

BILL No. 31

PARLIAMENT OFFICE,
Public Buildings,
Georgetown.
Guyana.

1990—10—22.

The following Bill which will be introduced in the National Assembly is published for general information.

F. A. Narain,
Clerk of the National Assembly.



GUYANA

BILL No. 31 of 1990

ELECTRIC LIGHTING (AMENDMENT) BILL 1990

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of the Principal Act.
3. Amendment of section 2 of the Principal Act.
4. Repeal and re-enactment of section 3 of the Principal Act.
5. Repeal of section 4 of the Principal Act.
6. Amendment of section 5 of the Principal Act.
7. Amendment of section 6 of the Principal Act.
8. Amendment of marginal note to section 7 of the Principal Act.

9. Amendment of section 9 of the Principal Act.
10. Amendment of section 10 of the Principal Act.
11. Amendment of section 12 of the Principal Act.
12. Amendment of section 19 of the Principal Act.
13. Amendment of section 21 of the Principal Act.
14. Amendment of section 25 of the Principal Act.
15. Amendment of section 26 of the Principal Act.
16. Amendment of section 27 of the Principal Act.

A BILL

Intituled

AN ACT to amend the Electric Lighting Act.

A. D. 1990

Enacted by the Parliament of Guyana:—

Short title,
Cap. 56:02

1. This Act, which amends the Electric Lighting (Amendment) Act 1990.

Amendment
of the Prin-
cipal Act.

2. The Principal Act is hereby amended in the following respects —

- (a) by the substitution, for the words “licence, order or special Act,”, wherever they occur, of the word “licence”;
- (b) by the substitution, for the word “President”, wherever it occurs, of the word “Minister”;
- (c) by the substitution, for the words “Postmaster General”, wherever they occur, of the words “Director of Telecommunications”;
- (d) by the substitution, for the words “government telegraphic line”, wherever they occur, of the words “telegraphic line”.

Amendment
of section 2
of the Prin-
cipal Act.

3. Section 2 of the Principal Act is hereby amended in the following respects —

- (a) by the insertion, after the definition of the expression “electric line”, of the following definition —

“licensee” means a local authority, company or person to whom a licence has been granted under section 5 and the licence has not expired or has not been suspended or revoked;”
- (b) in the definition of the expression “local authority”, by the insertion, after the words “to be

obtained”, of the words “and includes a local democratic organ established under the Local Democratic Organs Act 1980”;

No. 12 of
1980

(c) in the definition of the expression “prescribed”, —

- (i) by the deletion of the word “or order”; and
- (ii) by the insertion, after the word “rules”, of the words “or regulations”.

4. Section 3 of the Principal Act is hereby repealed and the following section substituted therefor —

Repeal and re-enactment of section 3 of the Principal Act.

“Application of Act,

3. This Act shall apply to every local authority, company or person, who may be, by this Act or by any licence granted under this Act, or by or under any special Act, authorised to supply electricity within an area, and to every undertaking so authorised, except so far as expressly provided by the special Act.”.

5. Section 4 of the Principal Act is hereby repealed.

Repeal of section 4 of the Principal Act.

6. Section 5 of the Principal Act is hereby amended by the re-numbering of it as subsection (1) thereof and —

Amendment of section 5 of the Principal Act.

(a) in subsection (1) as so re-numbered —

- (i) by the substitution, for the word “order”, wherever it occurs, of the word “licence”;
- (ii) by the substitution, for all the words beginning with “The President” and ending with “the following provisions:”, of the following —

“The Minister may from time to time by a licence authorise any local authority, company or person to supply electricity for any public or private purposes within any area, for a period not exceeding forty years as the Minister shall determine, subject to the following provisions —”;

- (iii) in paragraph (d), by the substitution, for the words “on the application of the undertakers thereby authorised to supply electricity be repealed, altered or amended

by any subsequent order granted by the President", of the words "be amended or revoked in accordance with the licence or any written law";

- (b) by the insertion, after subsection (1) as so renumbered, of the following subsections as subsections (2) to (7) —

"(2) A licence granted under subsection (1) shall be subject to the provisions of this Act and to such conditions (including the payment of such fees which may be a one time payment for the period of the licence or annual payments or both), as may be prescribed by the Minister.

(3) A licence may give to the undertakers, for the period of the licence or any extension thereof, an exclusive right to supply electricity for public or private purposes within the whole or part of the area specified in the licence.

(4) Paragraphs (a), (b) and (c) of subsection (1) shall not apply in relation to a licence granted, under this section, to any company to which the electricity supply undertaking of the Guyana Electricity Corporation is transferred.

(5) Where a licence under subsection (1) is granted for a period of not less than twenty years, the Minister shall on the completion of ten years from the date of the licence, and thereafter on the completion of every period of ten years, review and evaluate the performance of the local authority, company or person to whom the licence is granted and where the Minister is of the view that the licensee's performance during the period of ten years, which is reviewed, is unsatisfactory, the Minister may revoke the licence:

Provided that a licence shall not be revoked without giving the licensee a reasonable opportunity of being heard:

Provided further that this section is without prejudice to the provisions of the

licence and of the Public Utilities Commission Act 1990.

(6) Subject to the provisions of the licence and any written law, a licensee shall have and exercise and discharge, within the area in respect of which the licence is granted, the following functions —

- (i) to establish acquire and work such electrical installations as the licensee may deem it expedient;
- (ii) to secure the supply of electricity within such area at reasonable prices;
- (iii) to promote and encourage the use of electricity with a view to the economic development of Guyana; and
- (iv) to carry on any business usually associated with an electricity undertaking:

Provided that nothing in this Act shall be deemed to authorise a licensee to do anything, for which a licence is required under the Hydro-Electric Power Act, without obtaining a licence under the last mentioned Act.

Cap, 56:03

(7) Sections 14(2), 20 to 22 (inclusive) and 24(3) of the Electricity Act shall **mutatis mutandis** apply to and in relation to a licensee as if references therein to "the Corporation" were references to the licensee, and section 23 of that Act shall **mutatis mutandis** apply to and in relation to any arbitration referred to in section 20(1) thereof as made applicable to a licensee by this subsection as if reference therein to "the Corporation" were reference to the licensee".

Cap, 56:01

7. Section 6 of the Principal Act is hereby amended in the following respects —

**Amendment
of section 6
of the Prin-
cipal Act.**

(a) in subsection (1)

(i) by the substitution for the word “rules”, of the word “regulations”;

(ii) by the deletion of the words “or orders”;

(b) by the deletion of subsection (2).

8. The marginal note to section 7 of the Principal Act is hereby amended by the deletion of the words “or orders”.

9. Section 9 of the Principal Act is hereby amended in the following respects —

(a) in subsection (1), by the substitution, for the words “The undertakers”, of the words “Subject to the provisions of the licence and the Public Utilities Commission Act 1990, the undertakers”;

(b) in subsection (2), by the substitution, for the words “one shilling”, of the words “one hundred dollars”;

(c) in subsection (3), by the substitution, for the words “fifteen dollars”, of the words “five hundred dollars”.

10. Section 10 of the Principal Act is hereby amended by the substitution for the word “rules”, of the word “regulations”.

11. Section 12 (4) of the Principal Act is hereby amended by the substitution, for the words “three hundred dollars” and “sixty dollars”, of the words “ten thousand dollars” and “one thousand dollars” respectively.

12. Section 19 of the Principal Act is hereby amended by the insertion, after the words “save as aforesaid”, of the words “and the Public Utilities Commission Act 1990”.

13. Section 21 of the Principal Act is hereby amended by the substitution, for all the words beginning with “shall be guilty” and ending with “two years”, of the following —

“shall be liable to imprisonment for two years”.

14. Section 25 (4) of the Principal Act is hereby amended by the substitution, for the words “seventy-five dollars” and “seven hundred and fifty dollars”, of the words “five hundred dollars” and “five thousand dollars” respectively.

15. Section 26 (3) of the Principal Act is hereby amended by the substitution, for the words “one hundred and fifty dollars”, of the words “five thousand dollars”.

Amendment of marginal note to section 7 of the Principal Act.

Amendment of section 9 of the Principal Act.

Amendment of section 10 of the Principal Act.

Amendment of section 12 of the Principal Act.

Amendment of section 19 of the Principal Act.

Amendment of section 21 of the Principal Act.

Amendment of section 25 of the Principal Act.

Amendment of section 26 of the Principal Act.

16. Section 27 of the Principal Act is hereby amended by the substitution for the words "order or special Act", wherever they occur, of the word "licence".

Amendment
of section 27
of the Prin-
cipal Act.

EXPLANATORY MEMORANDUM

Section 4 of the Electric Lighting Act (hereinafter referred to as "the Act"), Cap. 56:02, makes provision for the grant of a licence, to any local authority, company or person to supply electricity within any area for public or private purposes, but the maximum period of the licence can be only seven years. Section 5 of that Act empowers the President to make an order to authorise a local authority, company or person to supply electricity for similar purposes, and the authorisation under this section can be for a period of not less than twenty and not more than thirty years. In both cases there is a power of extension.

2. It is considered that there is no need for these two separate regimes. So as to achieve the objective of unifying two regimes, clause 5 of the Bill seeks to repeal section 4 of the Act and clause 6 seeks to amend section 5 of the Act suitably.

3. Under Section 5 of the Act, as sought to be amended by the Bill, a licence to supply electricity can be granted for any period not exceeding forty years and may be extended for periods not exceeding twenty years at a time. The new subsections (2) to (7) sought to be inserted in that section make suitable incidental provisions.

4. Clause 2 of the Bill seeks to make consequential amendments that have become necessary because of the amendments sought to be made in the Act by the Bill and as a result of constitutional and administrative changes.

5. Amendments that are necessary consequent on the proposal to enact the Public Utilities Commission Act 1990 are also proposed to be made. (See Clauses 9 and 12 of the Bill).

6. Section 6 (2) of the Act is sought to be deleted by clause 7 of the Bill particularly in view of section 21 of the Interpretation and General Clauses Act (Cap. 2:01).

7. This opportunity has also been availed of to revise the amounts prescribed in the Act as fines to reflect the present value of the Guyana dollar.

8. The other amendments sought to be made in the Act by the Bill are formal or consequential in nature.

Haslyn Parris,
Deputy Prime Minister
Planning and Development.