

PART VI
SUPPLY BY LICENSEE

24. Duty to supply on request.

(1) Subject to the following provisions of this Part and any regulation made thereunder, a licensee shall upon being required to do so by the owner or occupier of any premises -

- (a) give a supply of electricity to those premises; and
- (b) so far as may be necessary for that purpose, provide supply lines or any electrical plant or equipment.

(2) Where any person requires a supply of electricity under subsection (1) he shall give to the licensee a notice specifying—

- (a) the premises in respect of which the supply is required;
- (b) the day on which the supply is required to commence;
- (c) the maximum power which may be required at any time; and
- (d) the minimum period for which the supply is required to be given.

(3) Where a licensee receives from any person a notice under subsection (2) requiring him to give a supply of electricity to any premises and –

- (a) he has not previously given supply of electricity to those premises;
- (b) the giving of the supply requires the provision of supply lines or electrical equipment or plant; or
- (c) other circumstances exist which make it necessary or expedient for him to do so,

the licensee shall, as soon as practicable after receiving that notice, give to the person a notice under subsection (4).

(4) A notice under this subsection shall—

- (a) state the extent to which the proposals specified in the notice under subsection (2) are acceptable to the licensee and specify any counter proposals made by the licensee;
- (b) state whether the prices to be charged by the licensee will be determined by a tariff under section 26 (1), or by a special agreement under section 29 (1) and specify the tariff or the proposed terms of the agreement;

- (c) specify any payment which the person will be required to make under section 27 (1); and
- (d) specify any security which the person will be required to give under section 28.

(5) In this section and in sections 25 to 29 of this Part-

- (a) any reference to giving a supply of electricity includes a reference to continuing to give such a supply;
- (b) any reference to requiring a supply of electricity includes a reference to requiring such a supply to continue to be given; and
- (c) any reference to the provision of a supply line or an item of electrical equipment or plant is a reference to the provision of such a line or item either by the installation of a new one or by the modification of an existing one.

25. Exceptions to duty to supply electricity

Nothing in section 24 (1) shall be taken as requiring a licensee to give a supply of electricity to any premises if-

- (a)
 - (i) the supply of electricity is already being given to the premises by another licensee; and
 - (ii) such supply is given whether wholly or partly through the licensee's supply lines and electrical equipment or plant;
- (b) he is prevented from doing so by circumstances beyond his control;
- (c) circumstances exist by reason of which his doing so will or may involve his breach of any regulation under this Act; or
- (d) it is not reasonable in all the circumstances for him to be required to do so:

Provided that this paragraph shall not apply in relation to a supply of electricity which is being given to any premises unless the licensee has given to the occupier or to the owner, if the premises are not occupied, a notice of not less than seven working days of his intention to discontinue the supply of electricity.

26. Power to fix tariffs.

(1) A licensee may, in relation to the service of supplying electricity, levy such tariffs as may be approved in writing by the Minister from time to time having regard to any condition in the licence which relates to the supply of

electricity in different areas and circumstances.

(2) A tariff fixed by a licensee pursuant to subsection (1) –

- (a) shall be so framed as to indicate the methods by which and the principles on which the tariffs are to be made as well as the prices which are to be charged; and
- (b) shall be published in such manner as in the opinion of the licensee will secure adequate publicity for it.

(3) A tariff fixed by a licensee under subsection (1) may include -

- (a) a standing charge in addition to the charge for the actual electricity supplied;
- (b) a charge in respect of the availability of a supply of electricity and such charge may vary according to the extent of supply; and
- (c) a rent or other charge in respect of any electricity meter or electrical plant or equipment provided by the licensee.

(4) In fixing tariffs pursuant to subsection (1) and in making agreements for the supply of electricity under section 29, a licensee shall not show undue preference or discrimination as among consumers or persons similar situated having regard to the place and time of supply, the quantity of electricity supplied, the consumer load and power factor, and the purpose for which the supply is taken.

26A. Licensee may levy surcharge.

Notwithstanding any other provisions in this Act, a licensee may levy a surcharge subject to such conditions and at such rates as may be prescribed for late payment of monies due from a consumer to the licensee in respect of the electricity supplied by the licensee.

27. Power to recover expenses

(1) Where any supply line or electrical plant or equipment is provided by a licensee pursuant to section 24(1), the licensee may require any expenses reasonably incurred to be defrayed by the person requiring the supply of electricity to such extent as is reasonable having regard to the circumstances.

(2) The expenses reasonably incurred in providing any supply line or electrical plant or equipment under subsection (1) include the capitalized value of any expenses likely to be so incurred in maintaining it, if such expenses cannot be recovered by the licensee as part of the tariffs levied by him for the supply.

28. Power to require security

(1) A licensee may require any person who requires a supply of electricity pursuant to section 24 (1) to give him reasonable security for all monies which may be come due to him -

- (a) in respect of the electricity supply; or
- (b) where any supply line or electrical plant or equipment has to be provided under the same subsection in respect of the provision of such facility,

and if the person fails to give such security, the licensee may, if he thinks fit, refuse to give the supply or to provide the supply line or electrical plant or equipment until the security has been given.

(2) Where the person has not given the security in sub-section (1) or the security given by the person has become insufficient, the licensee may by notice require the person, within seven days after the service of the notice, to give him reasonable security for the payment of all monies which are due to him in respect of the supply and if the person fails to give such security, the licensee may, if he thinks fit, discontinue the supply until the security is given.

28A. Return of security with interest

Notwithstanding any other provisions in this Act, a licensee shall pay to a person subject to such conditions and at such rates as may be prescribed a sum equivalent to the annual interest on the security given under section 28.

29. Special agreement with respect to supply

(1) Notwithstanding anything contained in sections 24 to 28, a person who requires a supply of electricity pursuant to section 24(1) may enter into a special agreement with the licensee for the supply on such terms as may be specified in the agreement.

(2) Where any agreement made pursuant to subsection (1) remains effective, the rights and liabilities of the parties to the agreement shall be determined by the agreement and not by the provisions of sections 24 to 28.

(3) Notwithstanding the provisions of subsection (2), section 24(2) shall however apply for the purposes of specifying the day on which the supply of electricity is required to commence and the day on which such an agreement ceases to be effective.

30. Determination of dispute

(1) Any party to any dispute under sections 24 to 29 regarding a supply of electricity may refer the dispute to the Commission for the decision of the Commission.

(2) The Commission shall determine the dispute and make an order accordingly:

Provided that in a case where the Commission thinks fit the dispute may be determined by an arbitrator to be appointed by the Commission.

(3) The practice and procedure to be followed in the determination of any dispute under subsection (2) shall be such as the Commission may consider appropriate.

(4) Pending the determination of any dispute arising under sections 24 to 29 between a licensee and a person requiring a supply of electricity, the licensee shall continue to give the supply of electricity until the determination of the dispute.

(5) Any order under subsection (2) may include a provision requiring either party to pay the costs or expenses incurred by the Commission or the arbitrator, as the case may be, in determining the dispute.

31. Fixing of maximum prices for reselling electricity

(1) This section applies to electricity supplied to premises by a person who is authorized by a licensee to supply electricity.

(2) The Commission may from time to time fix the maximum prices at which electricity under this section may be resold and may publish the prices so fixed in such manner as in the opinion of the Commission will secure adequate publicity for them.

(3) Different prices may be fixed for different cases which may be determined by reference to the area, tariff or any other relevant factor.

(4) If any person resells electricity at a price exceeding the maximum price fixed under this section the amount of the excess shall be recoverable by the person to whom the electricity was resold.

32. Charge for supply of electricity to be ascertained by appropriate meter.

(1) Where a consumer is to be charged for his supply of electricity whether wholly or partly by reference to the quantity of electricity supplied, the supply shall be given through, and the quantity of electricity shall be ascertained by, an appropriate meter.

(2) The meter shall be provided by the licensee, whether by way of sale, hire or loan.

(3) The meter shall be installed on the consumer's premises in a position to be determined by the licensee, unless in certain circumstances it is more reasonable to place it outside the premises or in some other position.

(4) If the consumer refuses or fails to have his supply of electricity through the appropriate meter provided and installed in accordance with subsections (2) and (3) the licensee may refuse to give or may discontinue the supply.

(5) For the purposes of this section a meter is an appropriate meter for use in connection with any particular supply of electricity if it is of a pattern of construction which, having regard to the terms on which the supply is to be charged for, is particularly suitable for such use.