

THE NATIONAL ELECTRICITY ACT, 2011

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SIGNED this 30th day of December 2011.

DR. ERNEST BAI KOROMA,

President

THE NATIONAL ELECTRICITY ACT, 2011

Being an Act to incorporate the Electricity Generation and Transmission Company and to establish the Electricity Distribution and Supply Authority and to provide for other related matters

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART 1 – PRELIMINARY

1. In this Act, unless the context otherwise requires –

“Authority” means the Electricity Distribution and Supply Authority established by section 25;

“Commission” means the Sierra Leone Electricity and Water Regulatory Commission established by the Sierra Leone Electricity and Water Regulatory Commission Act;

“Company” means the Sierra Leone Electricity Generation and Transmission Company established by section 2;

“conductor” means an electrical conductor arranged to be electrically connected to a system;

“consumer” means a person who is supplied with electricity or whose premises is for the time being connected with an installation for supplying electricity;

“distribution” means the transportation of electric energy and power by means of medium to low voltage lines, facilities and associated meters, including the construction, operation, management and maintenance of such lines, facilities and metres;

“electricity” means energy fuelled by the transfer of electrons from positive and negative points within a conductor and generated from water, mineral, oil, coal, gas, solar energy, wind energy, atomic energy or any other means;

“electric supply industry” means electricity generation transmission, distribution and supply;

“generating station” means any station for generating electricity including any building and plant used for the purpose; and the site intended to be used for a generating station, but does not include any station for transforming, converting or distributing electricity;

“hydro-electric work” means any work for or associated with the generation of electricity by means of hydro-power;

“independent power producers” means public or private entities or public and private partnership entities other than the Company, licensed by the grid for the purpose of producing and selling electricity;

“installation” means the whole of any plant or apparatus designed for any one or more of the following purposes, namely generation, supply or use of electricity and includes prime metres, with all necessary plant, buildings and land used in connection therewith, pipelines supply lines and consumer apparatus.

“maximum power” means the maximum amount of power expressed in kilovolt-amperes or kilowatts which the consumer requires and the Authority agrees to supply in accordance with a contract with any consumer;

“Minister” means the Minister responsible for electricity and “ministry” shall be construed accordingly;

“occupier” includes –

- (a) The owner in the case of any land in the Western Area; and
- (b) The Chiefdom Council in relation to land in any chiefdom;

“public lamp” means an electric lamp used for the lighting of any street, wharf, dock or other public place;

“standard voltage” means the voltage at which the supply is declared to be provided by the Authority at the consumer’s supply terminals;

“street” includes any road, land, path, 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;

“supply line” means a conductor or other means of conveying, transmitting or distributing electricity together with any casing, coating, covering, tube, pipe, insulator or post enclosing, surrounding or supporting it and any apparatus connected to it;

“transmission” means the transportation of electrical energy and power by means of high-voltage lines facilities and associated metres, including the construction, operation, management and maintenance of such line, facilities and meters;

“West African Power Pool” means the Economic Community of West African States programme to integrate the electrical power system of member states and to enable trade of electricity among them.

PART II – ESTABLISHMENT OF ELECTRICITY GENERATION AND TRANSMISSION COMPANY

2.

(1) There is hereby established a body to be known as Sierra Leone Electricity Generation and Transmission Company.

(2) The Company shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, of suing and being sued in its corporate name and subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Company may transact business in all respects in the same manner as a private individual.

3.

(1) The Company shall have a common seal the use of which shall be authenticated by the signatures of—

(a) the Chairman or two members of the Board authorised by a resolution of the Board to act in that behalf; and

(b) the Director-General.

(2) Every document purporting to be an instrument executed or issued by or on behalf of the Company and to be sealed with the common seal of the Company authenticated in the manner stated in subsection (1) shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(3) In appropriate cases the seal may be affixed to documents outside Sierra Leone.

4.

(1) The Company shall have a Board of Directors which shall consist of—

(a) a Chairman who shall be a person with formal qualifications, extensive knowledge and experience relevant to the functions of the Company;

(b) the Permanent Secretary of the Ministry;

(c) the Financial Secretary

(d) a representative of the ministry responsible for mineral resources;

(e) a representative of the Sierra Leone Institution of Engineers;

(f) a representative of the Sierra Leone Chamber of Commerce, Industry and Agriculture; and

(g) the Director-General appointed under section 13.

(2) The Chairman and other members of the Board referred to in paragraphs (d), (e) and (f) of subsection (1) shall be appointed by the President on the recommendation of the Minister and subject to the approval of Parliament

5.

(1) The Chairman and other members of the Board referred to in paragraphs (d), (e) and (f) of subsection (1) of section 4 shall hold office for three years and shall be eligible for re-appointment for not more than one term.

(2) A person shall cease to be a member of the Board on any of the following grounds:-

(a) inability to perform the functions of his office by reason of infirmity of mind or body;

(b) Proven misconduct;

(c) If he becomes bankrupt or insolvent;

(d) If he is convicted of an offence involving fraud or dishonesty;

(e) If he fails to attend three consecutive meetings of the Board without reasonable cause;

(f) If he resigns by written notice to the President; and

(g) If he ceases to be an employee of the organization of which he is a representative.

(3) Where a vacancy occurs in the membership of the Board, the President shall appoint a replacement who shall hold office for the remainder of the term of the person replaced and shall, subject to this Act, be eligible for reappointment

6.

(1) The Board shall meet for the dispatch of its business at least once every month at such times and places as the Chairman may determine.

(2) A special meeting of the Board shall be convened by the Chairman at the written request of not less than one third of the members of the Board to be held at such time and place as the Chairman may determine.

(3) The Chairman shall preside at meetings of the Board at which he is present and in his absence a member elected by the members present from among their number shall preside.

(4) Each member shall have one vote but where there is equality of votes, the Chairman or other member presiding shall have a casting vote.

(5) All acts, matters or things authorized or required to be done by the Board shall be decided at a meeting where a quorum is present and the decision is supported by the votes of the majority of the members.

(6) The quorum for a meeting of the Board shall be four members.

(7) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any matter for decision by the Board.

(8) Subject to this Act, the Board shall regulate its own procedure.

7.

(1) No action or other proceedings shall lie or be instituted against any member of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) No member of the Board shall be personally liable for any debt or obligation of the Board.

8.

(1) A member of the Board who has any interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and the member shall not take part in any deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be liable to be removed from the Board

9.

(1) The Board may, for the discharge of its functions, appoint one or more committees to perform such functions as the Board may determine.

(2) A committee shall consist of members of the Board or non-members or both as the Board may determine

(3) A committee shall submit a report of its proceedings to the Board at such times as the Board may determine.

10.

Subject to this Act, the Board may make standing orders regulating –

- (a) the holding of meetings, the notices to be given for meetings and the conduct of proceedings at meetings;
- (b) the keeping of minutes of meetings and the custody, production and inspection of such minutes;
- (c) the custody and use of the common seal;
- (d) the manner in which cheques, shall be issued on behalf of the Company; and
- (e) any other matter pertaining to the internal operations or management of the Company.

11.

(1) The Company shall be responsible for the generation and transmission of electricity and the sale of electricity to the Authority subject to a power purchase agreement approved by the Commission.

(2) Without prejudice to the generality of subsection (1) the Company shall -

- (a) own and operate the existing generating assets of the National Power Authority, the Bo-Kenema Power System and the Bumbuna Hydro-power Plant as well as its transmission lines, above the size determined by the Minister;
- (b) develop, construct and operate new generating facilities as the Government may determine should be publicly owned or act as the Government's partner in a public and private partnership for the development of new generation projects;
- (c) develop, construct, own and operate future national transmission grids;
- (d) carry on any business usually associated with electricity generation and transmission including the West African Power Pool;
- (e) keep itself informed of development relating to the generation of electricity;
- (f) advise the Minister on all matters relating to the construction of generating stations and the generation and transmission of electricity; and

(g) do all things necessary, connected with or incidental to the functions set out in this section.

12.

The Minister may give general directions to the Company on matters of policy.

13.

(1) The Company shall have a Director-General who shall be appointed by the Board

(2) The Director-General shall be a person with –

- (a) formal qualification and experience in the electricity sector; and
- (b) proven ability in public administration and management.

(3) The Director-General shall be responsible to the Company for –

- (a) the day-to-day administration of the Company;
- (b) the supervision and discipline of other staff of the Company;
- (c) the execution of the policies of the Board; and
- (d) performing such other duties as may be determined by the board.

14.

(1) The Company shall have a secretary who shall be appointed by the Board

(2) The Secretary shall record minutes of meeting of the Board and shall perform such other functions as may be determined by the Director-General.

15.

The Board shall appoint other staff as are required for the efficient performance of the functions of the Company

16.

The Company may engage the services of consultants or experts as it may consider necessary for the proper and efficient performance of the functions of the Company

17.

The Company may establish and maintain departments as it may consider necessary or expedient for the efficient performance of its functions.

18.

The activities of the Company shall be financed by funds consisting of -

- (a) monies, investment or other properties vested in the Company;
- (b) monies or other property as may from time to time be advanced by way of loan or grant to the Company;
- (c) charges and fees payable to the Company in accordance with this Act; and
- (d) all other monies and property to which the Company may become entitled.

19.

The Company may from time to time invest, with the approval of the Board any of its funds not immediately required to be expended in the meetings of its obligations or in the discharge of its duties.

20.

(1) The Company may with the approval of the Board, borrow money or raise capital in any currency and from any source for the purpose of performing its functions and meeting its obligations under this Act

(2) The Company may charge its assets, undertakings and income with the repayment of any money borrowed together with interest thereon, and may issue bonds or other securities in order to secure repayment of any money so borrowed.

21.

The Ministry of Finance may guarantee the payment of the interest and principal on any loan proposed to be paid by the Company upon such terms and manner as it may think fit.

22.

(1) The Company shall keep proper books of account and other records in relation to the activities, properties and finances of the Company in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Company, a financial statement which shall include –

- (a) balance sheet accounts;
- (b) Income and expenditure accounts; and
- (c) Source and application of funds

(2) The accounts of the Company kept under subsection (1) shall be audited by the Auditor-General or an auditor appointed by him not later than two months after the end of each financial year.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him, shall be entitled to have access to all books of account, vouchers and other financial records of the Company and to require any information and explanation relating to the financial records as he may think fit.

(4) The Company shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Company.

The Auditor-General or the auditor appointed by him shall submit to the Company a report on the audited accounts and the financial statement referred to in subsection (1) and shall, in his report draw attention to –

- (a) Any irregularities in the accounts;
- (b) Any matters that are likely to adversely affect the operations of the company;
- (c) Any other matter which in his opinion ought to be brought to the notice of the Company.

23.

(1) The Company shall submit to the Minister a report on the performance of its functions during that year and on its policy and programmes within four months after the end of the financial year.

(2) The annual report shall include the accounts and annual financial statement prepared under section 22 and the report of the audit.

(3) The Minister shall lay copies of the annual report before Parliament within two months after he has received the report.

24.

The financial year of the Company shall be the same as the financial year of the Government.

PART V – ESTABLISHMENT OF THE ELECTRICITY DISTRIBUTION AND SUPPLY
AUTHORITY

25.

(1) There is hereby established a body to be known as the Electricity Distribution and Supply Authority.

(2) The Authority shall be a body corporate, having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, of suing and being sued in its corporate name and subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Authority shall have a common seal the use of which shall be authenticated by the signatures of -

- (a) the Chairman or two members of the Board authorised by a resolution of the Board to act in that behalf ; and
- (b) the Director-General.

26.

(1) The governing body of the Authority shall be the Board of Directors consisting of-

- (a) a Chairman who shall be a person with formal qualifications, extensive knowledge and experience relevant to the functions of the Authority;
- (b) the Permanent Secretary of the Ministry;
- (c) the Financial Secretary;
- (d) a representative of the Sierra Leone Institution of Engineers;
- (e) a representative of Sierra Leone Chamber of Commerce, Industry and Agriculture;

- (f) a representative of Association of manufacturers;
- (g) a representative of consumer association ; and
- (h) the Director-General appointed under section 39

(2) The Chairman and other members referred to in paragraphs (d), (e), (f) and (g) of subsection (1) shall be appointed by the President on the recommendation of the Minister and subject to the approval of Parliament

27.

(1) The Chairman and other members of the Board referred to in paragraphs (d) (e) (f) and (g) of subsection (1) of section 26 shall hold office for three years and shall be eligible for re-appointment for not more than one term.

(2) A person shall cease to be a member of the Board on and of the following grounds –

- (a) inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) proven misconduct;
- (c) if he becomes bankrupt or insolvent
- (d) if he is convicted of an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause;
- (f) if he resigns by written notice to the Minister ; and
- (g) if he ceases to be an employee of the organisation of which he is a representative

(3) Where a vacancy occurs in the membership of the Board, the President shall, after consultation with the Minister, appoint a replacement , who shall hold office for the remainder of the term of the person replaced and who shall subject to this Act, be eligible for reappointment.

28.

(1) Subject to this Act, the Board shall have the control and supervision of the Authority.

(2) The Board shall also provide to the Authority policy guidance and advice as will ensure the efficient implementation of its functions and enhance the overall performance of the Authority.

29.

(1) The Board shall meet for the dispatch of its business, at least once every month at such times and places as the Chairman may decide.

(2) A special meeting of the Board shall be convened by the Chairman at the written request of not less than one third of the members of the Board to be held at such time and place as the Chairman may decide.

(3) The Chairman shall preside at meetings of the Board at which he is present and in his absence a member elected by the members present from among their number shall preside.

(4) Each member shall have one vote but where there is equality of votes, the Chairman or other member presiding shall have a casting vote.

(5) All acts, matters or things authorized or required to be done by the Board shall be decided at a meeting where a quorum is present and the decision is supported by the votes of the majority of the members.

(6) The quorum for a meeting of the Board shall be five members.

(7) The Board may co-opt any person to attend participate in its deliberations on any matter but such person not vote on any matter for decision by the Board.

(8) Subject to this Act, the Board shall regulate its own procedure.

30.

(1) No action or other proceedings shall lie or be instituted against any member of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act

(2) No member of the Board shall be personally liable for any debt or obligation of the Board.

31.

(1) Any member or employee of the Authority having a personal interest whether personal or otherwise, direct or indirect in any matter to be considered by the Board, shall disclose the fact the interest and the nature thereof, and the disclosure shall be recorded in the minutes of the Board and the member shall take no part in any deliberation or discussion of the Board relating to matter.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be liable to be removed from the Board.

32.

Subject to this Act, the Board may make standing orders regulating –

- (a) the holding of meetings, the notices to be given for meetings and the conduct of proceedings at meetings;
- (b) the keeping of minutes of meetings and the custody, production and inspection of the minutes;
- (c) the custody and use of the common seal;
- (d) the manner in which cheques, shall be issued on behalf of the Authority; and
- (e) any other matter pertaining to the internal operations or management of the Authority.

33.

(1) The Board may, for the discharge of its functions, appoint one or more committees to perform such functions as the Board may determine.

(2) A committee shall consist of members of the Board or non-members or both as the Board may determine.

(3) A committee shall submit a report of its proceedings to the Board at such times as the Board may determine.

PART VI – FUNCTIONS AND MANAGEMENT OF AUTHORITY

34.

The Authority shall –

- (a) be responsible for the supply, distribution and retail sale of electricity for the entire country except in areas in which the Commission has issued a distribution license to another appropriately qualified entity;
- (b) be responsible for dispatch and system control of electricity within its territory;
- (c) establish as far as is practicable uniform standard voltages throughout its area of supply;
- (d) secure the supply of electricity at reasonable prices;
- (e) carry on any business usually associated with electricity distribution and supply;
- (f) promote and encourage the economic and efficient use of electricity, especially for domestic, commercial, agricultural, industrial and manufacturing purposes; and
- (g) perform any other functions incidental or consequential to its functions under this Act.

35.

The Authority shall purchase electricity from the Company and Independent Power Producers subject to a power purchase agreement approved by the Commission.

36.

- (1) The Authority shall supply electricity to any person requiring supply subject to a contract which shall contain terms and conditions as the Authority may determine and shall specify the maximum power required.
- (2) The Authority shall not extend supply to premises –
 - (a) more than two hundred metres from the nearest supply point; and
 - (b) that would affect the safe capacity of the Authority's supply system.
- (3) The Authority shall declare in writing to each such consumer the standard voltage but this declaration shall be subject to paragraph (c) of section 34.

37.

The Authority may enter into a contract with any person for the execution of work authorised under this Act.

38.

The Minister may give general directions to the Authority on matters of policy

39.

The Authority shall have a Director-General who shall be appointed by the Board.

The Director-General shall be a person with -

- (a) formal qualification and experience in electric power sector and related field; and
 - (b) proven ability in public administration and management
- (3) The Director-General shall be responsible for
- (a) the day-to-day administration of the Authority;
 - (b) the supervision and discipline of other staff of the Authority;
 - (c) the arrangement of business, recording and keeping of minutes of the meetings of the Board;
 - (d) the execution of the policies of the Board; and
 - (e) performing such other duties as may be determined by the Board.

40.

The Authority shall have a Deputy Director-General who shall be appointed by the Board.

41.

The Board shall appoint other staff as it may consider necessary for the efficient performance of the functions of the Authority

42.

The Authority may engage the services of consultants or experts as it may consider necessary for the proper and efficient performance of the functions of the Authority

PART VII – FINANCIAL PROVISIONS

43.

The activities of the Authority shall be financed by a fund consisting of-

- (a) moneys appropriated by Parliament for the purposes of the Authority;
- (b) moneys generated by Authority in the course of its activities;
- (c) loans raised by the Authority with the, approval of the Minister responsible for finance;
- (d) grants made to the Authority by any person or authority;
- (e) any other moneys to which the Authori~ may otherwise become entitled.

44.

The funds of the Authority specified in section43 shall be applied to activities as the Board may approve

45.

The Authority may from time to time invest, with the approval of the Board any of its funds not immediately required to be expended in meeting its obligations or in the discharge of its duties

46.

(1) The Director-General shall, not later than one month before the end of the financial year, prepare and submit to the Board estimates of the income and expenditure of the Authority for the next ensuing year for its approval and may at any time before the end of each financial year,

prepare and submit to the Board for its approval any estimates supplementary to the estimates for that financial year.

(2) No expenditure shall be made out of the funds of the Authority unless that expenditure is approved by the Board under subsection (1) Borrowing powers.

47.

(1) The Authority may with the approval of the Minister responsible for finance, borrow money or raise capital in any currency and from any source for the purpose of performing its functions and meeting its obligations under this Act.

(2) The Authority may charge its assets, undertakings and income with the repayment of any money borrowed together with interest and may issue bonds or other securities in order to secure repayment of any money so borrowed.

48.

The Ministry responsible for finance may guarantee the payment of the interest and principal on any loan proposed to be paid by the Authority upon such terms and manner as it may think fit.

49.

(1) The Authority shall keep proper books of account and other records in relation to the activities, properties and finances of the Authority in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Authority a financial statement which shall include –

- (a) balance sheet accounts;
- (b) Income and expenditure accounts; and
- (c) Source and application of funds

(2) The accounts of the Authority kept under subsection (1), shall be audited by the Auditor-General or an auditor appointed by him not later than two months after the end of each financial year.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him, shall be entitled to have access to all books of account, vouchers and other financial records of the

Authority and to require information and explanation relating to the financial records as he may think fit.

(4) The Authority shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Authority.

(5) The Auditor-General or the auditor appointed by him shall submit to the Authority a report on the audited accounts and the financial statement referred to in subsection (1) and shall, in his report draw attention to -

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Authority;
- (c) any other matter which in his opinion ought to be brought to the notice of the Authority.

50.

(1) The Authority shall submit to the Minister a report on the performance of its functions during that year and on its policy and programmes within four months after the end of the financial year.

(2) The annual report shall include the accounts and annual financial statement prepared under section 49 and the report of the audit.

(3) The Minister shall lay copies of the annual report before Parliament within two months after he has received the report.

51.

The financial year of the Authority shall be the same as the financial year of the Government.

PART VIII – INDEPENDENT POWER PRODUCERS

52.

An independent power producer -

- (a) shall sell electricity to the Authority subject to a power purchase agreement approved by the Commission;

- (b) shall construct generating stations, including hydro-electric schemes;
- (c) shall keep itself informed of development relating to the generation of electricity from natural resources available within the State, with particular reference to the implications for the State of such developments; and
- (d) shall carry on any business usually associated with electricity generation and transmission
- (e) may own, construct and operate transmission facilities as may be required for the evacuation of power from a generating station owned by it if the licence for the transmission is granted by the Commission or the transmission tariff levied by the independent power producer has been approved by the Commission

PART IX – THE ENERGY ASSET UNIT

53.

There is hereby established a unit within the Ministry to be known as the Energy Asset Unit.

54.

The Unit shall be responsible –

- (a) to ensure the transfer of assets currently held by the Ministry, National Power Authority and the Bo Kenema Power System to the Company and the Authority respectively;
- (b) to manage all government energy facilities

PART X – ACQUISITION OF LAND AND OTHER RELATED MATTERS

55.

(1) The Minister may by order published in the *Gazette* compulsorily acquire private land or rights over or under private land for use by the Authority or the Company subject to the payment of adequate compensation to the owner of the land.

(2) The compensation referred to in subsection (1) shall be paid by the Government in the first instance, but the Authority or the Company as the case may be shall refund to the Government any compensation so paid and all incidental expenses incurred by the government.

56.

The Company or the Authority, may at any time sell, lease, or otherwise dispose of in such manner as it thinks proper, any land, easement or other right in respect of land or water or any works, buildings or other property acquired by it for the performance of its duties or the exercise of its functions

57.

(1) The Company or the Authority may lay supply lines at any height, across or under any street or road and erect posts, poles and other erections to support the lines laid and may break up any street or road for laying the supply lines.

(2) The Company or the Authority shall consult with the ministry responsible for roads before breaking up any street or road.

(3) The Company or the Authority shall make good any street or road broken up under this section.

58.

(1) The Company or the Authority may lop or cut any tree shrub or hedge which obstructs or interferes with

(a) any supply line of the Company or Authority;

(b) the laying or erection of any supply line; or

(c) the proposed route of a supply line.

(2) The Company or the Authority shall give not more than fourteen days notice to the occupier of any land of its intention to lop or cut any tree, shrub or hedge.

59.

(1) The Company or the Authority may enter any land over which it has acquired rights for any of the following purposes: -

- (a) constructing generating stations including hydro-electric works;
- (b) constructing, erecting, placing, operating or maintaining any supply line or installation under, in, upon or over any premises, or examining, repairing, altering or removing any supply line or installation so placed;
- (c) surveying and taking of levels;
- (d) cutting and removal on each side of any proposed or existing supply line of all such trees and underwood as may interfere or be likely to interfere with the construction or proper working of any such line;
- (e) attaching to any wall, house or building any bracket or other suitable fixture required for the carrying or support of a supply line or any other electric apparatus;
- (f) any other work connected with its functions under this Act.

(2) The Company or the Authority shall when practicable give reasonable notice to the occupier of any land on which it intends to enter.

(3) In the exercise of the powers conferred under this section the Company or the Authority shall do as little damage as possible and shall pay reasonable compensation for any damage done.

(4) The Company or the Authority shall not construct, place, maintain, examine, repair, alter or remove any supply line under, in, upon, over, along or across any land, building, embankment, dock, harbour, or pier under the control of a Ministry or authority unless it obtains the approval of the ministry or authority concerned.

(5) Any supply line placed across or over any road shall be placed so as not to interfere with the passage along the road and the Company or the Authority shall make good any road opened or broken up for the purposes referred to in subsection (1).

60.

(1) The Company or the Authority shall serve a written notice on the occupier of any land or building of its intention to construct a supply line etc a supply line across the land or to attach a fixture to the building.

(2) The notice referred to in subsection (1) shall give a description of the nature of the line or fixture and the manner in which it is' to be constructed or attached.

(3) If within thirty days after service of the notice, the occupier fails to lodge a written objection with the Company or the Authority, the Company or the Authority may proceed with the work.

(4) If within thirty days after service of the notice the occupier lodges a written objection with the Company or the Authority, the work shall not be undertaken by the Company or the Authority unless the Company or the Authority obtains the written, approval of the Minister.

(5) Where the owner of any land or building on which a supply line or fixture is constructed or attached requires the position of the supply line to be altered, if the Minister –

(a) is fully satisfied with the requirements of the owner, he may by notice in writing require the Company or the Authority to alter the position of the line or fixture; or

(b) decides to the contrary, the cost of the alteration shall be paid to the Company or the Authority by the person requiring the alteration and the Company or the Authority shall not be compelled to carry out the alteration until the payment is secured .

61.

(1) The Company or the Authority shall not place any electric cable across any navigable waterway whether the cable is placed above or below water or under the ground unless it obtains the written approval of the Minister.

(2) When the approval is obtained, the Company or the Authority shall inform the appropriate person or body of its intention to place the cable across the waterway and the body shall issue an order delineating the affected area and in the case of

(a) an underwater cable, declare the area to be a prohibited area for anchorage; and

(b) a cable placed above the water, restrict the height of vessels passing through the area

(3) If any person or body requires the position or height of the cable placed across the navigable river or waterway to be altered, the Minister may by notice in writing require the Authority to alter the position or height of the cable subject to conditions which, failing agreement between the parties, may be prescribed by the . Minister and the cost of the alteration shall be paid to the Company or the Authority by a person or body requiring the alteration and the Company or Authority shall not be compelled to carry out the alteration until payment of the cost is secured.

62.

In constructing and operating a project, the company or an independent power producer comply with all environmental social, health and safety legislation.

PART XI – OFFENCES

63.

A consumer who uses electricity supplied to him by the Authority for purposes other than that for which it is supplied commits an offence and is liable on conviction to a fine not less than fifteen million leones.

64.

(1) A person who operates or controls an installation or competent apparatus and does not possess the prescribed qualification commits an offence and is liable on conviction to a fine not less than twenty million leones or to imprisonment for a term not exceeding five years or to both the fine and imprisonment.

65.

A person who employs or permits to be employed a person under the age of sixteen years, on a service involving management of or attendance on, or proximity to live apparatus not effectively insulated commits an offence and is liable on conviction to a fine not less than twenty million leones or to imprisonment for a term not exceeding five years or to both the fine and imprisonment.

66.

A person who wilfully tampers with or adjusts any installation or part-of an installation so as to cause, or likely to cause injury to human life or or damage to any apparatus or other property commits an offence and is liable to on conviction to a fine not less than seventy million leones or to imprisonment for a term not exceeding five years or to both the fine and imprisonment.

67.

A person who by reckless or negligent act or omission in respect of any installation under his control causes harm to any person or damage to property commits an offence and is liable on

conviction to a fine not less than fifty million leones or to imprisonment for a term not exceeding five years or to both the fine and imprisonment.

68.

(1) A person who dishonestly –

- (a) abstract electricity
- (b) consumes electricity;
- (c) uses electricity;
- (d) alters the index of any meter or other instrument used in connection with any Authority installation or licensed installation for recording the output or consumption of electricity; or
- (e) prevents any meter or instrument from duly recording the output or consumption of electricity

commits an offence and is liable on conviction to fine not less than fifty million leones or imprisonment for a term not exceeding five years or to both the fine and imprisonment.

(2) In a prosecution for an offence under subsection (1)

- (a) the existence of artificial means which, whether alone or in conjunction with additional artificial means not found, could be used for altering, or facilitating the alteration of, the index of any meter or instrument for registering, the quantity of electricity supplied; or
- (b) the exercise of artificial means which whether alone or in conjunction with additional artificial means not found, would prevent, or facilitate the prevention of, any meter or instrument from duly registering the quantity of electricity supplied or would facilitate the dishonest abstraction, consumption or use of electricity; or
- (c) the fitting of a mechanical or other means to or the absence or removal of a part or connection from, or the interference with a part of, or connection with, an apparatus in the circumstances that the fitting, absence, removal or interference would prevent or facilitate the prevention of a meter or other instrument from duly registering the quantity of electricity supplied, or would facilitate the dishonest abstraction, consumption, or use of electricity;

shall be *prima facie* evidence that subsection (1) has been contravened.

69.

(1) A person who wilfully damages a meter or other instrument used on, or in connection with the Authority's installation for recording the output or consumption of electricity commits an offence and is liable on conviction to a fine not less than fifty million leones or imprisonment for a term not exceeding five years or to both the fine and imprisonment.

(2) In addition to the penalty imposed under subsection (1), a person who contravenes subsection (1) is liable to pay full compensation for the damage done.

70.

(1) A person who without due authority wilfully extinguishes or damages any public lamp, bracket or other means of supporting a public lamp commits an offence and is liable on conviction to a fine not less than twenty million leones or to imprisonment for a term not exceeding five years or to both the fine and imprisonment.

(2) In addition to the penalty imposed under subsection (1), a person who contravenes subsection (1) is liable to pay full compensation of the damage done.

71.

A person who, without the consent of the Authority affixes or causes or permits to be affixed any advertisement, bill or notice or any paper against or upon, or otherwise defaces any property of the Authority or any post, bracket or other apparatus or the enclosure used for or in connection with the Authority's installation commits an offence and is liable on conviction to a fine not less than ten million leones.

72.

A person who wilfully or negligently causes electricity to be diverted from its proper course or to be wasted commits an offence, and is liable on conviction to a fine not less than thirty million leones or to imprisonment not exceeding five years or to both the fine and imprisonment.'

73.

A person who wilfully or negligently damages a supply line, post, pole or other apparatus connected with the supply of electricity commits an offence and is liable on conviction to a fine not less than thirty million leones or to both the fine and imprisonment

74.

A person who steals electric cables, equipment or materials commits an offence and is liable on conviction to a fine not less than electric cables fifty million leones or to imprisonment for a term not exceeding five years or to both the fine and imprisonment.

75.

A person who wilfully obstructs, resists or in any way interferes with, or who assists any other person in obstructing, resisting or in any way interfering with any officer or employee of the Company or Authority acting in the exercise of any power under this Act commits an offence and is liable on conviction to fine not less than ten million leones or to imprisonment for a term not exceeding one year or to both the fine and imprisonment.

PARTXII – MISCELLANEOUS

76.

(1) Where the Company or Authority has reasonable cause to believe that there is in any premises or conveyance evidence of the commission of an offence under this Act a person authorised in that behalf may, with a warrant issued by a Judge for that purpose enter and search the premises or conveyance and may seize and take possession of the evidence.

(2) In performing the duties under this Act, the authorized person shall present his identification card to any person in charge of the premises or conveyance searched.

77.

Upon the commencement of this Act -

- (a) employees of the National Power Authority and the Bo Kenema Hydro Power system are transferred to the Company or Authority;

(b) all rights, liabilities, assets, obligations and privileges of the Bo Kenema Power System are, hereby transferred, conferred or imposed on the Company or the Authority.

(c) A reference in any deed, contract, bond, security or other legal document to the Bo Kenema Power System shall have full force and effect and be enforceable as fully and effectually as if the Company or the Authority has been named and has been a party to it.

78.

(1) Upon the commencement of this Act, employees of the Bo Kenema Power System specified by the Minister in writing, shall be transferred to the Company or the Authority without prejudice to any entitlement to pension, gratuity or other vested or accrued rights from their previous employment; and on such terms and conditions of service no less favourable as were applicable to them in their previous employment.

79.

Where there is a judgment, decision or order against the Company or the Authority, no execution, attachment or process shall be issued against the Company or the Authority until after three months from the date of the judgment, decision or order.

80.

The Minister responsible for finance may direct that Company and the Authority be exempted from the payment of any stamp duties under the Stamp Duty Act.

81.

(1) The Minister may by statutory instrument make regulations to give effect to this Act .

(2) Without prejudice to the generality of subsection (1) the minister may make regulations prescribing -

(a) the minimum standards and specifications which shall be used in the design, construction, protection and maintenance of installation and apparatus, the conditions under which any installation or apparatus shall be worked or operated and the prohibition of the use of dangerous apparatus;

- (b) the manner in which electricity shall be measured and the standards of measurement which shall be employed and the manner in which electricity is permitted to be, or is prohibited from being used;
- (c) the standards to be adopted for measurement of dimensions of installations and apparatus;
- (d) the qualifications to be possessed by persons, before they may be entrusted with the construction, erection, repair or alteration of any installation or apparatus or with the charge of any installation or the control of the operation of apparatus;
- (e) the nature of the tests to be employed for ascertaining whether persons possess the qualifications prescribed by paragraph (d), the form and period of validity of certificates to be issued to persons found to possess the said qualifications and the fees to be paid for such test and certificates;
- (f) the measures to be taken and the fittings to be supplied and used in connection with installation in order to secure public and private safety;
- (g) the manner of holding an enquiry under this Act;
- (h) the form of notices and the manner of service;
- (i) the fees to be prescribed under this Act;
- (j) any other matter or thing which the Minister is empowered to prescribe under this Act.

82.

(1) The National Power Authority Act 1982 is hereby repealed.

(2) Notwithstanding subsection (1), any rules, regulations, orders, notices and other instruments or directives issued under the repealed Act and in existence immediately before the commencement of this Act shall continue in operation until their expiration or until their express repeal or revocation.

Passed in Parliament this 15th day of November, in the year of our Lord two thousand and eleven