

PUBLIC UTILITIES (TERMINATION OF SERVICE) REGULATIONS, 1999

L.I. 1651

In exercise of the powers on the Public Utilities Regulatory Commission Act, 1997 (Act 538) these Regulations are made this 29th day of January 1999.

1. (1) Subject to these Regulations, a public utility may terminate the service it provides to a consumer where the consumer:

(a) fails to pay for the bills for the service used for more than twenty-eight days from date of demand of payment;

(b) defaults on an agreed payment schedule for the service;

(c) defaults on an agreed payment schedule for the installation of the service;

(d) tampers or interferes with a meter or a public utility equipment or permits any person to damage any of the public utility's installation or equipment;

(e) illegally connects the service or allows the service to be used in such a manner as to interfere with the supply to others;

(f) uses a service which was legally connected in an unauthorized manner;

(g) refuses to allow a public utility employee or agent to read a meter or check utility equipment when the public utility employee has followed the prescribed procedures for obtaining access; or

(h) requests the termination himself.

(2) A public utility may also terminate a service it provides to a consumer without notice where any part of the apparatus or equipment connected with supply to the premises of the consumer becomes defective or unsafe and disconnection becomes necessary for maintenance or repairs.

Conditions where termination prohibited

2. A public utility is prohibited from terminating the service to a consumer where-

(a) the consumer has lodged a complaint with the public utility in respect of a disputed bill and has paid or continues to pay a reasonable amount;

(b) a complaint in respect of a disputed bill or meter reading is under investigation by the Commission or a consumer service committee established by the Commission and the consumer has paid or continues to pay a reasonable amount; or

(c) an unpaid bill is in the name of a previous occupant or owner and the current occupant of the premises did not use the service billed.

Notice to terminate service

3. (1) Except as otherwise provided in these Regulations, no public utility shall discontinue its service to a consumer unless it gives the consumer a written notice of termination of at least fourteen days before the date for termination of service.

(2) A public utility may terminate a service without the notice under sub-regulation (1) if the public utility finds that the service is being obtained by the consumer illegally or through tampered equipment and the public utility-

(a) has evidence that the condition was not inherited or that the consumer knew, or should have known, that he was not being fully billed for the service; or

(b) has presented a written estimated bill for the service to a person at the premises and given notice that it will continue the service but the notice may include a requirement for an immediate payment of fifty percent of the bill.

(3) A notice to terminate a service printed on bill of the consumer is adequate notice for the purpose of these Regulations.

Time when service may be terminated

4.(1) Subject to these Regulations a public utility may terminate the service to a consumer only between the hours of 8.00.am to 5.00 pm from Monday to Thursday in the week except that no termination shall be effected-

(a) on the eve of a public holiday or on a public holiday; [*Amendment (LI 1964, 2010)*]

(b) at the time when the public utility is aware or ought to be aware that there is an issue of safety to people, animals or property; or

(c) during emergency situations on or related to the premises of the consumer.

(2) Notwithstanding sub-regulation (1), a public utility may terminate a service between the hours of 8.00 am to 5.00.p.m on Fridays provided the public utility has facilities for reconnection on Saturdays.

Special protection for residential consumers

5. (1) Notwithstanding any provision of these Regulations to the contrary, the special protection provided under this regulation shall apply as specified herein.

(2) Where there is failure to pay a bill for service provided to a consumer and the public utility is aware that the consumer and all adults living with him-

(a) are of the age of sixty-five or above; or

(b) are blind or disabled

the public utility shall contact the consumer and endeavour to agree on a payment arrangement with the consumer except that where such an arrangement cannot be arrived at or made, the public utility shall continue to provide the service for further period of thirty days from the date of any scheduled disconnection.

[Amendment (LI 1964, 2010)]

(3) At the end of thirty days, the public utility shall serve written notice on the owner or occupier of the premises and wait for at least seven days before terminating the service.

(4) where in any circumstances relating to a consumer, a doctor issues certificate that a medical emergency exists which will be aggravated by the lack of a utility service, the public shall continue to provide the service to the consumer for thirty days from the date of any scheduled disconnections.

(5) A certificate issued under sub regulation (4) may be renewed for an addition thirty days if the doctor explains why the lack or service would aggravate the medical emergency and the consumer has sufficiently demonstrated his inability to pay the utility bill.

(6) At the end of the first thirty days or the renewal period, the public utility shall serve written notice on the owner or occupier of the premises and wait at least seven days before terminating the service.

Prohibition of termination from electric pole

Amendment (LI 1964, 2010)]

Special protection for non-residential consumers

6. (1) Notwithstanding any provision of these Regulations to the contrary, the special protection specified in this regulation shall apply to non- residential consumers.

(2) Where premises are used as a hospital, health care facility, old persons home, residential school or institution which provides care for disabled persons who are dependent or mentally retarded, and there is failure to pay for service provided, the public utility shall contact the consumer and endeavour to agree on a payment arrangement with the consumer.

(3) Where such arrangement cannot be made, the utility shall continue to provide the service for thirty days from the date of any scheduled disconnection.

(4) At the end of the period of thirty days, the public utility shall serve written notice on a principal officer of the institution which owns or occupies the premises before terminating service.

Reconnection of service terminated for non-payment

7. If a public utility terminates a consumer's service for non-payment, the public utility shall reconnect the service within twenty-four hours after payment of:

- (a) the full amount owed;
- (b) reconnection charges; and
- (c) other lawful charges related to the service.

Amendment (LI 1964, 2010)

Reconnection of service upon arrangement

8. (1) Without prejudice to regulation 7, service terminated by a public utility shall be restored as follows-

(a) if a consumer enters into a payment agreement with the public utility, the public utility shall reconnect the service within twenty-four hours of the consumer signing the payment agreement and making the required down payment.

(b) if the service was terminated because of a violation of any regulation by the consumer, the reconnection shall occur twenty-four hours after the consumer makes the request and the public utility company receives appropriate evidence that the violation has been corrected;

(c) if the service is terminated under sub-regulation (2) of regulation 1, the utility shall reconnect the service within twenty-four hours of rectifying the defect or conducting the necessary maintenance or repairs; or

(d) if circumstances beyond the public utility's control prevent a required reconnection, service shall be restored within twenty-four hours after the circumstances cease to exist.

(2) The Commission may order reconnection if the service was terminated in error or where a complaint has been filed and the undisputed billing has been paid.

Offences

9.(1) Subject to sub-regulation (3) of this regulation any person who contravenes these regulations commits an offence and is liable on summary conviction to a fine not exceeding ₵5 million or imprisonment for a term not exceeding one year or to both.

(2) In the case of a continuing offence, an additional penalty not exceeding ₵100,000 in respect of each day on which the offence continues after conviction may be imposed on the person.

(3) Where the offence is committed by a public utility which is a body corporate or by a partnership or other firm, every director or officer of that body corporate or any member of the partnership or firm or other person concerned with the management of the public utility shall also be guilty of an offence and shall on conviction be liable to a fine not exceeding ₵10 million for the offence and shall in addition be liable to the payment of compensation for any damage resulting from the breach unless he proves to the satisfaction of the court that-

- (a)** he exercised due diligence to secure compliance with the provisions of the Act; and
- (b)** the offence was committed without his knowledge, consent or connivance.

Amendment (LI 1964, 2010)

Interpretation

10. In these Regulation-

"Act" means Public Utilities Regulatory Commission Act, 1997 (Act 538);

"Commission" means Public Utilities Regulatory Commission;

"public utility" has the same meaning as under the Act;

"reasonable amount" means-

(a) Where service has been provided for a period of 12 months or more, the amount based on average units used by the consumer over the previous 12 months;

(b) where service has been provided for less than a period of 12 months, the amount based on the average units used by the consumer for the period the service was provided; or

(c) where the service is new the amount based on 60% of the units used or estimate units used.

Consequential amendment

11. (1) The Electricity Corporation of Ghana (Electricity Power) Regulations, 1988(L.I.1366) is amended by the revocation of regulation 18.

(2) The Water and Sewerage regulations, 1979(L.I.1233) is amended by the revocation of regulation 16.

(3) The Water Charges Regulations, 1995(L.I. 1597) is amended by the revocation of regulation 2.

NANA (DR.) S.K.B. ASANTE

Chairman, Public Utilities Regulatory Commission

Date of Gazette Notification: 5th February 1999.

Entry into force: