with works.

(a) trespasses upon the works or any part thereof; or

(b) unless acting pursuant to the express authority of the licensee or owner of the public utility or pursuant to a licence duly issued to him in relation to such works under any law for the time being in force, meddles, interferes or tampers with the works or any part thereof,

commits an offence under this Act.

(2) Without prejudice to any liability under contract, subsection (1) shall not apply in respect of a consumer in

relation to works which are located on his premises and which, having regard to a contract relating to such premises between the consumer, in his capacity as such, and the public utility, are intended to be used or dealt with by the consumer in the ordinary course of his enjoyment of the service provided under that contract, unless in relation to such works located as aforesaid any act is done which—

- (a) is expressly forbidden by the consumer's contract with the public utility or is inconsistent with the terms of such contract; and
- (b) is detrimental to the safety or efficient operation of the works.

(3) It shall be a defence to a charge against a consumer pursuant to subsection (2) for him to prove that there were reasonable grounds on which he assumed that the act constituting the alleged offence would not be detrimental to the safety or efficient operation of the works.

(4) In this section "consumer" means any person who holds a contract with a public utility for the supply of services by that utility.

4. Any employee of a public utility—

- (a) who, whether during the course of his employment or otherwise, maliciously meddles, interferes or tampers with the works or any part thereof or does any act detrimental to the safety or efficiency of the works or any part thereof; or
- (b) who, whether during the course of his employment or otherwise, uses the works or any part thereof in a manner inconsistent with the express or implied authority of the licensee or owner of the public utility,

commits an offence under this Act.

Meddling,
etc., by
employees,
an offence.

5. Any director, officer or employee of a public utility or any person purporting to act on his own behalf or on account of such director, officer or employee, who solicits, receives or agrees to receive for himself or any other person money or money's worth or any advantage from another person—

Offence to
solicit
inducement.

- (a) as an inducement to show preference or to have preference shown, as the case may be, to any person in the provision of services by a public utility, by the doing or forbearing to do of anything in respect of any transaction, actual or proposed, relating to such services; or
- (b) as a reward for showing preference or, as the case may be, having preference shown, as mentioned in paragraph (a),

commits an offence under this Act.

6. Any person who gives, promises or offers money or money's worth or any advantage to a director, officer or employee of a public utility or to any person purporting to act on his own behalf or on account of such director, officer or employee—

Offence to
offer induce-
ment.

- (a) as an inducement to show preference or to have preference shown, as the case may be, to any person in the provision of services by a public utility, by the doing or forbearing to do anything in respect of any transaction, real or proposed, relating to such services; or
- (b) as a reward for showing preference or, as the case may be, having preference shown, as mentioned in paragraph (a),

commits an offence under this Act.

7. Any constable may seize and detain any apparatus or contrivance that was used in connection with the commission of an offence under section 3 or 4.

Seizure of
apparatus.

Penalty.

8.—(1) A person convicted of an offence under this Act is liable on summary conviction by a Resident Magistrate's Court to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(2) In addition to any punishment imposed pursuant to subsection (1), the Court may order the forfeiture of any apparatus or contrivance, not being the property of the public utility, that was used in connection with the commission of any offence under section 3 or 4.

(3) If, on the application of any person prejudiced by an order made by the Court under subsection (2), the Court is satisfied that it is just to revoke such order, the Court may, on such terms and conditions, if any, as it thinks fit, revoke the order.

(4) An application to the Court under subsection (3) for the revocation of an order shall be made within three months from the date of the order; but where the applicant satisfies the Court that in the special circumstances of the case such application could not practicably be made within such three months aforesaid, the time (whether expired or not) for making that application may be extended by the Court as it thinks just.

**Consent of
Director of
Public Pro-
secutions.**

9. A prosecution for an offence under section 5 or 6 shall not be instituted except by or with the consent of the Director of Public Prosecutions.

Regulations.

10. The Minister may make regulations generally for the better carrying out of the objects and purposes of this Act.