

# CENTRAL ELECTRICITY BOARD ACT

Act 32 of 1963 – 25 January 1964

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## CENTRAL ELECTRICITY BOARD ACT

### 1. Short title

This Act may be cited as the Central Electricity Board Act.

### 2. Interpretation

In this Act—

“Board” means the Central Electricity Board constituted under this Act;

“Chairperson” means the Chairperson of the 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;

“financial year” means the calendar year;

“General Manager” means the officer of the Board appointed to that office under this Act;

“licensed electricity undertaking” means an undertaking licensed under the Electricity Act for the supply and distribution of electricity;

“Minister” means the Minister to whom responsibility for the Board is assigned.

### **3. Control and development of electricity**

The Central Electricity Board, constituted under this Act, shall be responsible for the control and development of the electricity supplies generally in Mauritius.

### **4. Legal status of Board**

(1) The Board shall be a body corporate.

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

### **5. Constitution of Board**

(1) (a) The Board shall, subject to this section, consist of—

- (i) a Chairperson;
- (ii) the General Manager;
- (iii) a representative of the Ministry responsible for the subject of finance;
- (iv) a representative of the Ministry responsible for the subject of the Board;
- (v) a representative of the Ministry responsible for the subject of economic planning;
- (vi) a representative of the Central Water Authority;
- (vii) one member chosen from among the members of the Engineers’ Association;
- (viii) 2 members of the Electricity Advisory Committee set up under section 24 nominated by the members thereof from among themselves, one of whom shall be selected to represent the interests of urban consumers of electricity, and the other, the interests of rural consumers;
- (ix) 2 other members, with experience in agricultural, industrial, commercial, financial, scientific or administrative matters.

(b) The Chairperson and members, other than the General Manager and the members referred to in paragraph (a) (iii), (iv), (v) and (vi), shall be appointed by the Minister and shall hold office for 3 years and may be eligible for reappointment.

(2) (a) The Chairperson shall preside at all meetings of the Board and, in his absence from a meeting, the members present shall elect a Chairperson from among themselves.

(b) In the absence of the Chairperson from Mauritius, the Minister may nominate a member of the Board to act as Chairperson and such member shall exercise all the powers and perform all the duties of the Chairperson.

(3) The following persons shall not be eligible for appointment as Chairperson or member of the Board—

- (a) members of the Assembly;
- (b) persons employed by or holding any interest in any licensed electricity undertaking and the agents or nominees of such persons.

(4) The name of every person appointed as the Chairperson or as 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.

(5) The office of the Chairperson or a member of the Board, other than the General Manager, shall become vacant—

- (a) on his death;
- (b) where by writing under his hand addressed to the Minister, he resigns his office, and his resignation is accepted by the Minister, or, where not accepted, is not withdrawn within 7 days of its receipt by the Minister;
- (c) where, in the opinion of the Minister, he becomes incapacitated by illness or any other cause from performing the duties of his office, upon receipt by the Chairperson or member, as the case may be, of notification of the termination of his appointment by the Minister;
- (d) where he becomes a member of the Assembly; or
- (e) where he becomes employed by, or acquires any interest in, or becomes the agent or nominee of a person employed by or holding any interest in, any licensed electricity undertaking.

(6) (a) Where an office becomes vacant, the vacancy may, and, where by reason of the vacancy there are less than 4 members excluding the member referred to in subsection (1) (a) (iii), shall, be filled by appointment by the Minister in accordance with this section.

(b) Where the office of Chairperson becomes vacant, the Minister may appoint a member of the Board to fill the vacancy.

(7) (a) The Chairperson and 4 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 Chairperson and of the members present, and, if at any such meeting the votes are equally divided, the Chairperson 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 Chairperson thinks it necessary.

(10) Every meeting of the Board shall be convened by the Chairperson either of his own accord or at the request of 2 members of the Board.

(11) (a) Every member of the Board, other than the Chairperson and the General Manager, shall, for every meeting of the Board which he attends, be paid such fees and expenses as the Minister may determine.

(b) The Chairperson shall receive such remuneration as the Minister may determine.

## **6. Appointment of officers**

(1) The Board shall appoint and employ a General Manager and such technical and administrative staff as it thinks fit.

(2) The salaries and terms of appointment under this section shall be determined by the Board.

## **7. Delegation of Board's powers**

(1) The Board may, subject to such conditions and restrictions as it thinks fit, delegate to the Chairperson all or any of the powers, functions and duties by this Act vested in the Board, except the powers to make regulations, invest and borrow money, and any powers

so delegated shall be exercisable by the Chairperson in the name and on behalf of the Board.

(2) The Chairperson may, with the approval of the Board, delegate to the General Manager or to any other employee of the Board any of the powers delegated to him by the Board under subsection (1).

## **8. Benefits to employees on retirement**

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.

## **9. Execution of documents**

(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 Chairperson 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 2 of the Chairperson, the General Manager, a member nominated for that purpose by the Board, the Secretary or the Accountant.

## **10. Duties of Board**

The functions and duties of the Board shall be—

- (a) 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 Mauritius as required;
- (b) to provide for new generating stations;
- (c) to exercise or perform any other functions and duties committed to or imposed upon it by this Act;
- (d) to collect such fees on behalf of the Mauritius Broadcasting Corporation or such other body as may be approved by the Minister.

[S. 10 amended by Act 56 of 1984; Act 26 of 1992.]

## **11. Entry on land**

(1) The Board may cause entry to be made by or through its officers, servants or agents upon any land for the purpose of making plans and surveys of the land.

(2) At least 7 days' notice shall be given to the owners and occupiers of any land to be entered under subsection (1) and compensation shall be paid for any damage done by officers or servants of the Board while on the land.

## **12. Borrowing powers of Board**

(1) (a) The Board may, with the approval of the Minister, raise money by way of loan and, for the purpose of any such loan or for the payment of any debt due by the Board, may issue debentures or debenture stock in such amounts and for such periods as the Minister may approve.

(b) In addition to the powers conferred upon it by paragraph (a), the Board may obtain by way of advances from Government, and Government may out of funds voted by the Assembly for the purpose advance to the Board, money sufficient to enable the Board to carry out any of its powers, duties and functions or in anticipation of revenues to be earned from any undertaking to be acquired or established by the Board.

(c) The Board may put any money borrowed by or advanced to it under this section to the payment of interest in respect of any loan or advance for such period as the Minister may approve but not exceeding 7 years from the issue of the security of the loan or advance.

(2) The Board may also borrow temporarily by way of bank overdraft or otherwise such sums as it may require for meeting its obligations or exercising or performing its functions.

(3) The repayment of money borrowed by the Board and the payment of interest on it and all charges connected with such borrowing shall be a liability of the Board and shall be charged on its property, assets and revenues.

### **13. Powers of investment of Board**

(1) The Board may, with the permission of the Minister of Finance—

- (a) invest any money which is not immediately required to be expended in the meeting of any obligations or the performance of any functions of the Board in any investments, securities or loans as may be approved by the Minister of Finance;
- (b) realise any investments, securities or loans under its control in order to finance its operations or for the purpose of reinvestment under this section.

(2) Notwithstanding subsection (1), the Board may, without the approval of the Minister of Finance, deposit money with a bank licensed under the Banking Act.

### **14. Register to be kept**

(1) Where in furtherance of the powers conferred on the Board under section 12, debentures or debenture stock are issued by the Board, a register of the debentures and debenture stock shall be kept by the Board in one or more books and there shall be entered in the register the following particulars—

- (a) the names, addresses and description of the holders of the debentures and debenture stock;
- (b) the amount of each of the debentures or debenture stock held by every such person;
- (c) the date at which the name of every such person was entered on the register;
- (d) the date at which any person ceased to hold any debentures or debenture stock.

(2) Any person holding debentures or debenture stock shall be bound under the penalty of a fine not exceeding 500 rupees to give notice to the Board of any change of address.

### **15. Transfer of debentures**

(1) The debentures or debenture stock registered under section 14 shall be transferable by means of an instrument in writing signed by the transferor and the transferee or by the holders of their power of attorney.

(2) Every such instrument shall be left at the office of the Board for registration, accompanied by the certificate of the debentures or debenture stock to be transferred and the transfer shall be made on payment to the Board for each transfer of a fee not exceeding one rupee and 50 cents as the Board may decide.

(3) All instruments of transfer which are registered in the books of the Board shall be retained by the Board.

## **16. Subdivision of debenture or debenture stock**

Every holder of a debenture or debenture stock may apply to the Board for a subdivision of the debenture or debenture stock and the Board may grant the application if satisfied that it is reasonable.

## **17. Replacement of certificates**

(1) On any subdivision of a debenture or debenture stock or where any certificate is worn out or defaced, then upon production of the certificate to the Board, the Board may order the certificate to be cancelled and may issue a new certificate or new certificates upon payment of a fee not exceeding one rupee and 50 cents per certificate.

(2) Where a certificate of a person is lost or destroyed before it has been paid off, a new certificate may be issued to that person where—

- (a) he proves to the satisfaction of the Board that the certificate has in fact been lost or destroyed;
- (b) he gives security to the satisfaction of the Board for indemnifying the Board for any loss which the Board may incur;
- (c) he pays a fee not exceeding one rupee and 50 cents for each certificate;
- (d) he advertises the loss or destruction of his certificate.

(3) Where a debenture or debenture stock of a person which is lost or destroyed becomes overdue, the Board may pay off the money due on the debenture or debenture stock to that person if he gives security to the satisfaction of the Board for indemnifying the Board for any loss which the Board may incur.

(4) The new debenture stock shall bear the same interest and be subject to the same rules as the original debenture or debenture stock.

## **18. Pledging of debentures and debenture stock**

(1) (a) Debentures and debenture stock may be given in pledge in all civil and commercial transactions.

(b) A pledge under paragraph (a) shall be sufficiently proved by a transfer inscribed in a register kept for that purpose by the Board, specifying that the pledgee holds the debentures or debenture stock not as owner but in a pledge of a debt, the amount of which shall be mentioned.

(c) A transfer under paragraph (b) shall be signed by the pledger and by the pledgee or by the holders of their power of attorney and by the Chairperson of the Board.

(2) For every transfer the Board shall charge a fee not exceeding one rupee and 50 cents as the Board may decide.

(3) Notwithstanding articles 2074 and 2075 of the Code Civil Mauricien, a pledge under this section shall to all intents and purposes be valid as regards the parties to the contract and all third parties.

## **19. Signing of register**

Where in furtherance of article 2088 of the Code Civil Mauricien, a debenture or debenture stock is, in default of payment of the debt which it guarantees, sold by public auction, the transfer may, notwithstanding section 15, be signed on behalf of the transferor by the sworn broker or sworn auctioneer having effected the sale.

## **20. Prices charged for supply of electricity**

(1) The prices to be charged for electricity supplied shall be fixed by the Board and shall be such as to cover—

- (a) the cost of production (including generation, transmission, distribution, maintenance and administration), depreciation, interest charges, and taxation (if any);
- (b) the amounts required for the redemption of loans (including sinking fund contributions) to the extent that those amounts exceed the provisions for depreciation; and
- (c) allocation to reserves.

(2) Subject to subsection (3), the prices fixed under this section shall be published by way of general notice in the *Gazette* and shall be chargeable as from the date of the publication or as from such date as may in the notice be determined by the Board, notwithstanding that other prices may have previously been agreed upon by contract or otherwise between the Board and any consumer.

(3) Subsection (2) shall not apply to—

- (a) any long-term contract for the supply of electricity existing at the date of the coming into operation of this subsection between the Board and—
  - (i) —
  - (ii) any local authority;
  - (iii) any sugar estate;
  - (iv) the owners of the pumping station at Beard on Reunion Sugar Estate;
- (b) any long-term contract in which it is specified that the prices to be charged for electricity supplied under that contract shall not for the duration of the contract be altered as a consequence of any change in prices effected by subsection (2).

(4) In subsection (3), “long-term contract” means a contract the duration of which shall not be less than 2 years.

#### **20A. Collection of licence fees**

(1) The Board shall, for and on behalf of the Mauritius Broadcasting Corporation, collect the licence fees and surcharge payable under the Mauritius Broadcasting Corporation (Collection of Licence Fees) Act.

(2) Every consumer of electricity who is liable to pay the licence fee specified in subsection (1) shall pay to the Board the licence fee along with the electricity bill within 20 days of the issue of the bill.

(3) Where a person fails to comply with subsection (2), the Board may disconnect the electricity supply.

[S. 20A inserted by Act 56 of 1984; amended by Act 26 of 1992.]

#### **20B. Collection of value added tax**

The Board shall collect the tax specified in the Value Added Tax Act and pay it to the Director-General of the Mauritius Revenue Authority in accordance with that Act.

[S. 20B inserted by Act 13 of 1996.]

#### **21. Powers of Minister**

(1) The Minister may, in relation to the exercise of the powers of the Board under this Act, give such general directions to the Board as he considers necessary in the public interest and the Board shall comply with those directions.

(2) The Board shall furnish to the Minister such information with respect to the activities of the Board, in such manner and at such times, as the Minister may require.

(3) The General Manager and the Board shall furnish to the Minister such returns or copies of such documents, including the minutes of proceedings of the Board's meetings and the accounts of the Board, as the Minister may require.

## **22. Estimates**

(1) The Board shall, not less than 6 weeks before the end of the year, submit to the Minister the capital expenditure programme for his approval, and the estimates of expenditure and revenue for the next year in such form as the Minister may direct.

(2) The capital expenditure programme, as approved, and the estimates of revenue and expenditure shall be laid on the table of the Assembly by the Minister as soon as possible.

(3) No expenditure in excess of the approved expenditure programme shall be incurred by the Board, except in accordance with such procedure and within such limits as the Minister may direct.

## **23. Protection of officers**

(1) No liability, civil or criminal, shall attach to the Chairperson, 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 Act.

(2) Subsection (1) shall be in addition to and not in derogation from the Public Officers' Protection Act, and for the purposes of that Act the Chairperson, members and officers of the Board shall be deemed to be public officers or persons engaged or employed in the performance of a public duty.

## **24. Electricity Advisory Committee**

(1) The Minister 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.

(2) The Electricity Advisory Committee shall consist of the following persons appointed by the Minister—

- (a) 2 persons nominated by the Municipal Council of Port Louis;
- (b) one person nominated by the Municipal Council of Beau Bassin-Rose Hill;
- (c) one person nominated by the Municipal Council of Curepipe;
- (d) one person nominated by the Municipal Council of Quatre Bornes;
- (e) one person nominated by the Municipal Council of Vacoas-Phoenix;
- (f) one person nominated by the Chamber of Commerce;
- (g) one person nominated by the Chamber of Agriculture;
- (h) such additional persons (not exceeding 5 in number) as the Minister thinks fit to appoint, to represent other areas and interests.

(3) The members of the Electricity Advisory Committee shall hold office for such time and subject to such conditions as the Minister may determine and the Chairperson of the Committee shall be designated by the Minister from among such members.

## **24A. Exemption from income tax**

The Board shall not be liable to any tax on its income.

## **25. Regulations**

(1) The Board may make such regulations as it thinks fit for the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, regulations under subsection (1) may provide for—

- (a) the proceedings and business of the Board;
- (b) the establishment of such funds as may be necessary for the conduct of the financial affairs of the Board;
- (c) 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 8, and the pecuniary benefits which are upon sickness, injury, death, retirement or termination of service to accrue to such persons or their dependants;
- (d) the books, registers and records to be kept and the manner and form in which they are to be kept;
- (e) the manner in which accounts are to be kept and audited and the annual report published; and
- (f) generally for the better carrying out of the objects and purposes of this Act.

(3) Regulations made under this section may provide that any breach thereof shall be punishable by a fine not exceeding 1,000 rupees.

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