



Isle of Man

Ellan Vannin

AT 14 of 1996

ELECTRICITY ACT 1996



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**Isle of Man***Ellan Vannin*

ELECTRICITY ACT 1996

<i>Received Royal Assent:</i>	<i>18 June 1996</i>
<i>Passed:</i>	<i>19 June 1996</i>
<i>Commenced:</i>	<i>21 January 1997</i>

AN ACT to make new provision with respect to the supply of electricity in the Isle of Man; and for connected purposes.

PART 1 – THE MANX UTILITIES AUTHORITY¹

The Authority

1 The Authority

- (1) The Manx Utilities Authority (as established by article 4 of the Transfer of Functions (Manx Utilities Authority) Order 2014) has the functions set out in this Part (in addition to other functions conferred under any other enactment).²
- (2) The provisions of Schedule 1 have effect with respect to the Authority.

2 Functions of the Authority in relation to the supply of electricity³

- (1) It is the duty of the Authority to develop and maintain an efficient and economical system of electricity supply for the Island.
- (2) The Authority shall, subject to the following provisions of this section and in accordance with any directions given to it under subsection (8) or any enactment mentioned in subsection (10), —
 - (a) promote, so far as practicable, the use of all economical methods of generating, transmitting and distributing electricity; and
 - (b) secure, so far as practicable, the provision in rural areas of supplies of electricity.
- (3) Without prejudice to the generality of subsections (1) and (2), the Authority may —
 - (a) generate electricity;

- (b) transmit and distribute electricity throughout the Island;
 - (ba) transmit electricity to any place in Great Britain for the purpose of its transmission or distribution by a person authorised to transmit or distribute electricity in that place;⁴
 - (c) treat, render saleable, supply or sell any by-products obtained in the process of generating electricity;
 - (d) sell, hire or otherwise supply electrical apparatus and electrical appliances;
 - (e) install, repair, maintain or remove any electrical apparatus and electrical appliances;
 - (f) manufacture electrical apparatus and electrical appliances;
 - (g) provide, for the benefit of others (in the Island or elsewhere), consultancy and advisory services concerning anything that it does in the exercise of its functions.⁵
- (4) The Authority may conduct, promote or assist research or investigations into any matter affecting the supply of electricity.
- (5) The Authority may provide assistance (including financial assistance) to any institution or body whose activities (or any of them) are such as, in the opinion of the Authority, to be of benefit to it.
- (6) The Authority shall take reasonable steps to promote the economical use of electricity by consumers.
- (6A) In carrying out its functions the Authority must have due regard to its duties under section 21 (climate change duties of public bodies) of the *Climate Change Act 2021*.⁶
- (6B) The Authority must report to the Council of Ministers on its proposals for complying with its duties under the *Climate Change Act 2021*, and explain in such report how the targets set under that Act are affecting or are likely to affect the efficiency and security of the electricity supply for the Island.⁷
- (6C) Before preparing a report under subsection (6B) the Authority must consult any person who may be affected by its proposals for complying with its duties under the *Climate Change Act 2021*.⁸
- (7) In exercising its functions the Authority shall have regard to the need –
- (a) to maintain the security of supply;
 - (b) to preserve natural beauty and amenity; and
 - (c) to use, so far as practicable, renewable sources of energy.⁹
- (8) The Department of Infrastructure (“the Department”) may give to the Authority such directions regarding the exercise of its functions as the Department thinks fit.¹⁰
- (8A) Before the Department gives to the Authority a direction regarding electricity supply targets, that are connected with targets under the *Climate*

Change Act 2021, the Department must consult the Authority to establish the impact of potential increases in renewable energy supplies on the stability of the Island's electricity supply and the cost of providing an increased amount of renewable electricity.¹¹

- (9) Without prejudice to the generality of subsection (8), directions under that subsection may relate to —
 - (a) standards of customer service; and
 - (b) customer complaints procedures.
- (10) Subsections (8) and (9) are without prejudice to section 3(2) (directions by Treasury) and paragraph 12(1) of Schedule 2 to the *Statutory Boards Act 1987* (directions by Council of Ministers).
- (11) Where under any enactment the consent of the Department is required to the exercise by the Authority of any function, a person dealing with the Authority shall not be concerned to see or inquire whether any such consent has been given.¹²

2A Additional powers of the Authority in relation to supply of gas

[P2000/22/2]

- (1) Without prejudice to section 2(5), or its powers under the *Gas and Electricity Act 2003*, the Authority has power to do anything to supply, or facilitate the supply of, gas to any person if, in the opinion of the Treasury, to do so is likely to achieve one or more of the following —
 - (a) the promotion or improvement of the Island's economy;
 - (b) the promotion or improvement of the social well-being of the Island;
 - (c) the promotion or improvement of the Island's environment.
- (2) The power in subsection (1) may be exercised in relation to, or for the benefit of —
 - (a) the whole or any part of the Island;
 - (b) all or any persons resident or present in the Island.
- (3) The power in subsection (1) includes power for the Authority to —
 - (a) incur expenditure;
 - (b) give financial assistance (including assistance by way of guarantee or indemnity) to any person;
 - (c) enter into arrangements or agreements with any person;
 - (d) co-operate with, or facilitate or co-ordinate the activities of, any person;
 - (e) exercise any of a person's functions on that person's behalf; and
 - (f) provide staff, goods, services or accommodation to any person.
- (4) Nothing in subsection (3) limits the scope of the power in subsection (1).

- (5) This section is subject to section 2B.¹³

2B Limits on power in section 2A

[P2000/22/3]

- (1) The power in section 2A(1) may not be exercised without the written consent of the Department and the Treasury.
- (2) Section 2A(1) does not enable the Authority to do anything which it is unable to do by virtue of any prohibition, restriction or limitation on its powers contained in any enactment (whenever passed or made).
- (3) Section 2A(1) does not affect the operation of —
- (a) any other power contained in this Act or the *Gas and Electricity Act 2003*;
 - (b) the *Isle of Man Loans Act 1974*; or
 - (c) the *Audit Act 2006*.
- (4) The Department, with the written consent of the Treasury, may by order repeal this section and section 2A.
- (5) An order under subsection (4) must not come into operation unless it is approved by Tynwald.¹⁴

Financial provisions

3 Revenue of Authority to cover outgoings etc

- (1) The Authority shall perform its functions in connection with each of its undertakings referred to in section 3A(1) —
- (a) unless the Treasury authorises otherwise, so as to secure that the revenue of the undertaking in each accounting year is sufficient to meet all charges properly chargeable to revenue account; and
 - (b) unless the Treasury makes a direction under subsection (2)(b), so as to enable the Authority to make such allocations to reserves as the Authority considers appropriate.¹⁵
- (2) The Treasury may, after consultation with the authority, give to the Authority directions as to —
- (a) any matter relating to the establishment or management of reserves;
 - (b) the sums to be allocated to those reserves; or
 - (c) the application of those reserves;
- and the Authority shall comply with any such directions.

- (2A) However, no allocation may be made under subsection (1)(b) or (2)(b) unless the revenue of the undertaking in question in the accounting year in question exceeds all charges properly chargeable to revenue account.¹⁶
- (3) A direction under subsection (2)(b) requiring the allocation of any sum to reserves may require in addition that the sum be so allocated for a particular purpose specified in the direction.
- (4) A direction given by the Treasury under subsection (2) may be given to have effect from a date earlier than that on which it is given, but not so as to apply with respect to any accounting year ending more than 12 months before the latter date.

3A Accounts

- (1) The Authority shall prepare separate accounts in respect of each of the following undertakings –
 - (a) the generation, distribution and supply of electricity under the provisions (other than section 15A) of this Act;
 - (b) the conveyance and supply of gas under section 15A and under the *Gas and Electricity Act 2003*;¹⁷
 - (c) [Repealed]¹⁸
 - (d) the provision of telecommunication services under the *Gas and Electricity Act 2003*; and¹⁹
 - (e) the provision of consultancy and advisory services under section 2(3)(g).
- (2) The Treasury may, after consultation with the Authority, give to the Authority directions as to the form and content of the said accounts, including directions as to the manner in which any revenue or expenditure of the Authority is to be credited or charged to any of those undertakings.
- (3) Any regulations under section 12 of the *Audit Act 2006* (accounts) shall have effect subject to any directions under subsection (2).²⁰

3B Directions to transfer sums to General Revenue

- (1) The Authority shall, in respect of any accounting year specified in the direction, pay to the Treasury such sums as the Treasury may from time to time direct, and any sums received by the Treasury pursuant to such a direction shall be paid into the general revenue of the Island.²¹
- (2) Before giving any direction under this section the Treasury shall consult the Department and the Authority.²²

3C Subsidiary companies etc.

- (1) The Authority may, with the consent of the Department, for the purpose of carrying on the whole or any part of any of the undertakings referred to in section 3A(1) —
 - (a) subscribe for or acquire any securities of a company or other body corporate,
 - (b) promote the formation of a company, or
 - (c) participate in the promotion of a company.
- (2) Any power of the Department or the Treasury under this Part to give directions to the Authority extends to giving directions to any company which (if the Authority were a company) would be a subsidiary of the Authority within the meaning of the *Companies Act 1974*.
- (2A) Section 5 shall apply to a company mentioned in subsection (2) as it applies to the Authority.²³
- (3) Where under any enactment the consent of the Department is required to the exercise by the Authority of any function —
 - (a) the like consent shall be required to the exercise of that function by a company referred to in subsection (2); but
 - (b) a person dealing with the company shall not be concerned to see or inquire whether any such consent has been given.²⁴

4 Restrictions on capital expenditure

The Authority shall with the approval of the Treasury settle a general programme of measures of reorganisation or works of development which involve substantial outlay on capital account, and before carrying out any such measures or works the Authority shall consult with the Treasury.

5 Power to borrow money

- (1) The Authority shall not borrow any money except in accordance with this section.
- (2) The Authority may borrow temporarily, by way of overdraft or otherwise, either from the Government or, with the consent of the Treasury, from any other person, such sums as the Authority may require for meeting its obligations or performing its functions.
- (3) The Authority may borrow, otherwise than by way of temporary loan, from the Government or, with the consent of the Treasury, from any other person such sums as the Authority may require for all or any of the following purposes —
 - (a) the provision of money for meeting any expenditure incurred by the Authority in connection with any works, the cost of which is properly chargeable to capital account;

- (b) the provision of any working capital required by the Authority;
- (c) the repayment of any sums borrowed by the Authority under this section;
- (d) any other purpose for which capital money is properly applicable by the Authority, including the repayment of any sums borrowed by the Isle of Man Electricity Board under section 22 of the Isle of Man Electric Light and Power Act 1932 (either as originally enacted or as substituted by Schedule 3 to the *Isle of Man Loans Act 1974*);
- (e) any other payment which the Authority is authorised to make and which ought, in the opinion of the Treasury, to be spread over a term of years.

5A Application of sections 3 to 5

To avoid doubt, sections 3 to 5 —

- (a) apply in respect of those functions of the Authority which were previously the functions of the Manx Electricity Authority before the coming into operation of the Transfer of Functions (Manx Utilities Authority) Order 2014; and
- (b) do not apply in respect of those functions of the Authority which were previously the functions of the Isle of Man Water and Sewerage Authority before the coming into operation of that Order.²⁵

PART 2 – GENERATION, TRANSMISSION AND SUPPLY OF ELECTRICITY

Generation

6 Construction of generating stations

- (1) A generating station may not be constructed, extended or operated except with the consent of the Department.
- (2) A consent under this section —
 - (a) shall be given by order;
 - (b) may be given subject to such terms and conditions as the Department thinks fit and are specified in the order;
 - (c) shall describe by reference to a map the land in relation to which it is given.
- (3) Where a consent under this section has come into operation, no person shall be entitled to restrain the use of the land for the purposes connected

with the construction, extension or operation of the generating station to which the order relates.

- (4) The Department may by order revoke a consent under this section, or impose new or additional terms and conditions on it, or vary the terms and conditions (if any) to which it is subject.
- (5) Nothing in subsection (1) applies to the operation of a generating station wholly constructed before the 1st April 1984.
- (6) Nothing in subsection (1) applies to a private generating station.
- (7) The Department may make regulations prescribing the type of current, frequency and voltage to be used by the owner of a private generating station; but such regulations shall be so framed as not to interfere with the economical and efficient working of the business for which the supply of electricity is generated.
- (8) In this section —

“extension”, in relation to a generating station, includes the use by the Authority of any land (wherever situated) for a purpose directly related to the generation of electricity by that station, and “extend” shall be construed accordingly;

“private generating station” means a generating station, other than one belonging to the Authority, for the generation of electricity for use —

- (a) solely or mainly on the owner’s premises or for the purposes of his business; or
- (b) where the owner is a company, solely or mainly on the premises or for the purposes of the business of the company or of an associated company.

Transmission and supply

7 Regulations as to safety and supply

- (1) The Department may make regulations —
 - (a) for securing that supplies of electricity are regular and efficient;
 - (b) for protecting the public from dangers arising from the generation, transmission or supply of electricity, or from the use of any electric line or electrical plant; and
 - (c) without prejudice to the generality of paragraph (b), eliminating or reducing the risks of personal injury, or damage to property or interference with its use, arising as mentioned in that paragraph.
- (2) Without prejudice to the generality of subsection (1), regulations under this section may —

- (a) prohibit the supply or transmission of electricity except by means of a system approved by the Department;
 - (b) make provision requiring notice in the prescribed form to be given to a prescribed authority, in such cases as may be prescribed, of accidents and of failures of supplies or transmissions of electricity;
 - (c) make provision as to the keeping by the Authority of maps, plans and sections and as to their production (on payment, if so required, of a reasonable fee) for inspection or copying;
 - (d) make provision for relieving the Authority from any obligation to supply electricity in such cases as may be prescribed;
 - (e) make provision requiring compliance with notices given by the Department specifying action to be taken in relation to any electric line or electrical plant, or any electrical appliance under the control of a consumer, for the purpose of —
 - (i) preventing or ending a breach of regulations under this section; or
 - (ii) eliminating or reducing a risk of personal injury or damage to property or interference with its use;
 - (f) provide for particular requirements of the regulations to be deemed to be complied with in the case of any electric line or electrical plant complying with specified standards or requirements;
 - (g) provide for the granting of exemptions from any requirement of the regulations for such periods as may be determined by or under the regulations.
- (3) No proceedings shall be instituted in respect of an offence consisting of a contravention of regulations under this section except by or with the consent of the Department or the Attorney General.
- (4) Regulations under this section may provide that any regulations made (or having effect as if made) under section 29 of the Electricity Act 1989 (an Act of Parliament) shall apply to the Island subject to such exceptions, adaptations and modifications as may be prescribed.
- (5) Regulations made by virtue of subsection (4) may do all or any of the following —
- (a) specify the exceptions, adaptations and modifications subject to which the legislation applied by the regulations applies to the Island;
 - (b) set out the legislation applied by the regulations, incorporating the exceptions, adaptations and modifications subject to which it applies to the Island;
 - (c) in the case of regulations applying legislation which amends previous legislation applied to the Island, set out the previous

legislation so applied as amended, incorporating the exceptions, adaptations and modifications subject to which that legislation applies to the Island.

- (6) The Department shall as soon as may be after the coming into operation of regulations made by virtue of subsection (4) (except regulations setting out the relevant legislation in accordance with subsection (5)(b) or (c)) prepare —
- (a) a text of the legislation applied by the regulations;
 - (b) in the case of regulations applying legislation which amends previous legislation applied to the Island, a text of the previous legislation so applied, as amended; or
 - (c) in the case of regulations amending previous regulations, made by virtue of subsection (4), a text of the legislation applied by the previous regulations, as it has effect by virtue of the previous regulations as amended;

incorporating any exceptions, adaptations and modifications specified in the regulations and in any previous regulations having effect in relation thereto.

- (7) The Department shall —
- (a) make a copy of the text prepared under subsection (6) available for inspection free of charge at its principal office at all times when that office is open to the public; and
 - (b) supply a copy of the said text to any person requesting the same, at such reasonable charge as that Department may determine.

8 Further provisions with respect to transmission

The provisions of Schedule 2 shall have effect with respect to the powers of the Authority in relation to the transmission of electricity.

9 Duty to supply on request

Subject to Part 1 of Schedule 3, the Authority shall, upon being required to do so by the owner or occupier of any premises situated within a reasonable distance from any distributing main of the Authority —

- (a) give a supply of electricity to those premises; and
- (b) so far as may be necessary for that purpose, provide electric lines or electrical plant or both.

10 Exceptions from duty to supply etc

- (1) Nothing in section 9 shall be taken as requiring the Authority to give a supply of electricity to any premises if and to the extent that —

- (a) it is prevented from doing so by circumstances outside its control; or
 - (b) circumstances exist by reason of which its doing so would or might involve its being in breach of regulations under section 7, and it has taken all such steps as it was reasonable to take both to prevent the circumstances from occurring and to prevent them from having that effect.
- (2) Where it appears to the Department that, for the purpose of —
- (a) maintaining or making the best use of supplies of electricity available for distribution; or
 - (b) conserving and making the best use of supplies of fuel available for the generation of electricity; or
 - (c) preserving public safety,
- it is necessary to limit the consumption of electricity, the Department may make an order under subsection (3).
- (3) An order under this subsection may authorise the Authority to disregard or fall short in discharging any obligation imposed by this Act —
- (a) to give or continue to give supplies of electricity; or
 - (b) to supply electricity in accordance with any standards,
- so long as, in so doing, it is acting under and in accordance with any general or special consent in writing granted for the purposes of the order by or on behalf of the Department.
- (4) A consent granted for the purposes of an order under subsection (3) may make the opinion of the Authority material for the purposes of any action taken under the consent.

11 Further provisions with respect to supply etc

Part 2 of Schedule 3 has effect with respect to the powers of the Authority in relation to supplies of electricity to consumers and the other matters referred to therein.

12 Restriction on supply by other persons

- (1) Subject to subsection (2), a person other than the Authority shall not supply electricity.
- (2) Subsection (1) does not prevent any person from supplying electricity to any other person where the business of the person supplying the electricity is not primarily that of the supply of electricity to consumers.

13 Charges for supply of electricity etc

Schedule 4 has effect with respect to the making and recovery of charges for the supply of electricity and other services by the Authority.

14 Electricity meters

Schedule 5 has effect with respect to the provision, use, testing and certification of electricity meters.

PART 3 – MISCELLANEOUS AND SUPPLEMENTAL

15 Supply of heat etc

(1) If it appears to the Department expedient in relation to the transmission and supply by the Authority of heat produced in association with electricity, the Department may by order provide that any provision of Part 2 (except section 12) shall apply in relation to such transmission and supply as it applies in relation to the transmission and supply of electricity.

(2) An order under subsection (1) shall provide that any such provision shall have effect subject to the modification that –

(a) any reference to electricity, or to any purpose connected with the transmission or supply of electricity were to such heat, or to a purpose connected with the transmission or supply of such heat, as the case may be; and

(b) any reference to electric lines or electrical plant were to pipes and associated works used or intended to be used for conveying such heat;

and to such further exceptions, adaptations and modifications as may be specified in the order.

(3) In this section –

“associated works”, in relation to pipes, means any valve, filter, stopcock, pump, meter, inspection chamber and manhole connected with the pipes, and such other works connected with the pipes as may be specified in an order under subsection (1);

“heat produced in association with electricity” includes steam produced from and air and water heated by such heat.

15A Power to lay gas pipes etc

(1) The Authority may –

(a) place in, on or over any land, repair, alter or remove pipes, conduits and other works, and pressure governors, ventilators and other

- apparatus, for the purpose of supplying gas to any of its generating stations;
- (b) place with any works or apparatus mentioned in paragraph (a) (but not elsewhere), repair, alter or remove —
 - (i) pipes, conduits and other works, and pressure governors, ventilators and other apparatus, for supplying gas to other persons;
 - (ii) conduits for carrying electric lines or electrical plant; and
 - (iii) conduits for carrying telecommunication apparatus; and
 - (c) subject to the provisions of the road works code —
 - (i) open and break up any highway or bridge;
 - (ii) open and break up any sewers, drains or tunnels in or under any highway or bridge;
 - (iii) place, repair, alter or remove any works and apparatus mentioned in paragraph (a) or (b) in or under any highway or bridge;
 - (iv) remove or use all earth and materials in or under any highway or bridge;
 - (v) with the consent of the Department, erect in or on any highway structures for housing apparatus.²⁶
- (2) Nothing in subsection (1) (a) or (b) empowers the Authority to place any works or apparatus in, on or over land other than —
- (a) land which is vested in the Authority, or
 - (b) land over which it has acquired a right to do so.
- (3) Where the Authority is authorised to acquire land or rights over land compulsorily for the purpose of placing works or apparatus in, on or over land pursuant to subsection (1)(a) or (b), that authorisation extends to land or rights within such limits of deviation as may be specified on the compulsory purchase plan, not exceeding 50 metres on either side of the line of the works shown on that plan.
- (4) The Authority shall so exercise the powers conferred by subsection (1)(c) as to secure that nothing which it installs or keeps installed under, over, in, on, along or across any highway or bridge becomes a source of danger to the public.
- (5) Paragraphs 2 and 3 of Schedule 2 apply, with any necessary modifications, to works authorised by subsection (1)(c) as they apply to works authorised by paragraph 1 of that Schedule.
- (6) The consent referred to in subsection 1(c)(v) shall not be unreasonably withheld, and any question whether such consent is unreasonably withheld shall be determined by arbitration.

- (6A) Paragraphs 4 to 7, 9 and 10 of Schedule 2 apply, with any necessary modifications, to works authorised by —
- (a) subsection (1)(a) or (b) of this section; or
 - (b) section 1(1) of the *Gas and Electricity Act 2003*,
- as they apply to the generation, transmission or supply of electricity.²⁷
- (6B) However, nothing in subsection (6A) shall apply to works for the purpose of supplying gas directly to the public.²⁸
- (7) Nothing in this section —
- (a) affects Part III (submarine pipe-lines) of the *Petroleum Act 1998* (an Act of Parliament), as it has effect in the Island; or²⁹
 - (b) authorises the Authority to sell or supply gas to any person.
- (8) In this section —
- “the compulsory purchase plan”, in relation to any compulsory acquisition of land or rights over land, means the plan of the land referred to in the relevant resolution of Tynwald under section 2 of the *Acquisition of Land Act 1984*;
- “the road works code” means the code contained in Schedule 4 to the *Highways Act 1986*;
- “telecommunication apparatus” has the same meaning as in the *Telecommunications Act 1984*.³⁰

16 Orders and regulations

- (1) Orders and regulations under this Act, except an order under section 10(3) or 21(4), shall not have effect unless they are approved by Tynwald.
- (2) An order under section 10(3) shall be laid before Tynwald at the next or next-but-one sitting after it is made, and if Tynwald at the sitting before which the order is laid resolves that it be annulled, it shall thereupon cease to have effect.
- (3) Regulations under this Act may provide that any person —
- (a) who contravenes any specified provision of the regulations; or
 - (b) who does so in specified circumstances,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding such amount as may be prescribed by the regulations (which shall not exceed £5,000); but nothing in this subsection affects any liability of any such person to pay compensation in respect of any damage or injury which may have been caused by the contravention.

17 Inquiries

- (1) For the purposes of this Act, the Department may cause such local or other inquiries to be held or investigations to be made as it thinks expedient.
- (2) [Repealed]³¹

18 Provisions as to offences

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (3) Summary proceedings for an offence under this Act may be brought within a period of 6 months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than 2 years after the commission of the offence.
- (4) For the purposes of subsection (3) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

19 Powers of entry

[1985/24/35]

- (1) This section applies to any power to enter on land conferred by this Act or by regulations under section 7.
- (2) A person empowered to enter on land for any purpose —
 - (a) shall, if so required before or after entering on the land, produce evidence of his authority to enter;
 - (b) may take with him on to the land such other persons and such equipment as are necessary for the purpose in question;
 - (c) shall not, if the land is occupied, demand admission to the land as of right unless either notice of the intended entry is served on the occupier not less than 24 hours before the demand, or entry is required to remove or prevent danger of death or personal injury;

- (d) shall, if the land is unoccupied when he enters or the occupier is then temporarily absent, leave the land as effectually secured against trespassers as he found it; and
 - (e) shall not (except in pursuance of a warrant under subsection (3)) enter any dwelling on the land which is occupied.
- (3) If it is shown to the satisfaction of a justice of the peace that —
- (a) admission to any land has been refused; or
 - (b) refusal of admission is apprehended; or
 - (c) the land is unoccupied; or
 - (d) the occupier of the land is temporarily absent; or
 - (e) the case is one of urgency; or
 - (f) an application for admission would defeat the object of the entry;
- and that there is reasonable ground for entry on the land for a purpose for which the Authority has power to enter it, the justice may by warrant authorise a person authorised by the Authority to enter on the land, by force if need be.
- (4) No warrant under subsection (3) shall be made on the ground mentioned in subsection (3)(a), (b) or (e) unless the justice is satisfied that notice of the Authority's intention to apply for the warrant has been given to the occupier.
- (5) A warrant under subsection (3) shall continue in force until the purpose for which entry is necessary has been satisfied.
- (6) Section 36 (offences in connection with entry) of the *Local Government Act 1985* applies with any necessary modifications in relation to a power of entry to which this section applies as it applies to a power conferred by section 35 of that Act.
- (7) Any power to which this section applies shall be construed as including power, where necessary for the purpose for which entry is required, to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil, and to take and carry away for examination specimens of the subsoil.
- (8) Where in the exercise of any power of entry to which this section applies any damage is caused to land, the Authority shall make good or pay compensation for such damage; and where in consequence of the exercise of such a power a person is disturbed in his enjoyment of any land he may recover from the Authority compensation in respect of that disturbance.
- (9) Any question of disputed compensation under subsection (8) shall be determined in accordance with Part III of the *Acquisition of Land Act 1984*.

20 Interpretation

(1) In this Act —

“**the Authority**” means the Manx Utilities Authority;³²

“**the Department**” means the Department of Infrastructure;³³

“**electrical plant**” means any plant, equipment, apparatus or appliance used for, or for purposes connected with, the generation, transmission or supply of electricity, other than —

- (a) an electric line;
- (b) any meter used for ascertaining the quantity of electricity supplied to any premises; or
- (c) any electrical appliance under the control of a consumer;

“**electric line**” means any line which is used for carrying electricity for any purpose and includes, unless the context otherwise requires —

- (a) any support for any such line, that is, any structure, pole or other thing in, on, by or from which any such line is or may be supported, carried or suspended;
- (b) any apparatus connected to any such line for the purpose of carrying electricity; and
- (c) any wire, cable, tube, pipe or other similar thing (including its casing or coating) which surrounds or supports, or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with any such line;

“**function**”, in relation to the Authority, means any function under this or any other enactment;³⁴

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

“**generation**” means generation for the purposes of supply;

“**notice**” means a notice in writing;

“**owner**” in relation to any land, means the person for the time being receiving the rack rent of the land, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the land were let at a rack rent;

“**prescribed**” means prescribed by regulations made by the Department;

“**service line**” means any electric line through which electricity may be supplied or intended to be supplied by the Authority to a consumer either from any main or directly from the premises of the Authority;

“**tariff customer**” means a person who requires a supply of electricity in pursuance of section 9 and is supplied by the Authority otherwise than on the terms specified in such an agreement as is mentioned in paragraph 2 of Schedule 4;

“**working day**” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday;

“**works**” includes electric lines and electrical plant, and any buildings, machinery, engines, works, matters or things of whatever description required to supply electricity and, where the context requires, gas or telecommunications.³⁵

(2) Where under this Act any dispute is to be determined by arbitration, it shall be determined by a single arbitrator appointed, in default of agreement, by the President of the Institution of Electrical Engineers and approved by the Governor.

21 Short title etc

- (1) This Act may be cited as the Electricity Act 1996.
- (2) The enactments specified in Schedule 6 are amended in accordance with that Schedule.
- (3) The enactments specified in Schedule 7 are repealed to the extent specified in column 3 of that Schedule.
- (4) This Act shall come into operation on such day as the Department may by order appoint.³⁶

SCHEDULE 1

THE MANX UTILITIES AUTHORITY³⁷

Section 1(2)

Constitution

1. (1) The Authority consists of the following persons as its members —
 - (a) a chairman, and
 - (b) a vice-chairperson;
 - (c) at least 3, but no more than 5, other members.
- (2) The chairperson and vice-chairperson must be members of Tynwald.
- (3) The other members can not be members of Tynwald.
- (4) All of the members are to be appointed by the Council of Ministers, subject to Tynwald's approval.
- (5) In making the appointments, the Council of Ministers must, as far as practicable, ensure that —
 - (a) one or more members has substantial relevant engineering experience; and
 - (b) one or more members has substantial financial experience.³⁸
- (6) Paragraph 1 of Schedule 2 (Exercise of functions of Statutory Boards) of the *Statutory Boards Act 1987* does not apply to the Authority.³⁹

Provisions as to members

2. (1) Section 2(2) (limit on payments to members of Statutory Boards) of the *Payment of Members' Expenses Act 1989* does not apply to a member of the Authority, other than a person who is a member of Tynwald.⁴⁰
- (2) A member of the Authority shall, if he is in any way directly or indirectly interested in any contract or other transaction entered into or proposed to be entered into by the Authority which involves or is likely to involve any payment by or on behalf of the Authority, disclose the nature of his interest at a meeting of the Authority as soon as possible after the relevant circumstances have come to his knowledge.
- (3) Any disclosure made by a member under sub-paragraph (2) shall be recorded in the minutes of the meeting, and save in so far as may be authorised by the other members present at the meeting, that member shall not take part after the disclosure in any deliberation or decision of the Authority with respect to that contract or other transaction.

(4) Where under sub-paragraph (3) a member is prohibited from taking part in any deliberation or decision, that member shall be disregarded for the purposes of constituting a quorum of the Authority for any such deliberation or decision.

Officers

3. (1) The Authority may appoint such officers as it thinks fit, at such remuneration and upon such conditions of service as the Authority may determine.

(2) [Repealed]⁴¹

(3) The chief executive officer of the Authority shall be eligible to be appointed a member (other than the chairperson) of the Authority, but —

- (a) can not be appointed as the Authority's vice-chairperson; and⁴²
- (b) shall not as such a member be entitled to be paid any sum under the *Payment of Members' Expenses Act 1989*.⁴³

Compulsory purchase of land

4. (1) The powers of the Authority conferred by paragraph 7 (compulsory purchase of land) of Schedule 2 to the *Statutory Boards Act 1987* shall not be exercised without the consent of the Department.

(2) A person authorised in writing by the Authority may at any reasonable time enter any land for the purpose of survey, valuation or examination of the land or any neighbouring land —

- (a) where the Authority proposes to acquire the land or any neighbouring land otherwise than by agreement, or
- (b) where it appears to the Authority that survey, valuation or examination is necessary in order to determine whether any functions of the Authority shall be exercised on or with respect to the land or any neighbouring land.

SCHEDULE 2**FURTHER PROVISIONS WITH RESPECT TO TRANSMISSION**

Section 8

Road works

1. (1) Subject to the provisions of the road works code, the Authority may –
- (a) open and break up any highway or bridge;
 - (b) open and break up any sewers, drains or tunnels in or under any highway or bridge;
 - (c) place, repair, alter or remove any line, conduits, service lines and other structures and works in or under any highway or bridge;
 - (d) remove or use all earth and materials in or under any highway or bridge;
 - (e) erect any pillars, lamps and other works in any highway; and
 - (f) do all other acts which the Authority thinks necessary for supplying electricity.

(2) Nothing in this paragraph authorises the Authority to lay down or place any electric line or electrical plant into, through or against a building, or in any land not dedicated to the public use, but without prejudice to the power of the Authority to alter, repair or replace any existing line or works in or under any land where the line or work has been placed under this Act or any other enactment.

(3) The Authority shall so exercise the powers conferred by sub-paragraph (1) as to secure that nothing which it installs or keeps installed under, over, in, on, along or across any highway or bridge becomes a source of danger to the public.

(4) In this paragraph “the road works code” means the code contained in Schedule 4 to the *Highways Act 1986*.

Alteration of other undertakers’ works

2. (1) The Authority may execute works in pursuance of paragraph 1, although they involve a temporary or permanent alteration of any of the following, namely –
- (a) any gas pipe under the control of a public gas supplier;
 - (b) [Repealed]⁴⁴
 - (c) any sewer not vested in the Authority;⁴⁵
 - (d) any telecommunication apparatus used for the purposes of a telecommunication system which is operated by a person to whom the telecommunications code applies.

(2) Where the Authority is proposing to execute works in pursuance of paragraph 1 which involve or are likely to involve any such alteration as is mentioned

in sub-paragraph (1)(a), or (c), the following provisions of this paragraph shall apply; and in those provisions “the relevant undertaker” means the public gas supplier or the authority in whom the sewer is vested, as the case may be.⁴⁶

(3) The Authority shall, not less than one month before the works are commenced, give the relevant undertaker a notice specifying the nature of the Authority’s works, the alteration or likely alteration involved and the time and place at which the works will be commenced.

(4) Sub-paragraph (3) shall not apply in relation to any emergency works of which the Authority gives the relevant undertaker notice as soon as practicable after commencing the works.

(5) Where a notice has been given under sub-paragraph (3) by the Authority to the relevant undertaker, the undertaker may within the period of 7 days beginning with the giving of the notice give the Authority a counter-notice which may state either —

- (a) that the undertaker intends itself to make any alteration made necessary or expedient by the Authority’s proposed works; or
- (b) that it requires the Authority in making any such alteration to do so under the supervision and to the satisfaction of the undertaker.

(6) Where a counter-notice given under sub-paragraph (5) states that the relevant undertaker intends himself to make any alteration —

- (a) the undertaker shall (subject to sub-paragraph (8)) have the right, instead of the Authority, to execute any works for the purpose of making that alteration; and
- (b) any expenses incurred by the undertaker in or in connection with the execution of those works and the amount of any loss or damage sustained by the undertaker in consequence of the alteration shall be recoverable by the undertaker from the Authority.

(7) Where a counter-notice given under sub-paragraph (5) states that any alteration is to be made under the supervision and to the satisfaction of the relevant undertaker —

- (a) the Authority shall not make the alteration except as required by the notice or under sub-paragraph (8); and
- (b) any expenses incurred by the undertaker in or in connection with the provision of that supervision and the amount of any loss or damage sustained by the undertaker in consequence of the alteration shall be recoverable by the undertaker from the Authority.

(8) Where —

- (a) no counter-notice is given under sub-paragraph (5); or
- (b) the relevant undertaker, having given a counter-notice falling within that sub-paragraph, fails to make any alteration made

necessary or expedient by the Authority's proposed works within such period (being not less than 48 hours) as the Authority may by notice specify or, as the case may be, unreasonably fails to provide the required supervision,

the Authority may itself execute works for the purpose of making the alteration or, as the case may be, may execute works without the supervision of the undertaker; but in either case the Authority shall execute the works to the satisfaction of the undertaker.

- (9) If the Authority or any of its agents —
- (a) executes any works without the notice required by sub-paragraph (3) having been given; or
 - (b) unreasonably fails to comply with any reasonable requirement of the relevant undertaker under this paragraph,

the Authority shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

Alteration of Authority's works

3. (1) Any of the following who is authorised by or under any enactment to execute works corresponding to those authorised by paragraph 1, namely —
- (a) any public gas supplier;
 - (b) [Repealed]⁴⁷
 - (c) any body other than the Authority in whom a sewer is vested; and⁴⁸
 - (d) any public telecommunications operator;

(in this paragraph referred to as a “relevant undertaker”) may execute such works, notwithstanding that they involve a temporary or permanent alteration of any electric line or electrical plant under the control of the Authority.

(2) Where a relevant undertaker is proposing to execute any such works as are mentioned in sub-paragraph (1) which involve or are likely to involve any such alteration as is there mentioned, sub-paragraphs (3) to (9) of paragraph 2 shall apply as if —

- (a) any reference to the Authority were a reference to the relevant undertaker; and
- (b) any reference to the relevant undertaker were a reference to the Authority.

Protection from interference

4. (1) Subject to sub-paragraph (2), where the Authority installs or alters, or changes the mode of operation of, any electric line or electrical plant, it shall take all reasonable precautions for securing that the operation of that line or plant does not interfere with the operation of any telecommunication apparatus which —

- (a) is under the control of a person to whom the telecommunications code applies; and
- (b) is not unusually sensitive to interference with its operation.

(2) In the case of any telecommunication apparatus which is subsequently installed or altered or whose mode of operation is subsequently changed, the duty imposed by sub-paragraph (1) shall not apply in relation to —

- (a) any momentary interference with its operation; or
- (b) where it is installed in unreasonably close proximity to the electric line or electrical plant, any other interference with its operation.

(3) Sub-paragraphs (1) and (2) shall be read as also applying in the converse case of a person to whom the telecommunications code applies who installs or alters, or changes the mode of operation of, any telecommunication apparatus, and in such a case shall have effect as if —

- (a) any reference to the Authority were a reference to that person;
- (b) any reference to an electric line or electrical plant were a reference to such apparatus; and
- (c) any reference to such apparatus under the control of a person to whom that code applies were a reference to such a line or such plant under the control of the Authority.

(4) Any difference arising under this paragraph between the Authority and a person to whom the telecommunications code applies shall be determined by arbitration.

(5) In this paragraph “momentary interference” means any interference of momentary duration which is not a regular occurrence (whether caused by physical contact or otherwise).

Acquisition of wayleaves

5. (1) This paragraph applies where —

- (a) for any purpose connected with the generation, transmission or supply of electricity, it is necessary or expedient for the Authority to install and keep installed an electric line on, under or over any land; and
- (b) the owner or occupier of the land, having been given a notice requiring it to give the necessary wayleave within a period (not being less than 21 days) specified in the notice —
 - (i) has failed to give the wayleave before the end of that period; or
 - (ii) has given the wayleave subject to terms and conditions to which the Authority objects.

(2) This paragraph also applies where —

- (a) for any purpose connected with the generation, transmission or supply of electricity, it is necessary or expedient for the Authority to keep an electric line installed on, under or over any land; and
- (b) the owner or occupier of the land has given notice to the Authority under paragraph 7(2) requiring it to remove the electric line.

(3) In this paragraph “the necessary wayleave” means consent for the Authority —

- (a) to install and keep installed the electric line on, under or over the land, or
- (b) to keep the electric line installed on, under or over the land,

as the case may be, and to have access to the land for the purpose of inspecting, maintaining, adjusting, repairing, altering, replacing or removing the electric line.

(4) Subject to sub-paragraphs (5) and (6), the Department may, on the application of the Authority, itself grant the necessary wayleave subject to such terms and conditions as it thinks fit; and a necessary wayleave so granted shall, unless previously terminated in accordance with a term contained in the wayleave, continue in force for such period as may be specified in the wayleave.

(5) The Department shall not entertain an application under sub-paragraph (4) in any case where —

- (a) the land comprises a dwelling, or will comprise a dwelling on the assumption that any planning approval which is in force is acted on; and
- (b) the line is to be installed on or over the land.

(6) Before granting the necessary wayleave, the Department shall afford —

- (a) the occupier of the land; and
- (b) where the occupier is not also the owner of the land, the owner,

an opportunity of being heard by a person appointed by the Department, and shall consider the report of that person.

(7) Subject to the provisions of the *Registration of Deeds Act 1961* and the *Land Registration Act 1982*, a wayleave granted under this paragraph shall bind any person who is at any time the owner or occupier of the land.

(8) In this paragraph —

“dwelling” means a building or part of a building occupied, or (if not occupied) last occupied or intended to be occupied, as a private dwelling, and includes any garden, yard, outhouses and appurtenances belonging to or usually enjoyed with that building or part;

“planning approval” means approval for development granted pursuant to a development order under Part 2 of the *Town and Country Planning Act 1999*.⁴⁹

Provisions supplementary to paragraph 5

6. (1) Where a wayleave is granted to the Authority under paragraph 5 —
- (a) the occupier of the land; and
 - (b) where the occupier is not also the owner of the land, the owner,

may recover from the Authority compensation in respect of the grant.

(2) Where in the exercise of any right conferred by such a wayleave any damage is caused to land or personal property, any person interested in the land or property may recover from the Authority compensation in respect of that damage; and where in consequence of the exercise of such a right a person is disturbed in his enjoyment of any land he may recover from the Authority compensation in respect of that disturbance.

(3) Compensation under this paragraph may be recovered as a lump sum or by periodical payments or partly in one way and partly in the other.

(4) Any question of disputed compensation in respect of land under this paragraph shall be determined in accordance with Part III of the *Acquisition of Land Act 1984*.

Temporary continuation of wayleaves

7. (1) This paragraph applies where at any time such a wayleave as is mentioned in paragraph 5 (whether granted under that paragraph or by agreement between the parties) —

- (a) is determined by the expiration of a period specified in the wayleave;
- (b) is terminated by the owner or occupier of the land in accordance with a term contained in the wayleave; or
- (c) by reason of a change in the ownership or occupation of the land after the granting of the wayleave, ceases to be binding on the owner or occupier of the land.

(2) The owner or occupier of the land may —

- (a) in a case falling within sub-paragraph (1)(a), at any time after or within 3 months before the end of the period specified in the wayleave;
- (b) in a case falling within sub-paragraph (1)(b), at any time after the wayleave has been terminated by him; or
- (c) in a case falling within sub-paragraph (1)(c), at any time after becoming the owner or occupier of the land by virtue of such a change in the ownership or occupation of the land as is mentioned in that paragraph,

give to the Authority a notice requiring it to remove the electric line from the land; but the Authority shall not be obliged to comply with such a notice except in the circumstances and to the extent provided by the following provisions of this paragraph.

(3) Where within the period of three months beginning with the date of the notice under sub-paragraph (2) —

- (a) the Authority does not make an application for the grant of the necessary wayleave under paragraph 5; and
- (b) no resolution of Tynwald is passed authorising the compulsory purchase of an equivalent right over the land,

the Authority shall comply with the notice at the end of that period.

(4) Where —

- (a) within the period mentioned in sub-paragraph (3) the authority makes an application for the grant of the necessary wayleave under paragraph 5; and
- (b) that application is refused by the Department,

the Authority shall comply with the notice under sub-paragraph (2) at the end of the period of one month beginning with the date of the Department's decision or such longer period as the Department may specify.

Placing of lines above ground

8. (1) Subject to the provisions of this Act, the Authority shall not, except with the consent of the Department (which may be subject to such terms and conditions as the Department thinks fit), place any electric line above ground unless the electric line is —

- (a) a service line; or
- (b) placed within premises in the sole occupation or control of the Authority.

(2) An application for the consent of the Department under this paragraph —

- (a) shall be in writing;
- (b) shall describe by reference to a map the land across which the electric line is proposed to be placed;
- (c) shall state whether all necessary wayleaves have been agreed by the owners and occupiers of land proposed to be crossed by the line.

(3) Where an application under this paragraph states that all necessary wayleaves have not been agreed as mentioned in sub-paragraph (2)(c), the Authority may apply to the Department under paragraph 5(4) for the necessary wayleave, or, as the case may be, for its consent under paragraph 4(1) of Schedule 1 to the compulsory acquisition of a right to place the line; and the Department may —

- (a) proceed concurrently under sub-paragraph (1) and under paragraph 5(4) or, as the case may be, under paragraph 4(1) of Schedule 1; or
- (b) give notice to the Authority that it does not propose to proceed with the application until satisfied, with respect to all the land over which wayleaves have not been agreed, that the Authority has applied to the Department for such wayleaves or for such consent;

and where it gives such a notice, it shall not be required to proceed with the application until satisfied that the Authority has taken all the requisite action in accordance with the notice.

(4) Where an application under this paragraph states that all necessary wayleaves have not been agreed as mentioned in sub-paragraph (2)(c), but the Department does not proceed concurrently as mentioned in sub-paragraph (3)(a), it may, if it gives its consent under sub-paragraph (1), give it subject to the condition (either in respect of the whole of the line or in respect of any part specified in the consent) that the work is not to proceed until it gives its permission.

(5) In determining under sub-paragraph (4) at any time whether to give permission for the work to proceed, either generally or in respect of a part of the line, the Department —

- (a) shall have regard to the extent to which the necessary wayleaves have been agreed by that time; and
- (b) in so far as the necessary wayleaves have not then been agreed in respect of any part of the line, shall take into account any prejudicial effect which, in its opinion, the giving of permission (whether in respect of that part of or any adjacent part of the line) might have on any subsequent proceeding relating to the outstanding wayleaves or consents under paragraph 4(1) of Schedule 1.

(6) The power of the Department to give its consent under this paragraph includes power —

- (a) to include in such consent such conditions as appear to the Department to be appropriate; and
- (b) to revoke such consent or to vary the terms and conditions (if any) to which the consent was subject.

Felling and lopping of trees etc.

9. (1) This paragraph applies where any tree is or will be in such close proximity to an electric line or electrical plant which is kept installed or is being or is to be installed by the Authority as —

- (a) to obstruct or interfere with the installation, maintenance or working of the line or plant; or

- (b) to constitute an unacceptable source of danger (whether to children or to other persons);

and in this paragraph “the land” means the land on which the tree is growing.

(2) Subject to sub-paragraph (3), the Authority may give notice to the occupier of the land requiring him to fell or lop the tree or cut back its roots so as to prevent it from having the effect mentioned in sub-paragraph (1)(a) or (b), subject to the payment to him by the Authority of the expenses reasonably incurred by him in complying with the notice.

(3) Where, but for this paragraph, the felling, lopping or cutting back of a tree would require a licence under section 3 of the *Tree Preservation Act 1993*, the Authority shall consult with the Department of Environment, Food and Agriculture before the giving of a notice under sub-paragraph (2).⁵⁰

(4) Where the occupier is not also the owner of the land, a copy of any notice under sub-paragraph (2) shall also be served on the owner.

- (5) If within 21 days from the giving of a notice under sub-paragraph (2) —
 - (a) the requirements of the notice are not complied with; and
 - (b) neither the owner nor occupier of the land gives a counter-notice under sub-paragraph (6),

the Authority may cause the tree to be felled or lopped or its roots to be cut back so as to prevent it from having the effect mentioned in sub-paragraph (1)(a) or (b).

(6) If, within 21 days from the giving of a notice under sub-paragraph (2), the owner or occupier of the land gives a counter-notice to the Authority objecting to the requirements of the notice, the matter shall, unless the counter-notice is withdrawn, be referred to the Department.

(7) On a reference under sub-paragraph (6), the Department, after giving the parties an opportunity of being heard by a person appointed by it and considering the report of that person, may make such order as it thinks just, and any such order —

- (a) may empower the Authority (after giving such notice to any person by whom a counter-notice was given of the commencement of the work as the order may direct) to cause the tree to be felled or lopped or its roots to be cut back so as to prevent it from having the effect mentioned in sub-paragraph (1)(a) or (b); and
- (b) may determine any question as to what expenses (if any) are to be paid.

(8) Where the Authority exercises any powers conferred under sub-paragraph (5) or (7), it shall —

- (a) cause trees to be felled or lopped or their roots to be cut back in accordance with good arboricultural practice and so as to do as little damage as possible to trees, fences, hedges and growing crops;

- (b) cause felled trees, lopped boughs or root cuttings to be removed in accordance with the directions of the owner or occupier; and
- (c) make good any damage done to the land.

(9) In this paragraph “tree” includes any shrub, and references to felling or lopping, felled trees or lopped boughs shall be construed accordingly.

Entry on land for purposes of exploration

10. Without prejudice to any other right of entry, a person authorised in writing by the Authority may, at any reasonable time, enter upon and survey any land for the purpose of ascertaining whether the land would be suitable for use for any purpose connected with the transmission of electricity.

Interpretation

11. In this Schedule —

“**public gas supplier**” has the same meaning as in the *Gas Regulation Act 1995*;

“**public telecommunications operator**”, “**telecommunication apparatus**” and “**telecommunications system**” have the same meanings as in the *Telecommunications Act 1984* and “**the telecommunications code**” means the code contained in Schedule 2 to that Act;

“**sewer**” has the meaning given by section 72 of the *Local Government Act 1985*.

SCHEDULE 3

SUPPLY OF ELECTRICITY

Sections 9 and 11

PART 1 – DUTY TO SUPPLY ON REQUEST

Expense of providing supply

1. The Authority may require that the following expenses be defrayed by the owner or occupier requiring a supply under section 9 –

- (a) the cost of providing so much of any electric line and electrical plant as may be laid on the property of that owner or in the possession of that occupier (not being land dedicated to public use); and
- (b) subject to paragraph 6, the cost of providing so much of that electric line and electrical plant not laid on that property as ought reasonably to be provided at the expense of the owner or occupier.

Procedure for requiring supply

2. Where any person requires a supply of electricity in pursuance of subsection (1), he shall give to the Authority a notice specifying –

- (a) the premises in respect of which the supply is required;
- (b) the day (not being earlier than a reasonable time after the date of service of the notice) on which the supply is required to commence;
- (c) the maximum power which may be required at any time; and
- (d) the minimum period for which the supply is required to be given;

and undertaking to pay the charges in respect of electricity and any electricity meter or electrical plant provided by the Authority as they become due.

Authority may require security for supply

3. (1) Where the Authority receives from any person a notice under paragraph 2 requiring it to give a supply of electricity to any premises, the Authority may by notice to that person require him to give security for the payment to it of all money which may become due to it from the owner or occupier in respect of electricity to be supplied, or any electric lines and electrical plant to be provided, or both.

(2) Where the Authority has given a supply of electricity for any premises and –

- (a) the owner or occupier has not given such security as is mentioned in sub-paragraph (1), or

- (b) the security given has become invalid or insufficient,

the Authority may by notice require the owner or occupier, within 7 days after the service of the notice, to give security for the payment of all money which may become due to the Authority in respect of the supply.

(3) The Authority may not require security under this paragraph in respect of a supply of electricity if —

- (a) the person requiring the supply is prepared to take the supply through a pre-payment meter; and
- (b) it is reasonably practicable in all the circumstances (including in particular the risk of loss or damage) for the Authority to provide such a meter.

(4) If a person fails to comply with a notice under sub-paragraph (1) or (2) the Authority may refuse to provide a supply or electric lines or electrical plant or, as the case may be, discontinue the supply to the premises in question so long as the failure continues.

(5) Unless otherwise agreed between the parties or determined under paragraph 4, any security to be given to the Authority under this paragraph shall be by way of deposit of money with the Authority of such amount as the Authority may reasonably require.

(6) The Authority shall pay interest on any money so deposited at such rate as may be determined by the Treasury.

Determination of questions as to security

4. (1) Any person may, not later than 21 days after service on him of a notice under paragraph 3(1) or (2) apply to the High Bailiff for a determination of either or both of the following questions —

- (a) whether he should be required to give security for the supply concerned, and
- (b) the kind and amount of the security to be given.

(2) On an application under this paragraph the High Bailiff —

- (a) may give directions as to the provision of the supply concerned, and the giving of any security with respect to it, pending the determination of the question;
- (b) on determining the question may either confirm, quash or vary the notice.

Determination of other questions

5. Any question —

- (a) arising under section 9 whether any premises are within a reasonable distance from any main, or

- (b) whether any electric line or electrical plant ought reasonably to be provided at the expense of the owner or occupier as mentioned in paragraph 1(b),

shall, in default of agreement, be determined by arbitration.

PART 2 – FURTHER PROVISIONS WITH RESPECT TO SUPPLY

Restoration of supply by Authority

6. (1) Where the Authority has cut off the supply of electricity to any premises in consequence of any default on the part of a tariff customer, the Authority shall resume the supply of electricity before the end of the period of 2 working days beginning with the time when the following requirements are satisfied, namely, that the customer –

- (a) has made good the default;
- (b) has paid the reasonable expenses of disconnecting and re-connecting the supply; and
- (c) if before the above requirements are satisfied the Authority by a notice requires the customer to give security in accordance with paragraph 3, he has given that security.

(2) The obligation imposed by sub-paragraph (1) is a duty owed to any person who may be affected by a failure to comply with it, and –

- (a) any breach of it which causes that person loss or damage is actionable at the suit of that person;
- (b) in any proceedings against the Authority for such a breach, it is a defence for the Authority to prove that it took all reasonable steps and exercised all due diligence to avoid failing to comply with that obligation; and
- (c) without prejudice to any right of any other person to bring civil proceedings in respect of such a breach, compliance with that obligation may be enforced by civil proceedings by the Department for an injunction or for any other appropriate relief.

Restoration of supply without consent

7. (1) Where a supply of electricity to any premises has been cut off by the Authority otherwise than in the exercise of a power conferred by regulations under section 7, no person shall, without the consent of the Authority, restore the supply.

(2) If any person acts in contravention of sub-paragraph (1), he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000, and the Authority may again cut off the supply.

Damage to electrical plant etc.

8. (1) If any person intentionally or by culpable negligence damages or allows to be damaged any electrical plant or electric line belonging to the Authority, he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(2) Where an offence has been committed under sub-paragraph (1), the Authority may discontinue the supply of electricity to the person so offending until the matter has been remedied.

(3) If any person —

- (a) knowingly damages electric lines or electrical plant belonging to the Authority by consuming power in excess of the maximum specified in a notice under paragraph 2 served by him on the Authority; or
- (b) knowingly damages any electric lines or electrical plant belonging to the Authority by permitting other electric lines, electrical plant or electric appliances to become defective or to fail to comply with regulations under section 7;

the amount of the damage caused to the Authority shall be recoverable as a debt due to the Authority.

Entry during continuance of supply

9. (1) Any officer authorised by the Authority may at all reasonable times enter any premises to which a supply of electricity is being given by the Authority for any of the following purposes, namely —

- (a) inspecting any electric line or electrical plant belonging to the Authority;
- (b) ascertaining the register of any electricity meter and, in the case of a pre-payment meter, removing any money or tokens belonging to the Authority;
- (c) removing, inspecting or re-installing any electricity meter or installing any substitute meter.

(2) Sub-paragraph (1)(a) and (b) does not apply if —

- (a) the consumer has applied in writing to the Authority for the Authority to cease to supply electricity to the premises; and
- (b) the Authority has failed to do so within a reasonable time.

(3) Sub-paragraph (1)(c) does not apply in relation to the removal of a meter unless 2 working days' notice is given to the occupier, or to the owner of the premises if they are unoccupied.

Entry on discontinuance of supply

10. (1) Where the Authority is authorised by paragraph 7 or 8, or by paragraph 12 of Schedule 5, to discontinue the supply of electricity to any premises or to remove an electricity meter or both, any person authorised by the Authority may at any reasonable time enter the premises for the purpose of disconnecting the supply or removing the meter, as the case may be.

(2) Where —

- (a) the Authority is authorised by any other provision of this Act or of regulations made under it (including any such provision as applied by such an agreement as is mentioned in paragraph 2 of Schedule 4) to cut off or discontinue the supply of electricity to any premises; or
- (b) a person occupying premises supplied with electricity by the Authority ceases to require such a supply; or
- (c) a person entering into occupation of any premises previously supplied with electricity by the Authority does not require such a supply; or
- (d) a person entering into occupation of any premises previously supplied with electricity through a meter belonging to the Authority does not hire or borrow that meter;
- (e) any premises previously supplied with electricity have been unoccupied for 6 years or more,

any person authorised by the Authority may, after not less than one working day's notice to the occupier or, if the premises are unoccupied, to the owner of the premises, at all reasonable times enter the premises for the purpose of disconnecting the supply or removing any electrical plant, electric line or electricity meter.

Entry for replacing, repairing or altering lines or plant

11. (1) Any person authorised by the Authority may at all reasonable times enter any premises for the purpose of —

- (a) placing a new electric line or new electrical plant in the place of or in addition to any existing line or plant which has already been lawfully placed; or
- (b) repairing or altering any such existing line or plant.

(2) Sub-paragraph (1) does not apply unless —

- (a) 5 working days' notice is given to the occupier, or to the owner of the premises if they are unoccupied, or
- (b) entry is required in an emergency arising from faults in any electric line or electrical plant and such notice is given as soon as possible after the occurrence of the emergency.

Electrical plant etc. not to be subject to execution

12. Any electrical plant, electric line or electricity meter owned by or let for hire or lent to a customer by the Authority and marked or impressed with a sufficient mark or brand indicating the Authority as the owner of it —

- (a) shall be deemed not to be landlord's fixtures, notwithstanding that they may be fixed or fastened to any part of the premises in which they may be situated; and
- (b) shall not be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession they may be.

Supply of electricity to public lamps

13. (1) The Authority shall supply electricity, in such quantities as a local authority may require by notice to be supplied, to any public lamps of the local authority within 70 metres from any distributing main of the Authority in which it is distributing electricity for the purposes of general supply.

(2) The local authority shall pay such charges for a supply of electricity under this paragraph as may be agreed between it and the Authority or, in default of agreement, determined by arbitration.

(3) Any term in any agreement between the Authority and a local authority with respect to the supply of electricity to, or otherwise relating to, public lamps of the local authority which precludes the local authority having any such lamp repaired or maintained except by or with the consent of the Authority shall be void and of no effect except to the extent that it is necessary —

- (a) to eliminate or reduce any such dangers or risks as are mentioned in section 7(1)(b) and (c); or
- (b) to prevent damage to any electrical plant or electric line belonging to the Authority.

(4) Any question arising under sub-paragraph (3) shall, in default of agreement, be determined by arbitration.

Stand-by supply

14. (1) Notwithstanding anything in this Act, a person shall not be entitled to demand or continue to receive a supply of electricity from the Authority for the purposes only of a stand-by supply for any premises having —

- (a) a separate supply of electricity, or
- (b) a supply (in use or ready for use for the purposes of which the stand-by supply of electricity is required) of gas, steam or other form of energy,

unless he has agreed with the Authority to pay such minimum annual sum as will —

- (i) give the Authority a reasonable return on the capital expenditure incurred by it in providing the stand-by supply; and
 - (ii) cover other standing charges incurred by the Authority in order to meet the possible maximum demand for those premises.
- (2) Any question arising under sub-paragraph (1) —
 - (a) as to whether a supply of electricity is demanded or received for the purposes only of a stand-by supply; or
 - (b) as to whether any premises have a separate supply of electricity or have a supply (in use or ready for use for the purpose for which a stand-by supply of electricity is required) of gas, steam or other form of energy; or
 - (c) as to the amount of the minimum annual sum to be specified in the agreement,

shall, in default of agreement, be determined by arbitration.

No obligation to supply electricity to unsafe lines etc.

15. (1) Notwithstanding any provision in a contract to supply electricity, the Authority shall not be under an obligation —
- (a) to supply or continue to supply electricity for use in any premises in which there are electric lines, electrical plant or electrical appliances which are being used otherwise than in accordance with regulations under section 7; or
 - (b) to pay compensation or damages for failure to supply or continue to supply electricity in circumstances such as are mentioned in (a) above.

(2) Any question arising under this paragraph as to any alleged defect in any electric lines, electrical plant or electrical appliances shall, in default of agreement, be determined by arbitration.

Interference with works

16. (1) If any person without lawful authority intentionally or recklessly interferes with any electric line or electrical plant with the intent to cut off or injuriously affect any supply of electricity, he is guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 5 years or to a fine, or to both.

- (2) If any person —
- (a) intentionally removes any electric line or electrical plant belonging to the Authority, or
 - (b) intentionally extinguishes any public lamp,

he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

SCHEDULE 4

CHARGES FOR SUPPLY OF ELECTRICITY ETC.

Section 13

Tariffs

1. (1) Subject to paragraph 2, the prices to be charged by the Authority for the supply of electricity by it shall be in accordance with such tariffs (which may relate to the supply of electricity in different areas, cases and circumstances) as may be fixed from time to time by the Authority.

(2) A tariff fixed by the Authority under sub-paragraph (1) —

(a) shall be so framed as to show the methods by which and the principles on which the charges are to be made as well as the prices which are to be charged; and

(b) shall be published in such manner as in the opinion of the Authority will secure adequate publicity for it.

(3) A tariff fixed by the Authority under sub-paragraph (1) may include —

(a) a standing charge in addition to the charge for the actual electricity supplied;

(b) a charge in respect of the availability of a supply of electricity; and

(c) a rent or other charge in respect of any electricity meter or electrical plant provided by the Authority;

and such a charge as is mentioned in paragraph (b) may vary according to the extent to which the supply is taken up.

(4) In fixing tariffs under sub-paragraph (1), the Authority shall not show undue preference to any person or class of persons, and shall not exercise any undue discrimination against any person or class of persons.

(5) Where by virtue of the revision of a tariff (whether by variation, replacement or otherwise) the charge for electricity supplied to any consumer is increased, the increased charge shall not apply to electricity supplied to that consumer before the first inspection of the meter for the purpose of ascertaining the amount of electricity supplied to that consumer which is made after the publication of the revised tariff.

(6) Every account furnished by the Authority to a consumer giving particulars of the charges due by that consumer for electricity supplied to him shall show how those charges relate to the tariff in accordance with which they are calculated.

Special agreements with respect to supply

2. (1) A person who requires a supply of electricity in pursuance of section 9 —
- (a) may enter into a special agreement with the Authority for the supply on such terms as may be specified in the agreement; and
 - (b) shall enter into such an agreement in any case where —
 - (i) the maximum power to be made available at any time exceeds 10 megawatts; or
 - (ii) it is otherwise reasonable in all the circumstances for such an agreement to be entered into.

(2) The Department may by order provide that subparagraph (1)(b) shall have effect as if for the wattage there mentioned were substituted such other wattage as may be specified in the order; but before making such an order, it shall consult with the Authority and with persons or bodies appearing to the Department to be representative of persons likely to be affected.

(3) Any question arising under sub-paragraph (1)(b)(ii) shall, in default of agreement, be determined by arbitration.

(4) So long as any such agreement as is mentioned in sub-paragraph (1) is effective, the rights and liabilities of the parties to the agreement shall be those arising under the agreement and not those provided for by section 9 and Part 1 of Schedule 3; but nothing in this sub-paragraph prejudices the giving of a notice under paragraph 2 of Schedule 3 specifying as the day on which the supply is required to commence the day on which such an agreement ceases to be effective.

Recovery of tariff charges etc.

3. (1) Subject to sub-paragraph (2), the Authority may recover from a tariff customer any charges due to it in respect of the supply of electricity, or in respect of the provision of any electricity meter, electric line or electrical plant.

(2) If a tariff customer quits any premises at which electricity has been supplied to him by the Authority without giving notice thereof to the Authority so that it is received by the Authority at least 2 working days before he quits the premises, he shall be liable to pay the Authority all charges in respect of the supply of electricity to the premises accruing due up to whichever of the following first occurs, namely —

- (a) the second working day after he gives such notice to the Authority;
- (b) the next day on which the register of any meter falls to be ascertained; and
- (c) the day from which any subsequent occupier of the premises requires the Authority to supply electricity to the premises.

(3) Sub-paragraph (2), or a statement of its effect, shall be endorsed upon every demand note for electricity charges payable to the Authority by a tariff customer.

(4) If a tariff customer quits any premises at which electricity has been supplied to him by the Authority without paying all charges due from him in respect of the supply, or the provision of any electricity meter, electric line or electrical plant for the purposes of the supply, the Authority —

- (a) may refuse to furnish him with a supply of electricity at any other premises until he pays the amount due; but
- (b) shall not be entitled to require payment of that amount from the next occupier of the premises unless that occupier has undertaken with the former occupier to pay or exonerate him from the payment of that amount.

(5) If a tariff customer has not, within the requisite period, paid all charges due from him to the Authority in respect of the supply of electricity to any premises, or the provision of any electricity meter, electric line or electrical plant for the purposes of that supply, the Authority, after the expiration of not less than 2 working days' notice of its intention, may —

- (a) cut off the supply to the premises, or to any other premises occupied by the customer, by such means as it thinks fit; and
- (b) recover any expenses incurred in so doing from the customer.

(6) In sub-paragraph (5) “the requisite period” means —

- (a) in the case of premises which are used wholly or mainly for domestic purposes, the period of 20 working days after the making by the Authority of a demand in writing for payment of the charges due; and
- (b) in the case of any other premises, the period of 15 working days after the making of such a demand.

(7) The powers conferred by sub-paragraph (5) shall also be exercisable at any time which, in relation to a tariff customer, is after the date on which a receiving order or adjudication order in bankruptcy is made against the customer or (in the case of a company) the commencement of the winding up of the customer.

(8) The powers conferred by sub-paragraph (6) shall not be exercisable as respects any amount which is genuinely in dispute.

(9) In this paragraph a reference to the provision of any electric line or item of electrical plant is a reference to the provision of such a line or item by the installation of a new one or by the modification of an existing one.

SCHEDULE 5

ELECTRICITY METERS

Section 14

Interpretation

1. In this Schedule —

“**appropriate**”, in relation to a meter for use in connection with any particular supply, means of a pattern or construction which, having regard to the terms on which the supply is to be charged for, is particularly suitable for such use;

“**approved**” means approved by or under regulations made under paragraph 3.

Consumption to be ascertained by appropriate meter

2. (1) Where a customer of the Authority is to be charged for his supply wholly or partly by reference to the quantity of electricity supplied, the supply shall be given through, and the quantity of electricity shall be ascertained by, an appropriate meter.

(2) If the Authority agrees, the meter may be provided by the customer; but otherwise it shall be provided by the Authority (whether by way of sale, hire or loan).

(3) The meter shall be installed on the customer’s premises in a position determined by the Authority, unless in all the circumstances it is more reasonable to place it outside those premises or in some other position.

(4) The Authority may require the replacement of any meter provided and installed in accordance with sub-paragraphs (2) and (3) where its replacement —

(a) is necessary to secure compliance with this Schedule or any regulations made under it; or

(b) is otherwise reasonable in all the circumstances;

and any replacement meter shall be provided and installed in accordance with those sub-paragraphs.

(5) If the customer refuses or fails to take his supply through an appropriate meter provided and installed in accordance with sub-paragraphs (2) and (3), the Authority may refuse to give or may discontinue the supply.

(6) Any dispute arising under this paragraph between the Authority and a customer shall be determined by arbitration.

(7) Pending the determination by arbitration of any dispute arising under this paragraph, the meter and its provision and installation shall be such as the Department may direct; and directions under this sub-paragraph may apply either in cases of particular descriptions or in particular cases.

Restrictions on use of meters

3. (1) No meter shall be used for ascertaining the quantity of electricity supplied by the Authority to a customer unless the meter is of an approved pattern or construction and is installed in an approved manner.

(2) Regulations made by the Department for the purposes of this paragraph may provide for —

- (a) the giving of approvals for the purpose of this paragraph;
- (b) determining the fees to be paid for approvals given by or under the regulations;
- (c) revoking an approval so given to any particular pattern or construction of meter and requiring meters of that pattern or construction which have been installed to be replaced with meters of an approved pattern or construction within a prescribed period;
- (d) revoking an approval so given to any particular manner of installation and requiring meters which have been installed in that manner to be installed in an approved manner within such a period.

Use of unapproved meter

4. (1) If the Authority supplies electricity through a meter which is used for ascertaining the quantity of electricity supplied and is not of an approved pattern or construction or is not installed in an approved manner, the Authority is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(2) Where the commission by the Authority of an offence under this paragraph is due to the act or default of some other person, that other person is guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this sub-paragraph whether or not proceedings are taken against the Authority.

(3) In any proceedings in respect of an offence under this paragraph it is a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(4) No proceedings shall be instituted in respect of an offence under this paragraph except by or on behalf of the Department or the Attorney General.

Meter examiners

5. Competent and impartial persons shall be appointed as meter examiners for the purposes of this Schedule.

Certification of meters

6. (1) A meter examiner shall not certify a meter unless he is satisfied —
- (a) that the meter is of an approved pattern or construction; and

- (b) that the meter conforms to such standards (including standards framed by reference to margins of error) as may be prescribed.
- (2) A meter examiner may certify any meter submitted to him, even though he has not himself examined or tested it, if —
- (a) the meter is submitted to him by the Authority;
 - (b) the meter is accompanied by a report stating that the meter has been examined and tested by the person submitting it and containing such other information as may be prescribed;
 - (c) the meter examiner considers that the report indicates that the meter is entitled to be certified;
 - (d) the meter is one of a number submitted at the same time by the Authority; and
 - (e) the meter examiner has himself examined and tested as many of those meters as he may consider sufficient to provide a reasonable test of all of them.
- (3) The Department may by regulations make provision —
- (a) for the termination of certification in the case of meters which no longer conform to the prescribed standards and in such other cases as may be prescribed;
 - (b) for determining the fees to be paid for examining, testing and certifying meters, and the persons by whom they are to be paid; and
 - (c) as to the procedure to be followed in examining, testing and certifying meters.

Apparatus for testing etc. of meters

7. (1) It is the duty of the Authority —
- (a) to provide and maintain such apparatus for the examination, testing and regulation of meters, and such apparatus for the sealing and unsealing of meters, as may be specified by a direction of the Department;
 - (b) to use apparatus so provided and maintained to carry out such examination, testing and regulation of meters, or to seal or unseal meters in such circumstances, as may be so specified; and
 - (c) to keep such records and make such reports of things done in pursuance of paragraph (b) as may be so specified.
- (2) It is also the duty of the Authority to afford to meter examiners, acting in the exercise of their functions under this Schedule, all necessary facilities for the use of apparatus provided and maintained in pursuance of sub-paragraph (1).
- (3) If the Department considers that the Authority has made satisfactory arrangements whereby apparatus provided by some other person is available for the

examination, testing or regulation of the Authority's meters, it may direct that this paragraph shall not apply to the Authority to such extent as may be specified in the direction.

Testing etc. of meters

8. (1) It is the duty of a meter examiner, on being required to do so by any person and after giving notice to such persons as may be prescribed —

- (a) to examine and test any meter used or intended to be used for ascertaining the quantity of electricity supplied to any premises;
- (b) to determine whether it is of an approved pattern or construction and, if it is installed for use, whether it is installed in an approved manner;
- (c) to determine whether it is in proper order for ascertaining the quantity of electricity supplied within the prescribed margins of error and, if it has been in use and there is a dispute as to whether it registered correctly at any time, to determine if possible whether it registered within those margins at that time; and
- (d) to make a written report of his conclusions as to the matters mentioned in paragraphs (b) and (c).

(2) If a meter examiner determines that a meter is, or was at any time, operating outside the prescribed margins of error, he shall if possible give an opinion as to —

- (a) any period for which the meter has or may have been so operating; and
- (b) the accuracy (if any) with which it was or may have been operating for any such period.

(3) The Department may by regulations make provision for determining the fees to be paid for examining and testing meters, and the persons by whom and the circumstances in which they are to be paid.

Disputes as to accuracy of meters

9. (1) This paragraph applies where there is a genuine dispute as to the accuracy of a meter used for ascertaining the quantity of electricity supplied to any premises and notice of the dispute is given —

- (a) to the Authority by the customer,
- (b) to the customer by the Authority, or
- (c) to the Authority and to the customer by any other person interested.

(2) Except with the approval of a meter examiner and, if he so requires, under his supervision, the meter shall not be removed or altered by the Authority or the

customer until after the dispute is resolved by agreement or the meter is examined and tested under paragraph 8, whichever first occurs.

(3) If the Authority or the customer removes or alters the meter in contravention of sub-paragraph (2), it or he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

Presumptions and evidence

10. (1) This paragraph applies to meters used for ascertaining the quantity of electricity supplied to any premises.

(2) The register of a meter to which this paragraph applies is admissible in any proceedings as evidence of the quantity of electricity supplied through it.

(3) Where electricity has been supplied for any period through such a meter which is of an approved pattern or construction and is installed in an approved manner, the register of the meter shall be presumed to have been registering for that period within the prescribed margins of error, unless the contrary is proved.

(4) Where a meter to which this paragraph applies has been operating for any period within the prescribed margins of error, the meter shall be conclusively presumed to have been correctly registering for that period the quantity of electricity supplied through it.

(5) The report of a meter examiner on any question relating to such a meter is admissible in evidence in any proceedings in which that question is raised; and any conclusions in the report as to the accuracy of the meter when it was tested shall be presumed to be correct unless the contrary is proved.

Meters to be kept in proper order

11. (1) A customer of the Authority shall at all times, at his own expense, keep any meter belonging to him in proper order for correctly registering the quantity of electricity supplied to him; and in default of his doing so the Authority may discontinue the supply of electricity through that meter.

(2) The Authority shall at all times, at its own expense, keep any meter let for hire or lent by it to any customer in proper order for correctly registering the quantity of electricity supplied and, in the case of pre-payment meters, for operating properly on receipt of the necessary payment.

(3) The Authority —

- (a) may remove, inspect and re-install any meter by which the quantity of electricity supplied by it to a customer is registered, and
- (b) shall, while any such meter is removed, fix a substituted meter on the premises;

and the cost of removing, inspecting and re-installing a meter and of fixing a substituted meter shall be defrayed by the Authority.

(4) Sub-paragraphs (2) and (3) are without prejudice to any remedy the Authority may have against the customer for failure to take proper care of the meter.

Interference with meters

12. (1) If any person intentionally, fraudulently or by culpable negligence —
- (a) damages any meter belonging to the Authority;
 - (b) alters the register of any meter; or
 - (c) prevents any meter from duly registering the quantity of electricity supplied,

he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(2) Where an offence under sub-paragraph (1), or any other offence involving damage to or interference with any meter has been committed, the Authority may —

- (a) discontinue the supply of electricity to the offender, notwithstanding any contract previously existing, until the matter has been remedied, but no longer; and
- (b) remove the meter;

but where the Authority removes a meter under this sub-paragraph, it shall keep it safely until the Department authorises it to destroy or otherwise dispose of it.

(3) The existence of any damage to any meter under the custody or control of the occupier of the premises in which the meter is installed shall, in any proceedings against him relating to an offence under sub-paragraph (1)(a), be evidence that the damage, alteration or prevention in question has been intentionally and fraudulently caused by him.

(4) The possession by any person having custody or control of a meter of artificial means for causing an alteration of the register of the meter or preventing it from duly registering shall, in any proceedings against him relating to an offence under sub-paragraph (1)(b) or (c), as the case may be, be evidence that the alteration or prevention was intentionally and fraudulently caused by him.

Special provision for pre-payment meters

13. (1) A customer of the Authority who takes his supply through a pre-payment meter is under a duty to take all reasonable precautions for the safekeeping of any money or tokens which are inserted into that meter.

(2) A pre-payment meter shall not be used to recover any sum owing to the Authority otherwise than in respect of the supply of electricity, the provision of an electric line or electrical plant or the provision of the meter.

Notice of connection or disconnection

14. (1) A person shall not —

- (a) connect any meter used or to be used to ascertain the amount of electricity supplied with any electric line through which electricity is supplied by the Authority, or
- (b) disconnect any such meter from any such electric line,

unless he has served on the Authority or, in the case of the Authority, on the consumer at least one working day's notice of his intention to do so, specifying the time and place of the proposed connection or disconnection.

(2) Any person who contravenes this paragraph is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

Application to certain houses

15. (1) The provisions of this Schedule apply to meters used for ascertaining the quantity of electricity supplied to a house occupied under a contract to which the *Housing (Rent Control) Act 1948* applies, subject to the following modifications —

- (a) references to the Authority (except in paragraph 7) shall be construed as references to the person by whom the electricity is supplied;
- (b) references to a customer of the Authority shall be construed as references to the lessee of the house in question.

(2) Where a meter examiner is required under paragraph 8(1) to examine a meter mentioned in sub-paragraph (1), he may at all reasonable times enter the house in question for that purpose.

(3) In this paragraph “house” and “lessee” have the same meanings as in the *Housing (Rent Control) Act 1948*.

SCHEDULE 6**AMENDMENT OF ENACTMENTS**

Section 21 (2)

[Sch 6 amends the following Acts —

Hire Purchase Act 1939 q.v.

Telecommunications Act 1984 q.v.]

SCHEDULE 7**ENACTMENTS REPEALED**

Section 21(3)

[Sch 7 repeals the following Acts wholly —

Douglas Corporation Electric Light and Power Act 1921

Isle of Man Electric Light and Power Act 1932

Isle of Man Electric Light and Power Amendment Act 1935

and the following Acts and Orders in part —

Housing (Rent Control) Act 1948

Governor's General Functions (Transfer) Act 1980

Electricity Act 1984

Superannuation Act 1984

Acquisition of Land Act 1984

Telecommunications Act 1984

Treasury Act 1985

Statute Law Revision Act 1986

Department of Industry Order 1986 (GC 119/86)

Statutory Boards Act 1987

Transfer of Functions (Governor in Council) Order 1988 (GC 55/88)

Payment of Members' Expenses Act 1989

Council of Ministers Act 1990

Transfer of Functions (Governor in Council) Order 1991 (GC 155/91)]

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Part 1 heading amended by SD2014/06.

² Subs (1) substituted by SD2014/06.

³ S 2 heading amended by SD2014/06.

⁴ Para (ba) inserted by Gas and Electricity Act 2003 s 7.

⁵ Para (g) amended by Gas and Electricity Act 2003 s 7.

⁶ Subs (6A) inserted by Climate Change Act 2021 Sch.

⁷ Subs (6B) inserted by Climate Change Act 2021 Sch.

⁸ Subs (6C) inserted by Climate Change Act 2021 Sch.

⁹ Subs (7) amended by Electricity (Amendment) Act 2010 s 3.

¹⁰ Subs (8) amended by SD155/10 Sch 5.

¹¹ Subs (8A) inserted by Climate Change Act 2021 Sch.

¹² Subs (11) added by Gas and Electricity Act 2003 s 5.

¹³ S 2A inserted by Electricity (Amendment) Act 2010 s 4.

¹⁴ S 2B inserted by Electricity (Amendment) Act 2010 s 4.

¹⁵ Subs (1) substituted by Electricity (Amendment) Act 2010 s 5(2).

¹⁶ Subs (2A) inserted by Electricity (Amendment) Act 2010 s 5(3).

¹⁷ Para (b) substituted by Electricity (Amendment) Act 2010 s 6(2).

¹⁸ Para (c) repealed in effect by Electricity (Amendment) Act 2010 s 6(2).

¹⁹ Para (d) amended by Electricity (Amendment) Act 2010 s 6(3).

²⁰ S 3A inserted by Gas and Electricity Act 2003 s 6. Subs (3) amended by Audit Act 2006 Sch 1.

²¹ Subs (1) amended by Electricity (Amendment) Act 2010 s 7.

²² S 3B inserted by Gas and Electricity Act 2003 s 6.

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- ²³ Subs (2A) inserted by Electricity (Amendment) Act 2010 s 8.
- ²⁴ S 3C inserted by Gas and Electricity Act 2003 s 6.
- ²⁵ S 5A inserted by SD2014/06.
- ²⁶ Subpara (v) amended by SD155/10 Sch 5.
- ²⁷ Subs (6A) inserted by Electricity (Amendment) Act 2010 s 9.
- ²⁸ Subs (6B) inserted by Electricity (Amendment) Act 2010 s 9.
- ²⁹ See SD562/00.
- ³⁰ S 15A inserted by Electricity (Amendment) Act 2001 s 1.
- ³¹ Subs (2) repealed by Inquiries (Evidence) Act 2003 Sch 2.
- ³² Definition of “the Authority” amended by SD2014/06.
- ³³ Definition of “the Department” amended by SD155/10 Sch 5.
- ³⁴ Definition of “function” inserted by Electricity (Amendment) Act 2010 s 10.
- ³⁵ Definition of “works” amended by Electricity (Amendment) Act 2010 s 10.
- ³⁶ ADO (whole Act) 21/1/1997 (SD688/96).
- ³⁷ Sch 1 heading amended by SD2014/06.
- ³⁸ Subpara (5) substituted by SD2014/06.
- ³⁹ Para 1 substituted by SD69/11.
- ⁴⁰ Subpara (1) amended by SD69/11.
- ⁴¹ Subpara (2) repealed by SD2014/06.
- ⁴² Item (a) substituted by SD69/11.
- ⁴³ Subpara (3) amended by SD69/11 and by SD2014/06.
- ⁴⁴ Item (b) repealed by SD2014/06.
- ⁴⁵ Item (c) amended by SD2014/06.
- ⁴⁶ Subpara (2) amended by SD155/10 Sch 9 and by SD2014/06.
- ⁴⁷ Item (b) repealed by SD2014/06.
- ⁴⁸ Item (c) amended by SD2014/06.
- ⁴⁹ Definition of “planning approval” substituted by Town and Country Planning Act 1999 Sch 9.
- ⁵⁰ Subs (3) amended by SD155/10 Sch 3.