



Tonga

# **ELECTRICITY (AMENDMENT) ACT 2010**

**Act No. 37 of 2010**





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## AN ACT TO AMEND THE ELECTRICITY ACT

I assent,  
GEORGE TUPOU V,  
24<sup>th</sup> September 2010.

**BE IT ENACTED** by the King and the Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

### 1 Short Title

- (1) This Act may be cited as the Electricity (Amendment) Act 2010.
- (2) In this Act, the Electricity Act 2007, as amended, is referred to as the Principal Act.

### 2 Section 2 amended – Interpretation

Section 2 of the Principal Act is amended by inserting the following definition in the appropriate place -

““**island group**” means any one of Tongatapu, Vava’u, Ha’apai, ‘Eua, Niuatoputapu and Niuafu’ou;”.

### 3 Section 19(2) amended – Prohibition on generating or selling electricity

Section 19(2) of the Principal Act is amended by:

- (1) Deleting the word “or” at the end of paragraph (a);

- (2) Inserting the word “or” at the end of paragraph (b); and
- (3) Inserting the following as paragraph(c):

“(c) any generation, distribution or supply of electricity for the purpose of supplying electricity to a concessionaire.”.

#### **4 Section 24 amended – Security of Supply**

Section 24 of the Principal Act is amended:

- (a) in subsection (2):
  - (i) by deleting “Subject to subsection (3)”;
  - (ii) by re-numbering the subsection as subsection (4);
- (b) by inserting new subsections (2) and (3) as follows:

“(2) Subject to subsection (3), the physical assets owned by a person other than a concessionaire that are used for the generation or supply of electricity may be removed from the Kingdom without the permission of the Minister unless such removal would have a material detrimental effect on the security of supply for an island group.

(3) The physical assets owned by Meridian Energy Limited or any subsidiary (as that term is defined in the Companies Act 1993 (New Zealand), but includes any body corporate of any jurisdiction) of Meridian Energy Limited that are used for the generation or supply of electricity may be removed from the Kingdom without the permission of the Minister unless those assets generated 10 per cent or more of the total electricity generated in an island group in the most recent calendar year.”.

#### **5 Part VIII inserted– Customs Duties**

The Principal Act is amended by inserting the following heading and section after section 28:

### **“PART VIII – CUSTOMS DUTIES**

#### **29 Customs duties**

All plant, machinery, mechanical appliances, iron and steel works, cement, concrete, engines, boilers, dynamos, motors, generator sets, conductor cable, transformers, poles, insulators, inverters, photovoltaic modules, metering equipment and all materials, apparatus and equipment (including related parts) of any kind whatsoever imported

into the Kingdom by, or on behalf of, a concessionaire or a person carrying on an activity referred to in section 19(2)(c), and in either case imported into the Kingdom for the purpose of generating, distributing or supplying electricity in the Kingdom, shall be free of all customs duties, excise duties and any other taxes imposed by any Act in relation to the importation of those goods.”.

Passed by the Legislative Assembly this 14th day of September 2010.