



TRINIDAD AND TOBAGO

No. 8—1961

[L.S.]

I ASSENT,

SOLOMON HOCHOY

Governor.

15th April, 1961.

AN ORDINANCE to amend the Trinidad and Tobago
Electricity Commission Ordinance.

[On Proclamation]

Commence-
ment.

ENACTED by the Governor of Trinidad and Tobago with the
advice and consent of the Legislative Council.

Enactment.

1. (1) This Ordinance may be cited as the Trinidad and
Tobago Electricity Commission (Amendment) Ordinance, 1961,
and shall be read as one with the Trinidad and Tobago
Electricity Commission Ordinance, hereinafter referred to as
the Principal Ordinance.

Short title and
Commence-
ment.

Ch. 37. No. 5.

(2) This Ordinance shall come into operation on a day to be fixed by the Governor by Proclamation in the *Royal Gazette*.

Section 2 of
Principal
Ordinance
amended.

2. Section 2 of the Principal Ordinance is amended by—

- (a) deleting from the definition of “consumer’s terminals” the words “and includes the receiving ends of the Corporation’s cables at the generation station of the Trinidad and Tobago Electricity Commission”;
- (b) deleting from the definition of “public purposes” the words “and includes supplying the electricity required for operating the transportation system of the Corporation,”; and
- (c) deleting therefrom the definition of “the Corporation”.

Principal
Ordinance
section 5
amended.

3. Sections 4 and 5 of the Principal Ordinance are repealed and the following are substituted therefor :

“Constitution
of Commission.

4. (1) The Commission shall consist of not less than seven and not more than ten members, as the Governor in Council may from time to time determine.

(2) The members of the Commission shall be appointed by the Governor in Council from persons appearing to the Governor in Council to be qualified by reason of having had experience of and shown capacity in, matters relating to utilities, electrical supply, industry, trade, finance, science or administration, but nothing in this subsection shall be taken to disqualify any member of the Commission holding office on the commencement of this section.

(3) The Governor in Council shall appoint the Chairman and Deputy Chairman of the Commission from the members of the Commission.

(4) A member of the Commission shall, subject to subsections (6) and (7) of this section, hold office for such period not exceeding five years, as the Governor in Council may direct, but a member of the Commission is eligible for re-appointment.

(5) A person appearing to the Governor in Council to have the qualification required under subsection (2) of this section may be appointed by the Governor in Council as a member of the Commission to act temporarily in the place of any member of the Commission who is absent from the Territory of Trinidad and Tobago or unable to act by reason of illness or other cause.

(6) A member of the Commission may at any time resign his office by instrument in writing addressed to the Chairman who shall forthwith forward the resignation to the Minister of Finance.

(7) The Governor in Council may at any time revoke the appointment of a member of the Commission when the Governor in Council thinks it necessary or proper to do so.

(8) The appointment of any member of the Commission and the termination of office of a member, whether by death, resignation, revocation, effluxion of time or otherwise, shall be notified in the *Royal Gazette*.

(9) The powers of the Commission are not affected by any vacancy in the membership of the Commission.

(10) A member of the Commission holding office on the commencement of this section continues to hold office subject to and in accordance with this section; but such a member shall, unless his appointment is earlier terminated under subsection (6) or (7) of this section, vacate his office at the end of two years from the date of his appointment.

Policy
directions.

5. (1) The Governor in Council may from time to time give the Commission directions of a general character on the policy to be followed in the exercise of the powers conferred and the duties imposed on the Commission by or under this Ordinance in relation to matters that appear to the Governor in Council to affect the public interests of the Territory of Trinidad and Tobago.

(2) The Commission shall, as soon as practicable, give effect to all directions issued pursuant to subsection (1) of this section."

4. The Principal Ordinance is amended by adding the following new Part immediately after Part III.

New Part
IIIA added to
Principal
Ordinance.

" PART IIIA

Port-of-Spain Corporation and San Fernando Corporation : Vesting of certain property rights and liabilities thereof in Commission.

Port-of-Spain
Electricity
Undertakings
Vested in
Commission.

Ch. 39. No. 6.

11A. (1) There is hereby vested in the Commission in absolute ownership the whole of the electricity undertaking of the Port-of-Spain Corporation that is carried on under the authority of the Port-of-Spain Corporation (Electricity) Ordinance, including the substations, electric lines, mains, service lines, works, apparatus and mechanical appliances that relate to the distribution of electrical energy within the limits of the City of Port-of-Spain or that relate to the sale or repair of electrical materials, fittings, accessories, apparatus and other electrical devices.

(2) All interests, rights and easements and all liabilities in or appertaining to the property vested in the Commission by subsection (1) of this section hereby become the interests, rights, easements and liabilities of the Commission.

(3) All policies of insurance effected by the Port-of-Spain Corporation on any of the properties vested in the Commission by subsection (1) of this section are hereby assigned to the Commission.

(4) Subject to section 11D of this Part, the benefits and burdens of any contracts or leases or tenancy agreements, in force immediately before the commencement of this Part and that appertain to the undertaking vested in the Commission by subsection (1) of this section and to which the Port-of-Spain Corporation is a party, are hereby transferred from the Port-of-Spain Corporation to the Commission.

(5) All moneys that, immediately before the commencement of this Part, stood to the credit of the Port-of-Spain Corporation in respect of the electricity undertaking of that Corporation are hereby transferred to and vested in the Commission.

(6) The right to recover and receive any moneys that, immediately before the commencement of this Part, were due to the Port-of-Spain Corporation in respect and for the account of the electricity undertaking of the Port-of-Spain Corporation or that would

after that date have become due to that Corporation if this Part had not been enacted, are hereby transferred and vested in the Commission; and this subsection shall be given effect as if those moneys had always been payable to the Commission.

(7) Any liability of the Port-of-Spain Corporation that refers solely to the electricity undertaking of the Port-of-Spain Corporation including liability for interest—

(a) on any loan deemed to have been transferred to and to have become the liability of that Corporation under subsection (3) of section 3 of the Port-of-Spain Corporation (Electricity) Ordinance, or

(b) on any loan raised, or on any advances borrowed, or on any overdraft with any bank arranged, by that Corporation under the authority of section 13 of that Ordinance,

is hereby transferred to and becomes the liability of the Commission.

Ch. 39. No. 6.

Acts etc. of
Port-of-Spain
Electricity
Board.

11B. Acts, engagements and defaults done or undertaken or committed by the Port-of-Spain Corporation Electricity Board within the scope of the authority conferred upon that Board by the Port-of-Spain Corporation (Electricity) Ordinance shall for the purposes of this Part be deemed to be the acts, engagements and defaults of the Commission.

Ch. 39. No. 6.

Funds of
Commission.

11C. All sums payable to or that accrue to the Commission under section 11A of this Part shall be deemed to be revenue of the Commission for the purposes of section 14 of this Ordinance, and with the other moneys of the Commission shall be applied in and towards the discharge of any liabilities of the Port-of-Spain Corporation that have been transferred by this Part.

Transfer of
Offices to
Commission.

11D. (1) The holders of such offices in the Port-of-Spain Corporation as may be designated by the Commission and approved by the Minister for the time being administering the subject of electricity—

(a) shall be transferred to the service of the Commission on the commencement of this Part, and

(b) shall hold similar offices under the Commission or such other offices as the Commission may determine, in either case at salaries or wages no less than those that applied in respect of their services under the Port-of-Spain Corporation Electricity Board, on the 30th day of September, 1960, if immediately before the commencement of this Part the holders of those offices were employed by the Port-of-Spain Corporation Electricity Board pursuant to section 9 of the Port-of-Spain Corporation (Electricity) Ordinance.

Ch. 39. No. 6.

(2) Any money on deposit, in the Provident Fund authorized by subsection (4) of section 9 of the Port-of-Spain Corporation (Electricity) Ordinance, on behalf of any employee of the Port-of-Spain Corporation Electricity Board for whom no life assurance has been effected or pure endowment policy purchased in connection with that Provident Fund, if the employee becomes an employee of the Commission by virtue of this Part, shall, as soon as practicable after the commencement of this Part, be paid, together with the interest thereon, to the Commission by that Board and shall be placed to the credit of the employee in the Provident Fund or Pension Fund authorized under subsection (4) of section 9 of this Ordinance.

No. 15—1958.

(3) Policies of assurances effected on behalf of any employee of the Port-of-Spain Corporation Electricity Board in connection with the Provident Fund authorized by subsection (4) of section 9 of the Port-of-Spain Corporation (Electricity) Ordinance, if the employee becomes an employee of the Commission by virtue of this Part, are hereby assigned to the Commission with effect from the date of the commencement of his employment with the Commission.

Ch. 39. No. 6.

San Fernando
Electricity
Undertaking
Vested in
Commission.

Ch. 39. No. 9.

11E. (1) There is hereby vested in the Commission in absolute ownership the whole of the electricity undertaking of the San Fernando Corporation that is carried on under the authority of the San Fernando Electric Works Ordinance, including electric lines, mains, service lines and mechanical appliances that relate to the distribution of electrical energy within the Borough of San Fernando.

(2) The benefit and burden of any lease or tenancy agreement in which the San Fernando Corporation was tenant immediately before the commencement of this Part and that relates to any lands or buildings vested in the Commission by subsection (1) of this section, are hereby transferred from that Corporation to the Commission.

(3) All interests, rights and easements and all liabilities in or appertaining to the property vested in the Commission by subsection (1) of this section, hereby become the interests, rights, easements and liabilities of the Commission.

(4) All policies of insurance effected by the San Fernando Corporation on any of the properties vested in the Commission by subsection (1) of this section, are hereby assigned to the Commission.

(5) All liabilities of the San Fernando Corporation referable solely to capital expenditure in respect of the electricity undertaking of the San Fernando Corporation that is vested in the Commission by subsection (1) of this section, including any liabilities for interest on any loan raised therefor by that Corporation under the authority of section 133 of the San Fernando Corporation Ordinance, are hereby transferred to, and become the liabilities of, the Commission.

Ch. 39. No. 7. Funds of the Commission. 11F. The moneys of the Commission shall be applied in and towards the discharge of any liabilities of the San Fernando Corporation that have been transferred to the Commission by section 11E of this Part.

Supplementary Order of Governor in Council. 11G. (1) Subject to subsection (2) of this section, the Governor in Council may, by order, make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the transfer of powers or duties under this Part, including provisions for the transfer of any property, rights and liabilities held, enjoyed or incurred by the Port-of-Spain Corporation or the San Fernando Corporation, as the case may be, in connection with any powers or duties transferred, and may make such orders as may be necessary to enable the Commission and the officers thereof to exercise the powers and duties so transferred to the Commission.

(2) An order made under this section has no effect until approved by resolution of the Legislative Council.

Completion
of acts and
proceedings.

11H. (1) Where, before the commencement of this Part, any matter or thing has been commenced—

(a) by or under the authority of the Port-of-Spain Corporation Electricity Board, or

(b) by or under the authority of the San Fernando Electric Works Ordinance,

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and the matter or thing relates to the powers or duties transferred to the Commission by or under this Part, the matter or thing may be carried on and completed by or under the authority of the Commission.

(2) Where, at the time of the transfer of any powers or duties by or under this Part, any legal proceeding is pending to which the Port-of-Spain Corporation or San Fernando Corporation is a party and the proceeding has reference to the powers and duties transferred to the Commission by or under this Part, the Commission shall be substituted in the proceeding for the Port-of-Spain Corporation or San Fernando Corporation, as the case may be, and the proceeding does not abate by reason of the substitution.”

5. Part IV of the Principal Ordinance is replaced and the following new Part is substituted therefor :

“PART IV

Financial Provisions

Power to
borrow or
raise
capital.

12. (1) The Commission may, from time to time, with the approval of the Governor in Council, 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 Commission under this Ordinance;

(c) the provision of capital for the expansion of and additions to, its fixed assets;

- (d) the redemption of any debenture or debenture stock or other security that the Commission is required or entitled to redeem;
- (e) any other expenditures properly chargeable to capital account.

(2) The Commission may, from time to time, borrow by way of overdraft or otherwise for periods not exceeding twelve months such sums as the Commission may require for meeting its obligations and discharging its functions under this Ordinance.

Borrowing by
advances from
Government.

13. (1) The Commission may from time to time borrow by way of advances from the Government such sums as may be necessary for carrying out its functions under this Ordinance, but notice of any such advance shall be given to the Legislative Council.

(2) For the purpose of making approved advances to the Commission under this section, the Minister of Finance may authorize advances out of the proceeds of any loan raised for the purpose or out of the reserve fund, revenues or surplus balances of the Territory of Trinidad and Tobago.

(3) Pending the raising of any such loan, the Minister of Finance by warrant under his hand, may authorize the Accountant General to make advances out of the revenues of the Territory of Trinidad and Tobago to the Commission in such sums and on such terms and conditions as the Minister of Finance may think fit for the purposes authorized by this Ordinance.

(4) The repayment of any such advances and the payment of interest thereon shall be made by the Commission in like manner as any other borrowings by the Commission, subject to any special terms and conditions which may be stipulated with respect to any such advance by the Minister of Finance upon the making thereof.

Application
of revenue.

14. (1) The revenue of the Commission for any financial year shall be applied in defraying the following charges:

- (a) the remuneration, fees and allowances of the members of the Commission;

- (b) the salaries, fees, remuneration and gratuities, (including payments for the maintenance of the Provident Fund or Pension Fund authorized by subsection (4) of section 9) of the officers, agents and servants, and technical and other advisers, of the Commission;
 - (c) working and establishment expenses and expenditure on, or a provision for, the maintenance of any of the works of the Commission, and the discharge of the functions of the Commission properly chargeable to revenue account;
 - (d) interest on any debenture and debenture stock or other security issued, and on any loan raised by, the Commission;
 - (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 Commission having regard to the amount set aside out of the revenue under paragraph (e) of this subsection;
 - (g) any other expenditure authorized by the Commission and properly chargeable to revenue account.
- (2) The balance of the revenue of the Commission shall be applied to the creation of reserve funds to finance future expansion.

Authorized
Investments.

15. Funds of the Commission not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Commission may be invested from time to time in securities approved by the Governor in Council for investment by the Commission.

Duty of the
Commission
in financial
matters.

16. (1) The prices to be charged by the Commission for the supply of energy and services shall be in accordance with such tariffs as may, from time to time, be fixed under section 40.

(2) Subsection (1) does not prevent the Commission from charging other prices by special agreement under section 41.

(3) In fixing tariffs and making agreements for the supply of energy, the Commission shall not show undue preference as between consumers similarly situated, and shall not exercise undue discrimination as between persons similarly situated, having regard to the place and time of supply, the quantity of energy supplied, the consumer load and power factor, and the purpose for which the supply is taken.

Accounting of
Commission

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

(2) The Commission 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.

Ord. 20-1959.

(3) The accounts of the Commission shall be audited by auditors to be appointed annually by the Commission or under the supervision of the Director of Audit in accordance with the Exchequer and Audit Ordinance, 1959, if so directed by resolution of the Legislative Council.

(4) After the end of each financial year of the Commission, the Commission shall, as soon as the accounts of the Commission have been audited, cause a copy of the statement of account to be transmitted to the Governor in Council, together with a copy of any report made by the auditors on that statement or on the accounts of the Commission.

(5) The Governor in Council shall cause a copy of every such statement and report to be laid on the table of the Legislative Council.

Cash deposits
and payments.

18. (1) All moneys of the Commission accruing from their operations under this Ordinance shall be paid into some bank or banks appointed by resolution of the Commission, and such moneys shall, as far as practicable, be paid into the bank from day to day, except such sum as the accountant of the Commission may be authorised by regulations of the Commission to retain in his hands to meet petty disbursements for immediate payments.

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

(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 Chairman of the Commission or any member of the Commission or any officer of the Commission appointed by resolution of the Commission for the purpose, and a copy of any such resolution shall be certified by the Chairman and forwarded to the bank or banks concerned.

Regulations.

18A. The Commission shall by resolution make rules and regulations 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 Commission 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 Commission or an officer of the Commission to countersign cheques on behalf of the Chairman or in the absence of the Chairman;
- (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 Commission; 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 Commission.

Annual Report.

18B. (1) The Commission shall as soon as practicable after the end of each financial year of the Commission, make and transmit to the Governor in Council a report dealing generally with the activities of the Commission during the preceding financial year and containing such information relating to the operations and policy of the Commission as the Governor in Council may from time to time direct.

(2) The Governor in Council shall cause a copy of every such report to be laid on the table of the Legislative Council.

Non-Application of Ord. 20—1959.

18C. Notwithstanding section 37 of the Exchequer and Audit Ordinance, 1959, sections 38, 39, subsection (1) of section 41, sections 42 and 43 of that Ordinance do not apply to the Commission.”

6. Section 19 of the Principal Ordinance is repealed and the following is substituted therefor :

Section 19 of Principal Ordinance repealed and replaced.

Objects and powers of Commission.

19. (1) Subject to this Ordinance, the Commission shall—

- (a) manage and operate the works acquired by the Commission pursuant to this Ordinance;
- (b) establish, manage and operate such works as the Commission may consider expedient to establish;
- (c) promote and encourage the use of energy with a view to the economic development of Trinidad and Tobago;
- (d) advise the Government on all matters relating to the generation, transmission, distribution and use of energy.

(2) For the purposes of subsection (1) hereof, the Commission may—

- (a) subject to this Ordinance, generate, transmit, transform, distribute and sell energy to consumers in any part of Trinidad and Tobago;
- (b) purchase, construct, reconstruct, maintain and operate all appropriate works;
- (c) sell, hire or otherwise supply electrical materials, fittings, accessories, apparatus and other electrical devices, and instal, repair, maintain or remove any such materials, fittings, accessories, apparatus and devices, and operate a merchandising and repair department;
- (d) acquire, in accordance with this Ordinance, any real or personal property that the Commission considers necessary or expedient for the purpose of constructing, extending or maintaining any works or otherwise carrying out its duties and functions under this Ordinance;
- (e) do all acts and things necessary for developing, controlling, generating and distributing a full supply of energy for public purposes and private purposes within Trinidad and Tobago, including the opening and breaking up, subject to this Ordinance, of any street in Trinidad and Tobago;
- (f) undertake the electrical wiring of industrial, commercial and residential premises within Trinidad and Tobago;
- (g) carry on all such other activities as may appear to the Commission requisite, advantageous or convenient to be carried on for or in connection with the performance of the duties and functions of the Commission under this Ordinance or with a view of making the best use of any of the assets of the Commission.

(3) Subject to this Ordinance, the right to generate and supply energy in any part of Trinidad and Tobago for and to the public or any member thereof, either directly or indirectly, is vested in the Commission exclusively.

(4) Notwithstanding any power of the Commission conferred by this Ordinance, where the Commission intends to embark upon any programme for expanding its facilities and services that will involve borrowing moneys upon the credit of the Territory of Trinidad and Tobago, or that will require a longer period than one year to complete, the Commission shall obtain the approval of the Governor in Council thereto before incurring any liability in respect thereof.

7. Section 24 of the Principal Ordinance is amended by repealing subsections (2) and (3) thereof.

Subsections (2) and (3) of section 24 Repealed.

8. Section 34 of the Principal Ordinance is amended by deleting all of clause (b) of subsection (1) thereof.

Section 34 of Principal Ordinance amended.

9. Sections 35 and 36 of the Principal Ordinance are repealed and the following section is substituted therefor :

"Reduction of energy.

35. (1) The Commission may reduce, as they think fit, the quantity of energy supplied to any consumer, if, by reason of any unforeseen circumstances beyond the control of the Commission, it may appear that the supply of energy generated is insufficient to enable the full quantity to be conveniently supplied.

(2) Where the quantity of energy has been reduced by the Commission—

(a) no liability is incurred by the Commission for any loss or damage caused by the reduction, and

(b) in appropriate cases, an abatement in the charges for the supply of energy shall be made in proportion to the reduction made.

(3) The Commission are not liable for any damage to person or property or for any cessation of the supply of energy, if the damage or cessation is due to unavoidable accident, fair wear and tear or overloading due to the unauthorized connection of apparatus, or to the reasonable requirements of the system, or to defects in any installation not provided by the Commission; and the Commission are only liable when the damage or cessation results from negligence

on the part of persons employed by the Commission, its agents or servants, or from faulty construction of the installation.”.

Section 37
of Principal
Ordinance
amended.

10. Section 37 of the Principal Ordinance is amended by deleting the words “other than the Major, Aldermen and Citizens of the City of Port-of-Spain or the Mayor, Aldermen and burgesses of San Fernando”.

Section 40
of Principal
Ordinance
replaced.

11. Section 40 of the Principal Ordinance is repealed and the following is substituted therefor :

“Tariff of
prices for
electricity.

40. (1) Subject to subsection (3) of section 16, the Commission may from time to time prescribe a tariff of prices to be paid by consumers for energy supplied to them by the Commission.

(2) In fixing tariffs of prices to be paid by consumers, the Commission shall ensure that rates are adequate to provide sufficient revenue—

(a) to cover operating expenses, including taxes, if any, and to provide adequate maintenance and depreciation, and interest payments on borrowings;

(b) to meet periodic repayments on long term indebtedness to the extent that any such repayments exceed the provisions for depreciation;

(c) to create reserves to finance a reasonable part of the cost of future expansion.

(3) Tariffs shall be made or varied by resolution of the Commission and the tariffs so made or varied shall have effect after such date as may be mentioned in the resolution.”.

Section 41 of
Principal
Ordinance
amended.

12. Section 41 of the Principal Ordinance is repealed and the following is substituted therefor :

“Charges by
agreement.

41. Notwithstanding section 40 but subject to subsection (3) of section 16, the Commission may make any agreement with a consumer as to the price to be charged for a supply of energy and the mode in which the price is to be ascertained.”.

Section 53 of
Principal
Ordinance
amended.
Ch. 39. No. 9.
Ch. 39. No. 6.

13. Subsection (1) of section 53 of the Principal Ordinance is amended by deleting the words “Save as specially provided in the San Fernando Electric Works Ordinance and the Port-of-Spain Corporation (Electricity) Ordinance, and by such exceptions as may be prescribed,” and by substituting therefor the words “Except as may be otherwise prescribed by law,”.

14. The Port-of-Spain Corporation (Electricity) Ordinance Ch. 39. No. 6.
and the San Fernando Electric Works Ordinance are hereby Ch. 39. No. 9.
repealed.

Passed in Council this seventh day of April, in the year
of Our Lord one thousand nine hundred and sixty-one.

GEO. R. LATOUR
Clerk of the Council