

PARLIAMENT OF CEYLON

2nd Session 1957



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Electricity (Amendment) Act, No. 59 of 1957

Date of Assent : December 21, 1957

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AN ACT TO AMEND THE ELECTRICITY ACT,
No. 19 OF 1950.

[Date of Assent: December 21, 1957]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Electricity (Amendment) Act, No. 59 of 1957.

Short title.

2. The Electricity Act, No. 19 of 1950, (hereinafter referred to as the "principal enactment"), is hereby amended by the insertion, under the heading "General.", immediately after section 59, of the following new sections which shall have effect as sections 59A, 59B, 59C and 59D, of that Act:—

Insertion of new sections 59A, 59B, 59C and 59D in Act No. 19 of 1950.

Minister to fix the charges for the supply of energy.

59A. The Minister may by notification published in the *Gazette*—

- (a) in respect of the supply of energy to a local authority who is a licensee, fix, with the concurrence of the Minister of Finance and the Minister of Local Government, the charges for such supply; and
- (b) in respect of the supply of energy to any other person, fix, with the concurrence of the Minister of Finance, the charges for such supply.

General Manager to determine the charges for the supply of energy that shall apply in cases of doubt.

59B. If there is any doubt as to which charge specified in a notification made under section 59A is to apply in any case, the General Manager shall determine the charge that shall apply in that case, and his determination thereon shall be final.

Determination of the amount due to the General Manager from a local authority for the supply of energy.

59C. (1) Where a bill of charges for energy supplied by the General Manager to a local authority is not disputed by the Chairman of that authority within twenty-one days after the date of the receipt of that bill at the office of that authority, the amount specified in that bill shall be the amount due to the General Manager from that authority on that bill.

(2) A bill of charges for energy supplied shall, when sent by post to the office of a local authority, be deemed to have been received at that office on the day succeeding that on which it would have been received in the ordinary course by post.

(3) Where the Chairman of a local authority informs the General Manager in writing, within twenty-one days after the date of the receipt at the office of that authority of a bill of charges for energy supplied to that authority, that such Chairman is disputing the amount specified in that bill, such Chairman and Manager shall, within fourteen days after the date of the termination of the said period of twenty-one days, select an arbitrator to determine the amount due on that bill.

(4) Where an arbitrator is selected under sub-section (3) by the General Manager and the Chairman of a local authority, such Manager and Chairman shall, within seven days after the date of the selection of the arbitrator, refer the disputed bill to him for determination of the amount due thereon, and he shall, within fourteen days after the date of the reference of such bill to him, report his determination in writing to such Manager and Chairman. If the arbitrator determines that any amount is due on such bill, such amount shall be the amount due to the General Manager from the local authority to whom the energy referred to in such bill was supplied.

(5) Where—

(a) the General Manager and the Chairman of a local authority are unable to select an arbitrator to determine the amount due on a disputed bill, or

(b) an arbitrator selected by the General Manager and the Chairman of

a local authority is unable to determine the amount due on a disputed bill,

the Permanent Secretary shall refer the disputed bill to an arbitrator selected by him, after consultation with the Permanent Secretary to the Ministry in the charge of the Minister of Local Government, for the purpose of determining the amount due on that bill.

(6) The arbitrator selected under subsection (5) shall, within fourteen days after the date of the reference of the disputed bill to him, report his determination in writing to the Permanent Secretary. If the arbitrator determines that any amount is due on such bill, such amount shall be the amount due to the General Manager from the local authority to whom the energy referred to in such bill was supplied.

(7) Every arbitrator selected under the preceding provisions of this section shall be paid by such persons and at such rates as may be prescribed.

(8) In this section, "Chairman" means—

(a) where the local authority is a Municipal Council, the Mayor of such Council, and

(b) where such authority is an Urban Council, a Town Council or a Village Committee, the Chairman of such Council or Committee.

Money due to General Manager from a local authority for the supply of energy to be a first charge on the moneys in the fund of that local authority.

59D. The amount due to the General Manager from a local authority as charges for energy supplied to that authority shall, notwithstanding anything to the contrary in any other written law, be the first charge on the moneys in the fund of that authority.'

6 *Electricity (Amendment) Act, No. 59 of 1957*

Amendment
of sections
2, 11, 53, 67,
74, 80 and
81 of the
principal
enactment.

3. Sections 2, 11, 53, 67, 74, 80 and 81 of the principal enactment are hereby amended by the substitution, for the expression "Chief Engineer", wherever that expression occurs in those sections, of the expression "General Manager".

Amendment of
section 82
of the
principal
enactment.

4. Section 82 of the principal enactment is hereby amended as follows:—

- (1) by the omission of the definition of "Chief Engineer";
- (2) in the definition of "consumer", by the substitution, for the expression "Chief Engineer", wherever that expression occurs in that definition, of the expression "General Manager"; and
- (3) by the insertion, immediately after the definition of "energy", of the following new definition:—

' "General Manager" means General Manager of the Department of Government Electrical Undertakings; '.

Application
of section
59c of the
principal
enactment to
bills for
electrical
energy supplied
to a local
authority
before the
commencement
of this Act.

5. (1) Where a local authority owes any money to the General Manager of the Department of Government Electrical Undertakings for electrical energy supplied to that authority before the date of the commencement of this Act, such General Manager shall, notwithstanding that a bill of charges for electrical energy so supplied has been previously transmitted to that authority, transmit to the office of that authority, within thirty days after that date, a fresh bill of charges for electrical energy so supplied.

(2) The provisions of section 59c inserted in the principal enactment by section 2 of this Act shall apply to a bill of charges transmitted under sub-section (1).

(3) In this section the expression "local authority" has the same meaning as in the principal enactment.