LAWS OF KENYA

The Electric Power Act

CHAPTER 314

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CHAPTER 314

THE ELECTRIC POWER ACT

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CHAPTER 314

THE ELECTRIC POWER ACT

Commencement: 30th March, 1920

An Act of Parliament to facilitate and regulate the generation, transmission, transformation, distribution, supply and use of electric energy for lighting and other purposes, and for purposes connected therewith

1. This Act may be cited as the Electric Power Act.

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

   "Act" includes any subsidiary legislation made thereunder;

   "apparatus" means electrical apparatus, and includes all machines, apparatus and fittings in which conductors are used or of which they form part;

   "area of supply" means the area within which the licensee is for the time being authorized to supply electrical energy under the licence;

   "authorized distributor" means a public or local authority, company, person or body of persons licensed by a distributing licence to distribute or supply electrical energy for any purpose;

   "British Standards Institution" means the British Standards Institution of the United Kingdom;

   "bulk supply" means the supply of electrical energy in bulk by a bulk supply licensee to another bulk supply licensee or any authorized distributor;

   "bulk supply area" means the area within which the bulk supply licensee is for the time being authorized to give a bulk supply under a bulk supply licence;

   "bulk supply licence" means a licence granted to a public or local authority, company, person or body of persons, in this Act referred to as a bulk supply licensee, to generate and supply electrical energy to other bulk supply licensees or authorized distributors within the area defined therein;
“circuit” means an electrical circuit forming a system or
branch of a system;
“company” means a company registered in the United
Kingdom or a company within the meaning of the Companies
Act;
“compulsory acquisition” of any land by a licensee means
acquisition of that land, whether permanently or temporarily,
through the agency of the Government or any other public
body exercising statutory powers of acquisition or setting
apart;
“compulsory area” means the area of supply defined in a
licence as being an area within which the supply of electrical
energy is compulsory;
“conductor” means an electrical conductor connected or
arranged to be electrically connected to a system;
“consumer” means any public or local authority, com-
pany, person or body of persons supplied or entitled to be
supplied with electrical energy by a licensee;
“daily penalty” means a penalty for each day on which
any offence is continued after conviction therefor;
“danger” means danger to the health, life, person or
property of anyone from shock, from fire or otherwise arising
from the generation, transformation, conversion, transmission,
distribution, supply or use of electrical energy;
“deposited map” means the map of the area of supply
deposited with the Minister by the licensee together with the
licence and signed by the Minister;
“distributing area” means the area of supply specified
in a distributing licence;
“distributing licence” means a licence granted to a public
or local authority, company, person or body of persons (in
this Act referred to as an authorized distributor) to distribute
or supply electrical energy for the purposes and within the
area defined therein; such licence shall also entitle the
authorized distributor to receive a bulk supply from a bulk
supply licensee;
“distributing main” means that portion of any electric
supply line which is used or is intended to be used to give
origin to service lines for the purpose of the general supply;
“earthed” means connected to the general mass of earth
in such a manner as to ensure at all times an immediate and
safe discharge to earth of electrical energy;
“electric line” means an electric supply line and includes
a telegraph line;
"electric supply line" means any wire, conductor or other means used or intended to be used for the purpose of conveying, transmitting, distributing, serving or using electrical energy, together with any casing, coating, covering, tube, pipe, insulator or support enclosing, surrounding or supporting the same or any part thereof, or any apparatus (including apparatus for switching, controlling, transforming, converting or otherwise regulating electric energy) ancillary thereto, for the purpose of conveying, transmitting, distributing, serving or using electrical energy, but does not include any telegraph or telegraph line;

"electrical energy" means energy involving the use of electricity, electric current or any like agency, which may be produced either by mechanical or chemical means;

"factory" means any premises or site in which, or within the close or curtilage of which, any person works for hire or is employed whether for wages or not in connexion with or incidental to the purposes of any trade or process, and in which electrical energy is used, and includes workshop;

"general supply" means the general supply of electrical energy to ordinary consumers or for public lamps;

"generating station" means any station for generating electricity, including any buildings and plant used for the purpose, and the site thereof, and a site intended to be used for a generating station, but does not include any station for transforming, converting or distributing electrical energy;

"licence" means any document or instrument in writing granted under this Act authorizing a public or local authority, company, person or body of persons to undertake the generation, supply or distribution of electrical energy in the manner described in such document or instrument;

"licensee" means the public or local authority, company, person or body of persons to whom a licence is granted;

"local generating licence" means a licence authorizing an authorized distributor, in this Act for the purposes of that licence referred to as a local generating licensee, to generate electrical energy for the purposes of the distributing licence of such authorized distributor;

"meter" means any and every kind of machine, device or instrument used for the measurement of the supply of electrical energy, and includes such auxiliary appliances as resistors, shunts, reactances, current transformers, voltage transformers and time switches, external and necessary to the meter;
"mine" has the meaning assigned to it in the Mining Act, and includes quarry;

"ordinary consumer" means any consumer other than a consumer under special agreement;

"overhead system" means an electrical system in which the electric supply lines, conductors or other apparatus used or which may be used for conveying, transmitting, transforming, distributing or supplying electrical energy are placed above ground and in the open air, and includes any portions of a system so placed above ground and in the open air, excepting within premises in the sole occupation or control of the licensee, and excepting so much of any service line as is necessarily so placed for the purpose of supply, and includes an aerial line as defined in the Electric Supply Lines Act;

"plan" means a plan drawn to a horizontal scale of at least one one-thousandth of full size and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one one-hundredth of full size or to such other scales as the Minister may direct for both plan and section, together with such detail plans and sections as may be required;

"power" means electrical power or the rate per unit of time at which electrical energy is supplied;

"pressure" means the effective difference of electrical potential between any two conductors, or between a conductor and the earth, and is said to be—

(a) "low" when it does not exceed 250 volts under normal conditions, subject however to the percentage variation allowed by any rules made under this Act;

(b) "medium" when it exceeds 250 volts but does not exceed 650 volts under normal conditions, subject however to the percentage variation allowed by any rules made under this Act;

(c) "high" when it normally exceeds 650 volts but does not exceed 3,000 volts;

(d) "extra high" when it normally exceeds 3,000 volts;

"public authority" means the Government or the Community or any department or branch of the Government or of the Community;
“public lamp” means any electric lamp used for the lighting of any street which is under the control of a public or local authority;

“railway” means any railway maintained as a public service for the transport of passengers or goods;

“service line” means any portion of any electric supply line through which electrical energy is or is intended to be supplied by a licensee—

(a) to a consumer either from a distributing main or immediately from the premises of the licensee; or

(b) from a distributing main to a group of consumers on the same premises or on adjoining premises supplied from the same point of the distributing main, up to the point where such electric supply line reaches the supply terminals;

“special agreement” means any agreement for supply of electrical energy made between a licensee and a consumer which, by reason of any peculiarity in supply or demand, contains some special term or condition as to the nature or power factor of the load, time of supply, price, quantity to be consumed, period or otherwise, which term or condition is not reasonably applicable and acceptable to every consumer of any general class of supply;

“street” includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway;

“substation” means any premises or enclosure or part thereof, being large enough to admit the entrance of a person after the apparatus therein is in position, containing apparatus for transforming or converting electrical energy to or from a pressure above medium pressure (other than transforming or converting solely for the operation of switchgear or instruments) with or without any other apparatus for switching, controlling or otherwise regulating the electrical energy, and includes the apparatus therein;

“supply terminals” means the ends of the electric supply lines upon any consumer’s premises at which the supply of electrical energy is delivered from the service lines of the licensee, and is situated—

(a) in any case where the supply of electrical energy is measured by a meter, at the point at which the conductor from the service line enters the meter, or,
in respect of a conductor from the service line which does not pass through the meter, the point on such conductor nearest to the meter;

(b) in any other case, at the point at which the conductor from the service line enters the consumer's main switch, or, if there is more than one main switch, that main switch on the consumer's premises which is nearest to the source of supply;

(c) in any case in which the supply of electrical energy is made to a street lamp, at the point of attachment to the distributing main of the electric supply line serving such lamp;

“switch station” means any premises or enclosure or part thereof, being large enough to admit the entrance of a person after the apparatus therein is in position, containing apparatus for switching, controlling or otherwise regulating electrical energy at a pressure above medium pressure, but not for transforming or converting electrical energy (other than transforming or converting solely for the operation of switchgear or instruments), and includes the apparatus therein;

“system” means an electrical system in which all the conductors and apparatus are electrically connected to a common source of electrical energy;

“telegraph” means any system or means of conveying telegraph, telephone or other signs, signals, sounds or communications by the agency of electricity, magnetism, electromagnetism or by any agency of a like nature, with or without the aid of wires, including the systems commonly known as wireless or radio telegraphy and wireless or radio telephony or etheric signalling, and any improvements or developments of those systems, and also includes any apparatus used in conveying any such signs, signals, sounds or communications;

“telegraph line” means the conductors and their supporting or containing structures which are or may be used in connexion with or for the purpose of any public or private telegraph;

“tramway” means any tramway maintained as a public service for the transport of passengers or goods;

“undertaking” means any business of generation, supply or distribution of electrical energy undertaken pursuant to a licence, and includes all the assets and liabilities from time to time constituting or belonging or appertaining to such business;
“use of electrical energy” means the conversion of electrical energy into chemical energy, mechanical energy, heat or light, or the use or application of electrical energy to or for any of the purposes for which it may be or become or be found to be adapted;

“works” means electric supply lines, machinery, lands, buildings, structures, earth works and water works, and includes any apparatus or things of whatsoever description, required for the generation, transmission, transformation, distribution, supply or use of electrical energy.

3. The provisions of this Act shall apply, as hereinafter specified, to every public or local authority, company, person or body of persons generating, transmitting, distributing, supplying, or using electrical energy, and to all works or apparatus for any or all of these purposes.

4. (1) No public or local authority, company, person or body of persons not being a bulk supply licensee or local generating licensee under this Act shall generate, or, not being a bulk supply licensee or an authorized distributor, shall, subject to the provisions of the Electric Supply Lines Act, transmit, a supply of electrical energy or construct, maintain or operate works for such generation or transmission of electrical energy:

Provided that a licensee supplying electrical energy to a consumer may, in the sole discretion of the licensee and subject to this Act and to the Electric Supply Act, consent to the supply by that consumer, to any person or persons, of all or any part of that electrical energy received by that consumer from the licensee; and such consent shall be given in writing and may stipulate such conditions as the licensee may think fit.

(2) Notwithstanding the provisions of subsection (1)—

(a) the Minister may authorize any public or local authority, company, person or body of persons in any place not within the area of supply of any authorized distributor and whose primary business or occupation is not the supply of electrical energy to supply such energy for sale or any other consideration to one or more particular public or local authorities, companies, persons or bodies of persons not within any such area of supply;
(b) the Minister may authorize any public or local authority, company, person or body of persons, whether within any such area of supply or not, to generate or, subject to the provisions of the Electric Supply Lines Act, to transmit a supply of electrical energy for its or his own use, and to erect, maintain and operate the works necessary therefor; but no such authorization shall be given to any public or local authority within any such area of supply for any purpose other than stand-by plant or special technical apparatus required for the maintenance of essential communications or military services, without the consent in writing of the authorized distributor first had and obtained; but, if in the opinion of the Minister any such consent is unreasonably withheld, the Minister, notwithstanding the provisions of this paragraph, may proceed as if such consent had been given:

Provided that where—

(i) the rated capacity of the generating plant does not exceed 25 kilowatts in the case of a public or local authority and 100 kilowatts in the case of a company, person or body of persons and the pressure in any part of the system connected thereto does not exceed medium pressure; and

(ii) no part of such system is outside the close or curtilage of the premises in which the electrical energy is generated,

no licence or authorization shall be necessary.

(3) No public or local authority within the area of supply of an authorized distributor may, after having been offered a supply of electrical energy by such authorized distributor, use any form of energy for power or lighting purposes (excepting portable power and portable lighting purposes) other than electrical energy without the approval of the Minister, which approval shall not be refused in any case in which the Minister is satisfied that the public or local authority concerned will be unduly prejudiced by such refusal:

Provided that nothing in this subsection shall prevent the use of steam or internal combustion engines for locomotive purposes, or the generation of electrical energy for the lighting of such vehicles.
(4) No public or local authority, company or person which is not licensed as a bulk supply licensee or authorized distributor shall receive a supply of electrical energy from a bulk supply licensee, nor shall a bulk supply licensee supply electrical energy except to another bulk supply licensee or to an authorized distributor.

5. Every application for a licence or for any authority, consent or approval under this Act, and every objection to the grant of any such licence, authority, consent or approval or any representation to be made with respect to any matter under this Act, shall be made in the manner hereafter prescribed in that behalf.

6. Where two or more applicants make applications for licences under this Act for the supply of electrical energy for the same area and one of such applicants is a public or local authority having jurisdiction for other purposes in such area or part thereof, the application of such authority shall take precedence of any other application.

7. No licence shall be granted for any area which may be within the limits of economical transmission from any existing or authorized works for the generation of electrical energy until the licensee for such works has been given an opportunity for objection to the grant of such licence, and for application for extended powers for the supply of the area in question from the existing or authorized works aforesaid; whereupon the Minister, after inquiry as hereinafter provided, may deal with such application or applications as he sees fit, provided that notwithstanding the purpose and intention of this Act as expressed in this section nothing contained in this Act or in any licence shall be deemed or construed to hinder or restrict the powers of the Minister to grant, if the necessity arises and having due regard to the said purpose and intention as expressed in this section, any other licences under this Act in respect of the area (if any) or any part of the area (if any) named or defined in any such licence.

8. Nothing in this Act shall prevent a licensee applying for and, subject to this Act, obtaining other licences for the generation, supply or distribution of electrical energy in any area.

9. (1) A licensee shall not transfer or otherwise divest himself of any of the powers, rights or obligations conferred or imposed upon him by this Act or by his licence otherwise
than under and in accordance with a provision contained in the licence authorizing such divestiture, or the authority of the Minister.

(2) Where any licence is authorized to be transferred, any money to which the licensee is entitled or receives or which may be paid to him on or for the transfer of such licence shall not exceed the amount of his reasonable expenses in obtaining the licence as may be decided by the Minister.

(3) Where any licence is authorized to be transferred, any money to which the licensee is entitled or receives or which may be paid to him in respect of the purchase of his works under the licence and any matter relating to the sale or purchase of any such works shall be subject to the provisions of this Act.

10. (1) The Minister may grant a bulk supply licence to any public or local authority or combination of any such authorities or to any company or person to supply electrical energy in bulk to bulk supply licensees or authorized distributors within any area prescribed in such licence, and the Minister in any such licence may authorize the generation of electrical energy and the doing of all such other acts as are necessary in connexion with the supply of such electrical energy in bulk.

(2) A bulk supply licence may be for any period not exceeding fifty years, and the bulk supply licensee may, within ten years of the date named in a bulk supply licence for its termination, make application to the Minister for a renewal of such bulk supply licence, provided that such application shall be made not less than three years before the date named for the termination of the licence.

(3) Within six months after the receipt of such application and after such inquiry as he thinks necessary, the Minister may grant the application on such terms and conditions and for such period as he thinks fit, or may refuse the application:

Provided that the Minister may, in his absolute discretion, where the circumstances are such as in his opinion render such a course necessary, exercise the powers conferred upon him by this section notwithstanding that more than six months after the receipt of the application have expired.
(4) A bulk supply licence may, subject to the provisions of this Act, be granted to a public or local authority or to a combination of any such authorities authorizing them to generate or to supply electrical energy within any area although the same or some part thereof may not be included within the jurisdiction for other purposes of any such public or any such local authority.

(5) A bulk supply licence under this Act for the supply of electrical energy shall convey and secure to the licensee the right, subject to the provisions of this Act, to generate, transmit and supply electrical energy over, through or within the area defined by the bulk supply licence, only to other bulk supply licensees or authorized distributors, and may state the limits within which and the conditions under which the supply of electrical energy by the licensee named in the licence shall be compulsory or permissive.

(6) In prescribing a bulk supply area, the Minister shall have regard to the methods or proposed methods of generation or distribution and to all matters and circumstances which have arisen, or which may arise, and which have or may have relation to the economical production, supply or continuance of an efficient service of electrical energy over and within the area so prescribed.

11. (1) Where any demand is made by an authorized distributor for a supply of electrical energy within a compulsory area, or otherwise where the bulk supply licensee is authorized by the Minister to give a supply of electrical energy within a compulsory area, the bulk supply licensee within a reasonable time or within such time as may be stated in the licence or as may be authorized by the Minister as provided for by section 129, shall lay, erect and install all the electric supply lines and works necessary for the supply of the electrical energy in terms of the demand or of the authority of the Minister, as the case may be.

(2) Where any such demand is made by an authorized distributor, the bulk supply licensee (if he thinks fit) may, within thirty days, or such other period as the Minister may approve, after the service of the demand upon him, serve a notice on the authorized distributor by whom the demand is signed, stating that he declines to be bound by the demand unless the authorized distributor will bind himself to take, or will guarantee that there shall be taken, a supply of electrical energy for a period of seven years at the least of
such amount in the aggregate (to be specified by the bulk supply licensee in the notice) as will, at the rates of charge for the time being charged by the bulk supply licensee for a supply of electrical energy to other authorized distributors under comparable conditions, produce annually such reasonable sum as is specified by the bulk supply licensee in the notice:

Provided that—

(i) in the notice the bulk supply licensee shall not without the authority of the Minister specify any sum exceeding twenty per centum upon the expense of providing and erecting or laying down the electric supply lines and works necessary for the supply of electrical energy in terms of the demand;

(ii) such expense shall not include any expenditure made for any transforming machinery or plant, electric supply lines, apparatus or equipment which have been erected or installed for a period of seven years at the time of the demand being complied with, or for any transforming machinery or plant, electric supply lines, apparatus or equipment which have been or may be erected or installed as renewals of any such transforming machinery or plant, electric supply lines, apparatus or equipment, which have been erected or installed for a period of seven years, or for any expenditure made or which may become necessary for any generating machinery, plant, apparatus or buildings.

(3) Where such a notice is served, the demand shall not be binding on the bulk supply licensee unless within thirty days or such other period as the Minister may approve after the service of the notice on the authorized distributor signing the demand has been effected, or in case of difference within thirty days or such other period as the Minister may approve after the delivery of the arbitrators’ award or other settlement, there is tendered to the bulk supply licensee an agreement executed by the authorized distributor binding him to take or guaranteeing that there shall be taken a supply of electrical energy for a period of seven years at the least of such an amount as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration or other settlement under this section, as the case may be, or where the authorized distributor making the demand is not a public or local authority, unless sufficient security for the
payment to the bulk supply licensee of all moneys which may become due to him from the authorized distributor under the agreement is offered to the bulk supply licensee (if required by him by such notice as aforesaid) within the period prescribed for the tender of the agreement as aforesaid.

(4) If the bulk supply licensee considers that the demand is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be varied, he may, within thirty days or such other period as the Minister may approve after the service of the demand upon him, appeal to the Minister, and the Minister, after such inquiry (if any) as he thinks fit, may, by order, either determine that the demand is unreasonable and shall not be binding upon the bulk supply licensee or authorize the bulk supply licensee by his notice to require a supply of electrical energy to be taken for such longer period than seven years, or to specify such sum or percentage, whether calculated as hereinbefore provided or otherwise, as is directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly.

(5) In case of any appeal to the Minister under this section, any notice by the bulk supply licensee under this section may be served by him within thirty days or such other period as the Minister may approve after the decision of the Minister.

(6) If any difference arises between the bulk supply licensee and any authorized distributor signing any such demand as to any such notice or agreement, that difference shall, subject to the provisions of this section and to the decision of the Minister upon any such appeal as aforesaid, be determined by arbitration.

12. In the event of any demand being made on a bulk supply licensee by an authorized distributor in a compulsory area for electrical energy for the supply of which any works, already installed for the supply of electrical energy to any other authorized distributor and in respect of which such authorized distributor is bound by agreement as in section 11 of this Act provided, or any part thereof are suitable and adequate, such works or part thereof shall be so used, and the agreement or agreements to which the bulk supply licensee is entitled by that section shall be made or if made shall be modified in such manner that the obligations imposed on the authorized distributors by such agreements shall be
pro rata with the value of the electric supply lines and works or such portion or portions thereof as are necessary for the supply of electrical energy to such authorized distributors respectively.

13. Except in the cases of public or local authorities, a bulk supply licensee may require, and shall be entitled to receive, from an authorized distributor, before taking steps to comply with a demand for the supply of electrical energy, a guarantee for the due performance of any agreement entered into for the erection and installation of any electric supply lines, apparatus and equipment.

14. In any case where in the opinion of the Minister a supply of electrical energy should be obtained from a bulk supply licensee, and after investigation it is considered impossible or inexpedient to provide for the necessary works as herein specified in that behalf, the Minister, with the consent of the National Assembly, may undertake in whole or in part the provision of any such works or of the funds necessary to defray the charges thereon or may guarantee such payments, upon such terms and conditions as the Minister may consider necessary or expedient.

15. The bulk supply licensee shall be wholly responsible for the proper maintenance, repair and safe condition of all electric supply lines, apparatus and equipment up to the point at which the bulk supply is made, effected, delivered or made available to any authorized distributor as approved by the Minister, irrespective of the manner in which any capital sums for or charges in respect of the same may be provided.

16. The bulk supply licensee may require an authorized distributor within a compulsory area who demands a supply of electrical energy, and before commencing to give such supply, to enter into an agreement to take delivery of and to pay for such supply or part thereof for a period of not less than two years, or for such longer period as the Minister may approve, or, failing the authorized distributor's acceptance or use of such supply of electrical energy, to pay for the provision made by the bulk supply licensee for such supply of electrical energy, to the following extent—

(a) the authorized distributor shall agree to pay to the bulk supply licensee such minimum annual sum as is equivalent to the sum which would be payable for four hundred hours' consumption of the
maximum demand of electrical energy at a price per kelvin not exceeding the maximum price fixed in the schedule of prices provided in the licence of the bulk supply licensee; or

(b) in such other manner as the Minister may approve.

17. (1) Subject to any agreement which may be entered into between a bulk supply licensee and an authorized distributor, as provided for by section 74, for any and every failure of a bulk supply licensee to supply or to continue to supply, or for any interruption to any supply of, electrical energy which is being or should be made by such bulk supply licensee under any of the provisions of this Act through or because of any defect in, or absence of, any provision made, or which should have been made, by such bulk supply licensee, or over which such bulk supply licensee has control, or for which the responsibility, or of which the repair or maintenance, is vested in such bulk supply licensee, the bulk supply licensee shall pay to the authorized distributor as liquidated damages a sum equal to one one-thousandth part of the annual minimum sum or fixed charge payable by the authorized distributor to the bulk supply licensee, for every hour or part thereof of such failure, non-continuance or interruption of the supply as aforesaid.

(2) The payment of such damages by the bulk supply licensee shall not indemnify him against the infliction of any penalties to which he may be liable under this Act.

(3) Whenever the bulk supply licensee makes default in supplying electrical energy in accordance with the terms of the rules he shall be liable to such penalties as are prescribed by the rules in that behalf.

18. (1) The Minister may grant a distributing licence to any public or local authority, company, person or body of persons to distribute or supply electrical energy for any purpose within any area, whether within or without the jurisdiction for other purposes of any such public or local authority, and may state the limits within which and the conditions under which the supply of electrical energy by the licensee shall be compulsory or permissive.

(2) The granting of a distributing licence shall authorize the authorized distributor to receive a bulk supply of electrical energy.
(3) A distributing licence may be for any period, whether limited or unlimited.

(4) Where the duration of a distributing licence is limited, the licensee may, within a period of not more than five years (or such greater period as the Minister may in any particular case permit) and not less than three years from the date fixed for the termination of the licence, make application to the Minister for a renewal of such distributing licence; such application shall be made after public advertisement in manner prescribed by section 129.

(5) Within six months after the receipt of such application and after such inquiry as he may deem necessary, the Minister may grant the application on such terms and conditions and for such period as he may deem fit, or he may refuse the application:

Provided that the Minister may, in his absolute discretion, where the circumstances are such as in his opinion render such a course necessary, exercise the powers conferred upon him by this section notwithstanding that more than six months after the receipt of the application have expired.

(6) Where no such application for renewal of the licence has been made by the licensee or where such application has been refused, subsequent proceedings shall be in accordance with the provisions of sections 123 and 124, as the case may be, and as if the licence terminated had been revoked and the date of revocation were the date of expiration of the licence.

19. Where any authorized distributor is authorized by a distributing licence to supply electrical energy within an area of supply which is situated either wholly or partly within the jurisdiction for other purposes of any local authority, and such local authority desires to undertake the supply of electrical energy in such area of supply or any part thereof, the following provisions shall apply—

(a) within six months after the expiration of a period of forty-two years from the date of such distributing licence, or such shorter period as is specified in that behalf in such distributing licence, or within six months after the expiration of every subsequent period of seven years, or such shorter period as is specified in that behalf in such distributing licence, such local authority may make an application to the Minister for the revocation of such distributing
licence as to the whole or part of the area of supply, and for the simultaneous issue to such local authority of a distributing licence for the whole of the area to which such revocation would extend; and, in addition to any notices required to be given by this Act, such local authority shall serve copies of any such application upon such authorized distributor, together with such further particulars as the Minister may direct:

Provided that, in the event of renewal of any such distributing licence under section 18, the said period of forty-two years, or any shorter period specified as aforesaid in such distributing licence, may be the terms and conditions of such renewal be specifically altered to run from the date of such renewal or otherwise specifically shortened or extended within the limit of forty-two years from that date; but, in default of and subject to any such specific alteration as aforesaid, the said period of forty-two years, or any shorter period specified as aforesaid in such distributing licence, shall continue to be calculated from the original date of commencement of such distributing licence, and every subsequent period of seven years as aforesaid, or any shorter period specified as aforesaid in such distributing licence, shall be calculated accordingly, in like manner in all respects as if such distributing licence had originally been granted for a period to include the period of such renewal, and so that the original period of duration of such distributing licence (whether greater or less than forty-two years) shall be altogether disregarded in the application of the provisions of this paragraph:

(b) where such area of supply is situated wholly within the jurisdiction for other purposes of such local authority, any application as aforesaid by such local authority shall be granted on such terms and conditions as the Minister may think fit;

(c) where such area of supply is situated partly within and partly without the jurisdiction for other purposes of such local authority, any application as aforesaid by such local authority may be granted on
such terms and conditions as the Minister may think fit, or may be refused:

Provided that, where the granting of such application would entail the division of such area of supply, and such authorized distributor has objected to such division, but, notwithstanding such or any other objection which may have been lodged, the Minister is disposed to consider such application further—

(i) the Minister shall cause written notice of his disposition to consider such application further and of any terms or conditions of grant then under consideration to be given to such authorized distributor and, save with the consent of such authorized distributor, shall not grant such application before the expiration of a period of twelve months from the date of such written notice;

(ii) such authorized distributor shall be entitled, within such period of twelve months, unless he has consented to the prior granting of the application, to require by written notice to such local authority and to the Minister that such application be amended to effect such alternative division of such area of supply, if any, with such alternative or additional terms and conditions, if any, as such authorized distributor may in such notice specify;

(iii) within ninety days or such longer period as the Minister may approve, after receipt of any such notice as aforesaid from such authorized distributor, such local authority may, by written notice to the Minister and to such authorized distributor, amend such application in accordance with such notice of such authorized distributor or to include the whole of such area of supply; but, in default of any such amendment within such period, such application shall be refused;

(iv) the Minister shall remain free, notwithstanding any such notice as aforesaid of his disposition to consider such application further, at any time thereafter in his absolute discretion to refuse such application or any amendment thereof; and
(v) the provisions of section 129 shall not apply to any requisition or notice made or given by the authorized distributor or by the local authority under this paragraph;

(d) notwithstanding any provisions of this section, no application entailing the division, transfer or alteration of any area of supply or part thereof shall be granted with or without amendment or modification unless it is shown to the satisfaction of the Minister that such grant will not unduly prejudice the consumers in any portion of the area proposed to be divided, transferred or altered;

(e) in the event of any such application as aforesaid by such local authority being granted, with or without amendment or modification, such grant shall be made to take effect at such later date as the Minister then directs; but such local authority shall, as from the date of such grant and up to the date of the same taking effect, advance to such authorized distributor, by way of loan carrying interest at the rate of four per centum per annum or such other rate as may be prescribed under section 67 of the Companies Act, all such moneys as he may from time to time reasonably require for capital expenditure to ensure the continued development of his undertaking in relation to such area of supply during that period, and such advances shall be repaid on or before the date upon which the final payment of any purchase money which becomes due under this section is received from the local authority:

Provided that, if and so often as any difference arises between such local authority and such authorized distributor as to whether any moneys are or are not reasonably required by the authorized distributor for capital expenditure as aforesaid, or as to the particular purpose or purposes for which such moneys are required, or as to the amount of any moneys so required, such difference shall be determined by arbitration;

(f) where the application as aforesaid by such local authority is granted by the Minister under this section, with or without amendment or modification, such local authority shall buy from the authorized
distributor and such authorized distributor shall sell to the local authority all works suitable for and used or in possession for use by such authorized distributor under his distributing licence for the distribution of electrical energy within the area defined in the distributing licence granted to such local authority, and such sale shall be completed accordingly on the date upon which the grant of such application is to take effect:

Provided that—

(i) where the granting of such application entails the division of the original area of supply or where such authorized distributor holds any other distributing licence or licences, such authorized distributor shall be entitled, by written notice in that behalf to such local authority at any time not later than ninety days from the publication of the notice advertising the granting of such application, to exclude from such sale and purchase any specified part or parts of the said works, whether suitable or unsuitable for the distribution of electrical energy within the area defined in the distributing licence then granted to such local authority, which he might reasonably require for the purposes of his distributing licence in respect of the remaining portion of such area of supply or such other distributing licence or licences;

(ii) any question which may arise in relation to such sale and purchase, or with regard to the exclusion of any specified works therefrom, shall in default of agreement be determined in accordance with the provisions of section 138:

(g) subject to paragraph (d), in any case where the supply of electrical energy for the purposes of the said distributing licence of such authorized distributor is obtained under a local generating licence held by such authorized distributor, then, on the granting of any such application as aforesaid of such local authority, the provisions of subparagraph (i), (ii) or (iii), as the case may be, shall apply to such local generating licence and the works thereunder, wherever situated—

(i) if the supply of electrical energy for the purposes of the distributing licence then granted to such
local authority, and also for the purposes of the said distributing licence of such authorized distributor (if and so far as remaining un-revoked), could, in the opinion of the Minister, be provided more economically, and without prejudicing the consumers in any area concerned, by any then existing bulk supply licensee under any of the provisions of this Act, then, notwithstanding the provisions of subparagraph (i) of paragraph (b) of subsection (4) of section 35 as to the periods at which the bulk supply licensee may apply for the revocation of the local generating licence and purchase the works of the local generating licensee, such local generating licence shall be revoked and such bulk supply licensee shall, on the date upon which the grant of such application as aforesaid is to take effect, purchase the works under such local generating licence, and shall thereafter give a supply of electrical energy to such local authority and to such authorized distributor for such respective purposes as aforesaid, subject to the provisions of the said subsection and to any other authorized distributor, subject to the provisions in that behalf contained in this Act or the bulk supply licence;

(ii) where a supply of electrical energy could not, in the opinion of the Minister, be provided by a bulk supply licensee as aforesaid, and where the granting of such application as aforesaid does not entail the division of the original area of supply, or where such authorized distributor agrees to sell such works, such local authority shall, on the date upon which the grant of such application is to take effect, purchase the works under such local generating licence in like manner in all respects as if such local authority were a bulk supply licensee and purchasing for the purposes of a bulk supply licence, and the revocation of such local generating licence and the price to be paid by such local authority in respect of the purchase of the said works and in respect of compensation (if any) for depreciation
shall accordingly be effected and determined in the manner prescribed in that behalf by paragraphs (b) and (c) of subsection (4) of section 35, and there shall be granted to such local authority such new local generating licence as may be deemed requisite or proper in the circumstances;

(iii) where a supply of electrical energy could not, in the opinion of the Minister, be provided by a bulk supply licensee as aforesaid, and where the granting of such application as aforesaid entails the division of the original area of supply, and such authorized distributor does not agree to sell such works, such authorized distributor shall, from and after the date upon which the grant of such application takes effect and so long as he continues to hold such local generating licence, give a supply of electrical energy to such local authority, for the purposes of the distributing licence then granted to it, from such of his works under such local generating licence and his then subsisting distributing licence as may be useful to that end, on such terms and conditions and for such price or prices as may be agreed upon between such authorized distributor and such local authority or, failing such agreement, as may be determined by an arbitrator in the manner prescribed in subparagraphs (vi) and (vii) of paragraph (c) of subsection (4) of section 35:

Provided that, in every case where the supply of electrical energy for the purposes of the said distributing licence of such authorized distributor is obtained under a local generating licence which is held by such authorized distributor also in relation to or for the purposes of any other distributing licence or licences, then, for all purposes of this paragraph, the said distributing licence shall be regarded as including such other distributing licence or licences, and the original area of supply shall be regarded as including the area or areas of supply of such other distributing licence or licences, and any separation of such respective areas of supply shall be regarded as a division of the original area of supply.

Where bulk supply not available and original area of supply divided.
20. Notwithstanding anything contained in section 19 or section 138, the Minister may by any distributing licence to be granted by him under this Act, if he thinks fit, vary the terms upon which any local authority may require the authorized distributor to sell, and upon which the authorized distributor shall be required to sell to such local authority, his undertaking or so much of the same as is within the jurisdiction for other purposes of such local authority, in such manner as may have been agreed upon between such local authority and the authorized distributor.

21. (1) The authorized distributor shall, within a period of two years or such other period as may be specified in the distributing licence after the commencement of the distributing licence, or as may be authorized by the Minister as provided for by section 129, subject to any agreement to the contrary at his own expense lay down or erect suitable and sufficient distributing mains for the purpose of general supply throughout every street or part of a street specified in that behalf in the distributing licence, and shall thereafter maintain those distributing mains.

(2) In addition to the distributing mains hereinbefore specified, the authorized distributor shall, at any time after the expiration of eighteen months after the commencement of the distributing licence, subject to any agreement to the contrary at his own expense lay down or erect suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner provided by the distributing licence, or by this Act.

(3) All such distributing mains as are mentioned in subsection (2) (unless already laid down or erected) shall be laid down or erected by the authorized distributor within six months after any requisition in that behalf served upon him in accordance with the provisions of the distributing licence or this Act has become binding upon him, or within such further time as may in any case be approved by the Minister.

(4) Where any requisition is made in respect of any street which the authorized distributor is not specially authorized to break up, or in or along which he is not authorized to erect and construct works of an overhead system, he shall (unless all authorities and persons owing or controlling such street, or responsible for the repair thereof, consent to
such breaking up or to the erection of such overhead system, as the case may be) forthwith apply to the Minister for his written consent authorizing and empowering the authorized distributor (subject to the provisions of the Electric Supply Lines Act) to break up that street, or to erect and construct therein works of an overhead system, as the case may be, and the requisition shall not be binding upon the authorized director if the Minister refuses his consent in that behalf.

22. Where a public or local authority is not the authorized distributor, the authorized distributor shall, within twenty-eight days or such other period as the Minister may approve before commencing to lay underground in any street any electric supply line which is intended for supplying electrical energy to any particular consumer, and not for the purposes of general supply, serve upon the local authority, and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric supply line so to be laid, a notice stating that the authorized distributor intends to lay the electric supply line, and setting forth the effect of this section, and, if within that period any such owner or occupier requires in accordance with the provisions of the distributing licence that a supply shall be given to his premises, the necessary distributing main shall be laid by the authorized distributor at the same time as the electric supply line intended for the particular consumer.

23. (1) If the authorized distributor, not being a public or local authority, makes default in laying down or erecting any distributing mains in accordance with the provisions of the distributing licence or of this Act within the periods prescribed in that behalf respectively, he shall be liable for each default to a penalty not exceeding one hundred and fifty shillings for each day during which the default continues, and if the Minister is of opinion in any case that the default is wilful and unreasonably prolonged he may, after considering any representation of the public or local authority, deal with the distributing licence in manner provided by this section.

(2) If a public or local authority is the authorized distributor, and makes default in laying down or erecting any distributing main in accordance with the provisions of the distributing licence or of this Act within the periods prescribed in that behalf respectively, the Minister may deal with the distributing licence in manner provided by this section.
(3) Where the Minister is authorized under this section to deal with a distributing licence, he may either revoke the distributing licence as to the whole or any part of the area of supply or, if the authorized distributor so desires, suffer it to remain in force as to that area or part thereof, subject to such conditions as he thinks fit to impose, and any conditions so imposed shall be binding on and observed by the authorized distributor, and shall be of the like force and effect in every respect as though they were contained in the distributing licence:

Provided that the Minister shall not revoke the distributing licence as to part only of the area of supply where the authorized distributor makes a representation that he desires to be relieved of his liabilities as respects the rest of the area of supply, and in that case the Minister shall not under this section revoke the distributing licence otherwise than as to the whole of the area of supply.

24. (1) Any requisition requiring the authorized distributor to erect or lay down a distributing main to be operated at low or medium pressure for the purposes of general supply throughout any street or part of a street may be made by any owner or occupier of premises along that street or part of a street, or by a group of such owners or occupiers, either jointly or severally, or, where a public or local authority is not the authorized distributor and has the control and management of the public lamps in that street or part of a street, by the public or local authority:

Provided that the provisions of this subsection shall apply only to premises on which the building or any part thereof for which a supply of electrical energy through the distributing main to which the requisition relates is situated not more than two hundred yards from the street.

(2) Every such requisition shall be signed by the person or persons making it, or by the public or local authority (as the case may be), and shall be served upon the authorized distributor.

(3) Forms of requisition embodying therein a suitable note drawing attention to the provisions of this section and of sections 25 and 26 shall be kept by the authorized distributor at his office, and a copy shall on application be supplied free of charge to any owner or occupier of premises within the area of supply and, where necessary, to the public or local authority, and any requisition so supplied shall be deemed valid in point of form.
25. (1) Where any such requisition is made by any such owner or occupier or group of owners or occupiers as aforesaid, the authorized distributor (if he thinks fit) may, within fourteen days or such other period as the Minister may approve after the service of the requisition upon him, serve a notice on all the persons by whom the requisition is signed, stating that he declines to be bound by the requisition unless those persons or some of them will bind themselves to take, or will guarantee that there shall be taken, a supply of electrical energy, for such period not being less than two nor more than seven years (as in such requisition may be specified by such owner or occupier or agreed and specified by such owners or occupiers, as the case may be) of such amount in the aggregate as will, at the rates of charge for the time being charged by the authorized distributor as appropriate to the nature and circumstances of the supply to such person or persons respectively, produce annually such sum as is specified by the authorized distributor in such notice:

Provided that—

(i) in such notice the authorized distributor shall not, without the authority of the Minister, specify any annual sum exceeding the following percentages upon the expense of providing and erecting or laying down the required distributing mains, viz.—

(a) in respect of a guarantee for two years, sixty per centum;

(b) in respect of a guarantee for three years, forty-five per centum;

(c) in respect of a guarantee for four years, thirty-five per centum;

(d) in respect of a guarantee for five years, thirty per centum;

(e) in respect of a guarantee for six years, twenty-five per centum;

(f) in respect of a guarantee for seven years, twenty per centum;

(ii) in calculating such annual sum as aforesaid, any other item of outlay (including the cost of additional works for generation, transmission or distribution) involved in complying with such requisition and the requisition under section 27 may also be taken into account if and so far as the Minister may approve according to the circumstances of each case.
(2) Where such a notice is served, the requisition shall not be binding on the authorized distributor unless within fourteen days, or such other period as the Minister may approve, after the service of the notice on all the persons signing the requisition has been effected, or in the case of difference within fourteen days, or such other period as the Minister may approve, after the delivery of the arbitrator's award or other settlement, there is tendered to the authorized distributor an agreement severally executed by those persons or some of them binding them to take or guaranteeing that there shall be taken a supply of electrical energy, for the period specified in the requisition, of such amount as will in the aggregate, at the rates of charge above specified, produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section, or unless sufficient security for the payment to the authorized distributor of all moneys which may become due to him from those persons under the agreement is offered to the authorized distributor (if required by him by such notice as aforesaid) within the period prescribed for the tender of the agreement as aforesaid.

(3) If the authorized distributor considers that the requisition is unreasonable, or that under the circumstances of the case, the provisions of this section ought to be varied, he may, within fourteen days or such other period as the Minister may approve after the service of the requisition upon him, appeal to the Minister, and the Minister, after such inquiry (if any) as he thinks fit, may, by order, either determine that the requisition is unreasonable and shall not be binding upon the authorized distributor, or authorize the authorized distributor by his notice to require a supply of electrical energy to be taken for such longer period than that specified as aforesaid, and to specify such sum or percentage, whether calculated as hereinbefore provided or otherwise, as is directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly.

(4) In case of any appeal to the Minister under this section, any notice by the authorized distributor under this section may be served by him within fourteen days or such other period as the Minister may approve after the decision of the Minister.

(5) Notwithstanding any payments made in accordance with any such agreement or guarantee as aforesaid, the distributing mains shall be the sole property of the authorized distributor, and may be used by him for any purpose
authorized by his licence, so long as such use does not prejudicially affect the supply of electrical energy to any consumers who have entered into such agreement or guarantee.

(6) Where, during the period of any such agreement or guarantee as aforesaid, the authorized distributor uses any distributing main the subject thereof for the supply of electrical energy to any consumer or consumers other than those who have already entered into such agreement or guarantee, he shall first require every such additional consumer, and every such additional consumer shall be bound as from the date of commencement of such user, to become a further party to such agreement or guarantee for the remainder of such period, jointly and severally with the consumer or consumers who has or have already entered into such agreement or guarantee and with liability to contribute accordingly.

(7) If any difference arises between the authorized distributor, the person or persons signing any such requisition as aforesaid, and additional consumers as aforesaid, or any of them respectively, as to any such notice, agreement or guarantee or as to the effect or application of subsection (6), that difference shall, subject to the provisions of this section and to the decision of the Minister upon such appeal as aforesaid, be determined by arbitration.

26. Where any such requisition is made by a public or local authority it shall not be binding on the authorized distributor unless at the time when the service is effected, or within fourteen days or such other period as the Minister may approve thereafter, there is tendered to the authorized distributor (if required by him) an agreement executed by the public or local authority and binding such authority to take, for a period of seven years at the least, a supply of electrical energy for lighting such public lamps in the street or part of a street in respect of which the requisition is made as may be under their management or control, sufficient at the least to provide illumination in such street or part of a street not inferior to the standard specified as Class H in Specification Number 307 of the British Standards Institution.

27. (1) The authorized distributor shall, upon being required to do so by the owner or occupier of any premises situate within two hundred yards from any distributing main operating at low or medium pressure of the authorized distributor in which he is for the time being required to maintain or is maintaining a supply of electrical energy for the purpose of supply under the distributing licence, or within the area of supply.
two hundred yards from the nearer boundary of any street or road reserve (whichever may be the wider) along which such distributing main is laid down or erected, give and continue to give in accordance with the provisions of the distributing licence and of this Act a supply of electrical energy for those premises at supply terminals located within two hundred yards from such distributing main or nearer boundary of the street or road reserve as aforesaid, and he shall at his own expense furnish and lay or erect such electric supply lines, or effect such modifications in any existing electric supply lines, as may be necessary or proper for the purpose of supplying the maximum power with which such owner or occupier then requires to be supplied:

Provided that—

(i) the cost or, in any case where a scale of charges for such purpose has been submitted by the authorized distributor and approved by the Minister, an amount calculated according to such scale to represent the cost, of so much of any electric supply lines for the supply of electrical energy to any owner or occupier as may be laid or erected upon the property of that owner or in the possession of that occupier, and of so much of any such electric supply lines as it may be necessary to lay or erect for a greater distance than sixty feet from any distributing main of the authorized distributor (excluding any distance to be traversed for that purpose across any such street or road reserve as aforesaid), although not on that property, for the purpose of such supply shall, if the authorized distributor so requires, be refunded by that owner or occupier;

(ii) notwithstanding any payments made in accordance with the foregoing provisions, all such electric supply lines shall be the property of the authorized distributor, who shall be responsible for their proper maintenance, repair and safe condition in accordance with this Act and any rules made thereunder, up to the supply terminals; such electric supply lines may be used by the authorized distributor for the purpose of supply to other consumers, provided such use does not prejudicially affect the supply of electrical energy to the owner or occupier who first required such electric supply lines to be laid down or erected as aforesaid; but, in any such event, such owner or occupier shall be entitled to
claim from and be paid by each consumer subsequently connected to such electric supply lines such sum as may be determined by the authorized distributor as a fair and just proportion of the amount originally paid by such owner or occupier in respect thereof, and every consumer so connected from time to time shall likewise be entitled to claim from and be paid by every other consumer so connected after him such sum as may be determined by the authorized distributor as a fair and just proportion of any amount theretofore paid by him by way of contribution to any consumer so connected before him.

(2) Every owner or occupier of premises requiring a supply of electrical energy shall—

(a) serve a notice upon the authorized distributor specifying the premises in respect of which the supply is required, and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of the notice) upon which the supply is required to commence; and

(b) if required by the authorized distributor, enter into a written contract with him to continue to receive and pay for a supply of electrical energy, by way of return on the outlay incurred by the authorized distributor in providing or modifying any electric supply lines or otherwise for the purpose of the supply as requisitioned under this section and not recoverable from such owner or occupier under subsection (1), for such period and of such annual value (by way of percentage on such outlay) as the authorized distributor would be entitled to require under subsection (1) of section 25 if such electric supply lines were distributing mains, and, if required by the authorized distributor, shall give to him security for the payment to him of all moneys which may become due to him by the owner or occupier in respect of any electric supply lines to be furnished or modified by the authorized distributor or any other outlay as aforesaid, and in respect of the supply of electrical energy by the authorized distributor.
(3) Notwithstanding anything in this section contained—

(a) the owner or occupier of any premises shall not be entitled to demand or continue to receive for other than normal and regular use from any authorized distributors a supply of electricity for any premises having a separate supply of electricity or a supply (in use or ready for use for the purposes for which such emergency supply of electricity is required) of gas, steam or other form of energy, unless such owner or occupier has agreed with the distributors to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such emergency supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises; and the sum to be so paid shall be determined in default of agreement by arbitration;

(b) if the owner or occupier of any such premises as aforesaid uses any form of apparatus, lamp, or burner, or uses the electrical energy supplied to him by the authorized distributor for any purposes, or deals with it in any manner, so as to interfere unduly or improperly with the efficient supply of electrical energy to any other body or person by the authorized distributor, the authorized distributor may, if he thinks fit, discontinue to supply electrical energy to those premises so long as the apparatus, lamp or burner is so used, or the electrical energy is so used or dealt with;

(c) the authorized distributor shall not be compelled to give or to continue to give a supply of electrical energy to any premises unless he is reasonably satisfied that the electric supply lines, fittings and apparatus therein are in good order and condition, and are not calculated to affect injuriously the use of electrical energy by the authorized distributor or by other persons.

(4) If any difference arises under this section as to the amount to be defrayed by any owner, occupier or consumer, or as to any improper use of electrical energy, or as to any alleged defect in any electric supply lines, fittings or apparatus, that difference shall be determined, upon the application of any person or party interested, by an electrical inspector.
(5) Forms of requisition, embodying therein a suitable note drawing attention to the provisions of this section, shall be kept by the authorized distributor at his office, and a copy shall, on application, be supplied free of charge to any owner or occupier of premises within the area of supply, and any requisition so supplied shall be deemed valid in point of form.

28. The authorized distributor shall not give or continue to give a supply of electrical energy to any premises or any part thereof—

(a) if the supply of electrical energy to such premises or to that part thereof is prohibited by any rules made under this Act;

(b) if the premises or that part thereof is the subject of an order for demolition made at the instance of the public or local authority within the area of whose jurisdiction the premises are situate.

29. (1) The maximum power with which any consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum power demand on his premises:

Provided that where any consumer has required the authorized distributor to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except upon giving to the authorized distributor such notice, not being less than one month, as the Minister may in the circumstances of each case direct, and any expenses reasonably incurred by the authorized distributor in respect of the service lines by which electrical energy is supplied to the premises of that consumer, or of any fittings or apparatus of the authorized distributor upon those premises, consequent upon the alteration, shall be paid by him to the authorized distributor, and shall be a civil debt recoverable summarily.

(2) If any difference arises between any such owner or occupier and the authorized distributor as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section, that difference shall be determined by an electrical inspector.

30. (1) Twenty-four hours' notice in writing shall be given to the authorized distributor by every consumer before he quits any premises supplied with electrical energy by the authorized distributor, and, in default of such notice, the consumer so quitting shall be liable to pay to the authorized
distributor the money due in respect of such supply up to such time as notice of removal is given or up to the next usual period for ascertaining the register of the meter or otherwise for determining the charges due on such premises, or to the date from which any subsequent occupier of such premises may require the authorized distributor to supply electrical energy to such premises, whichever first occurs.

(2) Notice to the effect of this section shall be endorsed upon any demand note for charges for electrical energy:

Provided that nothing in this section shall invalidate any agreement entered into between the authorized distributor and any consumer as to the period for which a supply of electrical energy shall be taken by such consumer.

31. Where a public or local authority is not the authorized distributor, the authorized distributor shall, upon receiving reasonable notice from a public or local authority requiring him to supply electrical energy to any public lamps within the distance of seventy-five yards from any distributing main of the authorized distributor in which he is for the time being required to maintain a supply of electrical energy for the purposes of supply under the distributing licence, or under the rules made under this Act, give and continue to give a supply of electrical energy to those lamps in such quantities as the public or local authority may require to be supplied.

32. Where a public or local authority is not the authorized distributor, the price to be charged by the authorized distributor and to be paid to him for all electrical energy supplied to the public lamps, and the mode in which those charges are to be ascertained, shall be settled by agreement between the public or local authority and the authorized distributor, and in case of difference shall be determined by arbitration, regard being had to the circumstances of the case and the distributing mains or other electric supply lines, if any, which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district.

33. (1) Subject to any agreement which may be entered into between an authorized distributor and a consumer as provided for by section 74 whenever the authorized distributor makes default in supply electrical energy to any owner or occupier of premises to whom he may be and is required to supply electrical energy under the distributing licence, he shall be liable in respect of each default to a penalty not exceeding sixty shillings for each day or part of a day on which the default occurs.
(2) Where a public or local authority is not the authorized distributor, and the authorized distributor makes default in supplying electrical energy to the public lamps to which he may be and is required to supply electrical energy under the distributing licence, the authorized distributor shall be liable in respect of each default to a penalty not exceeding ten shillings for each lamp, and for each day on which the default occurs:

Provided that where the failure of the light from any lamp is due to any defects in the lamp or fittings belonging thereto (but excluding any electric supply lines) this penalty shall not apply, and in such case the liability of the authorized distributor shall be such as may be specified in any agreement between the authorized distributor and the public or local authority parties to the agreement.

(3) Whenever the authorized distributor makes default in supplying electrical energy in accordance with the terms of the rules made under this Act, he shall be liable to such penalties as are prescribed by the rules in that behalf.

(4) The penalties to be inflicted on the authorized distributor under this section shall in no case exceed in the aggregate in respect of any defaults, not being wilful defaults, on the part of the authorized distributor the sum of one thousand five hundred shillings for any one day, nor shall any penalty be inflicted in respect of any default if the court is of opinion that the default was caused by inevitable accident or force majeure, or was of so slight or unimportant a character as not materially to affect the value of the supply.

34. (1) The Minister may grant a local generating licence subject to the provisions of this Act to any authorized distributor to generate electrical energy for the purposes of the distributing licence of such authorized distributor.

(2) Where the duration of a local generating licence is limited, the licensee may, within a period of not more than five years (or such greater period as the Minister may in any particular case permit) and not less than three years from the date named in the licence for its termination, make application to the Minister for a renewal of such local generating licence; such application shall be made after public advertisement in manner prescribed by section 129.

(3) Within six months after the receipt of such application and after such inquiry as he may deem necessary, the Minister may grant the application on such terms and conditions and for such period as he may deem fit, or he may refuse the application:
Provided that the Minister may in his absolute discretion, where the circumstances are such as in his opinion render such a course necessary, exercise the powers conferred upon him by this section notwithstanding that more than six months after the receipt of the application have expired.

(4) Where no such application for renewal of the licence has been made by the licensee or where such application has been refused, subsequent proceedings shall be in accordance with the provisions of sections 123 and 124, as the case may be, and as if the licence terminated had been revoked and the date of revocation were the date of expiration of the licence.

35. (1) Where any application is made for a local generating licence, and the distributing area for which local generation is proposed is not wholly within any bulk supply area, but is in such proximity or so situated that in the opinion of the Minister the supply of electrical energy for such distributing area may appropriately be provided by a bulk supply licensee, the Minister may order that for all purposes of this section such distributing area shall be deemed to be wholly within the bulk supply area of such bulk supply licensee.

(2) Where any application is made for a local generating licence and the distributing area for which local generation is proposed is wholly within a bulk supply area, and after consideration and inquiry it appears that the estimated cost of production of electrical energy by the applicant for a local generating licence will equal or exceed the price at which electrical energy is capable of being delivered and supplied by a bulk supply licensee, the Minister may order that the application for a local generating licence authorizing the local generation of electrical energy be refused, and that a distributing licence be granted to the applicant to receive a bulk supply of electrical energy from the bulk supply licensee and to use or supply the same within such area on the terms of the distributing licence, and the Minister may also order that the bulk supply licensee shall, within the compulsory area (if any) on being required so to do, or elsewhere within the bulk supply area by agreement with the applicant make delivery of such electrical energy in the manner and on the conditions specified by this Act and the rules made thereunder.

(3) If and where the Minister finds that the estimated price of any proposed supply of electrical energy from a bulk supply licensee to any applicant for a local generating licence is higher than the probable price of a locally generated supply, but where the Minister nevertheless is of opinion that it would
be to the public advantage that such applicant should take a supply from a bulk supply licensee instead of generating locally, the Minister may order that the supply shall be taken from the bulk supply licensee:

Provided that—

(i) the price of the supply by the bulk licensee per kelvin shall be not materially greater than the price of local generation;

(ii) in arriving at a decision on this point, regard shall be had to all the circumstances of the case;

(iii) the bulk supply licensee shall agree to accept as the price to be paid to him for the supply, for a period to be agreed and approved by the Minister, the price he has named in his estimate or tender.

(4) In any case where the Minister after inquiry considers that an applicant for a local generating licence cannot obtain a supply of electrical energy from a bulk supply licensee, or that the applicant will be able to generate electrical energy, in what shall be in the opinion of the Minister comparable circumstances or conditions, at a lower price than the lowest price at which such electrical energy could be supplied by a bulk supply licensee, the Minister may grant such local generating licence for any period whether limited or unlimited, subject to the following conditions—

(a) (i) where the distributing area being or to be supplied from the generating station of a local generating licensee is not wholly within a bulk supply area and any application is made to the Minister for a bulk supply licence or for a local generating licence for any area within the limits of economical transmission from the generating station of the local generating licensee, as referred to in section 7 and in the opinion of the Minister the situation of the generating station of the local generating licensee is suitable for the generation of the supply of electrical energy for the purpose of the applicant, it shall be incumbent on the local generating licensee within the time specified in that behalf in the public notice of the application, or within thirty days after having received notice in that respect from the Minister to make a representation to the Minister stating his intention of making application for a bulk supply licence for an area to include the area referred to in the application for a bulk supply licence or for
a local generating licence, as the case may be, or alternatively, stating his objection and the reason for his objection to the notice of the Minister;

(ii) the Minister, after such inquiry as he thinks fit, shall decide either to uphold the local generating licensee's objection to the notice, or shall refuse to uphold such objection and shall notify the local generating licensee accordingly, when the local generating licensee may, within thirty days from the date of such notice, make a further representation to the Minister, stating his intention of making an application for a bulk supply licence for an area to include the area referred to in the application for a bulk supply licence or for a local generating licence, as the case may be;

(iii) where the local generating licensee so notifies his intention to make such application for a bulk supply licence, he shall at the same time deposit with the Minister the sum of seven hundred and fifty shillings in earnest of his intention of making such application, which shall be made in the manner herein prescribed within ninety days of the receipt by the Minister of such notification; and if the local generating licensee fails to make such application within the time specified the deposit so made shall be forfeited;

(iv) where the local generating licensee so fails as aforesaid to make such application, the Minister shall proceed to consider the application for a bulk supply licence or for a local generating licence, as the case may be, and in any bulk supply licence which may be granted may give the bulk supply licensee named therein power compulsorily to acquire forthwith the works of such local generating licensee under the local generating licence;

(v) before so granting any such powers to a bulk supply licensee to acquire compulsorily any works of a local generating licensee, the application of the applicant for a bulk supply licence and for the revocation of the local generating licence shall be made in the manner herein provided;

(b) (i) where the distributing area being supplied from the generating station of a local generating licensee is wholly within a bulk supply area, the bulk supply licensee may within six months after the expiration
of a period of five years from the date of the local generating licence, or such other period as is specified in that behalf in the local generating licence, or within six months after the expiration of every subsequent period of three years or such other period as is specified in that behalf in the local generating licence, make application to the Minister for the revocation of the local generating licence in the manner herein provided; and in addition to the notices required to be given under this Act the bulk supply licensee shall serve copies of the notice and of the application upon the local generating licensee;

(ii) if the Minister is satisfied that the consumers in the distributing area and in any other area concerned will not be unduly prejudiced by the grant of the application, he shall revoke the local generating licence;

(c) where under this subsection the Minister revokes a local generating licence, the bulk supply licensee shall purchase the works under the local generating licence; and the price to be paid in respect of such purchase and the compensation (if any) to be paid to the local generating licensee and the price to be paid by the authorized distributor being the local generating licensee to the bulk supply licensee making the purchase for the supply of electrical energy by such bulk supply licensee shall be determined by an arbitrator, who for the purposes of this section shall be approved by the Minister, subject to the following conditions—

(i) the price to be paid for such works shall be their fair market value at the time of the purchase, due regard being given to the nature and then condition of such works or any of them and to the state of repair thereof and to the circumstance as to whether they are in a condition as to be ready for immediate working and to the suitability of such works or any of them for any of the purposes of the bulk supply licence subject to the provisions as to land contained in subsection (1) and to the provisions of subsection (2) of section 138;
(ii) where any claim is made by the local generating licensee for compensation in respect of the compulsory purchase, such claim may be in respect of the loss of capital expended on the works under the local generating licence incurred or which may be incurred by any depreciation of the value of the said works or any of them owing to the unsuitability of any of them for the purposes of the bulk supply licence because of conditions or circumstances not reasonably in the control of the licensee as the local generating licensee or as the authorized distributor (but not because of depreciation due to any other cause), or in respect of a reasonable profit on the capital expended on the works under the local generating licence to the date of purchase, but not in respect of goodwill or of any other profits which may or might have been made from the works under the local generating licence, except in so far as any such profits would if made have represented or been a reasonable profit as aforesaid on the capital expended on such works to the date of purchase as aforesaid;

(iii) in considering any such claim or any part of any such claim, the arbitrator shall have regard to the circumstances as to whether and to what extent the depreciation from any cause as aforesaid of the value of any works under the local generating licence has been caused by or is due to any condition or circumstance which was or could reasonably be considered to have been within the control of the licensee under the local generating licence or under the distributing licence and to the circumstance as to whether and to what extent (if at all) the failure to obtain a reasonable profit on the capital expended or the failure to show in the statements of accounts under the local generating licence a reasonable profit on the capital expended on the works under the local generating licence has been caused by or is due to any condition or circumstance which was or could reasonably be considered to have been within the control of the licensee under the local generating licence or under the distributing licence;
(iv) if the arbitrator considers that the depreciation in respect of which the claim is made has been caused by or is due to any condition or circumstance as contemplated in subparagraph (iii), he shall not award any compensation in respect of such claim, but if he considers that such depreciation has not been caused by or is not due to or has been caused only in part by or is due only in part to any such condition or circumstance as aforesaid he may, with due regard to the extent to which (if at all) the depreciation in respect of which the claim is made has been so caused or is so due as aforesaid, award such sum as compensation in respect of such claim as he thinks fit:

Provided that any sum so awarded shall not exceed the amount of the difference between the fair market value of such works or any of them at the time of the purchase (having due regard to the nature and then condition of such works or any of them and to the state of repair thereof and to the circumstance as to whether they are in a condition as to be ready for immediate working and to the suitability of the same for the purposes under the local generating licence) and the sum or valuation paid or to be paid in respect of such works or any of them by the bulk supply licensee under subparagraph (i):

(v) if the arbitrator considers that the local generating licensee has obtained a reasonable profit, or that the failure to obtain a reasonable profit or that the failure to show in the statements of account under the local generating licence a reasonable profit on the capital expended on the works under the local generating licence has been caused by or is due to any such condition or circumstance as is contemplated in subparagraph (iii), he shall not award any compensation in respect of any claim relating to any such profits or in respect of any other profits which might have been made from the works under the local generating licence, but if the arbitrator considers that the local generating licensee has not obtained a reasonable profit on the capital
expended on the works under the local generating licence and that the failure to obtain such reasonable profit was not caused by, or is not due to, or has been caused only in part by or is due only in part to any such condition or circumstance as aforesaid he may, with due regard to the extent to which (if at all) the failure to obtain such reasonable profit in respect of which the claim is made has been so caused or is so due as aforesaid, award such sum in respect of such claim as he thinks fit:

Provided that any sum so awarded shall not exceed an amount which when added to the total of the net revenue received and to any money other than capital moneys which will be available for distribution would equal ten per centum per annum on the capital expended on the works under the local generating licence from the date of the subscription of such capital to the date of purchase;

(vi) the price or prices to be paid by the authorized distributor being the local generating licensee to the bulk supply licensee for the supply of electrical energy to be given to him by the bulk supply licensee for the purposes of his distributing licence in lieu of the supply generated by him under his local generating licence, unless agreed upon between the authorized distributor and the bulk supply licensee, shall not exceed such maximum price or prices as may be determined by arbitration, subject nevertheless to revision of such maximum price or prices at any time after the expiration of three years from the date of determination as aforesaid, and thereafter at intervals of not less than three years, in the manner provided by section 72;

(vii) in considering the maximum price or prices to be paid as aforesaid, the arbitrator shall have regard to the circumstances and nature of the supply and of the demand, and to the price or prices charged or shown or which should or might have been charged or shown in the accounts under the local generating licence, as well as all such other factors and conditions as may to him appear relevant;
(viii) nothing contained in this subsection shall preclude the authorized distributor from the benefits to which he may be entitled under subsection (2) of section 75 or, if any price payable by the authorized distributor to the bulk supply licensee for such supply of electrical energy by virtue of this subsection is lower than the price payable by other authorized distributors for what may be considered as a similar supply, the circumstances and conditions of the demand and supply referred to in subsection (2) of section 75 shall be deemed to be different, owing to the compulsory acquisition by the bulk supply licensee of the works of the local generating licensee, being such authorized distributor;

(ix) where a bulk supply licensee is authorized under this subsection to acquire compulsorily any of the works of a local generating licensee, the bulk supply licensee shall serve a notice in writing requiring the local generating licensee to sell, and thereupon the local generating licensee shall sell to him his works suitable to and used by him for the purposes of his local generating licence upon the terms and conditions as provided in this subsection.

36. Subject to sections 19 and 23, the Minister may alter or vary any provision of a licence or may reduce or extend or in any way alter any area or areas of supply the subject of any licence or licences upon such terms and conditions as he may think fit, when, on the application in the prescribed form of any licensee under such licence or any of such licences, or any public or local authority, company, person or body of persons applying for a licence to generate or supply electrical energy over and within any area adjacent to the area or areas of supply aforesaid, it is shown to the satisfaction of the Minister that the granting of the application will be equitable to the licensee and consumers in every area of supply concerned or affected, and that no licensee or consumer in any area of supply will be unduly prejudiced thereby.

37. (1) Any licensee under this Act who is authorized by two or more distributing licences to supply electrical energy in two or more adjacent areas of supply may make application to the Minister for the consolidation of such
licences, and the Minister may, if it is shown to his satisfaction that the granting of such an application will be in the interests both of the consumers in every area of supply concerned as well as of the licensee, revoke the existing several licences held by the licensee in respect of such areas and grant to the licensee in their stead a consolidated licence in respect of an area of supply comprising the areas formerly covered by the several licences:

Provided that the provisions of section 123 shall not apply to the revocation of any licence by the Minister under this section.

(2) An application under this section shall be made by the licensee after advertisement in the manner prescribed by section 129:

Provided that—

(i) the period prescribed by subsection (4) of that section for the making of representations or objections shall, whatever the nature of the application, be thirty days; and

(ii) the advertisement shall clearly direct the attention of any local authority concerned to the provisions of section 19.

(3) Where simultaneous applications have been made by a licensee under this section and under section 36 for the alteration of the area of supply to which any of the distributing licences mentioned in this section relates, the Minister may, subject to the provisions of the said section 36, take any such alteration into account in determining the area of supply to be covered by any consolidated licence granted under this section.

(4) The Minister may, if in his opinion it is equitable so to do, include in any consolidated licence granted under this section such terms and conditions, whether or not they are the same as or similar to the terms and conditions contained in the distributing licences revoked by him hereunder, as he may think fit.

38. Where the granting of such application entails the acquisition, by one licensee for the purposes of his licence, of any portion of the area of supply of any other licensee, on, in, over or within which the latter has any works erected and installed for the purposes of his licence, the latter shall sell
and the former shall purchase such works, and the value shall be determined in the manner hereinafter provided:

Provided that any works of the latter licensee which may not be situated within the area of supply to be acquired, but which would be rendered superfluous to him by reason of such alteration of his area of supply, shall also upon the request of the latter licensee be purchased by the former, who shall pay the value to be determined in the manner hereafter provided.

39. Licensees may, subject to the approval of the Minister, enter into agreements to co-operate for any of the purposes of their licences, subject to the provisions of this Act; but the approval of the Minister shall not be granted until the expiration of two months after public notice has been given, as provided for by section 129, of the intention to enter into such agreement together with the object thereof.

40. (1) The licensee shall not purchase or acquire the undertaking of, or associate himself with, any public or local authority, company, person or body of persons supplying electrical energy under any licence, unless the licensee is authorized by the Minister to do so.

(2) If in contravention of this section the licensee purchases or acquires any such undertaking, or associates himself with any such other public or local authority, company, person, or body of persons, the Minister may, if he thinks fit, revoke the licence upon such terms as he thinks just.

41. (1) The area of supply shall be the area named for that purpose in the licence.

(2) The licensee shall not at any time supply electrical energy or (except for the purpose of a licence) erect or lay down any works beyond the area of supply otherwise than as may be permitted under authority of the Minister either under subsection (3) or under section 39.

(3) Where the owner or occupier of any premises is desirous of obtaining a supply of electrical energy from any licensee within whose licensed area of supply those premises are not situate, the Minister may, with the consent of the local authority (if any) within whose district the premises are situate and the licensee (if any) authorized by licence to supply electrical energy to such premises, authorize the first-mentioned licensee to supply electrical energy to those premises on such
terms and subject to such conditions as the Minister may think fit:

Provided that—

(i) if in the opinion of the Minister any consent required by this subsection is unreasonably withheld, the Minister may proceed as if such consent had been given;

(ii) the authority granted under this section shall lapse with the termination, for whatever cause, of the licence.

(4) An authority given by the Minister under subsection (3) of this section shall, unless it specifically states otherwise, confer all and any such powers and rights and impose all and any such duties on the licensee, and on any such other public or local authority, company, person or body of persons as may be in any manner interested or concerned, as would have been conferred or imposed by this Act if the premises and the route along which the electric supply lines are to be laid for the purpose of giving supply were, for all purposes of this Act, within the licensee's area of supply, anything in the licence notwithstanding:

Provided that, in any case where the licensee is not a local authority but his area of supply is situated wholly within the jurisdiction for other purposes of any local authority, all works constructed, erected, laid or installed by him under such authority as aforesaid shall, so long as such authority remains in force, be deemed, for all purposes of section 19 of this Act, to form part of his undertaking within such jurisdiction, and the premises and route aforesaid shall, for the like period and purposes, be deemed to be situated within such jurisdiction.

(5) If the licensee supplies electrical energy or erects or lays down any works in contravention of this section, the Minister may revoke the licence on such terms as he thinks just.

42. The following provisions shall apply as to giving security in cases where the licensee is not a public or local authority—

(a) the licensee within a period of six months after the grant of the licence, and before exercising any of the powers conferred by that licence on him in relation to the execution of works, shall show to the satisfaction of the Minister that he is in a position fully and efficiently to discharge the duties and obligations
imposed upon him by that licence throughout the area of supply;

(b) the licensee shall also, within six months after the grant of the licence, or within such extended period as may be approved by the Minister, and before exercising any of the powers conferred on him in relation to the execution of works, deposit or secure to the satisfaction of the Minister such sum as may be fixed by the licence, or if not so fixed as may be required by the Minister;

(c) if the licensee fails to show to the satisfaction of the Minister within any such period as aforesaid that he is in such a position as above-mentioned, or fails to deposit or secure such sum as aforesaid, the Minister may, after considering any representations which a public or local authority may make, revoke the licence as to the whole or, with the consent of the licensee, any part of the area of supply upon such terms as he thinks just;

(d) the said sum deposited or secured by the licensee under this section shall be repaid or released to him in equal portions, when and so soon as it may be certified by an inspector (to be appointed by the Minister) that amounts equal to the sums so to be repaid or released have been expended by the licensee upon works executed for the purposes of the undertaking or that electric supply lines have been duly laid down or erected in accordance with the provisions of the licence in every street or part of a street in which he is required by that licence to lay down or erect electric supply lines within a limited time, or at such earlier dates and by such instalments as may be approved by the Minister;

(e) where the area of supply includes the districts or parts of the districts of two or more local authorities, the Minister may require the deposit to be made or the security to be given in respect of those districts severally, and in that case the deposit or security shall be repaid or released separately as to each district.

43. Where any public or local authority, company, person or body of persons holds a licence or licences, the accounts of each undertaking under each licence shall, unless specifically exempted by the Minister as provided by section 44, be subject to the provisions of this Act, and be kept...
Form of accounts.

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separate and distinct and in the manner and form prescribed by this Act:

Provided that—

(i) the Minister may direct that the operations of a licensee holding more than one licence in respect of separate or contiguous areas of supply may be treated as a single undertaking for the purposes of this section and of section 47;

(ii) a licensee holding two or more licences, the operations under which are not to be treated as a single undertaking under paragraph (i), or conducting any business or operations independent of his licence or licences, shall be entitled nevertheless to keep in the prescribed form additional or alternative sets of accounts, to be termed the Head Office Accounts, in respect of all such items as, in the opinion of the auditor appointed under section 45, cannot properly or reasonably be attributed or allocated to, and included in, the accounts of the undertaking of any one of such licences exclusively.

44. (1) Every licensee, excepting only such persons as have merely an authorization under paragraph (b) of subsection (2) of section 4 and such other licensees as the Minister may specifically exempt from the provisions of this section, shall on or before the 30th June in every year fill up annual statements of accounts of the undertaking made up to the 31st March then next preceding, and such statements shall, in the case of a licensee who is not a public or local authority, be in the form and contain the particulars prescribed in the forms set out in the First Schedule and in the case of a licensee who is a public or local authority be in the form and contain the particulars prescribed in the forms set out in the Second Schedule to this Act, and such statements shall be published in such manner as may from time to time be prescribed; the licensee shall deliver to the Minister copies of such annual statements of accounts, and shall keep copies of such annual statements of accounts at his office in the area of supply and sell the same to any applicant at such price as the Minister may approve for the copies of such statements for any one year.

(2) In case the licensee makes default in complying with the provisions of this section, he shall be liable to a penalty not exceeding sixty shillings for each day during which such default continues.
(3) If any licensee shows to the Minister that some other dates are, owing to special circumstances, more convenient in his case than the 30th June and the 31st March, the Minister may substitute such other dates for the said 30th June and the 31st March, and this section shall as respect such licensee be construed with the substituted date.

45. The following provisions shall apply as to the audit of accounts where the licensee is not a public or local authority—

(a) the annual statement of accounts of the undertaking shall be examined and audited by such competent and impartial person as the Minister may appoint or approve, and the remuneration of the auditor shall be such as may be agreed or as the Minister may direct, and such remuneration, and all expenses incurred by the auditor in or about the execution of his duties, to such an amount as may be agreed, or as the Minister may approve, shall be paid by the licensee on demand, and shall be a civil debt recoverable summarily;

(b) the auditor shall at any time investigate and report to the Minister upon any such particular matters or things relating to or arising out of the accounts of the licensee published pursuant to the provisions of this Act as the Minister may from time to time require;

(c) the licensee shall give to the auditor and his clerks and assistants access to such of the books and documents relating to the undertaking as are necessary for the purposes of the audit, and shall when required furnish to him and them all vouchers and information requisite for that purpose, and shall afford to him and them all facilities for the proper execution of his and their duty;

(d) the Minister may make rules prescribing the times at and the mode in which the audit shall be made and conducted, or otherwise for the purpose of giving effect to the provisions of this section;

(e) any report made by the auditor, or such portion thereof as the Minister may direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of section 44.
46. (1) Where a public or local authority is the licensee, all moneys received by the licensee in respect of the undertaking, except borrowed money, and money arising from the disposal of lands acquired for the purposes of the licence, and other capital money received by it in respect of the undertaking, shall be applied by it as follows—

(a) in payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties and damages incurred or payable by the licensee consequent upon any proceedings by or against the licensee, or its officers or servants, in relation to the undertaking:

Provided that—

(i) for the purpose of making the performance of the licence (as reflected in the statements of accounts of the undertaking of a licensee being a public or local authority and of a licensee not being a public or local authority, respectively) readily and truly comparable, when and after the supply of electrical energy from or through any part of a licensee's works or undertaking is begun, there shall appear in the accounts of the undertaking from year to year an allowance for depreciation of such works or such part thereof, which shall be of such amount as is usual for works of the same nature and class;

(ii) the amounts of the depreciation so determined from year to year shall be a charge against the gross revenue of the undertaking, and shall be shown to the credit of a depreciation fund account;

(iii) the amounts so credited to the depreciation fund account shall be paid to and set aside for the purposes of that account, or may thereafter be transferred to and used for the purposes of providing any instalments or sinking fund as referred to in paragraph (c);

(b) in payment of the interest or dividend on any mortgages, stock, or other securities granted and issued by the licensee in respect of money borrowed for the purposes of the licence;

(c) in providing any instalments or sinking fund required by the licence to be provided in respect of capital moneys borrowed for the purposes of the licence;
(d) in payment of all its other expenses of executing the licence, not being expenses properly chargeable to capital;

(e) in providing a reserve fund, by setting aside such money as it thinks reasonable or as may be stated in the licence, and investing the money and the resulting income thereof in any securities in which trustees are by law for the time being authorized to invest, other than stock or securities of the licensee, and accumulating it at compound interest until the fund so formed amounts in the case of a bulk supply licence to one-third, and in the case of a distributing licence to one-tenth, of the aggregate capital expenditure on the undertaking;

(f) the reserve fund shall be applicable to answer any deficiency at any time happening in the income of the licensee from the undertaking, but so that if that fund is at any time reduced it shall thereafter be again restored to the prescribed limit, and so on as often as the reduction happens;

(g) the licensee shall apply the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the reduction of the capital moneys borrowed for the purposes of the licence:

Provided that, if the surplus in any year amounts to or exceeds five per centum per annum upon the aggregate capital expenditure on the undertaking, the licensee shall make such rateable reduction in the charge for the supply of electrical energy as will reduce the surplus to a rate of profit equal to two and a half per centum.

(2) Where a public or local authority is the licensee, all moneys arising from the disposal of lands acquired by it for the purposes of the licence, and all other capital moneys received by it in respect of the undertaking, shall be applied by it in the reduction of the capital moneys borrowed by it for the purposes of the licence.

47. (1) Where the licensee is not a public or local authority the following provisions as to interest and dividends on moneys received on capital account, and as to provision
for depreciation, and as to the application of profits derived from the undertaking, and the reduction of prices of supply, shall have effect—

(a) during the initial period of construction and during other periods of construction of extensions of generating or transmission works, interest on the amount of the capital subscribed, borrowed or applied for the purposes of such construction, as may be authorized by the licence or in respect of each separate payment approved by the Minister, may be paid out of such capital:

Provided that—

(i) no such payment shall be made in respect of any period after the close of the financial year of the licensee during which such construction as aforesaid is completed;

(ii) in respect of any preference or ordinary shares constituting such capital or part thereof, the rate of such payment shall not exceed the rate of four per centum per annum or such other rate as may be prescribed under section 67 of the Companies Act, nor shall such payment be made for any period or periods exceeding four years in all; and where such payment has once been made for such period or aggregate periods of four years (or for any lesser period following upon which the licensee has derived a profit from the same capital) no interest shall be again paid thereon out of the same capital, except under special circumstances and after inquiry by, and with the authority of, the Minister; and

(iii) nothing in this subsection shall be taken to authorize any payment of interest out of capital in contravention of any other law for the time being in force;

(b) when and after the supply of electrical energy from or through any part of a licensee's works or undertaking is begun, there shall appear in the accounts of the undertaking each year an allowance for depreciation of such works or such part thereof, which shall be of such amount and allocated in such manner as the licensee may in his discretion think proper;
(c) the amounts of the depreciation so determined by the licensee from year to year shall be a charge against the gross revenue of the undertaking, and shall be shown to the credit of a depreciation account, and only such net balance as may be afterwards remaining may be paid to the credit of the net revenue account as profit to be available for further distribution:

Provided that the Minister may from time to time authorize the licensee to deduct from the amount standing to the credit of the depreciation account all or part of the capital value of any portion of the works of the licensee which have become obsolete or unfit for further service or which have been sold or otherwise disposed of, and to diminish the value of the works by a corresponding amount;

(d) if for any financial year of the licensee the total revenue in respect of the undertaking from all sources as shown on the licensee's revenue account prepared pursuant to Form No. IV in the First Schedule exceeds the sum of the following costs, charges and allowances for that financial year, namely—

(i) working and establishment expenses and expenditure on the maintenance of the undertaking properly chargeable to revenue as shown on the licensee's revenue account prepared pursuant to Form No. IV in the First Schedule, but exclusive of any expenditure covered by the allowances referred to in succeeding subparagraphs of this paragraph;

(ii) an allowance for depreciation which may be irrespective of the allowance actually made in the licensee's accounts under paragraph (b) at such respective rates or of such respective amounts on such respective items in accordance with standard engineering theory, and with due allowance for the local conditions, as the Minister may from time to time by order prescribe or approve;
(iii) allowances for obsolescence, if any, made and appearing in the licensee's accounts in respect of any specified item or items, if and so far as the Minister may for the purposes of this paragraph allow the same;

(iv) an allowance for contingency, special or other reserves, interest or dividends equivalent to twelve and one-half per centum of the capital expended on the undertaking,

five-sixths of the balance of such revenue shall be allocated and paid to a separate income suspense account for that financial year and shall be applied during the last two of the next three following financial years by the licensee in reduction of or rebates on prices of supply, in such manner as the Minister, having regard to the licensee's proposals, may approve; and for the purposes of this paragraph, "capital expended on the undertaking" means in respect of each financial year the total expenditure as shown on the licensee's capital account of the undertaking prepared pursuant to Form No. III in the First Schedule for the same financial year:

Provided that no sum or item appearing in the aforesaid capital account shall be included for the purposes of this paragraph unless it is shown to the satisfaction of the Minister that it is required solely for carrying out the business of the undertaking:

(e) if the licensee makes default in complying with the provisions of paragraph (d) the Minister may, after such inquiry as he thinks fit, alter the prices to be paid by consumers to the licensee for the supply of electrical energy, and the prices so altered or substituted shall have effect on or after such day as may be mentioned in the order of the Minister as if they had been stated in the licence, notwithstanding anything to the contrary herein contained as to the time or period for the revision or alteration of price;

(f) subject to the provisions of paragraph (d), the licensee may, in his discretion, make such allowances or create such reserves and otherwise settle or adjust the accounts of the undertaking as he thinks fit.
(2) If the licensee makes default in complying with any of the provisions of this section, he shall be liable to a penalty not exceeding three hundred shillings for each single default, and to a daily penalty not exceeding one hundred and fifty shillings for each continuing default, or, having regard to the circumstances, the Minister may deal with the licence as he thinks fit.

(3) The provisions of section 129 shall not apply to any application for any permission, authority, consent or approval of the Minister which may be required under this section.

48. Where a local authority is the licensee, then, subject to the provisions of the licence and of this Act, the licensee may acquire by purchase or on lease, and may use, any land for the purposes of the licence, or may also for those purposes use any other lands for the time being vested in or leased by it, but subject as to the last-mentioned lands to the approval of the Minister, and may dispose of any lands acquired by it under this section which may not for the time being be required for the purposes of the licence:

Provided that the amount of land so used by it shall not at any one time exceed in the whole five acres except with the consent of the Minister.

49. (1) The Minister may by order authorize any licensee who is authorized to supply electrical energy in any area of supply to acquire compulsorily, or to use, for any of the purposes of a generating station, substation or switch station any land, however acquired, specified in the order, whether situated within or without such area, and in the case of a local authority whether situated within or outside its district.

(2) Applications under this section shall be made in the manner herein prescribed in that behalf.

50. (1) It shall not be lawful for any licensee to construct any generating station on any land, whether acquired by him compulsorily or by agreement, without the authority of the Minister.

(2) Applications under this section shall be made in the manner herein prescribed in that behalf.
51. (1) Any new works, and any extension or amplification of any existing works, for any of the purposes of generating, transforming, converting, transmitting, distributing or supplying electrical energy under any licence shall be carried out and performed in the mode and with the material or apparatus which complies with the specification or standard relating to any such purpose or to any such mode, material or apparatus of the British Standard's Institution, or in any case where the said specification or standard permits more than one mode, material or apparatus for any of the said purposes with such mode, material or apparatus as complies with the said specification or standard as may be prescribed:

Provided that—

(i) in any case any mode, material or apparatus which may be followed or used for any of the aforesaid purposes shall be of a nature, description or type which is established by practice or use under similar conditions to be suitable for the purposes to which it is or may be applied under the licence, and it shall not be lawful for any public or local authority in any case, or for any company, person or body of persons authorized by any licence, concession or agreement to generate or supply electrical energy within any area of supply to commence or execute or cause or permit to be commenced or executed any works for the generation, transmission, distribution or supply of electrical energy whether new works or the extension or amplification of existing works otherwise than in accordance with the provisions of this Act;

(ii) the Minister may by rules made under this Act specify as the mode, material or apparatus to be or which may be used for any of the purposes contemplated therein any mode, material or apparatus other than those prescribed.

(2) If any such public or local authority, company, person or body of persons makes default in complying with the requirements or restrictions of this section, it or he shall be liable for every default to a penalty of three thousand shillings and to a daily penalty of three thousand shillings while such default continues, and whether any such penalty has been inflicted or not the Minister may revoke the licence, concession or agreement or deal with it as he thinks fit.
52. (1) For the purpose of the conveyance, transmission, or supply of electrical energy, the Minister may authorize any licensee to erect, fix, install or lay any poles, wires, electric supply lines, pipes or other apparatus in, upon, under, over or across any public streets, roads, railways, tramways, rivers, canals, harbours or Government property in such manner and on such conditions as herein provided or as he may approve:

Provided that, where it is intended or necessary for such purpose to break, or open up, or to interfere with, the traffic, business or purpose of any street, road, railway, tramway, river, canal, harbour or Government property, such authority shall be subject to the consent of the owner, lessee, operator or repairing or maintaining authority thereof, with such reasonable conditions as he or they impose, and such consent shall not be unreasonably withheld.

(2) Where such consent is refused or withheld, the licensee may apply to the Minister as hereinafter provided to dispense with such consent, and the Minister may refuse or may grant the application with such conditions as he thinks fit.

53. (1) The Minister may authorize a licensee to establish, use and maintain in, over or through any area a system or means of transmission by an electrical method of messages or signals:

Provided that such messages or signals shall have reference only to the operations of the licensee for the purpose of his licence, and that all works or things necessary to be used for the establishment and maintenance of such system or means for communication shall be performed specifically as provided for by the Minister in granting such authority.

(2) No such authority for the establishment or use of any system or means for the transmission by an electrical method of messages or signals shall be granted by the Minister until proof has been furnished by the applicant for such authority that the Postmaster-General has had at least thirty days' notice with such particulars as the Minister may approve of his intention to make such application.

(3) Application for such authority and objection thereto shall be made in the manner hereinafter provided.

(4) Where any authority has been so granted, any person who makes or permits to be made any contravention of the first provision of this section shall be guilty of an offence and liable to a fine not exceeding one thousand five hundred shillings.
(5) On the occurrence of any public emergency, or in the interest of the public safety, the Minister or any officer specially authorized in this behalf by the Minister may take temporary possession of any system or means for the transmission by an electrical method of messages or signals so established, used or maintained by any licensee.

(6) If any doubt arises as to the existence of a public emergency or whether any act done under subsection (5) was in the interest of the public safety, a certificate signed by the Minister shall be conclusive proof on the point.

54. Subject to the provisions of this Act and of the licence, the licensee may exercise all or any of the powers conferred on him by this Act and the licence, and may erect and construct overhead electric supply lines, and do all necessary works for such purpose in and over such streets and places in respect of which he is duly authorized, and which may, for the time being, be included in the area of supply and be upon land dedicated to public use.

55. (1) Subject to the provisions of this Act and of the licence, the licensee may exercise all or any of the powers conferred on him by this Act and the licence, and may break up and construct works in, over, under or upon such streets and such railways, tramways, rivers, canals and harbours (if any) as he is specially authorized to break up or construct works in, over, under or upon, by the licence, so far as those streets, railways, tramways, rivers, canals and harbours may for the time being be included in the area of supply, and be, or be upon, land dedicated to public use:

Provided, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

(2) Nothing in the licence shall authorize or empower the licensee to break up or interfere with any street or part of a street or construct works in, over, under or upon any railway, tramway, river, canal or harbour (if any) or such parts thereof, as he is specially authorized to break up or to construct works in, over, under or upon by the licence, without the consent of the authority, body or person by whom that street is repairable, or of the authority, body or person vested with the control of such railway, tramway, river, canal or harbour, or of the Minister, and where the Minister gives that consent the provision of the licence shall apply to the street, railway, river, tramway, canal or harbour to which the consent relates as if the licensee had been specially authorized in that behalf by that licence.
56. (1) Subject to the provisions of this Act and of the licence, the licensee may construct or erect in any street such chambers, boxes and apparatus as may be necessary for purposes in connexion with the supply of electrical energy, including means for the proper ventilation of such chambers, boxes and apparatus:

Provided that, where a public or local authority is not the licensee, such chambers, boxes and apparatus shall be of a design, and placed or situated in manner, approved by the public or local authority concerned, or at his discretion, by the Minister.

(2) Every such chamber, box and apparatus shall be for the exclusive use of the licensee and under his sole control, except so far as the Minister may otherwise order, and shall be used by the licensee for the purposes of the licence, in accordance with this Act.

(3) Every such chamber, box and apparatus, including the upper surface or covering thereof if constructed below ground level, shall be constructed of such materials, and shall be constructed and maintained by the licensee in such manner as not to be a source of danger, whether by reason of inequality of surface or otherwise.

(4) Where a public or local authority is not the licensee, it may, with the approval of the Minister, prescribe the hours during which the licensee is to have access to any underground chambers, boxes and apparatus, and if the licensee during any hours not so prescribed removes or displaces or keeps removed or displaced the upper surface or covering of any box without the consent of the public or local authority he shall be liable for each default to a penalty not exceeding one hundred and fifty shillings and to a daily penalty not exceeding one hundred and fifty shillings:

Provided that the licensee shall not be subject to any such penalty as aforesaid if the court is of opinion that the case was one of emergency, and that the licensee complied with the requirements of this section so far as was reasonable under the circumstances.

57. (1) Where the exercise of any of the powers of the licensee in relation to the execution of any works will involve the placing of any works, for the purpose of the conveyance, transmission, distribution or supply of electrical energy by an overhead system (having received the express consent of the
Minister as herein provided) in, along or across any street, the following provisions shall have effect—

(a) one month or such other period as the Minister may approve before commencing the execution of the works (not being repairs, renewals or amendments of existing works of which the character and position are not altered), the licensee shall serve a notice upon the public or local authority liable for the repair of such street (in this section referred to as the repairing authority) together with—

(i) a description of the proposed works;

(ii) a map of the locality or district showing the proposed routes and locations of all electric supply lines and substations; and

(iii) a drawing showing the plan and elevation of all substations,

and shall upon being required to do so by such repairing authority give such further information in relation to the matters specified as may be desired;

(b) the repairing authority may approve any such works, description, routes, locations, map and drawing, subject to such amendments and conditions as may seem fit, or may disapprove them, and may give notice of that approval or disapproval to the licensee;

(c) where the repairing authority approves any such works, description, routes, locations, map and drawing, subject to any amendments or conditions with which the licensee is dissatisfied, or where it disapproves any such works, description, routes, locations, map or drawing, the licensee may appeal to the Minister, and the Minister may inquire into the matter, and allow or disallow the appeal, and may approve any such works, description, routes, locations, map or drawing subject to such amendments or conditions as seem fit, or may disapprove them;

(d) if the repairing authority fails to give any such notice of approval or disapproval to the licensee within one month or such other period as the Minister may approve, after the service of the notice by the licensee, such repairing authority shall be deemed to have approved the works, description, routes, locations, map and drawing;
(e) notwithstanding anything in the licence or in this Act, the licensee shall not be entitled to execute any such works as above specified except so far as they may be of a description and in accordance with this Act and with the description, routes, locations, map and drawing which have been approved, or are deemed to have been approved by the repairing authority or the Minister as above mentioned; but, where any such works, description, routes, locations, map and drawing are so approved, the licensee may cause these works to be executed in accordance with the description, routes, locations, map and drawing, subject in all respects to the provisions of the licence and of this Act;

(f) where the licensee is authorized to erect and install any overhead system, he shall perform the work of excavation and construction and the necessary reinstatement in any street or place and all other work in connexion therewith in a neat and workmanlike manner, in accordance with specification, and to the reasonable satisfaction of the repairing authority;

(g) if the licensee makes default in complying with any of the requirements or restrictions of this section, he shall (in addition to any other compensation which he may be liable to make under the provisions of the licence or of this Act) make full compensation to the repairing authority for any loss or damage which such authority may incur by reason thereof, and in addition thereto he shall be liable for each default to a penalty not exceeding three hundred shillings and to a daily penalty not exceeding one hundred and fifty shillings:

Provided that the licensee shall not be subject to any such penalty as aforesaid if the court is of opinion that the case was one of emergency, and that the licensee complied with the requirements of this section so far as was reasonable under the circumstances.

(2) In the application of this section within any area of supply where the licensee is a public or local authority, responsible for the public or municipal works of the province, district or township, the reference to the repairing authority shall not apply.
(3) (a) For the execution of any of the works contemplated in this section, the licensee may with the consent of the owner of any building attach to that building such apparatus as may be required for any such work.

(b) Where in the opinion of the licensee any consent under this subsection is unreasonably refused or where any such consent is withheld for a longer period than thirty days after written application has been made for the same by the licensee, the licensee may make application to a subordinate court of the first class, which shall have power, having regard to the character or nature of the building and to the other circumstances of the case, to allow the attachment subject to such terms as to compensation or rent and otherwise as he may think reasonable or to disallow the same, and may determine by which of the parties the costs of the application are to be paid.

(c) Any consent of an owner and any order of a court under this subsection shall not have effect after that owner ceases to be in possession of the building, but any attachments fixed under this subsection shall not be removed until the expiration of three months after any subsequent owner has given to the licensee notice in writing requiring the attachment to be removed; and, where such notice is given, the preceding provisions of this subsection shall apply and the court shall have the same powers as under paragraph (b).

(d) The owner may require the licensee to remove temporarily any attachment during any reconstruction or repair of the building.

(e) For the purpose of this subsection, any occupier of a building whose tenancy exceeds one year unexpired, and in the case of any other tenancy the person receiving the rack rent, shall be deemed to be the owner.

(4) Nothing in this section shall exempt the licensee from any penalty or obligation to which he may be liable under this Act in the event of any telegraph or telegraph line of the Postmaster-General or of the authority responsible for the management of any railway being at any time injuriously affected by the licensee’s works or his supply of electrical energy.
58. (1) Where the exercise of any of the powers of the licensee in relation to the execution of any work involves the placing of any works, other than the works of an overhead system, in, under, along or across any street or public bridge, the following provisions shall have effect—

(a) one month, or such other period as the Minister may approve, before commencing the execution of the works (not being repairs, renewals or amendments of existing works of which the character and position are not altered), the licensee shall serve a notice upon the public or local authority concerned (in this section referred to as the repairing authority) describing the proposed works, together with a plan and specification of the works showing the mode and position in which the works are intended to be executed, and the manner in which it is intended that the street or bridge, or any sewer, drain or tunnel therein or thereunder, is to be interfered with, and shall, upon being required to do so by the repairing authority, give such further information in relation thereto as desired;

(b) the repairing authority may in its discretion approve any such works, plan or specification, subject to such amendments or conditions as may seem fit, or may disapprove them, and may give notice of that approval or disapproval to the licensee;

(c) where the repairing authority approves any such works, plan or specification, subject to any amendments or conditions with which the licensee is dissatisfied, or disapproves any such works, plan or specification, the licensee may appeal to the Minister, and the Minister may inquire into the matter, and allow or disallow the appeal, and may approve any such works, plan or specification, subject to such amendments or conditions as seem fit, or may disapprove them;

(d) if the repairing authority fails to give any such notice of approval or disapproval to the licensee within one month or such other period as the Minister may approve after the service of the notice by the licensee, the repairing authority shall be deemed to have approved the works, plan and specification;
(e) notwithstanding anything in the licence or in this Act, the licensee shall not be entitled to execute any such works as above specified, except so far as they may be of a description and in accordance with a plan and specification which has been approved, or is to be deemed to have been approved, by the repairing authority, or by the Minister as above mentioned; but where any such works, description, plan and specification are so approved, or to be deemed to be approved, the licensee may cause those works to be executed in accordance with the description, plan and specification, subject in all respects to the provisions of the licence and of this Act;

(f) if the licensee makes default in complying with any of the requirements or restrictions of this section, he shall (in addition to any other compensation which he may be liable to make under the provisions of the licence or of this Act) make full compensation to the repairing authority for any loss or damage which such authority may incur by reason thereof; and in addition thereto he shall be liable for each default to a penalty not exceeding three hundred shillings, and to a daily penalty not exceeding one hundred and fifty shillings:

Provided that the licensee shall not be subject to any such penalty as aforesaid if the court is of opinion that the case was one of emergency and that the licensee complied with the requirements of this section so far as was reasonable under the circumstances.

(2) In the application of this section within any area of supply where the licensee is a public or local authority, responsible for the public or municipal works of the province, district or township, the reference to the repairing authority and to sewers, drains or tunnels in or under streets or bridges shall not apply.

(3) Nothing in this section shall exempt the licensee from any penalty or obligation to which he may be liable under this Act in the event of any telegraph or telegraph line of the Postmaster-General or of the authority responsible for the management of any railway being at any time injuriously affected by the licensee’s works or his supply of electrical energy.
59. Where the exercise of the powers of the licensee in relation to the execution of any works will involve the placing of any works in, over, under or upon any railway, tramway, river, canal or harbour, the following provisions shall have effect unless otherwise agreed between the parties interested—

(a) one month or such other period as the Minister may approve before commencing the execution of the works (not being repairs, renewals or amendments of existing works of which the character and position are not altered), the licensee shall in addition to any other notices which he may be required to give under the licence or this Act serve a notice upon the public or local authority, body or person for the time being vested with the control of the railway, tramway, river, canal or harbour, as the case may be, (in this section referred to as the owner), describing the proposed works, together with a plan and specification of the works showing the mode and position in which the works are intended to be executed and placed, and shall upon being required to do so, by any such owner, give him such further information in relation thereto as he desires;

(b) every such notice shall contain a reference to this section and direct the attention of the owner to whom it is given to the provisions thereof;

(c) within three weeks or such other period as the Minister may approve after the service of any such notice, plan and specification upon any owner, that owner may, if he thinks fit, serve a requisition upon the licensee requiring that any question in relation to the works, or to compensation in respect thereof, and any other question arising upon the notice, plan or specification, shall be settled by arbitration; and thereupon that question, unless settled by agreement, shall be determined by arbitration accordingly;

(d) in settling any question under this section, an arbitrator shall have regard to any duties or obligations which the owner may be under in respect of the railway, tramway, river, canal or harbour, and may, if he thinks fit, require the licensee to execute any temporary or other works so as to avoid any interference with any traffic, so far as may be possible;
(e) where no such requisition as in this section mentioned is served upon the licensee, or where after any such requisition has been served upon him any question required to be settled by arbitration has been so settled, the licensee may, upon paying or securing any compensation which he may be required to pay or secure, cause to be executed the works described in such notice, plan and specification as aforesaid, and may repair, renew and amend them (provided their character and position are not altered), but subject in all respects to the provisions of the licence and of this Act, and only in accordance with the notice, plan and specification so served by him as aforesaid, or such modifications thereof respectively as may have been determined by arbitration as hereinbefore mentioned, or as may be agreed upon between the parties;

(f) all works to be executed by the licensee under this section shall be carried out to the reasonable satisfaction of the owner, and that owner shall have the right for himself and his agents to be present during the execution of the works;

(g) where the repair, renewal or amendment of any existing works, of which the character and position are not altered, will involve any interference with any railway, tramway, river, canal or harbour in, over, under or upon which those works have been placed, the licensee shall, unless it is otherwise agreed between the parties, or except in case of emergency, give to the owner not less than twenty-four hours' notice before commencing to effect the repair, renewal or amendment, and the owner shall be entitled by himself and his agents to superintend the works, and the licensee shall conform to such reasonable requirements as may be made by the owner or his agent; and the notice shall be in addition to any other notices which the licensee may be required to give under the licence or this Act;

(h) if the licensee makes default in complying with any of the requirements or restrictions of this section, he shall (in addition to any other compensation which he may be liable to make under the provisions of the licence or of this Act) make full compensation to the owner affected thereby for any loss or damage
which he may incur by reason thereof, and in addi-
tion thereto he shall be liable for each default to a
penalty not exceeding three hundred shillings, and
to a daily penalty not exceeding one hundred and
fifty shillings:

Provided that the licensee shall not be subject
to any such penalty as aforesaid if the court is of
opinion that the case was one of emergency, and
that the licensee complied with the requirements
of this section so far as was reasonable under the
circumstances.

60. (1) Excepting the works and excavations necessary
for the installation and erection of an overhead system in any
street or part of a street, any public or local authority, body
or person for the time being liable to repair any street or part
of a street which the licensee is empowered to break up, or
the public or local authority, body or person vested with the
control of any railway, tramway, river, canal or harbour, or
works connected therewith, which the licensee is empowered
to break up or to construct works in, over, under or upon for
the purposes of the licence, may, if he thinks fit, serve a notice
upon the licensee stating that he desires to exercise or dis-
charge all or any part of any of the powers or duties of the
licensee as therein specified in relation to the breaking up,
filling in, reinstating or making good any streets, bridges,
sewers, drains, tunnels or other works, vested in or under the
control or management of that public or local authority, body
or person, and may amend or revoke any such notice by
another notice similarly served.

(2) Where any such authority, body or person (in this
section referred to as the giver of the notice) has given notice
that he desires to exercise or discharge any of such specified
powers and duties of the licensee, then so long as that notice
remains in force the following provisions shall have effect,
unless it is otherwise agreed between the parties interested—

(a) the licensee shall not be entitled to proceed himself
to exercise or discharge any such specified powers
or duties as aforesaid, except where he has required
the giver of the notice to exercise or discharge those
powers or duties and the giver of the notice has
refused or neglected to comply with that requis-
tion, as hereinafter provided, or except in case of
emergency;

(b) in addition to any other notices which he is required
to give under the provisions of the licence or of this

Street authority,
etc., may give
notice of desire
to break up
streets, etc.,
on behalf of
licensee.
27 of 1952, Sch.
Act, the licensee shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties specified as aforesaid is required to be commenced, serve a requisition upon the giver of the notice stating the time when that exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged;

(e) upon receipt of any such requisition as last aforesaid, the giver of the notice may proceed to exercise or discharge any such powers or duties as required by the licensee, subject to the like restrictions and conditions, so far as they are applicable, as the licensee would himself be subject to in that exercise or discharge;

(d) if the giver of the notice declines, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglects to comply with the requisition, the licensee may himself proceed to exercise or discharge the powers or duties therein specified in like manner as he might have done if such notice as aforesaid had not been given to him by the giver of the notice;

(e) in any case of emergency, the licensee may himself proceed at once to exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises, without serving any requisition on the giver of the notice; but in that case the licensee shall, within twelve hours after he begins to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the giver of the notice;

(f) if the licensee exercises or discharges any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, he shall be liable for each default to a penalty not exceeding three hundred shillings and to a daily penalty not exceeding one hundred and fifty shillings:

Provided that the licensee shall not be subject to any such penalties as aforesaid if the court is of
opinion that the case was one of emergency, and that the licensee complied with the requirements of this section as far as was reasonable under the circumstances;

(g) all expenses properly incurred by the giver of the notice in complying with any requisition of the licensee under this section shall be repaid to him by the licensee, and shall be a civil debt recoverable summarily;

(h) the giver of the notice may, if he thinks fit, require the licensee, where a public or local authority is not the licensee, to give him reasonable security for the payment to him of any expenses incurred or to be incurred by him under this section; and, if the licensee fails to give any such security after being required to do so, he shall not be entitled to have the work required by him undertaken nor to serve any further requisition upon the giver of the notice requiring him to exercise or discharge any powers or duties under this section until the security has been duly given, or, in the event of dispute as to the amount of security to be given, until the dispute has been referred and decided as hereinafter provided.

(3) Nothing in this section shall in any way affect the rights of the licensee to exercise or discharge any powers or duties conferred or imposed upon him by the licence or this Act in relation to the execution of any works beyond the actual breaking up, filling in, reinstating and making good any such street or part of a street, or any such bridge, sewer, drain, tunnel, railway, tramway, river, canal, harbour or other work as in this section mentioned.

61. The licensee may alter the position of any pipes (except, in a case where a public or local authority is not the licensee, any pipe forming part of any drain or sewer of any such authority) or any wires being in, over, under or upon any street or place authorized to be broken up by him, or in which he is authorized to construct works which may interfere with the exercise of his powers under this Act or the licence; and any body or person may in like manner alter the position of any electric supply lines or works of the licensee, being in, over, under or upon any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in that body or person in relation to that
street or place, subject to the following provisions, unless it is otherwise agreed between the parties interested—

(a) one month or such other period as the Minister may approve before commencing any such alterations, the licensee or the body or person, as the case may be, (herein referred to as the operator) shall serve a notice upon the body or person for the time being entitled to or in charge of the pipes, wires, electric supply lines or works, as the case may be, (herein referred to as the owner), describing the proposed alterations, together with a plan and specification showing the manner in which it is intended that the alterations shall be made, and shall, upon being required to do so by any such owner, give him any such further information in relation thereto as he may desire;

(b) within three weeks or such other period as the Minister may approve after the service of any such notice, plan and specification upon any owner, that owner may, if he thinks fit, serve a requisition upon the operator requiring that any question in relation to the works or to compensation in respect thereof, or any other question arising upon such notice, plan or specification as aforesaid, shall be settled by arbitration; and thereupon that question, unless settled by agreement, shall be determined by arbitration accordingly;

(c) in settling any question under this section, an arbitrator shall have regard to any duties or obligations which the owner may be under in respect of the pipes, wires, electric supply lines or works, and may, if he thinks fit, require the operator to execute any temporary or other works, so as to avoid interference with any purpose for which the pipes, wires, electric supply lines or works are used, so far as possible;

(d) where no such requisition as in this section mentioned is served upon the operator, the owner shall be held to have agreed to the notice, plan and specification served on him as aforesaid, and in that case, or where, after any such requisition has been served upon him, any question required to be settled by arbitration has been so settled, the operator, upon
paying or securing any compensation which he may be required to pay or secure, may cause the alterations specified in such notice, plan and specification as aforesaid to be made, but subject in all respects to the provisions of this Act and of the licence, and only in accordance with the notice, plan and specification so served by him as aforesaid or such modifications thereof respectively as may have been determined by arbitration as hereinbefore mentioned or as may be agreed upon between the parties;

(e) at any time before any operator is entitled to commence any such alterations as aforesaid, the owner may serve a statement upon the operator stating that he desires to execute the alterations himself, and, where any such statement has been served upon the operator, he shall not be entitled to proceed himself to execute the alterations, except where he has notified to the owner that he requires him to execute the alterations, and the owner has refused or neglected to comply with the notification as hereinafter provided;

(f) where any such statement as last aforesaid has been served upon the operator, he shall, not more than forty-eight hours and not less than twenty-four hours before the execution of the alterations is required to be commenced, serve a notification upon the owner, stating the time when the alterations are required to be commenced and the manner in which the alterations are required to be made;

(g) upon receipt of any such notification as last aforesaid, the owner may proceed to execute the alterations as required by the operator, subject to the like restrictions and conditions, so far as they are applicable, as the operator would himself be subject to in executing the alterations;

(h) if the owner declines, or for twenty-four hours after the time when any such alterations are required to be commenced neglects, to comply with the notification, the operator may himself proceed to execute the alterations in like manner as he might have done if no such statement as aforesaid had been served upon him;

(i) all expenses properly incurred by any owner in complying with any notification of any operator under this section shall be repaid to him by the operator and shall be a civil debt recoverable summarily;
(j) any owner may, if he thinks fit, by any statement served by him under this section upon any operator, not being a public or local authority, require the operator to give him reasonable security for the repayment to him of any expenses to be incurred by him in executing any alterations as above mentioned, and, where any operator has been so required to give security, he shall not be entitled to have the work required by him undertaken, nor to serve any further notification upon the owner requiring him to execute the alterations, until the security has been duly given, or, in the event of dispute as to the amount of security to be given, until the dispute has been referred and settled as hereinafter provided;

(k) if the operator makes default in complying with any of the requirements or restrictions of this section, he shall (in addition to any other compensation which he may be liable to make under the provisions of the licence or of this Act) make full compensation to the owner affected thereby for any loss, damage or penalty which he may incur by reason thereof, and in addition thereto he shall be liable for each default to a penalty not exceeding three hundred shillings and to a daily penalty not exceeding one hundred and fifty shillings:

Provided that the operator shall not be subject to any such penalty as aforesaid if the court is of opinion that the case was one of emergency, and that the operator complied with the requirements of this section so far as was reasonable under the circumstances.

62. (1) Where the licensee requires to dig or sink any trench for laying down, erecting or constructing any new electric supply lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence or work under the jurisdiction or control of a public or local authority, or any main, pipe, syphon, electric supply line or other work belonging to any gas, electric supply or water company, has been lawfully placed, or where any gas or water company requires to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any electric supply lines or works of the licensee have been lawfully placed, the licensee or the gas or water company, as the case may be, (in this section referred to as the operator) shall, unless it is otherwise agreed between the parties interested, or in case of sudden emergency,
give to the public or local authority concerned, or to the gas, electric supply or water company, or to the licensee, as the case may be, (in this section referred to as the owner) not less than three days' notice before commencing to dig or sink such trench as aforesaid, and that owner shall be entitled by his officer to superintend the work, and the operator shall conform to such reasonable requirements as may be made by the owner or the officer for protecting from injury every such sewer, drain, watercourse, defence, main, pipe, syphon, electric supply line or works, and for securing access thereto, and he shall also, if required by the owner thereof, repair any damage that may be done thereto.

(2) Where the operator finds it necessary to undermine but not alter the position of any pipe, electric supply line or work, he shall temporarily support it in position during the execution of his work, and before completion provide a suitable and proper foundation for it where so undermined.

(3) Where the operator (being the licensee) lays any electric supply line crossing, or liable to touch, any mains, pipes, electric lines or services belonging to any gas, electric supply or water company, the conducting portion of any electric supply line shall be effectively insulated in a manner approved by the Minister, and the licensee shall not, except with the consent of the gas, electric supply or water company, as the case may be, and of the Minister, lay his electric supply lines so as to come into contact with any such mains, pipes, electric lines or services or, except with the like consent and in a manner approved by the Minister, employ such mains, pipes, electric lines or services as conductors for the purposes of his supply of electrical energy.

(4) Any question or difference which may arise under this section shall be determined by arbitration.

(5) If the operator makes default in complying with any requirements of this section, he shall make full compensation to all owners affected thereby for any loss, penalty, damage or costs which they may incur by reason thereof; and in addition thereto he shall be liable for each default to a penalty not exceeding three hundred shillings and to a daily penalty not exceeding one hundred and fifty shillings:

Provided that the operator shall not be subject to any such penalty if the court is of opinion that the case was one of emergency, and that the operator complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operator was ignorant of the position of the
sewer, drain, watercourse, defence, main, pipe, syphon, electric line or work affected thereby and that that ignorance was not owing to any negligence on the part of the operator.

(6) For the purposes of this section, "gas company" means any authority, company, person or body of persons lawfully supplying gas; "water company" means any authority, company, person or body of persons lawfully supplying water or water power; and "electric supply company" means any authority, company, person or body of persons supplying electrical energy in pursuance of this Act but not in pursuance of the licence.

(7) Where a public or local authority is the licensee, the references in this section to the public or local authority, and to sewers, drains, watercourses, defences or works under the jurisdiction or control of the said authority, shall not apply.

63. (1) In the execution of works in connexion with the construction, modification, maintenance or operation of any electric supply line or apparatus or conductor connected thereto, every public or local authority, company or person shall—

(a) in no way injure the works, conveniences or property belonging to any other such authority, company or person, nor obstruct or interfere with public traffic, except with the previous written consent of the Minister;

(b) take adequate precautions to protect from danger any person engaged upon such works by the provision and maintenance in safe and efficient condition of the necessary safety appliances for the use of such persons and by ensuring their proper use, or by other means approved by the Minister;

(c) take adequate precautions to prevent any conductor or apparatus from being accidentally or inadvertently electrically charged when persons are working thereon;

(d) ensure that only persons qualified by knowledge or experience to understand the danger involved undertake work where technical knowledge or experience is required in order to avoid danger.

(2) For the contravention of any of the provisions of subsection (1), the public or local authority, company or person responsible for the execution of the work shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.
(3) Any person who, in contravening any of the provisions of subsection (1) of this section, or by any omission or negligent act in respect of any electric supply line, apparatus or conductor under his control, or by wilfully tampering with any electric supply line, apparatus, conductor or safety appliance, causes hurt to any person or injury to any property shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment.

64. (1) Where any tree or hedge obstructs or interferes with the construction by an authorized distributor of any electric supply line, or interferes or is likely to interfere with the maintenance or working of any electric supply line, owned by an authorized distributor, the authorized distributor may give notice to the owner or occupier of the land on which the tree or hedge is growing requiring him to lop or cut it so as to prevent the obstruction or interference, subject to the payment by the authorized distributor of the expenses reasonably incurred by him in complying with the notice:

Provided that in any case where such a notice is served upon an occupier who is not the owner of the land on which the tree or hedge is growing a copy of the notice shall also be served upon the owner thereof, if his address is known.

(2) If within twenty-one days from the giving of such notice the requirements of the notice are not complied with, and neither the owner nor occupier of the land gives such counter-notice as is hereinafter mentioned, the authorized distributor may cause the tree or hedge to be lopped or cut so as to prevent such obstruction or interference as aforesaid.

(3) If within twenty-one days from the giving of such notice the owner or occupier of the land on which the tree or hedge is growing gives a counter-notice to the authorized distributor objecting to the requirements of the notice, the matter shall, unless the counter-notice is withdrawn, be referred to the Minister, who, after giving the parties an opportunity of being heard, may make such order as he thinks just, and any such order may empower the authorized distributor (after giving such reasonable prior notice to any person by whom the counter-notice was given of the commencement of the work as the order may direct) to cause the tree or hedge to be lopped or cut so as to prevent such obstruction or interference as aforesaid, and may determine any question as to what compensation (if any) and expenses are to be paid:
Provided that any party aggrieved by any decision of the Minister with regard to compensation may within thirty days after being notified of such decision appeal to the High Court against such decision, and the decision of the High Court shall be final.

(4) The authorized distributor shall issue instructions to his or its officers and servants with a view to securing that trees and hedges shall be lopped or cut in a woodmanlike manner and so as to do as little damage as may be to trees, fences, hedges and growing crops, and shall cause the boughs lopped to be removed in accordance with the directions of the owner or occupier, and shall make good any damage done to the land.

(5) Any compensation or expenses payable to the owner or occupier by the authorized distributor under this section shall be a civil debt recoverable summarily.

(6) Where for the purpose of the construction or maintenance of an electric supply line operated above medium pressure it is necessary to fell any trees, this section shall apply to the felling of trees in like manner as it applies to the lopping of trees.

(7) This section shall apply to electric supply lines owned or to be constructed by a bulk supply licensee in like manner as it applies to electric supply lines owned or to be constructed by an authorized distributor.

65. (1) (a) The licensee shall take all reasonable precautions in constructing, laying down, erecting or placing his electric supply lines and other works of all descriptions, and in working his undertaking, so as not injuriously to affect, whether by electrical induction or otherwise, the working of any telegraph or telegraph line, or the currents in that telegraph or telegraph line, whether that telegraph or telegraph line is or is not in existence at the time of the laying down or placing of the electric supply lines or other works.

(b) If any question arises between the licensee and the owner of any such telegraph or telegraph line as to whether the licensee has constructed, laid down or placed his electric supply lines or other works, or has worked his undertaking, in contravention of this subsection, or as to whether the working of that telegraph or telegraph line or the current therein is or is not injuriously affected thereby, that question shall be determined by arbitration; and the arbitrator (unless he is of opinion that the telegraph or telegraph line not having
been so in existence at such time as aforesaid, has been placed in unreasonable proximity to the electric supply lines or works of the licensee) may direct the licensee to make any alterations in, or additions to, his system, so as to comply with the provisions of this section, and the licensee shall make those alterations or additions accordingly.

(c) Nothing in this subsection shall apply to any telegraph which is operated or should be operated under a receiving licence pursuant to the East African Radio Communication Regulations, 1956, of the High Commission, or to any telegraph lines belonging thereto or incidental merely to the use thereof, excepting only if and so far as the owner thereof has proved to the satisfaction of the Postmaster-General that any cause or anticipated cause of the same being injuriously affected is of such a nature as the licensee might, in the opinion of the Postmaster-General, reasonably be required to remove, prevent or avoid.

(2) Seven days or such other period as the Minister may approve before commencing to lay down or erect or place any electric supply line, or to use any electric supply line in any manner whereby any telegraph or telegraph line lawfully laid down or placed in any position may be injuriously affected, the licensee shall, unless otherwise agreed between the parties interested, give to the owner of such telegraph or telegraph line notice in writing specifying the course, nature and gauge of the electric supply line, and the manner in which the electric supply line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to, and manner in, which (if at all) earth returns are proposed to be used; and any owner entitled to receive that notice may serve a requisition on the licensee requiring him to adopt such precautions as may be therein specified in regard to the laying, erecting, placing or use of the electric supply line for the purpose of preventing injurious affection; and the licensee shall conform with such reasonable requirements as may be made by the owner for the purpose of preventing the communication through the telegraph or telegraph line from being injuriously affected as aforesaid:

Provided that—

(i) nothing in this subsection shall apply to repairs or renewals of any electric supply line so long as the course, nature and gauge of the electric supply line, and the amount and nature of the current transmitted thereby, are not altered;
(ii) nothing in this subsection shall apply to any telegraph which is operated or should be operated under a receiving licence pursuant to the East African Radio Communication Regulations, 1956, of the High Commission, or to any telegraph lines belonging thereto or incidental merely to the use thereof.

(3) If in any case the licensee makes default in complying with the requirements of this section, he shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto he shall be liable for each default to a penalty not exceeding one hundred and fifty shillings, and to a daily penalty not exceeding sixty shillings:

Provided that the licensee shall not be subject to any such penalty as aforesaid if the court is of opinion that the case was one of emergency and that the licensee complied with the requirements of this section so far as was reasonable under the circumstances, or that the default was due to the fact that the licensee was ignorant of the position of the telegraph or telegraph line affected thereby, and that that ignorance was not owing to any negligence on the part of the licensee.

(4) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the licensee by complaint, action or otherwise, in relation to any of the matters aforesaid.

66. (1) Where in any case any electric supply line or other works may have been laid down or erected in, over, along, across or under any street, for the purpose of supplying electrical energy, or may have been laid down or erected in any other position for such purpose in such a manner as not to be entirely enclosed within any building or buildings, or where any electric supply line or works so laid down or erected may be used for such purpose otherwise than under and subject to the provisions of a licence, the Minister, if he thinks fit, may, by notice in writing to be served upon the body of person owning or using or entitled to use such electric supply line or works, require that such electric supply line or works shall be continued and used only in accordance with such conditions and subject to such rules for the protection of the public safety and of the telegraphs and telegraph lines whether of the Postmaster-General or otherwise lawfully placed in any position as the Minister may by or in pursuance
of such notice prescribe, and in case of non-compliance with the said rules the Minister may require such body or person to remove such electric supply line or works.

(2) If any body or person fails to comply with the requirements of any notice which may be served upon them or him under this section, such body or person shall be liable to a penalty not exceeding six hundred shillings for every such default, which shall be a civil debt recoverable summarily, and any court of competent jurisdiction, on complaint made, may make an order directing and authorizing the removal of any electric supply line or works specified in such notice by such person and upon such terms as the court may think fit.

67. (1) At all times during the progress of any works, constructions or excavations in or under any street or part of any street, the licensee, operator or owner, as the case may be, carrying out or executing such works shall provide such fences, guards and lights as may be reasonably necessary in the opinion of the authority having control or management of the street or part of the street for protecting the public from any danger arising or likely to arise from such works, and shall on completion of such works, constructions or excavations remove all debris or rubbish then remaining, and shall for three months after the date of the reinstatement by him of any part of any street maintain the surface of such part in an efficient state of repair and for twelve months after such date maintain any such part of any street as regards subsidence, all to the reasonable satisfaction of the said authority.

(2) If the licensee, operator or owner, as the case may be, opens or breaks up any street or bridge, or any sewer, drain, tunnel, place or work, and makes any delay in completing any such work, or in filling in the ground, or in reinstating and making good the road or pavement, or the sewer, drain, tunnel, place or work so opened or broken up, or in carrying away the rubbish occasioned thereby, or if he neglects to cause the place where such road or pavement, sewer, drain, tunnel, place or work has been opened or broken up to be fenced, guarded and lighted, or neglects to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, he shall forfeit to the authority or person having the control or management of the street, bridge, sewer, drain, tunnel, place or work in respect of which such default is made a sum not exceeding one hundred and fifty shillings for
every such default, and he shall forfeit an additional sum of one hundred and fifty shillings for each day during which any such delay as aforesaid continues after he has received notice thereof.

(3) If any such delay or omission as aforesaid takes place, the authority or person having the control or management of the street, bridge, sewer, drain, tunnel, place or work in respect to which such delay or omission takes place may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such authority or person by the licensee, operator or owner, as the case may be, and such forfeit or expenses shall be a civil debt recoverable summarily.

68. The licensee, operator or owner, as the case may be, shall be answerable for all accidents, damages and injuries happening through his act or default, or that of any person in his employment, by reason of or in consequence of any of his works, and shall adequately protect all authorities, bodies and persons by whom any street is repairable, and all other authorities, companies and bodies collectively and individually, and their officers and servants, from all damages and costs in respect of those accidents, damages and injuries.

69. (1) Subject to subsection (2), nothing in this Act or in any licence shall be construed as exonerating any licensee, operator or owner, as the case may be, from any liability for any nuisance caused or permitted by him.

(2) Notwithstanding subsection (1), the Minister may, by order, exonerate from liability for nuisance, to the extent specified in such order, any licensee, operator or owner in respect of any works specified in the order which are carried on by or with the consent of the licensee, operator or owner pursuant to a licence.

(3) An order under subsection (2) shall not operate to deprive any person of his right to bring an action in the courts for the recovery of damages for any nuisance in respect of the liability for which such order exonerates any licensee, operator or owner, if such nuisance—

(a) can by any reasonably practicable means (regard being had to the public interest, the state of scientific knowledge and to situation and expense) be abated or substantially reduced; or
(b) is caused or contributed to by any negligence in the
installation, operation or maintenance of the works
specified in such order or of any works carried on
in conjunction therewith.

(4) An order under this section shall be in the form set
out in the Third Schedule, and shall not have effect until it
has been published in the Gazette.

(5) An order under this section may, in relation to the
works specified in the Fourth Schedule, be made
to have retrospective effect to a date not earlier than the 1st

(6) The Minister shall not in any one order made under
this section exonerate from any liability for nuisance any
licensee, operator or owner in respect of works carried on by
such licensee, operator or owner on separate sites, unless such
separate sites are contiguous.

(7) The provisions of section 128 shall not apply to any
application to the Minister for the making of an order under
this section.

70. (1) The licensee shall charge for electrical energy
supplied by him to any ordinary consumer either—
(a) by the actual amount of electrical energy supplied; or
(b) by the maximum power, kilovolt-ampere or ampere
demand for such continuous period as may for the
time being be prescribed or authorized by any rules
made under this Act; or
(c) by a combination of the methods prescribed by para-
graphs (a) and (b); or
(d) by such other general method or combination of
general methods as may for the time being be
authorized by the licence or by the Minister; or
(e) by such other method of charge as may be authorized
by by-laws made by the licensee with the approval
of the Minister under section 149.

(2) Notwithstanding anything in this Act or any
licence to the contrary, the Minister may authorize, under
paragraph (d) subsection (1) (but without prejudice to the
generality of his powers under that paragraph), either or both
of the following—
(a) in addition or alternative to a charge for the actual
amount of electrical energy supplied or the maximum
demand as aforesaid, or both, a periodical fixed or
service charge, with or without inclusion therein of a rent, charge or remuneration in respect of any meter, electric supply lines, fittings, apparatus or appliances provided by the licensee in or upon the premises of the ordinary consumer, whether let to him on hire or hire-purchase terms or otherwise;

(b) a minimum charge, to be made irrespective of the actual amount of electrical energy supplied to the ordinary consumer or of his maximum demand as aforesaid, with provision that such minimum charge may be payable notwithstanding that no electrical energy has been used by the ordinary consumer during the period for which such minimum charge is made.

(3) In authorizing any method of charge under this section, the Minister may, after consultation with the licensee, limit the application of such method to a particular class or particular classes of ordinary consumers or to a particular portion of the area of supply, as may be specified in such authorization; and may also, or alternatively, direct that any ordinary consumer who objects to such method of charge shall remain free to require the licensee to charge him by one of the methods authorized by paragraphs (a), (b) and (c) of subsection (1), the choice between such methods resting with the licensee.

Maximum prices.

71. (1) The prices to be charged by the licensee for electrical energy supplied by him to ordinary consumers shall not exceed those stated in that behalf in the licence, or, in the case of a method of charge authorized by the Minister under section 70, such maximum prices or charges as the Minister may determine when authorizing such method.

(2) In determining any maximum price or charge in relation to any method of charge, the Minister may, after consultation with the licensee, determine separate maximum prices or maximum charges for any particular class or particular classes of ordinary consumers or for any particular portion of the area of supply to whom or to which such method of charge applies.

Revision of maximum prices or methods of charge.
27 of 1952, s. 9.

72. (1) If either—

(a) the licensee; or

(b) such number of ordinary consumers as the Minister may consider sufficient having regard to the circumstances; or
(c) in a case where a public or local authority is not the licensee, either of those authorities, at any time after the commencement of a licence, makes representation to the Minister that the maximum prices or methods of charge stated in the licence or authorized under section 71 or section 70 ought to be altered, the Minister, after such inquiry as he may deem fit, may make an order varying such maximum prices or methods of charge, or substituting other maximum prices or methods of charge in lieu thereof, and the maximum prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order, as if they had been stated in the licence or authorized under section 71 or section 70.

(2) Any revision of maximum prices under subsection (1) may extend to the fixing of separate maxima, or the authorization of separate methods of charge, in respect of different classes of supply or in respect of different portions of the area of supply.

(3) Before making any application or representation to the Minister under subsection (1), the intending applicant shall give notice by public advertisement of the intended application or representation not less than fourteen days before the application or representation is to be made.

(4) Every such advertisement shall be published once in the Gazette and once in a newspaper circulating in the area of supply to which the application relates, and shall contain the following particulars—

(a) a short title descriptive of the application or representation;

(b) the date of the intended application or representation;

(c) the name, address and description of the applicant;

(d) a statement of the object of and reasons for the application or representation;

(e) a description of the area or areas (if any), and of the public or local authority, company, person or body of persons (if any), which will or may be affected by the grant of the application or representation;

(f) a statement of the manner in which such area or areas, or such public or local authority, company, person or body of persons, will or may be affected by the grant of the application or representation.
(5) Every such notice shall state that any public or local authority, company, person or body of persons desirous of making any representation on or objection to the application or representation shall do so by letter addressed to the Minister and marked on the outside of the cover enclosing it "Electric Power Act", on or before the expiration of fourteen days from the date of the application or representation as stated in the notice, and that a copy of such representation or objection shall be forwarded to the applicant.

(6) The application or representation addressed to the Minister may be printed or typed, and shall be signed or sealed as may be legally necessary by or on behalf of the applicant, and shall be delivered to the Minister duly marked on the outside of the cover enclosing it "Electric Power Act", and the applicant shall forward therewith proof of the applicant’s compliance with the provisions as to notices on or before the date stated in the notice as being the date of the application or representation.

73. (1) Every licensee shall, within three months after the date of commencement of his licence, publish in such manner as may be approved by the Minister, in respect of each of his undertakings, a scale of all prices for the time being charged by him for the various classes of supply to ordinary consumers, together with a description in general terms of the circumstances or conditions which qualify consumers for any special prices for the time being available.

(2) All additions to or alterations in any such scale of prices, or any such circumstances or conditions as aforesaid, shall be published in like manner before being brought into force or acted upon by the licensee.

74. Subject, as regards ordinary consumers, to the provisions of sections 70, 71 and 72, the licensee may make any agreement with a consumer as to the price to be charged for electrical energy, and the mode in which these charges are to be ascertained, and may charge accordingly.

75. (1) In making any agreement as to the price to be charged for a supply of electrical energy, consideration may be given to the amount of electrical energy consumed or contracted for, uniformity or regularity or power factor of the demand, the time during which supply is required, and any other conditions of the demand affecting the cost of generation or supply.
(2) Each and every consumer shall be entitled to receive a supply of electrical energy from a licensee at the same price and on the same terms as any other consumer in the same area is being supplied at by such licensee when the circumstances and conditions of the demand and supply are similar:

Provided that the Minister, having regard to any particular or general circumstances of supply or demand, may, for such period or periods and upon such terms or conditions as he may think fit, authorize the exclusive application of a particular price or method of charge to any limited number or type of consumers, or to the consumers in any specified district or neighbourhood, or to any other limited extent; and in respect of any exclusive price or method of charge so authorized the provisions of this subsection shall not apply.

76. The licensee shall not in making any agreement for the supply of electrical energy, or for the carrying out of any work in connexion therewith, or in any way whatsoever, show any undue preference, advantage, rebate or privilege to any consumer, but save as aforesaid he shall make such charges for such supply as may be agreed upon, not exceeding the limit of price imposed by the licence.

77. (1) If any public or local authority, company, person or body of persons neglects to pay any charge for electrical energy or any other sum due from him or them to the licensee in respect of the supply of electrical energy, the licensee may, after giving not less than forty-eight hours' notice in writing to such authority, company, person or body of persons, and without prejudice to his right to recover such charge or sum, cut off such supply, and for that purpose may cut or disconnect any electric supply line or other works through which electrical energy may be supplied, and may, until such charge or other sum, together with any expenses incurred by the licensee in cutting off such supply of electrical energy as aforesaid and any lawful charges for or incidental to reconnexion, are fully paid, but no longer, discontinue the supply of electrical energy to such authority, company, person or body of persons:

Provided that, where any company, person or body of persons has given to the licensee a deposit as security for payment for the supply of electrical energy, the licensee may at any time while any such charge or other sum remains unpaid after notice as aforesaid—

(i) apply such deposit in or towards payment thereof; or
(ii) discontinue the supply of electrical energy to such company, person or body of persons; or
(iii) apply such deposit towards payment thereof and if any part of such charge or other sum remains unpaid thereafter discontinue the supply of electrical energy to such company, person or body of persons until such charge or other sum together with any expenses incurred in disconnecting such supply and any lawful charges for or incidental to the reconnexion thereof have been paid.

(2) Where any difference or dispute in respect of any such charge or other sum as aforesaid has been referred to an electrical inspector or to arbitration under this Act, or has otherwise fallen sub judice before notice of disconnexion as aforesaid has been given by the licensee, the licensee shall not exercise any of the powers conferred by this section in respect of the same charge or other sum until final determination of such difference or dispute:

Provided that the prohibition contained in this subsection shall not apply in any case in which the licensee has made a request in writing to the consumer for a deposit with the electrical inspector, arbitrator or other judicial authority concerned, in addition and without prejudice to any other deposit with the licensee which he is entitled to require, of the amount of the charge or other sum in dispute, and the consumer has failed to comply with such request within forty-eight hours of the same having been made.

78. The licensee may refuse to supply electrical energy to any public or local authority, company, person or body of persons whose payments for the supply of electrical energy are for the time being in arrear (not reasonably being the subject of a dispute), whether any such payments are due to the licensee in respect of supply to the premises in respect of which such supply is demanded or in respect of other premises.

79. The Minister may appoint and keep appointed such competent and impartial person or persons as he thinks fit, to be electrical inspectors, for the purposes of this Act, and may determine the remuneration to be paid to such inspectors.

80. (1) The duties of electrical inspectors under this Act shall be as follows—

(a) the inspection and testing, periodically and in special cases, of the licensee's works and the supply of electrical energy given by him;

(b) the certifying and examination of meters; and

(c) such other duties as may be required of them under the provisions of this Act or any licence.
(2) The Minister may prescribe the manner in which, and the times at which, any such duties are to be performed by an electrical inspector, and also the fees to be taken by him, and those fees shall be accounted for and applied as may be directed by the Minister.

(3) Any electrical inspector appointed under this Act and duly authorized in that behalf by the Minister may at all reasonable times enter any premises for the purpose of ascertaining if the provisions of this Act are being complied with:

Provided that no electrical inspector shall enter any such premises, other than the premises of a licensee or of a public or local authority, without the permission of the occupier first had and obtained. Such permission shall not be refused.

81. (1) The licensee shall send to the Minister notice of any accident by electric shock, and also of any other accident of such kind as to have caused, or to have been likely to have caused, loss of life or personal injury, and of any explosion or fire, which has arisen from and in the course of the generation, transformation, conversion, transmission, distribution or supply of electrical energy by the licensee, or the use of electrical energy supplied by the licensee, or which has arisen in or about any generating station, substation, switch station, factory, works or electric supply lines of the licensee, and also notice of any loss of life or personal injury occasioned by any such accident, explosion or fire.

(2) Such notice shall be sent by the earliest practicable post after the accident, explosion or fire occurs, or, as the case may be, after the loss of life or personal injury becomes known to the licensee.

(3) If the licensee fails to comply with the foregoing provisions of this section, he shall be liable for each default to a penalty not exceeding six hundred shillings.

(4) The Minister may also, if he deems it necessary, appoint any electrical inspector or other fit person to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the licensee's works, whether notice of the accident has or has not been received from the licensee, or as to the manner in and extent to which the provisions of the licence and of this Act, so far as those provisions affect the safety of the public, have been complied with by the licensee; and any person appointed under this section, not
being an electrical inspector, shall, for the purposes of his appointment, have all the powers of an electrical inspector under this Act.

82. On the occasion of the testing of any electric supply line of the licensee, reasonable notice thereof shall be given to the licensee by the electrical inspector, and the testing shall be carried out at such suitable hours as, in the opinion of the electrical inspector, will least interfere with the supply of electrical energy by the licensee, and in such manner as the electrical inspector thinks expedient, but, except under the provisions of an order made in each case in that behalf by the Minister, he shall not be entitled to have access to or interfere with the electric supply lines of the licensee at any points other than those at which the licensee has reserved for himself access to the said electric supply lines:

Provided that—

(i) the licensee shall not be held responsible for any interruption in the supply of electrical energy which may be occasioned by or required by the electrical inspector for the purpose of any such testing as aforesaid;

(ii) the testing shall not be made in regard to any particular portion of an electric supply line oftener than once in any three months, unless in pursuance of an order made in each case in that behalf by the Minister.

83. An electrical inspector, if and when required to do so by any consumer, shall, on payment by the consumer of the prescribed fee, test the variation of electric pressure at the supply terminals, or make such other inspection and test of the works of the licensee upon the consumer's premises as may be necessary for the purpose of determining whether the licensee has complied with the provisions of the licence and of the rules made under this Act.

84. The licensee shall, if required to do so by the Minister, establish at his own cost and keep in proper condition at such places, within a reasonable distance from a distributing main, such reasonable number of testing stations as the Minister thinks proper and sufficient for testing the supply of electrical energy by the licensee through the distributing main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Minister, and shall connect those stations by means of proper and sufficient electric supply lines with the distributing mains, and supply electrical energy thereto for the purpose of the testing.
85. The licensee shall set up and keep upon all premises from which he supplies electrical energy by an electric supply line such suitable and proper instruments of such pattern and construction as may be approved or directed by the Minister, and shall take and record, and keep on record, such observations as the Minister may direct, and any observations so recorded shall be produced to the Minister on demand by him and shall be receivable in evidence.

86. (1) The licensee shall keep in efficient working order all instruments which he is required by or under this Act or the licence to place, set up or keep at any testing station or on his own premises, and any electrical inspector may examine and record the readings of those instruments, and any readings so recorded shall be receivable in evidence.

(2) The examinations and readings under this section must be made at such time and in such manner as may be directed by the Minister.

87. Any electrical inspector appointed under this Act shall have the right to have access at all reasonable hours to the testing stations and premises of the licensee for the purpose of testing the electric supply lines and instruments of the licensee, and ascertaining if they are in order, and in case they are not in order he may require the licensee forthwith to have them put in order.

88. The licensee may, if he thinks fit, on each occasion of the testing or inspection of any works of the licensee by any electrical inspector, be present or be represented by some officer or other agent, but the licensee or that officer or agent shall not interfere with the testing or inspection.

89. The licensee shall afford all facilities for the proper execution of the provisions of this Act with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this Act in that behalf; and in case the licensee makes default in complying with any of the provisions of this section he shall be liable in respect of each default to a penalty not exceeding one hundred and fifty shillings, and to a daily penalty not exceeding sixty shillings.

90. (1) Every electrical inspector shall, on the day immediately following that on which any testing has been completed by him under this Act, make and deliver a report of the results of his testing to the authority or person by whom he was required to make the test, and to the licensee, and that report shall be receivable in evidence.
(2) If the licensee or any such authority or person is dissatisfied with any report of any electrical inspector, appeal may be made to the Minister against the report, and thereupon the Minister shall inquire into and decide upon the matter of the appeal, and his decision shall be final and binding on all parties.

91. Save as otherwise provided by this Act or by the licence, all reasonable expenses of an electrical inspector shall, unless agreed, be ascertained by a subordinate court of the first class, and shall be paid as directed by that court, and shall be a civil debt recoverable summarily:

Provided that—

(i) where the report of an electrical inspector or the decision of the Minister shows that the licensee or any consumer was guilty of any default or negligence, the fees prescribed and expenses on being ascertained as above-mentioned shall be paid by the party guilty of default or negligence as the court, having regard to the report or decision, directs, and shall be a civil debt recoverable summarily;

(ii) in any proceedings for penalties under this Act, the fees and expenses of an electrical inspector incurred in connexion with the proceedings shall be payable by the complainant or defendant as the court may direct.

92. (1) The amount to be charged for electrical energy supplied by the licensee to any consumer, according to the method decided upon under section 70, (hereinafter referred to as the value of the supply) shall, except as otherwise agreed between such consumer and the licensee, be ascertained by means of an appropriate meter or meters, which may be duly certified as hereinafter provided, and fixed and connected with the supply system in a manner approved by the Minister.

(2) Such meter, whether the property of the licensee or of the consumer, may be sealed by the licensee with an approved seal bearing the licensee's distinguishing brand or mark impressed thereon.

(3) The licensee may, in order to protect such meter or any other apparatus belonging to him, install suitable cut-outs on a consumer's premises on the supply side of any such meter or other apparatus, and seal such cut-outs with an approved seal bearing the licensee's distinguishing brand or mark impressed thereon.
(4) Where any seal affixed under subsections (2) and (3) of this section is broken without the authority of the licensee, the consumer upon whose premises the seal was placed shall be guilty of an offence and liable to a fine not exceeding two hundred shillings:

Provided that, where it can be proved that the offence was committed by some person other than the consumer, that person shall be punishable as if he were the consumer upon whose premises the breach occurred.

93. A meter shall be considered to be duly certified under the provisions of this Act and of the licence if it is certified by an electrical inspector to be a meter capable of ascertaining the value of the supply within such limits of error as may as respects meters of the class to which the meter belongs be allowed by any rules made under this Act, and every such meter is hereinafter referred to as a certified meter:

Provided that, where any alteration is made in any certified meter, that meter shall cease to be a certified meter unless and until it is again certified under this Act.

94. An electrical inspector, on being required to do so by the licensee or any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter used or intended to be used for ascertaining the value of the supply or any check meter, and shall certify it as a certified meter if he considers it entitled to be so certified, and the electrical inspector shall on the like requisition and payment examine the manner in which any such meter has been fixed and connected with the supply system, and shall certify that it has been fixed and connected with the supply system in some manner approved by the Minister if he considers that it is entitled to be so certified.

95. Where the value of the supply is under this Act required to be ascertained by means of an appropriate meter or meters, such meter or meters shall be supplied on hire by the licensee, who shall fix it or them upon the premises of the consumer and connect the supply system therewith, and if so required cause the meter or meters to be duly certified under this Act, and for those purposes he may authorize and empower any officer or person to enter upon the premises (if not in his sole occupation) at all reasonable times and execute all necessary work and do all necessary acts; and the consumer shall pay to the licensee for the hire of any such meter or
meters such remuneration in money as may be approved by
the Minister, and such remuneration shall be a civil debt recoverable summarily:

Provided that—

(i) a consumer shall be entitled to install in his premises a check meter or meters, which may be his own property, for the purpose of checking the value of electricity supplied to him; the registrations of any such check meter shall not be taken into account in determining the value of the supply, and no such check meter shall be fixed and connected with the supply system except in such manner and subject to such conditions as the Minister may approve;

(ii) the licensee may, at his sole discretion, agree to the value of the supply to any consumer being ascertained by a private meter belonging to the consumer.

96. (1) In any case where the maximum demand of any consumer equals or exceeds two hundred kilovolt-amperes, if it is so desired by the consumer, two or three appropriate meters shall be employed or used for ascertaining the value of the supply, which shall be the number of kelvins represented by the mean of the readings of such meters:

Provided that, where the last described method of measurement of the value of the supply is desired as aforesaid, the consumer shall only be liable to pay the licensee for the hire of each of such two or three meters one half of the amount which the licensee would have been entitled to charge had only one meter been employed.

(2) If the reading of each of the two or three meters employed or used to ascertain the value of the supply is within three per centum of the mean of the readings of the two or three meters, each meter shall be considered correct for the purposes of the accounts; but, if the reading of any meter at any time shows a difference from the mean of the readings of the two or three meters of more than three per centum, then the mean of the readings of the two or three meters shall be taken for the time being, pending the correctness of each of the meters being determined, which shall be done forthwith, and any meter which is found to have an error of more than three per centum shall be readjusted.

(3) In any case where three meters are used for ascertaining the value of the supply in accordance with this section, if at any time and for any reason two only of the meters are in service the mean of the readings of these two meters shall be accepted by both parties, provided such mean is within three
per centum of the readings of both meters; but, if the mean of the readings of the two meters is found not to be within three per centum of the readings of both meters, the same procedure shall be adopted with regard to the determination of the accuracy and for the readjustment of the meters, as is prescribed by subsection (2); and in the case of dispute, the matter may be referred by either party to an electrical inspector, as provided by section 101.

97. The licensee shall not connect or disconnect any meter to be used or used for ascertaining the value of the supply, or any consumer’s check meter, with or from any electric supply line through which electrical energy is supplied by the licensee, unless he has obtained the written consent of the consumer, or alternatively unless he has given to the consumer not less than forty-eight hours’ notice in writing of his intention to do so, and if the licensee acts in contravention of this section he shall be liable for each default to a penalty not exceeding sixty shillings.

98. The licensee shall not, nor shall any consumer, make any alteration, adjustment or readjustment in any meter being used for ascertaining the value of the supply, whereby the action of such meter as a measuring instrument is or may be affected, unless the one has given to the other not less than forty-eight hours’ notice in writing of the intention to do so or unless otherwise mutually arranged, and the licensee or any consumer acting in contravention of this section shall be liable for each default to a penalty not exceeding sixty shillings.

99. (1) Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is to be ascertained, in proper order for correctly registering that value, and, in default of his so doing, the licensee may cease to supply electrical energy through the meter.

(2) The licensee shall have access to, and be at liberty to take off, remove, test, inspect and replace, any such meter at all reasonable times, subject to such notice being given to the consumer as aforesaid:

Provided that all reasonable expenses of, and incident to, any such taking off, removing, testing, inspecting and replacing of the meter and of having the meter again duly certified, where the recertifying is thereby rendered necessary, shall, if the meter is found by an electrical inspector to be not in proper order, be paid by the consumer, but if it is found to be in proper order all expenses connected therewith shall be paid by the licensee.
100. The licensee shall, at all times, at his own expense, keep all meters let for hire by him to any consumer, whereby the value of the supply is or should be ascertained, in proper order for correctly registering that value, and in default of his doing so the consumer shall not be liable to pay any remuneration or hire for the meter during such time as the default continues; and the licensee shall, subject to the provisions of section 97, for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect and replace any such meter at all reasonable times:

Provided that the expenses of having any such meter again duly certified, where that recertifying is thereby rendered necessary, shall be paid by the licensee.

101. (1) If any dispute arises between any consumer and the licensee as to whether any meter, whereby the value of the supply is ascertained (whether belonging to the consumer or to the licensee), is or is not in proper order for correctly registering that value, or as to whether that value has been correctly registered in any case by any meter, that difference shall be determined upon the application of either party by an electrical inspector, and that electrical inspector shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of the electrical inspector shall be final and binding on all parties; and in determining the said costs the electrical inspector may take into account any fee paid under section 94.

(2) Subject as aforesaid, the reading of the meter shall be conclusive evidence, in the absence of fraud, as to the value of the supply.

102. Where any consumer who is supplied with electrical energy by the licensee from any electric supply line has provided, under section 95, his own private meter for the purpose of ascertaining the value of the supply, and the licensee changes the method of charging for electrical energy supplied by him from the electric supply lines, the licensee shall pay to that consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to the new method of charging, and those expenses shall be a civil debt recoverable summarily.

103. (1) In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the licensee may place upon such consumer's premises such meter or other apparatus as he may desire for the purpose of ascertaining or regulating either the amount of
electrical energy supplied to the consumer or the number of hours during which the supply is given, or the maximum demand taken by the consumer, or any other quantity or time connected with the supply:

Provided that the meter or apparatus shall be of some construction and pattern, and shall be fixed and connected with the supply system in some manner, approved by the Minister, and shall be supplied and maintained entirely at the cost of the licensee, and shall not, except by agreement, be placed otherwise than between the source of supply and the consumer's existing supply terminals.

(2) Such meter or other apparatus may be sealed by the licensee with an approved seal bearing the licensee's distinguishing brand or mark impressed thereon.

(3) Where any such seal is broken without the authority of the licensee, the consumer upon whose premises the seal was placed shall be guilty of an offence and liable to a fine not exceeding two hundred shillings:

Provided that, where it can be proved that the offence was committed by some person other than the consumer, that person shall be punishable as if he were the consumer upon whose premises the breach occurred.

104. All or any of the provisions of sections 94 to 103, both inclusive, may be disregarded or modified in respect of any particular consumer in such manner and to such extent as may be agreed in writing between such consumer and the licensee.

105. (1) The licensee shall set up and keep upon suitable premises suitable and proper instruments and apparatus of such pattern and construction as may be approved or prescribed by the Minister, for the purpose of testing the accuracy of meters used or to be used for ascertaining the value of the supply given, or to be given, by the licensee.

(2) No meter for ascertaining the value of the supply shall be used unless it is in a condition for ascertaining the value of the supply within the limits of error which may, as respects meters of the class to which the meter belongs, be for the time being allowed by any rules made under this Act.

(3) The records of the tests made under this section at the various loads specified in any rules made under this Act, showing the percentage of error above and below normal, shall be made and kept by the licensee.

(4) If the licensee makes default in complying with any of the provisions of this section, or fails to produce any records required to be kept by him on the demand within reasonable
hours of an electrical inspector, he shall be liable to a penalty not exceeding one hundred and fifty shillings and to a daily penalty not exceeding sixty shillings.

106. (1) Any officer appointed by the licensee may at all reasonable times enter any premises to which electrical energy is or has been supplied by the licensee, in order to inspect the works for the supply of electrical energy belonging to the licensee, and for the purpose of ascertaining the maximum demand or amount of electrical energy consumed or supplied, or where a supply of electrical energy is no longer required, or where the licensee is authorized to take away and cut off the supply of electrical energy from any premises, for the purpose of removing any works belonging to the licensee, repairing all damage caused by such entry, inspection or removal:

Provided that no officer appointed by the licensee shall enter such premises without the permission of the occupier first had and obtained. Such permission shall not be refused.

(2) In any case where such permission is refused, the licensee may, additional to any penalty to which the occupier, lessee or owner of any premises to which electrical energy is or has been supplied by the licensee may be liable under this Act in respect of such refusal, cut or disconnect any electric supply line or other works through which electrical energy may be supplied, and may, until such permission is given and any expenses incurred by the licensee in cutting or disconnecting any electric supply line or other works as aforesaid are fully paid, but no longer, discontinue or refuse to supply electrical energy to such occupier, lessee or owner.

107. Where any works belonging to the licensee are placed in or upon any premises, not being in the possession of the licensee, for the purpose of supplying electrical energy under this Act or any licence, such works shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, nor be taken in execution under the process of any court or any proceedings in bankruptcy against the person in whose possession the same may be.

108. (1) All electric supply lines, fittings, apparatus and appliances let by any licensee on hire or belonging to any licensee, but being in or upon premises of which the licensee is not in possession, shall, whether they are or are not fixed or fastened to any part of any premises in or upon which they may be situate, or to the soil under any such premises, at all times continue to be the property of, and to be removable by, the licensee, provided such electric supply lines, fittings,
apparatus or appliances mentioned in this section and in section 107 have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof, or a distinguishing brand or other mark conspicuously impressed or made thereon, sufficiently indicating the licensee as the actual owner thereof.

(2) For the purposes of this section, electric supply lines, fittings, apparatus and appliances disposed of by the licensee on terms of payment by instalments shall, until the whole of the instalments have been paid, be deemed to be the electric supply lines, fittings, apparatus and appliances let on hire by the licensee.

(3) Nothing in this section shall affect the amount of the assessment for rating of premises upon which any electric supply lines, fittings, apparatus or appliances are or shall be fixed.

109. (1) Whoever—

(a) connects, or permits to be connected, any meter referred to in section 92, or any meter, indicator or apparatus referred to in section 103, with any electric supply line through which electrical energy is supplied by a licensee, or disconnects, or permits to be disconnected, any such meter, indicator or apparatus from any such electric supply line, without the consent of the licensee; or

(b) lays, erects or installs, or permits to be laid, erected or installed, any conductor or apparatus and connects it, or permits it to be connected, with any electric supply line through which electrical energy is supplied by a licensee, without the consent of the licensee; or

(c) disconnects, or permits to be disconnected, any conductor or apparatus from any electric supply line belonging to a licensee, without the consent of the licensee; or

(d) makes or permits to be made any alteration in his permanent installation without the previous approval of the licensee; or

(e) in any case where the value of the supply of electrical energy by the licensee is not ascertained by meter, uses any apparatus or lamp other than he has contracted to pay for or uses such apparatus or lamp at any other time than the time specified and for which he has contracted to pay; or

Unauthorized connexion or disconnexion, and fraudulent or improper use of electrical energy.
(f) uses the electrical energy supplied to him for purposes other than that for which it is supplied; or

(g) supplies any other person with any part of the electrical energy supplied to him by the licensee, without the consent of the licensee,

shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment, and, in any case where the person so offending is the consumer, the licensee may also discontinue the supply of electrical energy to the premises of such consumer and abstain from resuming such supply if already discontinued for such period as the court may direct, notwithstanding any contract which may have been previously entered into.

(2) The existence of artificial or unlawful means for making such connexion or disconnexion as is referred to in paragraphs (a), (b) and (c) of subsection (1), or making such alteration as is referred to in paragraph (d) of that subsection, or facilitating such use or supply as is referred to in paragraphs (e), (f) and (g) of that subsection, shall, where the meter, indicator or apparatus is under the custody or control of the consumer, whether it is his property or not, be prima facie evidence that such connexion, disconnexion, alteration, improper use or supply, as the case may be, has been fraudulently, knowingly and wilfully caused or permitted by the consumer.

110. (1) Any person who wilfully extinguishes or causes to be extinguished any public lamps, or wastes or improperly uses any of the electrical energy supplied by the licensee, shall for each such default forfeit to the licensee any sum not exceeding one hundred and fifty shillings, in addition to the amount of the damage done.

(2) Any person who carelessly or accidentally breaks, throws down or damages any works of or under the control of the licensee shall pay such sum of money to the licensee, by way of satisfaction for the damage done, as a court may award.

111. (1) Any person who wilfully injures or permits to be injured any works of the licensee, or alters the index of any meter for ascertaining the value of the supply, or prevents any such meter from duly registering the value of the supply, or fraudulently abstracts, consumes or uses the electrical energy of the licensee, shall be guilty of an offence and (without prejudice to any other right or remedy for the
(2) The existence of artificial or unlawful means for causing such alteration or prevention (when such meter is under the custody or control of the consumer), or for abstracting, consuming or using the electrical energy of the licensee, shall be prima facie evidence that such alteration, prevention, abstraction or consumption, as the case may be, has been fraudulently, knowingly and wilfully caused or permitted by the consumer.

(3) In any case in which any person has wilfully and fraudulently injured or permitted to be injured any works of the licensee, or altered the index of any meter for ascertaining the value of the supply, or prevented any such meter from duly registering the value of the supply, the licensee may also, until the matter complained of has been remedied, but no longer, discontinue the supply of electrical energy to the person so offending (notwithstanding any contract previously existing).

112. (1) In any case where any consumer receiving a supply of electrical energy from a licensee uses or permits to be used such supply for any purpose or deals or permits it to be dealt with in any manner so as to interfere unduly or improperly with the efficient supply of electrical energy by the licensee to any other consumer, the licensee may, if he thinks fit, discontinue to supply electrical energy to such consumer so long as the electrical energy is so used or dealt with.

(2) If any difference arises as to any improper use of electrical energy, or as to any alleged defects in or as to unsuitable or as to necessary apparatus or protective devices, that difference shall be referred to an electrical inspector.

113. A public or local authority or any combination of any such authorities shall not use or employ for or in connexion with any of the purposes of generating, transforming, converting, transmitting, distributing, supplying or using electrical energy any mode, material or apparatus other than that which complies with the specification or standard relating to any such purpose or to any such mode, material or apparatus of the British Standards Institution, or in any case where the said specification or standard permits more than one mode, material or apparatus for any of the said purposes, or, in any case where no such specification or standard has been made by the said Institution, as the Minister may by rule prescribe.
114. (1) The licensee shall, forthwith after commencing to supply electrical energy under the licence, cause a map to be made of the area of supply, and shall cause to be marked thereon the positions of all his then existing overhead electric supply lines and other works, and the position, and the depth below the surface, of all his then existing underground electric supply lines and other underground works and street boxes, and shall once in every year cause that map to be duly corrected so as to show the then existing electric supply lines and other works.

(2) The licensee shall also, if so required by the Minister or the Postmaster-General, cause to be made sections showing the level of all his existing underground electric supply lines, and works other than service lines.

(3) Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the licensee at his principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants, and those applicants may take copies of it or any part of it; and the licensee may demand and take from every such applicant such fee not exceeding two shillings for each inspection of the map, section or copy, and such further fee not exceeding ten shillings for each copy of it taken by the applicant, as he may prescribe.

(4) The licensee shall, if required by the Minister or the Postmaster-General, or, where a public or local authority is not the licensee, by such authority, supply a copy of any such map or section, and cause that copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the licensee.

(5) If the licensee fails to comply with any of the requirements of this section he shall for each default be liable to a penalty not exceeding three hundred shillings, and to a daily penalty not exceeding sixty shillings.

115. Notices, orders and other documents under the Electric Supply Lines Act, or under this Act, or under the licence, may be in writing or in print, or partly in writing and partly in print, and where any notice, order or document requires authentication by the public or local authority the signature thereof by the director, engineer or clerk of such public or local authority shall be sufficient authentication.
116. (1) Any notice, order or document required or authorized to be served upon or furnished to any public or local authority, company, person or body of persons under this Act or the Electric Supply Lines Act, or under the licence, may be served or furnished by being addressed to that authority, company, person, or body of persons, and being left at or sent by registered post to the following addresses respectively—

(a) in the case of the Minister, the office of the Minister;

(b) in the case of the Power Board, the office of the Board;

(c) in the case of any officer deputed by the Minister to exercise the powers vested in the Minister under this Act, the office of such officer;

(d) in the case of the Postmaster-General, the General Post Office, Nairobi;

(e) in the case of any electrical inspector, the office of such electrical inspector;

(f) in the case of any public or local authority, the office of such public or local authority;

(g) in the case of a licensee, when the licensee is not a public or local authority or a company, the office of the licensee in the area of supply;

(h) in the case of a licensee, when the licensee is a company, the registered office if in the area of supply, or otherwise the principal office of the company in the area of supply;

(i) in the case of any other company or body of persons, the principal office of such company or body of persons in the area of supply or, if there is no such office in the area of supply, the office of such company or body of persons nearest thereto;

(j) in the case of any person, the usual or last known place of abode of that person;

and every notice, order or document relating to any matter arising under this Act or the Electric Supply Lines Act, or under the licence, so served or furnished, shall be deemed to be full and lawful service on the licensee, or such other company, person or body of persons, as the case may be.
(2) A notice, order or document required or authorized by this Act or the Electric Supply Lines Act, or by the licence, to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of "the owner" or "the occupier" of the premises (naming the premises), without further name or description.

(3) A notice, order or document required or authorized by this Act or the Electric Supply Lines Act, or by the licence, to be served on the owner or occupier of premises may be served by delivering it or a true copy thereof to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises.

(4) Subject to the provisions of this Act and of the licence as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Act or of the licence and the execution of any works or the performance of any duty or act is less than seven days, Sundays and public holidays shall not be reckoned in the computation of that time.

117. If the Minister, in any case where a public or local authority is not the licensee, at any time after the commencement of the licence, has reason to believe that the licensee has made any default in executing works or supplying electrical energy in accordance with the provisions of that licence, and that that default is in consequence of the insolvency of the licensee, and that by reason of that insolvency the licensee is unable fully and efficiently to discharge the duties and obligations imposed upon him by that licence, the Minister may, after such inquiry as he may think necessary, revoke that licence.

118. If, in any case where a public or local authority is not the licensee, the licensee at any time after the commencement of the licence represents to the Minister that the undertaking cannot be carried on with profit, and ought to be abandoned, the Minister shall inquire into the truth of the representation, and, if upon that inquiry the Minister is satisfied as to the truth of the representation, he may, if in his discretion he thinks fit, revoke the licence.
119. If, in any case where a public or local authority is the licensee, the Minister at any time after the commencement of the licence has reason to believe that the licensee has made default in executing works or supplying electrical energy in accordance with the provisions of the licence, the Minister may, after such inquiry as he may think necessary, revoke the licence.

120. In addition to any other powers which the Minister may have in that behalf, he may revoke the licence at any time with the consent and concurrence of the licensee, upon such terms as the Minister thinks just.

121. (1) If at any time any licensee, without the authority of the Minister being first had and obtained in writing, discontinues, or makes default in, the supply of electrical energy as incumbent on him by his licence, or, after having received notice to remedy or make good any defects, fails or neglects to make such provisions as will ensure a regular and sufficient supply of electrical energy, or for any other cause or reason whatsoever makes, or continues to make, such default in the supply of electrical energy as to cause or be liable to cause danger or loss to the public, the Minister may authorize an officer of the Government to enter upon the works of the licensee, and to suspend his licence, and forthwith to do all such things, deeds and works as he may consider necessary for the maintenance and continuation of the supply of electrical energy from the works, plant and apparatus of the licensee.

(2) Any person obstructing, or causing obstruction to, an officer so authorized by the Minister in the carrying out of such duties and works shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings.

(3) In any case where the Minister takes action under this section, the licence, together with all rights, powers and authorities, of the licensee in the area concerned shall forthwith cease and determine, or otherwise as the Minister thinks fit.

(4) The Minister may continue the operation of such works, plant and apparatus for such period as he deems expedient and take the measures or proceed as described in section 123 and any compensation to which the licensee is entitled shall be that which may be determined in the manner therein provided.
(5) Where the generation or supply of electrical energy under any licence may be interrupted or affected to the detriment of the public or the consumers, by the demise of an individual or other disability not provided for by this Act, then, on any such occurrence and only if necessity arises for any immediate action pending any action by the Minister, it shall be lawful for and incumbent on the Provincial Commissioner or Provincial Commissioners of the province or provinces in which the generation and supply is or should be effected or given, either by himself or themselves or through any District Commissioner or magistrate, to exercise such authority and give such instructions as may be necessary in the public interest for the proper continuance or resumption of the generation or supply of such electrical energy.

(6) Where any Provincial Commissioner takes any action under this section, he shall immediately report to the Minister by telegram the circumstances of the case and of the action he has taken.

122. (1) The revocation by the Minister of any licence shall not indemnify the licensee against the infliction of any penalties to which he may have become liable under the licence or this Act by reason of any default, or against the recovery from him by any consumer of any damages sustained by such consumer by reason of the default of the licensee in the performance of his obligations under the licence.

(2) The amount of any penalties or damages for which the licensee may be liable under this section shall rank as a charge against any purchase money to which such licensee may be entitled in respect of any of his works, and a court may interdict the payment to such licensee of such purchase money or part thereof, pending the result of any legal action in respect of such penalties or damages, or otherwise until such claims have been agreed or settled.

123. If the Minister in any case where a public or local authority is not the licensee at any time revokes a licence under any of the provisions of this Act or of the licence, the following provisions shall unless otherwise provided for have effect—

(a) the Minister shall serve a notice of the revocation upon the licensee and upon the public or local authority or authorities in the area of supply, and shall in that notice fix a date at which the revocation shall take effect, and from and after that date
all the rights, powers and authorities of the licensee under this Act or the licence shall absolutely cease and determine;

(b) within two months after the service of the notice by the Minister upon the public and local authorities, such authorities or any of them, if they think fit, may apply to the Minister for a licence authorizing them to operate the undertaking, with or without modification, and the Minister may grant such application upon such terms and conditions as he sees fit, or he may refuse the application;

(c) where the Minister has granted such application, the applicant may by notice in writing require the licensee to sell, and thereupon the licensee shall sell to him all works suitable for and used or in possession for use by such licensee for the purposes of the undertaking under such licence, and any question which may arise in relation to such sale and purchase shall, in default of agreement, be determined in accordance with the provisions of section 138;

(d) where any purchase is so effected, the undertaking when purchased shall vest in the public or local authority or public or local authorities making the purchase, freed from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking; and the revocation of the licence of the licensee shall be absolute;

(e) if no application is made as above or if the Minister refuses to grant a licence to any public or local authority, under the preceding provisions of this section, the Minister may, by giving public notice, take such other measures as he thinks fit for the disposal, under a licence, of the rights, powers, duties and obligations essential to the renewed or continued operation of the undertaking, and of the land, buildings, works, materials and plant of the licensee suitable to the purposes of the undertaking as aforesaid;
Conditions as to purchase.

(f) Should any purchase be effected in consequence of any such action of the Minister, the value to be agreed or estimated and the revocation of the licence and the investment of the purchaser with such licence and the rights, powers, duties and obligations thereof, together with such land, buildings, works, material and plant, shall be as if such purchaser were the purchaser under paragraphs (c) and (d);

(g) Where no purchase has been effected under the preceding provisions of this section, the public or local authority, and any body or person who may be liable for the reinstatement, maintenance or repair of any site on which, or for the repair of any street or part of a street in which, any works of the licensee have been placed, may (subject however to any agreement between the public or local authority or that body or person and the licensee providing for the removal of those works by the licensee) forthwith remove those works with all reasonable care, and the licensee shall pay to the public or local authority, or other such body or person as aforesaid, such reasonable costs of the removal and of the reinstatement or repair of any site or for the repair of any street or part of a street as may be specified in a notice to be served on the licensee by the public or local authority or other body or person, or (if so required by the licensee, within one week after the service of the notice upon him) as may be determined by arbitration;

(h) If the licensee fails to pay such reasonable costs as aforesaid within one month after the service upon him of the notice, or the delivery of the award of the arbitrator, as the case may be, the public or local authority, or other such body or person as aforesaid, may, without previous notice to the licensee (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or by private sale, and for such sum or sums and to such person or persons as they may think fit; and may, out of the proceeds of the sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of
the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the licensee;

(i) in case the public or local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works as aforesaid, or the exercise of any powers of the licensee, or for any expenses to which that public or local authority, body or person may have been put in removing any works of the licensee under this Act, that compensation shall be a first charge on any money that may have been deposited or secured by the licensee under this Act, and which may not have been repaid or released to the licensee, and that money shall be applied rateably in satisfying claims, and in every such case the amount of compensation to be paid in respect of the various claims, and the persons to whom it is to be paid, shall be determined by arbitration.

124. (1) If the Minister, in a case where a public or local authority is the licensee, at any time revokes the licence as to the whole or any part of the area of supply, any authority or person who may be liable for the reinstatement, maintenance or repair of any site upon which, or for the repair of any street or part of a street within that area or part thereof in which, any works of the licensee have been placed may forthwith remove those works with all reasonable care, and the licensee shall pay to such authority or person such reasonable costs of the removal as are specified in a notice to be served on the licensee by such authority or person, or (if so required by the licensee within one week after the service of the notice upon him) as may be determined by arbitration.

(2) If the licensee fails to pay such reasonable costs as aforesaid within one month after the service upon him of such notice or the delivery of the award of the arbitrator, as the case may be, such authority or person as aforesaid may, without any previous notice to the licensee (but without prejudice to any other remedy which they may have for the recovery of the amount), sell or dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit, and may, out of the proceeds of sale, pay and
reimburse themselves the amount of the costs so specified or
determined as aforesaid, and of the costs of sale, and the
balance (if any) of the proceeds of the sale shall be paid over
by them to the licensee.

125. (1) If at any time it is established to the satisfaction of
the Minister—

(a) that the licensee is making any default under this
Act or any rules made thereunder as to standards
or modes, materials, apparatus, system, pressure or
frequency, or (except in accordance with the pro-
visions of this Act or such rules) has permitted any
part of his circuits to be connected with earth or
placed any electric supply line above ground;

(b) that any electric supply lines or works of the licensee
are defective, so as not to be in accordance with the
provisions of the licence or this Act or any rules
made thereunder; or

(c) that any works of the licensee or his supply of elec-
trical energy is attended with danger to the public
safety, or injuriously affects any telegraph or tele-
graph line of the Postmaster-General, or of the
authority responsible for the management of any
railway,

the Minister may by order specify the matter complained of,
and require the licensee to abate or discontinue it within such
period as is therein specified in that behalf, and if the licensee
makes default in complying with the order he shall be liable
to a penalty not exceeding six hundred shillings for every day
during which the default continues.

(2) The Minister may also if he thinks fit by the same
or any other order forbid the use of any electric supply line
or works as from such date as may be specified in that behalf
until the order is complied with, or for such time as may be
specified, and if the licensee makes use of any such electric
supply line or works while the use thereof is so forbidden
he shall be liable to a penalty not exceeding three thousand
shillings for every day during which the use continues.

(3) In any case of non-compliance with an order under
this section, whether a pecuniary penalty has been recovered
or not, the Minister, if in his opinion the public interest so
requires, may revoke the licence on such terms as he thinks
just.
126. Where any security, other than the security required to be given by the licensee under section 42, is required under this Act to be given to or by the licensee, that security may, subject only to the rights of either party under any pre-existing contract between them or any express provision of this Act, be of such nature by way of deposit or otherwise and of such amount as may be agreed upon between the parties, or as in default of agreement may be determined, on the application of either party, by a court, or, on agreed reference by all parties, by the Minister, and the court or the Minister, as the case may be, may also order by which of the parties the costs of the proceedings before it or him shall be paid, and the decision of the court or the Minister, as the case may be, shall be final and binding on all parties.

127. (1) Any of the powers under this Act or under the Electric Supply Lines Act vested in the Minister may be delegated by the Minister respectively to the Power Board provided for by section 150 and all things required or authorized by these enactments or a licence to be done by, to or before the Minister may, in respect of the powers so deputed, be done by, to or before the Power Board.

(2) Any of the powers under this Act or under the Electric Supply Lines Act vested in the Minister may be delegated by the Minister to any officer appointed or nominated by him for that purpose, and all things required or authorized by either of such Acts or a licence to be done by, to or before the Minister may, in respect of the powers so deputed, be done by, to or before the officer so appointed or authorized.

(3) All documents purporting to be orders made by the Minister, or the Power Board, or the officer authorized by the Minister, as the case may be, shall be received in evidence and shall be deemed to be those orders without further proof unless the contrary is shown.

(4) A certificate signed by the Minister that any order made or act done is his order or act, as the case may be, shall be conclusive evidence of the order or act so certified.

128. (1) Where this Act or the Electric Supply Lines Act or a licence provides for any authority, consent or approval of the Minister, the Minister may give that authority, consent or approval subject to terms or conditions, or may withhold his authority, consent or approval, as in his discretion he may think fit.
(2) All costs and expenses of or incidental to any order, certificate, authority, consent or approval of the Minister, the Power Board or the officer appointed or nominated by the Minister, or of any electrical inspector or person appointed by the Minister, including the cost of any inquiry or test for the purpose of determining whether the same should be given or made, to such an amount as the Minister, the Power Board or such officer, inspector or person, as the case may be, certifies to be due, shall be borne and paid by the applicant therefor, subject to the provisions of this Act:

Provided that, where any approval is given by the Minister to any plan, pattern or specification, the Minister may require such copies of the plan, pattern or specification as he thinks fit to be prepared and deposited at a specified office at the expense of the applicant.

129. (1) Subject to any provision in this Act to the contrary, before making any application to the Minister—

(a) to authorize, consent to or approve of the altering or varying of any provision contained in this Act or a licence which it is provided by this Act may be so altered or varied;

(b) for any authority, consent or approval required under this Act;

(c) to dispense with any authority, consent or approval of any public or local authority which is required with regard to any matter arising under this Act when such consent or approval is refused or withheld;

(d) for the revocation of any licence, if as to an area of supply, for the whole or any part of such area;

(e) for the alteration or variation of any licence or of any area defined therein; or

(f) for the renewal of any licence granted under this Act,

the intending applicant shall give notice by public advertisement of the intended application not more than sixty days and not less than thirty days, or, in the case of any application for revocation of a licence, not more than ninety days and not less than sixty days, before the application is to be made.
(2) Every such advertisement shall be published in each of two successive weeks in the Gazette and once at least in each of two successive weeks in some one and the same newspaper circulating in the area or proposed area of supply and in any other area concerned in the application and shall contain the following particulars—

(a) a short title descriptive of the application;
(b) the date of the intended application;
(c) the name, address and description of the applicant;
(d) a statement of the object of and reasons for the application;
(e) a description of the area or areas (if any), and of any public or local authority, company, person or body of persons (if any), which will or may be affected by the grant of the application;
(f) a statement of how or of the manner in which such area or areas, or such public or local authority, company, person or body of persons, will or may be affected by the grant of the application.

(3) As well as giving such notice by public advertisement, and within the time specified for its publication, the intending applicant shall serve a notice in writing with the aforesaid particulars on every public or local authority or licensee who will or may be affected by the grant of the application.

(4) Every such notice must state that any public or local authority, company, person or body of persons desirous of making any representation on or objection to the application must do so by letter addressed to the Minister and marked on the outside of the cover enclosing it “Electric Power Act”, on or before the expiration of thirty days or, in the case of an application for the renewal or revocation of any licence, sixty days from the date of the application as stated in the notice and that a copy of such representation or objection must be forwarded to the applicant.

(5) The application addressed to the Minister may be printed or typed, and must be signed or sealed, as may be legally necessary, by or on behalf of the applicant and delivered to the Minister and marked on the outside of the cover enclosing it “Electric Power Act”, together with proofs of the applicant's compliance with the provisions as to notices on or before the date stated in the notice as being and which shall be the date of the application.
(6) The Minister shall consider any such application and any representation or objection which has been made respecting the same, and may make or order such inquiry as he thinks fit and may refuse or may grant the application with such conditions or modifications as he deems expedient.

(7) The provisions of subsections (1), (2), (3) and (4) shall not apply to applications for authority of the Minister under subsection (2) of section 4, or subsection (3) of section 41.

130. (1) Before making any application for a licence, the intending applicant shall give notice by public advertisement of the intended application not more than ninety days and not less than sixty days before the application is to be made.

(2) Every such advertisement shall be published in each of two successive weeks in the Gazette, and once at least in each of two successive weeks in some one and the same newspaper circulating in the area or proposed area of supply and any other area concerned in the application, and shall contain the following particulars—

(a) a short title descriptive of the application;
(b) the date of the intended application;
(c) the name, address and description of the applicant;
(d) a short statement of the purposes for which the licence is required;
(e) a description of the proposed area of supply (if any) and of such part (if any) of such area within which it is proposed that the supply of electrical energy should be compulsory;
(f) the names of the streets (if any) or a description of the routes where it is proposed that electric supply lines shall be installed within a specified time;
(g) the address of an office in Nairobi and another office within the area of supply at which printed or typed copies of the draft licence to be applied for and of the licence when granted, and of any other particulars required by this Act can be inspected by the public;

(h) in any case relating to an application for a licence by which it is proposed to obtain powers to authorize the compulsory acquisition or the use of land for the purposes of a generating station, substation or switch station, a description of that land;
(i) in any case relating to an application for a licence relating to the purchase of any works used for any of the purposes of the generation or supply of electrical energy, a description of the position or positions of the works to be purchased;

(ii) in any case relating to any combination of any public or local authorities, the basis upon which such combination proposes to operate and upon which the representation on, and the financial requirements of, the combination or of any joint committee or joint board representing such combination, and the contribution to the common fund by the constituent authorities are to be provided for.

(3) As well as giving such notice by public advertisement, and within the time specified for its publication, the intending applicant shall serve a notice in writing with the aforesaid particulars on every local authority in the area or proposed area of supply and in any other area concerned in the application; but, where the intending applicant is a local authority and the application to be made relates to an area in the jurisdiction of the intending applicant, the provision as to notice to the local authority shall not apply.

(4) Every such notice, whether by public advertisement or by service in writing, must state that any public or local authority, company, person or body of persons desirous of making any representation on or objection to the application or to the grant of the licence must do so by letter addressed to the Minister and marked on the outside of the cover enclosing it “Electric Power Act”, on or before the expiration of sixty days from the date of the application as stated in the notice and that a copy of such representation or objection must be forwarded to the applicant.

131. (1) (a) The applicant must in each case prepare a draft of the licence being applied for.

(b) The draft licence must be printed or typed on one side only of the paper, and each schedule annexed must begin a new page.

(c) The name and address of the applicant for the licence must appear on the outside of the draft.

(d) The notice contained in the advertisement as to representations or objections must appear at the end of the draft.

(2) The draft must contain, amongst other things—

(a) the name, address and description of the applicant;
(b) a description of the proposed area of supply and compulsory area (if any) and, in the case of a bulk supply licence, a description of the routes, streets, roads, railways or tramways, and, in the case of a distributing licence, the names of the streets, along which it is proposed that electric supply lines shall be installed for the purpose of giving the supply;

(c) a statement of the purposes for which a supply is to be given;

(d) a statement of the maximum prices which may be charged, in the case of a bulk supply licence, for a bulk supply, and, in the case of a distributing licence, for a supply for—
   (i) industrial power;
   (ii) industrial lighting;
   (iii) domestic power;
   (iv) domestic lighting;
   (v) lighting for public lamps;
   (vi) power other than for industrial or domestic purposes;
   (vii) lighting other than for industrial or domestic purposes or for public lamps;

(e) a statement of the proposed method or methods of rebate on or reduction of the maximum price or prices in consideration of any stated improvement in the conditions of the demand by reason of—
   (i) load factor;
   (ii) power factor;
   (iii) time of the demand; or
   (iv) other circumstances of the demand;

(f) in the case of a licence to authorize the compulsory acquisition or the use of land for the purposes of a generating station, substation or switch station, a description of such land;

(g) in the case of a licence relating to the purchase of any works used for the purpose of supplying electrical energy, a description of the works to be purchased and of the area in which electrical energy is supplied therefrom;

(h) in the case of a licence relating to any combination of any public or local authorities—
   (i) a description of the purposes of the combination;
(ii) provisions for constituting the committee or board of management or other directorate of the combination, for the appointment and removal of members and for the meetings of the committee or board of management or other directorate of the combination;

(iii) provisions—
(a) relating to the financial arrangements between the proposed constituent authorities;
(b) for the appointment and remuneration of officers; and
(c) for settling differences between committee, board or other directorate, and any of the constituent authorities;

(iv) provisions as to the auditing of accounts;

(v) provisions for adapting any licence in force in the area of supply or any part thereof to the case of the committee, board or other directorate proposed to be constituted;

(i) the period (if any) for which the licence is applied for;

(j) a statement of the conditions (if any) which have been agreed upon between the applicant and any local authority in the area of supply as to the purchase of any works under the licence;

(k) a statement of the conditions (if any) which have been agreed upon between the applicant and any local authority in the area of supply relating to the works under the licence in the area of the local authority.

132. The applicant must in each case, when making the application, deposit with it—

(a) three printed or typed copies of the draft licence;

(b) a list of the local authorities in whose districts the area or proposed area of supply is situated;

(c) in the case of an application relating to the purchase of any works used for supplying electrical energy, a list of the local authorities within whose districts the works are situated;

(d) a list of the public or local authorities, companies, persons or bodies of persons (if any) authorized to supply electrical energy within the area or proposed area of supply;
(e) in the case of an application by a public or local authority, the following particulars—

(i) the sum proposed to be expended on the undertaking;

(ii) whether it is proposed to raise a loan for the purposes of the undertaking or otherwise how the money required is to be provided;

(iii) in the case of a local authority, the rateable value of the district;

(iv) the amount of indebtedness and the borrowing powers of the applicant for all purposes;

(v) in the case of a local authority, the amount of the rates in the pound;

(vi) a statement, including a detailed estimate of the cost, showing that a definite scheme for the purposes of the licence being applied for has been prepared and considered by the public or local authority, and the report of a competent engineer on the proposed scheme;

(f) in the case of an application by or relating to any combination of any public or local authorities, there must be deposited with the application, in addition to such of the deposits hereinbefore specified as are applicable, the following particulars—

(i) the rateable value of each of the districts of the proposed constituent authorities;

(ii) the amount of the indebtedness and the borrowing powers of each of the proposed constituent authorities;

(iii) the amount of rates in the pound in the districts of each of the proposed constituent authorities;

(iv) where the proposal is not for the combination of existing undertakings actually worked, a statement, including a detailed estimate of the cost, showing that a definite scheme for the purposes of the licence being applied for has been prepared and considered by the proposed constituent authorities, and the report of a competent engineer on the proposed scheme;

(v) a statement of the proportions in which the cost is to be defrayed by the proposed constituent authorities;
(vi) a copy of any agreement between the proposed constituent authorities relating to the application;

(g) in the case of an application other than by any public or local authority or authorities, the following particulars—

(i) a statement, including a detailed estimate of the cost, showing that a definite scheme for the purposes of the licence being applied for has been prepared and considered, and the report of a competent engineer on the proposed scheme;

(ii) a statement of the capital proposed to be expended in connexion with the undertaking, and the mode in which such capital is to be provided;

(h) if the applicant is a company, a copy of the memorandum and articles of association.

133. (1) The applicant must on or before the date of the application deposit at the offices named in the advertisement printed or typed copies of the draft of the licence being applied for.

(2) If any public or local authority, company, person or body of persons desires to bring before the Minister any representation or objection respecting an application for a licence, such representation or objection must be made by letter addressed to the Minister marked on the outside of the cover enclosing it “Electric Power Act”, before the expiration of sixty days from the date of the application as stated in the advertisement.

(3) If any public or local authority, company, person or body of persons desires to have any clause or other amendment inserted in the licence, they must in like manner deliver the same to the Minister and also deliver to the applicant a copy of any such representation, objection, clause or amendment before the expiration of sixty days from the date of the application.

(4) The Minister after the expiration of sixty days from the date of the application, shall consider the application together with every such representation or objection, and after such further inquiry (if any) as he thinks necessary may refuse or may grant the application on such terms or conditions and for such area as he thinks fit.
(5) When a licence has been granted by the Minister, and delivered to the applicant, he shall, within thirty days from the date of such delivery, deposit printed or typed copies of the licence for the inspection of the public at the offices named in the advertisement at which copies of the draft of the licence were deposited.

(6) Where in a licence granted by the Minister, a deposited map is referred to, the licensee must within thirty days from the grant of the licence deposit with the Minister a published map, mounted on linen, on a scale of not less than six inches to one mile, or if there is no published map then the best map procurable, mounted on linen, showing the area of supply.

(7) If the Minister deems it expedient, he may appoint a competent person to hold an inquiry into any matter relating to any application under this Act and to report to the Minister the result of such inquiry.

(8) Any such inquiry shall be held in public, and any person interested in the matter under consideration may appear at such inquiry either in person or by agent.

(9) The witnesses on the inquiry may, if the person holding the inquiry thinks fit, be required to make their statements on oath, which oath the person holding the inquiry is hereby authorized to administer.

134. (1) In addition to any other notices to be given concerning the purposes of an intended application, any intending applicant for a licence (or for an order or for any authority of the Minister) by which it is proposed to obtain powers for the compulsory acquisition of land for any of the purposes of a generating station, substation or switch station must give notice by public advertisement not more than ninety days and not less than sixty days before the date of the intended application.

(2) Every such advertisement shall be published in each of two successive weeks in the Gazette and once at least in each of two successive weeks in some one and the same newspaper circulating in the area or proposed area of supply, and in any other area concerned in the application, and shall contain the following particulars—

(a) a short title descriptive of the application;
(b) the date of the intended application;
(c) the name, address and description of the applicant;
(d) a description of the land proposed to be acquired; and
(e) a statement of the reasons why the land so described should be acquired by the intending applicant.

(3) As well as giving such notice by public advertisement and within the time specified for its publication, the intending applicant shall serve a notice in writing upon the owners or reputed owners, lessees or reputed lessees and occupiers of all lands to be so acquired as shown on the plan to be deposited with the notice describing in each case the particular lands proposed to be so acquired.

(4) Every such notice must state that any of such owners or reputed owners, lessees or reputed lessees or occupiers of any of the lands so described, or any public or local authority, company, person or body of persons, desirous of making any representation on or objection to the application or to the grant of the powers applied for must do so by letter addressed to the Minister and marked on the outside of the cover enclosing it "Electric Power Act", on or before the expiration of sixty days from the date of the application as stated in the notice, and that a copy of the representation or objection must be forwarded to the applicant.

(5) The application may be printed or typed, and must be signed or sealed, as may be legally necessary, by or on behalf of the applicant and delivered to the Minister, together with a copy of the plans attached to the notice and with proofs of the publication of the notices by advertisement and of the services of the notices in writing on or before the date stated in the notices as being, and which shall be, the date of the application.

(6) The Minister, after the expiration of sixty days from the date of the application, shall consider the application together with all representations or objections which have been made respecting the same, and after such further inquiry (if any) as he thinks necessary may refuse or may grant the application on such terms or conditions as he may think fit.

(7) Where the Minister authorizes the compulsory acquisition of any land by a licensee for the purposes of a generating station, substation or switch station, the authority shall constitute—

(a) an acknowledgement that the Government is satisfied, in terms of the Land Acquisition Act that the acquisition is needed for the work and that the work is likely to prove useful to the public; and
(b) an undertaking on the part of the Government that, at any time within a period specified in the authority, which period shall not exceed three years from the date on which the authority is given, the Government will, at the request of licensee and on completion by the licensee of an agreement under the Land Acquisition Act, effect or procure the compulsory acquisition or setting apart of such land in accordance with the laws for the time being in force in that respect, and the vesting of such land in the licensee, for such purposes, either permanently or for such period as may be specified in the authority.

(7A) Assessment of compensation to be paid for any land acquired or set apart under this section shall not take into account any outlay or improvements on, or disposal of, such land commenced, made or effected without the sanction of the Minister after the date of publication of the authority.

(8) The compulsory acquisition of land for any of the purposes of any generating station, substation or switch station shall not be lawful unless application is made in accordance with the provisions of this section.

135. (1) In addition to any other notices to be given concerning the purposes of an intended application, any intending applicant for a licence (or for an order or for any authority, consent or approval of the Minister) to authorize the construction of a generating station, shall give notice by public advertisement not more than ninety days and not less than sixty days before the application is to be made:

Provided that—

(i) the provisions of this subsection shall not apply to the extension or amplification of an existing generating station or to the installation of additional plant therein if—

(a) the prior approval of the Minister has been obtained; and

(b) such additional plant is of the same type and character as the existing plant,

whether or not the additional plant is to be installed in the existing building or in any extension thereof or in a new building adjacent to the existing building;
(ii) if any additional plant which is to be installed is not of the same type and character as the existing plant, the provisions of this subsection shall apply, but the period of the notice thereby required to be given shall be fourteen days only.

(2) Every such advertisement shall be published in each of two successive weeks in the Gazette and once at least in each of two successive weeks in some one and the same newspaper circulating in the area or proposed area of supply and in any other area concerned in the application, and shall contain the following particulars—

(a) a short title descriptive of the application;

(b) the date of the intended application;

(c) the name, address and description of the applicant;

(d) a description of the land on which the generating station is proposed to be constructed;

(e) a description of the machinery proposed to be installed in the generating station, particularly as to the manner in which the provisions of subsection (1) of section 51 will be complied with;

(f) a statement of the hours during which such machinery may be working;

(g) a list of places where there exist generating stations equipped with similar machinery for the purposes of general supply.

(3) Every such notice must state that any public or local authority, company, person or body of persons desirous of making any representation on or objection to the application or with respect to the proposed works must do so by letter addressed to the Minister, and marked on the outside of the cover enclosing it “Electric Power Act”, on or before the expiration of sixty days from the date of the application as stated in the notice, and that a copy of the representation or objection must be forwarded to the applicant.

(4) The application addressed to the Minister may be printed or typed, and must be signed or sealed, as may be legally necessary, by or on behalf of the applicant, and delivered to the Minister marked on the outside of the cover enclosing it “Electric Power Act”, together with proof of
compliance with the provisions relating to the application on or before the date stated in the notice as being and which shall be the date of the application.

(5) The applicant must in each case when making the application deposit with such application plans showing—

(a) the site and having a three hundred yards radius marked thereon, together with all buildings and structures within such radius; and

(b) elevations of the proposed generating station; and

(c) a general plan of the proposed works.

(6) The Minister after the expiration of sixty days from the date of the application, shall consider the application together with every representation or objection, and, after such further inquiry (if any) as he thinks necessary, may refuse or may grant the application on such terms and conditions as he thinks fit.

136. (1) Any application may be printed or typed and must be signed or sealed, as may be legally necessary, by or on behalf of the applicant, and delivered to the Minister, marked on the outside of the cover enclosing it "Electric Power Act", together with proofs of compliance with the provisions herein contained relating to the matter of the application, on or before the date stated in the notices (if any) as being and which shall be the date of the application.

(2) The Minister may prescribe the fees or payments to be paid or made by an applicant for or in respect of any application for any licence or for any authority, consent or approval required under this Act.

137. Where the Minister—

(a) grants any licence or authorizes the compulsory acquisition of any land or the construction of any generating station or grants any application as in section 129 of this Act contemplated, the applicant, or, where the Minister—

(b) revokes any licence, authority, consent or approval, either in whole or in part, the Minister,

shall give notice by public advertisement of the grant of the application, or of the revocation, within one month of the grant of the application or of the revocation, as the case may be.
138. (1) Subject to any provisions in this Act to the contrary or in a licence to the contrary, where under any of the provisions of this Act or a licence it is provided that any of the works of any licensee shall or may be purchased for the purposes of any licence under this Act, all questions relating to the suitability of any such works or to the price to be paid therefor, if not agreed upon between the parties, shall be determined by arbitration, but the price of any such works shall in any case be their original cost to such licensee, as shown by his accounts as audited and published in accordance with the provisions of this Act, deducting only the sum of such allowances for depreciation as have or would have from time to time been allowed to such licensee in respect of the same works under subparagraph (ii) of paragraph (d) of subsection (1) of section 47, and such allowances for obsolescence of the same works as from time to time have been actually made to such licensee under subparagraph (iii) of the said paragraph, and any amounts deemed by the arbitrator to have been provided for depreciation or obsolescence of such works by such licensee on or before the 31st December, 1938, and with an addition, where a part only of the undertaking of such licensee is purchased, of such amount as may be deemed reasonable to compensate such licensee for any loss occasioned by severance, but without any addition in respect of compulsory purchase or of goodwill, or of profits which may or might have been made from the works of the undertaking, or for any similar consideration:

Provided that—

(i) in respect of any works purchased, constructed or acquired by the licensee with moneys advanced by a local authority under paragraph (e) of section 19, no deduction shall for the purposes of this section be made from the original cost thereof except in so far as in the opinion of the arbitrator the licensee has had service therefrom;

(ii) notwithstanding the provisions of this subsection, it shall be competent for the arbitrator to vary the price to be paid for any works purchased, constructed or acquired on or before the 31st December, 1938, the suitability of which for the purposes of paragraph (f) of section 19 has been disputed and in his opinion is reasonably in doubt;

(iii) any Government land comprised in the works to be purchased and which has been or is leased or granted
for the purposes of the licence shall be transferred to the new licensee without payment therefor, save in respect of any premium or purchase money paid by the former licensee, and that any land comprised in the works to be purchased which was compulsorily acquired under any Act or the authority of the Minister for the purposes of the licence shall be valued at the price paid for it on its compulsory acquisition as aforesaid.

(2) The Minister may determine any other question which may arise in relation to such purchase, and may fix the date from which such purchase is to take effect, and from and after the date so fixed, or such other date as may be agreed upon between the parties, and approved of by the Minister, all the works so purchased as aforesaid shall vest in the licensee who has made the purchase, freed from any debts, mortgages or similar obligations of such first-mentioned licensee or ex-licensee or attaching to his works or undertaking.

139. (1) Where any matter is by this Act, or any licence, directed to be determined by arbitration, such matter shall, except as otherwise expressly provided, be determined by an engineer or other fit person as arbitrator, to be agreed to by the parties to the arbitration or, failing such agreement by the parties, to be nominated by the Minister on the application of either party.

(2) The expenses of the arbitration shall be borne and paid as the arbitrator directs.

140. Nothing in the licence shall prevent the licensee, in a case where a public or local authority is not the licensee, from borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Minister necessary to the validity or effect of any such mortgage:

Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the licensee in the event of any sale or transfer of the undertaking or any part thereof, and that any mortgage granted by the licensee shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or that part being sold or transferred as aforesaid, and that every mortgage deed granted by the licensee shall be endorsed with notice to that effect.

141. (1) A licensee shall not directly or indirectly have any interest in any other business of an electrical nature within his area of supply, excepting that he may undertake the supply
by sale or hire of electrical motors, cooking, heating or domestic and industrial appliances of such a nature as to require for their operation or use a supply of electrical energy originating from the works or system of a licensee.

(2) In any case where any of a licensee’s officers, servants, employees or works engaged, employed or used for or in connexion with any of the purposes of his licence are engaged, employed or used in any way for or in connexion with any other business of whatever nature for the purpose of gain to any person, no expenses of any description of any such officers, servants, employees or works shall be charged to the works or accounts or shall be paid out of any money received by or payable to the licensee under his licence except in so far as is stated in the licence or as may be authorized by the Minister on application being made in the manner provided by section 129.

(3) The Minister may suspend the provisions of subsection (1) from operation in any area or areas, and for such time as he thinks expedient, and, in any case where such provisions have been so suspended, they shall not be operative in any such area or areas until after the expiration of twelve months from the date of a notice in the Gazette of the intention of the Minister to make operative and to enforce such provisions.

142. Any penalty, fee, expenses or other moneys recoverable under this Act or a licence, the recovery of which is not otherwise specially provided for, shall be a civil debt recoverable summarily.

143. Nothing in this Act or a licence shall exempt the licensee or his undertaking from the provisions of, or deprive the licensee of the benefits of, any general Act relating to electrical energy or to the supply of, or price to be charged for, electrical energy which may be enacted after the granting of a licence.

144. (1) Although any shore, bed of the sea, river, channel, creek, bay or estuary is included in the area of supply, nothing in the licence shall authorize the licensee to take, use or in any manner interfere with any portion of that shore or bed of the sea, or of the river, channel, creek, bay or estuary, or any right in respect thereof, or of the water thereof, without the previous consent in writing of the Minister, neither shall anything in the licence or this Act contained extend to take away, prejudice, diminish or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed or exercisable by the Government.
(2) Notwithstanding anything contained in this Act to the contrary, all works for the diversion, abstraction, obstruction or use of water from any body of water in Kenya shall be subject to the provisions of the Water Act:

Provided that, wherever under this Act any such works are to be purchased for the purposes of any licence, the provisions of the Water Act shall not apply to such purchase, but the provisions of this Act shall apply in lieu thereof, and such purchase shall take effect in accordance with the provisions of this Act.

145. (1) The Minister may make rules to regulate the generation, transmission, distribution, supply and use of electrical energy, or that may be necessary or expedient for carrying out the objects and purposes of this Act, and without prejudice to the generality of the foregoing for all or any of the following purposes—

(a) providing for the securing of a regular, constant and sufficient supply of electrical energy by a licensee to consumers, and for testing at various parts of the system the regularity and sufficiency of such supply;

(b) providing for the protection of persons and property from injury, shock or fire or otherwise by reason of contact with, or the proximity of, or by reason of the defective or dangerous condition of, any installation, appliance, apparatus or works used in the generation, transmission, supply or use of electrical energy;

(c) providing the means to be adopted, whether by prohibition or otherwise, for preventing or abating any nuisance likely to arise or arising from the working of any installation, appliance, apparatus or works;

(d) prescribing generally the duties and powers of the Licensing Board or Licensing Officer established or deputed under section 151 for any purpose whatsoever;

(e) prescribing the fees to be paid in respect of any matter or thing prescribed by this Act or such rules;

(f) empowering the Minister to exempt any installation, appliance, apparatus or works from any or all of the provisions of such rules;

(g) prescribing all matters which are authorized by this Act to be prescribed.
(2) All such rules may impose conditions, require acts or things to be performed or done to the satisfaction of the Minister, empower the Minister to issue orders either verbally or in writing requiring acts or things to be performed or done, prohibiting acts or things from being performed or done, and may prescribe periods or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled.

(3) In making any rule under this Act, the Minister may provide that every breach thereof shall be punishable with a fine not exceeding one thousand shillings or a term of imprisonment not exceeding three months or both.

146. (1) Before making any rules under this Act, the Minister shall publish, in such manner as he may think best adapted for informing the body or person affected, notice of the proposal to make, amend or repeal any rules and of the place where copies of the draft rules may be obtained, and of the time (which shall not be less than twenty-eight days) within which any objection made with respect to the draft rules by or on behalf of persons affected must be sent to the Minister.

(2) Every objection must be printed, typed or written, and state—

(a) the draft rules or portions of such rules objected to;
(b) the specific grounds of objection; and
(c) the omissions, additions or modifications asked for.

(3) The Minister shall consider any objection made by or on behalf of any person appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft rules.

(4) Where the Minister has received an objection to any draft rule, he may, provided the objection does not appear to him to be frivolous, immaterial or opposed to the public interest, before making the rule, direct an inquiry to be held in the manner hereinafter provided.

147. (1) The Minister may appoint a competent person to hold an inquiry with regard to any draft rules, and to report to him thereon.

(2) The inquiry shall be held in public, and any person deputed by the Minister and any objector, and any other person who, in the opinion of the person holding the inquiry, is affected by the draft rules, may appear at the inquiry either in person or by agent.
(3) The witnesses on the inquiry may, if the person holding it thinks fit, be required to make their statements on oath, which oath the person holding the inquiry is hereby authorized to administer.

(4) Subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with procedure prescribed by the Minister.

(5) The fee to be paid to the person holding the inquiry shall be such as the Minister may direct, and shall be deemed to be part of the expenses of the Minister in the execution of this Act.

148. (1) The rules for the time being in force shall, within one month after they have come into force, as made or last altered, be printed at the expense of the licensee, and a true copy thereof, certified by or on behalf of the licensee, shall be kept by the licensee at his principal office within the area of supply, and supplied to any person demanding them at such price as the Minister may approve for each copy, and, where a public or local authority is not the licensee, a like copy shall also be forthwith served upon the public or local authority or authorities within the area of supply.

(2) If the licensee makes default in complying with the provisions of this section, he shall be liable to a penalty not exceeding one hundred and fifty shillings, and to a daily penalty not exceeding one hundred and fifty shillings.

149. (1) A licensee may, with the approval of the Minister, make by-laws to be observed by consumers of electrical energy governing generally the supply, use, metering, methods of charge and charges for electrical energy.

(2) By-laws made under this section may in particular, but without prejudice to the generality of the power conferred by subsection (1) of this section—

(a) provide for the conditions of supply;

(b) provide for the terms and length of contracts required to be entered into;

(c) provide for the requirements to be observed by the owners or occupiers of multi-storey and industrial premises in respect of any works whether the property of the owner or occupier or of the licensee;

(d) prescribe the charges to be paid by consumers in respect of the reading of meters, other than the periodical reading made by the licensee;
(e) provide for the terms and conditions upon which premises are connected or works are tested or repaired, and prescribe the charges (other than the actual cost of repair work) to be paid therefor;

(f) prescribe from time to time the rates to be paid by consumers for electrical energy consumed by them;

(g) prescribe the pressures at which electrical energy is to be supplied to consumers.

(3) At least fourteen days before application for approval of any by-laws intended to be made by a licensee under this section is made, notice of intention to apply for such approval shall be given in the Gazette and in one or more local newspapers circulating in the area to which the by-laws apply.

(4) For at least fourteen days before application for approval of any by-laws is made, a copy of the by-laws shall be deposited at the offices of the licensee, and shall at all reasonable hours be open to public inspection without payment, and the licensee shall on application by any person and on payment of a sum not exceeding fifty cents for every hundred words furnish to such person a copy of the by-laws.

(5) By-laws made under this section shall, unless some other date is therein specified, have effect from the date of the approval thereof, which said approval shall be notified by publication in the Gazette and in the newspaper or newspapers in which notice of the intention to apply for approval was published:

Provided that no such by-laws shall have effect to the prejudice of any consumer until the expiration of one month or, in the case of any special agreement with a consumer, such longer period as may be provided in the agreement for notice of termination from the date of the publication of notice of such approval in the Gazette.

(6) Every contract between the licensee and any consumer for the supply of electrical energy subsisting at the date from which any by-laws made under this section have effect shall, subject to the proviso to subsection (5), be deemed to be varied to such extent as the provisions of such by-laws render necessary.

(7) A copy of the by-laws when approved shall be printed and deposited at the offices of the licensee by whom the by-laws are made, and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall on application be furnished to any person on payment of such sum as the Minister may from time to time approve.
(8) The production of a printed copy of any by-laws purporting to be made by a licensee under this section upon which is endorsed a certificate purporting to be signed or sealed as may be legally necessary by the licensee stating—

(a) that the by-laws were made by the licensee;

(b) that the copy is a true copy of the by-laws;

(c) that on a specified date the by-laws were approved by the Minister; and

(d) the date from which the by-laws have effect,

shall be prima facie evidence of the facts stated in the certificate and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this subsection.

150. (1) For any of the purposes of this Act, the Minister may appoint an advisory board (hereinafter referred to as the Power Board) to consist of not less than three nor more than seven members.

(2) The appointment of any member to the Power Board shall be for a period of two years.

(3) The Minister may appoint any member of the Power Board to be the chairman thereof.

(4) The Power Board shall meet at such times and for such purposes as the chairman may consider necessary.

(5) At any meeting of the Power Board, three of the members shall be present to form a quorum.

(6) The Minister may prescribe the procedure to be followed by the Power Board.

(7) Any member of the Power Board who has any financial interest in any matter which has been referred to the Power Board for consideration or report shall disclose any such interest to the Power Board, and shall not be entitled to vote or take part in the decision of such matter.

151. The Minister may depute a special officer or in his discretion establish a special board (to be known as the Licensing Officer or the Licensing Board, as the case may be) for the purpose of examining, certifying, licensing, registering and controlling electrical contractors, wiremen, electricians and operators; and the Licensing Officer or the Licensing Board, as the case may be, shall have such powers, duties, authorities and discretions as may from time to time be prescribed.
152. Where any default in or contravention of any of the provisions of this Act is made for which no penalty is expressly stated, the authority, company, person or body of persons so defaulting or contravening shall be liable to a penalty not exceeding one hundred and fifty shillings.

153. Not later than the 1st July in each year the Minister shall lay before the National Assembly a report respecting the applications to and proceedings of the Minister under the Act during the year then last past.

154. It shall be the duty of every licensee to furnish to the Minister at such times and in such form and manner as he may direct such statistics as he may require.

155. (1) Notwithstanding anything to the contrary in this Act, the Kenya Power and Lighting Company Limited shall be deemed to have been granted a generating station licence in respect of each of the generating stations described in the first column of Part I of the Fifth Schedule in the form and on the terms and conditions set out in Part II of that Schedule, and the licence shall be deemed to have had effect from the date specified in the second column of Part I, and the licence shall be co-terminous with the local generating licence mentioned in the third column of Part I opposite the particulars of the generating station, and shall be renewable in accordance with the provisions of this Act.

(2) Notwithstanding anything to the contrary in this Act, the plant and works described in the first column of Part III of the Fifth Schedule shall be deemed to have been approved in accordance with the provisions of this Act with effect from the dates respectively specified in the second column of such Part, being the dates upon which such plant and works were installed.

(3) The provisions of this section shall not, except as in this section hereinbefore expressed, be in derogation of the other provisions of this Act, or of the provisions of any other Act relating to or affecting the matters with respect to which this section applies.

(4) Nothing in this section contained shall in any way prejudice or affect any rights of the Government, in any respect, or of any body politic or corporate or of any other person excepting only such as are mentioned in this section and those claiming by, from or under them.
FIRST SCHEDULE

Forms of Accounts to be kept by a Licensee not being a public or local authority as provided by section 44

THE ELECTRIC POWER ACT

No. I.

STATEMENT OF SHARE CAPITAL APPROPRIATED FOR THE PURPOSES OF THE UNDERTAKING AUTHORIZED BY THE ABOVE-MENTIONED LICENCE

On the , 19

<table>
<thead>
<tr>
<th>Description of capital</th>
<th>Authorized by</th>
<th>Number of shares issued</th>
<th>Nominal amount of share</th>
<th>Called up per share</th>
<th>Total paid up</th>
<th>Issued not paid up</th>
<th>Remaining unissued</th>
<th>Total amount authorized</th>
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</table>

No. II.

STATEMENT OF LOAN CAPITAL APPROPRIATED FOR THE PURPOSES OF THE UNDERTAKING AUTHORIZED BY THE ABOVE-MENTIONED LICENCE

On the , 19

<table>
<thead>
<tr>
<th>Description of loan</th>
<th>Amounts borrowed</th>
<th>Remaining borrowing powers</th>
<th>Total amount of borrowing powers</th>
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<td></td>
<td>At... per cent</td>
<td>At... per cent</td>
<td>At... per cent</td>
</tr>
</tbody>
</table>

Total share capital paid up (see No. I) £
Total loan capital borrowed (see No. II) £
Total capital received £
No. III

CAPITAL ACCOUNT

For the year ended , 19...

<table>
<thead>
<tr>
<th>Dr.</th>
<th>Balance of expenditure at</th>
<th>Additions during year</th>
<th>Deductions during year</th>
<th>Balance of expenditure at</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£ s. cts.</td>
<td>£ s. cts.</td>
<td>£ s. cts.</td>
<td>£ s. cts.</td>
</tr>
</tbody>
</table>

A.—GENERATION

(i) Land, including law charges incidental to acquisition
(ii) Buildings and other permanent works
(iii) Hydraulic works
(iv) Plant, machinery and mechanical foundations
(v) Switchgear, cabling and miscellaneous items
(vi) Other items [to be specified]

B.—MAIN TRANSMISSION SYSTEM

(i) Land, including law charges incidental to acquisition
(ii) Buildings and other permanent works
(iii) Main transmission lines
(iv) Transforming apparatus
(v) Switchgear, cabling and miscellaneous items
(vi) Other items [to be specified]

C.—DISTRIBUTION SYSTEM

(i) Land, including law charges incidental to acquisition
(ii) Buildings and other permanent works
(iii) Distributing mains
(iv) Transforming apparatus
(v) Switchgear, cabling and miscellaneous items
(vi) Service lines
(vii) Meters and accessories and fees for certifying under the Act, and cut-outs
(viii) Other items [to be specified]

Carried forward . £

Ordinary shares of Sh.
Preference shares of Sh.
Debenture stock
Mortgages and bonds
Amounts received in anticipation of calls
Sale of patents or patent rights, etc.
Other receipts [to be specified]

Carried forward . £
CAPITAL ACCOUNT—(Continued)

For the year ended.............., 19

<table>
<thead>
<tr>
<th>Dr.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

No. III—(Continued)

D.—MISCELLANEOUS

(i) Preliminary and development expenditure **[to be specified]**
(ii) Land, including law charges incidental to acquisition
(iii) Buildings and other permanent works
(iv) Tools, implements and testing apparatus
(v) Furniture and fittings
(vi) Motor vehicles
(vii) Apparatus on hire
(viii) Cost of licences
(ix) Purchase of patents or patent rights
(x) General stores
(xi) Works under construction (unallocated)
(xii) Other items **[to be specified]**

**Total Expenditure** £
**Balance** £

**Total Capital** £
**Balance** £

Provision for depreciation of works is made by a debit of.............. to Revenue Account transferred to Depreciation Reserve Account (No. VII.)
<table>
<thead>
<tr>
<th>A.—GENERATION</th>
<th>£ s. cts.</th>
<th>£ s. cts.</th>
<th>£ s. cts.</th>
<th>£ s. cts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Water, coal or other fuel, including dues, carriage, unloading, storing and all expenses of placing the same on the works, and disposal of waste products</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Oil, waste, water and engine room stores</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Proportion of salaries, wages and gratuities as certified by the Managing Director, Chairman or Engineer</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Repairs, maintenance and renewals:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Land</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Buildings and other permanent works</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Hydraulic works</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) Plant, machinery and machine foundations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e) Switchgear, cabling and miscellaneous items</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Other items [to be specified]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Energy purchased in bulk:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) From bulk supply licensee</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) From local generating licensee</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B.—MAIN TRANSMISSION SYSTEM</th>
<th>£ s. cts.</th>
<th>£ s. cts.</th>
<th>£ s. cts.</th>
<th>£ s. cts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Proportion of salaries, wages and gratuities as certified by the Managing Director, Chairman or Engineer</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Repairs, maintenance and renewals:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Land</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Buildings or other permanent works</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Main transmission lines</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) Transforming apparatus, switchgear, cabling and miscellaneous items</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Other items [to be specified]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Carried forward £
<table>
<thead>
<tr>
<th>Dr.</th>
<th>£ s. cts.</th>
<th>£ s. cts.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Brought forward</strong></td>
<td>£</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**C.**—Distribution System

1. Proportion of salaries, wages and gratuities as certified by the Managing Director, Chairman or Engineer.

2. Repairs, maintenance and renewals:
   - (a) Land
   - (b) Buildings and other permanent works
   - (c) Distributing mains
   - (d) Transforming apparatus
   - (e) Switchgear, cabling and miscellaneous items
   - (f) Service lines
   - (g) Meters, accessories and cut-outs
   - (h) Fees for re-certifying meters and accessories under the Act
   - (i) Other items [to be specified]

3. Other items [to be specified]

**D.**—Public Lamps

1. Proportion of salaries, wages and gratuities as certified by the Managing Director, Chairman or Engineer.

2. Renewals of lamps, etc.

<table>
<thead>
<tr>
<th>Carried forward</th>
<th>£</th>
<th></th>
</tr>
</thead>
</table>
**REVENUE ACCOUNT—(Continued)**

For the year ended 19...

<table>
<thead>
<tr>
<th>No. IV.</th>
<th>(Continued)</th>
</tr>
</thead>
</table>

### E.—GENERAL AND MANAGEMENT EXPENSES

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>cts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Royalties, etc., payable for use of patents or patent processes (to be specified)</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>2. Rents payable (to be specified)</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>3. Rates and taxes (to be specified)</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>4. Directors' remuneration</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>5. Proportion of salaries, wages and gratuities as certified by the Managing Director, Chairman or Engineer</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>6. Stationery, printing and advertising</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>7. General establishment charges</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>8. Auditors of company</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>9. Auditors appointed under provisions of licence</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>10. Law expenses</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>11. Insurances, superannuation, etc.</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>12. Upkeep of motor vehicles, transport, etc.</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>13. Medical expenses</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>14. Postage and telegrams</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>15. Bad debts written off</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>16. Interest on consumers' deposits</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>17. Other items (to be specified)</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
</tbody>
</table>

### F.—DEPRECIATION

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>cts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Depreciation written off:</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>(a) Meters and cut-outs</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>(b) Apparatus on hire</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>(c) Tools, implements and testing apparatus</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>(d) Furniture and fittings</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>(e) Motor Vehicles</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>(f) Other items (to be specified)</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
</tbody>
</table>

2. Transfer to Depreciation Reserve Account (No. VII)...

### Balance Carried to Net Revenue Account (No. V)

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL EXPENDITURE</td>
<td></td>
</tr>
<tr>
<td>BALANCE CARRIED TO NET REVENUE ACCOUNT (No. V)</td>
<td>£</td>
</tr>
<tr>
<td>Dr.</td>
<td>For the year ended</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. **Interest paid and accrued due to date:**
   - (a) Mortgages and bonds
   - (b) Debenture stock
   - (c) Temporary loans

2. **Interim dividends paid:**
   - (a) Preference shares
   - (b) Ordinary shares

3. **Carried to General Reserve Account (No. VI)**

4. **Preliminary and development expenses written off**

5. **Income tax paid**

6. **Other items [to be specified]**

7. **Balance appropriated as under:**

<table>
<thead>
<tr>
<th>£ s. cts.</th>
<th>£ s. cts.</th>
<th>£ s. cts.</th>
<th>£ s. cts.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. **Balance from last account**

   - Less:
     - (1) Dividend paid
     - (2) Other items [to be specified]

2. **Balance brought from Revenue Account (No. IV)**

3. **Interest on investments, deposits, etc. [Description of investments to be specified]**

4. **Other items [to be specified]**

5. **Balance**

   - £ s. cts.
### No. VI.

**GENERAL RESERVE ACCOUNT**

*For the year ended ________________, 19__*

<table>
<thead>
<tr>
<th>Dr.</th>
<th>£ s. cts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Amount applied as under:—</td>
<td></td>
</tr>
<tr>
<td>2. Balance as per General Balance Sheet (No. VIII)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cr.</th>
<th>£ s. cts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Balance from last account</td>
<td></td>
</tr>
<tr>
<td>2. Amount transferred from Net Revenue Account (No. V)</td>
<td></td>
</tr>
<tr>
<td>3. Interest on amount invested</td>
<td></td>
</tr>
</tbody>
</table>

*Description of investments to be specified*
### DEPRECIATION RESERVE ACCOUNT

**For the year ended**, 19...

<table>
<thead>
<tr>
<th>Dr.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>£ s. cts.</td>
<td>£ s. cts.</td>
</tr>
</tbody>
</table>

1. Amount applied as under:—
   - (a) Written off capital expenditure...
   - (b) Expended on renewals, but not including betterment...
2. Balance as per General Balance Sheet (No. VIII)...

<table>
<thead>
<tr>
<th>£ s. cts.</th>
<th>£ s. cts.</th>
</tr>
</thead>
</table>

1. Balance from last account...
2. Amount transferred from Revenue Account (No. IV)...
3. Interest on amount invested...

*(Description of investments to be specified)*

---

### TOTAL PROVISION MADE FOR DEPRECIATION

<table>
<thead>
<tr>
<th>Total to</th>
<th>Added during the year</th>
<th>Deducted during the year</th>
<th>Total to</th>
</tr>
</thead>
<tbody>
<tr>
<td>£ s. cts.</td>
<td>£ s. cts.</td>
<td>£ s. cts.</td>
<td>£ s. cts.</td>
</tr>
</tbody>
</table>

1. Amount written off as per Revenue Account (No. IV) and deducted from capital expenditure...
2. Amount applied from Depreciation Reserve Account (No. VII):—
   - (a) Written off capital expenditure...
   - (b) Expended on renewals, but not including betterment...
   - Balance of Depreciation Reserve Account (No. VII)...

<table>
<thead>
<tr>
<th>£ s. cts.</th>
<th>£ s. cts.</th>
<th>£ s. cts.</th>
</tr>
</thead>
</table>
No. VIII.  

### GENERAL BALANCE SHEET

<table>
<thead>
<tr>
<th>CAPITAL AND LIABILITIES</th>
<th>£  s. cts.</th>
<th>PROPERTY AND ASSETS</th>
<th>£  s. cts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Amount received as per Capital Account (No. III)</td>
<td></td>
<td>1. Expenditure as per Capital Account (No. III)</td>
<td></td>
</tr>
</tbody>
</table>
| 2. Sundry creditors:—  
  (a) Sundry tradesmen and others due on construction of plant and machinery, fuel, stores, etc., | £  s. cts. | 2. Investments [to be specified with basis of valuation] |            |
| 3. Balances at credit of:—  
  (a) Net Revenue Account (No. V) |            | 3. Stores:—  
  (b) General Reserve Account (No. VI) |            | (a) Coal or other fuel |            |
| 4. Other items [to be specified] |            | (b) General |            |
| 5. Preliminary and development expenses |            | (c) Consumers' installation and repair stores |            |
| 6. Sundry debtors:—  
  (a) For amounts paid on account of contracts in course of completion |            | (d) On consignment |            |
| 7. Cash at bankers and in hand |            | (e) In transit |            |

[Report of Auditors appointed under provisions of Licence]

Director of Company

Secretary
No. IX.

STATEMENT OF ELECTRICAL ENERGY GENERATED, PURCHASED, SOLD, ETC.

<table>
<thead>
<tr>
<th>Quantity purchased (in kelvins)</th>
<th>Quantity generated (in kelvins)</th>
<th>Total of quantities purchased and generated (in kelvins)</th>
<th>Quantity sold</th>
<th>Quantity used on works</th>
<th>Total quantity accounted for</th>
<th>Quantity not accounted for</th>
<th>Number of public lamps</th>
<th>Total maximum supply demanded in kilowatts</th>
<th>Total connected load in kilowatts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>

WMOJ 01. 11. 790

CAP. 314

Electric Power

Rev. 1986
SECOND SCHEDULE

Forms of Accounts to be kept by a Licensee being a public or local authority as provided by section 44

THE ELECTRIC POWER ACT

The Licensee

[Name of public or local authority]

No. 1.

Year ending 19...

STATEMENT as to LOANS AUTHORIZED for the Purposes of the above-mentioned Licence PRIOR to 19...

<table>
<thead>
<tr>
<th>Amounts sanctioned</th>
<th>Amount borrowed</th>
<th>Total</th>
<th>Amount repaid</th>
<th>Total</th>
<th>Amount sanctioned but not borrowed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>At-%</td>
<td>At-%</td>
<td>At-%</td>
<td></td>
<td>At-%</td>
</tr>
</tbody>
</table>
# Capital Account

For the year ending 19__

| Dr. | Total expenditure | Expended during the year | Total expenditure up to
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sh.</td>
<td>Sh.</td>
<td>Sh.</td>
<td></td>
</tr>
</tbody>
</table>

## To Expenditure to

**Expenditure Since that Date**

1. To lands, including law charges incidental to acquisition
2. To value of lands appropriated for electrical purposes, as per contra
3. To buildings
4. To machinery
5. To hydraulic works
6. To mains, including cost of erecting or laying the mains and services
7. To transformers, motors, etc.
8. To meters, and fees for certifying under the Act
9. To electrical instruments, etc.
10. To general stores (cable, mains, lamps)
11. To purchase of patents or patent rights
12. To transfer to sinking fund of value of lands sold, as per contra
13. To amount applied to the reduction of principal of borrowed money from value of lands sold, as per contra
14. To other items (to be specified)

Total expenditure

To balance of Capital Account

<table>
<thead>
<tr>
<th>Receipts up to</th>
<th>Received during the year</th>
<th>Total receipts to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sh.</td>
<td>Sh.</td>
<td>Sh.</td>
</tr>
</tbody>
</table>

1. By amount raised by loans
2. By sale of patents or patent rights, etc.
3. By value of lands belonging to authority appropriated for electrical purposes
4. By value of surplus lands sold
5. By other receipts (to be specified)

Provision for depreciation of works is made by a debit of Sh. to Revenue Account transferred to Depreciation Fund Account (No. IV.)
No. III.

REVENUE ACCOUNT
For the year ending

<table>
<thead>
<tr>
<th>Dr.</th>
<th>Sh.</th>
<th>Cr.</th>
</tr>
</thead>
</table>

**A.—To Generation of Electrical Energy**

1. To water, coal or other fuel, including dues, carriage unloading, storing and all expenses of placing the same on the works
2. To oil, waste, water and engine-room stores
3. To proportion of salaries of engineers, superintendents and officers as certified by the Manager or Engineer
4. To wages at generating stations
5. To repairs and maintenance as follows:
   - Buildings
   - Hydraulic works (dams, flumes, gates, etc.)
   - Engines, boilers
   - Dynamos, exciters, transformers, motors, etc.
   - Other machinery, instruments, tools and accessories
   - Less received for old material
6. To other items [to be specified]

**B.—To Electrical Energy Purchased**

1. From bulk supply licensee
2. From local generating licensee

**C.—To Distribution of Electrical Energy**

1. To proportion of salaries of engineers, superintendents and officers as certified by the Manager or Engineer
2. To wages and other remuneration to linesmen, fitters, labourers
3. To repairs, maintenance and renewals of mains of all classes, including materials, and erecting or laying the same
   - Less amounts refunded
4. To repairs, maintenance and renewals of transformers, meters, switches, fuses and other apparatus on consumers' premises, together with the cost of materials and lamps sold, as per contra
5. To repairs, maintenance and renewals of apparatus at distributing stations

<table>
<thead>
<tr>
<th>1. By balance from last account</th>
<th>Sh.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less bad debts written off</td>
<td>Sh.</td>
</tr>
<tr>
<td>2. By sale of electrical energy per meter at per kelvin</td>
<td>Sh.</td>
</tr>
<tr>
<td>3. By sale under contracts</td>
<td>Sh.</td>
</tr>
<tr>
<td>4. By public lighting</td>
<td>Sh.</td>
</tr>
<tr>
<td>5. By rental of meters and other apparatus on consumers' premises</td>
<td>Sh.</td>
</tr>
<tr>
<td>6. By sale and repairs of lamps, arc or incandescent</td>
<td>Sh.</td>
</tr>
<tr>
<td>7. By royalties, licences, etc.</td>
<td>Sh.</td>
</tr>
<tr>
<td>8. By rents receivable</td>
<td>Sh.</td>
</tr>
<tr>
<td>9. By fees for inspection of maps</td>
<td>Sh.</td>
</tr>
<tr>
<td>10. By other items [to be specified]</td>
<td>Sh.</td>
</tr>
</tbody>
</table>

Less amounts refunded

Carried forward

Carried forward
No. III—(Continued)

<table>
<thead>
<tr>
<th>Dr.</th>
<th>REVENUE ACCOUNT—(Continued)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

|         | Brought forward | Sh. | Sh. | | Brought forward | Sh. | Sh. |
|---------|-----------------|-----|-----| | |-----------------|-----|-----|
|         |                 |     |     | | |                 |     |     |
| D.—     | To PUBLIC LAMPS |     |     | | |                 |     |     |
| 1.      | To attending and repairs |     |     | | |                 |     |     |
| 2.      | To renewals of lamps |     |     | | |                 |     |     |
| E.—     | To ROYALTIES, ETC. |     |     | | |                 |     |     |
| 1.      | To royalties, etc., payable for use of patents or patent processes \(to be specified\) |     |     | | |                 |     |     |
|         |                 |     |     | | |                 |     |     |
| F.—     | To RENTS, RATES AND TAXES |     |     | | |                 |     |     |
| 1.      | To rents payable \(to be specified\) |     |     | | |                 |     |     |
| 2.      | To rates and taxes \(to be specified\) |     |     | | |                 |     |     |
| G.—     | To MANAGEMENT EXPENSES |     |     | | |                 |     |     |
| 1.      | To salaries, viz.:— |     |     | | |                 |     |     |
|         | Engineer’s Department |     |     | | |                 |     |     |
|         | Accountant and clerical staff |     |     | | |                 |     |     |
| 2.      | To salaries or commissions of collectors |     |     | | |                 |     |     |
| 3.      | To stationery and printing |     |     | | |                 |     |     |
| 4.      | To general establishment charges |     |     | | |                 |     |     |
| H.—     | To LAW, ETC., CHARGES |     |     | | |                 |     |     |
| 1.      | To law expenses |     |     | | |                 |     |     |

|         | Carried forward | Sh. | | Carried forward | Sh. |
|---------|-----------------|-----| | |-----------------|-----|
|         |                 |     | | |                 |     |

<p>|         | Carried forward | Sh. | | Carried forward | Sh. |
|---------|-----------------|-----| | |-----------------|-----|
|         |                 |     | | |                 |     |</p>
<table>
<thead>
<tr>
<th>Dr.</th>
<th>Brought forward</th>
<th>Sh.</th>
<th>Sh.</th>
<th>Cr.</th>
<th>Brought forward</th>
<th>Sh.</th>
<th>Sh.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>L—To Depreciation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. To depreciation at generating station in respect of leasehold works</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. To depreciation at generating station in respect of buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. To depreciation at generating station in respect of hydraulic works</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. To depreciation at generating station in respect of generating machinery, apparatus, etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. To depreciation on transmitting, distributing, etc. works in respect of leasehold works</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. To depreciation on transmitting, distributing, etc. works in respect of buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. To depreciation on transmitting, distributing, etc. works in respect of machinery, apparatus, etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>J—To Special Charges</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. To insurances, etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. To expenses for certification of meters</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Amount carried to net revenue account to provide for bad debts</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Balance carried to net revenue account</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sh.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### DEPRECIATION FUND ACCOUNT

<table>
<thead>
<tr>
<th>Dr.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To amount transferred to sinking fund where such fund is authorized by the licence</td>
<td>Sh.</td>
</tr>
<tr>
<td>2. To balance</td>
<td>Sh.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sh.</th>
<th>1. By balance from last account</th>
<th>Sh.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. By interest on investments [description of investments to be specified]</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. By amount brought from Revenue Account (No. III. I.)</td>
<td>Sh.</td>
</tr>
</tbody>
</table>
**No. V.**

**NET REVENUE ACCOUNT**

<table>
<thead>
<tr>
<th>Dr.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. To interest on mortgage debt accrued due to date ... ...
2. To instalments of principal of money borrowed ... ...
3. To amount transferred to sinking fund where such fund is authorized by the Licence ...
4. To expenses of executing the Licence not included in III, and not chargeable to capital ... ...
5. To payments to reserve fund ...

To balance carried forward ...

<table>
<thead>
<tr>
<th>Sh.</th>
<th>Sh.</th>
</tr>
</thead>
</table>
| 1. By balance from last account ... ...
2. By balance brought from Revenue Account (No. III) ...
3. By interest on money at deposit ...
4. To expenses of executing the Licence not included in III, and not chargeable to capital ...
5. To payments to reserve fund ...

**No. VI.**

**SINKING FUND ACCOUNT**

<table>
<thead>
<tr>
<th>Stock</th>
<th>Stock</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. To amount paid for purchase of *nature of investment to be specified* ...
2. To stock sold during period of account ...
3. To amount of principal of borrowed money repaid ...

To amount of balance to next account ...

<table>
<thead>
<tr>
<th>Sh.</th>
<th>Sh.</th>
</tr>
</thead>
</table>
| 1. By balance brought from last account ...
2. By amount brought from depreciation fund account ...
3. By amount brought from net revenue account ...
4. By interest on investments *description of investments to be specified* ...
5. By value of lands transferred from Account No. II ...
6. By amount realized by sale of stock *nature of stock to be specified* ...
7. By stock purchased ...

| Sh. | Sh. |
### No. VII.  
**RESERVE FUND ACCOUNT**  

<table>
<thead>
<tr>
<th>Stock</th>
<th>Dr.</th>
<th>Sh.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. **To amount paid for purchase of [nature of investment to be specified]**
   1. **By balance brought from last account**
   2. **By amount transferred from net revenue account**
   3. **By stock purchased**
   4. **By amount realized by sale of stock [nature of stock to be specified]**
   5. **By interest on amount invested [description of investments to be specified]**

<table>
<thead>
<tr>
<th>Sh.</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
</table>

2. **To stock sold**
   1. **To sum transferred to revenue account**

3. **To amount transferred to revenue account**

   **To amount of balance to next account**

4. **To amount of balance to next account**

### No. VIII.  
**GENERAL BALANCE SHEET**  

<table>
<thead>
<tr>
<th>Liabilities</th>
<th>Dr.</th>
<th>Sh.</th>
<th>Assets</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. **To capital account: amount received as per Account No. II**

2. **To sundry tradesmen and others, due on construction of plant and machinery, fuel, stores, etc., to**

3. **To sundry creditors on open accounts**

4. **To net revenue account: balance at credit thereof**

5. **To depreciation fund account**

6. **To sinking fund account**

7. **To reserve fund account**

8. **To other items [to be specified]**

1. **By capital account: amount expended for works as per Account No. II**

2. **By Stores on hand at**
   - **Coal or other fuels**
   - **Oils, waste, etc.**
   - **General**

3. **By sundry debtors for amounts paid on account of contracts in course of completion**

4. **By sundry debtors for electrical energy supplied to**

5. **By other debtors**

6. **By securities held (cost price) [description of securities to be specified]**

7. **By other items [to be specified]**

8. **By cash with Treasurer**

9. **By cash in hand**

   **Sh.**
<table>
<thead>
<tr>
<th>No. IX.</th>
<th>STATEMENT OF ELECTRICAL ENERGY GENERATED, PURCHASED, SOLD, ETC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity purchased (in kelvins)</td>
<td>Quantity generated (in kelvins)</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Quantity purchased (in kelvins): The amount of electrical energy purchased from external sources.
- Quantity generated (in kelvins): The amount of electrical energy produced internally.
- Total of quantities purchased and generated (in kelvins): The sum of purchased and generated quantities.
- Quantity sold: The amount of electrical energy sold.
- Quantity used on works: The amount used for operational purposes.
- Total quantity accounted for: The total amount accounted for in the report.
- Quantity not accounted for: The amount not accounted for.
- Number of public lamps: The number of public lamps supplied.
- Total maximum supply demanded: The maximum supply demanded by consumers.
THIRD SCHEDULE (s. 69 (4))

ORDER

............... of ......................... is hereby exonerated from liability for nuisance in respect of the works specified in the first column of the Schedule to this Order, to the extent specified in the second column of such Schedule.

SCHEDULE

First Column Second Column

Made this ............... day of ............... , 19....

Minister for .................

FOURTH SCHEDULE (s. 69 (5))

SPECIFIED WORKS

The Parklands Power Station, Nairobi, operated by the Kenya Power and Lighting Company Limited under Local Generating Licence No. 2 dated the 24th March, 1922.
Particulars of Generating Station | Date from which Licence is to have Effect | Details of Licences in Connexion with which the Station is Operating
--- | --- | ---
1. A thermal generating station constructed on certain premises comprising 31.5 acres situate east of Ruiru Township known as Land Office No. 223 (less road reserve of 7 acres), adjacent to the generating station already erected on the said piece of land pursuant to the provisions of Local Generating Licence No. 2, dated the 24th March, 1922. The machinery installed in such generating station comprises one 1,760 kW. Crossley oil engine set of a capacity of not less than 1,760 kilowatts, such machinery being installed in a steel-framed building with stone and asbestos-sheeted walls and an asbestos-sheeted roof.

   16th September, 1949

   Local Generating Licence No. 2, dated the 24th March, 1922, which serves Distributing Licence No. 16, dated the 3rd December, 1948, and Distributing Licence No. 2, dated the 24th March, 1922.

2. A thermal generating station already constructed on certain premises estimated to comprise 11 acres or thereabouts situate adjacent to Mbaraki Creek at Mombasa (being a portion of Land Reference Section No. XLVIII) and leased from the East African Railways Corporation. The machinery installed in such generating station comprises two 930 kW. National oil engine sets and two 900 kW. Mirrlees oil engine sets of a capacity or aggregate capacity of not less than 3,600 kilowatts, such machinery being installed in a steel-framed building with stone and asbestos-sheeted walls and roofed partly with reinforced concrete and partly with asbestos sheets.

   1st May, 1947

   Local Generating Licence No. 4, dated the 1st December, 1923, which serves Distributing Licence No. 4, dated the 17th October, 1923.
PART II

FORM OF GENERATING STATION LICENCE

1. The provisions contained in the Electric Power Act are incorporated in and form part of this Licence.

2. The Licensee for the purpose of this Licence is the Kenya Power and Lighting Company Limited, having its registered office at Nairobi.

3. The electrical energy to be generated under this Licence shall be of such respective amounts as may from time to time be required for the purposes of the relevant Local Generating Licences referred to in the third column of Part I of the Fifth Schedule to the said Act.

4. The generating station authorized by this Licence is the relevant generating station described in Part I of the Fifth Schedule to the Act, and is more particularly delineated and described on the plans thereof lodged with the Postmaster-General, which said plans in the case of the generating station particulars of which are first shown in the first column of the said Part I are marked DRG. 728 and DRG. 734, and in the case of the generating station particulars of which are secondly shown in the first column of the said Part I are marked MSA./113 and DRG. No. 795, but subject to such alterations or modifications as the Minister may approve.

5. The machinery installed in the said generating station shall be of the type described in Part I of the Fifth Schedule to the said Act and of not less than the capacity or aggregate capacity specified in that Part, and shall be operated continuously or as may be required.

6. The works authorized by this Licence for operation of the said generating station (subject to the Licensee obtaining all necessary easements, wayleaves or other incidental rights) include those details which are shown on the said plans.

7. Any land comprised in the said works shall be brought into and shall appear in the accounts under this Licence at a value not exceeding the cost incurred by the Licensee in obtaining such land.

8. The Licensee's officers, servants, employees or works engaged, employed or used for the purposes of this Licence may be engaged, employed or used for the purpose of any other licence granted to the Licensee under the said Act, provided that where so engaged, employed or used for the purposes of any such other licence an allocation correct and true to the satisfaction of the Minister of the expense or value of such engagement, employment or use shall be made and appear in detail in the accounts under this Licence and any such other licence.

9. The Licensee's officers, servants, employees or works may also be engaged, employed or used for purposes other than the purposes of this Licence or any other licence as aforesaid, provided that such engagement, employment or use shall, to the satisfaction of the Minister, not prejudice in any way the performance by the Licensee of its duties or obligations under this Licence, and provided also that such engagement, employment or use shall not be permitted by the
Licensee unless the person or persons requiring the same or for whom it is proposed that the same shall be performed or permitted shall guarantee that there shall be paid to the Licensee a price or sum commensurate with the value of and such as shall be usual for such or similar engagement, employment or use, and that such price or sum shall be credited by the Licensee in the accounts under this Licence, or alternatively that the cost of any such other engagement, employment or use of any of the Licensee’s officers, servants, employees or works shall not be charged to the works or performance or conduct of this Licence.

10. If in the opinion of the Minister the Licensee makes default in the observance of the provisions of the two preceding clauses, the powers granted therein shall cease and be null and void and shall not be again exercisable by the Licensee (if at all) until application has been made and powers granted in accordance with the provisions incorporated with this Licence.

11. This Licence shall for the purposes of the said Act be deemed to have come into force upon the day of [relevant date to be inserted].

12. The Licensee may transfer this Licence to any transferee of the relevant Local Generating Licence specified in the third column of Part I of the Fifth Schedule to the said Act first approved by the Minister. Upon such approval being obtained and upon the transfer being completed and this Licence surrendered, the Minister will issue a Licence in the like terms to the approved transferee.
## PART III

**Particulars of Plant and Works including Details of the Licences in Connexion with which such Plant and Works are Operated**

<table>
<thead>
<tr>
<th>Plant and Works</th>
<th>Date when the Same were Installed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Parklands Power Station:</strong>&lt;br&gt;One 900 kW. General Motors oil engine set</td>
<td>4th January, 1950.</td>
</tr>
<tr>
<td>One 900 kW. General Motors oil engine set</td>
<td>25th January, 1950.</td>
</tr>
<tr>
<td>Such plant and works being operated in connexion with Local Generating Licence No. 2, dated the 24th March, 1922, which serves Distributing Licence No. 16, dated the 3rd December, 1948, and Distributing Licence No. 2, dated the 24th March, 1922.</td>
<td></td>
</tr>
<tr>
<td><strong>2. Nakuru Power Station:</strong>&lt;br&gt;One 100 kW. Ruston oil engine set</td>
<td>1st October, 1942.</td>
</tr>
<tr>
<td>One 436 kW. Ruston oil engine set (which said set was transferred from Parklands Power Station)</td>
<td>20th December, 1949.</td>
</tr>
<tr>
<td>Such plant and works being operated in connexion with Local Generating Licence No. 6, dated the 14th November, 1930, which serves Distributing Licence No. 8 dated the 14th November, 1930.</td>
<td></td>
</tr>
<tr>
<td><strong>3. Eldoret Power Station:</strong>&lt;br&gt;One 120 kW. Blackstone oil/gas engine set</td>
<td>1st October, 1948.</td>
</tr>
<tr>
<td>One 120 kW. Blackstone oil/gas engine set</td>
<td>1st March, 1949.</td>
</tr>
<tr>
<td>One 180 kW. Blackstone oil/gas engine set</td>
<td>1st February, 1950.</td>
</tr>
<tr>
<td>Such plant and works being operated in connexion with Local Generating Licence No. 7, dated the 11th March, 1932, which serves Distributing Licence No. 9, dated the 11th March, 1932.</td>
<td></td>
</tr>
</tbody>
</table>
Order under section 47 (1) (d) (ii)

THE ELECTRIC POWER (SCALE OF DEPRECIATION) ORDER

1. This Order may be cited as the Electric Power (Scale of Depreciation) Order.

2. For the purposes of this Order—

“original cost” means, in respect of each of the assets mentioned in the first column of the Schedule, the amount of capital properly expended on the provision of the particular asset for the purposes of the undertaking:

Provided that, where such asset has been available for use for the purposes of the undertaking and is subsequently withdrawn from service and replaced, the original cost of the new asset shall be deemed to be the amount of capital properly expended on the provision of the new asset plus a sum equal to the original cost of the replaced asset less a sum equal to the amount realized (if any) by the disposal of such replaced asset less the amount (if any) approved by the Minister as the allocation to such replaced asset out of the amount standing to the credit of the licensee’s depreciation reserve account for the undertaking as at the 31st December, 1938, less the sum of the allowances which have or would have from time to time been allowed in respect thereof for obsolescence under subparagraph (iii) of paragraph (d) of subsection (1) of section 47 of the Act and which have actually been made in respect thereof for obsolescence under subparagraph (iii) of the said paragraph of the Act;

“year of account” means the year of account of the licence.

3. (1) Subject to the Act, the scale of depreciation to be applied in arriving at the allowance for depreciation in any year of account (and so in proportion for any part of a year of account) for the purposes of subparagraph (ii) of paragraph (d) of subsection (1) of section 47 of the Act shall be determined in the manner prescribed by subparagraph (2).

(2) Commencing from the 1st January, 1939, or from the commencement of the year of account next following the date of supply under the licence or that on which a particular asset forming part of the licensee’s undertaking first becomes available for use for the purposes of the undertaking (whichever is the later) in respect of each of the assets mentioned in the first column of the Schedule, the annual allowance for depreciation shall be at the rate per centum specified in the second column of the said Schedule on the original cost of the asset:

Provided that, when in respect of any such asset—

(i) the sum of the allowances for depreciation determined in accordance with this paragraph; and
(ii) the sum of any further allowances by way of obsolescence which may have been allowed by the Minister under sub-paragraph (iii) of paragraph (d) of subsection (1) of section 47 of the Act; and

(iii) the amount (if any) approved by the Minister as the allocation to such asset out of the amount standing to the credit of the licensee's depreciation reserve account for the undertaking as at the 31st December, 1938,

is equivalent to the percentage of the original cost specified in relation to such asset in the third column of the said Schedule, no further allowances for depreciation or obsolescence in respect of such asset under section 47 (1) (d) of the Act shall be made.

SCHEDULE

<table>
<thead>
<tr>
<th>1. COST OF LICENCE AND PRELIMINARY AND DEVELOPMENT EXPENDITURE</th>
<th>Rate per centum per annum on original cost</th>
<th>Percentage of original cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. LAND—</td>
<td>100 divided by the period of the licence remaining unexpired at the commencement of the year of account next following the date on which the expenditure was incurred</td>
<td>100</td>
</tr>
<tr>
<td>(a) Freehold (including the cost of clearing the site)</td>
<td>100 divided by the period of the lease remaining unexpired at the commencement of the year of account next following the granting of the lease or (if the lease has been assigned) the assignment of the lease</td>
<td>100</td>
</tr>
<tr>
<td>(b) Leasehold—</td>
<td>100 divided by the period of the lease remaining unexpired at the commencement of the year of account next following the date of clearing the site</td>
<td>100</td>
</tr>
<tr>
<td>(i) leasehold interest in the land including law charges incidental to acquisition</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>(ii) cost of clearing the site</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

3. BUILDING AND OTHER CIVIL ENGINEERING WORKS OF A PERMANENT CHARACTER (other than Hydraulic works and plant foundations)—

(a) Brick, stone, reinforced concrete and concrete

(b) Steel-framed

(c) Wood and wood and iron

4. HYDRAULIC WORKS—

(a) Civil Engineering works of a permanent character (other than wood)

(b) Civil Engineering works of a temporary character and of wood
SCHEDULE—(Contd.)

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate per centum per amount on original cost</th>
<th>Percentage of original cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) Pipe Lines—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) steel</td>
<td>3 3/5</td>
<td>90</td>
</tr>
<tr>
<td>(ii) concrete</td>
<td>2 6/7</td>
<td>100</td>
</tr>
<tr>
<td>(iii) wood</td>
<td>6 2/3</td>
<td>100</td>
</tr>
<tr>
<td>5. GENERATING PLANT, MACHINERY AND MACHINE FOUNDATIONS (including cooling towers, prime movers, boilers, plant foundations, electric generators and associated switchgear, cabling and miscellaneous items)—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Steam plant and auxiliaries</td>
<td>4 3/4</td>
<td>95</td>
</tr>
<tr>
<td>(b) Internal combustion engine plant, (oil or gas, including gas producers, etc.)</td>
<td>6 1/3</td>
<td>95</td>
</tr>
<tr>
<td>(c) Hydro-electric plant</td>
<td>3 4/5</td>
<td>95</td>
</tr>
<tr>
<td>6. STORAGE BATTERIES (STATIONARY)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. SWITCHGEAR, CABLELING AND MISCELLANEOUS ITEMS (other than solely associated with generators, transformers or substations)</td>
<td>3 1/6</td>
<td>95</td>
</tr>
<tr>
<td>8. TRANSFORMERS AND SUBSTATION EQUIPMENT (including transformer kiosks, convertors, rectifiers and other fixed apparatus, plant foundations and all associated switchgear, cabling and miscellaneous items, but excluding substation buildings)</td>
<td>4 3/4</td>
<td>95</td>
</tr>
<tr>
<td>9. RAILWAY SIDINGS, TRACKS, ETC. (excluding light railway tracks)</td>
<td>2 5/7</td>
<td>95</td>
</tr>
<tr>
<td>10. MISCELLANEOUS MACHINERY (including oil tanks, water tanks, pumping plant, separate generating-plant-auxiliaries, light railway tracks and rolling stock, cranes, workshop machinery and other similar items)</td>
<td>4 3/4</td>
<td>95</td>
</tr>
<tr>
<td>11. TRANSMISSION, DISTRIBUTION AND SERVICE LINES—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Underground cables (including joint boxes, disconnecting boxes and ducts)—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) cables laid direct in ground or under water—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) in the Colony</td>
<td>2 1/2</td>
<td>100</td>
</tr>
<tr>
<td>(b) in the Protectorate</td>
<td>3 4/3</td>
<td>100</td>
</tr>
<tr>
<td>(ii) cables in ducts</td>
<td>2 3/8</td>
<td>95</td>
</tr>
<tr>
<td>(iii) ducts</td>
<td>2 1/2</td>
<td>100</td>
</tr>
<tr>
<td>(b) Overhead lines (including supports and ancillary equipment other than transformers mounted thereon)—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) main transmission lines</td>
<td>2 4/7</td>
<td>90</td>
</tr>
<tr>
<td>(ii) other lines</td>
<td>3 1/3</td>
<td>90</td>
</tr>
<tr>
<td>12. METERS AND ACCESSORIES (including cost of certification under section 93, and cut-outs installed in accordance with section 92, of the Act)</td>
<td>8</td>
<td>100</td>
</tr>
<tr>
<td>13. TESTING APPARATUS</td>
<td>10</td>
<td>100</td>
</tr>
<tr>
<td>14. TOOLS, IMPLEMENTS AND LOOSE PLANT</td>
<td>20</td>
<td>100</td>
</tr>
<tr>
<td>15. FURNITURE AND FITTINGS</td>
<td>6</td>
<td>90</td>
</tr>
<tr>
<td>16. MOTOR VEHICLES</td>
<td>22 1/2</td>
<td>90</td>
</tr>
<tr>
<td>17. APPARATUS ON HIRE</td>
<td>12</td>
<td>90</td>
</tr>
<tr>
<td>18. GENERAL STORES</td>
<td>Nil*</td>
<td></td>
</tr>
<tr>
<td>19. ASSETS NOT OTHERWISE PROVIDED FOR</td>
<td>5</td>
<td>100</td>
</tr>
</tbody>
</table>

*Subject to obsolescence only as occurring and approved by the Minister.
Licensees, operators and owners exonerated from liability for nuisance under section 69

The Kenya Power and Lighting Company Limited is exonerated from liability for nuisance—

(a) in respect of the following works—

G.N. 1224/1950.

the whole of the works comprised in the Parklands Power Station situate in Nairobi, operated under Local Generating Licence No. 2 dated the 24th March, 1922;

(b) in respect of the following works, except in respect of any building which was before, and is at, the date of the nuisance situated within three hundred yards of the works—

G.N. 1037/1955.

the whole of the works on the site of the generating station situate on the Tana River, such generating station being operated under Station Generating Licence No. 3 dated the 13th April, 1931;

the whole of the headworks and weir on the Tana River, operated under Station Generating Licence No. 3 dated the 13th April, 1931;

L.N. 419/1957.

the whole of the works on the site of the generating station situate at Kipevu, Mombasa, the generating station being operated under Generating Station Licence No. 8 dated the 8th February, 1956;

(c) in respect of the works specified in the first column hereunder, as regards nuisance created on or after the date specified in the second column hereunder, except in respect of any building which was before, and is at, the said date within three hundred yards of the site thereof—

L.N. 484/1960.

the whole of the works on the site of the generating station situate at Malindi, the generating station being operated under Generating Licence No. 16 dated the 14th June, 1960;
the whole of the works on the site of the Mbaraki Power Station situate on Plot XLVIII on the Island of Mombasa, the power station being operated under Local Generating Licence No. 4 dated the 1st December, 1923, and under section 155 of the Act;

13th October, 1960.  
L.N. 495/1960.

the whole of the works on the site of the generating station situate on Land Office No. 223, Ruiru, the generating station being operated under Local Generating Licence No. 2 dated the 24th March, 1922, and under section 155 of the Act;

13th October, 1960.  

the whole of the works on the site of the generating station situate in the south of the Industrial Development area of Nairobi, the generating station being operated under Generating Station Licence No. 5 dated the 26th September, 1950;

13th October, 1960.  

the whole of the works on the site of the generating station situate on or near the old showground at Nanyuki, the generating station being operated under Local Generating Licence No. 13 dated the 9th May, 1949;

13th October, 1960.  

the whole of the works on the site of the generating station situate on the Liki River, Nanyuki, the generating station being operated under Local Generating Licence No. 13 dated the 9th May, 1949;

13th October, 1960.  
the whole of the works on the site of the generating station situate in section VI of Kitale Township, the generating station being operated under Local Generating Licence No. 11 dated the 4th July, 1947;

13th October, 1960.

the whole of the works on the site of the generating station situate in the Kisumu Municipality between the railway and the lake shore, the generating station being operated under Local Generating Licence No. 10 dated the 4th July, 1947;

13th October, 1960.

the whole of the works on the site of the generating station situate on L.R. Nos. 3937/1, 3937/2 and 3937/3 west of Eldoret Township, the generating station being operated under Local Generating Licence No. 7 dated the 11th March, 1932;

13th October, 1960.

the whole of the works on the site of the generating station situate on Plots 25, 37, 39, 41, 43, 45, 47 and 49 of section LIV in the Municipality of Nakuru, the generating station being operated under Local Generating Licence No. 6 dated the 14th November, 1930;

13th October, 1960.

the whole of the works on the site of the generating station situate at Kipevu, Mombasa, the generating station being operated under Generating Station Licence No. 8 dated the 8th February, 1956;
the whole of the works on the site of the generating station situate at L.R. 209/5964, Parklands, Nairobi, the generating station being operated under Local Generating Licence No. 2 dated the 24th March, 1922;

13th October, 1960.

the whole of the works on the site of the generating station situate on a portion of the premises known as Land Reference No. 4730 situate east of Nakuru Township, the generating station being operated under Generating Station Licence No. 7 dated the 25th May, 1951;

13th October, 1960.

the whole of the works on the site of the generating station situate at Kericho, the generating station being operated under Local Generating Licence No. 15 dated the 6th April, 1959;

13th October, 1960.

the whole of the works on the site of the generating station situate at Sagana (Nyeri), the generating station being operated under Local Generating Licence No. 12 dated the 24th September, 1958;

13th October, 1960.

the whole of the works on the site of the generating station situate at Mesco Power Station (Maragua River), the generating station being operated under Generating Station Licence No. 5 dated the 20th February, 1926;

13th October, 1960.
The Kenya Power Company Limited is exonerated from liability for nuisance—

(a) in respect of the following works, except in respect of any building which was before, and is at, the date of the nuisance situated within three hundred yards of the works—

   the whole of the works on the site of the generating station situate in the Tana River, the generating station being operated under Bulk Supply Licence No. 2 dated the 8th June, 1955, and including the whole of the headworks and weirs on the Tana and Maragua Rivers relating to the that station;

2. L.N. 95/1956.
   the whole of the works on the site of the generating station situate on the Maragua River, the generating station being operated under Bulk Supply Licence No. 2 dated the 8th June, 1955;

   the whole of the headworks and weir on the Mathioya River, operated under Bulk Supply Licence No. 2 dated the 8th June, 1955, and forming part of the Wanjii Power Scheme;
(b) in respect of the works specified in the first column hereunder, as regards nuisance created on or after the date specified in the second column hereunder, except in respect of any building which was before, and is at, that date within three hundred yards of the site thereof—

the whole of the headworks and weir on the Mathioya River, operated under Bulk Supply Licence No. 2 dated the 8th June, 1955, and forming part of the Wanjii Power Scheme;

the whole of the works on the site of the generating station situate on the Maragua River, the generating station being operated under Bulk Supply Licence No. 2 dated the 8th June, 1955;

the whole of the works on the site of the generating station situate on the Tana River, such generating station being operated under Bulk Supply Licence No. 2 dated the 8th June, 1955, and including the whole of the headworks and weirs on the Tana and Maragua Rivers relating to that station.

13th October, 1960.  

13th October, 1960.  
L.N. 496/1960.

13th October, 1960.  

Rules under section 80

THE ELECTRIC POWER (INSPECTION TEST AND FEES) RULES

1. These Rules may be cited as the Electric Power (Inspection Test and Fees) Rules.

2. Any person desiring that any inspection, test, certification or report be made by an electrical inspector, or that an electrical inspector shall determine any difference under subsection (4) of section 27 of the Act, shall make written application to the electrical inspector setting out the reasons therefor or the nature of the difference, and specifying the nature of the inspection, test, certification or report required or requiring the determination of the difference, and in respect of every such application the requisite fee shall be paid within a period of twenty-one days.

3. The fee for any inspection, test or certification provided for or required by the Act, or any rules or by-laws made thereunder, or for the determination of any difference under subsection (4) of section 27 of the Act shall be that set forth in the Schedule to these Rules.

L.N. 493/1956.
4. In addition to an inspection, test or certification specially provided for or required by the Act, or any rules or by-laws made thereunder, an electrical inspector may, upon application in due form and upon payment of the prescribed fee, together with any expenses payable under rule 5, make any inspection, test or certification of any apparatus or works required or used in conjunction with the generation, transmission, supply or use of electrical energy for the purpose of ascertaining whether such apparatus or works are used, or are suitable for use, so as to comply with the requirements of the Act, or any rules or by-laws made thereunder, or whether such apparatus or works have been, or may become, the cause or source of any accident or fire, and the electrical inspector may issue to the applicant a report setting out the result of such inspection, test or certification.

5. Any person who requires the services of an electrical inspector may, if he so desires, provide at his own expense suitable transport and, in any case in which an electrical inspector is necessarily absent from his headquarters at night, suitable accommodation for the electrical inspector; but, if an electrical inspector provides his own transport or makes his own arrangements for such accommodation, the cost at Government rates then prevailing for transport, and of his reasonable expenses for accommodation, shall be paid by the applicant.

6. For any inspection, test or certification for which no fee is prescribed by these Rules, the amount of the fee to be paid shall be at the discretion of the electrical inspector:

Provided that—

(i) the fee shall in no case exceed forty shillings; and

(ii) the applicant shall also pay to the electrical inspector any expenses payable under rule 5.

SCHEDULE (r. 3)

FEES

(1) For test of variation of pressure at a consumer's supply terminals ........................................ 40 00
(2) For inspection of licensee's works other than meters, upon a consumer's premises .................. 40 00
(3) For certification of meters—
   (a) single phase integrating kilowatt-hour meter for use on standard pressure, per meter .......... 40 00
   (b) three phase integrating kilowatt-hour or kilovolt-ampere-hour meter, with or without maximum demand indicating mechanism, for use on standard pressure, per meter .......... 80 00

Provided that where two or more meters of identical pattern and rating are tested simultaneously the fee to be charged for the certification of the second and subsequent meters of such pattern and rating shall be Sh. 5 per meter.
(4) For certification of the manner in which a meter or maximum demand indicator is connected with the system—

(a) in the case of single phase system, per meter or indicator

Sh. cts.

20 00

(b) in the case of three phase system, per meter or indicator

40 00

(5) For inspection, test and certification under rule 4 of these Rules

40 00

(6) For the determination of any difference under section 27 (4) of the Act

40 00

Delegation of powers under section 127 (2)

The power vested in the Minister by paragraph (a) of subsection (1) of section 63 of the Act to consent in writing to the obstruction of, or interference with, public traffic within the municipalities of Nairobi, Mombasa, Eldoret and Nakuru has been delegated to the respective Town Clerks of those municipalities.

Suspension of provisions of section 141 (1) under section 141 (3)

The provisions of subsection (1) of section 141 of the Act have been suspended from operation in the areas of supply of the Kenya Power and Lighting Company Limited for a period of twelve months from the 31st July, 1928, and thereafter from year to year, subject to twelve months' notice at any time by the Government of its intention to terminate such suspension.

Rules under section 145

THE ELECTRIC POWER RULES

1. These Rules may be cited as the Electric Power Rules.

2. For the purpose of these Rules, unless the context otherwise requires—

“installation” includes all material or apparatus situated upon any premises for use or intended for use in connexion with the supply of electrical energy to such premises;

“premises” includes any building, room, tenement, hut, shed or other erection, and the land occupied or used or authorized for occupation or use in connexion therewith;

“public road” means any road to which the public have lawful right of access, and includes the whole width of the road reserve.

3. All electrical works and installations shall be erected, constructed, manufactured and operated so as to conform to—

(a) the Fourteenth Edition of the Regulations for the Electrical Equipment of Buildings published in metric units in 1976 by
the Institution of Electrical Engineers of Great Britain as amended and modified by the Minister, by notice in the Gazette, to suit the circumstances and conditions of Kenya; and

(b) the rules for the generation, transmission, distribution and use of electrical energy made under the Factories Act.

4. A licensee in delivering electrical energy to a consumer's terminals shall exercise all due precautions so as to avoid risk of causing fire on the premises.

5. Where any portion of any electric line or any support for an electric line is exposed in such a position as to be liable to cause injury from lightning, it shall be efficiently protected against that liability.

6. Whenever in these Rules the results of tests are ordered to be recorded, the records shall be kept by the licensee and shall be open to inspection by the Minister or such other person as he may depute for the purpose.

7. Every low pressure and medium pressure main shall be tested for insulation after having been placed in position and before it is used for the purposes of supply, the testing pressure being not less than twice the maximum pressure to which it is intended to be subjected in use, and in any case at least 500 volts, and the results of the tests of each main shall be duly recorded.

8. (1) If required by the Minister, high pressure and extra high pressure circuits shall not be brought into use unless the insulation of every part thereof has withstood the continuous application during half an hour in the case of every electric line of a pressure exceeding the maximum pressure to which it is intended to be subjected in use, that is to say, in the case of every electric line to be used for a pressure not exceeding 10,000 volts, twice the said maximum pressure; and in the case of a line to be used for a pressure exceeding 10,000 volts, a pressure exceeding the said maximum pressure by 10,000 volts.

(2) In the case of every machine device or apparatus the testing pressure shall be 50 per cent greater than the said maximum pressure.

(3) The results of each test shall be duly recorded by the licensee.

9. (1) The insulation of every circuit used for the supply of electrical energy, including all machinery, apparatus and devices forming part of or in connexion with that circuit, shall be so maintained that the leakage current does not under any conditions exceed one-thousandth part of the maximum supply current, and suitable means shall be provided for the indication and localization of leakage.

(2) Every leakage shall be remedied without delay.

(3) Every circuit shall be tested for insulation at least once in every week and the results of the tests shall be duly recorded by the licensees.

(4) Where any part of any electric circuit is connected with earth in accordance with these Rules, the provisions of these Rules shall not apply to that part of that circuit so long as the connexion with earth exists.

10. (1) Transformers shall be placed either in substations, in premises or on poles; and where transformers are out of doors, they shall be enclosed in watertight cases.
(2) Where substations are on poles, they shall be at such a height as to make them inaccessible except by means of a ladder or other special appliance; and where transformers are placed within a substation on premises, they shall be inaccessible except to authorized persons.

(3) In every case where a high pressure or extra high pressure supply is transformed to a lower pressure, or electrical energy is transformed up to above high pressure, some suitable automatic and quick-acting means shall be provided to guard against danger by reason of the lower pressure system becoming accidentally charged above its normal pressure by contact with or leakage from the higher pressure system.

(4) The metallic portion of every transformer with the exception of the conductors thereof shall be efficiently connected with earth.

11. Every electric circuit shall be protected by a suitable fuse or automatic circuit breaker.

12. Where the pressure of a supply between adjacent conductors of a three-wire continuous current system exceeds 125 volts, the intermediate conductor shall be connected with earth in accordance with the following conditions—

(a) the connexion with earth of the intermediate conductor shall be made at one point only on each distinct circuit, namely, at the generating plant, and the insulation of the circuit shall be efficiently maintained at all other parts;

(b) the current from the intermediate conductor to earth shall be continuously recorded, and if at any time it exceeds one-thousandth part of the maximum supply, current steps shall be immediately taken to improve the insulation of the system.

13. Alternating current circuits shall, unless otherwise agreed by the Minister, be connected with earth in accordance with the following conditions—

(a) the connexion with earth shall be made only where energy is delivered to each circuit, that is to say, at a generating station or substation, and shall wherever practicable be made at a neutral point in the circuit and in such manner as will ensure at all times an immediate and safe discharge of energy;

(b) the connexion with earth shall be efficiently maintained, except when it is interrupted by means of a switch or link for the purpose of periodical tests for ascertaining whether any current is passing by means of the connexion with earth;

(c) the insulation of the mains shall be efficiently maintained at all other parts; and

(d) tests shall be periodically made to ascertain whether any current is passing by means of the connexion with earth, and, if at any time the current so passing exceeds one-thousandth part of the maximum supply current of the circuit, steps shall be immediately taken to improve the insulation; the tests and any action taken shall be duly recorded by the licensee.
14. Concentric mains used either for continuous or for alternating current shall be connected with earth in accordance with the following conditions—

(a) the connexion with earth shall be made—
   (i) by means of the external conductor; and
   (ii) only at the point or points where energy is given to each circuit, namely, at a generating plant or substation;

(b) the insulation of the external conductor shall be efficiently maintained at all other parts;

(c) the external conductor shall form a complete metallic sheathing round the inner conductor;

(d) the connexion with earth shall be efficiently maintained, except when it is interrupted by means of a switch or link for the purpose of periodical tests for ascertaining whether any current is passing by means of the connexion with earth; and

(e) tests shall be periodically made to ascertain whether any current is passing by means of the connexion with earth, and, if at any time the current passing by means of the connexion with earth exceeds one-thousandth part of the maximum supply current of the circuit, steps shall be immediately taken to improve the insulation; the tests and any action taken shall be duly recorded by the licensee.

15. The sectional area of any conductor of any extra high pressure or high pressure electric supply line and of any distributing main or service line shall, unless otherwise agreed by the Minister, not be less than 0.00849 square inches, and the minimum size of any conductor of an overhead line shall be such as to have an actual breaking load of not less than 560 lb.

16. (1) Line conductors shall be of copper, cadmium copper, copper-clad steel, galvanized steel, steel-cored aluminium, aluminium or such other materials as may be approved by the Minister:

   Provided that line conductors of soft-drawn copper shall not be placed in tension.

   (2) The factor of safety of line conductors, earth conductors, auxiliary conductors and guard wires shall be not less than two. The factor of safety shall be based on the breaking load and shall be calculated on the assumption that the line conductors are at a temperature of 30 degrees F., and that they are simultaneously subjected to a horizontal wind at right angles to the line. This wind to be taken as exerting a pressure equivalent to 8 lb. per sq. ft. calculated on the whole of the projected area of the conductors. The elasticity of the metal shall be allowed for in calculating the sag for line conductors.

17. (1) The height from the ground of any line conductor, earth conductor, auxiliary conductor or guard wire at any point of the span at a temperature of 122 degrees F. shall, unless otherwise authorized by the Minister in any particular case, be not less than—

   (a) for line conductors and auxiliary conductors at low or medium pressure, earth conductors and guard wires—
      (i) across a public or private road 19 ft.
      (ii) in other positions 17 ft.
Provided that, in the case of service lines at low or medium pressure which are situated on private premises, the following minimum heights above ground shall be adopted—

(i) for bare line conductors (other than an earth neutral and auxiliary conductors) ... 15 ft.

(ii) for line conductors and auxiliary conductors efficiently insulated and for bare earth neutrals, earth conductors and guard wires—

across a private carriage-way ... 15 ft.
in other positions ... 13 ft.

(b) for line conductors at high or extra high pressure in any position—

(i) for nominal pressures not exceeding 66,000 volts ... 20 ft.

(ii) for nominal pressures exceeding 66,000 volts and not exceeding 110,000 volts ... 21 ft.

(iii) for nominal pressures exceeding 110,000 volts and not exceeding 165,000 volts ... 22 ft.

(iv) for nominal pressures exceeding 165,000 volts ... 23 ft.

(2) Where overhead lines cross navigable waterways, the minimum height above the water shall be as directed by the Minister.

(3) No overhead line at low or medium pressure shall come within 2 ft. of any other separately owned overhead lines or cables except at a pole, and then only by arrangement between the respective owners of the lines.

(4) Overhead line conductors shall be so erected as to be inaccessible to any person without the use of a ladder, or other special appliance, and, unless efficiently protected by insulating material, shall in no case be nearer to any portion of a building than 7 ft.

(5) Telephone lines owned and operated by the licensee and carried on the same supports as other electric lines belonging to the licensee shall have at all temperatures below 122 degrees F. such clearance from the ground (or, where crossing a railway, from rail level) as may be authorized by the Minister in any particular case.

(6) Where any overhead line conductor crosses over or under or is in close proximity to any other overhead wire, precautions shall be taken by the licensee to prevent contact, due to breakage or otherwise, between the line conductor and the other overhead wire or between the other wire and the line conductor.

18. (1) Every support shall be so located as to avoid obstruction or interference with pedestrian or vehicular traffic.

(2) Every support shall be of durable material.

(3) The supports, in conjunction with stays or struts if provided, shall withstand the longitudinal, transverse and vertical loads due to the weight of the wires, the wind pressure hereinafter specified and change of direction of the line without damage and without movement in the ground; and in no case shall the strength of the support in the direction of the overhead line be less than one-quarter of the required strength in a direction transverse to the line.
(4) The following minimum factors of safety shall apply to each support—

**Material Factor of Safety**

<table>
<thead>
<tr>
<th>Material</th>
<th>Factor of Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>wood</td>
<td>3.5</td>
</tr>
<tr>
<td>iron, steel or reinforced concrete</td>
<td>2.5</td>
</tr>
</tbody>
</table>

(a) in the case of wood poles the factor of safety shall be based on the measurements of that portion of the pole impervious to the attack of termites;

(b) in the case of concrete poles the manufacture and test shall be in accordance with British Standard Specification No. 607 of 1951.

(5) The factors of safety specified in paragraph (4) shall be calculated on the assumption that all conductors, cables and wires carried by the supports are at a temperature of 30 degrees F., and that together with the supports they are subjected to a horizontal wind at right angles to the line, this wind be taken as exerting a pressure equivalent to 8 lb. per sq. ft. calculated on the whole of the projected area.

(6) The wind pressure on the lee-side members of lattice steel or other compound structures shall be taken as one-half of the wind pressure on the windward-side members; the factor of safety shall be calculated on the crippling load of struts and the elastic limit of tension members.

(7) All electric lines shall be attached to suitable insulators carried on cross arms or brackets of suitable material and cross section.

(8) Such special precautions as may be necessary shall be taken to prevent the corrosion of all metal work at or below the surface of the ground.

(9) Earth wires, where led down poles, shall be protected for a distance of 8 ft. from the ground.

19. In running electric lines along a public road where no telegraph or telephone line exists, a licensee shall keep to that side of the public road which is approved by the Postmaster-General for the purpose, and in running service lines to the opposite side of the public road a licensee shall arrange such lines so as to interfere as little as possible with the route on that side of any future telegraph or telephone line.

20. (1) (a) No electric line shall be erected on the same side of a public road as Government telegraph or telephone or other lines, and no pole shall be erected within 30 feet of the latter, except with the approval of the Postmaster-General.

(b) Wherever an electric line crosses over or under other wires, such crossing shall be at right angles and precautions shall be taken by the licensee to prevent contact, due to breakage or otherwise, between the line conductor and the other overhead wire, or between the other wire and the line conductor.

(c) Except with the approval of the Postmaster-General such precautions shall consist of an efficient system of guard wires.
(2) Where overhead electric lines at high pressure or extra high pressure intersect Government telegraph or telephone lines, the electric lines shall be subject to such special conditions as may be required by the Postmaster-General in each case of such intersection.

(3) Where an electric line runs parallel and adjacent to a Government line, suitable and approved transposition of the power wires shall be effected if so required by the Postmaster-General, the expense being borne by the licensee.

(4) Where the erection of any electric line necessitates the alteration of any existing telegraph or telephone lines and such alteration is approved by the Postmaster-General, the expense of such alteration shall be borne by the licensee.

(5) Where telegraph or telephone lines are operated and maintained by any person, body of persons or public authority other than the Kenya Posts and Telecommunications Corporation, the notice and approval required by this rule be given to and obtained from such person, body of persons or public authority.

21. (1) Where an overhead electric line is erected after the coming into force of these Rules, adequate precaution to prevent danger from a broken line conductor, from leakage and from lightning shall be taken by the licensee, and the means whereby this is to be effected shall be approved by the Minister before any part of such electric line be erected.

(2) (a) Unless otherwise approved by the Minister, all metalwork other than conductors shall be permanently and efficiently connected with earth.

(b) For this purpose a continuous earth wire shall be provided and connected with earth at four points in every mile, the spacing between the points being as nearly equidistant as possible, or, alternatively, the metalwork shall be connected to an effective earthing device at each individual support.

(c) The design and construction of the system of earth connexions shall be such that when contact is made between a line conductor and metal connected with earth, the resulting leakage current is not less than twice the leakage current required to operate the devices which make the line dead.

(3) All stay wires other than those which are connected with earth by means of a continuous earth wire shall be insulated to prevent danger from leakage and for this purpose an insulator shall be placed in each stay wire at a height of not less than ten feet from the ground.

22. Where an overhead line is erected along or across a public road or railway reserve or within a township or railway station, the following additional precautions shall be taken to prevent danger—

(a) in the case of a line erected along a public road or within a township or railway station there shall be provided—

(i) duplicate insulators supporting the conductors; or

(ii) a device to ensure that in the event of a line conductor falling it shall be put to earth; or

(iii) other means approved by the Minister or the Managing Director of the Kenya Railways Corporation, as the case may be;
(b) in the case of a line erected across a public road or railway reserve there shall be provided—
(i) duplicate insulators for supporting the line conductor and a device to ensure that in the event of a line conductor falling it shall be put to earth; or
(ii) duplicate insulators supporting duplicate conductors tied at intervals not exceeding five feet; or
(iii) other means approved by the Minister or the Managing Director of the Kenya Railways Corporation, as the case may be.

23. (1) Service connexions from overhead lines shall be taken direct from insulators and shall not be tapped off between supports.
(2) They shall be led as directly as possible to insulators firmly attached to some portion of the consumers' premises which is not accessible to any person without the use of a ladder or other special appliance.
(3) Every portion of a service line, except an earthed neutral, which is outside a building and which is within seven feet from any portion thereof, or is in any way accessible from without the use of a ladder or other special appliance, shall be efficiently protected by insulating material of not less than 600 megohm grade.

24. (1) Where lines at different extra high pressures are supported on the same poles or supports, means shall be provided for automatically and effectively earthing the lower pressure line in the event of the higher pressure line making contact with the lower pressure line.
(2) Where low pressure and extra high pressure lines are carried on the same poles or supports they shall be subject to such conditions as may be prescribed by the Minister.
(3) (a) Telephone lines supported on electric line poles shall be subject to the provisions of rule 17.
(b) All such telephone wires shall be connected to the telephone instrument through suitable transformers and protective devices with fuses and lightning arrests placed in the circuits.

25. Every pole or support within a public road reserve carrying high pressure or extra high pressure lines shall have attached to it a danger notice in a form approved by the Minister, and in the case of lattice or similar poles shall be provided with an efficient guard to prevent unauthorized climbing.

26. A system of distributing mains shall be separated into sections corresponding approximately to the different feeders, and these sections shall be inter-connected only through suitable circuit breakers or fuses arranged so as to be easily inspected.

27. From the time when a licensee commences to supply energy through any distributing main, he shall maintain a supply sufficient for the use of all the consumers for the time being entitled to be supplied from that main, and that supply shall, except so far as the Minister may otherwise from time to time permit, be constantly maintained:
Provided that, for any purpose connected with the efficient working of the undertaking, the Minister may give permission to a licensee to discontinue the supply at such intervals of time and for such periods as he may think expedient; and when the supply is so discontinued reasonable notice to all persons likely to be affected shall be given of such discontinuance, and of the probable duration thereof.
28. (1) Subject to the limits of variation specified in para-
graph (2), a supply of electrical energy to any consumer shall be
given by means of alternating current at a frequency of 50 complete
periods per second, and shall, subject to the provisions of any special
agreement between the licensee and any consumer to the contrary—

(a) in the case of a single phase supply, be given at a standard
pressure of 240 volts; and

(b) in the case of a supply given on a four-wire system, be given
at a standard pressure of 415 volts between phases.

(2) Except with the consent of the Minister and upon such terms
and conditions as he may impose, the frequency referred to in para-
gle (1) shall be maintained subject to a variation not exceeding $2\frac{1}{2}$
per centum above or below, and the said voltage shall be maintained
subject to a variation not exceeding 6 per centum above or below
the standard pressure.

29. (1) If, after making all proper examination of an installation
by testing or otherwise, a licensee is reasonably satisfied that—

(a) the wiring or fittings are not suitable for the voltage being
employed; or

(b) a leakage exists at some part of the circuit of such extent as
to be a source of danger, and that such leakage does not exist
at any part of the circuit belonging to the licensee; or

(c) any other requirements of these Rules are not being complied
with;

then, and in any such case, the licensee shall not commence a supply
or shall discontinue the supply of energy to the consumers' terminals,
as the case may be, and shall give immediate notice in writing to the
consumer of the reason for not commencing or for discontinuing the
supply; and in either case supply shall not be given until the licensee
is reasonably satisfied that the installation is in conformity with these
Rules.

(2) A licensee shall at his own cost make all proper examinations
and tests before commencing a supply of energy to a consumer's
terminals, but if an installation fails to comply with these Rules, or
if a supply has been discontinued in accordance with any provision of
the Act or of these Rules, the licensee shall before giving a supply
of electrical energy be entitled to charge and be paid—

(i) in the case of every re-examination and re-test of an installa-
tion within the boundaries of any municipality or township
within the licensee's area of supply, a fee of twenty shillings;
and

(ii) in the case of every re-examination and re-test of an installa-
tion in any other part of the licensee's area of supply, a
fee of twenty shillings together with the expenses (including
wages) incurred by the licensee in carrying out every such
re-examination and re-test.

(3) (a) If any consumer is dissatisfied with the action of a licensee
in refusing to give or in discontinuing or in not recommencing the
supply of electrical energy to his premises, the wires and fittings of
that consumer shall, on his application and payment of the prescribed
fee, be tested for the existence of leakage by an electric inspector or
such person as the Minister may appoint.
(b) This provision shall be endorsed upon every notice given under this rule.

(4) All tests of consumers’ installations shall be duly recorded by the licensee.

30. (1) Where any person is maintaining or operating any installation, electric supply line, apparatus or other works which, in the opinion of the Minister, is causing a nuisance to any person or to the general public, or which interferes with the efficient working of any telegraph or telegraph line, the Minister may, by notice in writing, prohibit the use of such installation, electric supply line, apparatus or other works, or may require the person who is maintaining or operating such installation, electric supply line, apparatus or other works to use it subject to such conditions as may be specified in the notice.

(2) Any person upon whom a notice has been served under paragraph (1), and who fails to comply with the notice or with to a fine not exceeding one thousand shillings or to a term of imprisonment not exceeding three months or to both.

Additional precautions approved under rule 22 of the Electric Power Rules

L.N. 31/1956.

1. The following additional precautions have been approved for the purposes of rule 22 of the Electric Power Rules, in respect of overhead electric supply lines operating at a nominal pressure of 132,000 volts and erected upon steel towers—

(a) the factor of safety of line conductors and auxiliary conductors calculated in the manner described in rule 16 of those Rules shall not be less than 3.5;

(b) the line shall be protected by devices designed to disconnect a broken conductor from all sources of supply in less time than would be required for the conductor to fall under the influence of its own weight to within twelve feet of the ground;

(c) no tree shall be allowed to stand in such a position that any part of it would pass within 12 feet of any line conductor did the tree fall directly towards the line;

(d) all insulator strings, whether suspension or tension sets, shall have a minimum factor of safety of 3.5;

(e) all insulator strings shall be provided with arcing rings, horns or other device approved by the Minister for the protection of the conductor.

2. This approval shall not in any way affect or prejudice the right of the operator of any navigable waterway, telephone or telegraph line to require such further precautions as he may be empowered to require in relation to the construction of any electric supply line, the subject of this approval, which crosses such navigable waterway, telegraph line or telephone.
THE ELECTRIC POWER (ELECTRICITY METERS) RULES

1. These Rules may be cited as the Electric Power (Electricity Meters) Rules.

2. For the purposes of these Rules, unless the context otherwise requires—

"B.S.S." or "British Standard Specification" means a standard specification issued by the British Standards Institution;

"meter" means any and every kind of machine, device or instrument used for the measurement of the supply of electrical energy, and includes such auxiliary appliances as resistors, shunts, reactances, current transformers, voltage transformers and time switches, external to the meter, and the requirements of these Rules shall apply when all such auxiliary appliances are operating in connexion with the meter.

3. A meter shall be considered to be an appropriate meter for the purposes of section 92 of the Act, or an approved meter for the purposes of section 103 of the Act, if it is of a rating and type which is considered by an electrical inspector to be suitable for the circuit and load conditions to which it is or is to be subjected in service, and—

(a) if it is a meter which complies with B.S.S. Nos. 37 and 81, as current at the date of purchase of the meter, in so far as those specifications are applicable to the class of meter under consideration, with the deletion of clauses 35 and 37 of B.S.S. No. 37, 1930, and clauses 19 and 24 of B.S.S. No. 81, 1927, or the corresponding clauses in any previous or subsequent issues of those specifications which apply to the meter under consideration; or

(b) in the case of a meter of a type not covered by a British Standard Specification, if it is a meter of such construction and pattern as may be approved by the Minister.

4. The registering mechanism of any meter, except an electrolytic meter or a substandard meter with special dials for testing or other purposes, shall be either of the pointer type or of the counter type, and shall comply with the following requirements—

(a) a registering mechanism of the pointer type shall comply with the relevant clause of B.S.S. No. 37 current at the date of purchase of the meter;

(b) a registering mechanism of the counter type shall be of such type as may be approved by the Minister.
5. The meter shall not register at no load, and its error, at the standard or marked voltage and frequency and at any temperature to which it may be subjected in service, shall not exceed the following values:

<table>
<thead>
<tr>
<th>Type of meter</th>
<th>Conditions of Test</th>
<th>Limits of error plus or minus</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current expressed as percentage of the marked current</td>
<td>Power factor</td>
</tr>
<tr>
<td>Watt-hour meters for direct or alternating current with or without maximum demand indicator</td>
<td>125% to 5%</td>
<td>0.5 to 1.0</td>
</tr>
<tr>
<td>Kilovolt - ampere - hour meters and reactive volt-ampere-hour meters with or without maximum demand indicator</td>
<td>100% to 40%</td>
<td>Within marked range</td>
</tr>
<tr>
<td>Thermal type maximum demand indicators</td>
<td>100% to 40%</td>
<td>Any</td>
</tr>
</tbody>
</table>

Provided that this rule shall not preclude the certification or use, for registration at loads outside the ranges of current and power factor quoted above, of a meter which registers at such loads within the limits of error prescribed above.

THE ELECTRIC POWER (NATIONAL STANDARDS) RULES

1. These Rules may be cited as the Electric Power (National Standards) Rules.

2. In these Rules, "telecommunication plant" means any line, apparatus, equipment or thing used or intended to be used in connexion with the transmission or reception of information by electrical means.

3. (1) No person shall sell or let on hire, or offer for sale or hire, any electrical apparatus or material of a kind specified in the Schedule:

Provided that nothing in these Rules shall be deemed to apply to those parts of telecommunication plant not connected to a public or private mains supply.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both.

SCHEDULE (r. 3)

Any electrical apparatus provided with a flexible cord which does not comply with the following requirements—

(a) the cord shall consist of two or more conductors each comprising a group of wires in diameter and construction such as to afford flexibility and having a cross sectional area not exceeding .007 sq. in.;
(b) each conductor shall be separately insulated with insulating material of a type and thickness suitable to the working voltage of the conductor;

(c) the conductors shall be laid up together and sheathed overall with a material providing electrical insulation and mechanical protection for the insulated conductors;

(d) the insulated conductors shall be coloured throughout their length and shall be connected to the apparatus or its connecting device in the following manner—
   red conductor for phase or live wire;
   black conductor for neutral or return wire;
   green conductor for earth continuity wire.

THE ELECTRIC POWER (UNDERGROUND LINES) RULES

1. These Rules may be cited as the Electric Power (Underground Lines) Rules.

2. In these Rules, unless the context otherwise requires—
   “street box” includes any substation or switching station placed underground;
   “underground line” means any electric supply line normally placed underground;
   “voltage” means pressure.

3. These Rules shall apply to all underground lines installed after the commencement of these Rules, but shall not apply to any underground line in existence at such date and constructed and maintained under and in accordance with any previous Rules:

   Provided that any renewal or addition to such underground line carried out after the said date shall comply with these Rules.

4. The provisions of these Rules shall not derogate in any way from any powers conferred by any written law on any person to take steps to prevent interference in his property or interests as a result of the laying of any underground line under these Rules.

5. Every underground line, unless specially designed to operate uninsulated, shall be efficiently insulated and protected from mechanical damage, and efficient means shall be employed to prevent danger resulting from the surface of the ground or any works in proximity to any underground line becoming charged by leakage from such underground line.

6. The conductors of any service line placed underground shall have a cross-sectional area not less than 0.0145 square inches unless otherwise approved in writing by the Minister.

7. The depth below the surface of the ground of every underground line shall unless otherwise approved by the Minister in any individual case be not less than—

   (a) eighteen inches in the case of a line operating at low or medium voltage;


Citation.

Interpretation.

Application.

Other statutory powers.

Insulation of underground lines.

Minimum size of underground service lines.

Depth of underground lines.
Underground lines laid along and across streets.

Warning of presence of extra high voltage underground lines.

Levels of underground lines at different voltages.

Construction of pillars and street boxes.

Underground lines brought above the surface of the ground.

Earthing of ducts and metallic sheaths.

Testing of underground lines.

(b) twenty-four inches in the case of a line operating at high or extra high voltage; and

(c) thirty inches in the case of a line crossing beneath a roadway.

8. (1) Underground lines laid along streets shall wherever possible be laid under footways.

(2) Underground lines crossing beneath any carriageway having a surface of concrete, bitumen or other permanent material shall be laid in ducts so that they can be withdrawn without damage to the surface of the carriageway.

9. Underground lines operating at high or extra high voltage unless laid on land in the exclusive occupation of the owner or operator thereof or contained in ducts shall have laid above them a covering in the form of tiles or slabs of durable material bearing a moulded inscription warning of the presence beneath them of electric supply lines.

10. Wherever low or medium voltage underground lines and high or extra high voltage underground lines are placed less than six feet apart, except where both lines are laid in ducts, the high or extra high voltage lines shall be laid at a lower level than the low or medium voltage lines and the difference in level shall be not less than twelve inches.

11. All ducts, casings, pillars and street boxes used as receptacles for underground lines or apparatus shall be constructed of durable material and where placed under carriageways shall be of sufficient strength to withstand heavy traffic; and—

(a) all reasonable precautions shall be taken to prevent the accumulation of gas or water in such receptacles, and

(b) the doors of substations and pillars and the covers of street boxes, subways and manholes shall be so constructed that they cannot be opened except by the use of a special appliance.

12. Every portion of any underground line brought above the surface of the ground or into any subway or tunnel not in the sole occupation of the owner or operator of the underground line shall wherever it is less than eight feet in height above the surface of the ground or any footway be protected against mechanical damage and unauthorized interference.

13. (1) Metallic ducts containing underground lines shall wherever necessary to avoid danger be efficiently earthed and shall be so jointed and connected across all street boxes and other openings as to be electrically continuous throughout their whole length.

(2) Metallic armouring and metallic sheathing of underground lines shall be electrically continuous throughout the entire length of the underground lines.

14. No high voltage or extra high voltage underground line shall be used for the supply of energy until it has been completely laid, properly jointed and, where practicable, tested or until it is in the sole charge of the owner or operator, and every such line during its use shall remain in the sole charge of the owner or operator.
15. Without prejudice to any prosecution for an offence under rule 18, the Minister may prohibit the use or may order the removal of any underground line if in the opinion of the Minister its use is attended with danger or if it fails to comply in any material respect with the requirements of these Rules, and may continue such prohibition until the matter complained of has been rectified.

16. Any underground line which has fallen into disuse other than for a temporary period shall, if so required by the Minister, be removed by the owner thereof, and, in the event of the owner failing to remove such underground line within a period of sixty days of its falling into disuse, the Minister may order its removal.

17. Before making any order for removal of any underground line under rule 15 or rule 16, the Minister shall give notice to the owner of his intention to make such order, and, if good cause is not shown why the Minister should not make such order within thirty days of notice having been given, the Minister may order removal of the underground line within such reasonable period as shall be specified, and, where such order is not complied with, the Minister may cause the underground line to be removed and may recover the cost of so doing from the owner as a civil debt.

18. Subject to rule 4, any person who contravenes or fails to comply with rules 3 to 14 inclusive, or who contravenes or fails to comply with any prohibition or order of the Minister under any of rules 15, 16 and 17, shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

THE ELECTRIC POWER (ELECTRICITY LICENSING BOARD) (POWERS AND DUTIES) RULES

1. These Rules may be cited as the Electric Power (Electricity Licensing Board) (Powers and Duties) Rules, and shall apply to the premises and areas set out in the Second Schedule.

2. In these Rules, unless the context otherwise requires—

   “Board” means the Electricity Licensing Board established by the Electric Power (Electricity Licensing Board) Order;

   “electrical contractor” means any person engaged in carrying out any electrical installation work either individually or as a body corporate or incorporate for voluntary, business, training, or teaching purposes in the field either for gain or reward or for no charge at all.

   “electrical installation work” means the installation, alteration, or repair, wholly or partially, of any conductor or apparatus or system of wiring in or upon premises connected or intended to be connected to a supply of electricity where the pressure in any part of the system exceeds 110 volts but excludes—

   (a) work upon the system of an authorized distributor or hulk supply licensee carried out by such distributor or servant of such distributor acting on his behalf;

(b) any telecommunication and alarm circuits and equipment that are not directly connected to a supply of electricity and the pressure in any part of the system does not exceed 24 volts;

(c) any telecommunications plant;

"issuing officer" means a person appointed in writing by the Board under rule 4 to be an issuing officer for the purposes of these Rules;

"licence" means a licence granted under rule 5, and "licensed" has a corresponding meaning;

"licensed electrician" means a person licensed under rule 5.

"occupant", in relation to any premises, includes the person using, inhabiting or being in possession of the premises;

"registered" means registered under rule 12, and "register" and "registration" have corresponding meanings;

"telecommunications plant" means any line, apparatus, equipment or thing used in connexion with the transmission or reception of information by electrical means.

3. The Board shall have the powers and duties prescribed by these Rules and may in writing delegate such of its powers and duties as it shall specify to any or all issuing officers.

4. (1) The Board shall appoint in writing one or more persons to be issuing officers.

(2) In addition to the powers and duties provided in these Rules an issuing officer shall have such powers and duties as may be delegated to him by the Board.

(3) No issuing officer shall be personally liable for any act or default done or omitted to be done in good faith in pursuance of these Rules.

5. (1) The Board may, on application being made to it, grant to the applicant one of the following licences—

(a) licence A, which shall entitle the holder to carry out all kinds or classes of electrical installation work.

(b) licence B, which shall entitle the holder to carry out electrical installation work to buildings and factories not intended to be used as places of public entertainment and for supplies of electricity provided and metered at a pressure not exceeding medium;

(c) licence C, which shall entitle the holder to carry out electrical installation work, which is for connection to a single phase supply, restricted to two-storey buildings not used as factories or places of public entertainment;

(d) licence D, which shall entitle the holder to carry out work restricted to any specialized class of electrical installation work.
(2) Every licence shall, unless previously cancelled under rule 10, remain in force until the 31st December in the year in which it is granted and shall not be transferable but may subject to such conditions as may be specified by the Board, be renewed.

(3) A fee of one hundred and fifty shillings shall be paid on the granting of any class of licence under these Rules.

(4) The following fees shall be paid for a renewal of any class of licence on or before the 31st March in each year, that is to say—

Sh.

(a) for licence A 80
(b) for licence B 60
(c) for licence C 40
(d) for licence D 40

Provided that the fee for a licence renewed after the 31st March shall be one-and-a-half times the fees specified in this paragraph.

(5) Any licence issued under paragraph (1) which is not renewed for five consecutive years shall be deemed to have been cancelled and shall not be considered for renewal.

6. (1) An application for a licence shall be made to the Board on Form 1 set out in the First Schedule, and such application shall specify the class of licence in respect of which the application is made and shall be accompanied by the following application fees—

Sh.

(a) for licence A 100
(b) for licence B 75
(c) for licence C 50
(d) for licence D 50

(2) The applicant shall furnish to the Board such evidence or particulars as may be required by the Board relating to the applicant's previous experience of electrical installation work.

(3) The Board may require and cause such applicant, for the purpose of ascertaining his ability to undertake, engage in or perform electrical installation work, to be examined, in such manner as it may determine, upon any matter or thing in connexion with his application and upon the Act and the rules made thereunder.

(4) The Board may grant the applicant such type of licence as in its opinion he is qualified to hold, and the Board may, without assigning any reason therefor, refuse to grant any licence to any applicant.

7. Any person who contravenes or fails to comply with any of the terms and conditions of any licence issued under rule 5 or wilfully gives false or misleading information under or for the purposes of rule 6 shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both.

8. Any person who undertakes or carries out any electrical installation work without being the holder of a licence then in force appropriate to the work undertaken or carried out or without being under the direction of such a licence holder shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both.
9. The Board shall maintain a register of all licensed electricians for the time being licensed under these Rules.

10. (1) The Board may cancel or downgrade the licence of any licensed electrician upon being satisfied that the licensed electrician has contravened any of the provisions of the Act or any rules made thereunder.

(2) Where the Board cancels the licence of any licensed electrician it shall remove his name from the register of licensed electricians for the time being licensed under these Rules.

(3) Upon the cancellation or downgrading of the licence of any licensed electrician under paragraph (1), the Board may by written notice to such licensed electrician, disqualify him from holding a licence or a particular type of licence for such period as the Board thinks fit.

(4) Before exercising its powers under paragraph (1), the Board shall afford the licensed electrician whose licence it is proposed to cancel or downgrade an opportunity of appearing or being represented before the Board and of showing cause why the Board should not exercise its power under these Rules.

(5) An issuing officer may at any time by giving notice in writing to a licensed electrician, a copy of which shall be sent to the Board, suspend the licence of the licensed electrician until the next meeting of the Board.

11. (1) An electrical contractor undertaking any electrical installation work shall submit a commencement notice in Form 3 set out in the First Schedule to an authorized distributor delivering the supply or to an electrical inspector appointed under the Act when the supply is not delivered by an authorized distributor.

(2) An authorized electrician of the electrical contractor or the electrical contractor, as the case may be, completing or directing the completion of the electrical installation work shall submit a completion form in Form 4 set out in the First Schedule to an authorized distributor delivering the supply or to an electrical inspector appointed under the Act when the supply is not delivered by an authorized distributor.

(3) Notwithstanding paragraphs (1) and (2), the commencement notice and the completion form for electrical installation work shall be submitted by the same electrical contractor unless a special permission is granted by the issuing officer.

(4) Any person who fails to comply with this rule shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

(5) Any person who submits or causes to be submitted to an authorized distributor or to an electrical inspector a completion form which he knows or has reason to believe is false in any material particular shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

12. (1) Every electrical contractor shall register the name of his business with the Board and, in the case of a business having more than one branch, separate registration shall be effected in respect of each branch.
(1A) Subject to paragraph (6), every registration shall remain in force until 31st December in the year in which it is granted and may, subject to such conditions as may be specified by the Board, be renewed.

(2) The Board shall not register any electrical contractor who is unable to satisfy the Board that he carries on a business at premises constituting a permanent address.

(3) An application for registration under this rule shall be made to the Board on Form 2 set out in the First Schedule and such application shall be accompanied by an application fee of one hundred shillings.

(4) The following registration fees shall be paid by every electrical contractor whose application for registration is approved by the Board depending on the type of licence he holds—

<table>
<thead>
<tr>
<th>Licence Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Sh. 4,000</td>
</tr>
<tr>
<td>B</td>
<td>Sh. 750</td>
</tr>
<tr>
<td>C</td>
<td>Sh. 500</td>
</tr>
<tr>
<td>D</td>
<td>Sh. 500</td>
</tr>
</tbody>
</table>

and for each renewal of the registration the electrical contractor shall pay the following fees depending on the type of licence he holds—

<table>
<thead>
<tr>
<th>Licence Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Sh. 500</td>
</tr>
<tr>
<td>B</td>
<td>Sh. 375</td>
</tr>
<tr>
<td>C</td>
<td>Sh. 250</td>
</tr>
<tr>
<td>D</td>
<td>Sh. 250</td>
</tr>
</tbody>
</table>

Provided that for any registration renewed after the 31st March the fees specified in this paragraph for renewal shall be increased by fifty per centum.

(4A) Notwithstanding the provisions of paragraphs (3) and (4), the Board may exempt any person or class of persons from the payment of the prescribed fees.

(5) The registration of any business or branch thereof shall become void upon the expiration of thirty days from the date of any change in the ownership of such business or branch, or upon the business or branch being transferred from the premises in respect of which it is registered:

Provided that where any issuing officer in writing approves such change of ownership or transfer from premises the registration shall not become void until the next meeting of the Board.

(6) The Board may in its absolute discretion refuse to register or may remove from the register or down-grade the registration of any business or branch of a business unless it is satisfied that there is and shall continue to be employed in the business or branch on a full time basis, an electrician who holds a licence appropriate to the electrical installation work proposed to be undertaken by such business or branch and who is and shall continue to be available to direct all such work.
(7) An issuing officer may at any time by giving notice in writing to an electrical contractor, a copy of which shall forthwith be sent to the Board, suspend the registration of the business of such electrical contractor or of a branch thereof until the next meeting of the Board.

(8) The Board shall keep a register of all businesses and branches thereof registered under this rule.

(9) Any electrical contractor who—

(a) undertakes or carries out by himself, his servant, or agent any electrical installation work at any time whilst his business or any branch thereof is not registered or while the registration of such business or branch is suspended; or

(b) undertakes or carries out, by himself, his servant or agent any electrical installation work except under the direction of a licensed electrician holding a licence of a type appropriate to such work,

shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both.

(10) Where any offence under these Rules committed by a company, co-operative society or other corporate body is proved to have been committed with the consent or connivance of, or to have been facilitated by any director, chairman, manager, secretary or other officer thereof, he, as well as the company, co-operative society or other corporate body shall be guilty of the offence and liable to be proceeded against and punished accordingly.

13. Any owner or occupant of any premises or any developer or main contractor of any premises under construction who causes or permits to be carried out upon the premises any electrical installation work in contravention of these Rules shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

14. (Deleted by L.N. 140/1981.)

15. Any person aggrieved by—

(a) a refusal of the Board to grant a licence or a licence of a particular type;

(b) a cancellation or downgrading of a licence or the removal from the register under rule 9;

(c) a notification of the Board disqualifying him from holding a licence or a licence of a particular type; or

(d) a refusal of the Board to register a business or any branch of a business or the removal of a business or branch of business from the register to be maintained under rule 12,

may appeal in writing within fourteen days of the refusal, cancellation, downgrading by notification to the Minister whose determination shall be final and shall not be questioned in a court of law.
FIRST SCHEDULE

Form 1

APPLICATION FOR ELECTRICIAN'S LICENCE

The Chairman,
Electricity Licensing Board
P.O. Box ............
NAIROBI.

I, the undersigned, hereby apply to be licensed as an electrician in accordance with the Electric Power (Electricity Licensing Board) (Powers and Duties) Rules (Cap. 314 Sub. Leg.) for the following class of licence—

Licence A—to carry out all and any kind of electrical installation work.

Licence B—to carry out electrical installation work to buildings and factories not or intended to be used as places of public entertainment and for supplies provided and metered at a pressure not exceeding medium.

Licence C—to carry out electrical installation work which is for connection to a single phase supply and is restricted to up to two storey building which is not used or intended to be used as factories or places of public entertainment.

Licence D—to carry out work restricted to any specialized class of electrical installation work.

(Delete as necessary)

I promise to carry out all electrical installation works undertaken by me strictly in accordance with the Electric Power Act (Cap. 314) and any rules, regulations and by-laws for the time being in force thereunder.

Name in full .........................................................

(Block capitals, surname first)

Postal Address ....................................................

Date of Birth .................. Nationality ..........

Name and address of present employed, (if any) ...........

Nature of present job:

...........................................................................

...........................................................................

...........................................................................

...........................................................................

...........................................................................

...........................................................................

.............................................................................
Experience and Qualifications—
(a) Details of educational qualifications and examinations passed
........................................................................................................................................
........................................................................................................................................
........................................................................................................................................

(b) Details of apprenticeship (if any) ......................................................................................
........................................................................................................................................
........................................................................................................................................

(c) Subsequent experience in the work of an electrician or trade or wireman (Trade Test Certificate, (if any)) .........................
........................................................................................................................................
........................................................................................................................................

Knowledge of English language:
(a) Reading  Yes/No
(b) Writing  Yes/No
(c) Speaking Yes/No

Knowledge of Rules and Regulations:
(a) The regulations for the electrical equipment of buildings by the Institution of Electrical Engineers, Great Britain. Yes/No
(b) The Factories (Electric Power) (Special) Rules, 1979. Yes/No
(c) Rules made under section 145 of the Electric Power Act. Yes/No
(d) Local Supply System Tariffs. Yes/No

Details of Electrician's licence held (if any)
(a) Licence No. .........................................................
(b) Issued on .........................................................
(c) Issued by .........................................................

For the licence applied for I was also interviewed on .........................................................
........................................................................................................................................
........................................................................................................................................
........................................................................................................................................

I declare that the particulars given by me are true and correct.

A postal order No. .........................................................
dated ......................................................... for Sh. ......................................................... being
the application fee is enclosed.

Date .........................................................

Signature of Applicant
(The following details to be completed by two independent referees who must have known the applicant's ability very well, preferably in the trade.)

(i) 1st Referee

I declare that the particulars given by the applicant in this form are true and correct to the best of my knowledge.

Full Name: ............................................................

(Block letters, surname first)

Occupation: ............................................................

Postal Address: .......................................................

............................................................

Electrician's licence No. (if any) ...............................

............................................................

I have known the above person for ....................... years.

Position held at present: ...........................................

Date ..............................................................

Signature of 1st referee

(ii) 2nd Referee

I declare that the particulars given by the applicant in this form are true and correct to the best of my knowledge.

Full Name: ............................................................

Occupation: ............................................................

Postal Address: .......................................................

............................................................

Electricians's Licence No. (if any) ...............................

............................................................

I have known the above person for ....................... years.

Position at present .................................................

Date ..............................................................

Signature of 2nd Referee
APPLICATION FOR REGISTRATION OF ELECTRICAL CONTRACTORS BUSINESS OR BRANCH

The Chairman,
Electricity Licensing Board
P.O. Box ...........
NAIROBI.

I/We ..................................................

hereby certify that I/we intend to conduct the business of Electrical Contractors at premises/branch occupied by me/us situated at ...............

Description of the premises:
(a) Town ..........................................
(b) Location/Name of the Road ..................

(c) Name of the Building .........................
(d) Whether it is a Branch ....................... 
(e) Available office and storage area ............

Details of Business:
(a) Business registration No. and date ...........
(b) Postal address ................................
(c) Names of partners, their addresses and nationalities ...........

(d) Licensed electricians who will direct the electrical contracting work:

<table>
<thead>
<tr>
<th>Full name</th>
<th>Licence No. and Class</th>
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<tbody>
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<td>(iii)</td>
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<td>(iv)</td>
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</tr>
</tbody>
</table>
(e) Areas where the business will operate


(f) Previous experience in estimating and costing of electrical projects


(g) Previous experience in electrical contracting work


(h) Capital available for operating the business K.Sh.


(i) Name and address of bank or financial organization where the business account is maintained


Details of the tools and measuring and testing instruments available:

(1) List of tools


(b) List of measuring and testing instruments

<table>
<thead>
<tr>
<th>Description</th>
<th>Make</th>
<th>Serial No.</th>
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</tbody>
</table>

I/We hereby apply for registration of the above mentioned Electrical Contractor Branch/Business in accordance with the Electricity Licensing Board (Powers and Duties) Rules (Cap. 314, Sub. Leg.) and undertake to carry out all work undertaken by me/us strictly in accordance with the Electric Power Act (Cap. 314) and any rules and by-laws for the time being in force thereunder.
I/we, hereby, declare that the information I/we have provided in the application is true and correct.

A postal order No. ...... dated ...... for Sh. ...... being the application fee is enclosed and agree to pay the inspection fee and the initial registration fee, as and when required.

Date ........................................ Signature of Applicant

REFEREES

(The following details to be completed by two different and independent referees, who would vouch your competence to operate a business of contractor if registered, your technical ability having already been established. Persons who may not understand what is involved in running a business cannot be accepted as referees)...

(i) 1ST REFEREE

I certify that the information given in this form is true and correct to the best of my knowledge.

Full Name ..........................................................

(Block letters, surname first)

Occupation ..........................................................

Postal Address ....................................................

.................................................................

.................................................................

Date ........................................ Signature of 1st Referee

(ii) 2ND REFEREE

I certify that the information given in this form is true and correct to the best of my knowledge.

Full Name ..........................................................

(Block letters, surname first)

Occupation ..........................................................

Postal Address ....................................................

.................................................................

.................................................................

Date ........................................ Signature of 2nd Referee
COMMENCEMENT OF WORK NOTICE

No. ......................

To:

........................................................

(Name and address of authorized distributor or Electrical Inspector)

In accordance with rule 11 (1) of the Electric Power (Electricity Licensing Board) (Powers and Duties) Rules,

I/we ......................

(Name and Address of Electrical Contractor)

hereby give notice that I/we propose to carry out the following work as under:

for ........................................................

(Name of Consumer)

of ........................................................

(Address of Consumer)

at ........................................................

(Situation of property)

of land office reference No. ........................................................

Nature of work: new installation/addition/modification of an existing installation.

(Delete where not applicable)

Proposed situation of meter-board(s) in the case of a new installation or if the site of an existing board is to be changed) will be ......................

........................................................

I/we have Electrical Contractors Registration No. ..............................

Class ............................................ validated for the current year.

Date ..............................

Signature of Electrical Contractor

Note.—Any person who submits a commencement of work notice which is false in any material particular is liable to prosecution under rule 11 of the Electric Power (Electricity Licensing Board) (Powers and Duties) Rules.
COMPLETION FORM

No. ........................................

To:

..................................................

(Name and address of authorized distributor or Electrical Inspector)

In accordance with rule 11 (2) of the Electric Power (Electricity Licensing Board) (Powers and Duties) Rules, I/we .............

..................................................

(Name and address of Electrical Contractor)

holding class ......................................

Electrical Contractor registration, hereby give notice that the undermentioned work in connection with the installation of the premises of:

Name ..........................................

Address ..........................................

is now completed and ready for testing and connection.

A service line is/is not required.

Details of installation (stating if new, addition or modification)

..................................................

The work has been carried out and tested and is strictly in accordance with The Electric Power Act (Cap. 314) and all rules and by-laws for the time being in force thereunder.

Name of licensed electrician in charge .............

Class of licence held ............................ Licence No. ..........

..................................................

Signature of Licensed electrician in charge

Signature of Electrical Contractor

Date .......................... Date ..........................

NOTE.—Any person who submits a completion form which is false in a material particular is liable to prosecution under rule 11 of The Electric Power (Electricity Licensing Board) (Powers and Duties) Rules.

(For office use of authorized distributor)

Connection Order No. ........................ Date ........................
SECOND SCHEDULE

AREAS AND PREMISES TO WHICH RULES APPLY

1. All public places.

2. All areas specified in Distributing Licences granted under the Electric Power Act.

3. All factories as defined in section 5 of the Factories Act.

4. All hotels as defined in the Hotels Act.

5. All boarding schools.

6. All hospitals and nursing homes.

THE ELECTRIC POWER (OVERHEAD LINES) RULES

1. These Rules may be cited as the Electric Power (Overhead Lines) Rules.

2. In these Rules, unless the context otherwise requires—

   "auxiliary conductor" means any overhead conductor other than a line conductor;

   "building" includes any verandah, canopy, sign or flagpole forming a permanent feature of the building;

   "electrical inspector" means a person appointed by the Minister under section 79 of the Act;

   "line conductor" means a conductor used for conveying a supply of electrical energy and includes so much of any service line as may be placed above ground and in the open air;

   "overhead conductor" means any conductor of an overhead line normally in tension and includes line conductors and auxiliary conductors together with joints and jointing devices used therewith;

   "overhead line" means any electric supply line which is placed above ground and in the open air;

   "support" means any structure used to support any overhead line including stays, struts, and cross arms but not including conductor attachments;

   "telecommunications plant" means any line, apparatus, equipment or thing used or intended to be used in connexion with the transmission or reception of information by electrical means;

   "voltage" means pressure as defined in the Act.

3. (1) These Rules shall apply to all overhead lines erected after the commencement of these Rules, but shall not apply to overhead lines in existence at such date and which were constructed and are being maintained in accordance with rules 15 to 25 inclusive of the Electric Power Rules:

   Provided that any renewal of or addition to any overhead lines in
existence at the date of the commencement of these Rules made after that date shall be carried out in accordance with the provisions of these Rules.

(2) The Minister may in his discretion exempt any overhead line or lines from the provisions of this rule.

4. These Rules shall not prejudice in any way the powers conferred by the Act on any public body or private individual in their property or interests as a result of the erection of any overhead line under these Rules.

5. Overhead conductors shall be of hard drawn copper, aluminium, steel or a combination of these materials or such other material or combination of materials as may be approved in writing by an electrical inspector.

6. All overhead conductors at the time of erection shall comply as regards elongation, breaking load and elasticity with the appropriate British Standard of the British Standards Institution of Great Britain then in force, or in the absence of a British Standard shall be subject to the approval in writing of an electrical inspector.

7. Unless otherwise approved in writing by an electrical inspector, overhead conductors shall be stranded and subject to the following specifications—

(a) in the case of an overhead line owned or operated by an authorized distributor or a bulk supply licensee—

(i) for the overhead conductors of service lines, the minimum diameter of strand shall be 0.044 inches and the minimum size of the conductor shall be such as to have a cross sectional area of not less than 0.01 square inches and an actual minimum breaking load of 370 pounds;

(ii) for all other overhead conductors, the minimum diameter of strand shall be 0.064 inches and the minimum size of the conductor shall be such as to have a cross sectional area of not less than 0.022 square inches and an actual minimum breaking load of 560 pounds;

(b) in the case of an overhead line owned or operated by the holder of an authorization in terms of section 4 of the Act or being a part of a consumer's installation—

(i) for overhead conductors suspended between a support and a building, or between two buildings, the cross sectional area of the conductor shall be not less than 0.0045 square inches provided that all overhead conductors other than those permanently connected with earth shall be efficiently insulated and provided further that the overhead line shall be situated entirely within the close or curtilage of the premises of the owner or operator thereof;

(ii) all other overhead conductors shall comply with the requirements of paragraph (a).
8. (1) The factor of safety of overhead conductors shall be not less than three or such other factor of safety as may be approved in writing by the Minister in any individual case.

(2) The factor of safety shall be based upon the ultimate strength of the conductor, and shall be calculated on the assumption that the conductor is at a temperature of 30° F. and that it is simultaneously subjected to a horizontal wind pressure at right angles to the conductor equivalent to 8 lb. per square foot on the whole of its projected area.

9. Such precautions as in any case may be necessary shall be taken to prevent damage to overhead conductors by resonant vibration.

10. The height from the ground of any overhead conductor at any point of the span measured at a temperature of 122° F. in still air shall, unless otherwise approved in writing by the Minister in any particular case, be not less than—

(a) for line conductors operating at a nominal voltage not exceeding 11,000 volts and for auxiliary conductors—

(i) across or along a street ........................................ 19
(ii) in all other positions ........................................... 17

(b) for line conductors operating at a nominal voltage exceeding 11,000 volts in any position—

(i) for nominal voltages not exceeding 66,000 volts ........................................ 20
(ii) for nominal voltages exceeding 66,000 volts but not exceeding 110,000 volts ........................................ 21
(iii) for nominal voltages exceeding 110,000 volts but not exceeding 165,000 volts ........................................ 22
(iv) for nominal voltages exceeding 165,000 volts ........................................ 23

(c) for overhead conductors of service lines operating at low or medium voltage—

(i) in positions inaccessible to vehicular traffic over private land ........................................ 15
(ii) in positions inaccessible to vehicular traffic over private land where an insulated conductor is used ........................................ 13

11. (1) Line conductors shall be attached to supports by means of insulators having electrical and mechanical characteristics which at the time of erection meet the requirements of the appropriate British Standard of the British Standards Institution of Great Britain then in force, having due regard to the atmospheric conditions to which the insulators will normally be subject.

(2) Auxiliary conductors shall be attached to supports by means of suitable purpose-made fittings, which may be insulators where appropriate.

12. (1) The insulators or fittings by which overhead conductors are attached to supports shall have a factor of safety of not less than 2.5.
(2) The factor of safety shall be based upon the ultimate strength of the attachment mounted in its service condition, and shall take account of unbalanced loading due to conductor terminations and changes of direction and shall be calculated on the assumption that the conductors are at a temperature of 30° F. and are simultaneously subjected to a horizontal wind pressure at right angles to the conductors equivalent to 8 lb. per square foot over the whole of their projected area.

13. (1) Overhead conductors shall be carried on supports of wood, metal or reinforced concrete or a combination of these materials, but wooden supports other than cedar shall not be regarded as complying with this rule unless such supports are, or have been treated so as to have become, resistant to insect and fungus attack and to deterioration under local service conditions.

(2) The Minister may if he thinks fit require the production of evidence to satisfy him as to the effectiveness of any process used in the treatment of wooden supports.

(3) Special precautions shall be taken to prevent the corrosion of metal work above, at or below ground level.

(4) Reinforced concrete supports shall be manufactured and tested in accordance with British Standard No. 607 of the British Standard Institution of Great Britain; and the manufacturer's certificate relating to the supports and certifying that they have been manufactured and tested in accordance with British Standard No. 607 shall be preserved and shall be available for examination upon request by an electrical inspector.

14. (1) The minimum factor of safety of supports shall be—

(a) 3.5 for wooden supports;

(b) 2.5 for metal supports;

(c) 2.5 for reinforced concrete supports covered by a manufacturer's certificate stating that the supports comply with the requirements of British Standard No. 607 of the British Standards Institution.

(2) The calculation of the factor of safety of supports shall take into account the following—

(a) for wooden supports only the dimensions of that part of the wood not normally subject to termite attack;

(b) for all supports the ultimate strength of the support in the manner in which it is normally loaded in service including conductor terminations and changes in direction;

(c) an assumption that all overhead conductors attached to the support are at a temperature of 30° F. and are simultaneously subjected to a horizontal wind pressure at right angles to the conductors equivalent to 8 lb. per square foot over the whole of their projected area; and

(d) (i) for single poles, an assumption that the pole is simultaneously subjected to a horizontal wind pressure in the same direction as that assumed for the conductors equivalent to 8 lb. per square foot over the whole of its projected area; or
(ii) for compound or lattice poles, an assumption that the windward side members are subject to a horizontal wind pressure in the same direction as that assumed for the conductors equivalent to 8 lb. per square foot over the whole of their projected area and that the leeward side members are simultaneously subject to one half of that wind pressure over the whole of their projected area;

(e) the strength of the support in a direction transverse to the direction of its service loading shall not be less than one quarter of its strength in the direction of its service loading.

(3) The values to be assumed for strength of material in all the above calculations shall be—

(a) for metal, the appropriate Standard of the British Standards Institution for the metal in use and for its manner of loading;

(b) for timber, a modulus of rupture not exceeding that approved in writing by the Minister in respect of the variety of timber in use;

(c) for reinforced concrete, the value proved by testing in accordance with British Standard No. 607 of the British Standards Institution.

15. (1) Supports shall be so erected as to withstand their normal service loading without damage and without permanent movement in the ground.

(2) Any stay which forms part of a support and which passes over the carriageway of any road other than a private carriageway shall be so erected as to have a minimum clearance of 19 feet from the surface of the carriageway under all conditions of weather and loading likely to be encountered:

Provided that in the case of a private carriageway the said minimum clearance need not exceed fifteen feet.

16. (1) In the case of a support the main structure of which is of metal, all metalwork of that support and all metalwork other than conductors of any apparatus mounted thereon shall be efficiently bonded and provided with efficient means of ensuring the immediate and safe discharge of energy to earth in the event of any such metalwork becoming electrically charged from any cause.

(2) In the case of a support the main structure of which is of reinforced concrete, and which is part of an electric supply line operating at high or extra high voltage, all exposed metalwork forming part of that support and all metalwork other than conductors of any apparatus mounted thereon shall be efficiently bonded and provided with efficient means of ensuring the immediate and safe discharge of energy to earth in the event of any such metalwork becoming electrically charged from any cause.

(3) In the case of a support the main structure of which is of wood and upon which is mounted any apparatus which materially impairs the impulse flashover value of the additional insulation provided by the wooden structure, all metalwork other than conductors of such apparatus and all metalwork forming part of the support and which is part of an electric supply line operated at high or extra high...
Unearthed construction

Special requirement for apparatus requiring manual operation.

Protection of earth wires on supports.

Overhead lines at different voltage on the same support.

Overhead lines crossing one another.

Voltage shall be efficiently bonded and provided with efficient means of ensuring the immediate and safe discharge of energy to earth in the event of any such metalwork becoming electrically charged from any cause.

17. (1) Except as may be required for compliance with rule 16 or 18 of these Rules and provided that the conditions of paragraph (2) of this rule are fulfilled, it shall not otherwise be necessary for compliance with these Rules to earth any metalwork forming part of a support, nor any metalwork of insulators or conductor attachments mounted thereon, which is inaccessible to any person without the use of a ladder or other extraneous device.

(2) In any case in which a metal stay forms part of a support, the metalwork of which would not but for the presence of such stay be required by these Rules to be earthed, and in which an insulator of a type approved in writing by the Minister and having a rating appropriate to the nominal operating voltage of the line is inserted in the stay as close as possible to the point of attachment of the stay to the main structure of the support and in any case at a height not less than ten feet from the ground, the stay shall be deemed to be inaccessible for the purpose of paragraph (1).

18. In addition to all requirements elsewhere expressed in these Rules, any apparatus mounted on a support of an overhead line shall be so placed as, or such precautions as may in any case be necessary shall be taken, to protect from danger any person who may be required to operate such apparatus, whether by mechanical linkage or other means, from a platform, from a ladder or from the ground.

19. Any conductor which may be affixed to any support for the purpose of providing a connexion with earth shall be guarded between ground level and a point not less than eight feet above ground level in such manner as effectively to prevent any person from making electrical contact with it and effectively to protect it from mechanical damage.

20. Wherever overhead lines operating at different voltages are carried on the same support, the line operating at the lower voltage shall be placed below the line operating at the higher voltage, and such precautions as in any case may be necessary shall be taken for the avoidance of danger arising out of one line becoming accidentally charged from the other:

Provided that in any case in which the support is specifically designed to provide adequate separation of the lines in the horizontal plane the lines may be attached to the support at a uniform height.

21. (1) Wherever an overhead line crosses another overhead line, the line operating at the higher voltage shall be placed above the line operating at the lower voltage, and such precautions as in any case may be necessary shall be taken for the avoidance of danger arising out of one line becoming accidentally charged from the other.

(2) An overhead line shall not be placed below a radio aerial, and the owner or user of a radio aerial which interferes with the erection of an overhead line by the operation of this rule shall be required, upon being given notice in writing by the owner or operator of an overhead line, to remove such aerial within a period of fourteen days of such notice and shall be reimbursed the reasonable cost of such removal by the owner or operator of the overhead line.
22. Such precautions as in any case may be necessary shall be taken for the avoidance of danger arising from the breakage of or leakage from any line conductor of any overhead line.

23. All line conductors other than those permanently connected with earth of overhead lines shall be so erected as to be inaccessible to any person without the use of a ladder or other extraneous device and in particular—

(a) no overhead line operating at low or medium voltage shall be placed within 7 feet of any part of a building unless all line conductors not permanently connected with earth are efficiently insulated;

(b) all overhead lines operating at high or extra high voltage shall be placed at such minimum distance, which shall in no case be less than 7 feet from all parts of all buildings, as may be necessary for the avoidance of danger having due regard to the operating voltage of the line and all other foreseeable contingencies;

(c) all distributing mains shall, in addition to compliance with paragraph (a), be so placed as to provide for the convenience and economic provision of service lines.

24. (1) Where any electric supply line erected or placed by the owner or operator of such line is interfered with by a person other than the owner or operator, the owner or operator may take immediate steps to effect any modifications necessary to avoid danger caused by the interference and may recover from such other person the costs of such modifications and for any loss, damage or penalty caused by the said interference.

(2) In the event of any dispute or difference arising, the matter shall be determined on the application of either party by an electrical inspector.

25. Every overhead line shall be so located as to be as far as practicable immune from damage by vehicles which remain on the carriageway.

26. (1) In so far as it is practicable, overhead lines shall be placed on one side only of any street.

(2) In cases where it is considered necessary to construct overhead lines on both sides of a street, a copy the notice served on the street authority shall, at the same time, be delivered to the Postmaster-General.

(3) Where erection of any overhead lines or telecommunication plant necessitates the alteration of any existing telecommunication plant or overhead line, the expense of such alteration shall be borne by the owner of the new overhead line or telecommunication plant.

27. (1) The connexion of service lines to overhead distributing mains shall be made only at supports of the distributing main, to which the service line shall be attached by means of suitable insulators.
28. The service line lead-in from the termination of the overhead portion to the consumer’s supply terminals shall, unless otherwise approved in writing by the Minister, consist of either—

(a) insulated and sheathed cable of an approved type clipped direct to the building;
(b) weather resisting cable of an approved type carried on cleats;
(c) insulated cable carried in heavy gauged screwed conduit;
(d) paper or plastic insulated metal sheathed and armoured cable; or
(e) mineral insulated and metal sheathed cable.

29. In attaching an overhead service line to the premises of a consumer, the owner of the overhead service line shall take due account of any stress likely to be imposed upon the premises by the overhead service line or its attachments, and shall take such precautions as in any case may be necessary to ensure that no damage shall be caused to the premises in consequence of the attachment of the overhead service line thereto.

30. Distributing mains in areas prone to abnormal danger from lightning shall be fitted with efficient devices at such point or points as may be necessary to prevent as far as is practicable the conveyance of disturbances induced or created by lightning into the premises of consumers.

31. In the placing of any works upon the premises of any consumer, all due precautions shall be taken for the avoidance of risk of causing fire upon these premises, and in particular every service line shall be so placed or so protected at the point of entry to and within the building as to be so far as is practicable immune from mechanical damage.

32. Every support of an overhead line which is readily climbable and which stands in a place to which the public are entitled to have access shall be fitted with an efficient device to deter persons from climbing the support without the use of a ladder or other extraneous device, and in the case of lines operating at high or extra high voltage shall have permanently affixed to it a notice of such size as to be readily visible and bearing a legend or symbol designed to convey to an illiterate person that danger attaches to interference with the support.

33. Subject to rule 3, all overhead lines including all apparatus belonging to or connected therewith shall be regularly inspected and efficiently maintained in accordance with these Rules.

34. In addition to the imposition of any penalty under rule 37, the Minister may—

(a) prohibit the use of any overhead line if in the opinion of the Minister its use is attended with danger or if it fails to comply in any material respect with the requirements of these Rules, and may continue such prohibition until the matter complained of has been rectified; or
(b) order the removal of the overhead line.

35. (1) Any overhead line which has fallen into disuse other than for a temporary short period shall be removed by the owner thereof, and in the event of the owner failing to remove it within a period of sixty days of its falling into disuse the Minister may order its removal.

(2) Before making an order for the removal of a disused line, the Minister shall give notice to the owner of his intention to make such order, and, if good cause is not shown why he should not make such order within thirty days of such notice being given, the Minister may order its removal and recover the cost of such removal from the owner as a civil debt.

36. Nothing in these Rules shall prevent the joint use of supports for the purposes of telecommunication and electric power lines and for installation for the purpose of providing street lighting.

37. (1) Subject to rule 4, any person who contravenes any of rules 3 to 36 inclusive, or who fails to comply with any prohibition or order of the Minister made under any of rules 3, 8, 13, 14, 17, 28, 34 and 35, shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

(2) Any person who continues to use any overhead line the use of which has been prohibited under rule 34, or fails to remove any overhead line the removal of which has been ordered under rule 35, shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

THE ELECTRIC POWER (PRIVATE GENERATING PLANTS AND SECONDARY BATTERY INSTALLATIONS) RULES

1. These Rules may be cited as the Electric Power (Private Generating Plants and Secondary Battery Installations) Rules.

2. These Rules shall apply to private generating plants and secondary battery installations used in private homes, farms, office buildings, hospitals, hotels, lodges, places of public entertainment, schools and colleges and factories as the main source of electric energy or as stand-by source to be used during the failure of electric supply by an authorized distributor.

3. (1) The room in which a private generating plant is installed shall be—

(a) of such a size that the plant can be easily and adequately maintained;

(b) adequately ventilated;

(c) provided with exhaust pipes or ducts to discharge all exhaust fumes from the prime mover to the outside of the building and away from the fresh air inlet of the building.

(2) The room in which a private generating plant is installed shall be adequately illuminated by artificial means, in addition to any natural lighting, and discharge lighting shall not be used in any position in which it might cause rotating machinery to appear stationary.
(3) Where a prime mover is arranged for automatic starting or for starting by remote control means shall be provided on or near the prime mover to put such automatic or remote control out of action and the overriding control shall be clearly marked with brief operating instructions.

4. (1) Every secondary battery shall be so arranged that each unit is accessible from the top and from at least one side.

(2) Each unit of a secondary battery having a nominal working voltage of 60 volts or more shall be supported on insulators which may form an integral part of the container and, in addition, the stands shall be insulated where a battery has a nominal working voltage exceeding 120 volts.

(3) Connecting bolts for batteries, unless of suitable corrosion resistance, shall be kept coated with petroleum jelly.

(4) Celluloid shall not be used in the construction of non-portable secondary batteries.

(5) Where celluloid is used in the construction of portable secondary batteries, the charging arrangements shall be such that if the containers become ignited, the risks of the fire spreading shall be minimized.

(6) Rooms containing secondary batteries shall be adequately ventilated, and where sulphuric acid is used as the electrolyte, all fittings shall be of suitable corrosion resistant material or shall have an acid-resistant finish.

5. (1) Every main switchboard controlling the supply from a private generating plant shall be fitted, as a minimum, with the switchgear and protective apparatus set out in the following Table I in accordance with the system of distribution.

### TABLE 1
**Supply controls and protective apparatus for use with private generating plant and secondary battery installation**

<table>
<thead>
<tr>
<th>System of supply</th>
<th>Number of poles to be broken by circuit-breaker of any type or switch</th>
<th>Position of operating coil of overload circuit-breaker or fuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-wire, permanently and effectively earthed on one pole.</td>
<td>2</td>
<td>In non-earthed conductor.</td>
</tr>
<tr>
<td>2-wire, not permanently and effectively earthed on either pole.</td>
<td>2</td>
<td>In each conductor.</td>
</tr>
</tbody>
</table>
(2) Where two or more d.c. generators are to be operated in parallel, the following additional protective apparatus shall be provided—

(a) in a two-wire system a reverse-current trip shall be connected in series with the live conductor of each generator;

(b) in a three-wire system a reverse-current trip shall be connected in series with the outer of each generator;

(c) where compound generators are to be used an equalizer connection shall be provided and the connection to the equalizer busbar shall be made by a single-pole switch for each generator, and the switches shall be so arranged that they must close before the main switch is closed and cannot be opened until the main switch is opened.

(3) A multipole linked switch may be used provided that it is so connected that the correct sequence of operations takes place.

(4) The operating coil of any circuit-breaker shall be connected on the pole other than that to which the equalizer connection is made.

(5) Where a d.c. generator is connected in parallel with a secondary battery—

(a) a reverse current trip shall be connected between the generator and the battery and in addition a double-pole linked switch shall be provided to isolate the battery from the generator and the load;

(b) the reverse current trip may be in the form of a "cut-out"; and

(c) the battery shall be protected from excessive charging or discharging current by means of a fuse or a circuit-breaker fitted with an over-load trip.
(6) Where a d.c. 3-wire system is used the circuit shall be so arranged that the balancer cannot be disconnected from the system while the outer conductors remain live.

6. (1) Every main switchboard controlling the supply from private generating plant shall be fitted, as a minimum, with the instruments specified in the following Table 2 for the system of distribution used, together with the instruments specified in paragraphs 2 and 3 as appropriate.

**TABLE 2**

Instruments required for the main switchboard of a private generating plant

<table>
<thead>
<tr>
<th>Type of distribution system</th>
<th>One generator only</th>
<th>More than one generator but not arranged for parallel operation</th>
<th>More than one generator arranged for parallel operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 wire (a.c. or d.c.)</td>
<td>One ammeter and one voltmeter.</td>
<td>One ammeter for each generator, and one voltmeter connected to measure the voltage of any generator.</td>
<td>One ammeter for each generator, one voltmeter, connected to the busbars and one voltmeter connected to measure the voltage of any generator.</td>
</tr>
<tr>
<td>3 wire (single phase a.c. or d.c.)</td>
<td>One ammeter connected to measure the current in each outer, two voltmeters, one connected between each outer and the neutral.</td>
<td>One ammeter for each generator connected to measure the current in each outer, two voltmeters, one connected between each outer and the neutral of the busbars.</td>
<td>One ammeter for each generator, connected to measure the current in each outer and four voltmeters, two voltmeters to be connected to the busbars, and two connected to measure the voltage of any generator, the voltmeters being connected between the outers and the neutral.</td>
</tr>
<tr>
<td>3 phase</td>
<td>One ammeter connected to measure the current in each phase, and one voltmeter connected to measure line voltage or phase voltage, as determined by the function of the generator.</td>
<td>One ammeter for each generator, connected to measure the current in any phase, one voltmeter connected to measure the line or phase voltage of any generator.</td>
<td>One ammeter for each generator, connected to measure the current in any phase, two voltmeters, one connected to the busbars and one connected to measure the voltage of any generator; both voltmeters to measure line or phase voltage.</td>
</tr>
</tbody>
</table>

**Note:** 1. Where an instrument is required to make more than one measurement, it is intended that a suitable multi-way switch or plug together with suitable shunts or instrument transformers, if required, should be used.

**Note:** 2. Where compound generators are to be operated in parallel, the ammeter should be connected in the pole other than that to which the equalizer connection is made.

(2) In any a.c. system with more than one a.c. generator installed, a frequency indicator shall be provided for each generator but where two or more a.c. generators are to be operated in parallel, a synchronizing device shall be provided.
(3) For a d.c. generator connected in parallel with a secondary battery one ammeter shall be connected to measure the current supplied by the generator, and one ammeter with a suitably displaced zero, shall be connected to measure the charging or discharging current of the battery and voltmeter specified in Table 2 shall be arranged so that the voltage of the generator or the battery can be measured independently.

7. Every main switchboard controlling the supply from a secondary battery installation shall be fitted, as a minimum, with the following switchgear and protective apparatus—

(a) a double-pole linked switch or circuit-breaker for isolating the battery from the load or from the charging circuit or from both load and charging circuit;

(b) where the charging circuit is arranged to share the load with the battery a double-pole linked switch or circuit-breaker shall be fitted to isolate the charging circuit from the battery and the load;

(c) a suitable fuse or a circuit-breaker fitted with an overload trip, to protect the battery from excess charging or discharging current;

(d) a suitable fuse or a circuit-breaker fitted with an overload trip to protect the charging circuit from excess charging current; and

(e) except where a rectifier circuit, which will not permit the reversal of current, is used, a reverse current trip shall be connected between the charging circuit and the battery and may take the form of a "cut-out".

8. (1) Every main switchboard controlling the supply from a secondary battery installation shall, as a minimum, be fitted with one ammeter with a suitably displaced zero, connected to measure the charging or discharging current of the battery.

(2) A voltmeter, fitted with a switch to avoid continuous discharge, shall be connected to read the terminal voltage of the battery.

(3) Where the charging circuit is not fitted with a "cut-out" the voltmeter shall be arranged to read the voltage of the charging circuit independently from that of the battery and where the charging circuit is arranged to share the load with battery, an ammeter shall be provided to measure the current output for the charging circuit.

9. Machinery, switchgear and instruments used with private generating plant or a secondary battery installation shall be clearly marked to indicate their function and rating.

10. Where private generating plants or secondary batteries are installed in building separated from and not at all times readily accessible from the building to which the supply is given, additional switches or circuit-breakers capable of completely disconnecting the supply to the building shall be installed in the building receiving the supply.

11. (1) Fire-extinguishing equipment adequate in quantity and suitable in type, shall be provided in each room in which a private generating plant is installed, and, as necessary, in switchrooms and transformer chambers.
(2) Fire-extinguishing liquids for use on live electrical equipment, when not used in the form of spray, shall be electrically non-conducting.

(3) Automatically-operated fire-extinguishing equipment shall be provided with over-riding hand control installed in a conspicuous position and clearly marked with brief operating instructions.

(4) At least half of the total discharge capacity of any portable fire-extinguishing equipment shall be kept outside, but close to, the door of room in which the apparatus is installed.

(5) Where liquid or gaseous fuel is supplied to the prime mover of a private generating plant from a source outside the room in which the plant is installed, a quick-acting valve shall be provided, operated from a point near the door of the room, capable of cutting off the fuel supply and the valve shall be installed in a conspicuous position and shall be clearly marked with operating instructions.

(6) Provision shall be made to trap and drain away any fuel which may leak from any part of prime mover of a private generating plant and such fuel shall be prevented from entering any sewer.

Order under section 151

THE ELECTRIC POWER (ELECTRICITY LICENSING BOARD) ORDER

1. This Order may be cited as the Electric Power (Electricity Licensing Board) Order.

2. Pursuant to section 151 of the Act, there is hereby established a Board, to be known and hereinafter referred to as the Electricity Licensing Board.

3. The Electricity Licensing Board shall consist of—

(a) a person to be nominated by the Minister, who shall be the chairman;

(b) a person to be nominated by the Kenya Power and Lighting Company Limited;

(c) the person for the time being holding the appointment of Chief Electrical Engineer, Ministry of Works, or a person nominated by him;

(d) two persons representing trade interests to be nominated by the Minister.

(e) a person to be nominated by the Minister, to represent the Government department for the time being responsible for co-ordinating the training and testing of craftsmen.

4. (1) The chairman shall preside at all meetings of the Electricity Licensing Board at which he is present.

(2) If the chairman is absent from any meeting, the Electricity Licensing Board shall elect one of their number to act as chairman at that meeting.
5. (1) The Electricity Licensing Board shall meet at such times as may be necessary or expedient for the transaction of the business of the Electricity Licensing Board, and such meetings shall be held at such place and time and on such days as the Electricity Licensing Board may determine:

Provided that at least two meetings shall be held in every calendar year.

(2) A quorum of the Electricity Licensing Board shall be three.

(3) The decision of the Electricity Licensing Board shall be by a majority of votes; but if the votes are equal the chairman of the meeting shall have a second or casting vote.

(4) The powers of the Electricity Licensing Board shall not be affected by any vacancy in the membership thereof, nor by the fact that it is afterwards discovered that there was some defect in the appointment or qualifications of a person appointed to be or purporting to be a member of the Electricity Licensing Board.

(5) Subject to the Act, the Electricity Licensing Board shall have power to regulate its own proceedings.

(6) All licences and other documents issued by the Electricity Licensing Board shall be signified by the chairman or by some other person duly authorized thereunto by the Electricity Licensing Board.

(7) No member of the Electricity Licensing Board shall be personally liable for any act or default done or omitted to be done in good faith in the course of the operations of the Electricity Licensing Board under the Act.