

Central Electricity Board Ordinance 1951

Ordinance No. 79 of 1951

Repealed by [\[Act No. 32 of 1963\]](#)

I assent,

HILARY BLOOD,

Governor.

31st December, 1951.

An Ordinance to provide for the control and development of electricity supplies in the Colony.

[31st December, 1951]

BE IT ENACTED by the Governor of Mauritius, with the advice and consent of the Legislative Council thereof, as follows-

1. Short title.

This Ordinance may be cited as the **Central Electricity Board Ordinance, 1951.**

2. Definition.

In this Ordinance

" the Board " means the Central Electricity Board constituted under the provisions of this Ordinance.

"Chairman" means the Chairman of the Central Electricity Board.

"Electricity consumer " means any authority, company, person or body of persons supplied or entitled to be supplied with electrical energy by the Board or by a Licensed Electricity Undertaking.

"General Manager " means the officer of the Central Electricity Board appointed under the provisions of this Ordinance and styled "the General Manager".

3. Control and Development of Electricity in the Colony

The control and development of the electricity supplies generally in the Colony is hereby vested in a Central Electricity Board constituted as hereinafter provided

4. Legal status of the Central Electricity Board

(1) The Board shall be a body corporate having perpetual succession and a common seal. It shall under the name of the Central Electricity Board be capable of suing and of being sued and of entering into contracts, and it shall be capable of acquiring, holding and alienating property, movable and immovable, and of doing all such acts and things as bodies corporate may do and perform.

(2) Service of any process by or on the Board shall be sufficient if made on behalf of or on the Chairman.

5. Constitution of the Board

(1) The Board shall consist of a Chairman, one ex-officio member and not less than three nor more than five other members. The Chairman and the members, other than the ex-officio member, shall be appointed by the Governor and shall hold office on such terms and conditions as the Governor may decide.

(2) The Financial Secretary of the Colony shall be the ex-officio member of the Board.

- (3) The Chairman shall preside at all meetings of the Board. In the absence of the Chairman of the Board the Governor may nominate a member of the Board to act as Chairman and such member shall have all the powers and shall be charged with all the duties of the Chairman of the Board.
- (4) The following persons shall not be eligible for appointment as Chairman or members of the Board:-
- (a) Members of the Legislative Council.
 - (b) Members of the Municipal and Town Councils.
 - (c) Persons employed by or holding any interest in any Licensed Electricity Undertaking
- (5) The name of the Chairman and of every member shall be published in the Gazette as soon as possible after the Board is first constituted under the provisions of this Ordinance, and thereafter the name of every person appointed as the Chairman or a member, whether to fill a vacancy or otherwise, and the name of every person appointed to the office of General Manager, shall be published in the Gazette as soon as possible after such appointment..
- (6) The office of the Chairman or a member of the Board, other than the ex-officio member, shall become vacant—
- (a) on his death; or
 - (b) if, by writing under his hand addressed to the Governor, he resigns his office, and his resignation is accepted by the Governor, or, if not .accepted, is not withdrawn within seven days of the receipt thereof by the Governor; or

- (c) if, in the opinion of the Governor, he becomes incapacitated by illness or any other cause from performing the duties of his office; or
- (d) upon receipt by the Chairman or member, as the case may be, of notification of the termination of his appointment by the Governor; or
- (e) if he becomes a member of the Legislative Council of the Colony or a member of a Municipal or Town Council within the Colony; or
- (f) if he becomes employed by, or holds any interest in, any Licensed Electricity Undertaking.

Whenever such an office becomes vacant, the vacancy may, or, if there are less than two members other than the ex-officio member shall, be filled by appointment by the Governor in accordance with the provisions of this Ordinance.

- (7) (a) The Chairman and three members of the Board shall constitute a quorum;
- (b) Questions arising at any meeting of the Board shall be decided by a majority of the votes of the Chairman and of the members present, and, if at any such meeting the votes are equally divided, the Chairman shall have a second or casting vote.
- (8) The Board shall continue in existence notwithstanding any vacancy and shall not be disqualified for the transaction of business by reason of any vacancy.
- (9) The Board shall meet once a month or more often if the Chairman thinks it necessary.
- (10) Every meeting of the Board shall be convened by the Chairman either of his own accord, or at the request of three members of the Board.

- (11) (a) Every member of the Board, other than the Chairman and the ex-officio member, shall, for every meeting of the Board which he attends, be paid such fees and expenses as the Governor may determine.
- (b) The Chairman shall be appointed on a part time basis and shall receive such remuneration as the Governor may determine.

6. Appointment of Officers

- (1) The Board shall appoint and employ such technical and administrative staff as it may think fit and the General Manager who shall be responsible to the Board for the administration of the undertaking. The salaries and terms of such appointments shall be determined by the Board.
- (2) The remuneration of the Chairman, the fees of the members of the Board and the salaries and allowances of the persons employed by the Board and all other expenditure incurred by the Board shall be defrayed from loans or advances raised under the provisions of section 11 of this Ordinance and from revenue in such proportions as the Governor in Council may direct.

7. Pecuniary benefits to employees on retirement etc

The Board shall provide for persons in its employ or their dependants by means of insurance with an Insurance Company or a pension or provident fund or otherwise, pecuniary benefits upon retirement, death or termination of service or in the event of sickness or injury.

8. Execution of documents and signing of cheques

- (1) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Board if signed by the

Chairman or by any other person nominated for that purpose by the Board.

- (2) A cheque upon any banking account kept by the Board shall be signed by any two of the following officers of the Board, namely:
- The Chairman;
 - The General Manager;

A member nominated for that purpose by the Board;

9. Duties of the Board

The functions and duties of the Board shall be-

- (1) to take over the functions, property, assets and liabilities of the electricity undertaking managed by the Department of Electricity and Telephones (Constitution) Ordinance, 1938
- (2) to prepare and carry out development schemes with the general object of promoting, coordinating and improving the generation, transmission, distribution and sale of electricity for all purposes throughout the Colony and the Dependencies thereof as required;
- (3) to provide for new generating stations;
- (4) to exercise or perform any other functions and duties committed to or imposed upon it by this Ordinance or by any regulations made under this Ordinance.

Powers of the Board

Without prejudice to the generality of the powers conferred by section 4 of this Ordinance the Board shall have power-

- (a) to acquire by purchase the existing undertakings of any person or company and to establish further undertakings, and to extend, develop, maintain and operate them for the generation, transmission, distribution and supply of electricity to any public or local authority or any person within the Colony and the Dependencies thereof;
- (b) to acquire by purchase or otherwise or to lease land or rights or interests in or over land, water rights and any other rights or property as may be necessary or desirable for the efficient performance of its functions and to work or otherwise beneficially use any rights or property so acquired or leased;
- (c) to acquire by purchase or otherwise or to lease or to construct or erect, and to maintain alter or improve buildings, machinery, plant, transmission lines, distribution lines, mains, waterworks, reservoirs, canals, water courses, roads, bridges, pipe lines and any other apparatus or works;
- (c) to exchange, let, sell or mortgage any of the property or plant acquired or constructed under paragraphs (b) and (c) of this section ;.
- (e) to appoint and employ such persons as it may deem requisite, to pay them such remuneration and allowances as it may deem fit, to grant them such leave as it may deem fit and to dismiss them;
- (f) to cause surveys, plans, sections, maps, drawings and estimates to be made by or through its officers, servants or agents;
- (g) to cause entry to be made by or through its officers, servants or agents upon any land for the purpose of making plans and surveys thereof:

Provided that at least seven days' notice shall be given to the owners and occupiers of such land and compensation shall be paid for any damage done by its officers or servants;

- (h) to enter into contracts with any public or local body or any person for the purchase and supply of electricity or for any other purpose;
- (i) to purchase or sell coal, oil, wood or other fuel, steam, water and other materials and stores,
- (j) to manufacture or sell by-products, electrical plant, poles, works, apparatus and fittings;
- (k) to sell, hire or otherwise supply electrical plant, apparatus and fittings and to instal, repair, maintain or remove any such plant, apparatus and fittings;
- (l) to insure with any company or person against any losses, damages, risks and liabilities which the Board may incur; and
- (m) to carry on all such other activities as it may appear to the Board to be requisite; advantageous or convenient for it to carry on for or in connection with the exercise and performance of its functions and duties.

11. Borrowing powers of the Board

- (1) The Board may from time to time, with the approval of the Governor in Council, raise monies by way of loan or may issue stock in such amounts and for such periods as the Governor in Council may approve.
- (2) In addition to the powers conferred upon it by subsection (1) of this section, the Board may obtain by way of advances from the Government, and the Government may, out of funds voted by the Legislative Council of the Colony for the purpose, advance to the Board monies sufficient to enable the Board to carry out any of its powers, duties and functions during the first ten years after its establishment, or in anticipation of revenues to be earned from any undertaking to be acquired or established by the Board.

- (3) The monies borrowed by and advanced to the Board and the interest thereon shall be a liability of the Board and shall be charged on the property, assets and revenues of the Board.
- (4) The Board may put any monies borrowed by or advanced to it under the provisions of this section to the payment of interest in respect of any loan or advance for such period as the Governor may approve but not exceeding seven years from the issue of the security thereof.

12. Establishment of a general fund

- (1) The Board shall establish a general fund into which all monies received by the Board shall be paid in the first instance, and out of which all payments by the Board shall be made, except payments made against any reserve or other fund established as in the next succeeding subsection provided.
- (2) The Board may, with the approval of the Governor, set aside annually a sum or sums towards a reserve fund and a rate stabilisation fund.
- (3) The reserve fund shall be utilised when required for the replacement of obsolete machinery or plant, for the improvement of the plants owned by the Board, or for emergency, but not for the ordinary maintenance or operating expenses.
- (4) The rate stabilisation fund shall be established when required for ordinary maintenance or operating expenses or such other purpose as may be necessary or desirable for preventing frequent alterations in the prices charged for the supply of electricity.

13. Prices charged for the supply of electricity

The prices to be charged by the Board for electricity supplied by it shall be such as to cover-

- (1) the cost of production including generation, transmission, distribution, maintenance and administration;
- (2) the amounts required for interest on money raised by way of loan or advance, the redemption of any securities for such loans or advances and any other expenditure incidental thereto
- (3) any amounts set aside annually under the provisions of section 12 of this Ordinance

14. Accounts and reports

- (1) The Board shall cause to be kept proper books of accounts and shall prepare yearly balance sheets made up to such date as may be prescribed, showing in all necessary detail the assets and liabilities, revenue and expenditure of the Board.
- (2) The annual accounts and balance sheets shall be duly audited by the Principal Auditor or by any other auditor appointed by the Governor for the purpose at such remuneration as the Board may determine with the approval of the Governor,

Every auditor shall be supplied with a copy of the annual statement of accounts and he shall examine it with the accounts and documents relating thereto. He shall at all reasonable times have access to all books, registers and documents kept by the Board. He may in relation to such accounts examine the Chairman, any member of the Board, or any officer of the Board.

- (3) The Board shall furnish the Governor in Council as soon as may be after the end of every year a report upon its work during the year, including a balance sheet and a profit and loss account, the report of the auditors and

a full statement of its financial position. Such report shall be laid on the table of the Council.

15. Protection of officers

- (1) No liability, civil or criminal, shall attach to the Chairman, any member of the Board, or any officer of the Board in respect of anything which any of them may have done or omitted to do when acting in good faith and in the execution or intended execution of this Ordinance or the Regulations made thereunder.
- (2) The provisions of this section shall be in addition to, and not in substitution for, the provisions of Part XII of the Common Form and Interpretation Ordinance, 1898, and for the purposes of that Part the Chairman, members of the Board, officers and servants of the Board shall be deemed to be public officers or persons engaged or employed in the performance of a public duty.

16. Advisory Committee

- (1)
 - (a) The Governor may appoint an Advisory Committee, to be known as the Electricity Advisory Committee, for the purpose of considering such matters affecting the distribution of electricity and the interests of electricity consumers in general as may be referred to the Committee, by the Board, or by electricity consumers and the Board shall take into consideration any representation which may be made by the Committee on the matters so referred to them.
 - (b) Every decision of the Board rejecting the representations made by the Advisory Committee shall forthwith be communicated to the Advisory Committee, and shall be subject to an appeal to the Governor in Council.

Such appeal shall be made within one month of the decision of the Board and the Governor in Council may, after due consideration, require the Board to take appropriate action.

(2) The Advisory Committee shall consist of the following persons appointed by the Governor -

Two persons nominated by the Municipal Corporation of Port Louis.

One person nominated by the Town Council of Beau Bassin-Rose Hill

One person nominated by the Town Council of Curepipe.

One person nominated by the Town Council of Quatre Bornes.

One person nominated by the Chamber of Commerce

One person nominated by the Chamber of Agriculture.

Such additional persons (not exceeding five in number) as the Governor may think fit to appoint from time to time to represent other areas and interests.

(3) The members of the Advisory Committee shall hold office for such time and subject to such conditions as the Governor may determine, and the Chairman of the Committee shall be designated by the Governor from amongst such members.

17. Power to make regulations

The Governor in Council may make regulations for carrying out the purposes and provisions of this Ordinance into effect.

(2) In particular and without prejudice to the generality of the foregoing power such regulations may prescribe:-

(a) the proceedings and business of the Board;

(b) the establishment and control of a pension or provident fund, the contributions to be paid by itself and persons in its employ,

respectively, into any such fund or under an insurance scheme undertaken by the Board under section 7 of this Ordinance, and the pecuniary benefits which are upon sickness, injury, death, retirement or termination of service to accrue to such persons or their dependants;

- (c) the books, registers and records to be kept and the manner and form in which they are to be kept;
 - (d) the manner in which accounts are to be kept and audited and the annual report published;
 - (e) the maximum prices to be charged for the supply of electricity to consumers,
and generally for the better carrying out of the objects and purposes of this Ordinance.
- (3) All such regulations shall be laid on the table of the Council.
- (4) Such regulations may provide that any breach thereof shall be punishable by a fine not exceeding one thousand rupees (Rs.1,000).

18. Powers to be additional

The provisions of this Ordinance shall be in addition to, and not in substitution for, the provisions of the Electricity Ordinance, 1939, and of the Regulations made thereunder.

19. Commencement

This Ordinance shall come into force on a day to be fixed by Proclamation.