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LAWS OF THE GILBERT ISLANDS

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CHAPTER 83

PUBLIC UTILITIES

ARRANGEMENT OF SECTIONS

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SCHEDULES

An Ordinance to provide for the establishment of a corporate body to be known as the Public Utilities Board, for the performance by that body of functions relating to the supply of electricity and water, the disposal of sewage and for purposes incidental thereto or connected therewith.

5 of 1977

L.N. 83/77

PART I

PRELIMINARY

Short title

1. This Ordinance may be cited as the Public Utilities Ordinance.

Interpretation

2. In this Ordinance-

"accountant" means the person appointed by the Board as accountant under the provisions of Schedule 2 and includes any person for the time being performing the functions of the accountant;

"apparatus" means any equipment, installation or appliance used, or which may be used, in connection with supplying electricity or water or disposing of sewage in accordance with the provisions of this Ordinance;

"Authority" means the Gilbert Islands Development Authority established by the Gilbert Islands Development Authority Ordinance;

"Board" means the Public Utilities Board established under section 3;

"consumer" means a person who is supplied with water or electricity or facilities for the disposal of sewage or whose premises are so supplied either by the Board or a person licensed by the Board pursuant to section 6 (2) or 7 (2);

"electric line" means a cable 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;

"electricity supply area" means an electricity supply area so declared under section 5;

"financial year" means such period of 12 months as the Board with the approval of the Minister may determine to be its financial year;

"public utilities" means services authorised under this Ordinance for supplying electricity and supplying water, and

"public utility" means either one of these services;

"water line" includes cuts, channels, feeders, catch drains, aqueducts, tunnels, pipes, pipe tracks, conduits, mains and trenches;

"water supply area" means a water supply area so declared under section 5;

"water works" includes wells, pumps, reservoirs, cisterns, catchments, water lines, stand pipes, showers, valves, engines, culverts, desalination plants, water treatment plants and all machinery and appliances, lands, buildings and things used for or in connection with the supply of water vested in, used, constructed or maintained by the Board or a person licensed by the Board pursuant to section 7 (2);

"works" includes generating stations, sub-stations, buildings, machinery, engines, transmission lines, mains, electric lines, poles, pillars, distribution boxes, lamps, water-works, pipe lines, sewers and drains and any other works. apparatus, appliance, matters or things of whatever description required for the generation, transmission, transformation, distribution, supply or disposal of electricity, water or sewage.

PART II

ESTABLISHMENT OF BOARD AND VESTING OF PROPERTY

Establishment and incorporation of Public Utilities Board

3. (1) There is hereby established the Public Utilities Board which shall be a body corporate with perpetual succession and a common seal with power to purchase, take, hold and dispose of land and other property, to enter into contracts, to sue and be sued in its own name and to do all things necessary for the purposes of this Ordinance.

Schedule 1

(2) The provisions of Schedule 1 shall have effect as to the constitution of the Board and otherwise in relation thereto.

Schedule 2

(3) The provisions of Schedule 2 shall have effect as to the officers and employees of the Board and otherwise in relation thereto.

(4) The Minister shall have power by order to amend any or all of the provisions of Schedule 1 and Schedule 2.

Vesting of certain property rights and liabilities in the Board

4. (1) All lands, buildings, apparatus and all other forms of property, whether real or personal, and all interests therein, of whatsoever nature, belonging to the Government or to the Authority or vested in the Authority pursuant to section 21 of the Gilbert Islands Development Authority Ordinance and used exclusively for the purpose of-

(a) the Electricity Division of the Authority; or

(b) the Water Division of the Authority,

shall be deemed to have been transferred and become vested in the Board on 1st July 1977.

(2) Notwithstanding any of the provisions of this Ordinance, except with the prior written permission of the Minister, the Board shall not dispose of by way of sale, lease, sub-lease, mortgage easement or otherwise, any land or interest in land vested in it.

(3) The benefits and burdens of any contract for or in connection with the supplying or providing of public utilities to which the Authority was a party (including the rights to

recover and receive all moneys due and payable to the Authority) and which subsists or was in force immediately before the 1st July 1977 shall be deemed to have been transferred from the Authority to the Board on that date.

(4) On and from 1st July 1977 every agreement with respect to any public utility or related to or connected in any way whatsoever with any public utility (other than a contract referred to in subsection (3)) whether that agreement is in writing or not, and every deed, bond or other instrument with respect to any public utility or related to or connected in any way whatsoever with any public utility to which agreement, deed, bond or other instrument the Authority was a party or which affected the Authority, and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall be deemed to have effect as if the Board were a party thereto or affected thereby instead of the Authority and as if for every reference (however worded and whether express or implied) therein to the Authority there were substituted in respect of anything to be done on or after such date a reference to the Board.

(5) Any proceedings upon a contract agreement, deed, bond or other instrument to which reference is made in subsections (3) and (4) which were pending immediately before the 1st July 1977 and to which the Authority was a party shall be continued as if the Board was a party thereto in lieu of the Authority.

PART III

RIGHTS, POWERS AND DUTIES OF BOARD

Electricity and water supply areas.

5. The Minister may by notice declare any island or part of an island to be an electricity supply area or a water supply area or both as an electricity and a water supply area.

Right of Board to supply electricity.

6. (1) Subject to subsection (2), the Board shall have the exclusive right within any electricity supply area to generate, transform, transmit, distribute, supply and sell electricity and to perform services incidental thereto.

(2) The Board may give written permission to any person to generate, supply and sell electricity at any place within an electricity supply area.

(3) Any person who generates, distributes, supplies or sells electricity within an electricity supply area without the prior written permission of the Board shall be liable to a fine of \$1000 or to imprisonment for 6 months.

Right of Board to supply water.

7. (1) Subject to subsection (2), the Board shall have the exclusive right within any water supply area to supply, distribute and sell water and to perform services incidental thereto.

(2) The Board may give written permission to any person to supply, distribute and sell water at any place within a water supply area.

(3) Any person who supplies, distributes, or sells water within any water supply area without the prior written permission of the Board with the intention of depriving the Board of its income, or of its rights under subsection (1), shall be liable to a fine of \$500 or to imprisonment for 3 months.

Power of Board.

8. (1) Subject to the provisions of this Ordinance, the Board shall, for the purposes of carrying out its functions under this Ordinance, have power to do anything or to enter into any transaction which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto.

(2) Without prejudice to the generality of the provisions of subsection (1) the powers of the Board shall include powers-

- (a) to do all acts and things necessary for developing, controlling, generating, transforming and transmitting, distributing and selling electricity for public and private purposes;
- (b) to undertake electrical wiring installation and servicing of electrical equipment and to provide electricity to commercial and residential premises;
- (c) subject to section 9 (1), from time to time to cause switching and transformer

substations, distribution boxes, posts, poles or pillars together with fixtures and fittings and other apparatus to be erected or placed on, and electric and water lines, sewers and drains to be laid and carried through, across, over or under any road or, after reasonable notice in that behalf to the owner or occupier, on, through, over or under any land whatsoever, enclosed or otherwise:

Provided that all such substations, boxes, posts, poles or pillars, fixtures, fittings and other apparatus, and electric and water lines and sewers and drains, shall remain the sole property of the Board and shall not be deemed to become part of any freehold by reason of being affixed thereto.

(d) subject to section 9 (2), from time to time to cause lamp posts, standards or other lighting apparatus to be put or fixed upon or against the walls of any building or enclosure or to be put up or erected in such other manner as shall be deemed proper, and also to cause such number of lamps of such sizes and types to be provided and affixed and put on such lamp posts and standards as are necessary, for lighting roads:

(e) subject to section 9 (2), to cut and remove from any road and to enter upon and to cut and remove from any private or public lands any tree, or any branch, root or other part of a tree growing on such lands in such proximity to any electric or water line, sewer or drain as to interfere with, endanger or otherwise prejudicially affect the supply by the Board, or a person licensed by the Board pursuant to section 6 (2) or 7 (2), of water or electricity, or facilities for the disposal of sewage;

(f) subject to section 9 (3), whenever it appears necessary to the Board for the protection or conservation of any water catchment area or otherwise to secure adequate and pure supplies of water to any area, with the approval of the Minister to declare by order any area to be a water reserve and to require by notice the owner or occupier of any land in such a water reserve to remove any structure or fill in any pit upon or in his land whether or not lawfully erected or excavated, within such reasonable time as may be specified and if such person fails to do so to carry out the work itself;

(g) to set examinations for and issue licences to electricians;

(h) to do all acts and things necessary for the collection, production, distribution, supply and sale of water to the public for domestic and commercial use in water supply areas;

(i) to establish, operate and maintain a sewage system;

(j) to control, manage, maintain, operate and supervise waterworks and provide in water supply areas (so far as is practicable) an adequate supply of water for the use of the public;

(k) to construct or lay down any waterworks for improving or augmenting the water supply;

(l) whenever in the Board's opinion it may be expedient or necessary for the purpose of conserving the water supply or for extending, altering or repairing waterworks or for the purpose of connecting or repairing water services, to diminish, withhold, suspend or divert (without prejudice to the payment of charges) the supply of water through waterworks;

(m) to manufacture import, export, buy, sell, collect and generally deal in and with electrical water and sewage system equipment of every type.

Compensation.

9. (1) In the exercise of the powers given by paragraphs (c) and (d) of section 8 (2), the Board-

(a) shall not be deemed to acquire any right other than that of user on, in, or over the soil of any enclosed or other land on, through, over or under which it places any of the apparatus, electric and water lines, sewers and drains there mentioned, and should any of the apparatus, electric and water lines, sewers and drains so carried through, over or under any such land become a nuisance or cause a loss to the owner of such land, the Board shall remove such apparatus or alter the positioning thereof to obviate such loss or shall give reasonable compensation as provided by paragraph (b); and

(b) shall reinstate or cause to be reinstated at its expense the road, land or wall and shall do no more damage than is necessary in the circumstances and shall make full compensation to any person interested for all damage sustained by him by reason or in consequence of the exercise of such powers. In the event of disagreement the amount of such compensation may be determined in a court in an action for damages to be brought by the claimant against the Board:

Provided that no compensation shall be payable in respect of any right of user acquired by virtue of paragraph (a).

(2) In the exercise of the powers given by paragraph (e) of section 8 (2), the Board:

(a) shall not, except with the consent of the occupier or in case of emergency, enter upon private lands until after the expiration of 7 days notice of the intended entry to the occupier of such land; and

(b) shall make full compensation to the owner of any tree so cut and for any damage suffered by the owner or occupier in respect thereof and the amount of such compensation may, in the event of disagreement, be determined in a court in an action for damages to be brought by the claimant against the Board.

(3) In exercise of the powers given by paragraph (f) of section 8 (2) the Board shall make full compensation to any person interested for all loss or damage sustained by him in consequence of the exercise of such powers. In the event of disagreement the amount of such compensation may be determined in a court in an action for damages to be brought by the claimant against the Board:

Provided that no compensation shall be payable in respect of any structure or pit erected or excavated in breach of the provisions of this Ordinance:

And provided further that, where the owner of any land affected desires the land to be acquired and a court is of the opinion that such owner has been substantially deprived of the normal use of the land the land shall be so acquired.

Power to delegate.

10. It shall be lawful for the Board, with the approval of the Minister, to delegate to any person any of the powers and duties conferred on the Board by this Ordinance in relation to the carrying out of any activity authorised under section 8.

Powers of entry.

11. Any officer, servant or agent of the Board may, at all reasonable times, and at any time in case of emergency, enter any land for the purpose of-

(a) inspecting and repairing electric and water lines, sewers and drains, and other apparatus belonging to the Board;

(b) ascertaining the quantity and quality of electrical energy or water consumed or supplied to premises;

(c) where the supply of any public utility is no longer required, or where the Board is authorised to discontinue the supply of any public utility to any premises, removing any electric and water lines and other apparatus belonging to the Board;
or

(d) conducting a survey, where it is likely that the Board will wish to exercise any of its powers under section 8 (2) (c), (d), (e) or (f):

Provided that the Board shall repair all damage caused by such entry, inspection or removal.

PART IV

FINANCIAL PROVISIONS

General duty of the Board in financial matters.

12. It shall be the duty of the Board so to exercise its powers and perform its functions under this Ordinance as to secure that the total revenues of the Board are sufficient, taking one year matters with another, to meet its total out-goings properly chargeable to revenue account including depreciation and interest on capital.

Funds of the Board.

13. The funds of the Board shall consist of such moneys as may from time to time be

appropriated to it from the Consolidated Fund by way of loan, grant or subsidy and such other moneys as may lawfully be paid to or raised or borrowed by the Board.

Power to borrow or raise capital.

14. (1) The Board may from time to time, with the approval of the Minister of Finance, 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 Board under this Ordinance;
- (c) the provision of capital for the expansion of and addition to its fixed assets;
- (d) the redemption of any debenture or debenture stock or other security that the Board is required or entitled to redeem; or
- (e) any other expenditure properly chargeable to capital account.

(2) The Board may, from time to time, borrow by way of overdraft or otherwise such sums as the Board may require for meeting its obligations and discharging its functions under this Ordinance.

Application of revenue.

15. (1) The revenue of the Board for any financial year shall be applied in defraying the following charges-

- (a) the allowances of the members of the Board;
- (b) the salaries, fees and remuneration of the officers, agents and employees, and technical and other advisers of the Board;
- (c) working expenses, and expenditures on, or provision for, the maintenance of the property and of any of the works of the Board, and the insurance of the same and the discharge of the functions of the Board properly chargeable to revenue account;
- (d) interest on any debenture and debenture stock or other security issued, and on any loan raised by the Board;
- (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 Board;
- (g) any other expenditures authorised by the Board and properly chargeable to revenue account.

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

Authorised investments

16. Funds of the Board not immediately required to be authorised expended in the meeting of any obligations or the discharge of investments any functions of the Board may be invested from time to time in securities approved by the Minister of Finance.

Tariffs

17. The price to be charged by the Board for public utilities supplied or provided by it to consumers shall be in accordance with such tariffs as may be fixed from time to time by order of the Board after consultation with the Minister.

Charges by agreement

18. Notwithstanding the provisions of section 17, the Board may make an agreement with a consumer as to the price to be charged by it for supplying or providing any public utility and the mode in which such amount is to be ascertained:

Provided that the amount so charged by the Board shall not exceed the limits of price authorised by section 17.

Accounting of Board

19. (1) All decisions, orders, rules and regulations relating to the financial operations of the Board and authorised by this Ordinance shall be made by resolution of the Board at a meeting thereof and shall be recorded in the minutes of the Board.

(2) The Board 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 in such form as the Director of Audit may direct or approve.

(3) The Board shall, before the commencement of each financial year, submit to the Minister a copy of its income and expenditure budget in relation to such year and the Minister shall cause copies of such budgets to be laid before the House of Assembly.

(4) The accounts of the Board shall be examined by the Director of Audit in accordance with the provisions of Part VII of the Public Finance (Control and Audit) Ordinance.

(Cap 79)

(5) Notwithstanding any power of the Board conferred by this Ordinance, where, the Board intends to embark upon any programme for expanding its facilities and services that will involve borrowing moneys required to be guaranteed under the provisions of the Government Borrowing and Guarantee Ordinance or that will require a longer period than 1 year to complete, the Board shall obtain the approval of the Minister of Finance thereto before incurring any liability in respect thereof.

(Cap 39)

Cash deposits and payments

20. (1) All moneys the Board accrues from its operations under this Ordinance shall be paid into some bank or banks appointed by resolution of the Board, and such moneys shall, as far as practicable be paid into the bank from day to day, except such sum as the accountant may be authorised by rules made under section 21 to retain in his hands to meet petty disbursements for immediate payments.

(2) All payments out of the funds of the Board except petty disbursements, not exceeding a sum to be fixed by rules made under section 21, shall be made by the accountant, or, on his behalf, by any other officer appointed by the Board, in accordance with any such rules.

(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 General Manager or any member of the Board or any officer of the Board appointed by resolution of the Board for the purpose, and any such resolution shall be certified by the chairman and forwarded to the bank or banks concerned.

Rules

21. The Board shall by resolution make rules 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 Board 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 Board or an officer of the Board to countersign cheques on behalf of the General Manager or in the absence of the General Manager;

(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 Board; 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 Board.

Annual report.

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

(2) The Minister shall cause a copy of every such report to be laid before the House of Assembly.

Exemption from customs duty and income tax

23. (1) Notwithstanding anything in any other Act or Ordinance contained, all plant, machinery, appliances, apparatus, equipment and materials of every kind whatsoever imported into the Gilbert Islands by the Board for the purpose of carrying out its functions under this Ordinance shall be free of all customs duty, import levy or any other tax having a similar effect.

(2) Notwithstanding anything contained in the Income Tax Ordinance the income of the

Board shall be wholly exempt from payment of income tax.

(Cap 44)

Service contracts with Governments

24. The Board may enter into contracts with Government for service the supply of water or electricity or sewage disposal.

PART V

OFFENCES AND INJURIOUS ACTS

Dangerous and dishonest tampering

25. (1) Any person who-

- (a) so tampers with any part of apparatus belonging to the Board or any person licensed by the Board pursuant to section 6 (2) or section 7 (2) as to cause, or to be likely to cause, danger to any person or to property;
- (b) dishonestly tampers with any meter, or with any part of apparatus related to a meter, so as to prevent the meter from recording correctly the true amount of electricity supplied,

shall be liable to a fine of \$300 and to imprisonment for 6 months.

(2) Where there has been any tampering with a meter or with any part of apparatus related to a meter, such tampering shall be *prima facie* evidence of a dishonest tampering, and the consumer using the meter shall be deemed to have abetted the offence, whether the principal offender has been identified or not, unless he satisfies the court that the offence was committed without his participation or connivance and that he had taken all reasonable precautions to prevent the commission of the offence.

Other offences connected with supply of electricity

26. Any person who, wilfully or negligently -

- (a) causes electricity, to be diverted from its proper course or with supply to be wasted;
- (b) breaks, throws down, causes to fall or damages any electric line, any post, or any apparatus or works connected with the supply of electricity;
- (c) extinguishes, removes, destroys or damages any lamp or street light belonging to the Board,

shall be liable to a fine of \$50 and to imprisonment for 3 months.

Compensation for damage

27. Where any person is convicted of an offence under section 25 or 26 the court may, in addition to any penalty which may be imposed, order him to pay full compensation for the damage he may have done to the Board, and such order may be enforced by the Board as if it were a civil debt.

Occupier liable for wrongful user of service

28. If at any time after the supply of electricity to any premises liable for wrongful user has been cut off by the Board it should be found that the supply of service has been restored without the order of the Board and that electricity is being used by any person, the occupier of such premises shall be deemed (until the contrary is proved) to have authorised such user and shall be liable on conviction to a fine of \$10 for each day electricity has been used.

Felling trees near works

29. (1) It shall not be lawful for any person to trim, cut, or fell any tree the trimming, cutting or felling of which is likely to constitute a danger to any works belonging to the Board unless he shall have delivered to the Board at their offices 24 hours previous written notice of his intention to undertake such trimming, cutting or felling.

(2) Any person who contravenes subsection (1) shall be liable to a fine of \$50 or to imprisonment for 3 months.

Offences connected with supply of water

30. (1) Every person who washes any animal or any clothes, wool, leather or the skin of any animal or any foul or offensive thing or throws or casts any dead animal or any filth, dirt or other foul or offensive thing or who bathes in any water, well, reservoir, aqueduct, tunnel or

water-way made or used to supply water for human consumption, or who causes or suffers the water of any sewer or drain to run or be conveyed into any such water, well, reservoir, aqueduct, tunnel, pipe or water-way, or who causes or permits any other thing whatsoever to be done to the water contained therein whereby or by means whereof the water or any part thereof is or may be soiled, fouled, corrupted or injured shall be liable to a fine of \$50 and imprisonment for 3 months.

(2) Every person who-

(a) without the consent of the Board diverts or takes the water supplying or flowing into any waterworks, or

(b) without the consent of the Board constructs, alters or extends the service in his premises or connects any tap on his premises with the distributory pipes of a waterworks; or

(c) without the consent of the Board, does any act whereby the water from any waterworks is drawn off or diminished in quantity or wasted; or

(d) wilfully moves, breaks or injures any lock, cock, valve, tap, pipe or other appliance forming part of or used in connection with a waterworks; or

(e) being supplied with water by the Board or a person licensed by the Board pursuant to section 7 (2) sells to any other person any such water;

(f) being supplied with water by the Board suffers any stop-cock, pipe or other waterworks on his premises to be out of repair, without giving notice to the Board so that the water supplied to him shall be wasted,

shall be liable to a fine of \$50 or to imprisonment for 1 month.

(3) Any person who within any water reserve declared under the provisions of paragraph (f) of section 8 (2) does anything which is likely to soil, foul or corrupt that water reserve or any part thereof or any source or supply of water therein or thereto, or without the written permission of the Board, erects any dwelling house, shelter, or other structure whatsoever, or digs any pit, or fails to remove any structure or fill in any pit within the time specified in a notice served under the provisions of the said paragraph, shall be liable to a fine of \$100 and to imprisonment for a term of 3 months and, where the structure or, pit was erected or excavated after the water reserve was declared, any expense incurred by the Board in carrying out the removal or filling in shall be recoverable as a civil debt from such person.

Restricting or obstructing, etc. an offence

31. Any person who obstructs, resists or assaults or who assists any person in obstructing, resisting or assaulting any employee of the Board or any other person acting under the provisions of this Ordinance shall be liable to a fine of \$50 or to imprisonment for a term of 3 months.

Offences by corporations

32. Where an offence against any of the provisions of this Ordinance or any regulations made hereunder has been committed by a body corporate, every person who at the time of the commission of the offence was director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

PART VI

MISCELLANEOUS

Power of Minister to give policy directions

33. (1) Subject to subsection (2) the Minister may give to the Board such directions as to the policy to be followed by the Board in the performance of its functions as appear to the Minister to be necessary and the Board shall give effect to such directions.

(2) Where the Board certifies it is of the opinion that it will not be possible to recover from the consumers concerned the costs incurred by the Board in giving effect to a direction given by the Minister under subsection (1) or that to give effect to such a direction will be

impractical, uneconomic or otherwise result in financial loss to the Board, the Board shall not give effect to the direction until the Board is satisfied that provision has been made for the loss up to the maximum estimated by the Board to be born by the Government.

(3) The Board shall furnish the Minister with returns; accounts and other information as he may require with respect to the property and activities of the Board and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

Non-liability for reasonable failure to supply

34. (1) No liability shall be incurred by the Board for any damage to persons or property by reason of any partial or total failure of the supply of electricity which may be due to unavoidable accident, fair wear and tear, overloading due to the unauthorised connection of apparatus, or to the reasonable requirements of the system for the supply of electricity.

(2) No liability shall be incurred by the Board for any damage to persons or property by reason of non-supply of water which may be due to unavoidable accident or to any defect in a pipe or water line or otherwise or by reason of stopping water for the purpose of repairs or alterations to any pipe or water line or other water works or for any other act done in execution of this Ordinance.

Regulations by Minister

35. (1) The Minister after consultation with the Board may make regulations generally for giving effect to the provisions of this ordinance and, without prejudice to the generality of the foregoing, may make regulations in respect to all or any of the following matters, that is to say-

- (a) the methods of determining the charges payable by consumers for the consumption or use of public utilities and the use of facilities for the disposal of sewage;
- (b) the provision and hiring of meters and the charges therefor;
- (c) the conditions under which the supply of public utilities may be discontinued, disconnected or stopped;
- (d) the charges to be made for connecting to, or installing on premises public utilities or appliances used or to be used in connection with public utilities;
- (e) the system and mode of supply of electricity;
- (f) the methods of making application for a supply of public utilities;
- (g) the time, place and manner for the payment of moneys payable under this Ordinance or any regulations made hereunder and the mode of collection;
- (h) the fixing and testing of meters;
- (i) the protection of the property, both real and personal, of the Board and persons licensed by the Board pursuant to sections 6 (2) and 7 (2);
- (j) the prevention of the misuse or waste of electrical energy and water;
- (k) the conditions under which electrical fixtures and fittings may be installed;
- (l) the wiring of buildings and other structures supplied or intended to be supplied with electricity;
- (m) the qualifications to be required and the examination and licensing of electricians;
- (n) the forms of licences to be issued to electricians;
- (o) the fees to be charged in respect of the examination and licensing of electricians;
- (p) the prohibition of the installation of any apparatus for the supply of electricity except by approved contractors;
- (q) regulating the supply of water to consumers;
- (r) the prevention of waste, conservation, misuse and pollution of water and the securing of waterworks from injury of any kind;
- (s) the sanitary control of water reserves.

(2) Any breach of regulations made under this section shall be punishable by a fine not exceeding \$100.

SCHEDULE I

(Section 3 (2))

Appointment of Commissioners

1. (1) The Board shall consist of not more than 8 nor less than 4 Commissioners appointed by notice by the Minister and *ex officio*, the General Manager appointed under the provisions of Schedule 2.

(2) Not more than 3 and not less than 1 of the Commissioners shall be at the time of their appointment employed as public officers.

Chairman

2. (1) The Minister shall appoint one of the Commissioners to be the Chairman of the Board for such period as he may specify.

(2) The Chairman shall keep the Minister fully informed concerning the activities and business of the Board and shall furnish the Minister with such information as the Minister may request with respect to any particular matter relating to the activities and business of the Board.

(3) The Board may by instrument in writing direct that, subject to such conditions as may be specified in that instrument, such of the functions of the Board as may be so specified shall (without prejudice to the performance of those functions by the Board) be performed by the Chairman.

(4) The Minister shall appoint one of the Commissioners to be the Deputy Chairman of the Board for such period as he may specify.

(5) In the case of the absence or inability to act of the Chairman the Deputy Chairman shall perform the functions of the Chairman.

(6) In the case of the absence or inability to act of the Chairman and the Deputy Chairman the Minister may appoint one of the remaining Commissioners to perform the functions of the Chairman.

(7) In the case of the absence or inability to act at any meeting of both the Chairman and the Deputy Chairman the remaining Commissioners shall elect one of their number to act as Chairman at that meeting.

Tenure of office

3. (1) A Commissioner shall, subject to the provisions of this Schedule. Hold office for such period being not less than 2 or more than 5 years as may be specified in the notice appointing him, but shall be eligible for reappointment.

(2) The Minister may at any time revoke the appointment of any Commissioner if he thinks it expedient so to do and if the appointment of the Chairman or Deputy Chairman is so revoked he shall cease to be Chairman or Deputy Chairman as the case may be.

Resignation

4. (1) Any Commissioner, other than the Chairman and a Commissioner who is a public officer, may at any time resign his office by notice in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such notice such Commissioner shall cease to be a Commissioner of the Board.

(2) The Chairman may at any time resign his office by notice in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such notice by the Minister.

Authentication of seal and documents

5. All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Chairman or any member authorised to act in that behalf.

Procedure and meetings

6. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and meeting and times and on such days as the Board shall determine.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within 7 days of a written request to that effect addressed to him

or any 2 Commissioners.

(3) The quorum of the Board shall be 3 including the Chairman or the Deputy Chairman or the Commissioner elected to act as the Chairman as aforesaid.

(4) Minutes in proper form for each meeting shall be kept and shall be confirmed, whenever practicable, at the next meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

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

(6) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

Allowances to members of Board

7. Members of the Board may be paid, out of the funds of the Board, such travelling and other expenses as may be incurred by them in respect of their duties as Commissioners, and, excepting the General Manager and those members who are public officers, an attendance allowance at such rate as may be determined from time to time by the Board.

Protection of Commissioners

8. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of this Ordinance.

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph the Board shall be liable to the extent that it would be if the said member was a servant or agent of the Board.

Declaration of interest of Commissioner

9. If a Commissioner has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Board at which the contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the meeting, disclose to the Board the fact and nature of his interest, and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.

Office of member of Board not public office for the purposes of the Constitution

10. The office of the Commissioner shall not be a public office for the purposes of the Constitution.

SCHEDULE 2

(Section 3 (3))

Appointment of staff of Board

1. (1) The Board shall after consultation with the Public Service Commission appoint a General Manager.

(2) The General Manager shall be the Chief Executive of the Board and shall direct the entire staff and all other administrative and operational functions of the Board.

(3) The Board shall from time to time establish such other posts including that of Accountant as it considers necessary and proper for the due and efficient administration, management and performance by the Board of its duties under this Ordinance and shall, acting on the recommendation of the Public Service Commission, appoint staff to fill these posts:

Provided that the initial establishment shall include posts for those persons who were on the 30th June 1977 members of the staff of the Electricity Division or the Water Division of the Authority who had been notified in writing by the Minister before that date of the proposal to transfer them and such persons shall be deemed to have been transferred on 1st July 1977 to the service of the Board at the same rate of pay and, as near as may be, the same conditions of service as those on which they were employed by the Authority.

(4) The termination of appointment, dismissal and disciplinary control of the staff of the Board shall be vested in the Board, acting on the recommendation of the Public Service Commission.

(5) The Public Service Commission may second to any office in the service of the Board a

public officer and the Public Service Commission may approve the transfer of an officer from the service of the Board to the service of government or from the service of the government to the service of the Board.

Responsibility of certain officers

2. All officers charged with the receipt, accounting for, or disbursements of certain money, or with the custody or delivery of stores, or other property belonging to officers the Board shall be individually responsible for the due and efficient discharge of their respective, and for the exercise of proper supervision of the accounts kept and controlled by them and all the property entrusted to their care, and for the due observance of all rules and regulations and of all orders and instructions prescribed for their guidance.

SUBSIDIARY LEGISLATION

Declaration of electricity supply area under section 5

L.N.54/68

All that part of the Gilbert Islands known as South Tarawa extending from Betio in the west to Bonriki in the east, both places inclusive has been declared an electricity supply area.

Areas declared to be water reserves under section 8(2)(f)

L.N.85/67

1. The area situated at Temaiku, indicated on the ground by 4 masonry beacons marked A, B, C and D respectively, and bounded, as described on a plan No. 3/26 dated 23rd November 1967 and kept in the office of the Board.

L.N. 33/68

2. The area situated between Teaoraereke and Antebuka, indicated on the ground by 4 masonry beacons marked E, F, G and H respectively, and bounded as described on a plan No. 4/26 dated 6th April 1968 and kept in the office of the Board.

L.N. 58/69

3. The area situated at Bonriki and bounded as described in Diagram A on plan No. 5/26 dated 28th May 1969 and kept in the office of the Board.

L.N. 69/69

4. The area situated on the Islet of Betio and indicated on the ground by 4 concrete beacons marked J, K, L and M respectively, and bounded as described on plan No. 6/26 dated 28th May 1968 and kept in the office of the Board.
