

**REPUBLIC OF KIRIBATI**  
(No. 12 of 1999)

I assent,

Beretitenti  
*Assented: 21<sup>st</sup> March 2000*

**AN ACT TO AMEND THE PUBLIC UTILITIES ORDINANCE (CAP. 83)**

Commencement:  
2000

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

**Short title**

**1.** This Act may be cited as the Public Utilities (Amendment) (No: 2) Act 1999.

**Amendment of section 6**

**2.** Section 6 of the Public Utilities Ordinance (in this Act referred to as the “principal Ordinance”) is amended by —

- a) repealing “\$1000” and substituting “\$5000”; and
- b) repealing “6 months” and substituting “5 years”.

**Amendment of section 7**

**3.** Section 7 of the principal Ordinance is amended by –

- a) repealing “\$500” and substituting “\$5,000”; and
- b) repealing the words “3 months” and substituting “5 years.”

**Amendment of section 25**

**4.** Section 25 of the principal Ordinance is amended in subsection (1) by –

- a) repealing “\$300” and substituting “\$5,000” ; and
- b) repealing “6 months” and substituting “5 years.”

**Amendment of section 26**

5. Section 26 of the principal Ordinance is amended by –

- a) repealing “\$50” and substituting “ \$5,000”; and
- b) repealing “3 months” and substituting “5 years”.

**Amendment of section 29**

6. Section 29 of the principal Ordinance is amended by –

- a) repealing “\$50” and substituting “\$5,000”; and
- b) repealing “3 months” and substituting “5 years”.

**Amendment of section 30**

7. Section 30 of the principal Ordinance is amended by –

- a) in subsection (1) by —
  - (i) repealing “\$50” and substituting “\$5000”; and
  - (ii) repealing “3 months” and substituting “5 years”; and
- b) in subsection (2) by —
  - (i) repealing “\$50” and substituting “\$5000”; and
  - (ii) repealing “1 month” and substituting “5 years”; and
- c) in subsection (3) by —
  - (i) repealing “\$100” and substituting “\$5000”; and
  - (ii) repealing “3 months” and substituting “5 years”.

**Amendment of section 31**

8. Section 31 of the principal Ordinance is amended by –

- a) repealing “\$50” and substituting “\$3,000”; and
- b) repealing “3 months” and substituting “2 years”.

## **PUBLIC UTILITIES (AMENDMENT) (NO: 2) ACT 1999**

### **EXPLANATORY MEMORANDUM**

The amendments to the Public Utilities Ordinance (“the Ordinance”) follow from the proposed amendment to the Penal Code which are contained in the Penal Code (Amendment) Act 1999 concerning property damage and theft of power and water.

Consequently, the existing provisions of the Ordinance relating to the theft of electricity and water and dishonest tampering of apparatus, etc., without a licence by or permission of the Board have been amended to bring in line the penalties provided under the Ordinance with those proposed in the amendments to criminal property damage provisions in the Penal Code.

The various changes referred to above are set out as follows —

1. Section 2 increases the penalty of a fine from \$1000 to that of \$5000 and of imprisonment from 6 months to 5 years. (section 6)
2. Section 3 again increases the penalty of a fine from \$500 to that of \$5000 and of imprisonment from 3 months to that of 5 years. (section 7)
3. Section 4 like the previous two clauses increases the penalty of a fine from \$300 to that of \$5000 and of imprisonment from 6 months to that of 5 years. (section 25)
4. Section 5 also increases the penalty of a fine from \$50 to that of \$5000 and of imprisonment from 3 months to that of 5 years. (section 26)
5. Section 6 again increases the penalty of a fine from \$50 to that of \$5000 and of imprisonment from 3 months to that of 5 years. (section 29)
6. Section 7 again seeks to increase the penalties of a fine and imprisonment as follows —
  - (a) a fine of \$50 to that of \$5000, and of imprisonment of 3 months to that of 5 years; and
  - (b) a fine of \$50 to that of \$5000, and of imprisonment of 1 month to that of 5 years; and
  - (c) a fine of \$100 to that of \$5000, and of imprisonment of 3 months to that of 5 years. (section 30)
7. Section 8 like the above Clauses again seeks to increase the penalties of a fine from \$50 to \$3000 and of imprisonment from 3 months to that of 2 years. This change is more or less in line with the penalty provided for a similar offence in the Penal Code relating to any person resisting or preventing the lawful apprehension of himself or any other person for any offence. (section 31)

Michael N. Takabwe  
Attorney General  
17 November, 1999