



ST. HELENA

CHAPTER 107

ELECTRICITY ORDINANCE and Subsidiary Legislation

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legallandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 107**ELECTRICITY ORDINANCE****ARRANGEMENT OF SECTIONS**

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CHAPTER 107**ELECTRICITY ORDINANCE**

(Ordinances 8 of 1961, 7 of 1995 and 1 of 1996 and Legal Notice 11 of 2010)

AN ORDINANCE TO REGULATE THE GENERATION, DISTRIBUTION, SUPPLY AND USE OF ELECTRICITY.

Commencement

[7 August 1961]

Short title, application

1. This Ordinance may be cited as the Electricity Ordinance, and shall apply only to St. Helena.

Interpretation

2. In this Ordinance—

“the Authority” means the Electricity Authority appointed in accordance with the provisions of section 3 of this Ordinance;

“consumer” means any person or body of persons supplied or entitled to be supplied with electricity by the Authority or whose premises are for the time being connected for the purpose of such supply.

Establishment of Electricity Authority

3. (1) There shall be an Electricity Authority for the purposes of this Ordinance.

(2)² The Authority shall consist of such person or persons as the Governor may appoint, and if no such person is appointed the Council Committee having policy responsibility for this Ordinance shall be the Authority.

² Section 3(2) amended by L.N. 11 of 2010

Generation etc., of electricity

4.³ Any person other than the Authority generating, distributing or supplying electricity shall be guilty of an offence and shall be liable to a fine not exceeding £500, and in the case of a continuing offence to a further fine not exceeding £50 for each day during which the offence continues:

Provided that this section shall not apply to the generation of electricity by a person for his own use in any premises occupied by him.

Offences

5.⁴ (1) Any person who—

- (a) wilfully or fraudulently injures or otherwise interferes with, or causes or permits to be injured or otherwise interfered with any electrical line, meter or apparatus the property of the Authority; or
- (b) fraudulently alters the index of such meter; or
- (c) fraudulently prevents such meter from giving a correct indication; or
- (d) fraudulently abstracts, diverts, consumes, uses or wastes any electricity of the Authority or causes or permits such electricity to be so dealt with,

shall be guilty of an offence and shall be liable to a fine not exceeding £200 or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(2) Any person who negligently injures or permits to be injured any electrical line, meter or apparatus the property of the Authority or so prevents such meter from giving a correct indication shall be guilty of an offence and shall be liable to a fine not exceeding £200.

(3) Where a meter the property of the Authority is on the premises of a consumer and means of causing any alteration, prevention, abstraction, diversion, consumption or use contrary to the provisions of subsection (1) are found on the premises or under the control of the consumer, such finding shall be *prima facie* evidence that any such alteration, prevention, abstraction, diversion, consumption or use as the case may be was fraudulently, knowingly and wilfully caused by the consumer.

Entry on land and compensation

6. For the purpose of constructing or affixing any electrical line or maintaining or repairing any such line or apparatus the Authority or any person authorised by him in that behalf may at all reasonable times enter upon any land and may carry out all necessary works and repairs and may in the course thereof affix electrical lines to any building, fell or lop trees, remove vegetation and do all other things necessary to such purpose, and subsection (2) of section 6 of the Lands Acquisition Ordinance⁵ shall apply to the payment of compensation for any injury caused by such entry or by doing any of the aforesaid acts or things in like manner as it applies to the payment of compensation in respect of a preliminary investigation:

Provided that, save in an emergency, no tree shall be lopped or felled before seven clear days' notice shall have been given by the Authority to the owner of the land on which the tree stands or, in the case of dispute between the Authority and the owner, before

³ Section 4 amended by Ord. 7 of 1995

⁴ Section 5 amended by Ord. 7 of 1995 and Ord. 1 of 1996

⁵ Cap. 67

reference has been had to the Chief Agricultural and Natural Resources Officer⁶ whose decision in the matter shall be final:

Provided further that no additional compensation shall be payable for the felling or lopping of trees or removal of vegetation where such action is necessary for the maintenance of an electrical line or other apparatus and such trees or vegetation have grown or been allowed to grow in such a manner as to obstruct or interfere with the electrical line or other apparatus since a previous payment of compensation in respect of trees or vegetation in the same place:

Provided further that no compensation shall be payable in respect of any tree within ten feet of the centre line of any road constructed or maintained by the Public Works Department unless it is proved that such tree was in existence before the construction of the road.

Regulations

7.⁷ (1) The Governor in Council may make regulations for the better carrying of this Ordinance into effect and in particular and without prejudice to the generality of the foregoing—

- (a) prescribing the rates of charge to be made in respect of electricity supplied and apparatus hired and the fees payable in respect of the inspecting, 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 rendered on account of consumers;
- (b) prescribing the forms of application for the supply of electricity, the manner of effecting the supply of electricity and the incidence of the charges in respect of the cost of connecting consumers' premises for the supply of electricity;
- (c) prescribing the methods to be adopted for the supply and use of electricity, the security to be furnished by consumers and the conditions for the discontinuance of the supply in cases where a consumer fails to observe the requirements of this Ordinance or of any regulations made thereunder or is in arrears with his payments of any proper charges or uses defective fittings, and also in 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) for the reporting of accidents;
- (f) regulating the examination, licensing and registration of electrical engineers, charge men, wiremen and electrical contractors and the granting of certificates of competency and of registration to such persons;
- (g) for the performance of all acts necessary for the proper management of the supply of electricity,

and such regulations may impose a penalty not exceeding £500 for any breach thereof.

(2) Regulations made for the purpose of subsection (1)(d)—

- (a) may be made so as to require a matter affected by the regulations to be—
 - (i) in accordance with a specified standard or specified requirement; or
 - (ii) approved by or to the satisfaction of a specified person or body of persons; or
- (b) may be made so as to apply, adopt or incorporate a matter contained in a document, code, standard, rule, specification or method formulated, issued, prescribed or published by an authority or body whether—

⁶ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

⁷ Section 7 amended by Ord. 7 of 1995

- (i) wholly or partially or as amended by the regulations; or
 - (ii) as formulated, issued, prescribed or published—
 - (A) at the time the regulations are made or at any time before then; or
 - (B) from time to time; and
 - (c) may be made so as to confer a discretionary authority or impose a duty on a specified person or body of persons; and
 - (d) may be made so as to provide in a specified case for exemption from a provision of the regulations, whether unconditionally or on specified conditions and either wholly or to such extent as is specified.
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ELECTRICITY REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

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6. Installation to include earth leakage breaker
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ELECTRICITY REGULATIONS – SECTION 7

(Legal Notices 13 of 1995, 4 of 1996, 5 of 2000, 1 of 2002, 25 of 2007 and 14 of 2011)

Short title

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

Interpretation

2. (1) In these regulations—

“**Authority**”, in respect of a function of the Authority, includes a person authorised in writing by the Authority to carry out that function on behalf of the Authority; and

“**prescribed**”⁸ in relation to any fee or charge, means prescribed by the Governor in Council under section 7 of the Ordinance.

(2) If a penalty is set out at the foot of a regulation or subregulation it means that a contravention of the regulation or subregulation, whether by act or omission, is an offence punishable by a fine not exceeding the amount stated.

Apparatus to comply with certain standards

⁸ Definition of “prescribed” inserted by LN 4 of 2011

This e-version of the text is not authoritative for use in court.

- 3. (1)** Subject to subregulation (2), a person must not—
- (a) install electrical apparatus with the intention that it be connected to the Authority's supply line; or
 - (b) connect electrical apparatus to the Authority's supply line, unless the apparatus conforms to the Regulations for the Electrical Equipment of Buildings of the Institution of Electrical Engineers for the time being in force.

Penalty: Fine not exceeding £500

(2) The Authority may permit a person not to comply with a requirement of a Regulation referred to in subregulation (1) if the Authority is satisfied that the requirement is not appropriate in any particular circumstance.

(3) Permission under subregulation (2) may be given subject to conditions.

(4) A person to whom permission is given under subregulation (2) must comply with any condition subject to which the permission is given.

Penalty: Fine not exceeding £500

(5) If a person fails to comply with a condition imposed under subregulation (3) the Authority may cut off any supply of electricity to the premises.

Authorisations required for certain installations and connections

- 4.⁹ (1)** Any person who—
- (a) installs any electrical apparatus which is intended to be connected to the Authority's supply line, while not being the holder of a current licence issued by the Authority which authorises him to undertake work of that nature; or
 - (b) connects any electrical apparatus to the Authority's supply line without first obtaining the written approval of the Authority,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(2) Any licence or approval issued or obtained in compliance with sub-regulation (1) of this regulation shall be in such form, for such duration, and subject to such requirements or conditions (including the payment of any fee therefor) as the Authority may from time to time deem appropriate.

(3) The Authority may, at any time during its currency, extend, revoke, vary the conditions, or in any other manner amend any licence or approval issued or obtained in compliance with subregulation (1).

Exclusion from provisions of regulation 4

5.¹⁰ For the purposes of regulation 4(1) "electrical apparatus" shall not include any equipment constructed or attached in a manner which enables it to be immediately connected to or disconnected from any electrical supply by any person, irrespective of his own skills.

Installation to include earth leakage breaker

6. (1) Subject to subregulation (2), a person must not connect an electrical installation to the Authority's supply line or allow an electrical installation to remain connected to the Authority's supply line unless the electrical installation is protected by an earth leakage circuit breaker having a rated residual operating current not exceeding 30 milliamps.

Penalty: Fine not exceeding £500

⁹ Regulation 4 substituted by L.N. 5/2000

¹⁰ Regulation 5 substituted by L.N. 5/2000

(2) The Authority may permit a person not to comply with subregulation (1) if the Authority is satisfied that the requirement of the subregulation is not appropriate in any particular circumstance.

(3) Permission under subregulation (2) may be given subject to conditions.

(4) A person to whom permission is given under subregulation (2) must comply with any condition subject to which the permission is given.

Penalty: Fine not exceeding £500

(5) If a person fails to comply with a condition imposed under subregulation (3) the Authority may cut off any supply of electricity to the premises.

Power of Authority to cut off supply of electricity for non-payment of accounts

7. The Authority may cut off the supply of electricity to premises if any account—

- (a) for electricity consumed on the premises or for the meter hire; or
- (b) for testing a meter on the premises in accordance with a request made under regulation 15(1); or
- (c) for the balance of the cost of installing a service line to the premises payable by virtue of regulation 17(3),

is not paid in full within 28 days of the account being sent by the Authority to the last address for the consumer known to the Authority.

Power of Authority to require fault to be remedied

8. (1) The Authority may by notice in writing served on a consumer require the consumer to rectify a fault or deficiency in the consumer's electrical installation within the period stated in the notice.

(2) A consumer must not fail to comply with any requirement specified in a notice served on him in accordance with subregulation (1).

Penalty: Fine not exceeding £500

(3) If a consumer fails to comply with any requirement specified in a notice served on him in accordance with subregulation (1) the Authority may cut off any supply of electricity to the consumer's premises.

Power of Authority to stop electrical interference

9. (1) If the Authority is of the opinion that the use by a consumer of electrical equipment is unreasonably interfering with the supply of electricity to another consumer the Authority may serve on the first mentioned consumer a notice requiring that consumer—

- (a) not to use the electrical equipment specified in the notice; or
- (b) not to use the electrical equipment specified in the notice except during the period specified in the notice; or
- (c) not to use the electrical equipment specified in the notice except when the conditions specified in the notice are being complied with.

(2) A consumer must not fail to comply with a notice served on him in accordance with subregulation (1).

Penalty: Fine not exceeding £500

(3) A notice served under subregulation (1) may be served orally or in writing but if served orally ceases to have effect unless within 24 hours a written notice is served on the consumer.

(4) If a consumer fails to comply with any requirement specified in a notice served on him in accordance with subregulation (1) the Authority may cut off the supply of electricity to the consumer's premises.

Power of Authority to disconnect supply to dangerous installation

10. The Authority may at any time disconnect an installation from the Authority's supply line if the Authority is satisfied that the installation is dangerous.

Reconnections

11.¹¹ (1) If the Authority cuts off a supply of electricity in accordance with these regulations the Authority may refuse to restore the supply until—

- (a) all outstanding amounts in respect of electricity supplied to the premises have been paid; and
- (b) any other amounts due to the Authority from the consumer have been paid; and
- (c) any work required by the Authority to be done has been done; and
- (d) the prescribed reconnection charge is paid.

(2) ...

Construction of works

12. (1) The Authority must serve a notice setting out in general terms the work the Authority proposes to carry out before exercising any of the powers vested in the Authority by section 6 of the Electricity Ordinance.

(2) The Authority must, wherever practicable, serve the notice referred to in subregulation (1) on the owner of the premises affected by the proposed work and, (unless the premises are in multiple occupation) the occupier of those premises.

(3) The notice referred to in subregulation (1) must with reasonable particularity or by an accompanying sketch map indicate—

- (a) the proposed position of any sub-station, transformer, post or similar apparatus or obstacle; and
- (b) the proposed run of any wiring.

(4) A notice referred to in subregulation (1) must also state that if the person upon whom it is served has any objection to the proposed work he must lodge the objection with the Authority within 3 weeks from the date of issue of the notice.

(5) The Authority must—

- (a) consider any objection received in accordance with subregulation (4); and
- (b) try to satisfy the objector and secure the withdrawal of the objection or arrive at a compromise.

(6) If agreement cannot be reached and the objection is not withdrawn either the objector or the Authority may appeal to the Governor in Council who may make such order authorising entry to the premises and the construction of the works as appears to him to be necessary and appropriate.

Power to enter premises

13. (1) The Authority may at all reasonable times enter upon premises—

¹¹ Regulation 11 amended by L.N. 25 of 2007 and L.N. 4 of 2011

This e-version of the text is not authoritative for use in court.

- (a) to inspect, test or maintain the electric lines, meters, fittings or other works and apparatus belonging to the Authority on the premises; or
- (b) to ascertain the quantity of electricity consumed in or supplied to the premises; or
- (c) where a supply of electricity is no longer required to the premises — to remove any electric lines, meters, fittings or other works or apparatus belonging to the Authority; or
- (d) where the Authority may in accordance with these regulations cut off a supply of electricity to the premises — to remove any electric lines, meters, fittings or other works or apparatus belonging to the Authority; or
- (e) where a notice has been served in accordance with regulation 12(1) and—
 - (i) no objection to the notice has been received by the Authority within the period of 3 weeks specified in regulation 12(4); or
 - (ii) an objection has been received by the Authority but a compromise has been reached; or
 - (iii) the Governor in Council has made an order under regulation 12(6)—

to carry out the work in accordance with the notice, compromise or order, as the case may be.

(2) The Authority must repair any damage caused by the Authority when carrying out a function referred to in subregulation (1).

(3) A person must not hinder the Authority when carrying out a function referred to in subregulation (1).

Penalty: Fine not exceeding £500

Electrical accidents to be reported

14. If—

- (a) an accident results from the use of electricity; and
- (b) the accident causes the death of or serious injury to a person,

the occupier of the premises on which the accident occurred must forthwith inform the Authority of the accident.

Penalty: Fine not exceeding £500

Authority must test meters upon request

15.¹² (1) The Authority must test an electrical meter on the premises of a consumer if requested to do so by the consumer.

(2) Subject to sub-regulation (3), the prescribed fee shall be paid for testing a meter.

(3) No fee is payable for a test carried out in accordance with subregulation (1) if the meter is found to give a reading that differs from a correct reading by more than 3%.

General charges

16.¹³ ...

Installation charges

17.¹⁴ (1) Subject to the following provisions of this regulation, and for the purpose of calculating the total charge to be levied for the installation of a service line from the

¹² Regulation 15 amended by L.N. 4 of 2011

¹³ Regulation 16 substituted by L.N. 25 of 2007 and revoked by L.N. 4 of 2011

¹⁴ Regulation 17 substituted by L.N. 5/2000

Authority's mains to the premises of a consumer, the Authority shall first cost all necessary labour and materials at current prices, and then add 20% to the total thereof to cover the Authority's administration costs and other overheads.

(2) Where the initial cost of a service line has been borne by one consumer, and the Authority makes any subsequent connection to that line for the benefit of another consumer or consumers, he or they shall pay to the Authority such portion of the total initial installation cost charged, as the Authority, in its discretion shall deem fair and reasonable.

(3) All amounts paid to the Authority pursuant to subregulation (4) shall, on receipt, be forthwith paid over to the first and any subsequent previous contributor in such proportion, where more than one, as the Authority in its discretion shall deem fair and reasonable:

Provided that no consumer who has paid or contributed to the payment of the initial installation or any subsequent connection costs shall have any entitlement under the provisions of this sub-regulation after the expiry of a period of six years from completion of the installation and connection of the service to which he is a registered contributor.

(4) Where it appears to the Authority that any application by a prospective consumer, if granted, is likely to form part of a multiple customer area mains service, the Authority may in a manner which in its discretion it considers fair and reasonable apportion the total costs of the works necessary to constitute such service, including investment costs and other costs stipulated in subregulation (1), among the total number of consumers projected for that area by the Authority and calculate the charge to be levied in respect of such consumer on such basis.

(5) The Authority shall not commence any works of installation of a service line until payment has been made of not less than one half of the total amount required to be paid in any case by a consumer under this regulation.

(6) The balance (if any) remaining upon completion of the installation of a service line shall be paid by the customer forthwith upon demand.

Ownership of service lines and equipment

18.¹⁵ The service line to a consumer's premises, together with all poles and other equipment ancillary to such line or service, shall be and remain the property of the Authority up to and including the consumer's meter, notwithstanding that the cost, or a proportion of the cost of the initial installation or any subsequent connection has been paid by the existing consumer or any previous consumer responsible for the premises.

Distribution of electricity

19. Subject to regulation 12, the Authority—

- (a) may arrange electrical distribution in whatever way considered best by the Authority; and
- (b) may add electrical supply lines at any point whether or not—
 - (i) the point is on a consumer's premises; or
 - (ii) the electrical supply line is required to supply other consumers.

¹⁵ Regulation 18 substituted by L.N. 5/2000

ELECTRICITY (TARIFFS) REGULATIONS – SECTION 7*(Legal Notices 6 of 2012 and 19 of 2012)***Citation and commencement**

1. These Regulations may be cited as the Electricity (Tariffs) Regulations, 2012, and shall come into force on 1 April 2012.

Interpretation

2. For purposes of these Regulations—

“quarter” means a period of three months;

“unoccupied residential premises” means any residential premises, where—

- (a) the consumption of electricity during the relevant quarter averaged less than one unit per day;
- (b) the premises are deemed to be unoccupied under the Water (Tariffs) Regulations, 2012,

and the consumer in relation to such premises cannot prove to the Electricity Authority that such premises were *bona fide* occupied as a residence for a period, or periods in aggregate, of at least 60 days during such quarter:

Provided that where a consumer who ordinarily resides at such premises is temporarily absent from such premises due to illness or overseas holidays, such premises shall be deemed to remain *bona fide* occupied as a residence during such period of absence.

Service charge

3. (1) The service charge for connection to the distribution system shall be—

Type of meter	Service Charge
(a) Single phase (where paragraph (b) does not apply)	£10 per quarter
(b) Single phase (in the case of unoccupied residential premises)	£20 per quarter
(c) Three phase	£30 per quarter

(2) The service charge referred to in sub-regulation (1) shall be charged pro rata for any part of a quarter.

Rates for consumption of electricity

4.¹⁶ The charges for consumption of electricity shall be—

Units consumed per quarter	Rate
Band 1 (first 400 units)	£0.1925 per KWH
Band 2 (units 401 – 1,000)	£0.33 per KWH
Band 3 (units in excess of 1,000)	£0.36 per KWH

¹⁶ Regulation 4 amended by LN 19 of 2012

Reconnection charges

5. The following charges shall be paid in respect of the reconnection of electricity supply under Regulation 11 of the Electricity Regulations:

	Rate	
	Unoccupied Residential Premises	Others
After being disconnected for a period of up to 1 month	£20.00	£5.00
After being disconnected for a period of over 1 month up to 6 months	£50.00	£10.00
After being disconnected for a period of over 6 months up to 12 months	£100	
After being disconnected for a period of over 12 months	£100 for every year or part of a year that the electricity supply has been disconnected.	

Meter testing fee

6. Fee for testing a meter under Regulation 15 of the Electricity Regulations: £10.

Repeal of legislation

7. The Electricity (Tariffs) Regulations, 2011, are revoked.
