

LAWS OF THE GILBERT ISLANDS  
REVISED EDITION 1977

CHAPTER 83

PUBLIC UTILITIES

ARRANGEMENT OF SECTIONS

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5 of 1977

**An Ordinance to provide for the establishment of a corporate body to be known as the Public Utilities Board, for the performance by that body of functions relating to the supply of electricity and water, the disposal of sewage and for purposes incidental thereto or connected therewith**

L.N. 83/77

*Commencement: 1st September 1977*

## PART I

## PRELIMINARY

Short title

**1. This Ordinance may be cited as the Public Utilities Ordinance.**

## 2. In this Ordinance—

Interpretation

“accountant” means the person appointed by the Board as accountant under the provisions of Schedule 2 and includes any person for the time being performing the functions of the accountant;

“apparatus” means any equipment, installation or appliance used, or which may be used, in connection with supplying electricity or water or disposing of sewage in accordance with the provisions of this Ordinance;

“Authority” means the Gilbert Islands Development Authority established by the Gilbert Islands Development Authority Ordinance; Cap. 65 of 1973

“Board” means the Public Utilities Board established under section 3;

“consumer” means a person who is supplied with water or electricity or facilities for the disposal of sewage or whose premises are so supplied either by the Board or a person licensed by the Board pursuant to section 6 (2) or 7 (2);

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

“electricity supply area” means an electricity supply area so declared under section 5;

“financial year” means such period of 12 months as the Board with the approval of the Minister may determine to be its financial year;

“public utilities” means services authorised under this Ordinance for supplying electricity and supplying water, and

“public utility” means either one of these services;

“water line” includes cuts, channels, feeders, catch drains, aqueducts, tunnels, pipes, pipe tracks, conduits, mains and trenches;

“water supply area” means a water supply area so declared under section 5;

“water works” includes wells, pumps, reservoirs, cisterns, catchments, water lines, stand pipes, showers, valves, engines, culverts, desalination plants, water treatment plants and all machinery and appliances, lands, buildings and things used for or in connection with the supply of water vested in, used,

constructed or maintained by the Board or a person licensed by the Board pursuant to section 7 (2);

“works” includes generating stations, sub-stations, buildings, machinery, engines, transmission lines, mains, electric lines, poles, pillars, distribution boxes, lamps, water-works, pipe lines, sewers and drains and any other works, apparatus, appliance, matters or things of whatever description required for the generation, transmission, transformation, distribution, supply or disposal of electricity, water or sewage.

## PART II

### ESTABLISHMENT OF BOARD AND VESTING OF PROPERTY

Establishment and incorporation of Public Utilities Board

3. (1) There is hereby established the Public Utilities Board which shall be a body corporate with perpetual succession and a common seal with power to purchase, take, hold and dispose of land and other property, to enter into contracts, to sue and be sued in its own name and to do all things necessary for the purposes of this Ordinance.

Schedule 1

(2) The provisions of Schedule 1 shall have effect as to the constitution of the Board and otherwise in relation thereto.

Schedule 2

(3) The provisions of Schedule 2 shall have effect as to the officers and employees of the Board and otherwise in relation thereto.

(4) The Minister shall have power by order to amend any or all of the provisions of Schedule 1 and Schedule 2.

Vesting of certain property, rights and liabilities in the Board Cap. 65 of 1973

4. (1) All lands, buildings, apparatus and all other forms of property, whether real or personal, and all interests therein, of whatsoever nature, belonging to the Government or to the Authority or vested in the Authority pursuant to section 21 of the Gilbert Islands Development Authority Ordinance and used exclusively for the purpose of—

- (a) the Electricity Division of the Authority; or
- (b) the Water Division of the Authority,

shall be deemed to have been transferred and become vested in the Board on 1st July 1977.

(2) Notwithstanding any of the provisions of this Ordinance, except with the prior written permission of the Minister, the Board shall not dispose of by way of sale, lease, sub-lease, mortgage easement or otherwise, any land or interest in land vested in it.

(3) The benefits and burdens of any contract for or in connection with the supplying or providing of public utilities to which the Authority was a party (including the rights to recover and receive all moneys due and payable to the Authority) and which subsists or was in force immediately before the 1st July 1977 shall be deemed to have been transferred from the Authority to the Board on that date.

(4) On and from 1st July 1977 every agreement with respect to any public utility or related to or connected in any way whatsoever with any public utility (other than a contract referred to in subsection (3)) whether that agreement is in writing or not, and every deed, bond or other instrument with respect to any public utility or related to or connected in any way whatsoever with any public utility to which agreement, deed, bond or other instrument the Authority was a party or which affected the Authority, and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall be deemed to have effect as if the Board were a party thereto or affected thereby instead of the Authority and as if for every reference (however worded and whether express or implied) therein to the Authority there were substituted in respect of anything to be done on or after such date a reference to the Board.

(5) Any proceedings upon a contract agreement, deed, bond or other instrument to which reference is made in subsections (3) and (4) which were pending immediately before the 1st July 1977 and to which the Authority was a party shall be continued as if the Board was a party thereto in lieu of the Authority.

### PART III

#### RIGHTS, POWERS AND DUTIES OF BOARD

5. The Minister may by notice declare any island or part of an island to be an electricity supply area or a water supply area or both as an electricity and a water supply area. Electricity and water supply areas

6. (1) Subject to subsection (2), the Board shall have the exclusive right within any electricity supply area to generate, transform, transmit, distribute, supply and sell electricity and to perform services incidental thereto. Right of Board to supply electricity

(2) The Board may give written permission to any person to generate, supply and sell electricity at any place within an electricity supply area.

(3) Any person who generates, distributes, supplies or sells

electricity within an electricity supply area without the prior written permission of the Board shall be liable to a fine of \$1000 or to imprisonment for 6 months.

Right of  
Board to  
supply water

7. (1) Subject to subsection (2), the Board shall have the exclusive right within any water supply area to supply, distribute and sell water and to perform services incidental thereto.

(2) The Board may give written permission to any person to supply, distribute and sell water at any place within a water supply area.

(3) Any person who supplies, distributes, or sells water within any water supply area without the prior written permission of the Board with the intention of depriving the Board of its income, or of its rights under subsection (1), shall be liable to a fine of \$500 or to imprisonment for 3 months.

Powers of  
Board

8. (1) Subject to the provisions of this Ordinance, the Board shall, for the purposes of carrying out its functions under this Ordinance, have power to do anything or to enter into any transaction which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto.

(2) Without prejudice to the generality of the provisions of subsection (1) the powers of the Board shall include powers—

- (a) to do all acts and things necessary for developing, controlling, generating, transforming and transmitting, distributing and selling electricity for public and private purposes;
- (b) to undertake electrical wiring installation and servicing of electrical equipment and to provide electricity to commercial and residential premises;
- (c) subject to section 9 (1), from time to time to cause switching and transformer substations, distribution boxes, posts, poles or pillars together with fixtures and fittings and other apparatus to be erected or placed on, and electric and water lines, sewers and drains to be laid and carried through, across, over or under any road or, after reasonable notice in that behalf to the owner or occupier, on, through, over or under any land whatsoever, enclosed or otherwise:

Provided that all such substations, boxes, posts, poles or pillars, fixtures, fittings and other apparatus, and electric and water lines and sewers and drains, shall remain the sole property of the Board and shall not be deemed to become part of any freehold by reason of being affixed thereto.

- (d) subject to section 9 (2), from time to time to cause lamp posts, standards or other lighting apparatus to be put or fixed upon or against the walls of any building or enclosure or to be put up or erected in such other manner as shall be deemed proper, and also to cause such number of lamps of such sizes and types to be provided and affixed and put on such lamp posts and standards as are necessary for lighting roads;
- (e) subject to section 9 (2), to cut and remove from any road and to enter upon and to cut and remove from any private or public lands any tree, or any branch, root or other part of a tree growing on such lands in such proximity to any electric or water line, sewer or drain as to interfere with, endanger or otherwise prejudicially affect the supply by the Board, or a person licensed by the Board pursuant to section 6 (2) or 7 (2), of water or electricity or facilities for the disposal of sewage;
- (f) subject to section 9 (3), whenever it appears necessary to the Board for the protection or conservation of any water catchment area or otherwise to secure adequate and pure supplies of water to any area, with the approval of the Minister to declare by order any area to be a water reserve and to require by notice the owner or occupier of any land in such a water reserve to remove any structure or fill in any pit upon or in his land whether or not lawfully erected or excavated, within such reasonable time as may be specified and if such person fails to do so to carry out the work itself;
- (g) to set examinations for and issue licences to electricians;
- (h) to do all acts and things necessary for the collection, production, distribution, supply and sale of water to the public for domestic and commercial use in water supply areas;
- (i) to establish, operate and maintain a sewage system;
- (j) to control, manage, maintain, operate and supervise waterworks and provide in water supply areas (so far as is practicable) an adequate supply of water for the use of the public;
- (k) to construct or lay down any waterworks for improving or augmenting the water supply;
- (l) whenever in the Board's opinion it may be expedient or necessary for the purpose of conserving the water supply or for extending, altering or repairing waterworks or for the purpose of connecting or repairing water services, to diminish, withhold, suspend or divert (without prejudice

to the payment of charges) the supply of water through waterworks;

- (m) to manufacture, import, export, buy, sell, collect and generally deal in and with electrical, water and sewage system equipment of every type.

Compen-  
sation

9. (1) In the exercise of the powers given by paragraphs (c) and (d) of section 8 (2), the Board—

- (a) shall not be deemed to acquire any right other than that of user on, in, or over the soil of any enclosed or other land on, through, over or under which it places any of the apparatus, electric and water lines, sewers and drains there mentioned, and should any of the apparatus, electric and water lines, sewers and drains so carried through, over or under any such land become a nuisance or cause a loss to the owner of such land, the Board shall remove such apparatus or alter the positioning thereof to obviate such loss or shall give reasonable compensation as provided by paragraph (b); and

- (b) shall reinstate or cause to be reinstated at its expense the road, land or wall and shall do no more damage than is necessary in the circumstances and shall make full compensation to any person interested for all damage sustained by him by reason or in consequence of the exercise of such powers. In the event of disagreement the amount of such compensation may be determined in a court in an action for damages to be brought by the claimant against the Board:

Provided that no compensation shall be payable in respect of any right of user acquired by virtue of paragraph (a).

(2) In the exercise of the powers given by paragraph (e) of section 8 (2), the Board—

- (a) shall not, except with the consent of the occupier or in case of emergency, enter upon private lands until after the expiration of 7 days notice of the intended entry to the occupier of such land; and
- (b) shall make full compensation to the owner of any tree so cut and for any damage suffered by the owner or occupier in respect thereof and the amount of such compensation may, in the event of disagreement, be determined in a court in an action for damages to be brought by the claimant against the Board.

(3) In exercise of the powers given by paragraph (f) of section 8 (2) the Board shall make full compensation to any person



interested for all loss or damage sustained by him in consequence of the exercise of such powers. In the event of disagreement the amount of such compensation may be determined in a court in an action for damages to be brought by the claimant against the Board:

Provided that no compensation shall be payable in respect of any structure or pit erected or excavated in breach of the provisions of this Ordinance:

And provided further that, where the owner of any land affected desires the land to be acquired and a court is of the opinion that such owner has been substantially deprived of the normal use of the land, the land shall be so acquired.

10. It shall be lawful for the Board, with the approval of the Minister, to delegate to any person any of the powers and duties conferred on the Board by this Ordinance in relation to the carrying out of any activity authorised under section 8. Power to delegate

~~11. Any officer, servant or agent of the Board may, at all reasonable times, and at any time in case of emergency, enter any land for the purpose of—~~ Powers of entry

- (a) inspecting and repairing electric and water lines, sewers and drains, and other apparatus belonging to the Board;
- (b) ascertaining the quantity and quality of electrical energy or water consumed or supplied to premises;
- (c) where the supply of any public utility is no longer required, or where the Board is authorised to discontinue the supply of any public utility to any premises, removing any electric and water lines and other apparatus belonging to the Board; or
- (d) conducting a survey, where it is likely that the Board will wish to exercise any of its powers under section 8 (2) (c), (d), (e) or (f):

Provided that the Board shall repair all damage caused by such entry, inspection or removal.

#### PART IV

##### FINANCIAL PROVISIONS

12. It shall be the duty of the Board so to exercise its powers and perform its functions under this Ordinance as to secure that the total revenues of the Board are sufficient, taking one year with another, to meet its total out-goings properly chargeable to revenue account including depreciation and interest on capital. General duty of Board in financial matters

Funds of the Board

**13.** The funds of the Board shall consist of such moneys as may from time to time be appropriated to it from the Consolidated Fund by way of loan, grant or subsidy and such other moneys as may lawfully be paid to or raised or borrowed by the Board.

Power to borrow or raise capital

**14.** (1) The Board may from time to time, with the approval of the Minister of Finance, borrow, secure or raise money by the issue of debentures or debenture stock, or other security, for all or any of the following purposes—

- (a) the provision of working capital;
- (b) the fulfilling of the functions of the Board under this Ordinance;
- (c) the provision of capital for the expansion of and addition to its fixed assets;
- (d) the redemption of any debenture or debenture stock or other security that the Board is required or entitled to redeem; or
- (e) any other expenditure properly chargeable to capital account.

(2) The Board may, from time to time, borrow by way of overdraft or otherwise such sums as the Board may require for meeting its obligations and discharging its functions under this Ordinance.

Application of revenue

**15.** (1) The revenue of the Board for any financial year shall be applied in defraying the following charges—

- (a) the allowances of the members of the Board;
- (b) the salaries, fees and remuneration of the officers, agents and employees, and technical and other advisers of the Board;
- (c) working expenses, and expenditures on, or provision for, the maintenance of the property and of any of the works of the Board, and the insurance of the same and the discharge of the functions of the Board properly chargeable to revenue account;
- (d) interest on any debenture and debenture stock or other security issued, and on any loan raised by the Board;
- (e) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or other security or the repayment of other borrowed money;
- (f) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the Board;

- (g) any other expenditures authorised by the Board and properly chargeable to revenue account.
- (2) The balance of the revenue of the Board shall be applied to the creation of reserve funds to finance future modernisation and expansion.

16. Funds of the Board not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Board may be invested from time to time in securities approved by the Minister of Finance. Authorised investments

17. The price to be charged by the Board for public utilities supplied or provided by it to consumers shall be in accordance with such tariffs as may be fixed from time to time by order of the Board after consultation with the Minister. Tariffs

18. Notwithstanding the provisions of section 17, the Board may make an agreement with a consumer as to the price to be charged by it for supplying or providing any public utility and the mode in which such amount is to be ascertained: Charges by agreement

Provided that the amount so charged by the Board shall not exceed the limits of price authorised by section 17.

19. (1) All decisions, orders, rules and regulations relating to the financial operations of the Board and authorised by this Ordinance shall be made by resolution of the Board at a meeting thereof and shall be recorded in the minutes of the Board. Accounting of Board

(2) The Board shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement in respect of each financial year in such form as the Director of Audit may direct or approve.

(3) The Board shall, before the commencement of each financial year, submit to the Minister a copy of its income and expenditure budget in relation to such year and the Minister shall cause copies of such budgets to be laid before the House of Assembly.

(4) The accounts of the Board shall be examined by the Director of Audit in accordance with the provisions of Part VII of the Public Finance (Control and Audit) Ordinance. Cap. 79

(5) Notwithstanding any power of the Board conferred by this Ordinance, where the Board intends to embark upon any programme for expanding its facilities and services that will involve borrowing moneys required to be guaranteed under the provisions of the Government Borrowing and Guarantee Ordinance or Cap. 39

that will require a longer period than 1 year to complete, the Board shall obtain the approval of the Minister of Finance thereto before incurring any liability in respect thereof.

Cash  
deposits and  
payments

20. (1) All moneys the Board accrues from its operations under this Ordinance shall be paid into some bank or banks appointed by resolution of the Board, and such moneys shall, as far as practicable, be paid into the bank from day to day, except such sum as the accountant may be authorised by rules made under section 21 to retain in his hands to meet petty disbursements for immediate payments.

(2) All payments out of the funds of the Board except petty disbursements, not exceeding a sum to be fixed by rules made under section 21, shall be made by the accountant, or, on his behalf, by any other officer appointed by the Board, in accordance with any such rules.

(3) Cheques against any banking account required to be kept or withdrawals from any savings bank account shall be signed by the accountant and countersigned by the General Manager or any member of the Board or any officer of the Board appointed by resolution of the Board for the purpose, and any such resolution shall be certified by the chairman and forwarded to the bank or banks concerned.

Rules

21. The Board shall by resolution make rules in respect of the following matters—

- (a) the manner in which and the officers by whom payments are to be approved;
- (b) the bank or banks into which the moneys of the Board are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;
- (c) the appointment of a member of the Board or an officer of the Board to countersign cheques on behalf of the General Manager or in the absence of the General Manager;
- (d) the sum to be retained by the accountant to meet petty disbursements and immediate payments and the maximum sum that may be so disbursed for any one payment;
- (e) the method to be adopted in making payments out of the funds of the Board; and
- (f) generally as to all matters necessary for the proper keeping and control of the accounts and books and the control of the finances of the Board.

Annual  
report

22. (1) The Board shall, as soon as practicable after the end of each financial year, make and transmit to the Minister a report

dealing generally with the activities of the Board during the pre-ceeding financial year and containing such information relating to the operations and policy of the Board as the Minister may from time to time direct.

(2) The Minister shall cause a copy of every such report to be laid before the House of Assembly.

23. (1) Notwithstanding anything in any other Act or Ordinance contained, all plant, machinery, appliances, apparatus, equipment and materials of every kind whatsoever imported into the Gilbert Islands by the Board for the purpose of carrying out its functions under this Ordinance shall be free of all customs duty, import levy or any other tax having a similar effect. .

Exemption  
from customs  
duty and  
income tax

(2) Notwithstanding anything contained in the Income Tax Ordinance the income of the Board shall be wholly exempt from payment of income tax.

Cap. 44

24. The Board may enter into contracts with Government for the supply of water or electricity or sewage disposal.

Service  
contracts  
with  
Government

## PART V

### OFFENCES AND INJURIOUS ACTS

25. (1) Any person who—

- (a) so tampers with any part of apparatus belonging to the Board or any person licensed by the Board pursuant to section 6 (2) or section 7 (2) as to cause, or to be likely to cause, danger to any person or to property;
- (b) dishonestly tampers with any meter, or with any part of apparatus related to a meter, so as to prevent the meter from recording correctly the true amount of electricity supplied,

Dangerous  
and dishonest  
tampering

shall be liable to a fine of \$300 and to imprisonment for 6 months.

(2) Where there has been any tampering with a meter or with any part of apparatus related to a meter, such tampering shall be *prima facie* evidence of a dishonest tampering, and the consumer using the meter shall be deemed to have abetted the offence, whether the principal offender has been identified or not, unless he satisfies the court that the offence was committed without his participation or connivance and that he had taken all reasonable precautions to prevent the commission of the offence.

Other offences connected with supply of electricity

**26.** Any person who, wilfully or negligently—

- (a) causes electricity to be diverted from its proper course or to be wasted;
- (b) breaks, throws down, causes to fall or damages any electric line, any post, or any apparatus or works connected with the supply of electricity;
- (c) extinguishes, removes, destroys or damages any lamp or street light belonging to the Board,

shall be liable to a fine of \$50 and to imprisonment for 3 months.

Compensation for damage

**27.** Where any person is convicted of an offence under section 25 or 26 the court may, in addition to any penalty which may be imposed, order him to pay full compensation for the damage he may have done to the Board, and such order may be enforced by the Board as if it were a civil debt.

Occupier liable for wrongful user of service

**28.** If at any time after the supply of electricity to any premises has been cut off by the Board it should be found that the supply has been restored without the order of the Board and that electricity is being used by any person, the occupier of such premises shall be deemed (until the contrary is proved) to have authorised such user and shall be liable on conviction to a fine of \$10 for each day electricity has been used.

Felling trees near works

**29.** (1) It shall not be lawful for any person to trim, cut, or fell any tree the trimming, cutting or felling of which is likely to constitute a danger to any works belonging to the Board unless he shall have delivered to the Board at their offices 24 hours previous written notice of his intention to undertake such trimming, cutting or felling.

(2) Any person who contravenes subsection (1) shall be liable to a fine of \$50 or to imprisonment for 3 months.

Offences connected with supply of water

**30.** (1) Every person who washes any animal or any clothes, wool, leather or the skin of any animal or any foul or offensive thing or throws or casts any dead animal or any filth, dirt or other foul or offensive thing or who bathes in any water, well, reservoir, aqueduct, tunnel or water-way made or used to supply water for human consumption, or who causes or suffers the water of any sewer or drain to run or be conveyed into any such water, well, reservoir, aqueduct, tunnel, pipe or water-way, or who causes or permits any other thing whatsoever to be done to the water contained therein whereby or by means whereof the water or any part thereof is or may be soiled, fouled, corrupted or injured shall be liable to a fine of \$50 and imprisonment for 3 months.

(2) Every person who—

- (a) without the consent of the Board diverts or takes the water supplying or flowing into any waterworks; or
- (b) without the consent of the Board constructs, alters or extends the service in his premises or connects any tap on his premises with the distributory pipes of a waterworks; or
- (c) without the consent of the Board, does any act whereby the water from any waterworks is drawn off or diminished in quantity or wasted; or
- (d) wilfully moves, breaks or injures any lock, cock, valve, tap, pipe or other appliance forming part of or used in connection with a waterworks; or
- (e) being supplied with water by the Board or a person licensed by the Board pursuant to section 7 (2) sells to any other person any such water;
- (f) being supplied with water by the Board suffers any stop-cock, pipe or other waterworks on his premises to be out of repair, without giving notice to the Board so that the water supplied to him shall be wasted,

shall be liable to a fine of \$50 or to imprisonment for 1 month.

(3) Any person who within any water reserve declared under the provisions of paragraph (f) of section 8 (2) does anything which is likely to soil, foul or corrupt that water reserve or any part thereof or any source or supply of water therein or thereto, or without the written permission of the Board, erects any dwelling house, shelter, or other structure whatsoever, or digs any pit, or fails to remove any structure or fill in any pit within the time specified in a notice served under the provisions of the said paragraph, shall be liable to a fine of \$100 and to imprisonment for a term of 3 months and, where the structure or pit was erected or excavated after the water reserve was declared, any expense incurred by the Board in carrying out the removal or filling in shall be recoverable as a civil debt from such person.

31. Any person who obstructs, resists or assaults or who assists any person in obstructing, resisting or assaulting any employee of the Board or any other person acting under the provisions of this Ordinance shall be liable to a fine of \$50 or to imprisonment for a term of 3 months.

Restricting or  
obstructing,  
etc. an  
offence

32. Where an offence against any of the provisions of this Ordinance or any regulations made hereunder has been committed by a body corporate, every person who at the time of the

Offences by  
corporations

commission of the offence was director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

## PART VI

### MISCELLANEOUS

Power of  
Minister to  
give policy  
directions

33. (1) Subject to subsection (2) the Minister may give to the Board such directions as to the policy to be followed by the Board in the performance of its functions as appear to the Minister to be necessary and the Board shall give effect to such directions.

(2) Where the Board certifies it is of the opinion that it will not be possible to recover from the consumers concerned the costs incurred by the Board in giving effect to a direction given by the Minister under subsection (1), or that to give effect to such a direction will be impractical, uneconomic or otherwise result in financial loss to the Board, the Board shall not give effect to the direction until the Board is satisfied that provision has been made for the loss up to the maximum estimated by the Board to be born by the Government.

(3) The Board shall furnish the Minister with returns, accounts and other information as he may require with respect to the property and activities of the Board and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

Non-liability  
for  
reasonable  
failure to  
supply

34. (1) No liability shall be incurred by the Board for any damage to persons or property by reason of any partial or total failure of the supply of electricity which may be due to unavoidable accident, fair wear and tear, overloading due to the unauthorised connection of apparatus, or to the reasonable requirements of the system for the supply of electricity.

(2) No liability shall be incurred by the Board for any damage to persons or property by reason of non-supply of water which may be due to unavoidable accident or to any defect in a pipe or water line or otherwise or by reason of stopping water for the purpose of repairs or alterations to any pipe or water line or other water works or for any other act done in execution of this Ordinance.



35. (1) The Minister after consultation with the Board may make regulations generally for giving effect to the provisions of this Ordinance and, without prejudice to the generality of the foregoing, may make regulations in respect to all or any of the following matters, that is to say—

Regulations  
by Minister

- (a) the methods of determining the charges payable by consumers for the consumption or use of public utilities and the use of facilities for the disposal of sewage;
- (b) the provision and hiring of meters and the charges therefor;
- (c) the conditions under which the supply of public utilities may be discontinued, disconnected or stopped;
- (d) the charges to be made for connecting to, or installing on, premises public utilities or appliances used or to be used in connection with public utilities;
- (e) the system and mode of supply of electricity;
- (f) the methods of making application for a supply of public utilities;
- (g) the time, place and manner for the payment of moneys payable under this Ordinance or any regulations made hereunder and the mode of collection;
- (h) the fixing and testing of meters;
- (i) the protection of the property, both real and personal, of the Board and persons licensed by the Board pursuant to sections 6 (2) and 7 (2);
- (j) the prevention of the misuse or waste of electrical energy and water;
- (k) the conditions under which electrical fixtures and fittings may be installed;
- (l) the wiring of buildings and other structures supplied or intended to be supplied with electricity;
- (m) the qualifications to be required and the examination and licensing of electricians;
- (n) the forms of licences to be issued to electricians;
- (o) the fees to be charged in respect of the examination and licensing of electricians;
- (p) the prohibition of the installation of any apparatus for the supply of electricity except by approved contractors;
- (q) regulating the supply of water to consumers;
- (r) the prevention of waste, conservation, misuse and pollution of water and the securing of waterworks from injury of any kind;

(s) the sanitary control of water reserves.

(2) Any breach of regulations made under this section shall be punishable by a fine not exceeding \$100.

#### SCHEDULE 1

(Section 3 (2))

- |   |   |
|---|---|
| Appointment<br>of<br>Commis-<br>sioners | <p>1. (1) The Board shall consist of not more than 8 nor less than 4 Commissioners appointed by notice by the Minister and, <i>ex officio</i>, the General Manager appointed under the provisions of Schedule 2.</p> <p>(2) Not more than 3 and not less than 1 of the Commissioners shall be at the time of their appointment employed as public officers.</p>   |
| Chairman                                | <p>2. (1) The Minister shall appoint one of the Commissioners to be the Chairman of the Board for such period as he may specify.</p> <p>(2) The Chairman shall keep the Minister fully informed concerning the activities and business of the Board and shall furnish the Minister with such information as the Minister may request with respect to any particular matter relating to the activities and business of the Board.</p> <p>(3) The Board may by instrument in writing direct that, subject to such conditions as may be specified in that instrument, such of the functions of the Board as may be so specified shall (without prejudice to the performance of those functions by the Board) be performed by the Chairman.</p> <p>(4) The Minister shall appoint one of the Commissioners to be the Deputy Chairman of the Board for such period as he may specify.</p> <p>(5) In the case of the absence or inability to act of the Chairman the Deputy Chairman shall perform the functions of the Chairman.</p> <p>(6) In the case of the absence or inability to act of the Chairman and the Deputy Chairman the Minister may appoint one of the remaining Commissioners to perform the functions of the Chairman.</p> <p>(7) In the case of the absence or inability to act at any meeting of both the Chairman and the Deputy Chairman the remaining Commissioners shall elect one of their number to act as Chairman at that meeting.</p> |
| Tenure of<br>office                     | <p>3. (1) A Commissioner shall, subject to the provisions of this Schedule, hold office for such period being not less than 2 nor more than 5 years as may be specified in the notice appointing him, but shall be eligible for reappointment.</p> <p>(2) The Minister may at any time revoke the appointment of any Commissioner if he thinks it expedient so to do and if the appointment of the Chairman or Deputy Chairman is so revoked he shall cease to be Chairman or Deputy Chairman as the case may be.</p>   |
| Resignation                             | <p>4. (1) Any Commissioner, other than the Chairman and a Commissioner who is a public officer, may at any time resign his office by notice in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such notice such Commissioner shall cease to be a Commissioner of the Board.</p> <p>(2) The Chairman may at any time resign his office by notice in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such notice by the Minister.</p>   |

5. All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Chairman or any member authorised to act in that behalf. Authentica-  
tion of seal  
and  
documents
6. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Board shall determine. Procedure  
and meetings
- (2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within 7 days of a written request to that effect addressed to him by any 2 Commissioners.
- (3) The quorum of the Board shall be 3 including the Chairman or the Deputy Chairman or the Commissioner elected to act as the Chairman as aforesaid.
- (4) Minutes in proper form for each meeting shall be kept and shall be confirmed, whenever practicable, at the next meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.
- (5) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.
- (6) Subject to the provisions of this Schedule the Board may regulate its own proceedings.
7. Members of the Board may be paid, out of the funds of the Board, such travelling and other expenses as may be incurred by them in respect of their duties as Commissioners, and, excepting the General Manager and those members who are public officers, an attendance allowance at such rate as may be determined from time to time by the Board. Allowances  
to members  
of Board
8. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of this Ordinance. Protection of  
Commis-  
sioners
- (2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph the Board shall be liable to the extent that it would be if the said member was a servant or agent of the Board.
9. If a Commissioner has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Board at which the contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the meeting, disclose to the Board the fact and nature of his interest, and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it. Declaration  
of interest of  
Commis-  
sioner
10. The office of the Commissioner shall not be a public office for the purposes of the Constitution. Office of  
member of  
Board not  
public office  
for the  
purposes of  
the Constitu-  
tion

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SCHEDULE 2

(Section 3 (3))

1. (1) The Board shall after consultation with the Public Service Commission appoint a General Manager. Appointment  
of staff of  
Board
- (2) The General Manager shall be the Chief Executive of the Board and shall

direct the entire staff and all other administrative and operational functions of the Board.

(3) The Board shall from time to time establish such other posts including that of Accountant as it considers necessary and proper for the due and efficient administration, management and performance by the Board of its duties under this Ordinance and shall, acting on the recommendation of the Public Service Commission, appoint staff to fill these posts:

Provided that the initial establishment shall include posts for those persons who were on the 30th June 1977 members of the staff of the Electricity Division or the Water Division of the Authority who had been notified in writing by the Minister before that date of the proposal to transfer them and such persons shall be deemed to have been transferred on 1st July 1977 to the service of the Board at the same rate of pay and, as near as may be, the same conditions of service as those on which they were employed by the Authority.

(4) The termination of appointment, dismissal and disciplinary control of the staff of the Board shall be vested in the Board, acting on the recommendation of the Public Service Commission.

(5) The Public Service Commission may second to any office in the service of the Board a public officer and the Public Service Commission may approve the transfer of an officer from the service of the Board to the service of government or from the service of the government to the service of the Board.

Responsibility  
of certain  
officers

2. All officers charged with the receipt, accounting for, or disbursements of money, or with the custody or delivery of stores, or other property belonging to the Board shall be individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all the property entrusted to their care, and for the due observance of all rules and regulations and of all orders and instructions prescribed for their guidance.

[Subsidiary]

#### SUBSIDIARY LEGISLATION

##### Declaration of electricity supply area under section 5

L.N. 54/68 All that part of the Gilbert Islands known as South Tarawa extending from Betio in the west to Bonriki in the east, both places inclusive has been declared an electricity supply area.

##### Areas declared to be water reserves under section 8 (2) (f)

L.N. 85/67 1. The area situated at Temaiku, indicated on the ground by 4 masonry beacons marked A, B, C and D respectively, and bounded, as described on a plan No. 3/26 dated 23rd November 1967 and kept in the office of the Board.

L.N. 33/68 2. The area situated between Teoraereke and Antebuka, indicated on the ground by 4 masonry beacons marked E, F, G and H respectively, and bounded as described on a plan No. 4/26 dated 6th April 1968 and kept in the office of the Board.

L.N. 58/69 3. The area situated at Bonriki and bounded as described in Diagram A on plan No. 5/26 dated 28th May 1969 and kept in the office of the Board.

L.N. 69/69 4. The area situated on the Islet of Betio and indicated on the ground by 4 concrete beacons marked J, K, L and M respectively, and bounded as described on plan No. 6/26 dated 28th May 1968 and kept in the office of the Board.

Section 41 (1977, S.41)

Omit "Government property", substitute "property of the Republic".

Section 43 (1977, S.43)

Omit from subsection (2) "the Governor, to be by him presented to the House of Assembly", substitute "the Speaker".

Section 44 (1977, S.44)

Omit from the proviso "direct the Director of Audit to waive", substitute "waive".

B. Christmas Island Plantation Special Fund Regulations (LN:23/73)

Regulation 9 (1977, Reg.9)

Omit "to administer", substitute "Subject to section 99 of the Constitution, to administer".

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PUBLIC UTILITIES ORDINANCE 1977 (No.5 of 1977)  
(Cap.83 of 1977)

Section 3 (1977, S.3)

Omit from subsection (4) "The Minister", substitute "The Beretitenti, acting in accordance with the advice of the Cabinet,".

Section 8 (1977, S.8)

Insert in subsection (1) after the words "this Ordinance" (first occurring) –

“, and to Chapter II (and in particular sections 8 and 9) of the Constitution”.

Insert in subsection (2) after the words "subsection (1)" –

“, but subject to Chapter II (and in particular sections 8 and 9) of the Constitution,”.

Section 9 (1977, S.9)

Omit from subsection (1) the proviso to paragraph (b). Add at the end of subsection (1) –

“and

“(c) shall pay compensation in respect of any right of user referred to in paragraph (a), as required by section 8 of the Constitution.”.

Section 23 (1977, S.23)

Omit from subsection (1) “The Minister after consultation with the board”, substitute “The Beretitenti, acting in accordance with the advice of the Cabinet given after consultation by the Minister with the Board”.

First Schedule (1977, Schedule 1)

Section 4 (1977, S.4)

Omit from subsection (2) “the Chief Minister”, substitute “the Minister”.

Section 10 (1977, S.10)

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Omit the section.

Second Schedule (1977, Schedule 2)

Section 1 (1977, S.1)

Omit from subsection (5) “the service of government” (twice occurring), substitute “the public service”.

REVISED EDITION OF THE LAWS ORDINANCE 1976  
(No.21 of 1976)  
(Cap.92 of 1977)

Section 2 (1977, S.2)

Omit from the definition “effective date” the words “the Governor”, substitute “the Beretitenti”.

REPUBLIC OF KIRIBATI  
(No. 3 of 1983)

I assent,

*U. Tabai*  
Beretitenti.  
19th May 1983.

AN ACT TO AMEND THE PUBLIC UTILITIES  
ORDINANCE (Chapter 83)

Commencement:  
19th May 1983.

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

Short title.	1. This Act may be cited as the Public Utilities (Amendment) Act 1983.
Amends Cap. 83.	2. This Act amends the Public Utilities Ordinance (Cap. 83) ('The Principal Ordinance').
Amends S.2 of The Principal Ordinance.	3. Section 2 of the Principal Ordinance is amended by: i. in the definition of 'Public Utilities' inserting between 'water' and 'and' the words 'disposing of sewerage'. ii. In the definition of 'Public Utilities' repealing the word 'either' and replacing that thereby deleted word with the word 'any'. iii. In the definition on 'works' in the fourth line thereof, by repealing the words 'sewers and drains and any other works' and replacing such words thereby deleted with the following words 'sewerage drains, other drains, and any other works'.
Amends S.7 of the Principal Ordinance.	4. Section 7 of the Principal Ordinance is amended by: i. Adding to the marginal note thereto the words 'and to dispose of sewerage'.

ii. Adding a new Section 7(4) to read as follows:

"7(4). The Board shall have the exclusive right to perform functions under this Ordinance relating to disposal of sewerage and supply and provision of sewerage and services incidental thereto, and to charge consumers for such performances, disposal, supply, provision, services and otherwise."

Amends S.8 of  
the Principal  
Ordinance.

5. Section 8 of the Principal Ordinance is amended by:

- i. Repealing the word 'sewers' in Section 8(2)(c) and replacing it with the word ('sewerage').
- ii. Repealing the word 'sewer' in Section 8(2)(e) and replacing it with the word 'sewerage'.
- iii. Repealing the words 'sewage system' in section 8(2)(i) and replacing them with the word 'sewerage'.

Amends S.9 of  
the Principal  
Ordinance.

6. Section 9 of the Principal Ordinance is amended by:

- i. By repealing the word 'sewers' in Section 9(1)(a) whenever it occurs and replacing wherever so repealed with the word 'sewerage'.
- ii. By inserting in the last line of Section 9(1)(a) immediately after the word 'paragraph (b)' the words 'whichever the Board in its discretion may determine'.

Amends S.11 of  
the Principal  
Ordinance.

7. Section 11 of the Principal Ordinance is amended by: repealing the words 'sewers' in section 11(a) and replacing it with the word 'sewerage'.

Amends S.24 of  
the Principal  
Ordinance.

8. Section 24 of the Principal Ordinance is amended by adding at the end thereof the words 'or services incidental or related thereto'.

Amends S.29(1)  
of the  
Principal  
Ordinance.

9. Section 29(1) of the Principal Ordinance is amended by inserting after the words '24 hours previous written notice' the words 'excluding weekends and public holidays'.



Amends S.34 of the Principal Ordinance.

10. Section 34 of the Principal Ordinance is amended by adding a new Section 34(3) which reads as follows:

"S.34(3) No liability shall be incurred by the Board for any damage whatsoever by reason of a failure of the disposal of sewage or other waste which may be due to unavoidable accident or cause or to any defect or blockage in the sewerage system or by reason of stopping off the flow in the sewerage for the purpose of repairs, cleaning, extension or alteration of the sewerage or for any other acts done in execution of this Ordinance".

Amends Schedule 1 of the Principal Ordinance.

11. Schedule 1 of the Principal Ordinance is amended by amending Paragraph 8 (Protection of Commissioners) by repealing Paragraph 8(2) thereof.

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 26th April 1983, and is found by me to be a true and correctly printed copy of the said Bill.

.....  
Clerk to the Maneaba ni Maungatabu.

I certify that the above Act was on the 26th April 1983 passed by the Maneaba ni Maungatabu on a certificate of urgency under Section 68(3)(a) of the Constitution.

.....  
Speaker.

Published by exhibition -

(a) at the Public Office of the Beretitenti on 19th May 1983.

.....  
Secretary to the Cabinet.

(b) at the Maneaba ni Maungatabu on 19th May 1983.

.....  
Clerk to the Maneaba ni Maungatabu.

THE REPUBLIC OF KIRIBATI  
(No. 22 of 1997)

I assent

*Telisi*

Beretitenti  
29/12/1997

AN ACT TO AMEND THE PUBLIC UTILITIES ORDINANCE (CAP.83) TO ALLOW  
GENERATION OF POWER BY PERSONS OTHER THAN THE PUBLIC UTILITIES  
BOARD IN CERTAIN CASES

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

Short title

1. This Act may be cited as the Public Utilities (Amendment) Act 1997.

Amendment of section 6

2. Section 6 of the Public Utilities Ordinance (Cap.83) is amended in subsection (1) by:-
  - (a) repealing the word "Subsection" where it first appears and substituting the word "Subsections"; and
  - (b) inserting after "(2)" the words "and (3)".
3. Section 6 of the Public Utilities Ordinance (Cap.83) is amended in subsection (3) by adding at the end of that subsection the following proviso:-

" Provided that it shall not be an offence if the owner or occupier of any premises generates or distributes electricity within an Electricity Supply area for use in those premises where:-

  - (a) the Board under normal circumstances supplies power to those premises; and
  - (b) the Board is unable to supply Electricity to those premises during a period of time for any reason; or
  - (c) following such a period of time, that person continues to generate or distribute electricity for any further period of time during which that person does not know that the Board has in the meantime restored the electricity supply to the premises."

**CERTIFICATE of THE CLERK OF THE MANEABA NI MAUNGATABU**

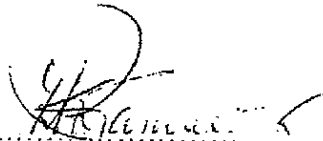
This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 25<sup>th</sup> of November 1997 and is found by me to be a true and correctly printed copy of the said Bill.



Teaiaki Koae  
Clerk of Parliament

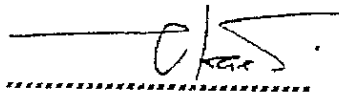
**CERTIFICATE OF THE SPEAKER OF THE MANEABA NI MAUNGATABU**

I certify that the above Act was on the 25<sup>th</sup> of November 1997 passed by the Maneaba ni Maungatabu on a Certificate of Urgency under section 68(3)(a) of the Constitution.



Hon. Tekiree Tamuera  
Speaker of the Maneaba ni Maungatabu

**PUBLISHED BY EXHIBITION AT THE MANEABA NI MAUNGATABU  
THIS 30<sup>th</sup> DAY OF DECEMBER 1997**



**CLERK  
OF THE MANEABA NI MAUNGATABU**

PUBLIC UTILITIES ORDINANCE (AMENDMENT) ACT 1997

EXPLANATORY MEMORANDUM

This Act amends the Public Utilities Ordinance (Cap.83) to make it lawful within an Electricity supply area for persons to generate and distribute electricity to their premises during times when the Board is unable to supply power to those premises, without written permission from the Board.

---

Michael N. Takabwe  
Attorney General  
10 October 1997

THE REPUBLIC OF KIRIBATI  
(No 4 of 1999)

I assent

*[Signature]*

Bereitenti

1999

21/03/2000

AN ACT TO AMEND THE PUBLIC UTILITIES ORDINANCE (CAP. 83)

Commencement:  
1999

**Short title**

1. This Act may be cited as the Public Utilities Ordinance (Amendment) Act 1999.

**Amendment to section 17**

2. Section 17 of the Public Utilities Ordinance (Cap. 83) (hereinafter referred to as the "principal Act") is amended by deleting the words, "... after consultation with the Minister."

**Amendment of section 33**

3. Section 33 of the principal Act shall be amended to include the following subsection:  
"(4) Any policy directions given to the Board by the Minister pursuant to subsection (1) of this section shall be in writing and addressed to the Secretary of the Board."

**PUBLIC UTILITIES ORDINANCE (AMENDMENT) ACT 1999**

**EXPLANATORY MEMORANDUM**

The purpose of this Act is to amend the principal Act in order to pursue the objectives of independence and autonomy of the Public Utilities Board in accordance with the terms and conditions of the money's advanced to the Republic pursuant to the loan agreement with the Asian Development Bank.


The composition, appointment and removal of the directors on the Board is to be implemented through the alteration of Schedule 1 of the principal Act which is so changed pursuant to s. 3(4) by the Beretitenti acting in accordance with the advice of Cabinet.

Michael N. Takabwe  
Attorney General  
10 May 1999

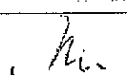
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**CERTIFICATE BY THE CLERK OF THE MANEABA NI  
MAUNGATABU**

This printed impression of the PUBLIC UTILITIES ORDINANCE  
(AMENDMENT) ACT 1999  
Has been examined by me with the Bill which was passed by the Maneaba ni  
Maungatabu on 22<sup>ND</sup>, NOVEMBER, 1999, and is found by me to  
be a true and correctly printed copy of the said Bill.


  
**NATAN BRECHTEFELD**  
Clerk of Parliament

**PUBLISHED BY EXHIBITION AT THE MANEABA NI MAUNGATABU THIS**  
24<sup>TH</sup> DAY OF MARCH, 2000.

  
**Clerk of Parliament**

REPUBLIC OF KIRIBATI  
(No. 12 of 1999)

I assent,



Beretitenti

21/03/2000

**ACT TO AMEND THE PUBLIC UTILITIES ORDINANCE (CAP. 83)**

Commencement:

2000

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

**Short title**

1. This Act may be cited as the Public Utilities (Amendment) (No:2) Act 1999.

**Amendment of section 6**

2. Section 6 of the Public Utilities Ordinance (in this Act referred to as the "principal Ordinance") is amended by -

- a) repealing "\$1000" and substituting "\$5000"; and
- b) repealing "6 months" and substituting "5 years".

**Amendment of section 7**

3. Section 7 of the principal Ordinance is amended by -

- a) repealing "\$500" and substituting "\$5,000"; and
- b) repealing the words "3 months" and substituting "5 years."

**Amendment of section 25**

4. Section 25 of the principal Ordinance is amended in subsection (1) by -

- a) repealing "\$300" and substituting "\$5,000"; and
- b) repealing "6 months" and substituting "5 years."



**Amendment of section 26**

5. Section 26 of the principal Ordinance is amended by;

- a) repealing "\$50" and substituting "\$5,000"; and
- b) repealing "3 months" and substituting "5 years".

**Amendment of section 29**

6. Section 29 of the principal Ordinance is amended by;

- a) repealing "\$50" and substituting "\$5,000"; and
- b) repealing "3 months" and substituting "5 years".

**Amendment of section 30**

7. Section 30 of the principal Ordinance is amended by -

a) in subsection (1) by -

- (i) repealing "\$50" and substituting "\$5000"; and
- (ii) repealing "3 months" and substituting "5 years"; and

b) in subsection (2) by -

- (i) repealing "\$50" and substituting "\$5000"; and
- (ii) repealing "1 month" and substituting "5 years"; and

c) in subsection (3) by -

- (i) repealing "\$100" and substituting "\$5000"; and
- (ii) repealing "3 months" and substituting "5 years".

**Amendment of section 31**

8. Section 31 of the principal Ordinance is amended by -

- a) repealing "\$50" and substituting "\$3,000"; and
- b) repealing "3 months" and substituting "2 years".

PUBLIC UTILITIES (AMENDMENT) (NO:2) ACT 1999

EXPLANATORY MEMORANDUM

The amendments to the Public Utilities Ordinance ("the Ordinance") follow from the proposed amendment to the Penal Code which are contained in the Penal Code (Amendment) Act 1999 concerning property damage and theft of power and water.

Consequently, the existing provisions of the Ordinance relating to the theft of electricity and water and dishonest tampering of apparatus, etc., without a licence by or permission of the Board have been amended to bring in line the penalties provided under the Ordinance with those proposed in the amendments to criminal property damage provisions in the Penal Code.

The various changes referred to above are set out as follows –

1. Clause 2 increases the penalty of a fine from \$1000 to that of \$5000 and of imprisonment from 6 months to 5 years. (section 6)
2. Clause 3 again increases the penalty of a fine from \$500 to that of \$5000 and of imprisonment from 3 months to that of 5 years. (section 7)
3. Clause 4 like the previous two clauses increases the penalty of a fine from \$300 to that of \$5000 and of imprisonment from 6 months to that of 5 years. (section 25)
4. Clause 5 also increases the penalty of a fine from \$50 to that of \$5000 and of imprisonment from 3 months to that of 5 years. (section 26)
5. Clause 6 again increases the penalty of a fine from \$50 to that of \$5000 and of imprisonment from 3 months to that of 5 years. (section 29)
6. Clause 7 again seeks to increase the penalties of a fine and imprisonment as follows –
  - (a) a fine of \$50 to that of \$5000, and of imprisonment of 3 months to that of 5 years; and
  - (b) a fine of \$50 to that of \$5000, and of imprisonment of 1 month to that of 5 years; and
  - (c) a fine of \$100 to that of \$5000, and of imprisonment of 3 months to that of 5 years. (section 30)
7. Clause 8 like the above Clauses again seeks to increase the penalties of a fine from \$50 to \$3000 and of imprisonment from 3 months to that of 2 years. This change is more or less in line with the penalty provided for a similar offence in the Penal Code relating to any person resisting or preventing the lawful apprehension of himself or any other person for any offence. (section 31)

Michael N. Takabwe  
Attorney General

17 November 1999

**CERTIFICATE BY THE CLERK OF THE MANEABA NI  
MAUNGATABU**

This printed impression of the **Public Utilities (Amendment)(No:2) Act 1999** has been examined by me with the Bill which was passed by the Maneaba ni Maungatabu on Tuesday, 14 December, 1999, and is found by me to be a true and correctly printed copy of the said Bill.

  
\_\_\_\_\_  
**NATAN BRECHTEFELD**  
Clerk of Parliament

**CERTIFICATE BY THE SPEAKER OF THE MANEABA NI  
MAUNGATABU**

I certify that the above Act was on the 14 December, 1999 passed by the Maneaba ni Maungatabu on a Certificate of Urgency under Section 68(3)(a) of the Constitution.

  
\_\_\_\_\_  
**Hon. Tekiree Tamuera**  
Speaker

**PUBLISHED BY EXHIBITION AT THE MANEABA NI  
MAUNGATABU THIS 11 DAY OF APRIL, 2000**

  
\_\_\_\_\_  
**Clerk of Parliament**

# SUPPLEMENT NO. 3

Legal Notice No. 14

REPUBLIC OF KIRIBATI  
PUBLIC UTILITIES ORDINANCE  
(No 5 of 1977)  
ELECTRICITY REGULATIONS 1981

In exercise of the powers conferred by section 35 of the Public Utilities Ordinance, the Beretitenti, acting in accordance with the advice of the Cabinet given after consultation by the Minister for Communications and Works with Public Utilities Board, makes the following regulations -

- |  |                         |
|--|-------------------------|
| 1(1) These Regulations may be cited as the Electricity Regulations 1981.   | Short title.            |
| (2) These Regulations apply in all electricity supply areas.   |                         |
| 2. In these Regulations, unless the context otherwise requires -   | Interpretation          |
| "approved contractor" means a firm, company or person approved by the Board under regulation 12;   |                         |
| "electrical installation" includes all electrical wires, fittings, devices, appurtenances and attachments erected or maintained on or about a consumer's premises for the distribution and use of electricity;   |                         |
| "Force majeure" means any occurrence or circumstance beyond the control of the Board or a strike, lock-out of workmen or other industrial dispute or a shortage or failure of supply of fuel or any other essential material.  |                         |
| 3(1) Any person who desires to be supplied with electricity shall deliver to the Board an application on the form supplied by the Board for that purpose, and shall, if so required by the Board either on application or at any other time, deposit and maintain from time to time with the Board a sum estimated by the Board to be sufficient to secure all charges likely to be incurred by the applicant for or incidental to the supply of electricity to him for one month. | Application for supply. |
| (2) The Board may deduct from such deposit any amount from time to time owing by the consumer to the Board for or in connection with the supply of electricity.  |                         |

Fixing and altering miscellaneous charges.

4. After consultation with the Minister the Board may from time to time fix and alter the charges for meters and other electrical apparatus hired to consumers by the Board for the connection or re-connection of a consumer's electrical installation to the mains supply and for the extension of the mains supply to connect with a consumer's electrical installation.

Installation of coin meters.

5(1) The Board may in its discretion connect to the electrical installation of any consumer a coin meter for the purposes of paying for electricity supplied to such consumer.

(2) Payment for electricity supplied to a consumer through a coin meter, shall be made by inserting into such meter coins of the denomination and at the rate fixed from time to time by the Board under regulation 4.

(3) All coins inserted into any coin meter shall thereupon become the property of the Board.

Board may refuse to supply electricity.

6. The Board may refuse to supply electricity, or may discontinue the supply thereof -

- (a) to any premises which in the opinion of the Board are not suitably constructed or are unsound; or
- (b) where in the opinion of the Board such supply might endanger the supply of electricity to, or the safety of, other buildings on the same circuit, or the safety of such circuit, or cause interference with the works, or
- (c) to any consumer who without prior notice or application installs or connects or causes to be installed or connected by any person, other than an approved contractor, any electrical installation or wiring:

Provided that an appliance which is designed and constructed to be connected to the electricity supply by means of a plug and to be affixed to an existing socket installed on the premises may be installed or connected by any person; or

- (d) to any consumer who uses the supply in such a manner as to interfere with the efficiency of supply to other consumers; or
- (e) to any consumer who refuses entry at reasonable hours to any person authorised in writing by the Board to inspect, test, adjust, read or remove any meter of the consumer's installation or any electrical installation which is the property of the Board or to collect and remove any coins from a coin meter connected to the consumer's installation; or
- (f) to any consumer who defaults in paying any sum due to the Board whether for electricity supply, meter rental or otherwise within one calendar month of the date of issue of the account requiring payment of that sum; or

- (g) to any consumer whose service lines, installation or apparatus fail to comply with the standards required by the Board; or
- (h) to any consumer who interferes with or damages any apparatus belonging to the Board; or
- (i) where it is necessary to inspect, repair or test any electrical installation or work; or
- (j) where supply of electricity would necessitate any alteration or addition to, or extension of the Board's mains; or
- (k) where in the opinion of the Board, insufficient generating capacity is available.

7. The Board shall not be liable in any circumstances whatsoever for any loss, injury or damage arising out of or in connection with any interruption in or failure of the supply of electricity or the provision of services or apparatus, necessary for or ancillary to the supply of electricity as a result or consequence of actual or anticipated Force Majeure.

Force majeure.

8. Charges for electricity supplied and services and apparatus provided for and in connection with the supply of electricity shall be due and payable within one month ~~of the date of an account thereof rendered by the Board~~ and if any consumer fails to pay such charges by the due date he shall be liable to pay additionally interest on such charges at the rate of 10 per centum per annum to be computed from the due date and the Board may cause the supply of electricity to be cut off from and not renewed to such consumer unless and until he pays the said charges together with such interest thereon and applies for a supply of electricity in the manner hereinbefore provided and pays any prescribed re-connection fee.

Liability for payment

9(1) The register of any meter provided and fixed by the Board on a consumer's premises shall be prima facie evidence of the amount of electricity supplied to such premises. Should the consumer dispute the accuracy of a meter, he may apply to the Board to have the meter tested or re-read.

Accuracy of meter.

(2) All tests on meters shall be conducted by the Board after payment by the consumer of a fee of \$2.50 to be reimbursed by the Board in the event of the test showing the meter to be inaccurate. The test of any meter shall be such as to show the errors in any registration for values of load up to the maximum rating of the meter.

(3) If the maximum error so found by the test exceeds two and one-half per centum at unity power factor of the correct quantity the mean error shall be determined by the Board, and this shall be used to correct the amount of electricity registered by the meter and disputed by the consumer and the consumer shall be charged with or credited with, as the case may require, the sum chargeable in respect of the amount of such excess or deficiency. In no case shall the period for which adjustments are made exceed a period of three months immediately preceding the date on which the consumer first disputed the accuracy of the meter.

(4) Should any meter cease to register, or be found to register so incorrectly that in the opinion of the Board the error cannot be determined with reasonable accuracy, then the Board shall make a fair and reasonable assessment of the charge to be paid. This shall be in respect of a period not exceeding three months prior to the date on which the registration of the meter was disputed or the date on which the meter was found to be defective, whichever was the earlier date.

Electrical  
Installations.

10(1) (a) Wiring methods and workmanship of any electrical installation or of any alteration of the same shall conform to the requirements of the Wiring Rules, Part I, of the Standards Association of Australia, as amended from time to time.

(b) Specifications for wire, cable, material, fittings, apparatus or appliances shall conform to the Wiring Rules, Part II, of the Standards Association of Australia, or to British Standard Specifications.

(2) The Board may arrange for periodical inspections to be made of all electrical installations and appliances upon any consumer's premises.

(3) Every electrical installation shall be maintained by the consumer to comply with these Regulations.

(4) No person shall connect, and no consumer shall permit to be or to remain connected to any electrical installation, any wires, cable, fittings, apparatus, appliances or accessories which are declared to be unsafe by the Board.

(5) No person shall connect any lamp, appliance, apparatus or device consuming more than 200 watts to any bayonet-cap lampholder.

Licensing  
of electricians.

11(1) No person shall supervise the work of running, laying, fixing or installing of wires, materials or apparatus for conveying, transmitting, controlling or using electricity supplied or to be supplied by the Board unless he is the rightful holder of a valid electrician's "A" licence granted by the Board under the provisions of these Regulations.

(2) No person shall carry out the work of running, laying, fixing or installing of wires, materials or apparatus for conveying, transmitting, controlling or using electricity supplied or to be supplied by the Board unless, not being the holder of an "A" licence, he is the rightful holder of a valid electrician's "B" licence granted by the Board under the provisions of these Regulations.

(3) Any person desirous of obtaining from the Board an electrician's licence shall apply to the Board in writing, stating whether he is applying for an "A" or a "B" licence, and setting forth his qualifications and experience. The Board, provided it is satisfied that the applicant has the necessary qualifications and experience, which may be determined by such tests or examinations as the Board may think fit, may issue the applicant with the appropriate licence, which shall be in the form prescribed in the

Schedule hereto. Such licences shall be purely personal and shall be valid for life, or until rescinded in the Board's discretion:

Schedule

Provided that the Board may in its discretion issue the applicant with an interim licence, either "A" or "B", in the form prescribed in the Schedule hereto which shall be valid for the period stated thereon.

Schedule

(4) Officers and servants of the Board are exempt from the requirements of this regulation.

12(1) No person shall contract to run, lay, fix or install any wires, materials or apparatus for conveying, transmitting, controlling or using electricity unless he is an approved contractor.

Approved contractor.

(2) Any person who wishes to be an approved contractor for the purpose of these Regulations shall make application for approval to the Board and shall furnish all particulars which the Board may require. The Board may in its discretion approve the contractor either generally or for a particular contract or refuse to approve him.

13(1) Before commencing to run, lay, fix or install wire, materials or apparatus for conveying, transmitting, controlling or using electricity supplied or to be supplied by the Board, the approved contractor undertaking the work shall lodge with the Board a notice in writing stating the full particulars of the work to be done and apparatus to be connected and the premises in which the work will be executed, together with such plans and drawings as the Board may require.

Notice by approved contractor.

(2) On the completion of any work on any electrical installation the approved contractor responsible for the work shall lodge with the Board a notice in writing, signed by such approved contractor and giving particulars of the number of lighting outlets, power outlets, motors and other apparatus installed, and any other particulars of the work done which the Board may require.

14(1) No electrical installation other than an appliance of the type described in the proviso to regulation 6(c) shall be connected to the Board's electricity supply system until it has been inspected and tested by a person authorised by the Board to ensure that it complies with the requirements of these Regulations.

Inspection and testing of electrical installation.

(2) No charge will be made for the first inspection and test of work done by an approved contractor, but if it should be found that the work does not comply with the requirements of these Regulations, a fee of one dollar shall be paid to the Board by the approved contractor concerned for each and every subsequent inspection and test.

(3) Any inspection and test is made for the protection of the Board's supply system, and the connection of any work does not imply that it has been done in the best possible manner, and the Board shall not be responsible should a defect subsequently be revealed in the installation.

15. Under special circumstances, notwithstanding the provisions of these Regulations, the Board may permit the connection of an electrical installation although one or

Temporary supply.



more of the requirements of these Regulations have not been satisfied, provided that no such permission shall be granted unless the installation in the opinion of the Board be reasonably free of electrical hazard for a limited time. Such permission shall be for a period not exceeding three months.

Meters and meter board.

16(1) Subject to the provisions of any special agreement the Board shall supply and install one or more meters on the premises of each consumer, which the Board may require to be housed in an approved fireproof meter box to be provided by the applicant for the supply concerned. A meter shall be installed in a position determined by the Board, who in installing a coin meter shall take account of the convenience of the consumer in determining such position, and such meter shall be accessible to the Board's officers at all times.

(2) The Board shall affix to a building or structure in which electrical equipment is to be installed, a card marking the point of entry of the service wires. The mains entry box shall be installed at this point. The Board shall provide and install fuses between the supply mains and the point of entry of the service wires to the consumer's premises. The service line will be provided and installed free to a maximum length of 30 metres from the nearest supply mains. The cost of any additional length of service line which the Board considers necessary shall be borne by the applicant concerned.

(3) Equipment provided and fixed by the Board shall remain the property of the Board. A consumer shall not in any way interfere with such equipment, but shall at all times report to the Board any observed or apparent defects therein.

Mains switchboard.

17. A switchboard shall be of a type approved by the Board. The arrangement of wiring, accessories and instruments on a switchboard likewise shall be approved by the Board.

Motors and other apparatus.

18(1) The starting current of electric motors shall be kept within such limits as the Board may require.

(2) The Board shall have the right to compel a consumer to improve his power factor to 0.8 lag at its discretion.

SCHEDULE  
ELECTRICITY REGULATIONS  
(Regulation 11)

ELECTRICIAN'S "A" LICENCE

No.....

This licence entitles .....  
of .....  
to supervise or carry out electrical work subject to the provisions of the Public Utilities Ordinance and the Electricity Regulations.

Dated this ..... day of ..... 19.....

Board

Signature of Electrician:

ELECTRICITY REGULATIONS  
(Regulation 11)

ELECTRICIAN'S INTERIM "A" LICENCE

No. ....

This licence entitles .....  
of .....  
to supervise or carry out electrical work subject to the  
provisions of the Public Utilities Ordinance and the  
Electricity Regulations during the period from .....  
to ..... inclusive.

Dated this ..... day of ..... 19.....

Board

Signature of Electrician:  
.....

ELECTRICITY REGULATIONS  
(Regulation 11)

ELECTRICIAN'S "B" LICENCE

No. ....

This licence entitles .....  
of .....  
to carry out electrical work subject to the provisions of  
the Public Utilities Ordinance and the Electricity  
Regulations.

Dated this ..... day of ..... 19.....

Board

Signature of Electrician:  
.....

ELECTRICITY REGULATIONS  
(Regulation 11)

ELECTRICIAN'S INTERIM "B" LICENCE

No. ....

This licence entitles .....  
of .....  
to carry out electrical work subject to the provisions of  
the Public Utilities Ordinance and the Electricity Regula-  
tions during the period from .....  
to ..... inclusive.

Board

Signature of Electrician:  
.....

Dated this 9th day of March, 1981.

I. T. TABA  
Beretitenti

Published by exhibition at the Public Office of the  
Beretitenti this 11th day of March, 1981.

M. E. TERUBEA  
for Secretary to the Cabinet

Legal Notice No. 15

REPUBLIC OF KIRIBATI  
PRICES ORDINANCE, 1976

PRICES REGULATION (NO. 1) OF 1981

In exercise of the powers conferred by section 3(1)  
of the Prices Ordinance 1976, the Minister of Trade,  
Industry and Labour hereby makes the following order:-

Short title  
and commence-  
ment.

1. This order may be cited as the Prices Regula-  
tion Order (No. 1) of 1981 and shall come into operation  
on 17th March, 1981.

Amendment of  
Part 1 of the  
schedule to  
the Prices  
Regulation  
Order (No.6)  
of 1980.

2. Part 1 of the schedule to the Prices Regula-  
tion Order (No. 6) of 1980 and any amendment thereof shall be  
deleted and replaced as below:-

PART I

<u>Commodity</u>	<u>Prices</u>
Flour	0.28c per lb
Rice (excluding prepacked rice not exceeding 2 kgms in weight)	0.35c per lb
Twist tobacco	0.33c per stick
Raw Sugar	0.28c per lb
White Sugar	0.61c per lb
Ox & Palm Corned Beef	\$1.68 per 12 oz tin
Ox & Palm Corned Beef (with cereal)	1.22 per 12 oz tin
<u>Bar Soap</u>	
500 gms (PALM brands)	0.72c per bar
500 gms (other brands)	0.62c per bar
600 gms (Waratah & Anchor)	0.89c per bar
600 gms (other brands)	0.74 per bar
<u>Kerosene</u>	
Makin - Abemama	\$2.63 per gallon
Nonouti - Arorae	2.74 per gallon
North Tarawa	2.54 per gallon
South Tarawa	2.02 per gallon

Dated this 17th day of March, 1981.

HON. IEREMIA T. TABA  
Beretitenti

Published by exhibition at the Public Office of the  
Beretitenti this 17th day of March, 1981.

M. E. TERUBEA  
for Secretary to the Cabinet



# KIRIBATI GAZETTE

No:

31st October, 1997

## SUPPLEMENT OF ACTS No.

THE PUBLIC UTILITIES ORDINANCE (CAP.83)  
(Section 3(4))

SCHEDULE 1 AND SCHEDULE 2  
OF THE PUBLIC UTILITIES ORDINANCE  
(AMENDMENT) ORDER 1997

In exercise of the powers conferred by section 3(4) of the Public Utilities Ordinance (Cap.83) (hereinafter referred to as "the Ordinance"), the Beretitenti, acting in accordance with the advice of Cabinet, amends Schedule 1 and Schedule 2 of the Ordinance as follows:

### Short Title

1. This Order may be cited as the Schedule 1 and Schedule 2 of the Public Utilities Ordinance (Amendment) Order 1997.

### Repeal of Schedule 1 and Schedule 2

2. Schedule 1 and Schedule 2 of the Ordinance are repealed and the following Schedules are substituted-

**"SCHEDULE 1**  
(Section 3(2))

### *Appointment of members of the Board*

1. (1) The Board shall consist of not more than 8 nor less than 4 members appointed by notice by the Minister.  
(2). Not more than 3 and not less than 1 of the members shall be at the time of their appointment employed as public officers.

### *Chairman*

2. (1) The Minister shall appoint one of the members to be the Chairman of the Board for such period as he may specify.  
(2) The Chairman shall keep the Minister fully informed concerning the activities and business of the Board and shall furnish the Minister with such information as the Minister may request with respect to any particular matter relating to the activities and business of the Board.  
(3) The Board may by instrument in writing direct that, subject to such conditions as may be specified in that instrument, such of the functions of the Board as may be so specified shall (without prejudice to the performance of those functions by the Board) be performed by the Chairman.  
(4) The Minister shall appoint one of the members to be the Deputy Chairman of the Board for such period as

he may specify.

(5) In the case of the absence or inability to act of the Chairman and the Deputy Chairman shall perform the functions of the Chairman.

(6) In the case of the absence or inability to act of the Chairman and the Deputy Chairman the Minister may appoint one of the remaining members to perform the functions of the Chairman.

(7) In the case of the absence or inability to act at any meeting of both the Chairman and the Deputy Chairman the remaining members shall elect one of their number to act as Chairman at that meeting.

#### *Tenure of office*

3. (1) A member shall, subject to the provisions of this Schedule, hold office for such period being not less than 2 nor more than 4 years as may be specified in the notice appointing him, but shall be eligible for reappointment.

(2) The Minister may at any time revoke the appointment of any member if he thinks it expedient so to do and if the appointment of the Chairman or Deputy Chairman is so revoked he shall cease to be Chairman or Deputy Chairman as the case may be.

#### *Resignation*

4. (1) Any member, other than the Chairman, may at any time resign his office by notice in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such notice such member shall cease to be a member of the Board.

(2) The Chairman may at any time resign his office by notice in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such notice by the Minister.

#### *Authentication of seal and documents*

5. All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Chairman or any member authorised to act in that behalf.

#### *Procedure and meetings*

6. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Board shall determine.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within 7 days of a written request to that effect addressed to him by any 2 members.

(3) The quorum of the Board shall be 3 including the Chairman or the Deputy Chairman or the member elected to act as the Chairman as aforesaid.

(4) Minutes in proper form for each meeting shall be kept and shall be confirmed, whenever practicable, at the next meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

(5) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(6) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

he may specify.

(5) In the case of the absence or inability to act of the Chairman and the Deputy Chairman shall perform the functions of the Chairman.

(6) In the case of the absence or inability to act of the Chairman and the Deputy Chairman the Minister may appoint one of the remaining members to perform the functions of the Chairman.

(7) In the case of the absence or inability to act at any meeting of both the Chairman and the Deputy Chairman the remaining members shall elect one of their number to act as Chairman at that meeting.

#### *Tenure of office*

3. (1) A member shall, subject to the provisions of this Schedule, hold office for such period being not less than 2 nor more than 4 years as may be specified in the notice appointing him, but shall be eligible for reappointment.

(2) The Minister may at any time revoke the appointment of any member if he thinks it expedient so to do and if the appointment of the Chairman or Deputy Chairman is so revoked he shall cease to be Chairman or Deputy Chairman as the case may be.

#### *Resignation*

4. (1) Any member, other than the Chairman, may at any time resign his office by notice in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such notice such member shall cease to be a member of the Board.

(2) The Chairman may at any time resign his office by notice in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such notice by the Minister.

#### *Authentication of seal and documents*

5. All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Chairman or any member authorised to act in that behalf.

#### *Procedure and meetings*

6. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Board shall determine.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within 7 days of a written request to that effect addressed to him by any 2 members.

(3) The quorum of the Board shall be 3 including the Chairman or the Deputy Chairman or the member elected to act as the Chairman as aforesaid.

(4) Minutes in proper form for each meeting shall be kept and shall be confirmed, whenever practicable, at the next meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

(5) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(6) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

*Allowances to members of Board*

7. (1) Members of the Board may be paid, out of the funds of the Board, such travelling and other expenses as may be incurred by them in respect of their duties as Members, and, subject to subparagraph (2), an attendance allowance at such rate as the Minister may by order from time to time determine.

*Protection of Members*

8. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of this Ordinance

*Declaration of interest of members*

9. (1) If a member has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Board at which the contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the meeting, disclose to the Board the fact and nature of his interest, and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.

(2) Any member of the Board who contravenes any provision of subparagraph (1) shall be guilty of an offence and liable on conviction to a fine not exceeding \$100 or to imprisonment for a period not exceeding 3 months or to both such fine and imprisonment, and the court before which he is convicted may order that he shall vacate his seat as such member and thereupon his seat shall become vacant.

*Secrecy*

10. (1) Any person employed in the administration of the business of the Board shall regard and deal with all documents, information, returns and forms relating to the business of the Board or any financial records or any other matter of the Board as secret

(2) Any such person who, having possession of or control over any documents, information, returns or forms relating to any of the matter aforesaid, communicates or attempts to communicate such information or anything contain in such documents, returns or forms or financial records to any person-

- a) other than a person to whom he is authorised by the Minister or the Board to communicate it; or
- b) otherwise than for the purposes of the business of the Board; or
- c) otherwise than by or in accordance with the directions of any court,

Shall be guilty of an offence and liable on conviction before a magistrate's court to a fine not exceeding \$100 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.

## SCHEDULE 2

(Section 3(3))

### *Appointment of staff of Board*

1. (1) The Board shall appoint the Chief Executive Officer who shall, subject to the Board's instruction, direct the employees of the Board and all other administrative and operational functions of the Board.
- (2) The Board shall from time to time establish such other posts including that of Accountant as it considers necessary and proper for the due and efficient administration, management and performance by the Board of its duties under this Ordinance and shall, appoint staff to fill these posts.
- (3) The termination of appointment, dismissal and disciplinary control of the staff and the Chief Executive Officer shall be vested in the Board.
- (4) (a) In the course of a Board meeting when representations from an employee of the Board are received in relation to the dismissal or disciplinary control of that employee, the Board shall, unless the employee concerned otherwise consents, exclude the Chief Executive Officer from that part of the meeting during which the representations are being received.  
(b) In the course of a Board meeting where the Board is deliberating on a matter involving the dismissal or disciplinary control of an employee, the Chief Executive Officer shall be excluded from that part of the meeting during which such deliberations are taking place.

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### *Responsibility of certain officers*

2. All officers charged with the receipt, accounting for, or disbursements of money, or with the custody or delivery of stores, or other property belonging to the Board shall be individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all the property entrusted to their care, and for the due observance of all rules and regulations and of all orders and instructions prescribed for their guidance."

Dated 7th day of October, 1997

**Hon. Teburoro Tito  
Beretitenti**

Published by exhibition at the Public Office of the Beretitenti this 7th day of October, 1997

**Rikiaua Takeke  
for Secretary to Cabine**

Printed by Toon Amanu  
Government Printer  
Bairiki, Tarawa Republic  
of Kiribati



No. 48

**THE PUBLIC UTILITIES ORDINANCE  
(CAP. 83) (SECTION 3(4))**

**SCHEDULE 2 OF THE PUBLIC UTILITIES  
ORDINANCE (AMENDMENT) ORDER 2001**

In exercise of the powers conferred by section 3(4) of the Public Utilities (Cap. 83) (hereinafter referred to as "the Ordinance"), the Beretitenti, acting in accordance with the advice of Cabinet, amends Schedule 2 of the Ordinance as follows-

**Short title**

1. This Order may be cited as Schedule 2 of the Public Utilities Ordinance (Amendment) Order 2001.

**Amendment of Schedule 2**

2. Schedule 2 of the Ordinance as amended is amended by repealing section 1(3) and substituting the following section-

1. (3) The termination of appointment, dismissal and disciplinary control of the staff shall be vested in Management and shall be carried out in accordance with the principles of natural justice. Staff whose appointments are terminated or dismissed or staff who are reprimanded or disciplined in other ways by virtue of the decision made by the Management, may however, appeal to the Board within 14 days of such decision, if not satisfied with the punishment imposed, in which case the Board's decision reviewing or withholding the punishment imposed shall be final. The Management referred to in subsection 1(3) shall comprise the Chief Executive Officer and at least 3 Head of Divisions within the Board.

Dated this 18th day of December 2001.

**Hon. Teburoro Tito  
Beretitenti**

Published by exhibition at the Public Office of the Beretitenti this 18th day of December 2001.

**Mr Bureti Williams  
Secretary to the Cabinet**

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No. 49

**THE PAROLE BOARD ACT  
(Section Part IV S.19)**

**APPOINTMENT OF CHIEF PAROLE OFFICE**

In exercise of the powers conferred by Section 19 of the Parole Board Act 1986 the Beretitenti acting in accordance with the advice of Parole Board hereby approved the appointment of the named person herein as a Chief Parole Officer;

**Mr. Amon Timan**

Done at Bairiki, Tarawa this 18th day of December 2001

**Hon. Teburoro Tito  
Beretitenti**

Published by exhibition at the Public Office of the Beretitenti this 18th day of December 2001

**Mr. Bureti Williams  
Secretary to the Cabinet**

\*\*\*\*\*

No. 50

**KIRIBATI PROVIDENT FUND ACT  
(CAP. 78A) (SECTION 3)**

**APPOINTMENT OF MEMBERS OF THE  
KIRIBATI PROVIDENT FUND BOARD**

In exercise of the powers conferred upon me by Section 3 of the Kiribati Provident Fund Ordinance (Cap. 78A), I hereby appoint:-

**Mr. Tebuai Uaai**

to be member and Deputy Chairman of the Board of Directors of the Kiribati Provident Fund for a period of 3 years to replace:-

**Dr. Tetaua Taitai**

Whose appointment is revoked with effect from today, 31st December 2001.

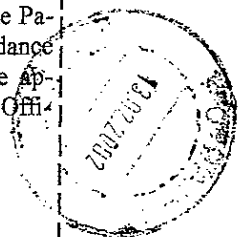
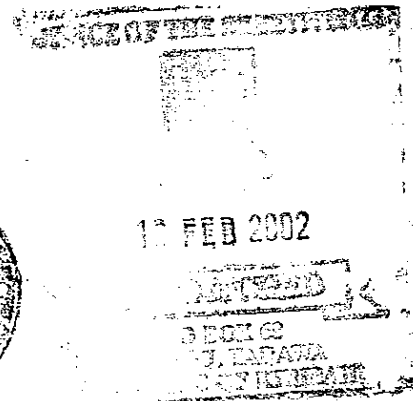
Dated this 31st December, 2001.

**Hon. Beniamina Tinga  
Minister of Finance and  
Economic Planning**

Published by exhibition at the Public Office of Te Beretitenti this 31st day of December 2001

**Mr. Bureti Williams  
Secretary to the Cabinet**

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*Bairiki*

*Attorney General A.G's Chambers*