

CHAPTER 180

ELECTRICITY

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ELECTRICITY

*Ordinances Nos. 20 of 1966, 36 of 1969, Legal Notices Nos. 103 of 1969, 112 of 1970, 118 of 1970,
Acts Nos. 14 of 1975, 11 of 1983, 16 of 1983*

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FIJI
ELECTRICITY AUTHORITY, FOR THE TRANSFER OF ELECTRICAL
INSTALLATIONS TO THE AUTHORITY AND FOR AMENDMENT OF
THE LEGISLATION RELATING TO THE GENERATION, SUPPLY AND
USE OF ELECTRICITY.

[21 June 1966.]*

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Electricity Act.

*Parts IV and sections 48 and 70, 1 January 1969.

Interpretation

2. In this Act, unless the context otherwise requires—

- “apparatus” means electrical apparatus and includes all apparatus, machines, consuming devices and fittings in which conductors are used or of which they form a part;
- “arbitration” means arbitration in accordance with the provisions of the Arbitration Act; (Cap. 38.)
- “area of supply” means that area within which a licensee is authorised by his licence to supply energy;
- “Authority” means the Fiji Electricity Authority established by the provisions of section 3;
- “Authority installation” means an installation, the property of or operated by the Authority;
- “Authority public installation” means an Authority installation operated by or on behalf of the Authority for the supply of energy to any person other than the Authority;
- “authorised person” means a person appointed by the Authority, or by a licensee, or by the management or the owner of an installation, or by a contractor for the time being to the Authority, licensee, management or owner, to carry out certain duties incidental to the generation, transformation, distribution and use of energy, provided that such person possesses the qualifications, if any, prescribed for persons performing such duties, or, if no qualifications are prescribed, is competent for the purpose for which he is employed, the burden of proof of competency being on the employer;
- “Chairman” means the Chairman of the Authority appointed under the provisions of section 4 and includes a temporary Chairman;
- “Chief Inspector” means the Chief Inspector appointed under the provisions of section 11A;
- “conductor” means an electrical conductor arranged to be electrically connected to a system;
- “consumer” means a person who is supplied with energy or whose premises are for the time being connected for the purpose of a supply of energy with any public installation or Authority public installation;
- “conversion” means the conversion of alternating current to direct current by static or dynamic means;
- “Crown land” has the same meaning as in the Crown Lands Act; (Cap. 132.)
- “danger” means danger to health or to human life or limb from shock, burn or other injury resulting from the generation, transformation, distribution or use of energy and includes danger to property from fire resulting as aforesaid;
- “dead”, applied to any system or part of a system, means that it is not electrically energised, charged or otherwise under a voltage potential;
- “energy” means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of any communication or signal;
- “extra high voltage” means a voltage normally exceeding 3,000 volts;

- “General Manager” means the General Manager of the Authority appointed under section 11,
- “generating station” means any station for generating energy, including any buildings and plant used for the purpose, and the site thereof, and includes a site intended to be used for a generating station, but does not include any station for transforming, converting or distributing energy;
- “generator” means a machine of any type for changing any other form of energy into electrical energy;
- “grievous harm” and “harm” have the meanings respectively assigned thereto in the Penal Code; (Cap. 17.)
- “high voltage” means a voltage normally exceeding 660 volts;
- “inspector” means an electrical inspector appointed under the provisions of section 11A and includes the Chief Inspector;
- “installation” means the whole of any plant or apparatus under 1 ownership or, where a management is prescribed, in charge of the same management, designed for the supply or use, or both, as the case may be, of energy, including prime movers, if any, with all necessary plant, buildings and land in connection therewith, pipe lines, supply lines and consuming apparatus, if any, and the Authority, may either generally or specifically, by order, exclude any installation or classes of installations from the provisions of this definition;
- “insulated” means covered or protected by insulating materials;
- “insulating”, used as an epithet to characterize any substance, means of such size, quality and construction, according to circumstances as to afford adequate protection from danger;
- “licence” means a licence issued under the provisions of this Act permitting the licensee to operate or work an installation;
- “licensee” means a person permitted by licence to work or operate an installation, and also an authorised agent;
- “live” or “alive”, applied to a system or any part of a system, means that a voltage exists between any conductor and earth or between any 2 conductors in the system;
- “main” means a supply line through which energy is, or can be, supplied whether such line is in use or not;
- “main supply line” means any extra high voltage supply line for transmitting energy from a generating station to another generating station or to a sub-station, and includes any building or part of a building used in connection with any such line;
- “management” means the authorised person for the time being placed in charge of the installation by the Authority, by the licensee, by the owner or by a contractor;
- “member of the Authority” includes the Chairman, the Deputy Chairman, and any temporary member of the Authority;
- “motor” means a motor of any type for the transformation of electrical energy into mechanical energy;
- “native land” has the same meaning as in the Native Land Trust Act; (Cap. 134.)

- “officer” includes the General Manager and the Secretary;
- “prescribed” means prescribed by or under the provisions of this Act;
- “prime mover” means a machine or any other device supplying energy to a generator;
- “private installation” means an installation operated by a licensee or owner solely for the supply of energy to and use thereof on the licensee’s or owner’s own property or premises; or, in the case of a consumer, taking energy from a public installation for use only on the property or premises of the licensee or owner;
- “private safety” means obviation of danger to individuals or to private property;
- “public installation” means an installation operated by a licensee for the supply of energy to any person other than the licensee:
Provided that the licensee may use energy for his own purposes where such use is consistent with the terms of the licence;
- “public safety” means the obviation of danger to the general public, to public property and to streets, docks, wharves, bridges, water works and their appurtenances and telegraphic, telephonic and other electrical signalling lines owned or operated by the Government or by other bodies authorised in that behalf by the Government;
- “Secretary” means the Secretary of the Authority appointed under section 11;
- “street” includes any road, lane, footpath, square, alley or passage over which the public have a right-of-way and also the roadway and footway over any public bridge;
- “supply line” means a conductor or conductors or other means of conveying, transmitting or distributing energy, together with any casing, coating, covering, tube, pipe, insulator or post enclosing, surrounding or supporting the same or any part thereof, or any building or apparatus connected therewith for the purpose of transforming, conveying, transmitting or distributing energy;
- “system” means an electrical system in which all the conductors and apparatus are electrically or magnetically connected;
- “transformation” means the transformation of voltage from a lower to a higher voltage or *vice versa*. (Amended by Act 16 of 1983, s. 2.)

PART II—FIJI ELECTRICITY AUTHORITY

Division 1—Establishment, Incorporation and Constitution of the Authority

Establishment and incorporation of Fiji Electricity Authority

3.—(1) There is hereby established an Authority to be known as the Fiji Electricity Authority which shall be a body corporate under that name with perpetual succession and a common seal and which may, in such name, sue and be sued, and may enter into contracts, and may acquire, purchase, take, hold and enjoy real and personal property of every description, and may convey, assign, surrender and yield up, charge, mortgage, transfer or otherwise dispose of, or deal with or in, real or personal property vested in the Authority upon such terms as the Authority deems fit.

(2) All deeds, documents and other instruments required to be sealed with the common seal of the Authority shall be sealed therewith in the presence of the Chairman or Deputy Chairman and of the Secretary or some other person

authorised by the Authority to act in that behalf, who shall sign every such deed, document or other instrument to which such seal is affixed, and such signing shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the Authority.

(3) Service of any document upon the Authority shall be deemed to be effected by delivering the same or by sending it by registered post to the Chairman.

Composition of the Authority and procedure at meetings

4.—(1) The Authority shall consist of 8 members, namely—

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) the General Manager, *ex officio*;
- (d) 5 other members, of whom not more than 3 shall be public officers,

all of whom, except the General Manager, shall be appointed by the Minister.

(2) Subject to the provisions of this Act, the members of the Authority appointed by the Minister shall hold office for such term and subject to such conditions as the Minister may determine.

(3) The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Authority.

(4) If both the Chairman and the Deputy Chairman are absent from any meeting of the Authority, the members present at such meeting shall elect 1 of their number to act as Chairman at such meeting.

(5) The Authority shall meet whenever necessary but, in any event, not fewer than 4 times per year.

(6) 5 members of the Authority shall form a quorum.

(7) The decisions of the Authority shall be by a majority of votes and, in addition to an original vote, in any case in which the voting is equal, the person presiding at the meeting shall have and exercise a casting vote.

(8) Any member of the Authority appointed by the Minister may resign his office by notice in writing addressed to the Minister and he shall be deemed to have vacated his office when the notice is received by the Minister.

(9) If, at any time, it appears to the Minister that removal from office of all or any of the members of the Authority appointed by him is necessary in the interests of the effective and economical performance of the functions of the Authority under the provisions of this Act, the Minister may remove from office, without assigning any reason therefor, all or so many of the members of the Authority appointed by him as he considers necessary in the interests aforesaid.

(10) The Chairman may, in writing, authorise any member of the Authority to exercise any power or perform any function, other than the functions referred to in subsection (2) of section 3. (*Substituted by Act 16 of 1983, s. 3.*)

Members of the Authority to dispose of interest in any electricity undertaking

5.—(1) Every person appointed to be a member of the Authority shall, within 3 months after his appointment, sell or dispose of all shares in any electricity undertaking which, at the time of his appointment, he owns or is interested in for his own benefit, and it shall not be lawful for any member of the Authority, whilst he holds office as such, to purchase or become interested in, for his own benefit, any shares in any electricity undertaking, and, if any member of the Authority becomes entitled, for his own benefit, under any will or succession, to any shares in any electricity undertaking, he shall sell or dispose of the whole within 3 months after he has become entitled thereto:

Provided that the Minister may waive the requirements of the subsection in any specific case. (*Amended by Legal Notice 103 of 1969; 112 of 1970.*)

(2) The Chairman or any other member of the Authority who retains, purchases, takes or becomes or remains interested in any shares in any electricity undertaking in contravention of the provisions of this section shall be disqualified from, and shall be deemed to have vacated, his office, and an entry to that effect shall be made in the minutes of the Authority as soon as practicable after the fact of any such contravention is known.

(3) The fact of any person disqualified under the provisions of this section having sat on, or taken part in any proceedings of, the Authority before such entry as aforesaid has been made in the minutes shall not invalidate any resolution or proceeding of the Authority.

(4) In this section, "shares in any electricity undertaking" means any stock, shares, debentures, debenture stock, bonds or other securities of any company engaged in Fiji in the generation, distribution or supply of energy, or the manufacture therein of electrical apparatus, and includes any share or interest in any unincorporated undertaking similarly engaged. (*Amended by Legal Notice 112 of 1970.*)

Disclosure of interest in contract by member of the Authority

6. A member of the Authority, if he has any interest in any company or undertaking with which the Authority proposes to make any contract, or has any interest in any such contract, shall disclose to the Authority the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Authority, and, unless specifically authorised thereto by the Minister, such member shall take no part in any deliberation or decision of the Authority relating to such contract. (*Amended by Legal Notice 112 of 1970.*)

Salaries and fees of members of the Authority

7. There shall be paid to members of the Authority, out of the funds of the Authority, such salaries and fees and allowances for expenses as the Minister may from time to time determine. (*Amended by Legal Notice 112 of 1970.*)

[8.***** (*Repealed by Act 16 of 1983, s. 4.*)]

Vacancies

9. The Authority may act notwithstanding any vacancy in its membership.

Procedure

10. Subject to the provisions of this Act, the Authority may regulate its own procedure and, in particular, may regulate the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes, the custody, production and inspection of such minutes, and the opening, keeping, closing and audit of accounts.

Division 2—Officers and Servants of the Authority

General Manager and Secretary

11.—(1) The Authority, with the approval of the Minister, shall appoint—
 (a) a General Manager; and
 (b) a Secretary.

(2) The General Manager shall serve as chief executive officer of the Authority and shall be responsible to it for its management and for the execution of its policy.

(3) The Secretary and all other officers and servants of the Authority shall be under the administrative control of the General Manager. (*Substituted by Act 16 of 1983, s. 5.*)

Officers and servants

11A.—(1) The Authority may appoint such other officers and servants as it deems necessary for the proper carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Authority may appoint such electrical inspectors as may be necessary for the purpose of inspecting installations and electrical plant, apparatus and works, and performing such other duties as may be prescribed.

(3) The Authority may, in like manner, appoint a Chief Inspector to supervise and direct such electrical inspectors in the performance of their duties, and to discharge such other functions as may be assigned to him from time to time. (*Inserted by Act 16 of 1983, s. 5.*)

Salaries of General Manager and other officers

11B.—(1) The General Manager shall be paid such salary as is determined from time to time by the Higher Salaries Commission.

(2) Subject to the provisions of the Higher Salaries Commission Act, the other officers and servants of the Authority shall be paid such salaries as the Authority from time to time determines. (*Cap. 2A.*)

(*Inserted by Act 16 of 1983, s. 5.*)

Liability of members, officers and servants

12.—(1) All members, officers and servants of the Authority shall be deemed to be persons employed in the public service for the purpose of the provisions of the Penal Code. (*Cap. 17.*)

(2) No member, officer or servant of the Authority shall be personally liable for any act or default of the Authority done in good faith and without negligence in the course of the operations of the Authority.

Division 3—Functions and Duties of the Authority

General functions of the Authority

13.—(1) Subject as hereinafter in this Act provided, it shall be the duty of the Authority—

- (a) to manage and work any electrical installations transferred to the Authority and such other installations and apparatus as may be acquired by the Authority;
- (b) to establish, manage and work such electrical installations as the Authority may deem it expedient to establish;
- (c) to promote and encourage the generation of energy with a view to the economic development of Fiji;
- (d) to secure the supply of energy at reasonable prices;
- (e) to advise the Minister on all matters relating to the generation, transmission, distribution and use of energy. (*Amended by Legal Notice 112 of 1970.*)

- (2) For the purposes of subsection (1), the Authority may—
- (a) subject to the provisions of this Act, generate, transmit, transform, distribute and sell energy either in bulk or to individual consumers in any part of Fiji;
 - (b) purchase, construct, reconstruct, maintain and operate supply lines, generating stations, transformer stations and all other appropriate stations, buildings and works;
 - (c) sell, hire or otherwise supply electrical plant and electrical fittings, and install, repair, maintain or remove any electrical plant and electrical fittings;
 - (d) acquire, in accordance with the provisions of this Act or otherwise, any property, real or personal, which the Authority deems necessary or expedient for the purpose of constructing, extending or maintaining any installation or otherwise for carrying out its duties and functions under the provisions of this Act;
 - (e) carry on all such other activities as may appear to the Authority requisite, advantageous or convenient for it to carry on for or in connection with the performance of its duties under the provisions of this Act or with a view to making the best use of any of its assets or skills.

Power of Minister to issue directions

14.—(1) The Minister may, from time to time, after consultation with the Authority, give the Authority directions of a general character not inconsistent with the provisions of this Act as to the policy to be followed in the exercise of the powers conferred and the duties imposed on the Authority by or under the provisions of this Act in relation to matters which appear to him to affect the interests of Fiji, and the Authority shall, as soon as possible, give effect to all such directions.

(2) The Authority shall furnish the Minister with such returns, accounts and other information with respect to its property and activities as he may from time to time require. (*Amended by Legal Notice 112 of 1970.*)

Duty of the Authority to supply energy

15.—(1) Subject to the provisions of subsection (2), in so far as it is able to do so, the Authority shall supply energy to any person, other than a licensee, requiring a supply of energy, if such person undertakes to enter into a contract with the Authority, giving such security as the Authority may require, to become a consumer and to undertake, or continue to receive, and to pay for a supply of energy upon such terms and conditions as the Authority may determine.

(2) The Authority shall not supply energy to a consumer, other than a licensee, in any area which, for the time being, forms part of the area of supply of a licensee, except with the consent of such licensee:

Provided that where the consent of the licensee is required under the provisions of this subsection and such licensee refuses or withholds such consent, the Authority may refer the matter to the Minister who, if satisfied that the consent of such licensee is unreasonably refused or withheld, may dispense with such consent.

For the purposes of this proviso, consent shall be deemed to be unreasonably refused or withheld if the licensee is not willing and able to supply the requisite

energy upon reasonable terms and within a reasonable time, having regard, amongst other things, to the terms upon, and the time within, which the Authority is willing and able to supply such energy. (*Amended by Legal Notice 112 of 1970.*)

Division 4—Power to Borrow

Power to borrow

16.—(1) The Authority may, from time to time, with the approval of the Minister responsible for finance, borrow money by the issue of debentures or debenture stock or in whatsoever manner and subject to such terms, security, guarantee, mortgage, pledge or charge as may be so approved, for all or any of the following purposes:—

- (a) the provision of working capital;
- (b) for performing the functions of the Authority under this Act;
- (c) the acquisition of undertakings;
- (d) any other expenditure properly chargeable to capital account; and
- (e) any other purpose whatsoever which the Minister responsible for finance may specify.

(2) Subject to the conditions of any approval of the Minister responsible for finance, the Authority may make rules, not inconsistent with the provisions of this Act, to provide for the issue of debentures or debenture stock, or in connection with any other purpose mentioned in subsection (1) or which may be specified by the Minister responsible for finance from time to time, and, in particular, for regulating the issue, transfer, redemption or other dealing with debentures or debenture stock. (*Amended by Legal Notice 112 of 1970.*)

Temporary loans, etc.

17. The Authority may, without the approval of the Minister responsible for finance, borrow by way of temporary loan or overdraft such sums of money as it deems fit not exceeding an amount approved by such Minister. (*Amended by Legal Notice 112 of 1970.*)

Division 5—General Financial Provisions

General duties and powers of the Authority in financial matters

18. It shall be the duty of the Authority so to exercise and perform its functions under this Act as to secure that the total revenues of the Authority are sufficient to meet its total outgoings properly chargeable to revenue account, including depreciation, and interest on capital, taking one year with another.

Reimbursement of expenditure incurred on behalf of Government

19.—(1) All expenditure incurred by the Authority in respect of any of the matters specified in subsection (2) of an amount to be agreed from time to time with the Government shall be refunded to the Authority thereby at such times as may be agreed:

Provided that, in calculating the amount of any such expenditure, the amount of any fees or other moneys received by the Authority in respect of any such matters shall be credited against expenditure.

(2) The matters referred to in subsection (1) are—

- (a) the issue and revocation of licences under the provisions of sections 28 and 29;

- (b) the registration, inspection and testing of installations, other than Authority installations, and the issue, surrender, cancellation and transfer of certificates under the provisions of section 46;
- (c) investigations and reports under the provisions of section 57;
- (d) the issue of directions by the Chief Inspector under the provisions of sections 50 and 51;
- (e) the duties and functions of the Authority and inspectors under the provisions of sections 55, 56, 57, 58 and 59.

Rates and scales of charges for energy

20.—(1) The prices to be charged by the Authority for the supply of energy and the hire of apparatus shall be in accordance with such tariffs as may, from time to time, be prescribed:

Provided that nothing contained in this section or in any regulations made under the provisions of this Act shall prevent the Authority from charging other prices by special agreement.

(2) The Authority, in fixing tariffs and making agreements for the supply of energy, shall not show preference as between consumers similarly situated, and shall not exercise discrimination as between persons similarly situated, having regard to the place and time of supply, the quantity of energy supplied, the consumer load and power factor, and the purpose for which the supply is taken.

Superannuation schemes, etc.

21. Subject to the approval of the Minister, and to any conditions that may be prescribed, the Authority shall establish or cause to be established such scheme or schemes for the payment of superannuation allowances, pensions or gratuities to officers and servants of the Authority who retire from the service of the Authority, or otherwise cease to hold office, by reason of age, infirmity of body or mind or abolition of office as it considers necessary. (*Amended by Legal Notice 112 of 1970.*)

Power to provide guarantees and loans

21A.—(1) The Authority may guarantee the repayment of loans obtained by its officers and servants for housing purposes and may make loans to its officers and servants for such purposes (other than housing) as it may approve.

(2) In exercising its powers under subsection (1), the Authority may impose such terms and conditions as it, in its discretion, considers expedient and may, from time to time, vary any such terms and conditions. (*Inserted by Act 16 of 1983, s. 6.*)

Application of revenue

22.—(1) The revenue of the Authority for any financial year shall be applied in defraying the following charges:—

- (a) the remuneration, fees and allowances of the members of the Authority;
- (b) the salaries, fees, remuneration, pensions, superannuation allowances and gratuities of the officers, agents and servants and technical or other advisers of the Authority;
- (bb) such sums as may be required for the purposes of section 21 or 21A;
- (c) working and establishing expenses and expenditure on, or provision for, the maintenance of any of the installations of the Authority, and the discharge of the functions of the Authority properly chargeable to revenue account;
- (d) interest on any debentures and debenture stock issued, and on any loan raised, by the Authority;

- (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 the repayment of other borrowed moneys;
 - (f) such sums as it may deem appropriate to set aside in respect of depreciation on the property of the Authority having regard to the amount set aside out of revenue under the provisions of paragraph (e);
 - (g) any other expenditure authorised by the Authority and properly chargeable to revenue account. (*Amended by Act 16 of 1983, s. 7.*)
- (2) The balance of the revenue of the Authority shall be applied to the creation of a general reserve.

Investment of funds

23. Any funds of the Authority not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Authority may be invested from time to time in securities authorised for the time being for the investment of trust funds.

Accounts and audit

24.—(1) The Authority shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of account in respect of each financial year.

(2) The accounts of the Authority shall be audited annually by an auditor appointed thereby, subject to the approval of the Minister. (*Amended by Legal Notice 112 of 1970.*)

(3) After the end of each financial year, as soon as the accounts of the Authority have been audited, the Authority shall cause a copy of the statement of account to be transmitted to the Minister, together with a copy of any report made by the auditor on that statement or on the accounts of the Authority. (*Amended by Legal Notice 112 of 1970.*)

Annual report

25.—(1) The Authority shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Authority during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may from time to time direct.

(2) A copy of the report shall be printed and laid before Parliament as soon as may be after the close of the financial year to which the report relates. (*Amended by Act 36 of 1969; s. 2; Legal Notice 112 of 1970.*)

PART III—TRANSFER TO AUTHORITY OF GOVERNMENT UNDERTAKINGS

Existing contracts

26. All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before 21 June 1966, affecting any of the undertakings which may be transferred to the Authority from time to time by the Government shall be of as full force and effect against or in favour of the Authority, and enforceable as fully and effectually as if, instead of the Government or any person acting on behalf of the Government, the Authority had been named therein or had been a party thereto.

Pending proceedings

27. Any proceeding or cause of action pending or existing immediately before the 21 June 1966 by or against the Government or any person acting on behalf of the Government in respect of any of such transferred undertakings may be continued or enforced by or against the Authority as it might have been by or against the Government or such person, if this Act had not been enacted.

PART IV—LICENSED INSTALLATIONS

Licence required for use of installations; terms, conditions and contents of licences

28.—(1) Subject to such exceptions as may be made by the Minister, no person other than the Authority shall—

- (a) use, work or operate, or permit to be used, worked or operated, any installations; or
- (b) supply to or for the use of any other person energy from any installation, except under and in accordance with the terms of a licence expressly authorising such use or supply, as the case may be. (*Amended by Legal Notice 112 of 1970.*)

(2) Any person contravening the provisions of subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine not exceeding \$200 and, if the contravention be continued, to a fine not exceeding \$10 for every day or part of a day during which the contravention continues after the date of conviction.

(3) Such licences may be granted by the Authority on payment of such fees, if any, as may be prescribed.

(4) No licence shall be capable of being transferred unless the consent of the Authority to the transfer be evidenced upon the licence by writing under the hand of the Chairman.

(5) Licences shall be subject to such conditions as may be prescribed and to such further conditions, if any, as may be imposed by the Authority and set out in the licence.

(6) Licences may be for such periods as the Authority may in each case approve:

Provided that no licence shall, without the express approval of the Minister, be granted for a period exceeding 21 years. (*Amended by Legal Notice 112 of 1970.*)

(7) The period of duration of every licence shall be set out therein, and in every licence for a public installation there shall be set out—

- (a) the area of supply;
- (b) the declared voltage and the variations permitted therefrom;
- (c) the maximum charges payable by consumers;
- (d) such other matters as the Authority may consider desirable including provisions for the revision or variation of any of the matters set out in such licence.

Security; suspension and revocation of licences

29.—(1) The Authority may, in its discretion, require that, before the issue of any licence, such security as it may specify shall be furnished for the due observance of the terms and conditions of the licence and of the provisions of this Act and any regulations made thereunder.

(2) A licence may at any time be suspended or revoked by the Authority on breach of any of the conditions thereof or in default of payment of any moneys accrued due thereunder, or if the licensee ceases to work or operate the installation in respect of which the licence has been granted:

Provided that, where a licence has been suspended or revoked on the ground that the licensee has ceased to work or operate an installation, the licensee may, if he considers that he has suffered or may suffer undue hardship by reason of such suspension or cancellation, appeal to the Minister against such suspension or cancellation, and the decision of the Minister on such appeal shall be final. (Amended by Legal Notice 112 of 1970.)

Restriction of use to specified purposes

30. A licensee who is, by the conditions of his licence, restricted to using or supplying energy for specified purposes only, shall not use or supply such energy for any purpose other than those so specified, and any person contravening the provisions of this section shall be guilty of an offence.

—PART V—ACQUISITION OF PROPERTY, ETC.

Division 1—Acquisition of Land

General power to acquire land

31. Where any land is required for the purposes of the Authority, or by a licensee for the purpose of working or operating an installation, and such land cannot be acquired by agreement, the Authority may, with the approval of the Minister, seek to acquire such land compulsorily and the provisions of the Crown Acquisition of Lands Act shall apply to such acquisition by the Authority. (Cap. 135.) (Amended by Legal Notice 112 of 1970; 118 of 1970.)

Division 2—Acquisition of Installations

Acquisition of installations by the Authority

32.—(1) Subject to the provisions of section 8 of the Constitution, upon the expiry of, or at any time during the continuance of, a licence for a public installation, the Authority may, by 6 months' notice in writing served on the licensee and on any mortgagee, encumbrancee or lessee thereof or any person holding under the licensee who after reasonable inquiry shall be made known to the Authority, acquire the installation to which the licence refers, or such part of such installation including lands, buildings, works, machinery, plant, materials and apparatus, as may be specified in the notice. (Amended by Legal Notice 112 of 1970.)

(2) All notices served under the provisions of subsection (1) shall, within 1 month of such service, be published at least once in the Gazette and in a newspaper circulating in Fiji. Such notices so published shall invite any person who has a charge on the installation to claim.

(3) The provisions of the Crown Acquisition of Lands Act shall *mutatis mutandis* apply to any proceedings for acquisition under the provisions of this section. (Substituted by Legal Notice 112 of 1970.) (Cap. 135.)

(4) Any claim made by any person having any charge on the installation shall be deemed to have priority over any claim made by the licensee and the Court shall in its order provide for the settlement of the claims of any such person out of any sum ordered to be paid as compensation to the licensee. (Substituted by Legal Notice 112 of 1970.)

(5) Upon the Court making an order for payment of compensation or in the event of an agreement having been reached between the Authority and the licensee as to the amount of such compensation, such lands, buildings, machinery, plant, materials and apparatus as may be specified in the notice referred to in subsection (1) shall, without any conveyance, assignment or transfer whatsoever, be deemed to be transferred to and shall vest in the Authority free from all debts and obligations of the licensee secured on such properties aforesaid and in the case of land subject to the provisions of the Land Transfer Act or any Act repealing and replacing such Act, the Registrar of Titles shall, upon application in writing by the Authority and on payment of the proper fees, register the Authority as the registered proprietor of such land. (*Substituted by Legal Notice 112 of 1970.*)

(*Cap. 131.*)

Division 3—Selected Stations

Purchase of bulk supplies of energy from selected stations

33.—(1) The Authority may, with the approval of the Minister, by notice in writing to the owners of any generating station, declare that such generating station shall be, as from the date specified in the notice, not being less than 30 days from the date of service of such notice, a station (hereinafter in this section and in section 34 referred to as a "selected station") selected for the purpose of being operated in accordance with the provisions of this section. (*Amended by Legal Notice 112 of 1970.*)

(2) The Authority may require the owners of a selected station to carry out such extensions and alterations as the Authority may direct:

Provided that, if the owners of such selected station consider that any such direction imposes an unreasonable financial burden upon them, the matter shall, if they so require, be determined by arbitration, and such directions shall be varied or rescinded in accordance with the determination of the arbitrator.

(3) It shall be the duty of the owners of a selected station—

(a) to operate the station so as to generate such quantity of energy, at such rates of output, and at such times, as the Authority may direct, and to conduct such operations with due regard to economy and efficiency;

(b) to supply to the Authority such an amount of energy as the Authority may require at such price as is hereinafter mentioned:

Provided that, subject to the provisions of paragraph (c), the owners of a selected station shall not be required to sell to the Authority any amount of energy greater than that which, in the opinion of the Authority, or, in case of arbitration, in the opinion of the arbitrator, the selected station is capable of producing in excess of the amount of energy which the owners of the selected station require for their own purposes;

(c) to supply to the Authority such an amount of energy as the Authority may require, at such price as is hereinafter mentioned and at such point of connection between the distribution system of the owners of the selected station and the distribution system of the Authority as the Authority may decide, if the Authority undertakes to supply to the owners of the selected station an equivalent amount of energy at such price as is hereinafter mentioned and at such point of connection between the distribution system of the owners of the selected station

and the distribution system of the Authority as the Authority, after consultation with the owners of the selected station, may decide.

(4) The Authority shall give reasonable notice to the owners of a selected station of the amount of energy from time to time required under the provisions of this section.

(5) Where, for the purposes of the supply of energy under the provisions of subsection (3), the Authority considers it necessary to use any supply line belonging to the owners of the selected station, or where the Authority considers it necessary to install, alter, replace or maintain any switchgear, equipment or apparatus belonging to such owners, or to require such owners to install, alter, replace or maintain any switchgear, equipment or apparatus, the provisions of section 36 shall apply.

(6) If any dispute arises as to the amount of energy available for sale to the Authority under the provisions of paragraph (b) of subsection (3), such dispute shall be determined by arbitration.

(7) The price to be paid by the Authority to the owners of a selected station for the supply of energy to the Authority under the provisions of this section, and the price to be paid by the owners of a selected station to the Authority for the supply of energy to such owners under the provisions of this section, shall, in default of agreement be determined by arbitration upon the basis contained in the rules set out in the First Schedule.

(8) Where the price to be paid for energy is to be calculated in accordance with the provisions of this section, the amount to be paid for a supply of energy in any 1 year shall be ascertained as soon as practicable after the end of the year of account, but monthly payments shall be made on account of the amounts due under the provisions of this section subject to adjustment as soon after the end of the year of account as the actual liability is ascertained.

(9) Where, under the provisions of this section, the Authority receives a supply of energy from a licensee or a licensee receives a supply of energy from the Authority, the Authority or licensee, as the case may be, shall, for the purposes of section 44, be deemed to be a consumer, and the provisions of that section shall apply accordingly.

Acquisition of selected station if owners fail to carry out obligations

34. If the owners of a selected station fail to carry out their obligations under the provisions of section 33, or notify the Authority that they are unwilling to carry out such obligations, the Authority may, with the approval of the Minister, acquire the selected station in accordance with the provisions of section 32:

Provided that all rights and liabilities of the owners of the selected station under any contract in respect of work approved by the Authority and affecting such station upon the date of acquisition shall be transferred to and vest in the Authority. (*Amended by Legal Notice 112 of 1970.*)

Division 4—Distribution Systems

Acquisition of main supply line by Authority

35.—(1) The Authority may, with the approval of the Minister, acquire any main supply line belonging to any licensee of a public installation in accordance with the provisions of section 32. (*Amended by Legal Notice 112 of 1970.*)

(2) Notwithstanding any other provisions of this Act in relation thereto, the compensation to be paid to a licensee in respect of a main supply line so acquired shall be based upon the amount of expenses properly incurred on and incidental to the provision of such supply line.

(3) Where the Authority has so acquired a main supply line, the Authority may at any time require the licensee to carry out any alteration or replacement of switchgear or other apparatus connected with such supply line and belonging to the licensee from whom such supply line was acquired, which the Authority may deem necessary, and where—

- (a) the licensee has carried out any such alteration or replacement in accordance with a requirement of the Authority; or
- (b) the licensee carries out any alteration or replacement of such switchgear or other apparatus which becomes necessary for the protection of the installation owned by the licensee by reason of the use of such supply line by the Authority,

the Authority shall defray all reasonable expenses incurred by the licensee in effecting such alteration or replacement.

(4) Any question as to the amount of the reasonable expenses payable by the Authority under the provisions of subsection (3), or as to whether any work carried out by a licensee under the provisions of paragraph (b) of such subsection is or is not necessary, shall, in default of agreement, be determined by arbitration.

Joint use of main supply lines

36.—(1) The Authority and any licensee of a public installation may enter into agreements for the use of any main supply line belonging to either of them by the other, and, where either of them is unable to secure on reasonable terms the use of any main supply line belonging to the other, the matter may be referred to arbitration.

(2) An arbitrator shall not make an award under the provisions of this section permitting the use of a main supply line unless he is satisfied that such use will not interfere with the use of such supply line which the owners thereof may, from time to time, require to make in order to meet their reasonable requirements.

(3) In determining any question as to the sum to be paid in respect of the use of a main supply line under this section, the arbitrator shall assess the same on the basis contained in the rules set out in the Second Schedule. Such sum shall be in addition to any reasonable expenses, not being expenses already taken into account in assessing such sum, incurred by the owners of the supply line in connection with any alteration, replacement or maintenance of any switchgear or other apparatus rendered necessary by reason of the use of the supply line by the Authority or licensee, as the case may be, and the powers of an arbitrator under this section shall extend to determining whether any such alteration, replacement or maintenance is or is not necessary as aforesaid.

Division 5—Powers of Entry on Land

Power to enter on and examine land

37.—(1) In exercise of the powers conferred upon the Authority or a licensee by the provisions of this Act, the Authority or the licensee, as the case may be, may, by their officers, agents or servants, do all or any of the following:—

- (a) survey and take levels of any Crown, native or private land or any part thereof and also dig out and remove any earth, stone, soil, sand and gravel whatsoever for the construction, maintenance or alteration of any line or any part thereof or for any other purpose in connection with the works authorised by this Act;
- (b) cut and remove from any Crown, native or private land any tree or any branch, bough or other part of a tree growing on such lands within 30 metres of any main or sub-main used for conducting energy and which may in any way affect or interfere with the works;
- (c) open or break up any road;
- (d) erect and maintain posts, staywires, poles or pillars in or upon any land and attach, place and maintain wires, lines, conduits or other appliances and things necessary for the works in, under, through or over, across or upon any street, road, land, building, houses or premises:

Provided that, before the exercise of any of the powers conferred by the provisions of this paragraph, notice of the intention of the Authority or the licensee, as the case may be, shall be served on the owner or owners or other interested party at least 3 clear days before the exercise of such power. (*Amended by Act 16 of 1983, s. 8.*)

(2) In the exercise of the powers given by the provisions of this section, the Authority or the licensee, as the case may be, shall not be deemed to acquire any right other than that of user only in or over the soil of any land through, over or under which the Authority or the licensee, as the case may be, causes to be placed any of the works and should any of the work so carried through, over or under any such land become a nuisance or the cause of loss to the owner of such land, the Authority or the licensee, as the case may be, shall at the expense of the Authority or the licensee, as the case may be, remove or alter such work or shall give reasonable compensation as may be agreed or in the case of difference to be determined by arbitration.

Division 6—Compensation

Basis for assessment of compensation payable under section 32

38.—(1) In determining the compensation to be paid in respect of the acquisition of an installation or part of an installation or of a selected station, under the provisions of section 32, regard shall be had only to the following matters:—

- (a) the fair market value at the date of acquisition of all lands, buildings, works, materials and plant of the owners suitable to and used by them for the purposes of their installation, due regard being had to the nature and condition of such buildings, works, materials and plant and to the state of repair thereof, and to whether they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the installation, and, where a part only of an installation is purchased, to any loss occasioned by severance;
- (b) in the case of a selected station, deductions for such liabilities of the owners as are transferred to the Authority under the provisions of the proviso to section 34.

(2) Such compensation shall not include any addition in respect of compulsory purchase, or of good will, or of any profits which may be, or might have been, made from the installation, or of any similar considerations:

Provided that the Authority may, in its absolute discretion, recommend to the Minister, where it considers that special circumstances exist, that any such special circumstances be taken into account, and, based thereon, the amount of compensation which is payable under the provisions of this section be increased to such figure as it considers would constitute a more equitable basis for compensation, and the Minister may give his approval to such recommendation accordingly. (Amended by Legal Notice 112 of 1970.)

Discharge of compensation, etc., by issue of stock or other securities

39. The Authority may, with the consent of the persons entitled thereto, discharge the whole or any part of any compensation or other moneys payable under the provisions of this Part in respect of any installation, generating station or supply line or any other property, acquired by the Authority under the provisions of this Part, by the issue to or creation in favour of the persons entitled thereto of such amount of stock or other securities as are equivalent in value to the whole or part, as the case may be, of the compensation or other moneys in respect of which the stock or other securities are issued or created.

Payment of compensation, etc., by Authority

40.—(1) Compensation or other moneys payable under the provisions of this Part in respect of any undertaking, generating station or supply line, acquired by the Authority under the provisions of this Part, shall be discharged as soon as the amount has been agreed or otherwise finally determined under the provisions of this Act.

(2) Where such compensation or other moneys due are discharged by the issue or creation of stock or other securities bearing a fixed rate of interest under the provisions of section 39, interest shall be payable by the Authority on the amount of such compensation or other moneys from the date of acquisition to the date on which interest on such stock or other securities commences at the same rates as are payable on such stock or other securities, and, in other cases, interest shall be paid by the Authority at the rate of 3 per cent per annum on the amount of the compensation or other moneys from the date of acquisition to the date of payment of the compensation or other moneys.

Division 7—Supply of Information

Supply of information to the Authority

41.—(1) The owners or former owners, as the case may be, of any installation, selected station or supply line which is being or has been acquired by the Authority under the provisions of this Act shall supply such information in their power or control to the Authority as the Authority may consider necessary—

- (a) for the purpose of arriving at an agreement as to the compensation or other moneys payable in respect thereof; and
- (b) for the proper operation of the installation, selected station or supply line, as the case may be.

(2) Such information shall include full information relating to the book debts and other moneys owing to the former owners and transferred to the Authority, and to the rights and liabilities of the former licensee transferred to the Authority.

(3) For the purposes of this section, the Authority may require the owners or former owners, as the case may be, to submit to the Authority such statements as are in their power so to do, certified in such manner as the Authority considers necessary, and the Authority may appoint an auditor for the purpose of reporting on any such statement, and the owners or former owners shall allow such auditor access to all their books and records and shall furnish him with such information and explanations as he may require.

(4) The Authority may require the licensee of any public installation to give to the Authority such information as it is in his power so to do relating to his installation as the Authority may consider necessary.

(5) Any person who fails or refuses to supply any information required by the Authority under the provisions of this section shall, unless he proves that he is not in a position to supply such information, be guilty of an offence and shall be liable to a fine not exceeding \$50, and, in the case of continued failure or refusal, to a fine not exceeding \$10 for every day or part of a day on which such failure or refusal continues after the date of conviction.

PART VI—GENERAL

Power to inspect

42. For the purpose of inspecting any part of an installation or fitting, removing meters or other instruments for measuring the quantity of energy supplied, making or removing connections between mains and private fittings, repairing damage, or for other proper cause, the Chairman or the licensee, as the case may be, or any person authorised by the Chairman or the licensee in that behalf, may at all reasonable times enter upon the lands, houses or buildings to which energy has been, is or will be, supplied.

Power to fix lamp-posts, etc.

43. The Chairman or licensee or any person authorised by the Chairman or the licensee in that behalf may, subject to the provisions of any Act for the time being in force, cause such lamp-irons, lamp-posts, insulating material, brackets, stays or other apparatus to be put up or fixed upon or against the walls or fences of any house, building or enclosure or to be put up or erected in such other places and manner as may be deemed proper, doing as little damage as may be practical and making sufficient amends, by way of repairs, restoration or compensation to all persons interested, for such damage as may be done, and may cause such number of lamps of such sizes and types to be put and affixed to such lamp-irons, lamp-posts and brackets as may be deemed necessary, and may cause the same to be lighted during such hours as may be deemed necessary.

Reduction or cessation of supply

44.—(1) The Authority and any licensee may reduce, as they may think fit, the quantity of energy supplied to any consumer if, by reason of any unforeseen circumstances beyond their control, it may appear that the supply of energy generated is insufficient to enable the full quantity to be conveniently supplied.

(2) Where the quantity of energy has been reduced as aforesaid—

(a) no liability shall be incurred by the Authority or the licensee, as the case may be, in respect of any loss or damage caused by such reduction; and

(b) in appropriate cases, an abatement in the charges for the supply of energy shall be made in proportion to the reduction made.

(3) The Authority or a licensee, their servants or agents, shall not be liable for any damage to persons or property or for any cessation of the supply of energy which may be due to unavoidable accident, fair wear and tear, or overloading due to unauthorised connection of apparatus, or to the reasonable requirements of the system, or to defects in any installation not provided by the Authority or licensee, as the case may be, but shall be liable only when such damage or cessation is shown to have resulted from negligence on the part of the Authority, a licensee, their servants or agents, as the case may be, or from faulty construction of the installation.

Precautions in execution of work

45.—(1) The execution of all work in connection with the generation or supply of energy which may affect any street, tramway, river or other waterway or any system of irrigation, drainage or water supply or any telegraphs, telephones, radio-communications, harbour works or other public or private works, and the erection of any supply line crossing, whether overhead or underground, any such way or work as aforesaid, shall be carried out in the prescribed manner and without prejudice to public or private safety.

(2) Any person who, without lawful excuse, contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence against this Act.

Registration of installations

46.—(1) Subject to the provisions of section 69, before the completion of a new installation, other than an Authority installation, the owner thereof or the licensee shall forward, in duplicate, to an inspector, an application for registration in the prescribed form. The inspector shall cause inspection and tests to be made within the prescribed period and, if the installation satisfies the requirements of this Act and of the regulations made thereunder, will issue or cause to be issued a certificate of registration in the prescribed form.

(2) On or after 1 January 1967, no installation except such as may be exempted under the provisions of section 69 shall be operated unless the owner or licensee of such installation holds a valid certificate of registration.

(3) Certificates of registration shall be surrendered by the owner or licensee to an inspector for cancellation if the installation is no longer required to be used. Thereafter, if the owner or licensee wishes to operate the installation again, the said installation shall be treated in all respects as if it were a new installation.

(4) A certificate of registration may be cancelled in accordance with regulations made under the provisions of this Act.

(5) Certificates of registration shall not be transferred without the permission of the Chief Inspector.

Periodical inspections of installations

47.—(1) Subject to any exemption granted under the provisions of section 69, where a person, other than the Authority, is about to construct an installation, he shall give notice of the proposed installation to an inspector who may periodically inspect the installation during its construction.

(2) In addition to periodical inspections during construction and final inspections on completion, all installations, while in operation, shall be subject to such periodical inspections as may be prescribed by Regulations made under the provisions of section 66.

(3) The licensee and management and persons in charge of any installation or of the construction of any installation shall afford full facilities for inspection during working hours.

Installations completed or commenced before 21 June 1966

48. Except as may otherwise be provided by any exemption under the provisions of section 69, all installations which have been operated or whereof the construction has been completed or begun before 21 June 1966 shall be subject to the provisions of this Act and the regulations made thereunder.

Electrical interference with Government signalling lines

49.—(1) If the Chairman is satisfied that the working or operation of any installation causes electrical interference with any radio-communication, telecommunication, telegraph, telephone or other electrical signalling process or circuit owned or operated by or on behalf of the Government or Fiji International Telecommunications Limited or the Authority, or by any person specified by the Minister by notice in the Gazette, the Chairman shall call upon the owner or licensee to abate the interference, and if, within a period of 14 days or such longer period as the Chairman considers reasonable in any particular circumstances, the interference has not been effectually abated, the Chairman shall report the matter to the Minister who may, in his discretion—

(a) in the case of a licensed installation, order the suspension of the licence;
or

(b) in the case of an unlicensed installation, by order, prohibit the working or operation thereof; or

(c) in the case of any installation, by order, prohibit the working or operation of such part thereof as causes the electrical interference, until arrangements have been made to the satisfaction of the Chairman for preventing the recurrence of such electrical interference as aforesaid, and if, in the case of a licensed installation, no such arrangements are so made, then the Minister may order that the licence for the said installation be revoked absolutely. (Amended by Legal Notice 112 of 1970.)

(2) For any loss caused to a licensee by the suspension or revocation of a licence under the provisions of this section the licensee may claim compensation from the Government:

Provided that no claim shall be allowed and no compensation shall be paid where the electrical interference referred to in subsection (1) has been caused by an installation which does not comply with the provisions of any regulations restricting electrical interference made under the provisions of any Act for the time being in force in Fiji relating to telecommunications.

(3) If the claim be allowed, the compensation shall, unless settled by mutual agreement of the Government and the licensee, be determined by arbitration.

Precautions against atmospheric electricity

50. Any consumer taking or using energy from an installation shall, if the Chief Inspector so requires, provide such means for obviating risk or damage to such installation by atmospheric electricity as may be directed by the Chief Inspector or as may be prescribed.

Restriction of connection with earth

51.—(1) No person shall, in the generation, transmission, supply or use of energy, permit any part of his supply lines to be connected with earth except as may be required by or under the provisions of this Act or be expressly permitted by the Chief Inspector.

(2) In the event of any breach of the provisions of subsection (1) the Chief Inspector may by written order require the licensee or owner to remove such connections and may prohibit the use of any supply line or works or installation until the order is complied with, and every such order shall be complied with by the person concerned.

Protection of electrical works belonging to the Authority

52.—(1) No person shall lay or carry any mains, pipes, conduits or wires in, along, through, across, over or under any street or place in a manner which is likely to interfere with or cause damage to any electrical works or apparatus of the Authority without first obtaining permission from the Authority. Such permission may be granted or withheld at the discretion of the Authority or may be granted upon such terms and conditions as the Authority thinks fit to impose.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence against this Act.

Use of energy supplied

53.—(1) No consumer shall use energy supplied to him for purposes other than those for which such energy is supplied.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence against this Act.

Exemption of apparatus from distress and attachment

54. When any electric wires, meters, fittings, works or apparatus belonging to the Authority have been placed in or upon any private premises for the purpose of supplying or measuring energy, and when any electric wires, meters, fittings, works or apparatus belonging to a licensee have been placed in or upon premises, not owned or occupied by such licensee, for the purpose of supplying or measuring energy, such wires, meters, fittings, works or apparatus shall not be subject to distress nor be liable to be taken in execution under any process of a court or in any bankruptcy or insolvency proceedings against any person.

Procedure in case of dangerous defect in installation or apparatus

55.—(1) In the event of an inspector finding in any installation or apparatus any defect which in his opinion is likely to cause danger, he may, by notice in writing posted at the place where the installation or apparatus to which it relates is installed or working, or served upon the licensee or owner thereof, require such defect to be made good or removed within such period as may be specified in the notice, and in such case the installation or apparatus shall not be operated or used after the expiration of such period unless the defect has been made good or removed to the satisfaction of the inspector:

Provided that if the inspector is of the opinion that the defect is likely to cause immediate danger, he may, by notice posted or served as aforesaid, forthwith suspend the operation and use of such installation or apparatus until such defect is made good or removed, and in such case the installation or apparatus shall not be operated or used so long as such notice of suspension remains unrevoked.

(2) Every licensee and every management and person in charge of an installation becoming aware of a defect therein which is likely to cause danger, and every consumer becoming aware of a defect in any apparatus which is likely to cause danger, shall forthwith cause the defect to be made good or removed or shall report thereon to an inspector.

(3) If in the opinion of the Chief Inspector any defect in an installation in respect whereof a licence is in force is of such a nature that it cannot be made good or removed, the Authority shall hold an inquiry and, if it considers it necessary so to do, shall cancel the licence.

(4) Any person who contravenes or fails to comply with any of the provisions of subsections (1) or (2) shall be guilty of an offence against this Act.

Entry on premises

56.—(1) Subject to the provisions of subsection (2) an inspector may enter any premises, in or upon which any installation or apparatus may be, at any time between the hours of 6 o'clock in the forenoon and 6 o'clock in the afternoon and also at any other time when the installation or apparatus may be at work, and may seize any article or thing which is reasonably suspected to be an article or thing which concerns an offence under the provisions of this Act or by which such an offence has been committed.

(2) An inspector seeking to enter any premises under the powers conferred by subsection (1) shall carry, and shall produce on demand, an official identification card or badge in such form as may be prescribed, and no person shall be obliged to admit to his premises any person purporting to be an inspector except upon production of such identification card or badge.

Serious accidents to be reported. Investigation by the Chief Inspector

57.—(1) Whenever any accident causing or resulting in loss of life or hurt to any person or serious injury to property has occurred in connection with any installation or electrical plant or apparatus, the owner or licensee thereof and the management thereof shall report the accident to an inspector by the quickest means available, and subsequently with the least possible delay shall report in writing to an inspector the facts of the matter so far as they are known. The inspector shall, as soon as practicable after receipt of the first report—

- (a) visit the place where the accident occurred;
- (b) make a preliminary investigation of the circumstances;
- (c) record in writing his findings upon such investigation;
- (d) forward his report to the Chief Inspector; and
- (e) if there has been any loss of life or there is reason to believe that any person has been fatally injured, send a copy of his findings to the nearest magistrate.

(2) In the event of loss of life or grievous hurt to any person due to any accident in connection with any installation or electrical plant or apparatus, no alteration or addition shall without the consent of an inspector be made to any part of such installation, plant or apparatus which may have contributed to cause such accident nor shall any alteration be made, without such consent, to the site of the accident until an inspector has completed his investigation:

Provided that nothing herein contained shall operate to interfere with rescue work or work necessary for the general safety of life or property.

(3) If, upon a preliminary investigation under the provisions of subsection (1), it appears to the officer making such investigation that there is reason to believe that the accident was due to any failure to comply with the provisions of this Act or of the regulations made thereunder or to neglect of any lawful order given by an inspector, or if the officer making such investigation is satisfied that the accident might have been prevented if proper precautions had been taken and observed in the working of any installation or electrical plant or apparatus, the Chief Inspector shall further investigate the circumstances of the accident together with the inspector and shall report the matter to the Authority and give his opinion thereon. If the Chief Inspector or the Authority is of the opinion that criminal proceedings will lie against any person, he shall then forward to the Director of Public Prosecutions a copy of the inspector's report together with his opinion on the circumstances and findings. (*Amended by Act 14 of 1975, s. 42.*)

(4) Any person concerned in any investigation held under the provisions of this section shall be entitled, upon payment of the prescribed fees, to receive a copy of the report of the inspector, of the opinion of the Chief Inspector, and of statements, if any, taken in evidence by the inspector or Chief Inspector, as the case may be.

(5) Any person who, without lawful excuse, contravenes or fails to comply with any of the provisions of subsections (1) or (2) shall be guilty of an offence against this Act.

Prohibition of employment of children

58.—(1) No licensee or management shall employ or permit to be employed on any service involving management of or attendance on or proximity to live apparatus not effectively insulated, any person under the age of 16 years.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding \$100.

Questions for decision by Chief Inspector subject to appeal to the Authority

59.—(1) In the event of any difference of opinion between a licensee and an inspector other than the Chief Inspector or between the management or owner of any installation or apparatus and an inspector other than the Chief Inspector regarding any matter affecting the construction, erection, maintenance or operation of any installation or apparatus, the matter shall be referred to and decided by the Chief Inspector.

(2) Any person who feels aggrieved by a decision made by the Chief Inspector may apply to the Authority for reconsideration of the matter in dispute. Such application shall be made in writing within the 21 days from the date of the decision of the Chief Inspector, or within such further period as the Authority may in special circumstances allow, and shall contain the grounds of the grievance.

(3) Upon receipt of an application under the provisions of subsection (2), the Authority shall hold an inquiry into the matter. The Authority may request any person having technical qualifications or special experience in the matter concerned in the inquiry to advise the Authority during the holding of such inquiry.

(4) All questions in the inquiry shall be determined by a majority of the members holding the inquiry.

(5) At the conclusion of the inquiry, the Authority shall inform all persons concerned of its decision. Any person concerned shall be entitled, upon payment of the prescribed fees, to a copy of a summary of the evidence given at the inquiry and of the decision.

Powers of holding inquiry

60. For the purpose of holding inquiries under the provisions of this Act, the Chairman, Deputy Chairman or Chief Inspector, as the case may be, shall have power to administer oaths and affirmations and to compel the attendance of witnesses.

Liabilities unaffected

61. Except as provided in sections 44 and 54, nothing in this Act contained shall operate to relieve any licensee or management from any civil or criminal liability arising otherwise than under this Act.

Disconnection of supply of energy

62.—(1) Where any person employed by the Authority or a licensee finds upon any premises evidence which in his opinion indicates that an offence has been committed under the provisions of subsection (2) of section 63, the Authority or the licensee or any person duly authorised by the Authority or the licensee, as the case may be, may, upon giving not less than 24 hours' written notice thereof, in such form as may be prescribed, cause the supply of energy to be disconnected from such premises.

(2) Notwithstanding the provisions of subsection (1), where energy is used by the consumer for business, professional or industrial purposes and the disconnection of the supply of energy would prevent the consumer from carrying on his business, profession or industry, the supply of energy shall not be disconnected without the approval of the Authority endorsed upon the notice referred to in subsection (1).

(3) If the supply of energy has been disconnected under the provisions of subsection (1), it shall not be reconnected until the Chairman or licensee, as the case may be, in his discretion, gives permission for reconnection.

(4) If the supply of energy has been disconnected under the provisions of the preceding subsections, the Authority or licensee, as the case may be, may determine the period for which such disconnection shall be enforced:

Provided that such period shall not exceed 1 month.

(5) No notice given under the provisions of subsection (1) and no approval of such notice given by the Authority under the provisions of subsection (2) shall be called into question in any court, and no action or suit shall be instituted in any court against the Authority or a licensee or any officer or servant of the Authority or employee of a licensee in respect of any matter or thing arising or resulting from the operation of this section.

Offences

63.—(1) Any person who wilfully so tampers with or adjusts any installation or part thereof as to cause or to be likely to cause danger to human life or limb or injury to any apparatus or other property shall be liable to a fine not exceeding \$400 or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

(2) Any person who, in any manner whatsoever dishonestly—

(a) abstracts energy; or

(b) consumes energy; or

(c) uses energy; or

(d) alters the index of any meter or other instrument used on or in connection with any Authority installation or any licensed installation for recording the output or consumption of energy; or

(e) prevents any such meter or instrument from duly recording the output or consumption of energy, shall be guilty of an offence and shall be liable to a fine not exceeding \$100 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

(3) Any licensee who, without express authority from the Authority in that behalf, supplies energy or lays down any supply line or constructs any electrical works outside the area of supply specified in his licence shall be guilty of an offence and shall be liable to a fine not exceeding \$100, and any such unauthorised line or works may, after conviction under this subsection in respect thereof, be removed by order of the Authority, and the reasonable cost of such removal may be recovered from the licensee.

(4) Subject to the provisions of sections 44 and 62, any licensee who is authorised by his licence to supply energy to other persons and who, in breach of any condition of his licence or of any regulation made under the provisions of this Act and without reasonable cause (the burden of proving which shall lie on him), fails to supply energy to any consumer whose premises lie within the area of supply specified in his licence, or discontinues the supply of energy to any such consumer, shall be guilty of an offence and shall be liable to a fine not exceeding \$200 and, in the case of continued failure or discontinuance, to a fine not exceeding \$20 for every day or part of a day during which the failure or discontinuance continues after the date of conviction.

(5) Any person who wilfully injures any meter or other instrument used on or in connection with any Authority installation or any licensed installation for recording the output or consumption of energy shall be guilty of an offence and shall be liable to a fine not exceeding \$50.

(6) Any person who wilfully or negligently—

(a) causes energy to be diverted from its proper course or to be wasted; or

(b) breaks, throws down, causes to fall or damages any supply line or any post, pole or other apparatus connected with the supply of energy,

shall be guilty of an offence and shall be liable to a fine not exceeding \$50 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

(7) Any person who obstructs or impedes any officer or servant of the Authority or of a licensee in the exercise of his powers and duties under the provisions of this Act or any regulations made thereunder, or fails to comply with any order lawfully given in pursuance of the provisions of this Act or such regulations, shall be guilty of an offence and shall be liable to a fine not exceeding \$50 and, in the case of a continuing offence, to a fine not exceeding \$4 for every day or part of a day during which the offence is continued after the date of conviction.

(8) Any licensee who, without lawful excuse, fails to comply with any condition expressed, or, by virtue of this Act, implied, in his licence shall be guilty of an offence and shall be liable to a fine not exceeding \$50 and, if the failure be continued, to a fine not exceeding \$4 for every day or part of a day during which the failure is continued after the date of conviction.

(9) Any person guilty of an offence against this Act for which no penalty is expressly provided shall be liable to a fine not exceeding \$50 and, in the case of a continuing offence, to a fine not exceeding \$4 for every day or part of a day during which the offence is continued after the date of conviction.

Onus of proof

64. In any prosecution for an offence under the provisions of subsection (2) of section 63, proof of—

- (a) the existence of artificial means which, either alone or in conjunction with additional artificial means not found, could be used for altering, or facilitating the alteration of, the index of any meter or instrument used for registering the quantity of energy supplied; or
- (b) the existence of artificial means which, either alone or in conjunction with additional artificial means not found, would prevent, or facilitate the prevention of, any meter or instrument from duly registering the quantity of energy supplied, or would facilitate the dishonest abstraction, consumption or use of energy; or
- (c)
 - (i) the fitting of any mechanical or other means to; or
 - (ii) the absence or removal of any part or connection from; or
 - (iii) the interference with any part or connection of any apparatus in such circumstances that such fitting, absence, removal or interference, would prevent or facilitate the prevention of any meter or other instrument from duly registering the quantity of energy supplied, or would facilitate the dishonest abstraction, consumption or use of energy,

shall be *prima facie* evidence that there has been dishonest alteration of the index of any meter or instrument, or prevention, abstraction, consumption or use of energy, as the case may be, and that such dishonest alteration, prevention, abstraction, consumption or use, as the case may be, has been carried out by—

- (aa) the person fitting such artificial, mechanical or other means as aforesaid; and
 - (bb) the person removing any such part or connection as aforesaid; and
 - (cc) the person interfering with any such part or connection as aforesaid; and
 - (dd) the consumer using such meter or instrument; and
 - (ee) the person having control of the installation where it is fixed,
- or that such person or consumer has abetted the offence of such alteration, prevention, abstraction consumption or use, as the case may be.

Compensation for damage

65.—(1) Any person who, without lawful excuse, removes, destroys or damages, whether wilfully or otherwise, any installation or any part thereof, or any public lamp or any post, bracket or other means of support of a public lamp, or any instrument used in connection with any installation for recording the output or consumption of energy, shall, in addition to any penalty to which he may be liable under the provisions of this or any other Act, be liable to pay full compensation for the damage he has done and such compensation shall be recoverable by civil action or suit before any court of competent jurisdiction.

(2) Without prejudice to the provisions of subsection (1), any court before which a person is charged with an offence under this Act may assess the compensation payable under the provisions of this section and may make an order for the payment of the same. Any such order may be enforced as if it were judgment in a civil action or suit.

PART VII—REGULATIONS, ETC.

Regulations

66.—(1) The Authority may, with the approval of the Minister, make regulations not inconsistent with the provisions of this Act to prescribe—

- (a) the duties of inspectors;
- (b) the intervals, times and manner in which any installations or apparatus shall be inspected, the notice (if any) to be given in relation to inspections and the preparations to be made by the licensees and the management for such inspections;
- (c) the minimum standards and specifications which shall be used in the design, construction, protection and maintenance of installations and apparatus, the conditions under which any installation or apparatus shall be worked or operated and the prohibition of the use of dangerous apparatus;
- (d) the means which may be employed (to the exclusion of other means) for the generation, conversion, transmission, transformation, distribution and application of energy;
- (e) the manner in which energy shall be measured and the standards of measurement which shall be employed and the manner in which energy is permitted to be, or is prohibited from being, supplied or used;
- (f) the standards to be adopted for measurement of dimensions of installations and apparatus;
- (g) the manner of regulation and the limits of variation of the nature voltage and periodicity of the energy supplied;
- (h) the class or design, or classes or designs, of wires, fittings and apparatus to be used by consumers, and the manner in which such wires, fittings and apparatus shall be erected, fixed, arranged, protected, controlled, inspected, tested and maintained;
- (i) the fees to be paid for licences and certificates of registration of installations and any other fees which require to be prescribed under the provisions of this Act;
- (j) the form and contents of and the conditions to be prescribed in licences, the form and period of validity of certificates of registration and the conditions for suspension, extension and revocation of licences and certificates of registration;
- (k) the qualifications to be possessed by persons before they may be entrusted with the construction, erection, repair or alteration of any installation or apparatus or with the charge of any installation or the control of the operation of apparatus;
- (l) the nature of tests to be employed for ascertaining whether persons possess the qualifications prescribed by regulations under the provisions of paragraph (k), the form and period of validity of certificates to be issued to persons found to possess such qualifications, the manner and conditions of the issue, suspension and revocation of such certificates;
- (m) the approval and registration by the Authority of wiring contractors;

- (n) the measures to be taken and the fittings to be supplied and used in connection with installations in order to secure public and private safety;
- (o) the precautions to be taken on the relief of persons in control of apparatus;
- (p) the manner of calculating the power of generators and motors;
- (q) the manner of holding inquiries under the provisions of this Act;
- (r) the forms of notices and the manner of service thereof;
- (s) the means to be adopted, whether by prohibition or otherwise, to prevent or abate any nuisance likely to arise or arising from the working of any installation or apparatus;
- (t) the time, place and manner for the payment of fees payable under this Act or the regulations made thereunder and the mode of collection and disposal thereof;
- (u) any other matters required to be prescribed by this Act or which may appear to the Authority expedient for the better carrying out of the provisions of this Act, or for securing the safety of the public or for ensuring a proper and sufficient supply of energy.

(Amended by Legal Notice 112 of 1970.)

- (2) The Authority may also make regulations to provide for—
- (a) prescribing the rate of charges to be made in respect of energy supplied from Authority public installations and of the hire of apparatus belonging to or operated by the Authority, and the fees payable in respect of the inspection, testing and maintenance of consumers' installations and apparatus, and in respect of the fixing and testing of meters, and in respect of any other services properly rendered on account of consumers;
 - (b) prescribing the form of applications for energy, the manner of effecting the supply of energy, and the incidence of the charges in respect of the cost of connecting the consumers' premises with the mains;
 - (c) prescribing the methods to be adopted for the supply and use of energy, the security to be furnished by consumers and the conditions for the discontinuance of the supply in cases where the consumer fails to observe the requirements of this Act or of any regulations made thereunder, or is in arrear with the payment of any proper charges, or uses defective fittings, and also in other cases where such discontinuance may be deemed necessary or advisable;
 - (d) regulating the methods of wiring of premises, the types of apparatus that may be used, and such other matters as may appear expedient;
 - (e) any other matters necessary for the proper management of the supply of energy.

The Authority may prescribe maximum charges

67.—(1) The Authority may, for the purpose of preventing the charging of excessive rates for energy, by order prescribe the maximum charges to be made by a licensee for the supply of energy to consumers, and such order shall take effect notwithstanding the existence of any licence or agreement relating to the charges to be made by such licensee for the supply of energy to consumers.

(2) Where any licensee is aggrieved by an order made by the Authority under the provisions of this section, he may refer the matter to arbitration, and the arbitrator shall determine whether or not the charges prescribed by the order are reasonable, and the order of the Authority shall, where necessary be varied in accordance with the determination of the arbitrator.

PART VIII—MISCELLANEOUS

Recovery of money due for energy supplied by Authority public installations

68.—(1) When any sum of money due in respect of energy supplied from Authority public installations or for hire of apparatus or for services rendered in connection therewith has not been paid—

- (a) by the date upon which sum is due for payment in accordance with the terms of any agreement or, where any period of grace is allowed in any such agreement, by the end of such period of grace; or
- (b) where no special agreement exists, within 15 days from the date of presentation of the bill for such sum,

it shall be lawful for a resident magistrate*, upon written request made by the Authority, to issue and cause to be executed a warrant for levying the amount with costs by distress and sale of the goods and chattels found on the premises of the person by whom such amount is payable, and such warrant shall authorise the person executing the same or his assistant to remain on the premises during the interval between such distress and sale, whether such authority be expressed or not in the warrant. (*Amended by Legal Notice 118 of 1970.*)

(2) The exercise of the powers conferred by this section shall be without prejudice to the exercise of the power of cutting off supply conferred by any regulations made under the provisions of this Act or to the institution of an action or suit in the appropriate court for the recovery of any money due, and such power may be exercised or such action or suit instituted whether or not application has been made for a warrant under the provisions of this section.

Exemption from provisions of Act

69. The Minister may exempt from any or all of the provisions of Parts IV and VI and of any regulations made under this Act—

- (a) any installation, or part thereof, owned by or worked by or on behalf of the Authority;
 - (b) any installation, or part thereof, constructed before 21 June 1966;
 - (c) any other particular class of installation or apparatus,
- and may by similar notification cancel any exemption so notified.

FIRST SCHEDULE

(Section 33)

(Amended by Legal Notice 112 of 1970.)

RULES FOR DETERMINING PRICE OF ENERGY

1. The costs of production of a supply of energy to or by the Authority shall be deemed to be the costs of production of energy at the selected generating station and not the costs of production of energy at the generating stations owned by the Authority.

* See Legal Notice 44 of 1977.

2. The costs of production of energy at a selected generating station shall be ascertained by calculating the following costs, charges and allowances in respect of the year of account:—

- (a) the sums expended for fuel, oil, water and stores consumed, for salaries, wages, and any contribution for pensions, superannuation and insurance of officers and servants, for repairs and maintenance, and for renewals not chargeable to capital account;
- (b) sums paid as rents, rates and taxes (other than taxes on profits) and for insurance in respect of the station;
- (c) the proper proportion of management and general establishment charges attributable to the station;
- (d) any other expenses on revenue account attributable to the station;
- (e) interest (exclusive of interest payable out of capital) on money properly expended for capital purposes (whether defrayed out of capital or revenue) and attributable to the generating station and the plant suitable to and used for the purpose of generating energy therein, and interest on working capital properly attributable to the station and the production of energy therein. For the purposes of this paragraph, the rate of interest shall be—
 - (i) where the owners of a selected station are a city or town council, the average rate payable on the money raised by such council for the purpose;
 - (ii) where the owners of the station are a company, the average rate of dividends and interest paid by the company on its share and loan capital during the preceding year, so, however, that the rate shall in no case be less than 5 nor more than 6½ per cent per annum.

3. The costs of production ascertained in accordance with the provisions of Rule 2 shall be allocated as between fixed costs and running costs in accordance with such regulations as the Minister may prescribe.

4.—(1) One-twelfth of the amount of the fixed costs in the year of account, divided by the average of the monthly maximum demands in that year, shall, subject to adjustment according to power factor in accordance with such regulations as the Minister may prescribe, be the fixed kilowatt charges component.

(2) For the purposes of this rule, the maximum demand in respect of any month shall be deemed to be twice the largest number of units of electricity supplied from the generating station during any consecutive 30 minutes in that month:

Provided that, if the number of kilowatts of maximum demand so ascertained for any particular month is less than the number of kilowatts of maximum demand for any previous month of the same year of account, the higher number shall be taken as the maximum demand for the first mentioned month.

5. The amount of the running costs divided by the number of units supplied from the generating station during the year of account shall be the running charges component.

6.—(1) The price to be paid shall be the sum of the following items:—

- (a) the number of kilowatts of maximum demand in each month of the year of account multiplied by the fixed kilowatt charges component;

(b) the number of units supplied during the year of account multiplied by the running charges component.

(2) For the purposes of this rule, the number of kilowatts of maximum demand for any month shall be deemed to be twice the largest number of units of electricity supplied during any consecutive 30 minutes in that month:

Provided that, if the number of kilowatts of maximum demand so ascertained shall be less than the number of kilowatts of maximum demand in any previous month of the same year of account, payment shall be made on the higher number.

SECOND SCHEDULE (Section 36)

RULES FOR DETERMINING AUTHORISED CHARGES FOR USE OF SUPPLY LINES

1. Subject to the provisions of rule 2, the following are the charges and allowances to be paid under the provisions of section 36 in respect of the use of a main supply line:—

- (a) the actual cost of the maintenance of the supply line including renewals thereof not chargeable to capital account;
- (b) sums paid as rents, rates and taxes (other than taxes on profits) and for insurance in respect of the supply line;
- (c) a proper proportion of management and general establishment charges attributable to the supply line;
- (d) where energy is purchased or received by the Authority from the owners of the supply line, subject to the provisions of rule 2, the cost of energy lost in course of transmission through the supply line;
- (e) any other expenses on revenue account attributable to the supply line;
- (f) interest on money properly expended for capital purposes (whether defrayed out of capital or revenue) and attributable to the supply line, and on such working capital as is properly attributable to the supply line at the following rates, that is to say:—
 - (i) where the owners of the supply line are a city or town council, the average rate payable on the money raised by such council for the purpose of constructing the line;
 - (ii) where the owners of the supply line are a company, the average rate of dividends and interest paid by such company on its share and loan capital during the preceding year; so, however, that the rate shall in no case be less than 5 nor more than 6½ per cent per annum;
- (g) an allowance for depreciation;

Provided that where the owner of the main supply line also uses such line, the charges and allowances shall be the proper proportion of the charges and allowances specified in this rule.

2. For the purposes of section 33—

- (a) where the Authority receives a supply of energy in accordance with the provisions of paragraph (b) of subsection (3) of section 33 from a supply line owned by a licensee, the supply line used by the Authority shall be deemed to be the supply line from the nearest generating station owned by such licensee to the point of connection of such supply line with the Authority's distribution system:

Provided that, where the nearest generating station is not capable of supplying all the energy supplied to the Authority from such supply line, the amount of energy so supplied in excess of the amount of energy which the nearest generating station is capable of supplying shall be deemed to have been supplied from the next nearest generating station owned by such licensee, and, to the extent of such excess, the supply line from such next nearest generating station to the point of connection with the Authority's distribution system shall be deemed to be the line used by the Authority;

- (b) where the Authority receives and undertakes to supply an equivalent supply of energy in accordance with paragraph (c) of subsection (3) of section 33, the charges and allowances shall be limited to the cost of energy lost in transmission, and that cost shall be deemed to be the additional cost of energy lost in transmission, if any, incurred by the owners of the selected station over the cost of energy lost in transmission which would have been incurred by the owners of the selected station had the Authority not required them to sell such supply to the Authority.

Controlled by Ministry of Lands, Energy and Mineral Resources

CHAPTER 180

ELECTRICITY

SECTION 66—ELECTRICITY REGULATIONS

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PART I—PRELIMINARY

Short title

1. These Regulations may be cited as the Electricity Regulations.

Interpretation

2. In these Regulations, unless the context or subject matter otherwise requires—
 - “appropriate form” means a form approved by the Authority for use in any particular case pursuant to the Act or these Regulations;
 - “circuit” means a system or part of a system;
 - “competent person” means a person who by training, experience or knowledge is capable of avoiding danger;
 - “distributing main” means the portion of any main to which is connected or intended to be connected any service line or consumer's line;
 - “earthed” or “connected with earth” means connected with the general mass of earth in such a manner as will ensure at all times an immediate and safe discharge of energy;
 - “licensed electrical contractor” means the rightful holder of an electrical contractor's licence issued under these Regulations or a renewal of an electrical contractor's licence;
 - “licensed supplier” means a licensee of a public installation;

- “licensed wireman” means the rightful holder of a wireman’s licence issued under these Regulations or a renewal of a wireman’s licence;
- “low voltage” means a voltage normally not exceeding 250 volts;
- “medium voltage” means a voltage exceeding 250 volts but normally not exceeding 660 volts;
- “overhead line” means a supply line which is placed above ground and in the open air;
- “road” means any road, street, lane, footpath, square, alley or passage over which the public have a right of way, whether a thoroughfare or not, and every bridge, culvert, drain, embankment, causeway, fence or other thing belonging or appertaining thereto;
- “S.A.A. Wiring Rules” means the Standards Association of Australia Wiring Rules for the Electrical Equipment of Buildings, Structures and Premises, 1961, as amended from time to time;
- “service line” means an electrical line owned and maintained by the Authority or licensed supplier, at the voltage at which a consumer takes supply and connecting a consumer’s installation to a distributing main;
- “sub-station” means any premises or enclosure or part thereof where energy is received for transformation, conversion, storage or distribution and includes any apparatus therein;
- “supply”, where used as a noun, means the supply of energy at or from a public installation or an Authority public installation, as the case may be;
- “voltage” means the difference in electrical potential in volts between any pair of conductors or between any part of a conductor and earth, and other expressions defined in the Act shall have the meanings therein assigned to them.

(Amended by Legal Notice 53 of 1976.)

Service of notices

3.—(1) Any notice or other document under or for any of the purposes of the Act or these Regulations required or authorised to be given to or served upon any person may be served—

- (a) by delivering the same to such person; or
- (b) by leaving the same at his usual or last known place of business or abode in Fiji; or
- (c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of business or abode in Fiji.

(2) Any such notice or document, if addressed to the owner or occupier of premises, may be given or served by delivering the same, or a true copy thereof, to some person on the premises or, if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises.

(3) Any such notice or document may be given or served to or upon any person whose name or address is unknown by publishing it once in the Gazette and once in a newspaper published and circulating in Fiji.

(4) Any such notice or document forwarded by post shall be deemed to have been served on the day on which the same ought to be delivered at its destination in the ordinary course of post, and in proving service it shall be sufficient to prove that the same was properly stamped and addressed and put into the post.

Duties of inspectors and their identification

4.—(1) Inspectors shall carry out the duties prescribed in the Act and shall in addition, with a view to ensuring that the provisions of the Act and these Regulations are complied with, inspect and test licensees' and consumers' installations and apparatus during and upon completion of their construction or installation and thereafter, as may from time to time be required, during their operation or use.

(2) The official identification card or badge to be carried by an inspector seeking to enter any premises under any of the powers conferred by the Act shall be in the appropriate form.

PART II—SYSTEMS AND VOLTAGES

Standard systems and voltages

5. Energy shall be supplied or used on 1 or more of the following systems:—

(a) using direct current—

(i) a 2-wire system at 240 volts; or

(ii) a 3-wire system at 480 volts between the outer conductors and 240 volts between each outer and intermediate conductor;

(b) using alternating current—

(i) a single phase 2-wire system at 240 volts;

(ii) a single phase 3-wire system at 480/240 volts;

(iii) a 3 phase 4-wire system at 415 volts between phases and 240 volts between each phase and neutral conductor; or

(iv) in the case of high voltages a single phase 2-wire system or a 3-phase 3-wire system,

or such other systems as may be specially authorised in writing by the Authority.

Frequency and regulation of voltage and frequency

6.—(1) The frequency of alternating current systems shall be 50 cycles per second.

(2) At all points on a distributing main, the voltage shall be maintained within the limits of 6% above and 6% below the standard voltage of the system.

(3) The frequency of alternating current shall be maintained within the limits of 2% above and 2% below the standard frequency of 50 cycles per second.

Special requirements for extra high voltages

7. In any installation intended to operate at a voltage greater than 13,000 volts the Authority may require safeguards additional to those prescribed in these Regulations.

PART III—LICENSING AND REGISTRATION OF INSTALLATIONS

Application for licence to operate installation

8. Any person applying for a licence under section 28 of the Act to operate or work an installation shall supply to the Authority, if it so requires—

(a) plans and specifications of the installation sought to be licensed, as existing or proposed at the time of the application;

- (b) in the case of a public installation, or a private installation other than a consumer's installation, a map of the area of supply, showing the position of the generating station, sub-stations, main supply lines and distributing mains, as existing or proposed at the time of the application; and
- (c) such other information as the Authority may think necessary to enable it to consider the application.

Form of licence and fees

9. A licence to operate or work an installation shall be in the appropriate form, and a licensee shall pay in respect of his licence the appropriate fees set out in the Schedule at the times specified in the Schedule.

Conditions of licences

10.—(1) It shall be a condition of every licence that the licensee will comply with the provisions of the Act and of these Regulations, in so far as they may be applicable to him or to his installation or any part thereof.

(2) It shall be a condition of every licence for a public installation that—

- (a) the licensed supplier, with all reasonable speed after the granting of his licence or, in the case of a new installation, after the commencement of the operation of his installation, will prepare a map of the area of supply, on which shall be shown the position of his generating station, sub-stations, main supply lines and distributing mains, and shall keep the map up to date by marking thereon every extension, addition or other alteration to his sub-stations, main supply lines and distributing mains within 4 weeks after the completion of the extension, addition or alteration, and shall send to the Authority, not later than the last day of February in each year, a list summarising all such extensions, additions and alterations made during the last preceding calendar year and giving particulars of the date of completion, location and length of line or main, in respect of each extension, addition or alteration;
- (b) the licensed supplier will keep a record setting out particulars of the date, period of duration, nature and cause of every failure of supply, whatever its duration affecting the whole of his supply or any section of a high voltage transmission system in his installation:
Provided that, where an automatic recloser, or multiple fuse gear, is used to protect a section of a high voltage system, a fault which does not cause a final disconnection of the system need not be recorded;
- (c) the licensed supplier will keep the map and records referred to in the foregoing provisions of this paragraph at the principal office or the generating station of his installation and shall permit the Chief Inspector, or any person authorised by the Chief Inspector, to inspect the map or records at that place at all reasonable times;
- (d) the licensed supplier will, at all times during the term of his licence, comply with the requirements of all Acts, regulations and by-laws applicable to him or his installation in relation to the construction, installation, maintenance or operation of his installation or any part

thereof and (without restricting the generality of the foregoing) will comply with all provisions and requirements, in so far as they shall be so applicable, of—

- (i) the Towns (Building) Regulations;
 - (ii) the Public Health (Building) Regulations;
 - (iii) the Telecommunications Act and the regulations made thereunder; *(Cap. 173.)*
 - (iv) the Petroleum Act and the regulations made thereunder; *(Cap. 190.)*
 - (v) the Factories Act and the regulations made thereunder; and *(Cap. 99.)*
 - (vi) any Acts, regulations or by-laws passed or made in amendment or replacement of any of such Acts and regulations;
- (e) the licensed supplier will not charge any consumer for energy supplied to him from the licensed supplier's installation at a higher rate than the maximum charge or charges applicable to the consumer set out in the licensed supplier's licence.

(3) The conditions prescribed in the foregoing provisions of this regulation shall be in addition to any other conditions imposed by the Authority and set out in the licence.

Registration of new installations

11.—(1) An application for registration of a new installation under section 46 of the Act shall be made in the appropriate form and the owner or licensee of the installation shall, before the issue of a certificate of registration, pay to the Authority the appropriate registration fee set out in the Schedule.

(2) A certificate of registration of a new installation issued by the Authority shall be in the appropriate form.

PART IV—PRECAUTIONS FOR LICENSEE'S
INSTALLATION

Interpretation

12. Where used in this Part, the term "licensee" shall include the owner of an unlicensed installation, which is in the course of construction or installation and in respect of which, when it is in use or operation, a licence under section 28 of the Act shall be required and the owner or management of an unlicensed installation which is in use or operation and in respect of which a licence is required under the provisions of the said section.

Licensee to comply with Regulations and Wiring Rules

13. In the construction, installation, maintenance and operation of his installation, every licensee shall comply with—

- (a) the provisions of this Part; and
- (b) the requirements of such of the S.A.A. Wiring Rules as shall be applicable and, where there shall be no such rule applicable, such requirements as the Authority shall in writing approve or require.

Precautions against excess energy

14.—(1) A licensee shall provide in his installation sufficient fusible cut-outs or automatic circuit-breakers to give protection as far as practicable against the effect of excess energy. The cut-outs or circuit-breakers shall not be inserted in any conductor permanently connected with earth.

(2) During the construction of, or the carrying out of any repair, maintenance or other work on, his installation or any part thereof a licensee shall take all reasonable precautions to avoid danger.

Installations—conductors and protective devices

15.—(1) All conductors shall be adequately protected, where necessary against damage and to prevent danger.

(2) Where necessary to prevent danger, adequate precautions shall be taken by earthing to prevent any metal other than conductors from becoming electrically charged.

(3) Where necessary to prevent danger, insulating stands or screens shall be provided and kept permanently in position and shall be maintained in sound condition.

(4) Portable insulating stands or screens, boots, gloves, and other protective devices shall be provided and used where necessary to prevent danger and shall be periodically examined by an authorised person.

(5) No person, except an authorised person or a competent person acting under the immediate supervision of an authorised person, shall undertake any repair, alteration, extension, cleaning or other work where technical knowledge or experience is required in order to avoid danger.

(6) Notices containing directions in the English, Fijian and Hindustani languages for the treatment of persons suffering from the effects of electric shock shall be displayed in conspicuous positions in all premises wherein people are normally employed and where energy is generated, transformed, converted or used at high voltage and in such other premises as the Authority may require.

Fuses and switchgear

16.—(1) Every switch, switch-fuse, circuit breaker and isolating link shall be—

- (a) so constructed, placed or protected as to prevent danger;
- (b) so constructed and adjusted as to make and maintain accurate and good electrical contact and be so arranged that it cannot be left in partial contact;
- (c) provided with an efficient handle or other means of working it, which shall be insulated from the system and so arranged that any live parts cannot accidentally be touched;
- (d) so constructed or arranged that it cannot accidentally fall or move into electrical contact when left out of contact; and
- (e) provided with a visible means of indication showing clearly whether the switch is open or closed.

(2) Every switch and circuit-breaker intended to be used for breaking a circuit shall be so constructed that an arc cannot accidentally be maintained.

(3) Every fuse shall be so constructed and arranged as to prevent damage from overheating or from arcing, or, when it comes into operation, from scattering hot metal or other substance.

(4) Every fuse shall be of such construction, or so protected by a switch, that the fusible metal can be readily renewed without danger.

Generation—switchgear and protection

17.—(1) A switchboard controlling the supply from a generator which does not operate in parallel with any other generator shall be fitted with at least the switchgear and protective apparatus set out in the table below applicable to the system of distribution:—

TABLE 1

<i>System of supply</i>	<i>Number of poles to be broken by circuit-breaker of any type or switch</i>	<i>Position of operating coil of over load circuit-breaker or fuse</i>
2-wire, D.C. or A.C. permanently and effectively earthed on one pole	2	in non-earthed conductor
3-wire, D.C., mid point permanently and effectively earthed	2 provided the poles broken are in the outer conductors	in each outer conductor
4-wire, 3 phase A.C. (earthed neutral)	3 provided the poles broken are in the phase conductors	in each phase conductor

(2) Where 2 or more generators are to be operated in parallel, additional protective apparatus shall be provided to the satisfaction of the Authority.

Instruments

18. A switchboard controlling the supply from a generator shall be fitted with at least the instruments set out in the table below applicable to the system of supply and operation:—

TABLE 2

System of supply	1 generator only	More than 1 generator but not arranged for parallel operation	More than 1 generator arranged for parallel operation
2-wire A.C. or D.C.	1 ammeter and 1 voltmeter	1 ammeter for each generator and 1 voltmeter connected to measure the voltage	1 ammeter for each generator, 1 voltmeter connected to the busbars and 1 voltmeter connected to measure the voltage of each generator
3-wire D.C.	1 ammeter connected to measure the current in each outer conductor and 2 voltmeters, 1 connected between each outer conductor and the neutral conductor	1 ammeter for each generator connected to measure the current in each outer conductor and 2 voltmeters, 1 connected between each outer conductor and the neutral conductor	1 ammeter for each generator connected to measure the current in each outer conductor and 4 voltmeters with 2 voltmeters connected to the busbars and 2 voltmeters connected to measure the voltage of each generator, the voltmeters being connected between the outer conductors and the neutral conductor
3-phase A.C.	1 ammeter connected to measure the current in each phase and 1 voltmeter connected to measure line voltage	1 ammeter for each generator connected to measure the current in each phase, 2 voltmeters to measure line voltage, 1 connected to the busbars and 1 voltmeter connected to measure the voltage of each generator and a suitable synchronising device	1 ammeter for each generator connected to measure the current in each phase, 2 voltmeters to measure line voltage, 1 connected to the busbars and 1 connected to measure the voltage of each generator and a suitable synchronising device

NOTE 1—Where an instrument is required to make more than 1 measurement a suitable multiway switch or plug together with suitable shunts or instrument transformers shall be used.

NOTE 2—Where compound generators are to be operated in parallel the ammeter shall be connected in the pole other than that to which the equaliser connection is made.

NOTE 3—A frequency indicator, an indicating wattmeter and an exciter ammeter shall be provided for any A.C. generator of over 50 kilowatts capacity.

Marking of switchgear and instruments

19. All switchgear and instruments shall be clearly marked to indicate their function and rating.

Connection of systems with earth

20. Every system shall be connected with earth in accordance with the following conditions—

- (a) At least 1 point of the system shall be connected with earth.
- (b) In a 3-wire direct current system, the intermediate conductor shall be earthed.
- (c) In a low voltage or medium voltage 3-phase 4-wire system, the neutral conductor shall be earthed.
- (d) In a high voltage system supplying a distributing main at low voltage or medium voltage by means of a transformer—

- (i) all metal work associated with the transformer, other than conductors, shall be earthed and the neutral conductor of a low voltage or medium voltage distributing main connected to the transformer shall be insulated from such metal work:

Provided that the low voltage or medium voltage neutral conductor may be earthed by an earthing connection to the earth electrode used for earthing the metal work associated with the transformer if the conditions of item (c) of rule 830 of the S.A.A. Wiring Rules are complied with.

- (ii) In the case of an overhead distributing main, the neutral conductor shall be earthed at a point not less than 25 feet from the transformer earth and, except at its connection with the earth electrode, the earthing connection shall be insulated from earth.
- (e) In a 3-phase 3-wire system at high voltage, there shall be at least 1 position where a star connection or an interconnected star connection is used to form a neutral point and the neutral point shall be earthed.
- (f) Where any part of a circuit is normally connected with earth, no switch, fuse or circuit-breaker shall be inserted in the earthed conductor and the connection with earth shall be efficiently maintained except when it is interrupted by means of a link for the purpose of a test.
- (g) The design and construction of earth connections shall be such that, when contact is made between a live conductor and metal connected with earth, the resulting leakage of electrical current shall not be less than twice the amount of the leakage of electrical current required to operate the protective device to make the conductor dead.
- (h) Tests shall be made by the licensee at intervals of not more than 12 months to ensure that all earth wires used in connection with supply lines are intact and that the earth connections and electrodes are effective.

Protection conditions as to high voltage transformation, control, etc.

21.—(1) The following provisions shall apply where energy at high voltage is transformed, converted, regulated or otherwise controlled:—

- (a) Outdoor sub-stations and outdoor ground mounted switch stations shall be protected by fencing not less than 7 feet 6 inches in height or by other sufficient means so as to prevent access to the conductors and apparatus therein by unauthorised persons.
 - (b) On a consumer's premises, all conductors (other than overhead lines) and apparatus which are or may be designed to be alive at high voltage shall be so enclosed as to prevent access by unauthorised persons.
- (2) At any part of an installation where energy at high voltage is transformed, converted, regulated or otherwise controlled, an appropriate danger notice shall be displayed in a conspicuous position.

Certain constructional details as to high voltage transformation, control, etc.

22. The following provisions as to constructional details shall be observed where energy at high voltage is transformed, converted, regulated, or otherwise controlled:—

- (a) In street boxes or similar structures or in enclosures on a consumer's premises—
 - (i) all doors or covers shall be so secured that they cannot be opened except by means of a key or special appliance, and the enclosed apparatus shall be so protected and arranged that, when a door or cover giving access to an operating-panel or switch-panel is opened, it shall not be possible for the person opening the door or cover to come into accidental contact with metal electrically charged at high voltage; and
 - (ii) unless the conditions of supply are such that the whole of the enclosed conductors and apparatus can be made dead at the same time for the purpose of cleaning or for other work thereon, the conductors and apparatus shall be so arranged that they can be made dead in sections, and the sections shall be so separated by divisions or screens from all adjacent live metal that work on any section made dead can be carried on by an authorised person without danger.
- (b) On the supports of overhead lines or in other suitable positions (other than ground mounted outdoor sub-stations or switch stations) adjacent to the conductors of any system, conductors and transforming or switching apparatus, unless completely enclosed and connected with the system by armoured conductors or effectively screened, shall be so arranged that no live metal with which contact can be made shall be less than 14 feet from the ground or less than 14 feet from any place accessible to an unauthorised person.
- (c) Every operating or inspecting platform upon which it is intended that any authorised person may stand must be not less than 8 feet 6 inches from any exposed high voltage live metal.
- (d) The means provided for disconnecting a transformer, circuit-breaker or fusible cut-out from conductors which are alive at high voltage, and the fusible cut-out itself, if intended to be renewed while the conductors are alive at high voltage, shall be such that they can be operated or renewed by any authorised person without danger.

Transforming apparatus—earthing

23.—(1) Where energy is transformed, suitable provision shall be made, by connecting with earth a point of the system at the lower voltage or otherwise, to guard against danger by reason of the said system becoming accidentally charged above its normal voltage by leakage from or contact with the system at the higher voltage.

(2) The metal cases of all transformers shall be effectively earthed.

Underground supply lines

24.—(1) Every underground supply line shall be thoroughly and continuously insulated and shall comply with the relevant Standard Specifications issued by the British Standards Institution or the relevant Standard Specifications issued by the Standards Association of Australia, for the time being in force and in so far as they are applicable.

(2) Every underground supply line for use at high voltage shall be enclosed in a metal sheathing which shall be electrically continuous and connected with earth.

(3) Every underground supply line shall be protected from mechanical damage by earthenware, stoneware, concrete, iron or fibre conduit or pipe and shall be laid with the following minimum cover:—

	<i>Below roadway or footpath</i>	<i>Other locations</i>
Distributing main.....	2' 0"	1' 6"
High voltage line	2' 6"	2' 6"

(4) Underground supply lines may be laid on the same side of the street as underground telecommunication lines after consultation with the Permanent Secretary for Posts and Telecommunications.

(5) All conduits, pipes, casings, street-boxes and manholes, when placed under roadways, shall be of durable material and of sufficient strength to prevent damage from heavy traffic.

(6) Where any underground supply line is brought above the surface of the ground to connect with an overhead supply line above ground it shall be completely enclosed in an effectively earthed metal pipe or casing to a height of at least 8 feet from the ground.

(7) The impedance of the circuits of high voltage supply lines shall, with full voltage maintained at the source of supply, be such that, in the event of a failure of insulation occurring between a conductor and the metal sheathing, the electric current resulting from such failure shall not be less than twice the value of the current for which a suitable fusible cut-out of adequate rupturing capacity or other suitable overload-preventative device has been set or twice the value of the current required to operate a suitable discriminative-fault current-relay:

Provided that the operation of the overload-preventative device or of the discriminative-fault current-relay shall cause the operation of an automatic circuit-breaker of adequate rupturing capacity.

Test for resistance of insulation of underground lines

25.—(1) Every underground supply line, after it has been placed in position and before it is used for the purpose of the supply, shall be subjected to a voltage test in a manner approved by the Authority.

(2) Where any underground supply line has been disconnected from a system for alteration or repair it shall not be reconnected to the system until an inspector or an authorised person has applied a test similar to that required under paragraph (1) and has satisfied himself that the insulation of the line is in sound condition.

Overhead lines to be inaccessible

26. Overhead line conductors, other than those fully insulated for the voltage at which they are to operate, shall be rendered inaccessible to any person without the use of a ladder or other special appliance. The normal use by the occupier of any land or premises (including maintenance work on the exterior of buildings) shall be taken into consideration and, where necessary, the position of the conductors shall be selected so as to provide sufficient clearance for safety in accordance with such use.

Conductor clearances of overhead supply lines

27.—(1) The minimum conductor clearances from ground, buildings and structures required for the installation of overhead supply lines at any point on a span at a temperature of 122°F, in still air shall, except with the written consent of the Authority, be not less than the distances set out in the table below:—

TABLE 3

Clearance with respect to	System Voltage	
	up to 660	661 to 11,000
Areas used by vehicles	18 ft.	19 ft.
Areas not used by vehicles—		
Bare line conductor	16 ft.	17 ft.
Insulated line conductor	15 ft.	17 ft.
Telecommunication lines	2 ft.	6 ft.
Other horizontal line conductors on same voltage system	15 ins.	2 ft.
Other horizontal line conductors on a different voltage system	3 ft.	3 ft.
Roofs	9 ft.	15 ft.
Horizontal distances to walls	5 ft.	7 ft.

For voltages over 11,000 there shall be such clearance as the Authority may require.

(2) Notwithstanding the foregoing provisions consumers' lines or service lines at low voltage or medium voltage shall be installed in accordance with applicable provisions of the S.A.A. Wiring Rules.

Climbing space between conductors

28. Where it may be necessary for an authorised person to climb between conductors on the same pole there shall be a minimum horizontal distance of not less than 20 inches between the conductors.

System temporary earths

29. Where it is necessary for authorised persons to work on any high voltage supply line for the purpose of repair, maintenance or cleaning, the supply line shall be disconnected from the sources of supply and earthed and—

- (a) in the case of an underground high voltage line earthing connections shall be made at each end of the line and the line shall be spiked and earthed at the working point;
- (b) in the case of an overhead line earthing connections shall be made at each end of the line and local earths shall be applied on both sides of the working point, such earths to be at least 0.05 square inch in area and fitted with a suitable clamping arrangement to ensure a good connection :

Provided that, if it is desired to carry out the work without disconnecting the line from the sources of supply, approval of the method or technique to be used shall first be obtained from the Authority in writing.

Overhead line earthing requirements

30.—(1) In every overhead system means shall be provided to reduce to a practical minimum the risk of a line conductor remaining alive after it has fallen owing to breakage or otherwise.

(2) All metal work, excepting conductors, within 10 feet from the ground shall be earthed.

(3) Every stay wire shall be connected with earth except where it is connected with unearthed metal work, in which case it shall be insulated by the insertion in the wire of an insulator suitable for the voltage of the line at a height of not less than 10 feet above the ground.

(4) Where any special equipment on a pole includes metal work which is accessible to any person from ground level and normally has to be handled by the person operating it when the line is alive (for example a switch operating handle), such metal work shall either be connected to an earth mat, so situated as to include within its area the whole of the ground on which the operator will normally stand, or be provided with an insulated section of such suitable size and insulating properties as to prevent danger.

(5) The requirements of item (g) of regulation 20 shall be complied with in the installation of overhead systems.

(6) It shall be permissible in a high voltage system for a suitable inductive resistance to be inserted in the connection with earth:

Provided that such resistance shall have characteristics which will ensure, on a line conductor making contact with earth metal, the immediate suppression of any arc between earth and the conductor and the immediate reduction of the voltage of the conductor to earth potential or about earth potential.

(7) All earth electrodes shall be so installed as to prevent so far as is practicable dangerous voltage gradients at ground level.

Construction of overhead lines

31.—(1) Every support for an overhead supply line shall be so located as to avoid obstructing pedestrian or vehicular traffic as far as is practicable.

(2) Overhead line conductors shall be of copper, cadmium copper, aluminium, steel cored aluminium or such other suitable materials as may from time to time be approved by the Authority.

(3) Every overhead line conductor shall, at the time of its erection, comply with the relevant Standard Specifications issued by the The British Standards Institution or the relevant Standard Specifications issued by the Standards Association of Australia, for the time being in force and in so far as they are applicable.

(4) Every overhead line conductor shall be of such size as to have an actual breaking load of not less than 800 lb.

(5) The tension in any overhead line conductor shall not exceed one half of its ultimate tensile strength when, at a temperature of 62°F, it is subjected to a wind pressure of 16 lb. per square foot.

(6) (a) For the purposes of this paragraph—

“transverse” means the horizontal direction at right angles to the direction of the line;

“applied load” means the load which the pole is required to carry in the specified direction calculated as a signal force applied at a point 2 feet below the top of the pole;

“ultimate load” means the load which when applied at a point 2 feet below the top of the pole causes failure;

“load factor” means the ratio of the applied load to the ultimate load;

“failure” means the condition occurring when a support is so loaded as to be incapable of supporting further load or as to suffer permanent deformation, whichever condition shall first occur.

(b) Overhead line conductors shall be attached to insulators carried on supports of wood, steel, or reinforced concrete.

(c) Insulators, supports and their foundations shall be designed and constructed in accordance with the following provisions—

(i) Applied loads on supports shall be calculated on the assumption that each support and each conductor, when at a temperature of 62°F, shall be loaded by a transverse wind pressure of not less than the following:—

Pressure on projected area of a flat surface—45 lb. per square foot.

Pressure on projected area of a cylindrical surface, including a conductor—16 lb. per square foot,

and the following load factors shall not be exceeded:—

Steel supports..... 90%

Reinforced concrete supports..... 40%

Wooden supports..... 50%

(ii) The strength of a support in the direction of the line shall be not less than one-quarter of its required strength in the transverse direction.

(iii) Insulators and insulator pins shall comply with Standard Specifications Nos. 137 and 3288, for the time being in force, issued by the British Standards Institution and in every insulator or insulator pin the minimum load at which failure occurs shall be not less than twice the horizontal load from each conductor when, at a temperature of 62°F., it is subjected to a transverse pressure of 16 lb. per square foot.

Offences

32. Any licensee who, in the construction, installation, maintenance or operation of his installation, or any part thereof, contravenes or wilfully fails to comply with—

- (a) any of the foregoing provisions of this Part; or
- (b) any of the requirements of such of the S.A.A. Wiring Rules as shall be applicable; or
- (c) any of the requirements of the Authority pursuant to paragraph (b) of regulation 13, shall be guilty of an offence.

Building alterations not to make overhead lines accessible

33.—(1) If, at any time after the erection of an overhead supply line belonging to the Authority or a licensed supplier, any person proposes to erect a new building or other structure, whether permanent or temporary, or to make any permanent or temporary addition or alteration to a building or structure, he shall, if the new building, structure, addition or alteration shall or may be liable to render the overhead supply line accessible to any person without the use of a ladder or other special appliance, give notice in writing of his intention to commence the work to the Authority or licensed supplier and shall not commence work on the building, structure, addition or alteration until the Authority or licensed supplier has certified in writing that the overhead supply line will not be or be liable to become so accessible either during or after the execution of the work.

(2) If any alteration is required to any overhead supply line belonging to the Authority or licensed supplier, to enable a certificate under paragraph (1) to be given, the alteration—

- (a) shall be carried out by the Authority or licensed supplier at the expense of the person proposing to erect the new building or structure or make the addition or alteration to a building where the part of the line requiring alteration crosses any road; or
- (b) in any other case shall be dealt with under the provisions of section 37 of the Act.

(3) Any person who contravenes or wilfully fails to comply with any of the provisions of paragraph (1) shall be guilty of an offence.

PART V—ELECTRICAL CONTRACTORS' AND WIREMEN'S LICENCES

Electrical contractor's licence

34.—(1) Any person who wishes to be a licensed electrical contractor shall make application in writing to the Authority and shall furnish all information to the Authority that it may require; and the Authority may, in its discretion, issue an electrical contractor's licence in the appropriate form to any applicant being—

- (a) the Suva City Council; or
- (b) a person who immediately before 1 January 1969 was an approved contractor under the Lautoka Electricity By-laws, 1955; or
- (c) a licensed wireman; or
- (d) a partnership, company, society, association or body of persons, corporate or unincorporate, trading or intending to trade as an electrical contractor, upon the Authority being satisfied that at least 1 member or employee of the partnership, company, society, association or body is either a licensed electrical contractor or a licensed wireman; or

- (e) a person whose electrical contractor's licence has expired and not been renewed, and who is qualified to be an applicant under any of the foregoing provisions of this regulation; or
- (f) a person whose electrical contractor's licence has been cancelled or suspended under the provisions of regulation 39 and in whose case the Authority, in its discretion, thinks it proper to grant a new licence:

Provided that such person is otherwise qualified to be an applicant under the provisions of this paragraph.

(2) Every application shall be accompanied by the appropriate fee for the issue of an electrical contractor's licence set out in the Schedule, which fee shall be refunded by the Authority to the applicant if the application is not granted.

(3) After 31 January 1969, any person who contracts to do, or carries out, as a contractor, any electrical work of wiring, constructing, installing, repairing or altering any installation, or any part of an installation, without being the holder of a valid electrical contractor's licence or renewal of such a licence issued to him by the Authority shall be guilty of an offence.

Wireman's licence

35.—(1) Every person wishing to be a licensed wireman shall make application in writing to the Authority and shall furnish all information to the Authority that it may require; and the Authority may issue a wireman's licence in the appropriate form to any person, who is of or above the age of 21 years and—

- (a) has completed an apprenticeship to the trade of electrical fitter and mechanic and is the holder of a certificate issued by the Fiji National Training Council certifying that he has satisfactorily completed the Electrical Fitters' and Mechanics' Trade Course conducted by the Derrick Technical Institute at Suva; or
- (b) has completed an apprenticeship to the trade of electrical fitter and mechanic, or satisfies the Authority that he has had at least 4 years' experience in electrical wiring work and, in either case, has passed the wireman's licence examination prescribed by Regulation 40; or
- (c) is the holder of a degree, diploma or other qualification in electrical engineering granted by a university or similar institution in the United Kingdom, Australia, New Zealand or the Republic of Ireland or of a degree, diploma or other qualification in electrical engineering of any other university or similar institution which, in the opinion of the Authority, is equivalent to a similar degree, diploma or other qualification of the United Kingdom, Australia, New Zealand or the Republic of Ireland; or
- (d) has completed in another country than Fiji an apprenticeship or course of training in the trade of electrical mechanic, electrical fitter or similar calling, as the result of which he is the holder of a qualification which is, in the opinion of the Authority, equivalent to the Electrical Fitters' and Mechanics' Trade Course conducted by the Derrick Technical Institute; or
- (e) has been a licensed wireman but whose licence has expired and not been renewed; or

- (f) has been a licensed wireman but whose licence has been cancelled or suspended under regulation 39 and in whose case the Authority, in its discretion, thinks it proper to grant a new licence; or
- (g) has been the holder of a wireman's licence issued under the Suva (Electricity) By-laws or an electrical wireman's licence granted under the Electricity (Examination of Candidates for Electrical Wiremen's Licences) Regulations, which licence was for any reason not in force immediately prior to 1 January 1969, and in whose case the Authority, in its discretion, thinks it proper to grant a wireman's licence:

Provided that the Authority may refuse any application under any of paragraphs (c), (d) or (g) if the applicant fails to furnish to the Authority evidence of having had such practical experience in electrical wiring work as, together with any experience in any electrical work not being electrical wiring work, is, in the opinion of the Authority, sufficient to enable the applicant to carry out electrical wiring work in a competent manner without supervision:

And provided further that the Authority may require any applicant—

- (i) who is an applicant under item (c) or item (d); or
- (ii) who is an applicant under item (a) or item (b) and in whose case a period of 3 years or more has elapsed since he obtained the qualification described in such item; or
- (iii) who is an applicant under any of items (e), (f) or (g) and who has not held a valid licence, of the kind referred to in such item and applicable to his case, during the period of 3 years immediately preceding his application,

to submit himself for, and pass, an oral test, conducted by a person appointed by the Authority, of his knowledge of the S.A.A. Wiring Rules.

(2) Every application shall be accompanied by the appropriate fee for the issue of a wireman's licence set out in the Schedule which fee shall be refunded by the Authority to the applicant if the application is not granted.

(3) If the Authority shall so require the applicant shall supply to the Authority before the issue of his wireman's licence 2 small unmounted photographs of himself.

Offence

36.—(1) No person shall do or carry out any electrical work of wiring, constructing, installing, repairing or altering any installation or any part of an installation unless he holds a valid wireman's licence or renewal of such a licence issued to him by the Authority.

(2) A licensed wireman shall not do or carry out any electrical work of wiring, constructing, installing, repairing or altering any installation or any part of an installation unless the work is done or carried out—

- (a) in the course of his employment by a licensed electrical contractor; or
- (b) in the course of his own electrical contractor's business, in respect of which he is the holder of an electrical contractor's licence; or
- (c) by him as a member of a partnership, company, society, association, or body of persons, which is the holder of an electrical contractor's licence issued under paragraph (d) of paragraph (1) of regulation 34; or

(d) in the ordinary course of his work as a regular and fulltime employee of a person who does not carry on the business of an electrical contractor:

Provided that such work is done only on, or in connection with, the employer's own installation or apparatus; or

(e) at his own premises and on, or in connection with, an installation of which he is the owner.

(3) Any person who contravenes or wilfully fails to comply with any of the foregoing provisions of this Regulation shall be guilty of an offence.

Period of contractor's or wireman's licence and renewal

37.—(1) Every electrical contractor's licence or wireman's licence, not being a renewal of such a licence nor a licence to which paragraph (1) of regulation 35 applies, shall commence on the day on which it is issued and shall continue in force until 31 December in the year of issue.

(2) An electrical contractor's licence or a wireman's licence may be renewed from year to year in the appropriate form upon application made to the Authority not earlier than 1 month before, nor 12 months after its expiry date or the expiry date of its last renewal.

(3) Every renewal of an electrical contractor's licence or wireman's licence shall commence on 1 January in the year for which it is renewed or the date on which the holder of the licence applies for its renewal, whichever is the later date, and shall continue in force until 31 December in that year.

(4) Application for renewal of an electrical contractor's licence or wireman's licence shall be made to the Authority in writing, and shall be accompanied by the appropriate fee set out in the Schedule and by the expiring or expired licence for endorsement of renewal or for surrender and replacement, as the Authority may direct.

(5) The Authority may require an applicant for renewal of a wireman's licence to supply to it 2 small unmounted photographs of himself before the issue to him of the fifth renewal of his wireman's licence and at intervals of not less than 5 years thereafter.

Production of contractor's or wireman's licence

38.—(1) Every holder of an electrical contractor's licence or a wireman's licence shall, if requested to do so by any of the following persons, namely—

(a) an authorised representative of the Authority; or

(b) an authorised representative of the licensed supplier in whose area of supply the holder of the licence has undertaken or carried out, or is undertaking or carrying out, or proposes to undertake or carry out any electrical work; or

(c) the owner or occupier, or any person authorised by the owner or occupier, of the property where the holder of the licence is undertaking or carrying out or proposes to undertake or carry out electrical work; or

(d) a police officer,
produce his licence to that person.

(2) Any person being the holder of an electrical contractor's licence or a wireman's licence who contravenes or wilfully fails to comply with any of the provisions of this regulation shall be guilty of an offence.

Suspension or cancellation of contractor's or wireman's licence

39.—(1) An electrical contractor's licence or a wireman's licence may be suspended or cancelled by the Authority if it has been issued erroneously or in consequence of any false or fraudulent statement or document.

(2) An electrical contractor's licence or a wireman's licence may be suspended or cancelled by the Authority upon proof that the holder of the licence, or any person employed by the holder of an electrical contractor's licence acting in the course of his employment—

(a) has carried out electrical work in a negligent, unsatisfactory or incompetent manner:

Provided that the licence shall not be suspended or cancelled if the work conforms with the applicable requirements of these Regulations and the S.A.A. Wiring Rules in force on the date on which the work was carried out; or

(b) by any oral or written representation, or by intentionally concealing any electrical work which is inferior or unsatisfactory or has been carried out in a negligent, unsatisfactory or incompetent manner, has deceived or attempted to deceive an officer of the Authority or any of the persons entitled under regulation 38 to require production of the electrical contractor's or licensed wireman's licence, as to any fact, matter or thing relating to an installation or any part of an installation or the electrical work thereon; or

(c) has tampered with, or without prior permission of the Authority or a licensed supplier broken the seal of, any meter, maximum demand indicator, service fuse or other apparatus within or forming part of an installation belonging to or under the control of the Authority or licensed supplier; or

(d) without the permission of the Authority or licensed supplier, has connected to the supply—

(i) any new installation or part of a new installation; or

(ii) a circuit or addition to a circuit of such a nature that thereafter the circuit or addition is not metered or is metered at a tariff or rate other than that which is correctly applicable to such circuit or addition; or

(iii) an additional installation or an extension of an existing installation.

(3) An electrical contractor's licence or a wireman's licence may be suspended or cancelled by the Authority upon proof that—

(a) the holder of the licence has failed to pay any fees due by him to the Authority under these Regulations; or

(b) the holder of an electrical contractor's licence being a partnership, company, society, association or body of persons has ceased to have at least 1 member or employee who is the holder of an electrical contractor's licence or the holder of a wireman's licence.

(4) The Authority shall, before suspending or cancelling an electrical contractor's licence or a wireman's licence, give the holder a due opportunity to be heard.

(5) Where an electrical contractor's licence or a wireman's licence has been suspended it shall, during the period of suspension, be of no effect.

(6) Notice of the suspension or cancellation of an electrical contractor's or wireman's licence shall be given by the Authority to the holder in writing and the suspension or cancellation shall have effect from the date of service of the notice on the holder.

Wiremen's examinations

40.—(1) Wireman's licence examinations shall be conducted by the Authority at such times and places and in such manner as may from time to time be decided by the Authority.

(2) An examination may consist of written, oral and practical tests; and candidates may be examined on the theory and practice of applied electricity, electrical wiring work and the S.A.A. Wiring Rules.

(3) Application to be examined shall be made in writing to the Authority and shall be accompanied by the examination fee prescribed in the Schedule which fee shall be refunded to the applicant if he is not accepted as a candidate for examination.

(4) An applicant for acceptance as a candidate for examination shall send to the Authority with his application evidence of his completion of an apprenticeship to the trade of electrical fitter and mechanic, or of his experience in electrical wiring work, and of his good behaviour for the period of at least the 12 months immediately preceding his application.

(5) No person shall be accepted as a candidate for examination unless he proves to the Authority's satisfaction that—

- (a) he is a person of good character; and
- (b) he has completed an apprenticeship to the trade of electrical fitter and mechanic or has had at least 4 years' experience in electrical wiring work.

Notification of change of name, address, etc., of licence holder and surrender of suspended or cancelled licence

41.—(1) The holder of an electrical contractor's licence or a wireman's licence shall within 14 days after the happening of any of the following events—

- (a) a change in the name of the holder; or
- (b) a change in the address of the holder; or
- (c) a change in the membership of a partnership which is the holder of an electrical contractor's licence; or
- (d) a partnership, company, society, association or body of persons, which is the holder of an electrical contractor's licence, replacing with another qualified person the member or employee whose holding of an electrical contractor's licence or a wireman's licence enabled the partnership, company, society, association or body of persons to obtain its electrical contractor's licence under sub-paragraph (d) of paragraph (1) of regulation 34; or
- (e) a partnership, company, society, association or body of persons, which is the holder of a contractor's licence, ceasing to have at least one member or employee who is a licensed electrical contractor or a licensed wireman; or
- (f) the receipt by the holder of notice from the Authority of the suspension or cancellation of the licence,

forward the licence to the Authority with, except in the case of sub-paragraph (f), written notification of the change or occurrence.

(2) As soon as practicable after receipt of a notification given under any of sub-paragraphs (a), (b), (c) or (d) of paragraph (1), the Authority shall endorse the licence with particulars of the change and return it to the holder.

(3) A licence forwarded to the Authority under sub-paragraphs (e) or (f) of paragraph (1) shall, unless it has been cancelled under regulation 39, be retained by the Authority until the expiration of any period of suspension of the licence under regulation 39 and be then returned to the holder.

(4) Any person being the holder of an electrical contractor's licence or wireman's licence who contravenes or wilfully fails to comply with any of the provisions of paragraph (1) shall be guilty of an offence.

Loss or destruction of licence

42.—(1) If an electrical contractor's licence or a wireman's licence has, during the currency thereof, been lost or destroyed, the holder of the licence shall forthwith give written notification thereof to the Authority.

(2) The Authority, if satisfied that the licence has been so lost or destroyed, shall on payment by the holder of the appropriate fee set out in the Schedule issue a duplicate, so marked, in place of the original.

(3) The Authority may require any licensed wireman whose licence has been lost or destroyed to supply it with 2 small unmounted photographs of himself before issuing a duplicate licence to him.

(4) Where a licence, which has been lost or destroyed and replaced, is recovered, the original licence shall be returned forthwith to the Authority.

(5) Any person who contravenes or wilfully fails to comply with any of the provisions of paragraphs (1) or (4) shall be guilty of an offence.

PART VI—ELECTRIC DISCHARGE LAMPS

Electric discharge lamps

43.—(1) The provisions of this regulation shall apply to every installation at which a discharge lamp is installed.

(2) The installation of electric discharge lamps shall be carried out in accordance with the requirements of the S.A.A. Wiring Rules and with the following provisions of this Regulation.

(3) A fireman's emergency switch shall be provided for—

(a) every exterior high voltage discharge lamp installation;

(b) every interior high voltage discharge lamp installation, which is intended to operate unattended (for example, for window lighting or display purposes).

(4) Every fireman's emergency switch shall comply with the following requirements:—

(a) It shall be so arranged as to isolate the discharge lamp or lamps from all phases of the supply, except that it need not isolate the discharge lamp installation from the neutral of a 3-phase 4-wire system.

(b) It shall be painted red and near it shall be fixed a prominent notice marked with the words "FIREMAN'S SWITCH"; and its "ON" and "OFF" positions shall be clearly indicated, with the "OFF" position above the "ON" position.

- (c) It shall be fixed in a conspicuous position reasonably accessible to firemen and at not more than 9 feet above the ground.
 - (d) In an exterior installation, it shall be fixed as nearly as possible directly below the discharge lamp or lamps, or a notice indicating the position of the switch shall be placed directly below the lamp or lamps and another notice shall be fixed near the switch so as to render it clearly distinguishable.
 - (e) In an interior installation, it shall be at the main entrance to the building or otherwise in a position approved by the local fire brigade authority, if any.
 - (f) Where more than 1 fireman's switch is installed at a building, every switch shall be clearly marked so as to indicate the installation or section of the installation which it controls, and the local fire brigade authority, if any, shall be notified in writing of the position of each switch in relation to the installation or section of installation which it controls.
 - (g) Every notice and all lettering required to be displayed by this Regulation shall be legible to a person standing on the ground.
- (5) Any person who contravenes or wilfully fails to comply with any of the provisions of this regulation shall be guilty of an offence.

PART VII—CONSUMERS' INSTALLATIONS

Installation balance

44. In an installation or separately metered portion of an installation supplied from more than 1 phase, the loading shall be balanced as nearly as practicable over each of the phases and in any case shall be limited to an out of balance current of less than 25 amperes.

Consumers' installations to comply with Wiring Rules, etc.

45.—(1) The construction, installation, alteration or repair of any installation, or of any wires, fittings, equipment or apparatus forming part of an installation, or of any addition to or extension of an installation, at or about any premises connected or intended to be connected to the supply of any public installation or Authority public installation shall be carried out in accordance with the S.A.A. Wiring Rules and the applicable provisions of these Regulations; and all such wires, fittings, equipment, apparatus and other parts of any such installation shall comply with the applicable specifications contained in these Regulations, or with the specifications of the Standards Association of Australia in force for the time being so far as the same are applicable and are not inconsistent with these Regulations, or, where no such specifications are applicable, the specifications of The British Standards Institution in force for the time being so far as they are applicable.

(Amended by Legal Notice 53 of 1976; 51 of 1982.)

(2) Every consumer shall maintain his installation and apparatus in a condition complying with the standards required by the applicable provisions of the S.A.A. Wiring Rules and of these Regulations and, whenever a defect is found in his installation or apparatus, shall forthwith cause the same to be remedied.

(3) No person shall connect, and no consumer shall permit to be or to remain connected to, any installation, or any wire, fitting, equipment, apparatus, consuming device or other part of an installation which is declared by the Authority or licensed supplier to be unsafe or likely to interfere with the supply to other consumers.

(4) Any person who contravenes or wilfully fails to comply with any of the provisions of this regulation shall be guilty of an offence.

Licensed contractor to obtain permission before wiring premises

46.—(1) Before any electrical work of wiring, constructing, installing, repairing, altering or adding to any installation, or any part of an installation, connected or to be connected to the supply of the Authority or a licensed supplier is connected to the supply, the licensed electrical contractor undertaking the work shall obtain from the Authority or licensed supplier written permission to do the work.

(2) An application for the Authority's or licensed supplier's permission under paragraph (1) shall be in writing, shall contain full particulars of the work to be done and the address of the premises at which the work is to be done, and shall be signed by both the licensed electrical contractor and the consumer or person intending to become the consumer in respect of the premises.

(3) Any person who contravenes or wilfully fails to comply with any of the provisions of paragraph (1) shall be guilty of an offence.

Inspection and testing of consumers' installations

47.—(1) Before any installation is connected to the Authority's or licensed supplier's supply, or before any alteration or addition to an installation, or any part of any installation which has been repaired, is connected to the supply, the licensed electrical contractor responsible for the work shall notify the Authority or licensed supplier in writing that the installation, alteration or addition or repair work is ready to be inspected and tested:

Provided that, in the case of a large installation where progressive inspections and tests shall be necessary, a separate notification shall be given in respect of each progress inspection and test required.

(2) The notification to be given under paragraph (1) shall be signed by the licensed electrical contractor responsible for the work, shall contain a statement that the work done on or in connection with the installation, alteration or addition has been carried out in accordance with the requirements of paragraph (1) of regulation 45 and shall specify—

- (a) the number (if any) of the permit issued for the work under regulation 46;
- (b) the name of the owner of the installation;
- (c) the address of the premises where the installation is situate;
- (d) the number of electrical outlets installed;
- (e) particulars of the lamps, motors and other consuming devices connected or intended to be connected to the installation as a result of the work; and
- (f) in the case of a notification for the purpose of a progress inspection and test, the part of the installation or work for which the inspection and test are required.

(3) The licensed electrical contractor shall, at the time of giving the notification required under paragraph (1), pay to the Authority or licensed supplier the appropriate service line charges as determined by the Authority or licensed supplier from time to time.

(Substituted by Legal Notice 53 of 1976.)

(4) Except for the purposes of an inspection or test under the foregoing provisions of this Regulation or except as permitted by regulation 48, no installation and no alteration or addition to an installation, or in the case of work requiring progressive inspections and tests no part of an installation or of an alteration or addition thereto, shall be connected to the Authority's or licensed supplier's supply until it has been inspected, tested and passed by a person authorised for that purpose by the Authority as complying in all respects with the requirements of paragraph (1) of regulation 45.

(5) No charge shall be made for the first inspection and test of any work or progress work but, if it is found by that inspection and test that the installation, addition or alteration, or the electrical work in connection therewith, does not comply with the requirements of paragraph (1) of regulation 45, the licensed electrical contractor responsible for the work shall pay before and in respect of every reinspection and further test the appropriate fee set out in the Schedule.

(6) Any fee payable under paragraph (5) shall be paid to the Authority or, if the person authorised to carry out the inspection and test is an employee of a licensed supplier, to the licensed supplier.

(7) The connection to the supply of an installation or part of an installation after it has been inspected and passed under the provisions of this Regulation shall not imply that it has been done in the best possible manner, and the Authority or licensed supplier shall not be held responsible should a defect subsequently be found.

Temporary supply

48. Under special circumstances, the Authority or licensed supplier may connect an installation to the supply notwithstanding that 1 or more of the requirements of these Regulations have not been satisfied:

Provided that—

- (a) no such connection shall be made unless an inspector or the licensed supplier, having given full consideration to the circumstances in which the installation is to be used, is satisfied that the installation is reasonably free from danger; and
- (b) no such connection shall be allowed to continue for a period of more than 3 months.

Sub-station for large installation

49. Where, in the opinion of the Authority or licensed supplier, it is necessary, in the case of any installation in which the demand for energy is likely to exceed 100 amperes per phase, for the Authority or licensed supplier to install a transformer sub-station within the consumer's premises, the necessary space for the sub-station and any enclosure required to protect the sub-station shall be provided by the consumer at his expense.

Service lines

50.—(1) Service lines shall be maintained in good and serviceable condition by the Authority or licensed supplier, at the expense of the consumer, but shall be the property of the Authority or licensed supplier. The cost of providing and maintaining service lines shall be determined from time to time by the Authority or licensed supplier. The renewal of all service lines which, in the opinion of the Authority or licensed supplier, are unserviceable, or are liable to become unserviceable or unsafe, and the provision of new service lines, shall be at the expense of the consumer.

Should a consumer not meet the cost of maintenance or renewal in advance, the Authority or licensed supplier may disconnect the service line from the supply. In the event of a dispute as to the condition of a service line, the decision of the General Manager of the Authority shall be final:

Provided that a consumer shall continue to be liable for any claims arising from the presence or condition of a service line for a period of 2 years from the commencement of the Electricity (Amendment) Regulations, 1976* unless such consumer has received a notice of approval of such line from the Authority prior to the expiration of such period. (*Substituted by Legal Notice 53 of 1976.*)

(2) Where premises comprising more than 1 building or structure are under 1 ownership, or in the charge of 1 management, and are situate on 1 piece of land or a block of contiguous pieces of land, only 1 service line shall normally be permitted for connection to the supply of all the buildings and structures on the land:

Provided that, upon an application disclosing special reasons, the Authority or licensed supplier may permit the connection of more than 1 service line to the premises.

(3) Conductors of service lines shall not be secured directly to the conductors of overhead distributing mains but shall be taken from an insulator or service terminator bracket, or other approved attachment, mounted on a subsidiary cross arm fixed on the pole below the cross arm for the distributing mains and electrical connections may then be made between the groups of conductors.

(4) All service lines shall be of such types and specifications as may be directed by the Authority.

(5) The termination of every new service line at the cross arm on the pole and at the consumer's premises shall be by service terminating brackets of a nature approved by the Authority. (*Amended by Legal Notice 53 of 1976.*)

(6) To provide protection against the effect of excess energy, a suitable fusible cut-out or automatic circuit-breaker (to be supplied by and at the expense of the Authority or licensed supplier) shall be inserted in every service line:

Provided that no such fusible cut-out or automatic circuit-breaker shall be inserted in any conductor which is permanently connected with earth.

(7) Any section of a consumer's line between the point of entry into his premises and his main switchboard shall be enclosed in conduit or protected in a similar manner; and no insulated or sheathed cable (T.P.S. or T.R.S.) shall be installed in that section of a consumer's line unless it is wholly so enclosed.

(8) Service connections shall be of the following types and sizes, with demands calculated in accordance with S.A.A. Wiring Rule No. 206:—

(a) In a domestic installation—

Single phase—55 amperes maximum load and above 55 amperes as approved by the Authority or licensed supplier.

(b) In a non-domestic installation—

Single phase—55 amperes maximum load.

2 phase—56 to 110 amperes maximum load.

3 phase—above 110 amperes.

(9) The minimum size of any overhead conductor to be installed as a consumer's line or service line shall be 7/044 inch.

* 1 May 1976 (Legal Notice No. 53 of 1976.)

Posts and poles

51.—(1) For the purposes of paragraph (f) of rule 331 of the S.A.A. Wiring Rules, steel pipes may be used instead of wooden poles or posts in accordance with the table set out below and for the appropriate conditions set out in Table C-1 referred to in the said rule 331:—

TABLE 4

<i>Nominal outside diameter of pipe</i>	<i>Wall thickness of pipe</i>	<i>Cross-sectional dimensions of wooden pole or post</i>
2 ³ / ₈ "	9SWG	instead of 4" x 4" with free length of post not exceeding 3ft.
3 ¹ / ₂ "	8SWG	instead of 4" x 4" with free length of post exceeding 3ft.
4 ¹ / ₂ "	7SWG	instead of 5" x 5"
5 ¹ / ₂ "	5SWG	instead of 6" x 6"
6 ¹ / ₂ "	1/4"	instead of 10" x 6"

(2) Where steel pipe is used as a post, it shall be set at least 4 feet into the ground in a base of concrete with a thickness of at least 4 inches surrounding the pipe and extending to cover the pipe for at least 4 inches above ground level, and every cross arm shall be wholly rustproofed and be securely clamped or welded to the pipe and shall not be bolted to the pipe unless braced.

P.V.C. insulated and armoured cables

52. Where P.V.C. insulated steel wire armoured P.V.C. sheathed cables are used for underground supply lines and are laid direct in the ground and protected by circuit-breakers or high rupturing capacity fuses of suitable rating, the current rates in the following table shall apply.

TABLE 5

<i>Number and diameter of wires</i>	<i>Nominal cross-sectional area sq. in.</i>	<i>Current rating in amperes</i>
7/.044 in.	0.01	45
7/.064 in.	0.0225	60
19/.044 in.	0.03	80
19/.052 in.	0.04	100
10/.064 in.	0.06	130
19/.083 in.	0.1	160
37/.072 in.	0.15	200
37/.083 in.	0.2	250
37/.093 in.	0.25	290
61/.093 in.	0.4	380
61/.103 in.	0.5	425

Meters and meter boards

53.—(1) Where required for the purposes of control of a consumer's installation or for measuring the quantity of energy supplied to a consumer's installation, the Authority or licensed supplier shall supply and fix a meter or meters on a switchboard to be provided by and at the expense of the consumer.

(2) Meters shall be installed at consumers' premises in positions determined by the Authority or licensed supplier and shall be kept accessible at all reasonable times to all persons employed by the Authority or licensed supplier for purposes connected with the meters.

(3) All meters required to be installed in premises comprising 1 building or structure, including premises occupied by more than 1 tenant, shall be fixed on 1 common switchboard.

(4) All meters and other equipment provided and fixed at a consumer's premises by the Authority or licensed supplier shall remain the property of the Authority or licensed supplier; but the consumer shall be responsible for the safekeeping of such meters and equipment and shall bear the cost of replacing or repairing any loss of or damage to any meter or other equipment while it is fixed at the consumer's premises.

(5) The consumer shall not in any way interfere with any meter or other equipment at his premises provided and owned by the Authority or licensed supplier and shall forthwith report to the Authority or licensed supplier any defects which he shall observe therein.

(6) The number and type of any meters or associated equipment to be installed at a consumer's premises shall be as determined by the Authority or licensed supplier in each case.

Main switchboard

54. A consumer's switchboard shall be of a type, design and size approved by the Authority or licensed supplier, whose approval of the arrangement of wiring, equipment and instruments on the switchboard shall also be required.

Motors and other apparatus

55.—(1) (a) Welding apparatus in which, under any conditions, the maximum current which may be drawn from the supply exceeds 15 amperes at 240 volts shall not be connected between active and neutral conductors.

(b) Single phase arc welding apparatus for connection between 2 active conductors exceeding a rating of 10 kVA, or 3 phase arc welding apparatus exceeding a rating of 30 kVA, shall not be connected to an installation without the written permission of the Authority or licensed supplier being first obtained.

(c) No welding apparatus of the transformer type shall be used unless it is fitted with power factor correction capacitors.

(2) No single phase 240 volt A.C. motor, having a full load rating exceeding 1 h.p., shall be connected to an installation without prior permission in writing being obtained from the Authority or licensed supplier.

(3) (a) No motor the starting current of which, measured by a damped ammeter, exceeds the current given in the following table shall be connected to an installation without prior permission in writing being obtained from the Authority or licensed supplier.

TABLE 6

Starting Currents of Motors

- (i) Single phase motors—20 amperes.
 - (ii) 3 phase motors not exceeding 2 h.p.—16 amperes.
 - (iii) 3 phase motors exceeding 2 h.p. but not exceeding 6 h.p.—8 amperes per h.p.
 - (iv) 3 phase motors exceeding 6 h.p.—33 amperes plus 2.5 amperes per h.p.
- (b) Sealed compressor unit motors up to 1 h.p. rating may be connected to an installation but no such motor exceeding 1 h.p. rating shall be connected to an installation without prior permission in writing being obtained from the Authority or licensed supplier.
- (4) No alternating current apparatus shall be connected to an installation unless the power factor at full load is not less than 0.85.

Earth connections

56. Water pipes shall not be used as earth electrodes.

Distinguishing colours of cables

57. Cables of different colours shall be used for identification purposes in accordance with the system set out in rule 301 of the S.A.A. Wiring Rules.

Polarization of general purpose outlet

58. For uniformity of connection, every general purpose outlet shall be connected in accordance with the following system:—
When viewed from the front of the outlet, the order shall be earth, active, neutral in a clockwise direction.

PART VIII—SUPPLY TO CONSUMERS AND DISCONTINUANCE OF SUPPLY*Measurement*

59. For the purpose of computing the quantity of energy supplied to a consumer, the standard of measurement shall be a unit equal to 1 kilowatt-hour.

Advertisement of Authority's tariffs and alterations

- 60.—(1) The tariffs from time to time prescribed under section 20 of the Act for the prices to be charged by the Authority for the supply of energy and the hire of apparatus, and every alteration in such tariffs, shall be advertised at least once in a newspaper circulating in Fiji.

(2) Every alteration in such tariffs shall come into force on a date to be stated in the advertisement and to be not less than 7 days after the date of the first publication of the advertisement and shall thereupon be binding on every consumer affected thereby.

Application for supply

61. Every person who desires to be supplied with energy by the Authority or a licensed supplier shall fill in, sign and deliver to the Authority or licensed supplier an application on a form to be supplied by the Authority or licensed supplier for that purpose.

Consumers' deposits

62.—(1) As security for the due payment for energy to be supplied to him and for hire of the Authority's apparatus, every person desiring to become a consumer shall deposit with the Authority before connection of his circuits to the supply, and thereafter maintain with the Authority, a deposit of sum estimated by the Authority to be equal to the total amount of all charges likely to be incurred by the consumer for the supply of energy and hire of apparatus for 2 months but not being less than \$10.

(Amended by Legal Notice 53 of 1976.)

(2) A licensed supplier shall be entitled to require, as security for the due payment for energy to be supplied by him and for hire of the licensed supplier's apparatus, any person desiring to become a consumer to deposit with the licensed supplier before connection of that person's circuits to the supply, and thereafter to maintain with the licensed supplier, a sum not to exceed the licensed supplier's reasonable estimate of the total amount of all charges likely to be incurred by the consumer for the supply of energy and hire of apparatus for 2 months.

(Amended by Legal Notice 110 of 1976.)

(3) A person who has paid a deposit to the Authority or a licensed supplier under the provisions of this Regulation shall, upon his ceasing to be a consumer in respect of the premises for which the deposit has been paid, be entitled forthwith to a refund by the Authority or licensed supplier of the deposit, after deduction therefrom of all charges owing by him to the Authority or the licensed supplier for energy supplied or hire of apparatus or otherwise in respect of the said premises.

Refusal to grant or discontinuance of supply—general

63.—(1) The Authority or a licensed supplier may refuse to grant a supply of energy to any person if the Authority or licensed supplier is unable to do so without an alteration or extension of, or addition to, the Authority's or licensed supplier's mains, or generating station or plant, which would, in the opinion of the Authority or licensed supplier, endanger or harmfully affect the Authority's or licensed supplier's public installation or supply or the financial interest of the Authority's or licensed supplier's undertaking.

(2) The Authority or a licensed supplier may refuse to supply energy or may discontinue the supply—

- (a) to any premises where, in the opinion of the Authority or licensed supplier, the supply of energy is likely to be a cause of danger on account of the condition of nature of construction of the premises; or
- (b) to any premises where, in the opinion of the Authority or licensed supplier, the supply of energy may endanger the supply to, or the safety of, other premises on the same system, or the safety of such system, or cause interference with the supply from the Authority's or licensed supplier's public installation; or
- (c) where any electrical work of wiring, constructing, installing, repairing, altering or adding to any installation or any part of an installation done in any premises has not been carried out by a licensed electrical contractor under contract, unless—
 - (i) the work has been done by a licensed wireman at his own premises and on, or in connection with, an installation of which he is the owner; or

- (ii) the work has been done by a licensed wireman in the ordinary course of his work as a regular and full-time employee of a person, who does not carry on the business of an electrical contractor, on or in connection with the employer's own installation; or
- (d) to any premises where the installation or apparatus, or any part thereof—
 - (i) does not comply with the requirements of paragraph (1) of regulation 45; or
 - (ii) has not been maintained in accordance with the requirements of paragraph (2) of regulation 45; or
 - (iii) has had connected to it any wire, fitting, equipment, apparatus or consuming device declared by the Authority to be unsafe or likely to interfere with the supply to other consumers.
- (3) The Authority or a licensed supplier may discontinue the supply of energy—
 - (a) at such times as may be necessary for the purpose of constructing, installing, inspecting, testing or repairing any part of an Authority's public installation or the licensed supplier's public installation or for any other purpose connected with the efficient working of any such installation; or
 - (b) for the purpose of inspecting, testing, or otherwise exercising any powers conferred on the Authority or licensed supplier by the Act or any of these Regulations in respect of, any installation or apparatus, or any part thereof, belonging to or used by any consumer; or
 - (c) to any consumer who uses or deals with the supply in such a manner as to interfere with the efficiency of the supply to other consumers; or
 - (d) to any consumer who interferes with or damages any installation, apparatus, meter or other equipment belonging to or operated by the Authority or licensed supplier; or
 - (e) to any consumer who refuses access to his premises at any reasonable time to the licensed supplier, or to any person employed by the Authority or licensed supplier, for the purpose of reading any meter, or who refuses access to any person seeking entry to the premises in the lawful exercise of any power of entry or inspection conferred on such person by the Act.
- (4) If the Authority or licensed supplier, having discontinued the supply to any consumer under any of the provisions of this regulation, excepting items (a) and (b) of paragraph (3), agrees to renew the supply, the Authority or licensed supplier shall be entitled to require the former consumer to pay before renewal of the supply the reconnection fee set out in the Schedule.

Discontinuance of supply for non-payment of account

- 64.—(1) The Authority or a licensed supplier shall be entitled to discontinue the supply to any consumer for non-payment of charges if—
- (a) an account, showing the quantity of, and the charges for, energy supplied to the consumer during the period covered by the account, and any charges properly payable by him for the hire of apparatus belonging to or operated by the Authority or licensed supplier or

for any other services rendered by the Authority or licensed supplier for the consumer, has been given to the consumer by 1 of the modes provided for service of notices by paragraph (1) of regulation 3 or by leaving it at the premises in respect of which the charges are made; and

(b) the consumer has failed to pay to the Authority or the licensed supplier, as the case may be, the amount owing by the consumer under the account within 14 days after the day upon which the account has been given to the consumer.

(2) Upon discontinuance of supply under paragraph (1), the Authority or licensed supplier shall not be required to renew the supply of energy to the consumer unless and until the consumer has paid the amount owing under his account, together with the reconnection fee set out in the Schedule and, if so required by the Authority or licensed supplier, has made a new application for supply under regulation 61.

(3) The powers of discontinuance of supply given under paragraph (1) shall be subject to the provisions of any agreement or contract made between the Authority or licensed supplier with the consumer restricting the power of discontinuance of supply or allowing the consumer a longer period than 14 days in which to pay his account.

Disconnection at consumer's request

65. Unless an agreement or contract made between the Authority or licensed supplier and the consumer provides otherwise, any consumer who desires the Authority or licensed supplier to cease supplying energy to him shall give to the Authority or licensed supplier at least 7 days' prior written notice to that effect.

PART IX—METER TESTING AND ADJUSTMENT OF ACCOUNTS

Interpretation

66. In this Part—

“accurate”, when used to describe a meter, means that meter's error in the measurement of energy does not exceed either 2½% above or 2½% below the correct measurement at any load at which the meter may be required to operate;

“inaccurate”, when used to describe a meter, means that the meter's error in the measurement of energy exceeds either 2½% above or 2½% below the correct measurement at any load at which the meter may be required to operate;

“testing station” means a testing station approved by the Authority under regulation 67.

Testing stations

67.—(1) Save as provided in regulation 70, no meter shall be tested, and no certificate as to the result of a test shall be issued, except at a testing station approved in writing by the Authority for that purpose.

(2) Every testing station shall maintain a register of all meters submitted to it and shall enter therein the following particulars in respect of every such meter:—

Name of owner.

Serial Number.

Date received.

Conditions of seals when received.

Date tested.

Mean value of error on first test.

Performance after adjustment.

(3) If, upon test, the meter is found to be inaccurate, the testing station shall attempt to adjust the meter so as to make it accurate; and after such adjustment or attempted adjustment the testing station shall seal the meter and issue a certificate containing the particulars required to be entered in its register of meters kept under paragraph (2):

Provided that, if the test is made for a licensed supplier who does not operate a testing station as part of his undertaking, the certificate shall be issued to the licensed supplier in duplicate.

(4) A licensed supplier, who does not operate a testing station, shall pay to the testing station the meter test fee set out in the Schedule in respect of every meter submitted by him to a testing station for testing.

Meter test by Authority or licensed supplier

68.—(1) Before any meter used by the Authority or a licensed supplier for the purpose of ascertaining the amount of energy supplied to a consumer is connected to the consumer's circuits, it shall be tested; and no meter shall be so connected if it is found to be inaccurate.

(2) The Authority or a licensed supplier shall be entitled at any time to arrange for any meter connected to a consumer's circuits to be tested and, if the meter is found to have ceased to register or to be inaccurate—

- (a) the Authority or licensed supplier shall give to the consumer the certificate issued by the testing station in respect of the test and shall replace the meter with a meter found to be accurate; and
- (b) the consumer's account with the Authority or licensed supplier shall be adjusted in like manner to that set out in sub-paragraph (b) of paragraph (3) of regulation 69.

Meter test at consumer's request

69.—(1) If any consumer considers that a meter connected to his circuits is inaccurate, the Authority or the licensed supplier shall, on receipt from the consumer of notice to that effect, together with the meter test fee set out in the Schedule, arrange for the meter to be tested and for the testing station's certificate showing the result of the test to be given to the consumer.

(2) If the test shows the meter to be accurate, the Authority or licensed supplier shall be entitled to retain the test fee deposited by the consumer.

(3) If the test shows the meter to be inaccurate—

- (a) the meter shall be replaced by the Authority or licensed supplier with a meter which has been tested and found to be accurate;
- (b) the consumer's account with the Authority or licensed supplier shall be adjusted by crediting or charging it, as the case shall require, with the amount of any overcharge or undercharge resulting from the inaccuracy of the meter in respect of the period to the date of the test from the beginning of the last period for which an account for energy supplied was rendered to the consumer preceding the receipt by the Authority or licensed supplier of the notice given by the consumer under this regulation; and

(c) the test fee deposited by the consumer shall be refunded to him by the Authority or licensed supplier.

(4) No question of the accuracy of a meter shall relieve a consumer from payment to the Authority or licensed supplier by the due date thereof of the amount charged for energy supplied in the last account rendered to him preceding the giving of his notice under this regulation.

Test at consumer's premises with check meter

70.—(1) With the consent of a consumer who has given a notice under regulation 69, the Authority or licensed supplier may carry out a test by installing at the consumer's premises a check meter in series with the meter the subject of the notice.

(2) If the test shows the meter to be inaccurate, the meter shall then be tested at a testing station.

(3) The limits of error of a check meter used for a test under paragraph (1) shall be less than 0.5% above the correct measurement and less than 0.5% below the correct measurement at any load at which the meter may be operated.

(4) Every meter intended to be used as a check meter shall be tested at intervals of not less than 6 months and details of its performance at all loads on each such test shall be recorded at the testing station carrying out the test.

(5) In testing a check meter, check readings shall be taken over a usage of not less than 50 units and the dial showing consumption at the lowest rate of measurement shall be read.

Meter incapable of registering accurately

71.—(1) If a meter ceases to register, or is found to register so incorrectly that in the opinion of the person who has tested it at the testing station the extent of its error cannot be determined with reasonable accuracy, then, for the purpose of adjustment of the consumer's account under regulation 68 or 69, the correct quantity of energy consumed shall be calculated from the daily average quantity consumed in the last period of 3 months before the test during which the meter, in the opinion of the Authority or licensed supplier, can be reasonably believed to have been registering correctly.

(2) If the meter has not been connected to the consumer's circuits for a sufficient period to enable the quantity of energy consumed to be so calculated, then the Authority or licensed supplier shall make as close an assessment as possible of the quantity consumed after taking into consideration all relevant circumstances.

(3) A consumer who disputes an assessment made under paragraph (2) may, within 3 months after the receipt by him from the Authority or licensed supplier of an account or other form of written advice of the amount of the assessment, appeal against the assessment to the Chief Inspector, who may confirm or vary the assessment and whose decision shall be final.

PART X—MISCELLANEOUS

Form of notice under section 63 of Act

72. A notice given by the Authority or a licensed supplier under the provisions of section 63 of the Act shall be in the appropriate form.

Fees

73. Fees shall be payable as prescribed in the Schedule in respect of the matters therein specified.

Penalty

74. Any person guilty of an offence under these Regulations shall be liable to a fine not exceeding \$50.

SCHEDULE
(Regulations 73)
(Substituted by Legal Notice 53 of 1976.)

FEEs

Regulation

<i>Regulation</i>	<i>Gross installed capacity of installation in Kilowatts as shown by manufacturer's rating of generator(s)</i>	<i>Prior to issue of licence \$</i>	<i>Annually on anniversary of date of issue of licence \$</i>
9	Installation licence fee payable to the Authority—		
	From 5 kilowatts up to 100 kilowatts.....	25.00	5.00
	Over 100 kilowatts up to 500 kilowatts.....	50.00	10.00
	Over 500 kilowatts.....	125.00	25.00
11	Registration of new installation.....	Nil	Nil
	Electrical Contractor's Licence—		
34	On first issue of licence..... Provided that, where a licence is first issued after the 31 January in any year, the fee shall be calculated in the same proportion as the number of months in the period from the last day of the month immediately preceding the date of issue to the 31 December next succeeding bears to 12 months.		40.00
37	On each renewal of licence.....		40.00
	Wireman's Licence—		
35	On first issue of licence.....		2.00
37	On each renewal of licence.....		2.00
40	Wireman's licence examination.....		5.00
42	Duplicate of electrical contractor's licence or wireman's licence.....		2.00
47	Reinspection and test of work on consumer's installation—		
	First reinspection and test.....		10.00
	Each subsequent reinspection and test.....		15.00
63	Reconnection to supply of consumer's installation.....		3.00
64	Reconnection following disconnection for non-payment of electricity account during—		
	(a) normal working hours.....		5.00
	(b) outside normal working hours.....		10.00

67, 69	Meter test	5.00
73	Special reading of consumer's meter by Authority or licensed supplier at consumer's request not involving discontinuance of supply or meter test	5.00

SECTION 69—EXEMPTIONS

Legal Notice No. 126 of 1976

The following exemptions have been made:—

1. From Part IV of the Act—
 - (a) installations in ships and aircraft;
 - (b) all private installations except those of the Fiji Sugar Corporation, Emperor Gold Mining Company Limited, mining installations, hotels (as defined in the Hotels and Guest Houses Act) and holiday resort establishments catering for the public and private installations whereby an owner, occupier or lessee provides energy for use in labour lines or staff quarters situated on the property so owned, occupied or leased.
2. From section 47 of the Act—

all installations except public installations installed after 1 January 1969.
3. From section 48 of the Act—
 - (a) installations in ships and aircraft;
 - (b) all private installations except those of the Fiji Sugar Corporation, Emperor Gold Mining Company Limited, mining installations, hotels (as defined in the Hotels and Guest Houses Act) and holiday resort establishments catering for the public and private installations whereby an owner, occupier, or lessee provides energy for use in labour lines or staff quarters situated on the property so owned, occupied or leased.

Controlled by Ministry of Lands, Energy and Mineral Resources