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CHAPTER 166.

ELECTRIC LIGHT AND POWER.

**An Ordinance to make Provision for the supply of Electricity for
Lighting and other Purposes.** 12 of 1959.

[17TH JULY, 1959.]

1. This Ordinance may be cited as the Electric Light and Power Ordinance. Short title.

2. In this Ordinance unless the context otherwise requires— Interpreta-
tion.
“ area of supply ” means the area within which the licensee is for the time being authorised to supply energy under this Ordinance;

“ consumer ” means any person (including the Government) supplied or entitled to be supplied with energy by the licensee;

“ electric line ” means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting, or distributing electricity, with any casing, coating, covering tube, pipe, or insulator enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity or electric currents;

“ energy ” means electric energy;

“ Engineer-in-Chief ” shall include any duly appointed officer acting in his behalf;

“ installation ” includes all plant or apparatus situated upon the premises of any consumer, and used, or intended to be used, for or in connection with the supply of energy to such premises, but does not include any portion of the connecting wire from the mains to the plant or apparatus upon any premises, whether such portion is situated upon such premises or not;

“ licensee ” means any person to whom a licence is granted under section 11, and includes the assigns of the licensee as also any person claiming through, under, or in trust for the licensee or his assigns;

“ Local Authority ” includes every Town Council, Urban District Council and District Council;

“ Minister ” means the member of Executive Council charged for the time being with responsibility for the subject of Works and Housing;

“ post ” includes a tree, pole, standard, stay, strut, pier, abutment or other contrivance for carrying, suspending or supporting the overhead transmission lines;

“ private purposes ” shall include any purposes whatever to which electricity may for the time being be applicable, not being public purposes, except the transmission of any telegram;

“ public purposes ” means lighting any street or any place belonging to or subject to the control of any Public Authority, or any church or place of public worship, or any hall or building belonging to or subject to the control of any Public Authority, or any public theatre, but shall not include any other purpose to which electricity may be applied;

“ road ” includes any highway, any public or private road, street, square, court, alley, thoroughfare, or passage, and any other open space and any railway or tramway;

“ overhead transmission line ” means a wire conductor or other means used for conveying, transmitting or distributing electricity, for lighting and power purposes together with any casing, coating, tubing, pipe-covering, insulator or post, enclosing, surrounding or supporting the same and includes any portion of the overhead transmission line as herein defined;

“ underground cable ” means a wire conductor laid in the ground and covered with earth;

“ undertaking ” means the project or objects in respect of which a licence under section 11 is sought or granted, as the case may be, and includes works;

“ works ” includes any wire, electric lines, insulator, electric light fitting, lamp or post, and also any instrument, furniture, plant, office, building, machinery, engine, excavation, matter or thing of whatever description in any way connected with an overhead transmission line or underground cable.

PART II—SUPPLY OF ELECTRICITY BY GOVERNMENT

3. The Government of Sierra Leone may from time to time establish and maintain overhead transmission lines or underground cables throughout Sierra Leone.

Establishment of overhead lines and cables.

4. The Engineer-in-Chief shall superintend the construction and maintenance of all overhead transmission lines, underground cables and works, the property of the Sierra Leone Government and by himself or his duly appointed officers—

Powers of Engineer-in-Chief.

(a) may enter upon any lands for the purpose of constructing, placing or maintaining any overhead transmission line, underground cable or works so placed, and may there remain for such reasonable time and execute and do all such work and things as may be necessary for the purposes of this Ordinance;

(b) may survey and take levels of any such lands or any part thereof, and also dig, cut, remove and carry away any earth, stone, soil, sand and gravel whatever, and any trees or timber suitable for the construction, maintenance, or alteration of any overhead transmission line or underground cable or works;

(c) may cut and remove on each side of any proposed or existing overhead transmission line, underground cable or works all such trees and underwood as may interfere, or be likely to interfere with the construction or proper working of any overhead transmission line, underground cable or works; and

(d) may construct, place and maintain overhead transmission lines or underground cables under, in, upon, over, along or across any land or building, or any river or canal, or any bridge, embankment, dock, harbour or pier, or any estuary or branch of the sea, or the shore or bed of any tidal or other water; or under, in, upon, over, along or across any road and for such purpose may open or break up any road, and alter the position thereunder of any pipe, not being a main, for the supply of water or gas, and may alter or remove any overhead transmission line or underground cable so constructed or placed as aforesaid:

Provided that the Engineer-in-Chief shall, on the completion of such purpose, repair and make good the road so opened or broken up.

Notice before entry on lands.

5. Except as hereinafter provided the Engineer-in-Chief shall not enter upon any land for the purpose of constructing any overhead transmission line or underground cable except by day, nor, unless with the consent of the owner or occupier of such land, or his authorised agent, until after one week's notice to such owner or occupier or agent, of the intention to construct such overhead transmission line or underground cable upon such land:

Provided that this section shall not apply to land which appears to the Engineer-in-Chief to be uncultivated waste land.

Where owner or occupier not found.

6. If the owner or occupier of any land, other than uncultivated waste land, cannot, after reasonable enquiry, be found, it shall be sufficient if the Engineer-in-Chief cause not less than one week's notice in writing of his intention to enter upon such land for the purposes of this Ordinance to be posted on some conspicuous place on the land so proposed to be entered, and after the expiration of the time mentioned in such notice the Engineer-in-Chief may exercise all the powers vested in him as effectually as if notice had been served on the owner or occupier of such land.

Entry to inspect, repair or alter lines or cables.

7. The Engineer-in-Chief may, at all reasonable times, enter upon any land whatsoever without giving any notice for the purpose of inspecting, repairing or altering any overhead transmission line, underground cable or works whether wholly or in part constructed.

Powers not to be exercised in sacred places.

8. The powers conferred by this Ordinance shall not be exercisable in, on or under any land in the Colony and Protectorate which is habitually used for sacred or ceremonial purposes.

Compensation.

9. In the exercise of the foregoing powers, the Engineer-in-Chief shall do as little damage as may be, and every person having any estate or interest in lands taken for the purposes of this Ordinance, or injuriously affected by the exercise of the said powers, or suffering any damage therefrom, shall be entitled to compensation, to be settled, awarded and paid in accordance, as nearly as may be, with the provisions of the Public Lands Ordinance.

Cap. 116.

Power to make rules.

10. (1) The Governor in Council may make rules for all or any of the following purposes—

(a) prescribing the charges to be made for electricity supplied by the Sierra Leone Government;

(b) prescribing the terms and conditions on which electricity will be supplied by the Sierra Leone Government;

(c) regulating the use and preventing the misuse or waste of electricity supplied;

(d) permitting the Sierra Leone Government to receive and account for any sums due by instalments to a contractor in respect of an installation, and enabling the said Government to discontinue the supply of electricity on non-payment of any such instalment;

(e) regulating the construction, erection, maintenance and alteration of installations and services; and

(f) for the protection of installations and services.

(2) Such rules when made shall have the same effect as if they had been enacted in this Ordinance.

PART III—SUPPLY OF ELECTRICITY BY PRIVATE PERSON OR LOCAL AUTHORITY

11. (1) No person, or Local Authority as defined by this Ordinance shall construct or begin to construct any work for the supply of electricity for any public or private purposes or shall supply any electricity for any such purposes within any area except in accordance with the provisions of a licence granted by the Minister:

Restrictions
on supply of
electricity.

Provided that a licence shall not be required where the supply of electricity is confined to a single dwelling house or compound used in connection therewith for family purposes.

(2) Any person, or Local Authority which at the commencement of this Ordinance is supplying electricity within any area for any public or private purposes shall forthwith make an application for the grant of a licence as provided by this Ordinance and unless such person or Local Authority obtains a licence in accordance with the provisions of this Ordinance within a period of two years such person or Local Authority shall cease to supply such electricity.

(3) The licence may prescribe such terms as to the limits within which, and the conditions under which, a supply of electricity is to be provided, and for enforcing the performance by the licensees of their duties in relation to such supply, and for the revocation of the licence where the licensees fail to perform such duties, and generally may contain such terms and conditions as the Minister may think expedient.

(4) Any person contravening the provisions of sub-sections (1) or (2) of this section shall be guilty of an offence and on summary conviction thereof shall be liable to imprisonment with or without hard labour for any term not exceeding six months, or to a fine not exceeding one hundred pounds, or to both such fine and imprisonment, and, on recording any conviction under this section, the Court may order all works used in connection with the commission of the offence to be forfeited, whereupon such works shall and may be disposed of in such manner as the Minister may direct.

Application
for licence.

12. (1) Any person or Local Authority desiring to supply electricity for any public or private purposes shall make an application in writing to the Minister for a licence. Such application shall contain such particulars with reference to the proposed supply and undertaking as may be prescribed or required; and there shall be deposited therewith, or within such time as the Minister may direct, such plans and sections as may be prescribed or required.

(2) Notice of every such application shall be published in the *Gazette*, and copies thereof posted at such place or places as the Minister may direct; and such notice shall specify some public place where the plans relating thereto can be seen.

(3) Any person objecting to the grant of a licence shall send full particulars of his objections and the reasons therefor to the Minister within two months after the date of the publication of the said notice in the *Gazette*.

Powers to
refuse
licence.

13. The Minister may refuse any application without assigning any reason for such refusal to the applicant.

Authority
for licensee
to execute all
necessary
works.

14. (1) Subject to the provisions of his licence and of this Ordinance, and subject also, as regards the parties thereto, to the provisions of any contract entered into between the licensee and the owners or occupiers or other parties interested in any lands acquired, taken, leased, or used for the undertaking, the licensee may for the purpose of the furtherance of such undertaking—

(a) erect and construct such works as the licensee thinks proper for the purposes of the undertaking on—

- (i) routes approved in the licence;
- (ii) Government lands;
- (iii) lands in private occupation;

(b) alter, repair, or discontinue such works or any of them, and substitute others in their stead;

(c) open and break up the soil and pavement of any street;

(d) open and break up any sewer, drain, or tunnel in or under any street;

(e) lay down, place, repair, alter, or remove electric lines and other works, the property of the licensee;

(f) do all other acts necessary for making, maintaining, altering, repairing, and using such works or for supplying electricity to the inhabitants within the area of supply.

(2) The licensee shall do as little damage as possible in the exercise of the powers conferred by this section, and shall pay compensation for any damage caused by the exercise of such powers, the amount of which compensation shall, in case of difference of opinion, be settled by reference to arbitration in manner provided by the Arbitration Ordinance and the rules made thereunder.

Cap. 25.

15. (1) The licensee may with the consent of the owner or occupier of any land or building construct on any such land or affix to any such building any support of an overhead transmission line or any stay or strut in connection therewith, but such consent shall not be unreasonably withheld, and, if in the opinion of the Minister, any such consent is unreasonably withheld, the Minister may by notification in writing to the licensee and such owner or occupier dispense with such consent.

Support for
aerial lines.

(2) The Minister in default of agreement between the parties shall fix the amount of compensation or of annual rental or of both which shall be paid by the licensee to such owner or occupier.

16. (1) Where any tree standing or lying near an overhead transmission line or where any structure or other object which has been placed or has fallen near an overhead transmission line subsequently to the placing of such line interrupts or interferes or is likely to interrupt or interfere with the transmission of electricity or the accessibility of any works, a Magistrate may on the application of the licensee cause the tree, structure, or object to be removed or otherwise dealt with as he may think fit.

Removal of
trees or other
objects inter-
fering with
overhead
transmission
lines.

(2) When disposing of an application under this section the Magistrate shall award to the person interested in the tree, structure, or object such compensation as he thinks reasonable and such person shall recover the same from the licensee.

(3) In this section the word "tree" includes any shrub, hedge, jungle growth, or other plant.

Works not to be opened without notice and permission of the Minister.

17. (1) Before the works shall be opened for the supply of electricity the licensee shall give to the Minister not less than two months' notice in writing of the date of the proposed opening, and shall obtain the Minister's permission thereto in writing. Such written notice shall not be required in case of works required to supply power in an emergency or for temporary construction purposes, provided that the provisions of the Machinery (Safe Working and Inspection) Rules are otherwise complied with.

(2) If the works or portion of the works be opened without such permission as aforesaid, the licensee shall, on summary conviction, be liable to a fine of twenty pounds a day for every day during which such works shall continue open without such permission.

Alterations or extensions.

18. (1) Where a licensee intends to make a substantial alteration or extension of his undertaking he shall give notice of his intention in writing to the Minister and no such alteration or extension shall be made until approved by the Minister.

(2) Any licensee who fails to comply with this section shall be guilty of an offence and on summary conviction thereof he shall be liable to a penalty not exceeding five hundred pounds and to a further penalty of fifty pounds per day for every such day after which the offence has been first proved.

Power of Minister to appoint inspector.

19. The Minister may at any time appoint any competent person to be an inspector for the purpose of inspecting the construction, maintenance, and working of any undertaking, and of ascertaining whether the provisions of this Ordinance or of any licence thereunder are being or have been duly complied with.

Powers and duties of inspectors.

20. Every inspector appointed under section 19 shall have power and authority—

(a) to enter on or into and to inspect any land or works connected with any undertaking;

(b) by summons under his hand to require the attendance of any person who is engaged in the management of any such works or who is in the service or employment of a licensee and whom he thinks fit to call before him and examine for the

purpose of the inspection, and to require from any such person answers to such inquiries as he thinks fit to make for the said purpose, or returns not of a financial nature;

(c) to require and enforce the production of all books, papers, and documents relating to the undertaking which are prescribed by the rules.

21. Any person who without reasonable excuse, proof whereof shall lie on him, either—

Disobedience to or obstruction of inspector.

(a) being summoned under section 20 fails duly to attend before an inspector; or

(b) refuses to answer any question put to him by an inspector, or to make any return or produce any book, paper, or document required by an inspector; or

(c) prevents or impedes an inspector in the execution of his duty,

shall be guilty of an offence, and shall be liable on summary conviction thereof to a fine not exceeding ten pounds, and in the case of a continuing offence to a further fine not exceeding ten pounds, during every day that such offence continues.

22. (1) The licensee or any person duly authorised by him may at any reasonable time enter any premises to which electricity is or has been supplied by him for the purpose of—

Power for licensee to enter premises.

(a) inspecting and testing the electric lines, meters, apparatus, and fittings for the supply of electricity; or

(b) ascertaining the amount of electricity supplied; or

(c) removing, where the supply of electricity is no longer required, any electric lines, meters, apparatus, and fittings belonging to the licensee.

(2) If any consumer refuses to allow the licensee or other person as aforesaid to enter the premises, the licensee may discontinue the supply of electricity to that consumer, after giving him at least seven days' notice in writing of such discontinuance, and need not recommence the supply until the licensee is satisfied that the electric lines, meters, apparatus and fittings on the premises are in order and being used in compliance with this Ordinance and any rules thereunder.

Undertaking not to be assigned, etc., except with consent of Minister.

23. No licensee shall sell, assign, mortgage, convey, underlet, or part with the possession or control of his undertaking without the written consent of the Minister first having been obtained.

Power to Government to enter upon and maintain an undertaking on cessation of supply of electricity to general public.

24. If a licensee shall at any time cease adequately to supply electricity to the general public without there being in the opinion of the Minister due cause to account for such cessation, the Government may enter upon and take such steps as shall be necessary to maintain the service until the licensee be willing and in a position efficiently to continue the service. Any expense incurred by the Government on this account shall be charged against the licensee.

Electric supply lines, etc., not to be subject to distress in certain cases.

25. Where any electric lines, meters, accumulators, fittings, or other works or apparatus belonging to the licensee are placed in or upon any premises not being in possession of the licensee for the purpose of supplying electricity under the licence, such electric lines, meters, accumulators, fittings, works, or apparatus shall not be subject to distress or to the landlord's remedy for rent, or be liable to be taken in execution under process of any Court or proceedings in bankruptcy against the person in whose possession the same may be.

Equality of terms for supply of electricity.

26. Where a supply of electricity is provided otherwise than free of charge in any part of an area for private purposes, then, except in so far as is otherwise provided by the terms of the licence authorising such supply, every company or person within that part of the area shall, on application, be entitled to a supply on the same terms on which any other company or person in such part of the area is entitled, under similar circumstances, to a corresponding supply.

Undue preference prohibited.

27. The licensee shall not, in making any agreements for a supply of electricity, show any undue preference to any Local Authority, company or person, but, save as aforesaid, they may make such charges for the supply of electricity as may be agreed upon, not exceeding the limits of price imposed by or in pursuance of the licence, authorising them to supply electricity:

Provided that a licensee may require a consumer to contribute towards the cost of supply lines where his premises are situate at a greater distance than 100 feet from any public road.

Rates of charges to be approved.

28. The rates of charges for electricity supplied by any licensee under this Part of this Ordinance shall be subject to the approval of the Minister.

29. (1) Any consumer of electricity supplied under this Part of this Ordinance may appeal to the Governor in Council in respect of any rates of charges or any unsatisfactory service. Appeal by consumer.

(2) Notice of any such appeal should be given in writing by the appellant to the licensee.

(3) The decision of the Governor in Council on any such appeal shall be binding on the licensee and on the consumer.

30. (1) It shall be lawful for the Governor in Council to make rules for the further, better, or convenient effectuation of any of the provisions or purposes of this Part of this Ordinance, and in particular but without derogating from the generality of the provision last aforesaid, with respect to any of the following matters— Rules.

(a) the extension of the area of supply to a licensee;

(b) the making of bye-laws by any licensee under this Part of this Ordinance;

(c) the grant of rights for the Government on payment of reasonable compensation to purchase or take over any electricity supply works and the supply in such case by the Government of electricity;

(d) inspections of works;

(e) the provision of any ancillary power or facility required for the purpose of an undertaking;

(f) the regulation of the use of, and the prevention of the misuse of or waste of, electricity supplied under this Ordinance and

(g) the protection of installations and services.

(2) Any rules made under this section shall be published in the *Gazette*, and shall thereupon have effect as if enacted herein, either immediately or on and from such other date as may therein be provided.

(3) Except where some other penalty is provided in that behalf, any person contravening or failing to comply with any provision of any rule made under this section, or in any way concerned in any such contravention or failure, shall be guilty of an offence, and on summary conviction thereof shall be liable to imprisonment with or without hard labour for any term not exceeding six months or to a fine not exceeding fifty pounds, or to both such fine and imprisonment.

PART IV—GENERAL

Power to
Minister to
depute
certain of
his powers.

31. The Minister may by an order under his hand depute to any public officer named therein any of the powers committed to him by this Ordinance, subject to such limitations, if any, as he may in such order specify; and any public officer deputed under this section may, subject to the terms of the order deputing him, exercise the powers so deputed as aforesaid and all acts duly done under any such order shall have and be deemed to have the same effect and validity as if they had been done by the Minister:

Provided always that no deputation under this section shall in any way whatsoever abridge, alter, or affect, or be deemed to abridge, alter, or affect, any of the powers by this Ordinance committed to the Minister.

Non-obstruction of navigable rivers and roads.

32. Every overhead transmission line or underground cable placed over or under any navigable waters shall be so placed as not to hinder or obstruct the navigation of such waters, and every overhead transmission line or underground cable placed across or over any road shall be so placed as not to stop, hinder or interfere with the passage along such road.

Larceny of lines or works.

33. Whoever shall steal or attempt to steal any electric energy or steal, cut, sever or break, with intent to steal, any overhead transmission line or underground cable or works, whether fixed in the ground or not, and whether fixed on, or to, any building or erection or post or not, shall be guilty of felony, and on conviction thereof, shall be liable to imprisonment, with or without hard labour for any period not exceeding seven years.

Injuring or interference with lines or works.

34. Whoever shall unlawfully and maliciously cut, break, throw down, destroy, injure or remove any overhead transmission line, underground cable or works, or shall unlawfully and maliciously prevent or obstruct in any manner the carrying out of any works shall be guilty of a misdemeanour and on conviction thereof shall be liable to imprisonment, with or without hard labour for any period not exceeding two years.

Attempt.

35. Whoever shall unlawfully and maliciously by any overt act, attempt to commit any of the offences in the last preceding section mentioned shall, on conviction thereof, be liable to imprisonment with or without hard labour for any period not exceeding three months.

36. Any person may, without a warrant, apprehend any person who shall be found offending against the provisions of any of the last three preceding sections, and may deliver him to some constable or convey him before a magistrate to be dealt with according to law; and whoever shall resist any person acting in the execution of this provision shall be liable to a penalty not exceeding twenty pounds.

Arrest of
offenders.

37. Every person causing damage to any overhead transmission lines, underground cable or works, although he shall have been fined or imprisoned or both, under the provisions of this Ordinance, shall also be liable to make good the damage done by him, the amount of which damage shall be determined by the court adjudicating, and such amount, when determined, may be recovered in the same way as a penalty.

Making good
damage.

38. Whoever shall wilfully obstruct or impede any person employed on the working of any overhead transmission line, underground cable or works in the execution of his duty shall be liable to a penalty not exceeding ten pounds.

Obstruction
of officers.

39. Nothing in this Ordinance or in any licence issued thereunder contained shall affect or be deemed to derogate from or to diminish any estate, right, privilege, power, or authority, vested in or enjoyed by Her Majesty the Queen, Her heirs or successors, except such as are mentioned in this Ordinance or in any licence thereunder, and then only in accordance with the true tenor, limits, and purport of such mention.

Saving of
Crown
rights.

40. (1) The Electric Light and Power Ordinance is hereby repealed:

Repeal.
*

Provided that the existing rules shall continue in force until such time as the Governor in Council exercises the power to make new rules under section 30 of this Ordinance.

(2) In this section "the existing rules" means the Electricity Rules and all amendments thereto.