

ELECTRIC LIGHT AND POWER (AMENDMENT) ACT, 2019-38

Arrangement of Sections

1. Short title
2. Amendment of section 2 of Act 2013-21
3. Repeal and replacement of section 3 of Act 2013-21
4. Amendment of section 5 of Act 2013-21
5. Amendment of section 6 of Act 2013-21
6. Amendment of section 7 of Act 2013-21
7. Amendment of section 29 of Act 2013-21
8. Repeal and replacement of section 31 of Act 2013-21
9. Amendment of section 35 of Act 2013-21

BARBADOS

I assent
S. MASON
Governor-General
4th October, 2019.

2019-38

An Act to amend the *Electric Light and Power Act, 2013* (Act 2013-21).

[Commencement: 7th October, 2019]

ENACTED by the Parliament of Barbados as follows:

Short title

- 1.** This Act may be cited as the *Electric Light and Power (Amendment) Act, 2019*.

Amendment of section 2 of Act 2013-21**2. Section 2 of the Electric Light and Power Act, 2013 (Act 2013-21) in this Act referred to as the principal Act, is amended****(a) by inserting in the appropriate alphabetical order, the following:**

“dispatch”, in relation to electricity, means the conduct of the activities involved in the central management and direction of generating systems and other sources of supply of electricity to the public grid in order to achieve the optimal safety, reliability and economic supply of electricity;

“dispatch code” means rules to govern the dispatch of electricity;

“distribution” means the transport of electricity by means of a distribution system;

“distribution system” means a system which

- (a) consists, wholly or mainly, of low voltage electric lines; and
- (b) is used primarily for conveying electricity from a substation to a consumer;

“storage system” means a system, mechanism or device for the conversion of electricity into a form of energy which can be kept in reserve, the keeping of that energy and the subsequent reconversion of that energy into electrical energy in a controllable manner;

“store”, in relation to electricity, means to operate a storage system;

“system operator” means a person who holds a dispatch licence;

“transmission” means the transport of electricity by means of a transmission system;

“transmission system” means a system for conveying electricity from a generating station to a substation or to another generating station or to or from an interconnector or to a consumer but does not include an electric line that is part of a distribution system;” and

(b) *by deleting the definition of “works” and substituting the following:*

“ “works” includes electric lines and any buildings, machinery, engines, equipment and other things required to generate, store, transmit and distribute or otherwise supply electricity.”.

Repeal and replacement of section 3 of Act 2013-21

3. *Section 3 of the principal Act is deleted and the following substituted:*

“Licence required for certain activities in relation to electricity

3.(1) No person shall

- (a) generate electricity, wholly or partly for the purpose of supplying electricity to another person, except in accordance with a generation licence;
- (b) store electricity, wholly or partly for the purpose of supplying electricity to the public grid, except in accordance with a storage licence;
- (c) transmit and distribute electricity except in accordance with a transmission and distribution licence;
- (d) dispatch electricity except in accordance with a dispatch licence; or

- (e) offer for sale or sell electricity except in accordance with a sales licence,

issued to the person for the purpose under section 6.

(2) Subsection (1)(a) does not apply to a person who generates and supplies electricity to the public grid where the cumulative installed capacity of the generation systems owned, controlled or operated by the person for the supply of electricity does not exceed the amount set out in paragraph 1 of the *First Schedule*.

(3) Subsection (1)(b) does not apply to a person who stores electricity

- (a) where the person supplies electricity to the public grid but, by virtue of subsection (2), does not require a generation licence under subsection (1); or

- (b) in such other circumstances as the Minister may by Order prescribe.

(4) Subsection (1)(d) does not apply to a person who offers for sale or sells electricity to the public utility.

(5) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for 2 years or to both and where the offence is a continuing one, to a further fine of \$10 000 for every day or part of a day during which the offence continues after a conviction is first obtained.”.

Amendment of section 5 of Act 2013-21

4. Section 5 of the principal Act is amended

- (a) *by deleting subsection (1) and substituting the following:*

“(1) A person may apply for such licence as he may require in such form as may be approved by the Minister.”;

(b) *by deleting subsection (3) and substituting the following:*

“(3) Where the applicant

- (a) is the public utility;
- (b) proposes to operate a generation system the installed capacity of which equals or exceeds the amount set out in paragraph 2 of the *First Schedule*; or
- (c) seeks a storage licence or a transmission and distribution licence,

the applicant shall publish notice of his application in such form and manner and with such particulars as the Minister may direct or approve, in at least 2 daily newspapers, at least twice at intervals of 2 weeks.”; and

(c) *in subsection (4)(a), by deleting the words “3 months” and substituting the words “28 days”.*

Amendment of section 6 of Act 2013-21

5. *Section 6(1) of the principal Act is deleted and the following substituted:*

“(1) The Minister may, upon payment of such fee as may be prescribed, issue to a person who satisfies the requirements of subsection (3), a generation, storage, transmission and distribution, dispatch or sales licence, as the case may be, granting a non-exclusive right to

- (a) generate;
- (b) store;

- (c) transmit and distribute;
- (d) dispatch; or
- (e) offer for sale and sell,

electricity for any purpose within any area and for such period as the Minister considers appropriate in the circumstances.”.

Amendment of section 7 of Act 2013-21

6. *Section 7(1) of the principal Act is amended by deleting paragraph (a) and substituting the following:*

“(a) the limits within which, and the conditions under which, electricity may be generated, stored, transmitted and distributed or otherwise supplied or dispatched, including whether

- (i) any of the provisions of Part III apply to the licensee; or
- (ii) electricity is to be generated only from sources of renewable energy;”.

Amendment of section 29 of Act 2013-21

7. *Section 29 of the principal Act is amended by deleting the word “annual”.*

Repeal and replacement of section 31 of Act 2013-21

8. *Section 31 of the principal Act is deleted and the following substituted:*

“Codes

31.(1) The public utility shall, subject to the approval of the Commission and the Chief Electrical Officer, issue a grid code.

(2) The system operator shall, subject to the approval of the Commission and the Chief Electrical Officer, issue a dispatch code.”.

Amendment of section 35 of Act 2013-21

9. *Section 35 of the principal Act is amended by inserting immediately after subsection (3), the following:*

“(3A) Notwithstanding section 3, a person other than the public utility, who obtained a licence before the commencement of the *Electric Light and Power (Amendment) Act, 2019* (Act 2019-) shall not be held to be in breach of that section and shall be treated for the purposes of this Act as if he had obtained the required licence under that section.”.