

[LEGAL NOTICE NO. 24]

PUBLIC ENTERPRISE ACT 1996

## **Public Enterprise (Fiji Electricity Authority Reorganisation) Regulations 2018**

IN exercise of the powers conferred upon me by sections 17 and 38 of the Public Enterprise Act 1996, after consulting the Minister for Infrastructure and Transport and with the approval of Cabinet, I hereby make these Regulations—

*Short title and commencement*

1.—(1) These Regulations may be cited as the Public Enterprise (Fiji Electricity Authority Reorganisation) Regulations 2018.

(2) These Regulations come into force on 16 April 2018.

*Interpretation*

2. In these Regulations, unless the context otherwise requires—

“Authority” means the Fiji Electricity Authority established under section 3 of the Electricity Act 1966; and

“Company” means the company formed in accordance with regulations 3 and 4.

*Conversion of the Authority*

3.—(1) The Authority is taken to have converted to and become the Company, a public company limited by shares registered under the Companies Act 2015.

(2) The conversion in accordance with subregulation (1) does not create a new entity or affect the Authority’s property, rights and obligations, except as set out in these Regulations.

*Formation of the Company*

4.—(1) The Company is deemed to have been formed and registered under the Companies Act 2015 on the date of the conversion in accordance with regulation 3.

(2) The Company has the name, Energy Fiji Limited, may sue and be sued in its corporate name and has the functions and powers of a public company limited by shares under the Companies Act 2015.

(3) The capital structure, the initial shareholder and the initial directors of the Company are set out in the Schedule.

(4) The directors are authorised to adopt an articles of association for the Company.

*Appointment of the Company as the successor entity*

5. The Company is appointed as the successor entity of the Authority.

*Consequential amendments to the Electricity Act 1966*

6. The Electricity Act 1966 is amended by—

- (a) in section 2—
  - (i) in the definition of “Authority”, deleting “section 3” and substituting “section 3(1) or the successor entity of the Fiji Electricity Authority, being Energy Fiji Limited”;
  - (ii) in the definition of “Chairperson”, deleting “appointed under the provisions of section 4”;
  - (iii) in the definition of “Chief Executive Officer”, deleting “appointed under section 11”;
  - (iv) deleting the definition of “member of the Authority”; and
  - (v) in the definition of “Secretary”, deleting “appointed under section 11”;
- (b) in section 3—
  - (i) deleting subsections (2) and (3); and
  - (ii) renumbering section 3(1) as section 3;
- (c) in section 11—
  - (i) in subsection (1), deleting “, with the approval of the Minister,”;
  - (ii) deleting subsections (2) and (3); and
  - (iii) renumbering section 11(1) as section 11;
- (d) in section 31—
  - (i) deleting “the Authority may, with the approval of the Minister, seek to acquire such land compulsorily” and substituting “the State may acquire such land compulsorily and lease the land to the Company for the purposes of working or operating an installation,”; and
  - (ii) after “acquisition”, deleting “by the Authority”;
- (e) in section 32(5)—
  - (i) after “the Registrar of Titles shall,”, inserting “subject to section 31,”; and
  - (ii) deleting “register the Authority” and substituting “register the Director of Lands”;
- (f) in section 66(1), deleting “Authority may, with the approval of the Minister,” and substituting “Minister may”; and
- (g) deleting sections 4, 5, 6, 7, 9, 10, 12, 16, 17, 18, 21, 21A, 22, 23, 24, 25 and 60.

*Transitional*

7.—(1) All deeds, bonds, agreements, instruments and arrangements entered into by the Authority and current as at the commencement of these Regulations are deemed to have been made by the Company as if the Company had been named therein or had been a party thereto instead of the Authority.

(2) All persons employed by the Authority as at the commencement of these Regulations are deemed to be employed by the Company on the same terms and conditions as such employees were employed by the Authority.

(3) All licences, permits, approvals or authorisations granted to or by the Authority and current as at the commencement of these Regulations are deemed to have been granted to or by the Company and will continue to be of full force and effect for the remainder of their term, unless sooner terminated by the Company.

(4) All legal proceedings taken by or against the Authority and current as at the commencement of these Regulations are deemed to have been taken by or against the Company.

(5) All fees, dues and charges owing to the Authority and unpaid as at the commencement of these Regulations are payable to the Company.

Made this 16th day of April 2018.

A. SAYED-KHAIYUM  
Attorney-General and Minister for Public Enterprises

SCHEDULE  
(Regulation 4(3))

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INITIAL SHAREHOLDER AND DIRECTORS

1. The initial shareholder of Energy Fiji Limited is—

<b>Shareholder</b>	<b>Ordinary Shares</b>	<b>Non-Voting Shares</b>
The permanent secretary responsible for finance	475,000,000	25,000,000

2. The initial directors of Energy Fiji Limited are—

- (i) Mr Daksesh Patel;
- (ii) Mr Gardiner Whiteside;
- (iii) Mr Alipate Naiorosui;
- (iv) Mr David Kolitagane;
- (v) Mr Kamal Gounder; and
- (vi) Mr Hasmukh Patel.