WORKSHOP ON LEGISLATION DEVELOPMENT FOR ELECTRICAL APPLIANCE LABELLING AND STANDARDS

22 May 2013
Ministry of Public Works and Utilities Board Room, Tarawa, Kiribati
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AGENDA

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<th>SESSION 1: REGISTRATION AND OPENING</th>
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<td><strong>0845 - 0900</strong></td>
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<td><strong>0910 - 0920</strong></td>
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<td><strong>1000 – 1030</strong></td>
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SESSION 2: ENERGY SECTOR OVERVIEW

| 1030 - 1100 | An overview of the Energy Planning Unit and the Energy Sector | Miriam I Tikana, Energy Planning Unit |
| 1100 - 1130 | Electricity consumption in the different sectors | Enoka Tauma, Public Utility Board |
| 1130 - 1200 | Pacific Appliance Labelling and Standards (PALS) Programme | Makereta Sauturaga, SPC |
| 1200 – 1230 | Labelling and Standards Programme in Kiribati | Mwaati Toromon, National Coordinator, EPU |
| **1230 – 1330** | Lunch | |

SESSION 3: LEGISLATION

| 1330 – 1400 | Legislation Process | Birimwaka Tekanene, Attorney General’s Office |
| 1400 – 1430 | Drafting of legislation – an overview of processes (tasks, work programme, progress, views) | Kiata Kabure, Legal Consultant, KK & Sons Lawfirm |
| 1430 - 1500 | Issues to be addressed in the draft legislation | Chris Howe, Assistant Director, Department of Resources, Energy and Tourism, Canberra |
| **1500 – 1530** | Afternoon Tea | |

SESSION 4: NEXT STEPS

| 1530 - 1600 | Next steps in legislation development | National Coordinator/Legal Consultant |
WORKSHOP ON LEGISLATION DEVELOPMENT FOR ELECTRICAL APPLIANCE LABELLING AND STANDARDS

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Summary of proceedings

The Kiribati Ministry of Public Works and Utilities (MPWU) in collaboration with the Secretariat of the Pacific Community (SPC) hosted the Workshop on Legislation Development for Electrical Appliance Labelling and Standards at the MPWU Board Room in Tarawa on 22 May 2013.

The workshop was intended to consult with key stakeholders the progress in the development of legislation and regulation for appliance labelling and standards and identify challenges and actions to be taken to complete the legislation.

Representatives from the following organisations attended the workshop: Public Utility Board; Otintaai Hotel; MOEL Trading Company Limited; Fema Lodge; Utirerei Enterprises; Development Bank of Kiribati; Ministry of Commerce, Industries and Cooperatives; Customs Office; KK Law Firm; Department of Resources, Energy and Tourism; Australia; and the Ministry of Public Works and Utilities. The list of participants is attached as Annex 1 i the list of participants.

Session 1: Registration and opening

1.1 The workshop was opened by Ms Bintonga Even, Deputy Secretary for Ministry of Public Works and Utilities. She emphasised that having labelling and standards will not only assist the nation in achieving their energy efficiency target of improving energy efficiency to reduce electricity demand but will also achieve their vision of providing reliable, affordable, and sustainable energy options for the enhancement of economic growth and improvement of livelihoods in Kiribati. The mandatory implementation of labelling and standards for selected electrical appliances will ban the imports of inefficient electrical appliances into the local market. The opening speech is attached as Annex 2.

Session 2: Energy sector overview

2.1 Ms Miriam I Tikana, Assistant Energy Planner at the MPWU provided a presentation on the energy sector in Kiribati. According to the 2009 Energy Statistics Yearbook the use of biomass contributed to 49.6% of total energy use, petroleum fuels 45.06%, electricity 5.20% and solar 0.14%.

2.2 Kiribati has a National Energy Policy (2009) with eight key policy areas: policy, planning and coordination; power; outer islands and rural electrification; petroleum; efficiency and conservation; renewable energy; environment; and transport. The labelling and standards programme falls under the efficiency and conservation policy area.

2.3 The Government of Kiribati in 2012 developed a diesel fuel use reduction target for electricity by 2025 as follows:

a) South Tarawa to 45% (23% through the use of solar energy and biofuel and 22% through energy efficiency and conservation programs);
b) Kiritimati Island to 60% (40% through the integration of wind and solar energy in the grid supply and 20% through energy efficiency programs);

c) Rural public infrastructure 60%;

d) Rural public and private institutions 100%.

2.4 Key challenges in implementing the Pacific Appliance Labelling and Standards (PALS) programme include the review of the existing acts, lack of trainings and awareness on efficient use of electricity, and lack of public awareness on efficient appliances to use.

2.5 Mr Enoka Tauma, Electrical Engineer at the Public Utilities Board (PUB) delivered a presentation on electricity supply and consumption in Tarawa. The PUB is a government owned company responsible for providing electricity, water and sewerage disposal system. Electricity generation is through diesel generators with a maximum capacity of 5.45 MW.

2.6 The 2013 average monthly electricity consumption are as follows:

<table>
<thead>
<tr>
<th>Sector</th>
<th>Tariff</th>
<th>Units consumed (kWh)</th>
<th>Amount (A$)</th>
<th>Fuel used (litres)/month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic</td>
<td>$0.40</td>
<td>698,812.7</td>
<td>279,525.08</td>
<td>510,000</td>
</tr>
<tr>
<td>Commercial</td>
<td>$0.55</td>
<td>266,806.7</td>
<td>146,743.69</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>$0.70</td>
<td>441,105.2</td>
<td>308,773.64</td>
<td></td>
</tr>
</tbody>
</table>

2.7 The domestic sector is the highest consumer of electricity consuming an average of 699,000 kWh a month. The implementation of labelling and standards will assist in reducing electricity consumption as well as fuel consumption.

2.8 Ms Makereta Sauturaga, PALS Project Manager at SPC provided an overview of the PALS Programme highlighting the existing partnership arrangements in implementing the regional programme, the mandatory implementation requirements, and the progress achieved so far.

2.9 Ms Mwaati Toromon, Assistant Energy Project Officer, MPUW delivered a detail presentation on the progress of labelling and standards programme in Kiribati.

2.10 The progress is outlined in seven steps as follows:

a) Relate standards and labelling to efficiency objectives in energy road map or plan
   Standards and labelling is highlighted in the Kiribati National Energy Policy (2009). The two policies under Efficiency and Conservation states:
   • Introduce and enforce the use of energy efficient appliances and equipment
   • Introduce appropriate incentive packages including taxes, duties and tariffs to encourage efficient energy use.

b) Collect data on appliance use, markets and origins
   Dr Iete Rouatu was the local consultant for the REEEP study on technical analysis of appliance market in Kiribati. The study undertaken in 2012 identified three main electricity consuming appliances as refrigerators, air conditioning units and lighting.

c) Develop a standards and appliance strategy
   Minimum energy performance standards and labelling (MEPSL) was identified as the most appropriate strategy to adopt. Fiji is already implementing MEPSL.
d) Set up national working group of stakeholders
Meetings with key government stakeholders and private sector were held in 2012.

e) Develop implementation timetable
Key milestones have been developed that include the endorsement of legislation and training of key stakeholders by the end of 2013.

f) Get cabinet/high-level endorsement
In September 2012 Cabinet approved the Energy Planning Unit and the Attorney General’s Office with assistance from SPC to draft the legislation on MEPSL.

g) Setup legal framework
A new Electricity Act is being drafted and the existing Customs Act reviewed to support labelling and standards.

Session 3: Legislation

3.1 Ms Kiata Kabure, Legal Consultant provided an update on the drafting of legislation. She highlighted the following:

a) She was required by the MPWU to draft a new Electricity Act – 17/12/2012 to 15/2/2013 (8 weeks) and then to include labelling and standards in the new Act – 26/3/2013 to 21/5/13;

b) The draft Electricity Act, which is based on New Zealand legislation, was provided to the MPWU on 21 May. Amendments to the Customs Act were made and given to the MPWU;

c) Challenges faced during the consultancy include the difficulties in collecting data and the delay from MPWU in terms of their procedure which affected timely payment. It was mentioned though that providing first hand information and excellent teamwork within the Energy Unit assisted the consultant in the drafting works. The consultant further highlighted the need for the MPWU to hasten their systems processes and public awareness on the draft legislations.

3.2 Mr Chris Howe, Assistant Director, Department of Resources, Energy and Tourism highlighted the following issues to be considered in the draft legislation:

- Standards – it is important to adopt one standard for each product for example only Australian/New Zealand standards or only Chinese standards and to choose standard for a product where most units are imported from. Having multiple standards would be difficult and confusing for consumers to compare energy use and for government to effectively monitor compliance;

- Scope – would be better to proceed with a staged implementation focussing on the highest energy using products first and then including other products as everyone becomes familiar with the system;

- Timing – possible commencement in 2014 with a transition period of 6 months before enforcement;

- Compliance – to include powers to inspect appliances in retail outlets to ensure compliance with labelling requirements and penalties for incorrect or no labels displayed.
Session 4: Next steps

4.1 Ms Mwaati Toromon, Assistant Energy Project Officer, MPWU informed the participants of the key activities that have been planned for labelling and standards which include:
• Public awareness;
• Capacity building training of customs officers, retailers, commerce inspectors (shop inspectors) through the assistance of PALS Programme;
• EPU in collaboration with the customs office to screen application forms;
• Customs office to inspect goods at the boarder;
• Ministry of Commerce, Industry and Cooperatives to do in –shops inspections; and
• Legislation by end of 2013; grace period of one year; compliance starts in 2015

4.2 She also explained to the participants the energy smart calculator – what it is about and how to use it.

4.3 The main issues that were discussed are as follows:
   a) Legal framework to support standards and labelling - three Acts to be considered. In addition to the Electricity Act and the Customs Act, the Consumer Protection Act administered by the Ministry of Commerce, Industry and Cooperatives to be considered as well. This is because the participants felt that the Ministry of Commerce inspectors’ role can be expanded to include inspection of appliances in retail outlets.

   The latest version of the draft Electricity Act was provided by the consultant on 22 May. In discussing whether or not to include the details of labelling and standards under the Regulation Section or under Part IV: Electrical Code of Practice, it was agreed that it be included as part of the code of practice.

   In discussing the operational procedures to follow when the Act is enforced, the participants were informed that electrical suppliers would be required to obtain import license/permit prior to importing the products. The EPU would be the agency responsible for approving import license/permit from suppliers. It was highlighted that the Ministry of Environment has developed legislation on the phasing out of HCFC and other ozone depleting substances for refrigerants in refrigerating and air conditioning units. As such suppliers are required to obtain a permit from the Ministry of Environment. Since the target appliance would be refrigeration and air conditioning but guided by two different legislations, it was suggested if only one application form could be used for both the refrigerant and labelling and standards. EPU to discuss with the Ministry of Environment.

   EPU’s roles such as coordination, monitoring and evaluation of the programme when the legislation is effective were discussed and whether it would be addressed in the regulations.

   A copy of the latest draft Electricity Act and amendments to Customs Act are attached as Annex 3 and 4.

   b) Public consultation on the draft legislation – consultations on the draft legislation is required to be carried out. Suggestions were made to conduct workshops for councils and discussion sessions with parliamentarians.
c) **KK Lawfirm Legal Consultancy** – consultancy for labelling and standards from 26 March to 21 May 2013 has ended. In light of the discussions that have transpired on the legal framework and the public consultation, EPU will consider extending the consultancy contract.

d) **Key milestone for legislation** – The remaining parliament sitting for the year will be in August and December 2013 and it was agreed that the labelling and standards legislation to be submitted for the August sitting.

4.4 **Wrap up and closing**

4.4.1 Ms Makereta Sauturaga thanked the participants and EPU for organising the workshop.

4.4.2 Mr Kireua Bureimoa thanked SPC, Department of Tourism, Energy and Resources (Australia) and all the participants for their contribution in the workshop.
Annex 1: List of participants

Workshop on Legislation Development for Electrical Appliance Labelling and Standards
22 May 2013, Tarawa, Kiribati

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<thead>
<tr>
<th>NAME</th>
<th>POSITION</th>
<th>ORGANISATION</th>
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A warm welcome to you.

1. Ladies and gentlemen KAM NA BANE NI MAURI. Today we are honoured and privileged to have the Assistant Director from the Department of Resources, Energy and Tourism in Australia, Mr Chris Howe, and Ms. Makereta Sauturaga the PALS Programme Project Manager from the Secretariat of the Pacific Community (SPC) in Fiji to conduct this workshop. The Kiribati – Pacific Appliance Labelling and Standards (PALS) Programme is a significant movement for the Government to accomplish its vision of providing “available, accessible, reliable, affordable, clean and sustainable energy options for the enhancement of economic growth and improvement of livelihoods in Kiribati”.

2. With the – PALS Programme, on grid connected domestic households will benefit- from saving in electricity costs. These electricity cost savings could be translated to the reduction of fossil fuel import and GHG emissions from electricity generation. In general, the PALS Programme will generate additional benefits to the populace and the Government at large.

3. Energy is one of the key drivers for our social and economic development; however, the energy production and how it is consumed could also act as a barrier for development. The importation and shipment of imported fossil fuels from foreign nations to our country is very inefficient and expensive. Furthermore, the power generation and transportation are the major energy users and are highly reliant on imported fossil fuels. In the urban centres and rural mini-grids electricity is generated from 100% diesel power generators. It is estimated that around 25% of the USD 90m national import expenditure goes to purchasing of fuels for power generation and transportation. This exemplifies the significant economic contribution to the trade deficit from the energy sector reliance.

4. In the global market industries, a transformation to green energy is aggressive leading top manufactures to produce high efficiency electrical appliances. To avoid the dumping of redundant inefficient electrical appliances from the global markets, Kiribati government is very fortunate to have the support from the Australian government to develop legislations to control and ban the incoming of inefficient electrical appliances into our local market as a dumping ground.

5. In Addition, the Government of Kiribati has made a very ambitious energy target in April 2012 for electricity generation reduction through energy efficiency at 22% by 2025. 22% . Reaching the energy target is a great challenge to the Kiribati government and might be un achievable without the cooperation of international partners and other regional agencies. The PALS Programme is vitally important in assisting us to achieve our energy efficiency target. Not only will the PALS programme look at the development of legislation to prohibit the import of inefficient electrical appliance, the programme will conduct training for government ministries, electrical suppliers and retailers and an awareness programme will also be carried out. I would like to mention that my Ministry’s Energy Planning Unit has already completed an awareness programme by the youth drama group and as we speak we have about 800 energy smart calculators that will be distributed. These calculators are in your folders and you are among the first to receive this. Please do make good use of these calculators. These smart calculators will assist consumers in understanding the energy consumption (kWh) of the fridge or freezer and its operating cost on a monthly and yearly basis before purchasing the appliance. Therefore the energy smart calculators ensure that the consumers have informed decision before purchasing.

6. Furthermore, I would like to thank our local ministries’ counterparts, and private sectors who are our main players in the local market industry. I would also like to acknowledge the ground work in the legal drafting from our legal consultant, and for all your productive contribution and participation in this workshop. Moreover, I would like to sincerely thank the Government of Australia and SPC for their ongoing support in progressing this Kiribati Appliance Labeling and Standards Programme. I wish you well in your deliberations today.

KAM BATI N RABWA
Annex 3 – Draft Electricity Act

REPUBLIC OF KIRIBATI
(No.1 of 2013)

I assent,
(President A.Tong)
Beretitenti
[date]

AN ACT TO PROVIDE FOR THE REGULATION, SUPPLY AND USE OF ELECTRICITY, TO PROTECT HEALTH AND SAFETY OF MEMBERS OF THE PUBLIC IN CONNECTION WITH THE SUPPLY AND USE OF ELECTRICITY AND TO PROMOTE THE PREVENTION OF DAMAGE TO PROPERTY IN CONNECTION WITH SUPPLY AND USE OF ELECTRICITY IN KIRIBATI.

Commencement: [date]

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti
PART 1
PRELIMINARY

1. Short Title

This Act may be cited as the Electricity Act 2013, and shall come into force on a date to be notified by the Minister in the Gazette

2. Interpretation

(1) In this Act, unless the context otherwise requires,—

All practicable steps, in relation to achieving any result in any circumstances, means all steps to achieve the result that it is reasonably practicable to take in the circumstances, having regard to—

- The nature and severity of the serious harm or significant property damage that may be suffered if the result is not achieved; and
- The current state of knowledge about the likelihood that harm or damage of that nature and severity will be suffered if the result is not achieved; and
- The current state of knowledge about harm or damage of that nature; and
- The current state of knowledge about the means available to achieve the result, and about the likely efficacy of each of those means; and
- The availability and cost of each of those means

Approved means approved by the Board

Associated equipment means any equipment that is used, or designed or intended for use, in connection with any works or electrical installation, where such use is for construction, maintenance, or safety purposes and not for purposes that relate directly to the generation, conversion, transformation, conveyance or use of electricity

Board means the Electricity Board established by section...

Condition includes a restriction or limit

Connectable installation, in relation to a vehicle, a re-locatable building, or a pleasure vessel, means an electrical installation of that vehicle, re-locatable building, or pleasure vessel that is designed or intended for, or capable of, connection to an external power supply that operates at or above such voltage as is prescribed for the purposes of this definition by regulations made under section... and includes any electrical appliance that is connected, or intended to be connected, to any such installation

Construct includes to erect, to lay and to place; and construction has a corresponding meaning

Consumer:-

a. means any person who is supplied, or who applies to be supplied, with electricity; but
b. does not include any electricity generator or any electricity distributor or electricity retailer, except where the electricity generator or, as the case may be, the electricity
distributor or electricity retailer is supplied, or applies to be supplied, with electricity for its own consumption and not for the purposes of resupply to any other person

Corporation means a State enterprise or a mixed ownership model company that is a generator of electricity, and includes any of its subsidiaries

Dwelling house means any building or part of a building occupied as a separate dwelling; but does not include a meter box or meter located on the exterior of the building or the part of the building

Electrical appliance means any appliance that uses, or is designed or intended to use, electricity, whether or not it also uses, or is designed or intended to use any other form of energy

Electrical code of practice or code means an electrical code of practice issued pursuant to section...

Electrical installation means:-

a. in relation to a property with a point of supply, all fittings beyond the point of supply that form part of a system that is used to convey electricity to a point of consumption, or used to generate or store electricity; and

b. in relation to a property without a point of supply, all fittings that form part of a system that is used to convey electricity to a point of consumption, or used to generate or store electricity; but does not include any of the following:

   (i) An electrical appliance:

   (ii) Any fittings that are owned or operated by an electricity generator and that are used, designed, or intended for use in or in association with the generation of electricity, or used to convey electricity from a source of generation to distribution or transmission lines:

   (iii) Any fittings that are used, designed, or intended for use in or in association with the conversion, transformation, or conveyance of electricity by distribution or transmission lines

Electrical wiring work means prescribed electrical work that consists of any of the following work:

(a) The installation or maintenance of electrical wiring:

(b) The connection or disconnection of fittings to or from electrical wiring

Electricity distributor means a person who supplies line function services to any other person or persons

Electricity generator means any person who owns or operates a generator connected to distribution or transmission lines

Electricity operator means—

(a) Any body or person that, appointed immediately after [date of enactment] was the holder of a licence issued under section ... of the Electricity Act 2013; and

(b) Any person declared under section ..., be an electricity operator for the purposes of this Act or any provision or provisions of this Act

Electricity retailer means a person who supplies electricity to another person or other persons for any purpose other than for resupply by the other person or persons

Employer licence means an employer licence issued under section....

Fittings means everything used, or designed or intended for use, in or in connection with the generation, conversion, transformation, conveyance, or use of electricity

Infringement fee, in relation to an infringement offence, means the amount prescribed by regulations made under section ... as the infringement fee for the offence

Infringement notice means a notice given under section ...

Infringement offence means—

a) A breach of any regulation made under this Act that is prescribed as an infringement offence

Investigator, in relation to a complaint, means the person appointed under Part 11 to investigate the complaint

Line function services means—

(a) The provision and maintenance of works for the conveyance of electricity:

(b) The operation of such works, including the control of voltage and assumption of responsibility for losses of electricity

Line owner means a person that owns works that are used or intended to be used for the conveyance of electricity

Lines means works that are used or intended to be used for the conveyance of electricity

Maintain includes to repair and maintenance has a corresponding meaning
Minister, in any provision of this Act, means the Minister of the Government who, under the authority of any warrant or with the authority of the President, is responsible for the administration of that provision.

Ministry, in any provision of this Act, means the Ministry of Public Works and Utilities, is responsible for the administration of that provision.

Official standard means—
(a) A standard specification prescribed by any standards organisation within the meaning of that Act.

Place means—
(a) The whole or any part of any land, house, shop, factory, premises, or building:
(b) Any vessel within any harbour or inland waters:
(c) Any aircraft, hovercraft, or vehicle.

Power supply means a supply of electricity.

Practising licence means a practising licence issued under section...

Prescribed electrical work means electrical work prescribed in regulations made under section ..., being work that falls into any of the following categories:
(a) The design or construction or maintenance of electrical installations:
(b) The maintenance of electrical appliances:
(c) The connection or disconnection of works, electrical installations, and electrical appliances to or from a power supply, other than by means of—
(i) A plug; or
(ii) An appliance inlet; or
(iii) A pin—
That is inserted into a socket outlet:
(d) The design or construction or maintenance of works:
(e) The testing or certification or inspection or supervision of the work described in paragraphs (a) to (d).

Price includes valuable consideration in any form, whether direct or indirect; and also includes any consideration that in effect relates to the acquisition of goods or services or the acquisition or disposition of any interest in land, although ostensibly relating to any other matter or thing.

Provisional licence means a provisional licence issued under section...

Re-locatable building means any structure designed or adapted for human occupation that is designed to be re-locatable; but does not include any tent.

Secretary, in any provision of this Act, means the permanent secretary of the Ministry responsible for the administration of that provision; and includes any person for the time being authorised by delegation to exercise or perform any of the powers or functions of the Secretary under that provision.

Serious harm means—
(a) Death; or
(b) Injury that consists of or includes loss of consciousness; or
(c) Injury that necessitates the person suffering the injury—
(i) Being admitted to hospital; or
(ii) Receiving medical treatment from a health practitioner.

Supervision, in relation to any work, means that the work is undertaken under such control and direction of a person authorised under this Act to do the work or, a person authorised to supervise work under that section as is sufficient to ensure—
(a) That the work is performed competently; and
(b) That while the work is being undertaken, appropriate safety measures are adopted; and
(c) That the completed work complies with the requirements of any regulations made under section...

Worker means any person who is employed or engaged (whether under a contract of service or a contract for services) to do any work for hire or reward.

Working day means any day of the week other than—
(a) Saturday, Sunday, Good Friday, Easter Monday, Independence Day, Labour Day to include other public holidays; and

Works -
(a) Means any fittings that are used, or designed or intended for use, in or in connection with the generation, conversion, transformation, or conveyance of electricity

(2) In this Act, point of supply, in relation to a property, means the point or points on the boundary of the property at which exclusive fittings enter that property, except that,—

(a) if there are both high voltage lines and a transformer owned by the electricity distributor on the property, the point of supply is the point at which electricity from the transformer enters exclusive fittings; or

(b) if there are non-exclusive fittings on the property, the point of supply is the point at which those fittings become exclusive fittings; or

(c) if the exclusive fittings on the property are owned by a consumer that is a tenant or licensee of the owner or occupier of the property, the point of supply is the point at which those exclusive fittings enter the area leased or licensed by the consumer; or

(d) if there is specific agreement that any other point on the property is the point of supply, the point of supply is the agreed point;—

and, in this definition,—

Exclusive fittings means fittings used or intended to be used for the purpose of supplying electricity exclusively to that property

High voltage lines means lines conveying electricity at a voltage of 1000 volts or more

Property—

(a) Means the land within the boundary where the electricity is consumed:

(b) Includes the whole of the property, if the property is occupied wholly or partially by tenants or licensees of the owner or occupier:

specific agreement may be an agreement—

(a) entered into by—

(i) the existing consumer; or

(ii) any person with a greater interest in the property than the consumer (such as the consumer’s landlord); or

(b) entered into by the electricity distributor or the electricity retailer; and

(c) entered into before or after the date on which this provision comes into force.

3. Act to bind the Government

This Act binds the Government.
Part 2 - General

Electricity operators

4. Declaration of electricity distributors as electricity operators
   a) The Minister may, by notice in the Gazette, declare a person to be an electricity operator for the purposes of this Act or any provision or provisions of this Act if the Minister is satisfied that a declaration is necessary to enable the person to commence or carry on a business as an electricity distributor.
   b) The Minister must, as soon as reasonably practicable, by notice in the Gazette, declare that a person ceases to be an electricity operator on a date stated in the notice if the Minister is satisfied that the person has ceased to carry on a business as an electricity distributor.

5. Declaration of electricity generators as electricity operators
   a) The Minister may, by notice in the Gazette, declare an electricity generator to be an electricity operator for the purposes of this Act, or any provision or provisions of this Act, if the Minister is satisfied -
      (i) that the declaration is necessary to enable the person to commence or carry on an activity as an electricity generator; and
      (ii) that the business interests in respect of which the declaration is made are confined to any or all of the works necessary to convey the electricity generated to an electricity installation owned by an electricity generator, electricity distributor, or a consumer.
   b) The Minister must, as soon as is reasonably practicable, by notice in the Gazette, declare that a person ceases to be an electricity operator on a date stated in the notice if the Minister is satisfied that the person is no longer carrying out any of the activities referred to in subsection (1).

6. Functions and powers of Secretary
   The functions of the Secretary or Secretaries under this Act are—
   a) to carry out such enquiries, tests, audits, or investigations as may be necessary to determine whether or not a person is complying with this Act:
   b) to take all such lawful steps as may be necessary to ensure the safe supply and use of electricity:
   c) to perform such other functions as are provided for under this Act.

7. Inspection of works, etc
   1. For the purposes of performing any of the Secretary's functions under this Act, the Secretary may at any reasonable time inspect the whole or any part of any works, electrical installation, electrical appliance, or associated equipment.
   2. For the purposes of carrying out an inspection under this section, the Secretary may enter and re-enter any place.
   3. Before carrying out any inspection under this section, the Secretary shall give to the person who has control of the works, installation, electrical appliance, or associated equipment, and to the occupier of the land affected, reasonable notice of the Secretary's intention to carry out the inspection.
   4. Where the Secretary has entered any place under subsection (2), he or she may—
      (a) inspect any fittings or associated equipment:
      (b) by notice in writing require any person whom the Secretary reasonably believes to be for the time being in charge of the place, or of any fittings or associated equipment in the place, to take any specified action in respect of that place, those fittings, or that equipment that the Secretary reasonably believes is necessary to render that place, those fittings, or that equipment safe:
      (c) require any person who has control of the works, electrical installation, electrical appliance, or associated equipment to produce any document required by this Act or any regulations made under section ... to be kept by that person, and may examine and make copies of, or take extracts from, any such document.
8. **Report to be compiled on inspection**

Where any inspection is carried out under section 4, the person who carries out the inspection shall—
(a) compile a written report of the results of the inspection; and
(b) give a copy of the report to—
(i) the person whom the person reasonably believed to be in charge of the place in which the inspection was carried out; and
(ii) the owner or occupier of that place (where that person is not the person referred to in subparagraph (i); and
(iii) the person who has control of the works, electrical installation, electrical appliance, or associated equipment concerned (where that person is not the person referred to in subparagraph (i) or subparagraph (ii))

9. **Objections to Secretary’s requirements**

(i) Every person who is affected by any notice given under section 7(4)(b), or any requirement made under section 8(2), may, within 15 working days after receiving the notice or being made subject to the requirement, object to that notice or requirement.
(ii) Every objection under subsection (1) shall be made by lodging a written notice of objection with the Registrar of Court.
(iii) Every notice of objection shall specify the grounds of the objection.
(iv) The objector shall cause a copy of the notice of objection to be served on the Secretary, either before or immediately after it is lodged with the Registrar of Court.
(v) The Registrar of the court shall give notice of the time and place fixed for the hearing of the objection to the objector and the Secretary.

10. **Special powers of Secretary**

(1) The Secretary may at any time, by notice in writing, require any person who has control of any works, electrical installation, or electrical appliance to take apart or dismantle any fittings to facilitate or assist an inspection for the purposes of this Act.

(2) Where the Secretary believes on reasonable grounds—
(a) that there is a danger or potential danger to the safety of any person or property arising directly or indirectly from any fittings or electrical appliance or electrical installation; or
(b) that, because of anything done or omitted to be done, or intended to be done or not to be done, by any person, in relation to any fittings or electrical appliance or electrical installation, there would be a danger or potential danger of injury to any person or of damage to any property,—

the Secretary may do all such things, and require any person to do or refrain from doing all such things, as the Secretary considers necessary to remove or minimise the danger or potential danger.

(3) The Secretary’s power to require a person to do a thing under subsection (2) includes the power to require, by written notice, that the person—
(a) produce for inspection, within any reasonable period that the Secretary may specify, any document or class of document in the possession or under the control of the person that the Secretary considers would assist the Secretary to remove or minimise a danger or potential danger:
(b) supply, within any reasonable period that the Secretary may specify, any information or class of information that the Secretary considers would assist the Secretary to remove or minimise a danger or potential danger.

(4) Every person who is required to produce documents or supply information under this section has the same privileges in relation to the production of the documents or the supply of the information as witnesses have in any court.

11. **Effect of notice or requirement pending hearing**

Subject to section 14, where a notice of objection is lodged under section 9, the notice or requirement to which the notice of objection relates shall be suspended until an order is made by a Magistrate Court under section 12(2), or until the withdrawal of the objection or the withdrawal of the notice or requirement, whichever occurs first.
12. Procedure on hearing of objection
   1) On the hearing of an objection under section 11, both the objector and the Secretary, either
      personally or by their counsel, shall be entitled to be present and be heard.
   2) On hearing the objection, the court may by order confirm, reverse, or modify the notice or
      requirement.
   3) Subject to section 13, every order made under subsection (2) shall be final.

13. Appeal on question of law
   1) Where any party to an objection under section 9 is dissatisfied with the decision of the Court on that
      objection as being erroneous in point of law, that party may appeal to the High Court by way of case
      stated for the opinion of that court on the question of law only.
   2) Subject to subsection (3), every appeal under this section shall be heard and determined in
      accordance with rules of court.
   3) Subject to section 14, where a notice of appeal is filed pursuant to this section, the notice or
      requirement to which the notice of appeal relates shall be suspended until the appeal has been
      determined, or until a District Court Judge certifies that the appeal has not been prosecuted, or the
      Registrar of the High Court has certified that the appeal has been dismissed for non-prosecution,
      whichever occurs first.

14. Secretary may require immediate compliance
   1) Notwithstanding sections 11 and 13(3), where a notice of objection is lodged under section 9 by any
      person in respect of any notice or requirement, the Secretary may advise the objector that the
      Secretary considers the situation to be one involving immediate danger to life or property, and on
      being so advised the objector shall immediately take active steps to comply with that notice or
      requirement.
   2) Every person commits an offence who fails to comply immediately with any notice or requirement, to
      which subsection (1) applies, and every such person shall be liable on summary conviction to a fine
      not exceeding $1,000 for every day or part of a day that such failure continues.
   3) Without limiting the liability of any person to be convicted of an offence against subsection (2), both
      the High Court and any Magistrates Court shall each have jurisdiction to restrain any contravention or
      threatened contravention of subsection (1) by injunction on the application of the Secretary, and to
      make such order in the matter as to costs and otherwise as it thinks fit.
   4) No person shall be precluded by any contract or agreement from doing or refraining from doing any
      such acts as may be necessary to comply with the provisions of this section, or be liable under any
      contract or agreement to any penalty or forfeiture for doing or refraining from doing any such act.

15. Appeal against decision on application for injunction
   1) A party to proceedings in a Magistrates Court on an application under section 14(3) may appeal to the
      High Court against any decision of the District Court.
   2) A party to any appeal under subsection (1) may, with the leave of the Court of Appeal, appeal to the
      Court of Appeal against any determination of the High Court on a question of law arising in an appeal
      under that subsection.
   3) On an appeal to the Court of Appeal under this section, the Court of Appeal shall have the same
      power to adjudicate on the proceeding as the High Court had.
   4) The decision of the Court of Appeal on an appeal to that court under this section, and on an
      application to it under this section for leave to appeal, shall be final.
   5) Subject to subsections (2) to (4), the decision of the High Court on an appeal to that court under this
      section shall be final.

16. Assessors
   1) Where any objection has been lodged under section 9, the Secretary or the objector may ask for the
      objection to be heard with the assistance of 2 assessors, one to be appointed by the Secretary and
      the other by the objector.
   2) No person shall be appointed to act as an assessor unless he or she has special skill or knowledge
      relevant to the particular matter to be considered by the court.
17 Notification of accidents
(1) This section applies to every accident that—
   a) is caused wholly or partly by, or involves or affects, electricity, or involves or affects the 
generation, conversion, transformation, conveyance, or use of electricity; and
   b) results in—
      (i) serious harm to any person; or
      (ii) damage to any place or part of a place that renders that place or that part of that 
place unusable for any purpose for which it was used or designed to be used before 
that accident.
(2) Where any accident to which this section applies occurs in any place, the appropriate person shall 
notify the Secretary of the particulars of the accident forthwith on becoming aware of the 
accident.
(3) For the purposes of subsection (2), the appropriate person is as follows:
   a) in the case of an accident involving or affecting any works or electrical installation, the person 
who has control of those works or that installation:
   b) if the accident is discovered by any person who is authorised to do prescribed electrical work 
under Part 7, that person:
   c) in all other cases, the occupier of the place where the accident occurred.
(4) Every notice under this section shall be in the prescribed form (if any) and shall contain such 
particulars as are prescribed (if any).
(5) Notification of an accident in accordance with either or both of the following provisions is 
compliance with subsection (3):  

18 Interference with scene of accident
(1) No person shall interfere in any way with the scene of any accident to which section 16 applies without 
the permission of the Secretary, or if the Secretary is not present, a constable or a member of a fire 
brigade, except to the extent that the person believes is necessary to avoid or minimise further injury 
or damage or to restore the safe supply of electricity.
(2) Where any person does interfere in any way with the scene of any accident to which section 16 applies, 
the person shall as soon as practicable notify the Secretary of the action the person has taken.

19 Inquiries into accidents
(1) The Secretary may conduct an inquiry into any accident to which section 17 applies to establish the 
cause of the accident.
(2) Where the Secretary believes, on reasonable grounds, that any occurrence may be an accident to 
which section 17 applies, the Secretary may conduct a preliminary inquiry in order to establish 
whether or not the occurrence is such an accident.
(3) Subject to section 22, the Secretary may, for the purpose of any inquiry or preliminary inquiry under 
this section, require any person to supply to the Secretary all such information as that person may 
have of relevance to the inquiry or preliminary inquiry.
(4) Where the Secretary conducts an inquiry under this section, the Secretary shall prepare a written 
report of the findings of the inquiry, and shall make copies of that report available on request to 
interested parties.

20 Assistance to Secretary
Where the Secretary is performing any duty or exercising any power in respect of any place, or any fittings 
or associated equipment in any place, the owner or occupier of the place, and any other person who is 
for the time being in charge of the place, shall provide all such facilities and assistance as the Secretary 
may reasonably require.

21 Obstructing Secretary
Every person commits an offence and is liable on summary conviction to a fine not less than $500.00 and 
not exceeding $1,000.00 in the case of an individual, or not less than $5,000.00 and not exceeding 
$10,000.00 in the case of a body corporate, who -
(a) intentionally obstructs the Secretary when the Secretary is lawfully carrying out duties under this Act:
(b) refuses or fails without reasonable excuse—
   (i) to produce any document when required to do so by the Secretary for the purposes of this Act; or
   (ii) to allow the Secretary to examine or make copies of or take extracts from any such document; or
   (iii) to supply any information required of the person by the Secretary under this Act; or
   (iv) to comply with any other lawful order or requisition given or made by the Secretary:
(c) intentionally damages or interferes with any property used by, or supplied for the use or in the possession of, the Secretary for the purposes of this Act:
(d) fails without reasonable excuse to notify any accident to which section 16 applies when required to do so by subsection (3) of that section, or interferes in any way with the scene of any such accident otherwise than in accordance with section 17(1), or, having interfered in any such scene in accordance with section 17(1), fails without reasonable excuse to notify the Secretary of the steps he or she has taken as required by section 17(2).

22 Privilege against self-incrimination
No person shall be required, pursuant to any provision of this Part, to reply to any question if the answer might tend to incriminate him or her.
Part 3
Powers and duties of electricity operators and other owners of electrical works

23. Protection of existing works
Any existing works, lawfully fixed to or lawfully installed over or under any land that is not owned by the person that owns the works, shall continue to be fixed or installed until the owner of the works otherwise decides, and no person other than the owner of the works shall have any interest in any such works by reason only of having an interest in the land.

24. Owners of land not responsible for maintenance
a) An owner or occupier of land on which any existing works are situated is not required by this Act to maintain existing works, or to maintain tracks for the purpose of providing the owner of the works with access to the existing works.
b) This section does not limit or override any new or existing legally binding agreement that provides for an owner or occupier of the land to be responsible for any maintenance.

25. Construction or maintenance of works on roads
(1) Except as provided in subsections (2) and (5), an electricity operator may from time to time construct and maintain works in, on, along, over, across, or under any road, and for any of these purposes may—
(a) open or break up any road;
(b) alter the position of—
(i) any pipe (not being a main) for the supply of water or gas; or
(ii) any telecommunications line; or
(iii) any works—
that are constructed in, on, along, over, across, or under that road:
(c) alter, repair, or remove any works so constructed or maintained, or any part of any such works.
(2) No electricity operator may exercise the powers contained in subsection (1) otherwise than in accordance with such reasonable conditions as may be prescribed by the Council or other body or person having jurisdiction over the road.
(3) Without limiting the generality of subsection (2), a Council or other body or person having jurisdiction over a road may impose under that subsection, in relation to any work undertaken by any electricity operator, a condition requiring the electricity operator to meet the reasonable costs and expenses of that local authority or other body or person—
(a) in processing any notice given under section 26(1) by the electricity operator in relation to the work:
(b) in supervising the carrying out of the work, where such supervision is necessary in the circumstances of the case.
(4) To avoid doubt, subsection (1) does not prevent the construction or maintenance of works that are undertaken under an agreement entered into by—
(a) the electricity operator; and
(b) the Council or other body with jurisdiction over the road to which the works relate; and
(c) any owner referred to in section 26(1)(b).
(5) Subsection (1) does not apply to the construction of works that are intended to convey, or are associated with, electricity at a voltage of more than ... KV and a capacity of more than ... MVA.
(6) In subsection (5), works means works located at or above ground level in, on, along, over, or across a road, but does not include works suspended above a road.

26. Notice to be given before work undertaken
(1) Except as provided in subsection (5), before an electricity operator proceeds to undertake any work pursuant to the powers contained in section 25(1), the electricity operator shall give notice of its intention to undertake the work to—
(a) the Council or other body or person having jurisdiction over the road to which the work relates; and
(b) the owner of any pipe, telecommunications line, or works that are constructed in, on, along, over, across, or under that road and that will be affected, or are likely to be affected, by the work.

(2) Every such notice shall be in writing, and shall specify the location of the proposed work, the nature of the work to be undertaken, and the reasons for it.

(3) Within 15 working days after the receipt of the written notice of the intention to undertake work, the persons who are given a notice pursuant to subsection (1) shall notify the electricity operator, in writing, of any conditions imposed pursuant to section 25(2).

(4) Where a person who is given a notice pursuant to subsection (1) fails to notify the electricity operator of the conditions imposed pursuant to section 25(2) within the period referred to in subsection (3) of this section, no such conditions may be imposed, and the electricity operator may commence work.

(5) Where any such work is rendered urgent and necessary by any defective equipment, or other emergency, the electricity operator shall be excused from complying with the requirements of subsection (1) before commencing the work, but shall give the information required by subsection (2) as soon as practicable thereafter.

27. Offence
(1) Every electricity operator commits an offence and is liable on summary conviction to a fine not exceeding $10,000.00 who fails to comply with section 25 or section 26.

(2) In addition to any fine imposed pursuant to subsection (1), the court may make such order relating to compensation as it thinks fit.

28. Appeals in relation to conditions imposed
(1) An electricity operator shall have a right of appeal to a Magistrates Court against all or any of the conditions imposed pursuant to section 25(2) by—
   (a) the Council or other body or person having jurisdiction over the road; or
   (b) the owner of any pipe, telecommunications line, or works.

(2) Every such appeal shall be made by giving notice of appeal within 40 working days after the date of notification of the conditions imposed, or within such further period as the court may allow on application made to it for that purpose either before or after the expiration of those 40 working days.

29. Determination of appeals
(1) In its determination of any appeal under section 28, a Magistrates Court may confirm or modify or cancel any or all of the conditions imposed.

(2) Subject to section 30, the decision of a Magistrate Court in the determination of an appeal under section 28 shall be final.

30. Appeal on question of law
(1) Where any party to any appeal under section 28 is dissatisfied with the decision of the District Court as being erroneous in point of law, that party may appeal to the High Court by way of case stated for the opinion of that court on the question of law only.

(2) Every appeal under this section shall be heard and determined in accordance with rules of court.

31. Charging for access to road reserve
Notwithstanding anything in this Act or in any other enactment, no Council or other body or person having jurisdiction over any road shall require the payment, by or on behalf of any electricity operator, of any amount of or in the nature of rent in respect of any works constructed in, on, along, over, across, or under that road.

32. Rights of entry in respect of level crossings
(1) Where—
   (a) an electricity operator wishes to enter upon any level crossing for the purpose of constructing or maintaining any works in, on, along, over, across, or under that level crossing; and
   (b) after taking all reasonable steps to do so, the electricity operator has been unable to negotiate an agreement for entry,—
the electricity operator may, upon giving the owner and occupier of the level crossing not less than 10 working days’ notice of its intention to do so, apply to a Magistrates Court for an order under this section.

(2) On being satisfied that the construction or maintenance of any works is necessary for the purposes of distributing electricity, and that the electricity operator has taken all reasonable steps to negotiate an agreement for entry, and that, in relation to the construction of any works, no practical alternative route or site exists, the court may make an order authorising the electricity operator to—
(a) enter and re-enter the level crossing at reasonable times, with or without such assistants, aircraft, boats, vehicles, appliances, machinery, and equipment as are reasonably necessary for the construction or maintenance of any works:
(b) perform such work as may be reasonably necessary to construct or maintain any works.

(3) Every order under this section shall specify—
(a) how and when entry is to be made; and
(b) the specific powers intended to be exercised; and
(c) such other conditions (including conditions relating to the payment of compensation) as the court thinks fit to impose.

(4) Before exercising any powers authorised by an order made under this section, the electricity operator shall serve the order on the owner and occupier of the level crossing to which the order relates.

(5) Every officer, employee, or agent of an electricity operator acting in pursuance of an order made under this section shall have with him or her and shall produce on initial entry and, if requested, at any subsequent time, evidence of his or her authority and identity.

33. Local authority, etc, may require works to be moved

(1) Where any works (being works to which section 23 applies or works constructed pursuant to section 25) are fixed to or installed over or under any road, the local authority or other body or person having jurisdiction over that road may at any time, by notice in writing, require the owner of the works to raise, lower, or otherwise alter the position of those works.

(2) If the owner of the works refuses or fails within a reasonable time to do the work required under subsection (1), the person requiring the work to be done may, after giving the owner of the works written notice of that person’s intention to do so, do the work or have the work done by some other person.

(3) The notice required by subsection (2) shall be given at least 15 working days before the work commences.

34. Cost of work required under section 33

(1) Subject to subsection (2), the reasonable cost of all work required to be done under section 33(1) shall be paid by the person that requires the work to be done.

(2) Where any work is required to be done under section 33(1) by reason that the works to which the work relates—
(a) were constructed contrary to any provision of this Act or any regulations made under this Act; or
(b) are in a dangerous or unsafe condition,—
the cost of the work shall be paid by the owner of the works.

(3) Where any person requires any work to be done under section 33(1), no claim by or against that person for betterment shall be allowed in respect of that work.

(4) Where a controlling authority requires any work to be done under section 33(1) in relation to any works, subsections (1) to (3) of this section shall apply subject to the following provisions:
(a) in all cases the cost of all fittings that are used in the carrying out of the required work (other than fittings used only during the course of construction) shall be paid by the owner of the works:
(b) where—
(i) as a consequence of the requirement, the owner of the works elects to fix works to, or install works over, under, or through, a roading structure that is being, or is to be, constructed or altered; and
(ii) the cost of that construction or those alterations is increased by reason that those works will be fixed to, or installed over, under, or through, that roading structure,—
an amount equal to the amount by which the cost, to the controlling authority, of that construction or those alterations, as the case requires, is so increased shall be paid to the controlling authority by the owner of the works:
(c) where, as a consequence of the requirement, the owner of the works relocates the works and reconstructs them to specifications different from those of the original works, the owner of the works shall pay the difference between—
(i) what it would have cost to relocate and reconstruct the works as near as reasonably practicable to their original specifications (excluding any costs to which paragraph (a) would have applied), taking into account—
(A) any restrictions or conditions imposed by or under any enactment in relation to the relocation and reconstruction; and
(B) the location of the original works and the alternatives reasonably available to the owner of the works; and
(ii) the actual cost of the relocation and reconstruction (excluding any costs to which paragraph (a) applies),—
where the amount calculated in accordance with subparagraph (i) is less than the amount calculated in accordance with subparagraph (ii).
(5) Subsections (1) to (4) shall apply subject to any agreement between the person requiring the work to be done and the owner of the works to which that requirement relates.
(6) The amount of any payment that is required to be made under this section shall be determined in each case by agreement between the person liable for the payment and the person to whom it is payable;

35. Owners and occupiers of private land may move works
(1) Subject to subsection (2), the owner or occupier of any private land or buildings into, through, over, or against which any works to which section 23 applies have been constructed may, at that person’s own expense, on giving written notice to the person that owns the works, move those works and reconstruct or replace them, subject to the work being lawfully carried out and to such reasonable conditions as the owner of the works may reasonably impose.
(2) No works may be moved, reconstructed, or replaced under subsection (1) without the consent of the person that owns the works, but that consent shall not be unreasonably withheld.
(3) The notice required by subsection (1) shall be given at least 15 working days before the work to move the works commences.
Part 4
Electrical Codes of Practice

36. Issue of electrical code of practice

(1) The Secretary may from time to time issue any instrument (in this Act referred to as an electrical code of practice) for the purposes of, or relating to,—

(a) the setting or endorsing of standards or specifications concerning the design, construction, installation, importation, or manufacture of works, electrical installations, fittings, electrical appliances, or associated equipment:
(b) the setting of standards in respect of electricity that is to be supplied to or used by electricity retailers and consumers:
(c) the operation or use of works, electrical installations, fittings, electrical appliances, or associated equipment:
(d) the inspection or maintenance of works, electrical installations, fittings, electrical appliances, or associated equipment:
(e) the safety of persons or property associated with or using works, electrical installations, fittings, electrical appliances, or associated equipment:
(f) the setting or endorsing of standards or requirements relating to—
   (i) the training required for any specified class or classes of workers for the purposes of establishing and maintaining safety standards in relation to the generation, conversion, transformation, conveyance, and use of electricity:
   (ii) the levels of electrical or technical qualifications necessary for the carrying out of any specified class or classes of electrical work or for the holding of positions of electrical responsibility in any branch of the electrical industry or in any specified undertakings concerned with the particular application of electricity:
   (g) the setting or endorsing of standards, specifications, or requirements relating to or concerning the periodic examination of connectable installations of vehicles, relocatable buildings, and pleasure vessels, or any of them, and the issue of warrants of electrical fitness in respect of such installations:
   (h) the setting or endorsing of standards, controls, or requirements for the whole or any part of any tree or vegetation to prevent the interruption of the supply of electricity or interference with the electrical supply system.

(2) The Secretary may from time to time issue an amendment or revocation of any electrical code of practice.

(3) Every electrical code of practice and every amendment or revocation of an electrical code of practice shall show the date on which it was issued.

37. Code may incorporate official standards by reference

(1) The Secretary may include in any electrical code of practice a reference to—

(a) an official standard or a specified part of an official standard; or
(b) an official standard or a specified part of an official standard with such additions or variations as are specified in the code—
   if that official standard or, as the case may be, that part of that official standard relates to the subject matter of the code.

(2) On the inclusion in a code of a reference to an official standard or part of an official standard, that official standard or, as the case may be, that part of that official standard (as it existed on the date of the inclusion but with such additions or variations (if any) as are specified in the code) shall be deemed to form part of the code.

38. Code to be approved by Minister

(1) Subject to subsection (5), an electrical code of practice, an amendment to such a code, and a revocation of such a code, shall not have any force or effect until it has been approved by the Minister.

(2) Subject to subsection (3), the Minister shall not approve any code, or any amendment or revocation of a code, unless—
(a) not less than 1 month has elapsed since the publication in the Gazette of a notice of the intention of the Secretary to apply for approval; and

(b) the Minister has consulted such persons as will be affected by the code or amendment or revocation, or representatives of those persons, and they have had the opportunity to consider its possible effects and to comment on those effects to the Minister; and

(c) the Minister has considered any comments made to the Minister concerning those effects.

(3) The Minister may approve an electrical code of practice or any amendment or revocation of that code without complying with the requirements of subsection (2)(a) or (b) if the Minister is satisfied that sufficient consultation has already taken place in respect of the matters in the code or amendment or revocation.

(4) When the Minister approves an electrical code of practice or an amendment or revocation of that code, the Minister shall—

(a) publish a notice of the approval in the Gazette; and

(b) show the date of the approval on the code, amendment, or revocation and promulgate it in such manner as the Minister thinks fit.

(5) The fact that the Minister has published in the Gazette a notice under subsection (4)(a) shall be conclusive proof that the requirements of this section have been complied with in respect of the approval specified in the notice.

39. Availability of codes

(1) The Secretary shall ensure that copies of all electrical codes of practice, and all amendments to such codes, that are for the time being in force are available—

(a) for inspection by members of the public free of charge; and

(b) for purchase by members of the public at a reasonable price.

(2) The notice of approval published in the Gazette pursuant to section 38(4)(a) shall show, in relation to the code, or the amendment of a code, to which it relates, a place at which copies of the code or, as the case requires, the amendment are available for inspection free of charge and for purchase.

40. Emergency amendment of code

(1) If the Secretary considers it essential in the interests of safety or ensuring the continuity of the supply or conveyance of electricity to amend any electrical code of practice forthwith, the Secretary may issue an emergency amendment to the code and promulgate it in such manner as the Secretary thinks fit.

(2) Every amendment issued under subsection (1) shall be identified as an emergency amendment issued under this section, and show the date on which it was issued.

(3) Every such amendment shall remain in force for a period of 60 days after the date on which it was issued and may be continued in force by the Minister for such further period or periods as the Minister thinks fit, but the maximum period of time during which an emergency amendment may remain in force shall be 180 days.

(4) Subject to subsection (5), an emergency amendment issued under this section shall for all purposes, while it remains in force, be deemed to have been issued under section 36, and to have been approved, on the date of its issue, by the Minister under section 38.
Part 5
Miscellaneous provisions relating to supply of electricity

41. Compensation for damage
(1) Every person having any right, title, estate, or interest in any land or property injuriously affected by the exercise from time to time of any powers conferred by Part 2 or Part 3 on the Secretary or an electricity operator or any other owner of existing works shall be entitled to full compensation for all loss, injury, or damage suffered by that person.

(2) Notwithstanding the provisions of any enactment or any rule of law, the exercise of any power conferred by this Act on the Secretary shall not be curtailed, suspended, or delayed by reason of the fact that any claim for compensation under this section has been made but not determined.

42. Compensation for trees and vegetation removed
Where any tree or part of a tree or any vegetation or part of any vegetation is removed, compensation, to be assessed in the manner prescribed under the law and shall be payable if the tree or vegetation was growing on the land before the construction of the works or electrical installation but not in any other case.

43. Returns relating to construction of works, etc
Every person who constructs any works or electrical installation shall, where required by regulations made under section ..., furnish to the Secretary, in such form and at such time as may be prescribed, such particulars relating to the works or installation as may be prescribed by regulations made under that section.

44. Standards for electricity supply
All electricity distributed by an electricity distributor shall comply with such standards as are for the time being prescribed by regulations made under section ...

45. Safety requirements
All works, electrical installations, and electrical appliances shall be of such quality and standard, and shall be constructed, maintained, and operated in accordance with such safety requirements, as are prescribed by regulations made under section ...

46. Electricity generators and electricity distributors must have safety management systems
(1) Every electricity generator and every electricity distributor that owns or operates an electricity supply system must implement and maintain, in accordance with regulations made under section ..., a safety management system that requires all practicable steps to be taken to prevent the electricity supply system from presenting a significant risk of—
   (a) serious harm to any member of the public; or
   (b) significant damage to property owned by a person other than the electricity generator or electricity distributor.

(2) For the purposes of this Act, electricity supply system means,—
   (a) in relation to an electricity generator, assets that, whether taken individually or as a whole, have a rated electricity generating capacity equal to, or greater than, ... MW;
   (b) in relation to an electricity distributor, assets that, whether taken individually or as a whole, are used, or designed or intended for use, in or in connection with the conversion, transformation, or conveyance of electricity at a capacity equal to, or greater than, ... MVA.

(3) The Minister may, by Order, make regulations for either or both of the following purposes:
   (a) increasing the rated electricity generating capacity that applies under subsection (2)(a):
   (b) increasing the capacity that applies under subsection (2)(b).
Part 6
Restrictions on electrical work

47. Restrictions on doing or assisting with prescribed electrical work

(1) A person must not do any prescribed electrical work, or assist in doing any prescribed electrical work, unless that person is authorised to do so under this section.

(2) The following persons may do prescribed electrical work, or assist in doing prescribed electrical work, within the limits prescribed in regulations (if any):

(a) a registered person who is authorised to do, or assist in doing, the work under a current practising licence;

(b) a person who is authorised to do, or assist in doing, the work under a provisional licence;

(c) a person who is authorised to do, or assist in doing, the work under an employer licence.

(3) A person does not do any prescribed electrical work, or assist in doing any prescribed electrical work, in breach of this section if that work is done in accordance with any of sections 48 to 53.

(4) A body corporate that is responsible for any prescribed electrical work does not do any prescribed electrical work, or assist in doing any prescribed electrical work, in breach of this section if the natural person or natural persons who actually do, or assist in doing, that work are authorised to do so under this Act.

48. Board may exempt person or class of persons from section 47

(1) The Board may, if it thinks fit, by notice in the Gazette, exempt any person or class of persons from compliance with section 47 generally or in relation to a particular type of prescribed electrical work.

(2) The Board may grant the exemption subject to any terms and conditions that it thinks fit.

(3) A person may do any prescribed electrical work, or assist in doing any prescribed electrical work, under an exemption granted under subsection (1) if—

(a) the work is within the limits specified in the exemption; and

(b) the exemption applies to the person; and

(c) the work is done in accordance with the terms and conditions of the exemption; and

(d) the work is carried out in a competent and safe manner.

49. Exemption for work done under supervision

A person (the supervised person) may do any prescribed electrical work, or assist in doing any prescribed electrical work, if—

(a) that work is within the limits prescribed in regulations made for the purposes of this section; and

(b) the work done by the supervised person is carried out under the supervision of a registered person who holds a current practising licence issued under this Act that authorises the person to supervise electrical work; and

(c) except as provided in any regulations, while that work is being carried out by the supervised person, no part of the work is connected to a power supply; and

(d) the work is—

(i) tested and certified in accordance with regulations; and

(ii) connected to a power supply by a registered person who holds a current practising licence issued under this Act that authorises the person to supervise electrical work.

50. Exemption for trainees

(1) A person may do, or assist in doing, any prescribed electrical work if—

(a) that work is within the limits prescribed in regulations made for the purposes of this section; and

(b) the person is a trainee in relation to the work; and

(c) the work done by that person is carried out in accordance with a limited certificate issued by the Board to the trainee under section 51.

(2) In this section, trainee—

(a) means a person who is undergoing instruction or training in any class of prescribed electrical work for the purpose of obtaining registration as a registered person; and
(b) includes an apprentice who is working in the electricity industry.

(3) This section does not prevent a trainee from doing, or assisting in doing, work under section 49 (which allows work to be done under supervision).

51. Board may issue limited certificate for purposes of section 50

(1) The Board may, on payment of the prescribed fee (if any), issue to any person a limited certificate for the purposes of section 50.

(2) The Board may issue the limited certificate subject to any terms and conditions that the Board thinks fit.

(3) The Board may, by written notice to a person, revoke, amend, or add to any term or condition imposed in relation to that person's certificate.

(4) A limited certificate issued under this section, unless it is sooner cancelled, is in force for the period, not exceeding 5 years, specified in the certificate, but it may from time to time be renewed for a further term not exceeding 5 years.

(5) The Board may, if it thinks fit, refuse to renew any limited certificate.

(6) A limited certificate issued under this section may be cancelled by the Board—

(a) if the Board considers that any of the terms or conditions of the certificate have not been met; or

(b) following the determination of an application for registration as a registered person or for a practising licence.

52. Exemption for domestic electrical wiring work

(1) The owner of any premises that are occupied, or intended to be occupied, by that person as a residence for that person, or for that person and members of that person's family, may do any electrical wiring work, or assist in doing any electrical wiring work, in relation to those premises, if—

(a) the work is within the limits prescribed in regulations made for the purposes of this section; and

(b) the work is carried out in accordance with the requirements of any regulations; and

(c) the work is carried out in a competent and safe manner; and

(d) while that work is being carried out, no part of the work is connected to a power supply; and

(e) the work is, before connection to a power supply, tested and certified, in accordance with regulations, by a registered person who holds a current practising licence issued under this Act that authorises that person to test and certify prescribed electrical work; and

(f) the work is connected to a power supply by the registered person referred to in paragraph (e).

(2) Subsection (1)(e) and (f) apply only if required by regulations.

(3) For the purposes of subsection (1), owner, in relation to any premises, means the person who (whether alone or as a joint tenant or tenant in common) would for the time being be entitled to receive the rack rent of the premises on his or her own account if the premises were let to a tenant at a rack rent.

53. Exemption for maintenance of domestic appliances

(1) The owner of any electrical appliance may do any prescribed electrical work, or assist in doing any prescribed electrical work, in relation to that appliance if—

(a) the appliance is kept principally for the use of that person, or any near relative of that person, or both; and

(b) the appliance is used principally for domestic purposes and not for commercial or industrial purposes; and

(c) the work is within the limits prescribed in regulations made for the purposes of this section; and

(d) the work is carried out in accordance with the requirements of any regulations; and

(e) the work is carried out in a competent and safe manner; and

(f) while that work is being carried out, the appliance is not connected to a power supply; and

(g) the work is, before connection to a power supply, tested and certified, in accordance with regulations, by a registered person who holds a current practising licence issued under this Act that authorises that person to test and certify prescribed electrical work.

(2) Subsection (1)(g) applies only if required by regulations.
(3) For the purposes of subsection (1), near relative, in relation to any person, means—
   (a) a grandparent of that person:
   (b) a parent or step-parent of that person:
   (c) a parent or step-parent of that person’s spouse, civil union partner, or de facto partner:
   (d) a brother or sister of that person, including a half-brother or half-sister:
   (e) that person’s spouse, civil union partner, or de facto partner:
   (f) a child or step-child of that person:
   (g) a grandchild of that person.

54. Board may cancel application of exemption to any person
(1) The Board may, by notice in writing to a person, cancel the application of any exemption under section 49 to 53 to the person from a date specified in the notice.
(2) The exemption referred to in the notice under subsection (1) ceases to apply to the person from the date specified in the notice.
(3) The Board may not cancel the application of an exemption under subsection (1) unless it has first—
   (a) informed the person concerned why it may cancel the application of the exemption; and
   (b) given the person a reasonable opportunity to make written submissions and be heard on the question, either personally or by his or her representative.

55. Testing, certification, and inspection
(1) If any prescribed electrical work is carried out, that work or, as the case may require, the works or electrical installation or electrical appliance in respect of which that work is carried out must not be connected to a power supply unless the testing, certification, and inspection that is required by regulations has been carried out.
(2) A person must not sell, or offer for sale, any works or electrical installation or electrical appliance that has not been tested and certified in accordance with regulations.
(3) A person must not supply electricity to any works or electrical installation unless that person is satisfied that any inspection and certification required in respect of those works or that installation by regulations has been carried out.
(4) This section does not prevent the connection, to any power supply, of any works, electrical installation, or electrical appliance, or the supply of electricity to any works or electrical installation, if that connection or supply is solely for the purposes of carrying out any testing, inspection, or certification required by any regulations.

56. Power of entry
(1) For the purpose of ensuring that the requirements of section 55 are complied with in relation to any prescribed electrical work, any person authorised by the Board for the purpose may, at any reasonable time, enter any premises (including a dwelling house) and—
   (a) inspect and test any prescribed electrical work on those premises that is, or is intended to be, connected to a power supply:
   (b) make any inquiries that are necessary to determine whether or not any prescribed electrical work on those premises has been properly tested, certified, or inspected.
(2) The power of entry under subsection (1) may be exercised whether or not there are any grounds to believe that any prescribed electrical work has not been properly carried out.
(3) Every person must give reasonable notice of that person’s intention to enter any premises under subsection (1) to both the owner and the occupier of the premises.
(4) Every person must, on entering any premises under subsection (1), and when requested at any subsequent time, produce to the person in charge of the premises—
   (a) evidence of that person’s authority to enter the premises; and
   (b) evidence of that person’s identity.
Part 7
Registration and licensing of electrical workers and employer licences

57. Classes of registration may be designated by Board

(1) The Board may, by notice in the Gazette,—
   (a) designate classes of registration for the purposes of registration under this subpart; and
   (b) specify for each of those classes the prescribed electrical work that a person is authorised to
       do, or assist in doing, by virtue of being a registered person of a particular class and holding a
       current practising licence.

(2) The notice may describe the classes of registration in any way the Board thinks fit, including in 1 or
    more of the following ways:
       (a) by reference to a name or form of words that is commonly understood by persons who carry
           out electrical work:
       (b) by reference to an area of science or learning:
       (c) by reference to tasks commonly performed.

(3) In specifying the work that may be carried out by registered persons who hold current
    practising licences, the Board may impose limitations on the circumstances in which a
    registered person may do, or assist in doing, that work.

58. Board may prescribe other registration and licensing matters

(1) The Board may, by notice in the Gazette,—
   (a) prescribe for each class of registration the minimum standards for registration (including
       standards relating to required competence, qualifications, and experience) that persons
       must meet in order to be registered as registered persons and to be issued with practising
       licences; and
   (b) prescribe for each class of registration the terms and conditions subject to which persons are
       registered as registered persons; and
   (c) prescribe for each class of registration the terms and conditions subject to which practising
       licences are issued; and
   (d) prescribe requirements relating to the completion of competence programmes in respect of
       persons who—
       (i) apply for practising licences or provisional licences; or
       (ii) hold practising licences or provisional licences; or
       (iii) apply for renewals of practising licences or provisional licences; and
   (e) prescribe requirements relating to competent and safe work practices and the testing of
       those practices; and
   (f) recognise any overseas qualification, certificate, registration, or licence as satisfying a
       particular minimum standard for registration (in whole or in part) if, in the opinion of
       the Board, that overseas qualification, certificate, registration, or licence is equivalent
       to, or as satisfactory as, the standard, or part of the standard, that is treated as being
       satisfied.

(2) The terms and conditions referred to in subsection (1)(c) may include, for example,—
   (a) a term that authorises the person to test or certify work or to supervise work:
   (b) a condition that requires compliance with the requirements referred to in subsection (1)(e):
   (c) a condition that requires the person to complete a competence programme:
   (d) a condition that imposes limitations on the circumstances in which the person may do, or
       assist in doing, work:
   (e) a condition that imposes limits on the work that the person may do, or assist in doing, under
       the practising licence.

(3) The Board may make arrangements with the appropriate authorities controlling the registration,
    licensing, or recognition of electrical workers outside Kiribati for the reciprocal recognition of
    registration, licences, certificates, or other evidence of proficiency in electrical work.
59. Minimum standards for registration
   (1) A notice under section 58 may prescribe minimum standards for registration in any way the Board thinks fit, including in 1 or more of the following ways:
      (a) by requiring a degree or diploma or certificate of a stated kind recognised by the Board;
      (b) by requiring the successful completion of a competence programme, degree, or course of studies accredited by the Board:
      (c) by requiring a pass in a specified examination or any other assessment set by the Board or by another organisation approved by the Board:
      (d) by reference to registration with, or a licence issued by, an overseas organisation that performs functions that correspond wholly or partly to those performed by the Board:
      (e) by requiring experience in the provision of services of a particular kind:
      (f) by requiring a certain level of competence.
   (2) However, the minimum standards for registration prescribed under section 58 may require a person to pass a specified examination or other assessment set by the Board only if the Board is satisfied that the person does not have a degree, diploma, or certificate of a stated kind recognised by the Board under subsection (1)(a).

60. Entitlement to registration
   An individual is entitled to be registered under this subpart if the individual satisfies the Board—
   (a) that he or she has complied with the application requirements in section 62 and
   (b) that he or she meets the applicable minimum standards for registration; and
   (d) that he or she is a fit and proper person to be registered under this subpart; and
   (e) that he or she has paid the prescribed fee (if any).

61. Applications for registration
   (1) An application for registration under this subpart must—
      (a) be sent or delivered to either—
         (i) the Board; or
         (ii) Ministry of Public, Works and Energy; and
      (b) be in the prescribed form or, if there is no prescribed form, in the form required by the Board; and
      (c) contain, or be accompanied by, the information and documentation required by the Board; and
      (d) be accompanied by the prescribed fee (if any).

62. Board may issue provisional licence pending consideration of application
   (1) The Board may, on payment of the prescribed fee (if any), issue to any person a provisional licence to carry out any specified electrical work.
   (2) The Board may issue the licence subject to any terms and conditions that the Board thinks fit.
   (3) A provisional licence authorises the holder, while the licence is in force pending the consideration of his or her application for registration or a practising licence (or both) under this subpart, to do, or assist in doing, the work that is specified in the licence.

63. Duration of provisional licence
   (1) A provisional licence, unless it is sooner suspended or cancelled, is in force for the period, not exceeding 12 months, specified in the licence, but it may from time to time be renewed for a further period not exceeding 12 months.
   (2) The Board may, if it thinks fit, refuse to renew any provisional licence.
   (3) A provisional licence may be cancelled—
      (a) if the Board considers that any of the terms or conditions of the licence have not been met; or
      (b) following the determination of an application for registration or a practising licence under this subpart.
64. **Board to consider application**
   (1) The Board must consider each application for registration under this subpart as soon as practicable after receiving it.
   (2) In considering an application for registration under this subpart, the Board must,—
      (a) if the applicant has previously had his or her registration or practising licence cancelled under this Act, have regard to the reasons for that cancellation; and
      (b) observe the rules of natural justice; and
      (c) without limiting those rules, give an applicant—
         (i) notice of any matter that might result in the application being declined; and
         (ii) a reasonable opportunity to make submissions to the Board on the matter.

65. **Board to register applicant or decline application**
   (1) If the Board is satisfied that the applicant is entitled, under section 60 to be registered under this subpart, the Board must direct the Registrar to—
      (a) register the applicant as a registered person of a particular class; and
      (b) send to the applicant a certificate of registration; and
      (c) enter details of that person’s registration in the register; and
      (d) issue a unique identifier (for example, a registration number) to the applicant, and notify the applicant of that identifier.
   (2) If the Board is not satisfied that the applicant is entitled to be registered under this subpart, the Board must notify the applicant of—
      (a) the Board’s decision; and
      (b) the applicant’s right of appeal to a Magistrate Court against the decision.
   (3) As soon as practicable after receiving the Board’s direction under subsection (1), the Registrar must enter the details of the registration in the register.

66. **Registration subject to terms and conditions**
   (1) The registration of a registered person is subject to—
      (a) the terms and conditions imposed by notices published under section 58(1)(b) in relation to the class of registration concerned; and
      (b) any other terms and conditions that the Board thinks fit.
   (2) The Board may, by written notice to a registered person, revoke, amend, or add to any term or condition imposed under subsection (1).

   **How to become licensed**

67. **Practising licence required**
   (1) A registered person is not authorised to do, or assist in doing, prescribed electrical work that the person is otherwise authorised to do by virtue of that person’s registration unless that person is the holder of a current practising licence issued under this subpart that authorises the person to do, or assist in doing, the work.
   (2) Subsection (1) is subject to section 48 to 53
   (3) Any authority given under a practising licence issued under this subpart to a registered person to do, or assist in doing, any prescribed electrical work is sufficient authority for the person so authorised to do or, as the case may be, assist in doing that work.

68. **Entitlement to practising licence**
   A registered person is entitled to be issued with a practising licence under this subpart for a class of registration in respect of which that person is registered if the individual satisfies the Board—
   (a) that he or she has complied with the application requirements in section 69; and
   (b) that he or she meets the current applicable minimum standards for registration; and
   (c) that he or she is a fit and proper person to be issued with a practising licence; and
   (d) that he or she has paid the prescribed fee (if any).
69. Applications for practising licence

(1) An application for a practising licence under this subpart must—
   (a) be sent or delivered to either—
      (i) the Board; or
      (ii) the Ministry of Public, Works and Energy; and
   (b) be in the prescribed form or, if there is no prescribed form, in the form required by the Board; and
   (c) contain, or be accompanied by, the information and documentation required by the Board; and
   (d) be accompanied by the prescribed fee (if any).

70. Board to consider application

(1) The Board must consider each application for a practising licence under this subpart as soon as practicable after receiving it.

(2) In considering an application for a practising licence under this subpart, the Board must,—
   (a) if the applicant has previously had his or her registration or practising licence cancelled under this Act, have regard to the reasons for that cancellation; and
   (b) observe the rules of natural justice; and
   (c) without limiting those rules, give the applicant—
      (i) notice of any matter that might result in the application being declined; and
      (ii) a reasonable opportunity to make submissions to the Board on the matter.

71. Board to issue practising licence or decline application

(1) If the Board is satisfied that the applicant is entitled, under section 69, to be issued with a practising licence under this subpart, the Board must—
   (a) issue to the applicant a practising licence for a class of registration in respect of which that person is registered; and
   (b) send to the applicant evidence of the issue of that practising licence; and
   (c) direct the Registrar to enter details of that person’s practising licence in the register.

(2) If the Board is not satisfied that the applicant is entitled to be issued with a practising licence under this subpart, the Board must notify the applicant of—
   (a) the Board’s decision; and
   (b) the applicant’s right of appeal to a Magistrates Court against the decision.

(3) As soon as practicable after receiving the Board’s direction under subsection (1), the Registrar must enter the details of the practising licence in the register.

72. Practising licence subject to terms and conditions

(1) A practising licence issued to a registered person is subject to—
   (a) the terms and conditions imposed by notices published under section 59 in relation to the class of registration concerned; and
   (b) any other terms and conditions that the Board thinks fit.

(2) The terms and conditions may include, for example,—
   (a) terms and conditions of the kind referred to in section 58(2);
   (b) a condition that imposes limits on the circumstances in which the particular practising licence holder may do, or assist in doing, work:
   (c) a condition that imposes limits on the work that the particular practising licence holder may do, or assist in doing, under the licence.

(3) The conditions referred to in subsection (2)(b) and (c) may be in addition to, or instead of, any other limits that would otherwise apply in respect of the class of registration concerned.

(4) The Board may, by written notice to a registered person, revoke, amend, or add to any term or condition imposed under subsection (1).
73. Duration of practising licence

(1) A practising licence issued under this subpart must specify the date of its expiry.
(2) The date of expiry must not be later than 5 years after the date of the issue or renewal of the practising licence.
(3) A practising licence continues in force until the close of the date of its expiry unless sooner suspended or cancelled under this Act.

74. Applications for renewal of practising licence

(1) An application for the renewal of a practising licence under this subpart—
   (a) must not be made earlier than 3 months before the licence’s date of expiry; and
   (b) must be sent or delivered to either—
      (i) the Board; or
      (ii) the Ministry of Public, Works and energy and
   (c) must be in the prescribed form or, if there is no prescribed form, in the form required by the Board; and
   (d) must contain, or be accompanied by, the information and documentation required by the Board; and
   (e) must be accompanied by the prescribed fee (if any).
(2) If an application for the renewal of a practising licence is made before the licence’s date of expiry but the licence has not been renewed before that date, the licence continues in force until the application is determined.

75. Renewal of practising licence

(1) A registered person is entitled to a renewal of his or her practising licence if the Board is satisfied that—
   (a) the person has complied with the application requirements in section 74; and
   (b) the person complies with the current applicable minimum standards for registration; and
   (c) there is no reason to believe that the person has breached any term or condition of the licence during the period before the licence is renewed; and
   (d) the person is a fit and proper person to hold a practising licence; and
   (e) the person has satisfied the requirements of a competence programme that the person is required to complete under subsection (5).
(2) If the Board is satisfied that the registered person is entitled to a renewal of his or her practising licence, the Board must direct the Secretary to—
   (a) renew the licence for the period (not exceeding 5 years) that the Board thinks fit; and
   (b) send to the person notification of the Board’s decision; and
   (c) enter details of the renewal in the register.
(3) If the Board is not satisfied that the registered person is entitled to a renewal of his or her practising licence, the Board must notify the person of—
   (a) the Board’s decision; and
   (b) the person’s right of appeal to a Magistrates Court against the decision.
(4) For the purposes of subsection (1)(c), the Board may, if it thinks fit, disregard a breach of a term or condition of the practising licence.

Exemptions from registration and practising licence requirements and conditions

76. Board may grant exemptions from registration and practising licence requirements and conditions

(1) The Board may,—
   (a) by written notice to a person, exempt the person from compliance with—
      (i) the minimum standards for registration that the person must meet in order to be registered as a registered person or issued with a practising licence or to obtain a renewal of a practising licence; and
(ii) any terms and conditions imposed by notices published under section 58 that must be complied with by the person; and

(b) by notice in the Gazette, exempt any class of persons from compliance with—

(i) the minimum standards for registration that those persons must meet in order to be registered as registered persons or issued with practising licences or to obtain renewals of practising licences; and

(ii) the terms and conditions imposed by notices published under section 58 that must be complied with by those persons.

(2) The Board may grant an exemption subject to any terms and conditions that it thinks fit.

77. Regulations

(1) The Minister may from time to time, by Order in Cabinet, make regulations for all or any of the following purposes:

Electrical safety and related matters

(1) providing for the removal of any works constructed or used contrary to the provisions of this Act or any regulations made under this section, and for the removal or alteration of any dangerous works, at the expense in all cases of the owner of the works:

(2) securing the protection of persons and property from injury or damage caused through electricity, either directly or indirectly, by—

(a) authorising, controlling, and prescribing conditions in respect of the design, construction, installation, maintenance, use, management, inspection, and testing of works, electrical installations, or associated equipment:

(b) authorising, controlling, and prescribing conditions in respect of the design, installation, manufacture, maintenance, use, inspection, importation, exportation from Kiribati pursuant to any Agreement, sale, and testing of fittings and electrical appliances used or intended to be used in the application of electricity:

(c) prohibiting, or providing for the prohibition of, the manufacture, importation, exportation from Kiribati pursuant to any Agreement, sale, and use of such fittings and electrical appliances as do not satisfy any prescribed tests, standards, or safety criteria:

(d) requiring such types or categories of fittings and electrical appliances as are specified in the regulations, or as are from time to time declared by the Secretary by public notice to be subject to the regulations, to be approved by the Secretary before being offered for sale in Kiribati; providing for the giving of such approval, for the specifying by the Secretary of conditions subject to which such approval may be given, for the variation or withdrawal of any such approval, and for the revocation, variation, or addition of any condition of any such approval; and prescribing circumstances in which types or categories of fittings and electrical appliances are deemed to be approved by the Secretary for the purposes of the regulations:

(e) authorising, controlling, and prescribing conditions in respect of the design, manufacture, maintenance, use, inspection, and testing of electric fishing devices, including (without limitation)—

(i) providing for the issue of certificates of competency to persons who wish to operate electric fishing devices; prescribing the persons or class or classes of persons who may issue such certificates or providing for the designation of such certifying authorities; providing for the specifying of conditions subject to which such certificates may be issued, and for the revocation, variation, and addition of any such condition; and providing for the suspension or cancellation of any such certificate:

(ii) providing for the approval of electric fishing devices; prescribing the persons or class or classes of persons who may approve such devices or providing for the designation of such approving authorities; and providing for the specifying of conditions subject to which such approval may be
given, for the variation or withdrawal of any such approval, and for the
revocation, variation, and addition of any condition of any such approval:
(iii) requiring electric fishing devices, or parts of electric fishing devices, or
both, to carry marks enabling the ready identification of individual devices:
(iv) requiring the operator of an electric fishing device to produce that
person's certificate of competency, and the certificate of approval issued in
respect of the device, and to supply to such person or class or classes of
persons as are specified in the regulations such particulars relating to the
identity of that operator (including that person's signature) as are
prescribed in the regulations:
(f) authorising, controlling, restricting, prescribing conditions in respect of, and,
where necessary, prohibiting, the construction, installation, use, management,
operation, maintenance, transportation, and movement of any structure, device,
thing, or substance, whether fixed or movable and whether permanent or
temporary, in the vicinity of any works or electrical installation where any works or
electrical installation may affect or be affected by the structure, device, thing, or
substance:
(g) controlling the existence and location of the whole or any part of any tree or
vegetation that is in the vicinity of, or may affect, any works or electrical installation,
including (without limitation)—
(i) requiring the removal of the whole or any part of any tree or vegetation:
(ii) requiring the removal of any debris produced as a result of any work
carried out pursuant to the regulations:
(iii) prescribing the person or persons who shall meet the costs of carrying
out any work required pursuant to the regulations, and providing for the
recovery of such costs:
(iv) providing for the payment of the costs of remediating any damage
caused to any works by any tree or vegetation, or any part of any tree or
vegetation, where that damage arises (whether directly or indirectly) out of
any failure to comply with the requirements of the regulations; prescribing
the person or persons who shall pay those costs; and providing for the
recovery of those costs:
(3) requiring any person who intends to construct any works in the vicinity of, or that are
likely to affect, any trees of any class of tree specified in the regulations,—
(a) in determining the route or location of the works, to have regard to the need to
interfere with those trees to the least extent practicable in the circumstances:
(b) to notify such persons as are prescribed in the regulations of the intention to
construct the works:
(c) to inform such persons as are prescribed in the regulations of the rights and
obligations that will be conferred or imposed on those persons, by any regulations
made under subparagraph (g) of paragraph (2), in relation to those trees, if the
works are constructed:
(d) to consider any submissions made to that person by such persons as are
prescribed in the regulations:
(4) prescribing requirements for safety management systems:
(5) prescribing standards that must be met in respect of fittings, electrical appliances,
electrical installations, and electricity that are or is to be supplied to or used by electricity
retailers and consumers:
(6) providing for the periodic examination of connectable installations of vehicles,
relocatable buildings, and pleasure vessels, or any of them, and the issue of warrants of
fitness by such persons or class or classes of persons as are prescribed; prescribing fees or
maximum fees or authorising the charging of reasonable fees in respect of such
examinations (and different fees may be prescribed or provided for in respect of different
circumstances and different testing authorities); prescribing the persons to whom any fees
are to be paid; and exempting specified vehicles, relocatable buildings, or pleasure vessels,
or classes of vehicles, relocatable buildings, or pleasure vessels, from the provisions of the regulations:

(7) prescribing, in relation to workers,—

(a) the training required for any specified class or classes of workers for the purposes of establishing and maintaining safety standards in relation to the generation, conversion, transformation, conveyance, and use of electricity:

(b) the levels of electrical or technical qualifications necessary for the carrying out of any specified class or classes of electrical work or for the holding of positions of electrical responsibility in any branch of the electrical industry or in any specified undertakings concerned with the particular application of electricity:

(8) prescribing the requirements for standardisation of systems of supply and the preservation of the quality of electricity supplied in Kiribati:

(9) providing that fittings or electrical appliances that are, or may be, exported from Kiribati pursuant to any Agreement must comply with requirements relating to the preservation of the quality of electricity supplied in Kiribati:

(10) authorising the Secretary—

(a) in cases of urgency, to issue, in such manner as may be prescribed, instructions, orders, or requirements for securing the protection of persons from injuries caused, directly or indirectly, by electricity:

provided that any such instruction, order, or requirement shall remain in force for such period, not exceeding 6 months, as may be determined by the Secretary or until its earlier revocation by the Secretary:

(b) in cases of urgency, to issue, in such manner as may be prescribed, instructions, orders, or requirements for securing the protection of persons from injuries caused, directly or indirectly, by electricity to the extent that such injuries are caused by fittings or electrical appliances that are, or may be, exported pursuant to any Agreement:

provided that any such instruction, order, or requirement must remain in force for such period, not exceeding 6 months, as may be determined by the Secretary or until its earlier revocation by the Secretary:

(c) to carry out tests on works, electrical installations, fittings, electrical appliances, and associated equipment:

(11) providing for the constitution, functions, and powers of arbitrators for the purposes of this Act or any regulations made under this section:

(12) requiring the keeping and retention of such records as are necessary for the purposes of establishing and maintaining safety standards in relation to the generation, conversion, transformation, conveyance, and use of electricity, and prescribing the particulars that shall be included in such records:

Prescribed electrical work

(13) prescribing, for the purposes of this Act, what work is deemed to be or not to be prescribed electrical work and the circumstances and conditions in which any work is deemed to be or not to be prescribed electrical work:

(14) prescribing the limits or scope of prescribed electrical work that any registered persons or provisional licence holders, or any person to whom any of the provisions of sections 48 to 53 applies, may do or assist in doing:

(15) providing for the testing, inspection, and certification of—

(a) prescribed electrical work:

(b) works, electrical installations, fittings, and electrical appliances:

Statistics

(16) authorising the Secretary to obtain such information concerning the generation, conversion, transformation, conveyance, sale, consumption, and use of electricity as may be required for statistical purposes:
Miscellaneous provisions

(17) providing for the appointment of investigators and the procedures of investigators under this Act:

(18) specifying—
   (i) the way in which that information must be provided; and
   (ii) the way in which that information must be evaluated; and
   (iii) the way in which investigators must exercise their powers and functions under this Act:

(19) regulating the procedure of the Board:

(20) prescribing procedures, requirements, and other matters, not inconsistent with this Act, for the register, including matters that relate to—
   (i) the operation of the register:
   (ii) the form of the register:
   (iii) the information to be contained in the register:
   (iv) access to the register:
   (v) the location of, and hours of access to, the register:
   (vi) search criteria for the register:

(21) prescribing the forms of applications, certificates, licences, notices, and other documents required under this Act, or authorising the Board or the Secretary to prescribe or approve forms, and requiring the use of those forms:

(22) prescribing infringement offences:

(23) setting the infringement fee for each infringement offence, which,—
   (i) in the case of an individual, must not exceed $1,000; or
   (ii) in the case of a body corporate, must not exceed $3,000:

(24) prescribing information to be included in infringement notices and reminder notices:

(25) prescribing the manner in which any notice or other document required by this Act to be given or served by, or to or on, any person is to be so given or served:

(26) prescribing the matters in respect of which fees are payable under this Act; prescribing the amounts of the fees or the method by which they are to be assessed; and prescribing the persons to whom the fees are to be paid:

(27) exempting or providing for the exemption of any person or class of persons from liability to pay any fees payable under this Act:

(28) authorising the waiver, refund, or remission, in such circumstances as in accordance with the regulations the Board or the Secretary thinks fit, of the whole or part of any fees payable under this Act:

(29) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this section, and the amount of the fine that may be imposed in respect of any such offence, which fine shall be an amount not exceeding $50,000 and, where the offence is a continuing one, a further amount not exceeding $2,000 for every day or part of a day during which the offence has continued:

(30) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

(2) Any regulations made under any of paragraphs (2) to (6) of subsection (1) may—
   (a) require compliance with the whole or any part of any electrical code of practice or any official standard:
   (b) provide that proof of compliance with—
      (i) any electrical code of practice, or any part of such a code; or
      (ii) any official standard, or any part of an official standard; or
   shall be proof of compliance with such provisions of the regulations as are specified in the regulations.

(3) Regulations may require compliance with an official standard (or a specified part of an official standard) that relates to the subject matter of the regulations by referring to it in the regulations (with any additions or variations that may be specified in the regulations).

(4) That official standard (or the specified part), as it existed on the date of the inclusion (but with any specified additions or variations), is then deemed to form part of the regulations.
Annex 4: Amendments to Customs Act

Customs Amendment Act 2013
REPUBLIC OF KIRIBATI
CUSTOMS (AMENDMENT) ACT 2013
(No ..... of 2013)
I assent,
Beretitenti
(date)

AN ACT TO AMEND THE CUSTOMS (CAP 22A)
Commencement:
2013

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

This Act may be cited as Customs (Amendment) Act 2013

Amendment to Schedule 4 (section 57)
Item 5 to be inserted as well as it restrictions as follows

<table>
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<tr>
<th>Item</th>
<th>Goods</th>
<th>Restriction</th>
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<tr>
<td>5.</td>
<td>New household refrigerators and freezers, commercial refrigerators and freezers, air conditioners, lamps, televisions, fans, washing machines, rice cookers.</td>
<td>May only be imported for sale or for commercial use if it meets the standards for that product specified in the Electrical Code of Practice (number? date published in Gazette?) made under Part 4 of the [revised] Electricity Act 201X. NOTE 1: Commercial use means products for use in commercial accommodation or to be installed in the construction or refurbishment of buildings, including residences, whether or not sale to another party is involved). NOTE 2: This restriction does not apply to used goods imported by householders for their own use.</td>
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