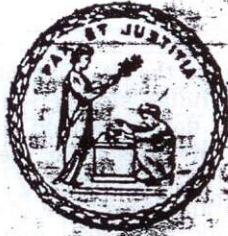


File
Accts. OFFICE

51



SAINT VINCENT

Act. No. 14 of 1973.

I Assent

RUPERT G. JOHN,

Governor.

[L.S.]

30th May, 1973.

AN ACT granting an exclusive licence to the St. Vincent Electricity Services Limited for the supply of electricity, providing for the exercise and performance of functions relating to the supply of electricity and for purposes connected therewith and making provisions with regard to revocation of the licence.

[On "the Appointed Day".]

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent, and by the authority of the same as follows:—

1. This Act may be cited as "the Electricity Supply Act, 1973" and shall come into operation on such date (hereinafter referred to as "the Appointed Day") as shall be appointed in a notice given by the Governor and published in the Gazette.

Short title and commencement.

2. In this Act unless the context otherwise requires—
"the Arbitration Ordinance" means the Arbitration Ordinance, 1952 as the same may be amended or re-enacted from time to time and every reference to any Section of the Arbitration Ordinance, 1952 shall be deemed to be a reference to that Section as the same may be amended or re-enacted from time to time;

No. 10 of 1952.

- “the Company” means the St. Vincent Electricity Services Limited and includes any person duly authorised by the Company to do any act on its behalf;
- “consumer” means any person for the time being supplied with electricity by the Company;
- “debenture” means any debenture, debenture stock, mortgage, bond, security or note issued by the Company and for the time being outstanding;
- “electricity” includes electric voltage, electric current, electric energy and any like energy;
- “electric line” means any wire or conductor used or to be used for the purpose of conveying, transmitting, or distributing electricity or as pilot lines for remote control, protection, metering or telecommunication, together with any casing, coating, covering, tube, pole stay-wire, bracket, pipe or insulator enclosing, surrounding or supporting the same or any part thereof and any transformer, switchgear or other works or apparatus connected therewith for the purpose of conveying, transmitting or distributing electricity or transmitting its voltage and together also with any building or structure required to accommodate any such transformer, switchgear or other works or apparatus;
- “the Government Electrical Inspector” means the official for the time being appointed to the public office of Electrical Inspector in accordance with the constitution of Saint Vincent;
- “the State” means the Island of Saint Vincent, the Island of Bequia and any other of its Islands in the Grenadines to which the provisions of this Act have been applied at any time by Order made under Section 34;
- “land” includes any land under whatever tenure held and any easement, servitude, right or privilege in or over land;
- “local authority” means any authority having municipal or administrative jurisdiction over and within any area in the State;
- “the Minister” means the Minister to whom responsibility for electricity has, for the time being, been assigned;
- “month” means calendar month;
- “person” includes any body of persons, any corporation, any local authority and any Government Department;

“road” means any road or street or part thereof and includes all bridges, culverts, embankments, approaches, drains, verges, pavements, kerbs, footpaths, parapets and other works or things forming part of any road or street;

“tree” means a tree, bush or shrub;

“undertaking” means the Company’s electricity undertaking in the State;

“unit” means one kilowatt-hour, as registered on a meter provided by the Company;

The singular includes the plural and vice versa, and the masculine includes the feminine.

3. Subject as hereinafter provided, the Company shall have a sole and exclusive licence to generate, transmit, distribute and sell electricity in the State during the period of 60 years next following the Appointed Day. **Grant of licence.**

4. With the consent of the Minister the Company may authorise in writing any person during the whole or any part of the period of the licence to generate, transmit, distribute and sell electricity upon the terms and conditions and within the area specified in such authority (any person so authorised being hereinafter referred to as “a sub-licencee”). **Sub-licences.**

5. (1) During the continuance of the licence no person except the Company shall generate (save for his own consumption and use), distribute or sell electricity within the State provided that a sub-licencee shall be at liberty, during the period stated in the written authority granted to him by the Company, to generate, distribute and sell electricity upon the terms and conditions and within the area specified in such authority. **No person shall generate etc. electricity.**

(2) Any person contravening the provisions of sub-section (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a period not exceeding six months, and in addition thereto he may be ordered by any Court having summary jurisdiction to dismantle his equipment at his own expense within such time as such Court may prescribe and, if he shall fail to obey the order of such Court within the prescribed time, such Court shall order the equipment to be forthwith dismantled by the Company and shall order such person to pay to the Company its reasonable charges for dismantling such equipment.

Type of supply. 6. (1) The voltage of electricity supplied for domestic or lighting purposes shall be 240 volts and this shall be maintained by the Company within plus 4% and minus 8% (measured at the consumer's terminals) of such voltage.

(2) The frequency of electricity supplied for any purpose shall be 50 cycles per second and this shall be maintained within plus and minus 3% of such frequency.

(3) The systems of distribution of electricity shall be 3 phase 4 wire for 400 volts between lines and 230 volts between lines and neutral, and/or single phase 2 wire for 230 volts between lines with one line earthed and designated "the neutral" all or any of such systems to be used, the choice in any particular case being by the Company according to load conditions and the most economical method of supply: provided that any consumer may by agreement with the Company be supplied with electricity at a voltage in excess of 400 volts and step this down in his own transformers to any voltage for the time being approved by the Government Electrical Inspector.

(4) It shall be the duty of the Company to take all practicable steps to ensure that the supply of electricity to any consumer shall be regular and efficient.

(5) Overhead power line design shall be at the Company's option, but shall comply with the approved British Standard in force at the time of construction.

Charge. 7. (1) Subject as hereinafter provided the Company shall be entitled to charge for electricity supplied at its tariff rates for the time being in force; for the avoidance of doubt it is hereby declared that the tariff rates for the time being in force in any part of the State may be at different rates from those then in force in any other part of the State.

(2) Subject to the provisions of sub-sections (3) to (8) of this section, the tariff rates in the Island of Saint Vincent applicable to electricity the consumption of which is measured by reading of meters carried out after the Appointed Day will be the rates set out in Part I of the First Schedule hereto and the tariff rates in the Island of Bequia so applicable will be the rates set out in the Second Schedule hereto; subject as aforesaid, the tariff rates in any Island of Saint Vincent in the Grenadines applicable to electricity the consumption of which is measured by reading of meters carried out on or after the date, when, in accordance with any Order made by the Governor under section 34, the provisions of this Act are applied

to that Island, will be the rates prescribed by the Governor with the concurrence of the Company and published in the Gazette.

(3) The Minister or the Company will be at liberty from time to time to serve on the other of them a notice in writing proposing that the tariff rates for the time being in force be varied in the manner specified in the notice or in such other manner as may be agreed in writing between them or as may be determined by arbitration in accordance with the provisions of sub-section (6) of this section.

(4) If, during the period of 60 days following the service by either the Minister or the Company of any such notice, the other of them approves in writing the variation proposed in the notice or both of them agree in writing some other variation, the variation so approved or agreed will take effect in the manner prescribed in sub-section (7) of this section.

(5) If, during the aforesaid period of 60 days following the service by either the Minister or the Company of any such notice, the other of them fails to approve in writing the variation proposed in the notice, or they fail to agree in writing some other variation, then, the nature of the variation (if any) will be determined by a single arbitrator appointed in accordance with the provisions of sub-section (1) of section 30.

(6) In determining whether any or what variation of the tariff rates should be made the arbitrator shall have regard—

- (a) to the principle that the Company's revenues must be sufficient to enable the Company—
 - ii (i) to meet all expenses incurred in the production of such revenues, including depreciation of assets and interest on indebtedness, and
 - (ii) to repay its indebtedness, and
 - (iii) to provide for such proportion of the cost of replacement of its assets as is not already provided under sub-paragraph (i) of this paragraph, and
 - (iv) to provide a reasonable proportion of the capital cost of expanding its undertaking to meet any demand for an increased service to the public, and
 - (v) to pay regular dividends on its share capital at a commercial rate; and

(b) to the fair apportionment of charges between different categories of consumers.

(7) Subject to the provisions of sub-section (6) of this section and subject to any further variation or temporary variation that may be made pursuant to this section, any variation approved, agreed or determined pursuant to this section shall apply to all electricity to which it relates, the consumption of which is measured by the Company by reading of meters carried out on or after the first day of the calendar month next following the expiry of 150 days from the date when the notice which led to the variation was served under sub-section (3) of this section.

(8) This section shall not apply to electricity supplied or to be supplied for street lighting.

Supplies to the Government.

8. (1) Whenever required so to do, the Company shall enter into a contract for the supply of electricity to the Government for the Government's own use and consumption at any place in the State which is within 100 ft. of any distributing main of the Company.

(2) The Company may charge the Government for electricity so supplied in any such area at the tariff rates for the time being in force in such area less a discount at the rate of 10%.

(3) The provisions of this section shall not apply to electricity supplied or to be supplied for the purpose of street lighting.

Electricity for street lighting.

9. (1) Whenever required so to do the Company shall enter into a contract to supply the Government or any local authority with street lighting in any area in the State for the time being supplied with electricity by the Company.

(2) The company shall be entitled to charge for electricity supplied for street lighting and for the hire of street lamps (and associated fittings and equipment) on the basis that, subject to the payment by the consumer of such minimum annual amount as may be agreed in writing between the consumer and the Company, the consumer will pay such monthly sum as may be agreed as aforesaid per street lamp of a specified type and output rating for the time being comprised in the street lighting system in question.

Company may require deposit.

10. The Company may require any consumer to deposit with the Company a sum of money estimated to be equivalent

to the cost of 60 days electricity consumption by way of security for the payment of any money from time to time due by such consumer to the Company; such sum of money shall be placed to the credit of a deposit account in such consumer's name in the books of the Company together with such interest as may accrue, the interest rate to be decided by the Company.

11. (1) Whenever requested to do so by any consumer and after payment of a testing fee of \$2.50 by such consumer the Company shall test the meter registering the electricity supplied to such consumer against a standard meter and supply the consumer with a certificate showing the result of the test. If the result of the test shows that the meter is registering more than 3% above or below the registration of the standard testing meter the Company shall replace the meter in question and shall refund to such consumer the testing fee paid by him.

Consumer may
require Company
to test metres
and voltage.

(2) The Government Electrical Inspector shall be entitled to supervise any test carried out pursuant to the provisions of the preceding sub-section.

(3) Any consumer may on payment of a testing fee of \$2.50 require the Government Electrical Inspector to test the voltage and frequency of the electricity supplied to such consumer and the Government Electrical Inspector shall within a reasonable time carry out such test and supply the consumer with a certificate showing the result of the test. If the result of the test shows that the voltage and frequency are substantially incorrect the Company shall refund to such Consumer the testing fee paid by him.

12. During the continuance of the licence, all plant, machinery, equipment, meters, instruments, vehicles, materials and consumable stocks imported by the Company for the purpose of the Company's business of generating, transmitting, distributing or supplying electricity shall be exempt from all customs and other import duties and landing tax: Provided however that such exemption shall not apply to any plant, machinery, equipment, meters, instruments, vehicles, materials and consumable stocks imported by the Company for resale or hire or for the private use of any of the Company's employees.

Duty free
importation
of goods.

13. For the purpose of ascertaining the chargeable income of the Company for tax purposes, the Company shall be entitled to elect whether or not to claim initial allowances on capital expenditure incurred in the basic year for any year of assessment.

Initial
allowances.

Income tax
concession.
No. 21 of 1967.

14. (1) Notwithstanding the provisions of the Income Tax Ordinance, 1967; or any Act amending or replacing the same—

- (a) the rate of tax chargeable on the Company in respect of its profits or any part of them shall be at the rate of 32%, and
- (b) the rate of tax chargeable on any shareholder or debenture holder of the Company in respect of any dividends or interest paid by the Company shall be at the rate of 32%.

(2) The Company shall not be liable to pay any other tax based on income received or profits earned during the period of ten years beginning on the Appointed Day.

Erection of
electric lines
etc. and entry
upon land.

15. (1) The Company may—

- (a) subject to the provisions of sub-sections (4) and (5) of this Section, erect or instal in, on, under or over any land any poles, electric lines, conductors, sub-stations, pipelines, cables or other works or apparatus used or to be used in the installation or working of the undertaking;
- (b) keep in being and use any poles, electric lines, conductors, sub-stations, pipelines, cables or other works or apparatus erected or installed pursuant to the Hydro-Electric Ordinance, 1951, in, on, under or over the land of any other person;
- (c) alter, substitute, repair or remove any such pole, electric line, conductor, sub-station, pipeline, cable, works or apparatus erected or installed pursuant to this Act or the Hydro-Electric Ordinance, 1951, at all times when, in the opinion of the Company, the same may be necessary or desirable.

(2) Subject as aforesaid, the Company for the purpose of erecting, installing, altering, substituting, repairing or removing any such pole, electric line, conductor, sub-station, pipeline, cable, works or apparatus may enter upon any land and may—

- (a) clear such land;
- (b) dig the soil and remove the surface of such land;
- (c) temporarily close or obstruct such land; and

(d) generally do all acts and things necessary for such purpose.

(3) For the avoidance of doubt, it is hereby declared that a change in the ownership of any estate or interest in land in, on, under or over which any pole, electric line, conductor, sub-station, pipeline, cable or other works or apparatus has been erected or installed pursuant to this Act or the Hydro-Electric Ordinance, 1951, shall not oblige the Company to remove the same or to serve any further notice in relation to the same pursuant to this section. No. 24 of 1951.

(4) Before erecting or installing any poles, electric lines, conductors, sub-stations pipelines, cables or other works or apparatus on any private land the Company shall give notice in writing of its intention to do and of the nature and of the position of the works so to be done to the owner or occupier of such land and if the owner or occupier cannot be ascertained then such notice shall be posted conspicuously on the land in question, and the Company shall have due regard to the reasonable wishes of the owner or occupier in respect of the location of any such erection or installation.

(5) If the owner or occupier of land shall, within seven days from the service or posting of a notice such as is referred to in sub-section (4) of this Section, give notice in writing to the Company of his objection thereto, the Company shall notify the Minister of such objection and the Minister shall as soon thereafter as is possible consult with the Company and the objector (unless he considers that such consultation is unnecessary) and give a direction—

- (i) that the Company may carry out its proposal without condition; or
- (ii) that the Company may carry out its proposal subject to conditions as to the form or location of the installation; or
- (iii) that the Company may not carry out its proposal.

16. (1) In the course of construction and for the more effective working of the undertaking, the Company may enter upon and remove from any public or private land, any tree or any branch, bough or other part of a tree growing on such land within 100 feet of any electric line and which may tend to interfere with, endanger or otherwise prejudicially affect the working of the undertaking; but the Company shall not, except with the consent of the owner or occupier of such land, enter upon any Trees and buildings.

private land under the provisions of this section until after the expiration of seven days' notice in writing given to the owner or occupier thereof or posted up conspicuously thereon. If such owner or occupier shall, within seven days from the service or posting up of such a notice, give written notice of his objection thereto, the matter shall be referred by the Company to the Minister. The Company shall not enter upon the private land in question if the Minister shall, within 30 days of being notified by the Company of any such objection as aforesaid, so direct: Provided that where any condition exists which is dangerous or is interrupting, or threatens to interrupt, the supply of electricity in the State or any part thereof, the Company may immediately enter upon any private land without the consent of the owner or occupier thereof and take whatever action is necessary to establish safe conditions or to ensure the continuity of the supply of electricity. Whenever the Company takes action under the terms of this proviso the Company shall within three days inform the owner or occupier of the land in question (either by service of a written notice on him or by posting up conspicuously a notice on such land) of the action taken.

(2) Except with the written consent of the Company no person shall erect any building or structure in such a position or manner as may interfere with the supply of electricity through any overhead electric line which belongs to the Company; if after any such overhead line has been constructed, any person erects any building or structure which interferes with or which may interfere with the proper working of such line, the Company may request the owner or occupier of the building or structure in question to remove or adjust the same as may be necessary. If such owner or occupier fails to comply with such request, the Company may apply to the Minister for the removal or adjustment of the building or structure in question and, after making any such enquiry as he may deem necessary, the Minister may make such order as he deems fit. Every such order may, by leave of a Judge of the High Court of Justice, be enforced in the same manner as an injunction granted by him.

Offence of
obstructing the
Company

17. Any person who without due cause obstructs or attempts to obstruct the Company in the lawful performance of any of the powers conferred on the Company by section 15 or sub-section (1) of section 16 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars, or to imprisonment for a period not exceeding six months.

18. Any person who fells, lops or trims any tree thereby causing damage to any electric line or other works or apparatus which forms part of the undertaking shall be guilty of an offence and shall in addition to any penalty that may be imposed on him, be liable to pay the expense of remedying the damage so caused: Provided however that the Company whenever requested by any owner of land so to do shall fell, lop or trim any tree on such owner's land which is threatening to damage any such electric line or other works or apparatus.

Damage caused
by lopping
trees.

19. (1) If any person knowingly and without legal right abstracts or causes to be extracted, or diverts or causes to be diverted, any electricity, or consumes or uses any electricity, which has been unlawfully abstracted or diverted such person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding twelve months.

Stealing
electricity.

(2) If any person without legal right wilfully disconnects, damages or removes or suffers to be disconnected, damaged or removed any electricity line, meter switch, fuse or other works or apparatus belonging to the Company, or alters the index of any meter belonging to the Company, or otherwise prevents any such meter from correctly registering any quantity of electricity supplied by the Company, such person shall be guilty of an offence and for every such offence he shall be liable on summary conviction to a penalty not exceeding one hundred and fifty dollars for the first offence and not exceeding two hundred and fifty dollars for any such subsequent offence, and without prejudice to the foregoing, the Company may recover from such person the amount of any damage by it sustained and may also (notwithstanding any agreement or contract previously existing) discontinue any supply of electricity to such person.

(3) If upon any premises or land in the occupation of a consumer having effective custody or control of a meter or installation there is connected or adjacent to any electric line or meter any wire or device capable of wrongfully abstracting, diverting, consuming, or using electricity or of preventing any meter from correctly registering any quantity of electricity supplied by the Company, the existence of such wire or device shall be accepted by a Court as prima facie evidence that such consumer has without legal right abstracted or diverted electricity or (as the case may be) has without legal right wilfully prevented a meter from duly registering any quantity of electricity supplied by the Company.

1973/1/1/1
1973/1/1/1
1973/1/1/1
1973/1/1/1

(4) If any apparatus or equipment and/or installation belonging to a consumer supplied or to be supplied with electricity by the Company is found to have a lagging power factor of less than 0.8 or a leading power factor in excess of 1.0 in phase relationship between Kilowattamperes and Kilowatts then the Company may request the consumer in writing to provide and install at the consumer's expense such power factor correcting equipment necessary to maintain the resultant power factor of the apparatus, equipment and/or the installation within the required limits.

Should the consumer not comply with the Company's request within the period stated by the Company, then the electricity supply may be disconnected or not connected as the case may be until the apparatus, equipment and/or the installation meets with the Company's requirements.

Power of entry
for ascertaining
quantity of
electricity
consumed.

20. The Company may at all reasonable times enter upon any land or premises to which electricity is or has been supplied by the Company for the purpose of inspecting, testing or maintaining the electric lines, meters, accumulators, fittings and other works and apparatus thereon belonging to the Company, or of ascertaining the quantity of electricity consumed or supplied in or to such premises or, where a supply of electricity is no longer required or where the Company is entitled to take away and cut off the supply of electricity from any such land or premises, for the purpose of removing any electric lines, meters, accumulators, fittings, or other works or apparatus belonging to the Company: Provided that the Company shall repair all damage caused by any such entry, inspection, maintenance or removal and provided further that should anyone wilfully or maliciously place or erect anything which impedes or hinders the entry, inspection, maintenance or removal by the Company of its property the Company shall be at liberty to remove the impediment or hinderance in question at the cost of the occupier of the land or premises in question and the Company shall not be responsible for any damage caused thereby.

Electric lines
etc. not
distrainable
or subject to
execution.

21. Where any electric lines, meters, accumulators, fittings, or other works or apparatus belonging to the Company are placed for the purpose of supplying or measuring electricity in or upon any land or premises not being in the possession of the Company, such electric lines, meters, accumulators, fittings or other works or apparatus shall not be subject to distress or to

the landlord's remedy for rent of the land or premises where the same may be, nor shall the same be liable to be taken in execution under any process of a Court of Justice, or under any proceeding in bankruptcy or insolvency.

22. If any consumer shall be in default with any payment due by him to the Company in respect of electricity the Company (without prejudice to any other remedy available to it) shall be at liberty to discontinue the supply of electricity to such consumer until such time as such payment together with the Company's reasonable charges for the reconnection of such consumer's electricity services have been paid.

Non-payment
of electricity
charges.

23. (1) It shall be lawful for the Company, subject to the Company making good to the reasonable satisfaction of the Minister all damage occasioned thereby, to erect, instal or replace along or under or over any road in the State without payment of any way-leave rent, fee or other charge, any poles, electric lines, conductors, sub-stations, pipelines, cables or other works or apparatus, to remove or repair all or any of the same to retain all or any of the same already so erected or installed without payment as aforesaid, and in connection with any such erection, installation, replacement, removal or repairs to break up, excavate and temporarily obstruct any such road.

Company may
run lines etc. on
roads without
charge.

(2) Whenever the Company breaks up or excavates any road, it shall with all convenient speed complete the work for the purpose of which the road was broken up or excavated. Where a road has been broken up or excavated, the Company shall make the same good to the reasonable satisfaction of the Minister and shall carry away the rubbish occasioned thereby. Until the road has been made good, the Company shall fence the road where it has been broken up or excavated and shall maintain during the hours of darkness a light sufficient to warn persons using the road of the danger constituted by the breaking up or excavation. At any place where a road has been broken up or excavated by the Company, the Company shall keep the same in good repair for three months after it has been made good and for such further period (if any) not exceeding twelve months as the sub-soil of the road at that place shall continue to subside.

24. (1) In the exercise of any powers conferred upon it by this Act, the Company shall cause as little inconvenience and damage to other persons as is reasonably practicable and the Company shall pay compensation to any person who suffers damage to his property in consequence of the exercise of such powers by the Company.

Payment of
compensation.

(2) The amount of such compensation shall, failing agreement, be determined by a single arbitrator appointed in accordance with the provisions of sub-section (2) of section 30.

(3) If by reason of the presence of any pole, electric line, conductor, sub-station, pipeline, cable or other works or apparatus belonging to the Company which is alongside or under or over any road any person shall be injured or shall suffer damage to his property, the Company shall save harmless and keep indemnified, in respect of such injury or damage, the person by whom such road is repairable.

Company may harness water.

25. (1) The Company shall have the right to harness water power throughout Saint Vincent at such sites as Government reserves for public electricity supply purposes whether on Crown or private lands without payment for water rights: Provided that this right shall not be so employed as to prohibit the use of existing water wheels or hydraulic turbines by their owners nor to abrogate the right of anyone to use the water power of that part of any river within the confines of his property, where this has not previously been reserved for public electricity supply purposes.

(2) The Government shall reserve for the generation of electric energy by hydro-electric works for public electricity supply purposes the water power rights of—

(i) The Colonarie River from its sources to the point where the intake to the Bellevue Canal is situated;

(ii) The Richmond River from its sources to the point of intake to the headworks of the Richmond River hydro-electric scheme;

and no development for any other purpose of those stretches of the above rivers or their tributaries shall be allowed.

(3) The Government shall declare the watershed of the Colonarie River and the Richmond River to be Forest reserve and shall take effective action to maintain, protect and improve the forest cover in the areas reserved throughout the whole time that this licence continues in force.

Government to assist Company to acquire land required by the Company.

26. The Government shall at request of the Company take all such steps as may be available to it to assist the Company in acquiring any land reasonably necessary to the Company in connection with its business of generating, transmitting, distributing and supplying electricity in the State.

27. The Government may, in its discretion, on being requested by the Company so to do, transfer to the Company the freehold title of any Crown land reasonably required by the Company for the purpose of the Company's said business and in such event the transfer shall be at a price equal to the value of such land on the open market or at such lesser price as the Government may in its sole discretion determine.

Government may transfer Crown land required by Company.

28. (1) The Governor shall be entitled to revoke the licence on the last day of the first fifteen years of the licence or, if not revoked then pursuant to this section, on the last day of the first forty years of the licence, provided always that no purported revocation of the licence under this sub-section will be effective unless the Minister has given to the Company not less than twenty-four months' previous notice in writing of such revocation.

Power of Government to revoke licence at the end of 15 or 40 years.

(2) If pursuant to the foregoing provisions of this section the Governor revokes the licence, the Government shall, upon the revocation of the licence, purchase from the respective registered holders thereof at the price and in the manner described in section 29 all shares and debentures issued by the Company which are then held otherwise than by or on behalf of the Government, any statutory corporation incorporated under the laws of Saint Vincent or any company the entire issued ordinary share capital of which is for the time being in the beneficial ownership of the Government or of any such statutory corporation.

29. (1) The Government shall pay to the respective registered holders of all debentures issued by the Company, which the Government is obliged to purchase in accordance with the provisions of section 28, a purchase price equal to the amount of the principal moneys outstanding on the debentures held by them respectively at the date of the revocation of the licence together with all unpaid interest which has accrued thereunder up to such date.

Purchase price to be paid by Government on revocation of licence.

(2) The Government shall pay to the respective registered holders of all Preference shares issued by the Company, which the Government is obliged to purchase in accordance with the aforesaid provisions, a purchase price equal to the amount paid up on the preference shares held by them respectively at the date of the revocation of the licence together with the amount of any premium due on the redemption thereof

and together also with a sum of money equal to the aggregate of the arrears (if any) of any fixed cumulative dividend (if any, and whether earned or declared or not) on the Preference shares held by them respectively and the proportion of the dividend on such shares (whether earned or declared or not) attributable to the proportion of the then current financial year of the Company which has expired at the date of the revocation of the licence.

(3) If pursuant to section 28 the Governor revokes the licence on the last day of the first fifteen years of the licence, the Government shall pay to the registered holders of all Ordinary shares in the capital of the Company, which the Government is obliged to purchase in accordance with the aforesaid provisions, a purchase price equal to that proportion of the aggregate of—

(a) the net value of the Company's assets at the date of the revocation of the licence, calculated in accordance with the provisions set out in Parts I and II of the Third Schedule to this Act; and

(b) a sum of money calculated in accordance with the provisions set out in Part III of the Third Schedule to this Act;

Third Schedule.

which the aggregate amount paid up on the Ordinary shares being purchased from the registered holders hereof bears to the aggregate amount paid up on the whole of the Company's issued Ordinary shares capital at the date of the revocation of the licence, such purchase price to be divided among such registered holders in proportion to their holdings of such shares.

(4) If pursuant to section 28 the Governor revokes the licence on the last day of the first forty years of the licence, the Government shall pay to the registered holders of all Ordinary shares in the capital of the Company, which the Government is obliged to purchase in accordance with the aforesaid provisions, a purchase price equal to that proportion of the net value of the Company's assets at the date of the revocation of the licence (such net value being calculated in accordance with the said provisions set out in Parts I and II of the Third Schedule to this Act) which the aggregate amount paid up on the Ordinary shares being purchased from the registered holders thereof bears to the aggregate amount paid up on the whole of the Company's issued Ordinary share capital at the date of the revocation of the licence, such purchase price to be divided as aforesaid.

(5) Any purchase price payable by the Government in accordance with the foregoing provisions of this Act for any shares or debentures of the Company shall be paid before the expiry of one year from the date of the revocation of the licence and shall bear interest, such interest to be calculated from such date until payment at the rate of 8½ per cent per annum and to be payable half-yearly.

(6) If the Governor shall serve upon the Company a valid notice revoking the licence, the Company shall not thereafter, except with the previous written consent of the Governor, issue any share or debenture.

(7) If any disagreement shall ever arise as to the correct amount of the purchase price to be paid by the Government to any shareholder or debenture holder of the Company in accordance with the foregoing provisions of this Act, the amount to be so paid to the shareholder or debenture holder in question shall be determined by a single arbitrator appointed in accordance with the provisions of sub-section (1) of section 30.

30. (1) On any reference to arbitration under section 7 or section 29 the arbitrator shall be appointed by agreement between the Governor and the Company or in default of such agreement shall be the Puisne Judge assigned to the State of Saint Vincent in accordance with the West Indies Associated States Supreme Court Order, 1967. Appointment
of Arbitrator

(2) On any reference to arbitration under section 24 the arbitrator shall be appointed by agreement between the person claiming compensation and the Company or, in default of such agreement, by the Registrar of the High Court of Justice.

31. (1) Save as otherwise provided in this Act and save where inconsistent with the provisions of this Act, the Arbitration Ordinance, 1952 shall apply to every reference to arbitration under this Act. Arbitration
proceedings.
No. 10 of 1952.

(2) Upon any reference to arbitration under section 7 or section 29 of this Act in relation to which the arbitrator has been appointed by agreement between the Governor and the Company, the arbitrator may of his own motion and shall if requested by either party state any question of law arising in the course of the reference to him, in the form of a special case for the decision of the Court and an appeal shall lie to the Court of Appeal from any such decision but save as aforesaid,

sections 1 and 31 of the Arbitration Ordinance 1952 shall not apply to any reference to arbitration under section 7 or section 29 of this Act.

(3) Upon any reference to arbitration under section 7 or section 29 of this Act, in relation to which the arbitrator is the Puisne Judge assigned to the State of Saint Vincent—

(a) sub-sections (1) and (2) of section 11, sub-section (1) of section 12, sub-section (1) of section 13, section 19 and section 33 of the Arbitration Ordinance, 1952 shall not apply;

(b) the arbitrator may of his own motion and shall if requested by either party state any question of law arising in the course of the reference to him in the form of a special case for the decision of the Court of Appeal and in relation to such special case stated the Court of Appeal shall have the same powers as would be exercised by the High Court in relation to a special case stated under sub-section (2) of this section;

(c) Any powers exercisable under the Arbitration Ordinance, 1952, by a Judge of the High Court, which powers are not excluded under or by this Act or which are not exercisable by the Court of Appeal under this Act shall be exercisable by a Judge of the High Court, whether or not he is the arbitrator.

Exemption from
stamp duties
etc.

32. The Company shall be granted such exemption from payment of stamp duties as may have been or may be provided for by an agreement of the Company and Government. The grant of such exemption and the particulars thereof shall be evidenced by a certificate under the hand of the Minister.

General penalty.

33. Any person found guilty of an offence under this Act for which no special penalty is provided by this Act shall be liable on summary conviction to a fine not exceeding one hundred and twenty dollars or to imprisonment for a period not exceeding six months.

Application of
Act to other
part of the
State.

34. The Governor may by Order published in the Gazette apply the provisions of this Act to any Island of the State of Saint Vincent in the Grenadines other than the Island of Bequia.

Regulations.

35. (1) After consultation with the Company and after

considering any representations made by the Company or by any other interested party the Governor may make Regulations—

- (a) for the safety of the consumers and of the public generally and for the protection of consumers and of the public generally against personal injury or damage to property arising from the generation, supply or use of electricity;
- (b) to provide for enquiries to be held in connection with any accident which is or may be attributed to an escape of electricity or to the state or conduct of any part of the undertaking;
- (c) conferring or imposing upon any sub-licensee powers, privileges, obligations and restrictions similar to those imposed or conferred upon the Company by this Act otherwise than by sections 3, 4, 7, 12, 13, 28, 29, and 32;
- (d) for the purpose of preventing or minimising radio interference or electrical interference arising from the generation, transmission, distribution or use of electricity;
- (e) prescribing the qualifications of electrical engineers, chargemen, wiremen, and contractors;
- (f) for the examination, licensing and registration of electrical engineers, chargemen, wiremen, and contractors and for the grant of certificates of competency and of registration;
- (g) prescribing the forms of certificates of competency and registration for electrical engineers, chargemen, wiremen and contractors;
- (h) prescribing the fees to be charged in respect of the examination for electrical engineers, chargemen, wiremen and contractors;
- (i) prescribing the forms of certification of inspection to be issued by electrical inspectors, the fees to be charged for inspections to be made by such inspectors and the persons by whom such fees shall be paid;
- (j) prescribing conditions, required by the Company, upon which and subject to which the Company will supply electricity.
- (k) prescribing the procedure for resolving disputes existing before the Appointed Day;

(1) for any other purpose necessary to carry out the provisions of this Act.

(2) All such Regulations shall be published in the Gazette and shall have the force and effect of law.

(3) Regulations may contain provision that certain breaches thereof shall be offences punishable on summary conviction and prescribing penalties for such offences, but no offence against the Regulations shall attract a penalty or a fine exceeding two hundred and forty dollars or a penalty of imprisonment exceeding three months.

S.R. & O. No. 38
of 1969.
No. 24 of 1951.

(4) Until revoked by Regulations made under this Act the Electricity Rules, 1969 made under the Hydro-Electric Ordinance 1951 shall remain in force as part of the laws of Saint Vincent.

Government
Electrical
Inspector.

36. (1) There shall be a post of Government Electrical Inspector.

(2) The Government Electrical Inspector shall enforce any Regulations from time to time made under this Act and he shall have the right at all reasonable times to enter, for the purpose of inspecting or testing any electric line or any electrical apparatus or works, upon any land or premises to which electricity is supplied or upon which electricity is generated, transmitted or distributed.

Repeal.
No. 24 of 1951.

37. Without prejudice to Section 35 (4) of this Act, the Hydro-Electric Ordinance, 1951 is hereby repealed.

THE FIRST SCHEDULE

(Section 7)

ISLAND OF SAINT VINCENT.

With effect from the Appointed Day the Company's tariffs will be as follows:—

PART I

Lighting Rate: Applicable to all electricity supplied for electric light (other than electric light consumed on premises used exclusively for private residential or commercial purposes) and

other than Street Lighting provided by Government or other Local Authority—22 cents per unit provided that the minimum monthly charge to any consumer shall be \$1.50.

Domestic Rate: Applicable to all electricity consumed on premises used exclusively for private residential purposes.—

The first 20 units at 10 cents per unit, the next 60 units at 15 cents per unit and any units over that amount at 7 cents per unit. The minimum Monthly Charge to be \$1.50.

Commercial Rate: Applicable to all electricity supplied to premises where the lighting, domestic or industrial power rates are not applicable: the First Block equal to the floor area of the premises in square feet divided by 50 at 20 cents per unit: A Second Block of the next 4,000 units at 9 cents per unit and the remainder of any units consumed at 6 cents per unit.

The Minimum Monthly Charge to be the charges as per the First Block.

Note. For the purpose of the foregoing provisions of this paragraph the floor area of such commercial premises shall be deemed to be the total floor area of such premises, including verandahs, patois (whether roofed or not) kitchens, service areas, staff quarters and out buildings (but not gardens, paths, roads, parking areas or yards) to which the Company has agreed to supply electricity.

Industrial Power Rate: Applicable to all electricity supplied to any premises on which they are installed for the purpose of industry, electric motors having an aggregate maximum power output rating of not less than 5 h.p. and not normally in use between the hours of 6.00 p.m. and 10.00 p.m.

A basic charge of \$2.00 per month for each kilowatt comprised in the maximum power output rating of all motors and appliances connected at any time during such month at the consumer's premises (for this purpose any portable appliances being deemed to be connected) plus an Energy Charge of 6 cents per unit consumed, provided that the Minimum Monthly Charge to any consumer shall be the basic charge.

Note: For the purpose of the foregoing provisions of this paragraph one horse power shall be deemed to equal three-quarters of one kilowatt.

SECOND SCHEDULE (Section 7)

ISLAND OF BEQUIA

DOMESTIC RATE:

Applicable to all residential houses.

First Block — For all units consumed per month up to a maximum of 30 units @ 20¢ per unit

Plus Second Block—Remaining number of units @ 12¢ per unit
Minimum charge per month \$1.50.

COMMERCIAL RATE:

Applicable to premises where the domestic rate does not apply.

Service charge —\$2.00 per month

Plus First Block —All units consumed per month up to a maximum of 30 @ 20¢ per unit

Plus Second Block —Next 500 units consumed per month @ 10¢ per unit

Plus Third Block —Remaining number of units consumed per month @ 8¢ per unit.
Minimum charge per month \$2.50.

THE THIRD SCHEDULE (Section 29)

PART I

The net value of the Company's assets shall be deemed for the purpose of section 29 to equal the aggregate of—

(a) the amount of the Company's cash in hand or at bank and the value in the open market of the Company's other current assets;

(b) the value in the open market of the Company's investments and of all land of whatever tenure of the Company as if such land were unencumbered with any buildings

plant, works and fixtures erected thereon or affixed thereto: Provided that the value of any land transferred by the Government free of all costs pursuant to clauses 10 and 11 of an agreement in the form of the draft set out in the Schedule to the Hydro-Electric Ordinance, 1951, shall be ignored for this purpose;

- (c) an amount equal to the useful life value of each fixed asset of the Company (exclusive of investments and land but inclusive of buildings, plant, works and fixtures erected on or affixed to land, motor vehicles, furniture, office equipment, tools, workshop equipment and other movables) such useful life value being determined by dividing the estimated replacement cost on site of the fixed asset in question by the number of years comprised in the amortisation period shown in Part II of this Schedule opposite to the category of the asset in question and multiplying the same by the number of years of estimated useful life which remained in that asset at the date of revocation of the licence;

after deducting from such aggregate the amount of the Company's debts and other liabilities at such date (contingent liabilities and claims being assessed for this purpose in such manner as may be fair and reasonable) and the amount of all moneys paid up on such date on any Preference shares of the Company and of any arrears on such date of any fixed cumulative dividend thereon.

PART II

Category of asset	Amortisation period
Concrete and steel buildings and civil engineering works	40 years
Buildings and other works of other materials	15 years
Pipelines and storage tanks	30 years
Hydraulic and steam turbines	25 years
Electric generators, motors and other rotating electric machinery	20 years
Internal combustion engines (under 800 r.p.m.)	15 years

Internal combustion engines (over 800 r.p.m.)	.....	.....	.....	10 years
Electric switchgear and instruments	.....	.....	.....	15 years
Electricity meters	.....	.....	.....	10 years
Transformers	.....	.....	.....	20 years
Transmission and distribution lines	.....	.....	.....	15 years
Other fixed assets	.....	.....	.....	Such number of years as is fair and reasonable in relation to the fixed asset in question.

PART III

The sum of money referred to in sub-section (3) of section 29 shall be a sum equal to the aggregate amount of the Company's net trading profits (computed as hereinafter provided and as certified by the Company's auditors) during the five completed financial years of the Company next preceding the revocation of the licence. For this purpose the Company's net trading profits shall be computed before charging or crediting income tax or any similar tax based on income or profits or capital gains and before making any loan redemption provision or other appropriation of profits but after making all other deductions including payment of interest on indebtedness and reasonable provision for depreciation.

Passed in the House of Assembly this 3rd day of May, 1973

OWEN CUFFY,
Clerk of the House of Assembly.

PRINTED BY THE GOVERNMENT PRINTER AT THE GOVERNMENT PRINTING OFFICE,
KINGSTOWN, ST. VINCENT.

[Price 96 cents.]

1973