

ORDINANCE NO. 34 OF 1957.
ELECTRICITY ORDINANCE, 1957.

I assent.

F. D. JAKEWAY,
Officer Administering
the Government.

19th July, 1957.

Arrangement of Sections.

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FIRST SCHEDULE
SECOND SCHEDULE

AN ORDINANCE to provide for the establishment of a corporation to be known as the British Guiana Electricity Corporation and for the exercise and performance by the corporation of functions relating to the supply of electricity and certain other matters.

[20th July, 1957]

Enacted by the Legislature of British Guiana:—

A.D. 1957.

1. This Ordinance may be cited as the Electricity Ordinance, 1957. Short title.

2. In this Ordinance, 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; Interpreta-
tion.

“Chairman” means the person appointed to be the Chairman of the Corporation under section 5 of this Ordinance and any person authorised to act in his place;

“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 with any Corporation public installation for the purpose of a supply of energy;

“Corporation installation” means an installation or undertaking the property of, or operated by, the Corporation;

“Corporation public installation” means a Corporation installation operated by or on behalf of the Corporation for the supply of energy to any person other than the Corporation;

“Deputy Chairman” means the Deputy Chairman of the Corporation;

“energy” means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of any communication or signal;

“generating station” means any station for generating electricity, 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;

“installation” means the whole of any plant or apparatus 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;

“member of the Corporation” includes the Chairman, the Deputy Chairman, an acting Chairman and any temporary member of the Corporation;

“official member” means a person who is the holder of an office of emolument under the Crown in British Guiana and is appointed a member of the Corporation under the provisions of section 5 of this Ordinance;

“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 part 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;

“the Corporation” means the Corporation established by section 3 of this Ordinance.

3. (1) There shall be established a body to be called the British Guiana Electricity Corporation.

Establishment and incorporation of the Electricity Corporation.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal and with power to acquire, hold and dispose of land and other property of whatever kind, to enter into contracts, to sue and be sued in its said name and to do all things necessary for the purposes of this Ordinance.

4. (1) All deeds, documents and other instruments requiring the seal of the Corporation shall be sealed with the seal of the Corporation in the presence of the Chairman or Deputy Chairman and of the Secretary of the Corporation or some other person authorised by the Corporation to act in that behalf who shall both 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 Corporation.

Use of common seal.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of the Corporation may be signified under the hand of the Chairman or Deputy Chairman or General Manager and the Secretary.

5. (1) The Corporation shall consist of seven members to be appointed by the Governor, not more than three of whom shall be official members.

Constitution of Corporation.

(2) No member of the Corporation shall, by reason of that fact alone, be deemed to hold an office of emolument under the Crown.

(3) The Governor shall appoint a Chairman and a Deputy Chairman of the Corporation from among the members of the Corporation neither of whom shall be an official member.

(4) In the absence of the Chairman, the Deputy Chairman shall act in his place:

Provided that the members of the Corporation, or in their default the Governor, may appoint an acting Chairman during the temporary absence of both the Chairman and his Deputy owing to illness, inability to attend, absence from the Colony or other reasonable cause.

(5) In case of incapacity from illness or any other temporary cause or temporary absence from the Colony of any member, the Governor may appoint some other person to act as a temporary member, during the time such incapacity or absence continues.

6. (1) A member of the Corporation shall, subject to the provisions of subsections (2) and (3) of this section, hold office for such period, not exceeding three years, as the Governor may direct in the instrument appointing such member, but shall be eligible for re-appointment.

Tenure of
office of
members.

(2) Any member of the Corporation other than an official member, may, by writing under his hand addressed to the Governor, resign from the Corporation.

(3) The Governor may at any time revoke the appointment of any member of the Corporation if he thinks it expedient so to do.

(4) The Governor may grant leave of absence to any member of the Corporation.

(5) The appointment, removal, death, departure from the Colony or resignation of any member of the Corporation shall be notified in the Gazette.

7. The Corporation shall pay to each member of the Corporation, in respect of his office as such, such remuneration and allowances, if any, as the Governor may determine and to the Chairman and to the Deputy Chairman in respect of his office, as such, such remuneration and allowances, if any, (in addition to any remuneration or allowances to which he may be entitled in respect of his office as a member) as may be so determined.

Remuneration of
members.

8. A member of the Corporation, if he is interested in any company or undertaking with which the Corporation have or propose to make any contract, shall disclose to the Corporation the fact and nature of his interest and shall not take part in any deliberation or decision of the Corporation relating to such contract, and such disclosure shall be forthwith recorded in the minutes of the Corporation.

Disclosure
of interest
by members.

9. (1) The Corporation shall appoint and employ at such remuneration and on such terms and conditions as they think fit a General Manager, a Secretary and such other officers and such servants as they deem necessary for the proper carrying out of the provisions of this Ordinance:

Appointment
of General
Manager,
Secretary,
officers and
servants.

Provided that the salary of the General Manager shall be

such amount as may be approved from time to time by the Governor.

(2) The Corporation may make provision for the payment of pensions, gratuities or other like benefits to the General Manager, the Secretary, other officers of the Corporation or servants of the Corporation:

Provided that in the case of the General Manager such provision shall be subject to the approval of the Governor.

(3) Where leave of absence has been granted to the General Manager or the Secretary or any other officer of the Corporation or where the General Manager, the Secretary or any other officer of the Corporation is for any reason temporarily unable to perform his functions, the Corporation may appoint another person to act in his place.

(4) A person shall be disqualified from being appointed or being the General Manager, the Secretary or any other officer or a servant of the Corporation so long as he is a member of the Legislature of British Guiana.

(5) Subject to such general directions as the Corporation may give from time to time, all officers and servants of the Corporation shall be under the administrative control of the General Manager.

Procedure
and meetings
of the Cor-
poration.

10. (1) The Corporation shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Corporation may determine.

(2) The Chairman may at any time call a special meeting of the Corporation and shall call a special meeting within seven days of a requisition for that purpose addressed to him by any three members of the Corporation.

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

(4) The Chairman, or in his absence the Deputy Chairman, and three other members of the Corporation shall form a quorum for the transaction of business at a meeting.

(5) The decisions of the Corporation shall be by a majority of votes. In any case in which the voting is equal the Chairman or the Deputy Chairman presiding shall have and exercise a casting vote.

(6) The Corporation may act notwithstanding any vacancy among the members thereof.

(7) The General Manager shall have the right to attend meetings of the Corporation and to take part in discussions at such meetings as if he were a member of the Corporation but he shall not be entitled to vote on any question which is to be decided by vote of the members. The General Manager shall not be entitled to be present at any such meeting during any discussion which concerns his appointment, suspension or dismissal or his salary or the conditions of his employment.

(8) Proper minutes of each meeting shall be kept by the Secretary and shall be confirmed by the Chairman or the Deputy Chairman, as the case may be, as soon as practicable thereafter at a subsequent meeting.

(9) The Corporation may co-opt any one or more persons to attend any particular meeting of the Corporation on any matter for the purpose of assisting or advising the Corporation, but such co-opted person shall not have the right to vote.

(10) Subject to the foregoing provisions of this section the Corporation shall have power to regulate its own proceedings.

11. Any transport, mortgage, lease assignment, transfer, agreement, cheque, bill of exchange, order for the payment of money or other document requiring to be executed by the Corporation shall be deemed to be duly executed if signed by a person or persons specially or generally authorised by resolution of the Corporation so to sign.

Execution of documents

TRANSFER TO CORPORATION OF PUBLIC UNDERTAKINGS

12. (1) In this section —

“public undertaking” means any installation which is the property of the Government or is vested in any person for and on behalf of the Government, and is operated for the supply of energy to the public; “transferred undertaking” means any installation vested in the Corporation under this section.

Transfer to Corporation of public undertakings.

(2) The Governor may at any time by instrument under his hand and the public seal transfer to the Corporation any public undertaking and such undertaking shall thereupon vest in the Corporation.

(3) Such transfer may extend to the whole of such undertaking including all plant, lands, works and other property movable or immovable, assets, powers, rights and privileges held or enjoyed in connection therewith or appertaining thereto.

(4) All deeds, bonds, agreements, instruments and working arrangements, affecting any of the transferred undertakings and subsisting at the date of transfer shall be of as full force and effect against or in favour of the Corporation, and enforceable as fully and effectually as if, instead of the Government or any person acting on behalf of the Government or any person whose rights or obligations thereunder have been transferred to the Government, the Corporation had been named therein or had been a party thereto.

(5) As soon as practicable after the date of transfer of any public undertaking, the Corporation shall, by way of compensation for the transferred undertaking, issue to the Government debentures or debenture stock of such nominal value and bearing such interest rates and repayment dates as may have

been agreed upon by and between the Governor and the Corporation prior to such transfer.

FUNCTIONS AND DUTIES OF THE CORPORATION.

General
functions
of the Cor-
poration

13. (1) Subject as hereinafter provided, it shall be the duty of the Corporation —

- (a) to manage and work the electrical installations transferred to the Corporation under this Ordinance, and such other installations and apparatus as may be acquired by the Corporation under the provisions of this Ordinance;
- (b) to establish and to manage and work such electrical installations as the Corporation may deem it expedient to establish for the purpose of this Ordinance;
- (c) to promote and encourage the use of electricity with a view to the economic development of British Guiana;
- (d) to secure the supply of electricity at reasonable prices;
- (e) to carry on any business usually associated with an electricity undertaking;
- (f) to advise the Governor on all matters relating to the generation, transmission, distribution and use of electricity.

(2) For the purposes of subsection (1) of this section the Corporation may —

- (a) subject to the provisions of this Ordinance, generate, transmit, transform, distribute and sell energy either in bulk or to individual consumers in any part of British Guiana;
- (b) acquire, construct, reconstruct, maintain and operate supply lines, generating stations, transformer stations, and all other appropriate stations, buildings and works, subject however to compliance with the provisions of the Hydro-Electric Power Ordinance, 1956, where such provisions are applicable to the operations of the Corporation;
- (c) with the approval of the Governor, purchase energy in bulk, whether generated in pursuance of a licence issued under the Hydro-Electric Power Ordinance, 1956 or otherwise;
- (d) sell, hire or otherwise supply electrical plant and electrical fittings and appliances, and instal, repair, maintain or remove any electrical plant and electrical fittings;
- (e) acquire, in accordance with the provisions of this Ordinance, any property, movable or immovable which the Corporation deems necessary or expedient for the purpose of constructing, extending or maintaining any installation or otherwise carry-

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ing out its duties and functions under this Ordinance; and

- (f) carry on all such other activities as may appear to the Corporation requisite, advantageous or convenient for or in connection with the performance of its functions and duties under this Ordinance.

14. (1) The Corporation shall have the exclusive right to sell energy to be supplied within the areas prescribed in the first schedule to this Ordinance and, within the said areas, to generate energy for sale.

Exclusive
right to
supply
energy.
First
schedule.

(2) The Governor in Council may by order from time to time alter the boundaries of the areas referred to in subsection (1) of this section or add to or exclude from such areas any area specified in the order.

(3) The Corporation shall supply energy within the areas prescribed in the first schedule to this Ordinance to any person requiring a supply of energy (in this subsection referred to as a consumer) if such consumer undertakes to enter into a contract with the Corporation, giving such security as the Corporation may require, to take, or continue to receive, and to pay for a supply of energy upon such terms and conditions as the Corporation may determine.

ACQUISITION OF PROPERTY

15. (1) Where by the Electric Lighting Ordinance or by any licence or order granted thereunder or by or under any other Ordinance any local authority, company or person is authorised to supply electricity within an area and it is signified by resolution of the Legislative Council to be in the public interest that any undertaking for the supply of electricity so authorised should be managed and worked by the Corporation, the Corporation shall by notice in writing require the undertakers to sell the undertaking and within six months of the date of the notice aforesaid the undertakers shall sell the undertaking to the Corporation on terms of the Corporation paying the then value of the undertaking and of all lands, buildings, works, materials and plant of the undertakers suitable to and used by them for the purposes thereof, such value being determined in like manner as that provided by section 27 of the Electric Lighting Ordinance.

Acquisition
of under-
takings and
land.
Cap. 237.

(2) Where any undertaking is purchased by the Corporation in the manner aforesaid the provisions of the Electric Lighting Ordinance or of any other Ordinance or the licence or order as the case may be authorising the undertaking shall cease to have effect in relation thereto and the undertaking shall vest in the Corporation free from any debts, charges, mortgages or similar obligations of the undertakers attaching to the undertaking.

(3) Where any land is needed for the purposes of the Corporation and cannot be acquired by agreement, the Corporation may make a request to the Governor in Council that such

Cap. 179.

land should be acquired and, in such case, the land may be acquired in accordance with the provisions of the Acquisition of Lands for Public Purposes Ordinance and may be transferred to the Corporation on such terms as may be agreed between the Government and the Corporation:

Provided, however, that the proviso to subsection (1) of section 7 of the Acquisition of Lands for Public Purposes Ordinance shall not apply in respect of the acquisition of any land as aforesaid.

(4) In subsection (3) of this section the word "land" has the same meaning as that assigned to it in section 2 of the Acquisition of Lands for Public Purposes Ordinance.

FINANCIAL PROVISIONS.

Power to
issue stock,
etc.

16. (1) For the purpose of enabling the Corporation to carry out its functions under this Ordinance the Corporation may, from time to time, with the approval of the Governor, borrow money by issue of debentures or debenture stock, or raise capital by the issue of stock of such class and value and upon such terms as it may deem expedient, for all or any of the following purposes —

- (a) the provision of working capital;
- (b) the fulfilling of the functions of the Corporation under this Ordinance;
- (c) the acquisition of other electricity undertakings;
- (d) the redemption of any stock, debentures or debenture stock which it is required or entitled to redeem;
- (e) any other expenditure properly chargeable to capital **account**.

(2) The Corporation may make rules not inconsistent with the provision of this Ordinance to provide for such matters in connection with stock, debentures or debenture stock issued under this Ordinance as may appear necessary or expedient to the Corporation, and, in particular, for regulating the method of issue, transfer, redemption, or other dealing with such stock, debentures or debenture **stock**.

General
Borrowing
Powers.

17. (1) Notwithstanding section 15 of this Ordinance but subject to the provisions of subsection (2) of this section, the Corporation may from time to time borrow sums required by the Corporation for meeting any of its obligations or discharging any of its functions.

(2) The power of the Corporation to borrow money under subsection (1) of this section shall be exercisable only with the approval of the Governor as to the amount to be borrowed, the sources of the borrowing and the terms on which the borrowing may be effected. An approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

18. The Government may guarantee in such manner and upon such terms as it may think fit the payment of the interest and principal, or either of them, of any loan raised by the Corporation.

Power to Government to guarantee loans to Corporation.

19. It shall be the duty of the Corporation so to exercise and perform its functions under this Ordinance as to secure that the total revenues of the Corporation are not less than sufficient to meet its total outgoings properly chargeable to revenue account in accordance with the provisions of section 22 of this Ordinance taking one year with another.

General duties and powers of the Corporation in financial matters.

20. With reference to Corporation public installations or to apparatus belonging to or operated by the Corporation and to energy supplied therefrom the Corporation may, subject to provisions of this Ordinance, make regulations to provide for —

Corporation regulations.

- (a) prescribing the rate of charges to be made in respect of energy supplied and apparatus hired, 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 consumer's 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 is in arrears with his payments 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) performing all acts necessary for the proper management of the supply of energy.

21. (1) The Corporation, in fixing tariffs and in making agreements for the supply of electricity or the hire of apparatus, shall not show any undue preference as between consumers 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, but, save as aforesaid, the Corporation may make any charges for the supply of electricity agreed upon not exceeding, except with the approval of the Governor in Council, the limits of price specified in the second schedule to this Ordinance.

Rates and scales of charges for energy.

Second schedule.

(2) The Governor in Council may by order from time to time alter the limits of price specified in the second schedule to this Ordinance or add to such schedule other limits of price.

Application
of revenue.

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

- (a) the remuneration, fees and allowances of the members of the Corporation;
- (b) the salaries, fees, and remuneration, and any pensions, superannuation allowances and gratuities of the officers, agents and servants, and technical or other advisers, of the Corporation;
- (c) working and establishment expenses and expenditure on, or provision for, the maintenance of any of the installations of the Corporation, and the discharge of the functions of the Corporation properly chargeable to revenue account;
- (d) interest on any debentures and debenture stock issued, and on any loan raised, by the Corporation;
- (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 be deemed appropriate to set aside in respect of depreciation on the property of the Corporation having regard to the amount set aside out of revenue under paragraph (e) of this subsection;
- (g) any other expenditure authorised by the Corporation and properly chargeable to revenue account.

(2) The balance of the revenue of the Corporation shall be applied —

- (a) to the creation of a general reserve; and
- (b) to the payment of such interest on stock issued by the Corporation as the state of the undertakings and the financial position of the Corporation appear, in the opinion of the Corporation, to warrant.

Investment
of funds.

23. Any funds of the Corporation not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Corporation may be invested from time to time in securities approved either generally or specifically by the Governor, and the Corporation may, from time to time, with the like approval sell any or all of such securities.

Accounts
and audit.

24. (1) The Corporation shall keep proper accounts and other records in respect of its operations, and such accounts shall be audited annually by auditors to be appointed by the Governor.

(2) The members, the General Manager, the Secretary, the other officers and servants of the Corporation shall grant to the auditor appointed to audit the accounts of the Corporation under

the provisions of subsection (1) of this section access to all books, documents, cash and securities of the Corporation and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Corporation.

(3) The Corporation may write off bad debts.

25.(1) The Corporation shall after the end of each calendar year as soon as the accounts of the Corporation have been audited submit to the Governor a report containing — **Report.**

(a) an account of its operations throughout the preceding calendar year in such detail as the Governor may direct; and

(b) a statement of the accounts of the Corporation audited in accordance with the provisions of section 24 of this Ordinance.

(2) A copy of the report shall be printed and laid on the table of the Legislature and published in the Gazette.

26. For the avoidance of doubt it is hereby declared that this Ordinance shall be deemed to be a special Ordinance authorising the supply of electricity within the meaning of section 3 of the Electric Lighting Ordinance, and the provisions of that Ordinance and of any regulations made thereunder shall apply to the Corporation except in so far as they are inapplicable to the Corporation or inconsistent with the provisions of this Ordinance: **Application of Electric Lighting Ordinance, Chapter 237. Cap. 237.**

Provided, however, that so far as concerns any contract between the Mayor and Town Council of Georgetown and the Corporation for the supply by the Corporation of electricity to the water works or sewerage system section 20 of the Electric Lighting Ordinance shall not apply to the Corporation.

27. The Governor in Council may make regulations generally for giving effect to the provisions of this Ordinance. **Regulations**

28.(1) The Georgetown Electric Supply Ordinance is hereby repealed. **Repeal. Cap. 238.**

(2) The Demerara Electric Company Ordinance is hereby repealed. **Cap. 239.**

29. This Ordinance shall come into operation on such date or dates as the Governor shall appoint by proclamation published in the Gazette, and different dates may be appointed for different provisions of this Ordinance. **Commencement.**

FIRST SCHEDULE

Section 14

Areas of Supply

The City of Georgetown as defined by the Georgetown Town Council Ordinance, and the environs of the said City within a distance of five miles of the limits thereof. **Cap. 152**

SECOND SCHEDULE

Section 21.

Maximum Prices for Energy Supplied.**Area****Rate**

Within the City of Georgetown as defined by the Georgetown Town Council Ordinance and the environs of the said City up to a distance of five miles of the limits thereof.

The rates in force at the date when the assets of the Demerara Electric Company, Limited, shall have been transferred to the Corporation.