THE ELECTRICITY ACT, 2019

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Section
1. Short title and commencement
2. Interpretation
3. Functions of Energy Regulation Board in relation to electricity

PART II

ELECTRICITY GENERATION, TRANSMISSION, DISTRIBUTION AND SUPPLY

4. Feasibility study
5. Prohibition of unauthorised electricity generation, transmission, distribution or supply
6. Establishment of generating station
7. Application for new generation capacity
8. Application to expand or decrease rated generating capacity
9. Producer
10. System operator
11. Transmission network service provider
12. Distribution network service provider
13. Connection to transmission and distribution network
14. Access to transmission or distribution network
15. Declaration of common carrier
16. Sustainability programme
17. Sale or purchase of electricity outside the Republic
18. Declaration of emergency
19. Power purchase agreement or power supply agreement
20. Notice of accidents and liability of licensee for damage or injury
21. Notice of incidence affecting quality and availability of electricity

PART III

ACQUISITION OF LAND AND RIGHTS OVER LAND

22. Acquisition of land for electricity purposes
23. Wayleaves over land
24. Rights of entry
25. Trees and buildings interfering with transmission lines

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26. Obstruction of lines by buildings or structure
27. Breaking up other infrastructure
28. Entry and inspection of premises by licensee
29. Compensation for damage in exercise of powers

PART IV
TARIFFS FOR RETAIL CUSTOMERS
30. Tariff principles
31. Prohibition on charging retail tariffs without approval of Energy Regulation Board
32. Application for retail tariff
33. Approval and effective date of tariff
34. Multi-year and annual tariff adjustments
35. Variation of tariff
36. Publication of retail tariffs
37. Minimum bilateral tariff

PART V
RIGHTS AND DUTIES OF RETAIL CONSUMERS
38. Duties of retail consumers
39. Supply of electricity
40. Exceptions to duty to supply electricity
41. Consumption
42. Security deposit
43. Recovery of charges for electricity

PART VI
OFFENCES AND PENALTIES
44. Interference with supplies and apparatus
45. Installation of electrical wiring
46. Obstruction of inspector or licensee
47. Prohibition of publication or disclosure of information to unauthorised persons
48. Offence by body corporate or unincorporate body

PART VII
GENERAL PROVISIONS
49. Access fees
50. Information and records
51. Service of notice
52. Regulations
53. Repeal of Cap. 433
54. Savings and transitional provisions

GOVERNMENT OF ZAMBIA

ACT

No. 11 of 2019

Date of Assent: 27th December, 2019

An Act to regulate the generation, transmission, distribution and supply of electricity so as to enhance the security and reliability of the supply of electricity; provide for the sale and purchase of electricity within and outside the Republic; facilitate the achievement of the efficient, effective, sustainable development and operation of electricity infrastructure; provide the roles and responsibilities of various participants in the electricity sector; facilitate adequate levels of investment in the electricity sector; provide for a multi-year tariff framework; promote transparency in the identification and allocation of risks, costs and revenues within and between participants in the electricity sector; ensure the protection and safety of consumers of electricity and the public; repeal and replace the Electricity Act, 1995; and provide for matters connected with, or incidental to, the foregoing.

[27th December, 2019

ENACTED by the Parliament of Zambia. Enactment

PART I
PRELIMINARY PROVISIONS

1. This Act may be cited as the Electricity Act, 2019, and shall come into operation on the date appointed by the Minister by statutory instrument. Short title and commencement Act No. 11 of 2019

Interpretation

2. In this Act, unless the context otherwise requires—

"ancillary service" means a service comprising reactive power, black start, operating reserve and a service required to control power system stability;

"base tariff"means a reference to a retail tariff determined by the Energy Regulation Board at the beginning of the multi-year tariff period;

Act No. 12 of 2019

"base year" means the latest historical full financial year prior to a retail tariff application;

"bilateral tariff" means the tariff at which electricity is sold under a power purchase agreement or a power supply agreement, excluding a retail tariff;

"black start" means the process of restoring a generating station or part of the electricity network following a total system collapse without the use of an external transmission system;

"Board" means the Board of the Energy Regulation Board established under the Energy Regulation Act, 2019;

Act No. 12 of 2019

"charge" includes the price, fee, rate, surcharge, levy, fine, penalty, deposit, connection charge or fee, use of system charge or any other charge made for the provision of a service or product that a licensee provides in the course of carrying out the licensed activity;

"chief" has the meaning assigned to the word in the Constitution;

Cap. 1

"common carrier" means a transmission or distribution line declared as a common carrier by the Minister under section 15;

"consumer" means a person to whom electricity is sold under a contract of supply or a person who has applied and paid for the supply of electricity;

"contract of supply" means a contract between a licensee and a consumer for the supply of electricity to that consumer;

"cost reflective" includes—

(a) in relation to a tariff, the recovery of the allowable costs of each regulated and licensed activity within the electricity generation, transmission, distribution and supply value chain;

(b) charges reflecting any combination of the fixed, variable or marginal costs of the generation, network maintenance or retail and operational segments of the power system and interest and depreciation costs which enable the asset to be replaced or refurbished as necessary and for the assets to be expanded as demand for electricity grows; and

(c) the revenue received from electricity tariffs covering the full and efficient operation and maintenance costs including staff, overhead, primary energy and the full capital costs and an allowable rate of return;

"distribution" means the transportation of electricity on a distribution system for delivery to a consumer;

"distribution line" means a cable, overhead or underground line for the distribution of an electric voltage whose upper limit is sixty-six kilovolts and includes—

(a) a transformer, switchgear or other works necessary for, and used in connection with, the cable, overhead or underground line; and

(b) a building or a part of the building required to accommodate the transformer, switchgear or other works;

"distribution network service provider" means a licensee responsible for operating, maintaining and developing a distribution system in an area and, where applicable, the distribution system's interconnection with other systems;

"distribution system" means a portion of an electricity network which delivers electric energy from transformation points on the transmission network of bulk power system to an enterprise at a voltage whose upper limit is sixty-six kilovolts;

"electric line" means a line that is used for transmitting electricity for any purpose, and includes—

(a) any support for a line, structure, tower or pole by or from which a line may be supported, carried or suspended;

(b) an apparatus connected to a line for the purpose of carrying electricity; and

(c) a wire, cable, tube or pipe which surrounds or supports, is surrounded and supported by, is installed in close proximity to, or is supported, carried or suspended in association with any line;

"electric plant" means a plant, equipment, apparatus, appliance or other part used for, or connected with, the generation, transmission, distribution or supply of electricity, but does not include—

(a) an electric line;

(b) a meter used for ascertaining the quantity of electricity supplied to any premises; or

(c) electrical equipment, apparatus or an appliance under the control of a consumer;

"electric power" means the rate, per unit time, at which electrical energy is transferred by an electric circuit;

"electricity" means electrical energy produced by physical sources of energy such as hydropower, wind power, solar power, petroleum, coal, bio-mass, nuclear energy or any other source;

"electricity network" means the electricity lines in a transmission or distribution network, including the support and protection elements, sub-stations and other electric power equipment that are interconnected;

"electricity project" means a project that includes development or construction of generation, transmission and distribution infrastructure for the supply of electricity for commercial purposes as prescribed;

"emergency" means an occurrence where an unplanned loss of generation or transmission facilities, or an occurrence beyond a licensee's control that impairs or affects the licensee's ability to supply that licensee's system demand;

"Energy Regulation Board" means the Energy Regulation Board established under the Energy Regulation Act, 2019; Act No. 12 of 2019

"enterprise" means a company that—

(a) generates, transmits, distributes or supplies electricity;

(b) generates, transmits, distributes or supplies electricity solely or mainly in the interest of a group of associated companies, whether or not any excess electricity is supplied to any consumer who is not part of the group;

(c) operates a transmission network; or

(d) trades in electricity as an intermediary, as prescribed;

"environmental impact assessment" has the meaning assigned to the words in the Environmental Management Act, 2011; Act No. 12 of 2011

"equipment" means machinery, appliances, meters, fittings, apparatus and other equipment owned by, or under the control of, a licensee and used for conducting the licensed activity;

"generating station" means a site for generating electricity including a building, plant, machinery or accessories used for the purpose of generating electricity;

"generate" means to produce electricity and cognate expressions shall be construed accordingly;

"grid code" means a set of rules and responsibilities for the development, maintenance and operation of an efficient, co-ordinated and economical system for the transmission and distribution of electricity that promotes the security and efficiency of the whole power system as prescribed;

"hybrid system" means a generating station or electric plant which makes use of more than one energy source;

"inspector" means a person appointed as an inspector under the Energy Regulation Act, 2019; Act No. 12 of 2019

"installation" means the whole of a plant or equipment designed for the supply or use of electricity;

"installed capacity" means the maximum aggregate capacity of a plant that generates, transmits or distributes electricity;

"interconnected power system" means a number of transmission and distribution lines, and includes associated power generation systems that are linked together for the purpose of transmitting or distributing electricity;

"land" has the meaning assigned to the word in the Lands Act; Cap. 184

"licence" means a licence issued by the Energy Regulation Board under the Energy Regulation Act, 2019 or an authorisation issued under any other written law; Act No. 12 of 2019

"licensed activity" means an activity that is authorised under a licence;

"licensee" means a holder of a licence authorising the holder to undertake an activity under this Act;

"local authority" has the meaning assigned to the words in the Constitution; Cap. 1

"multi-year tariff framework" means a framework that regulates a licensee's tariff over a period of time;

"non-retail consumer" means a consumer other than a retail consumer;

"open access" means the availability of spare transmission or distribution capacity to any qualifying participant on non-discriminatory terms and conditions;

"premises" includes—

(a) a building, tent, container, vehicle, conveyance, vessel or other structure, permanent or otherwise, with the land on which the building, tent or structure is situated and any adjoining land used in connection with the building, tent, container, vehicle, conveyance, vessel or structure; and

(b) a street, open space or place of public resort;

"power purchase agreement" means a contract entered into between or among enterprises for the sale and purchase of electricity;

"power supply agreement" means a contract entered into between an enterprise and a non-retail consumer for the sale of electricity;

"power system" means a network of electrical components and allied infrastructure used to generate, transmit, distribute or supply electric power;

"producer" means a person who generates electricity;

"rated generating capacity" in relation to an installed generating plant, means the designed maximum continuous output of the plant;

"relevant authority" includes the ministries responsible for water and sanitation, land, local government and any other relevant authority as the Minister may prescribe;

"renewable energy resources" means non-fossil sources of energy capable of use for the generation of electricity including wind, solar, hydro, bio-mass and geothermal;

"retail consumer" means a consumer whose consumption is in accordance with the prescribed limits and categories;

"retail tariff" means the tariff at which the electric energy is sold to different customers but excludes bilateral tariffs in a power purchase agreement and power supply agreements;

"road" has the meaning assigned to the word in the Public Roads Act, 2002; Act No. 12 of 2002

"spot market" means an electricity market where a system for effecting bids for short term trade of electricity is carried out in the absence of a power purchase agreement or power supply agreement;

"state land" has the meaning assigned to the words in the Lands Act; Cap. 184

"street" has the meaning assigned to the word in the Local Government Act, 2019; Act No. 2 of 2019

"supplier" means a person who supplies electricity;

"sustainability programme" means an annual or a five-year plan of a licensee, which sets out the manner in which the licensee is to achieve and sustain the customer service and engineering, financial and technical standards necessary for a regular, efficient, coordinated and economical supply of electricity under its licence;

"system operator" means an entity responsible for the short term reliability of an interconnected power system, which is in charge of controlling and operating the transmission system and dispatching generation or balancing the supply and demand in real time in a non-discriminatory manner;

"system user" means a person supplying or being supplied electricity by a transmission or distribution system;

"tariff" has the meaning assigned to the word in the Energy Regulation Act, 2019; Act No. 12 of 2019

"transmission" means the transportation of electricity from the source of electricity production on a transmission system for delivery to distribution network service providers and final consumers;

"transmission line" means a cable, overhead or underground line for the transmission of electricity at a voltage whose range is above sixty-six kilovolts together with a transformer, switchgear or other works necessary to, and used in connection with, the cable, overhead or underground line, and any building or part of the building required to accommodate the transformer, switchgear and other works;

"transmission network service provider" means a person referred to in section 11;

"transmission system" means part of the interconnected power system which supplies power in bulk from a generating station to a distribution system and other consumers and includes—

(a) transmission lines and sub-station equipment on the interconnected power system where the nominal voltage is above sixty-six kilovolts; and

(b) associated equipment at a transmission network service provider substation belonging to a transmission network service provider.

Functions of Energy Regulation Board in relation to electricity

3. In addition to the functions under the Energy Regulation Act, the functions of the Energy Regulation Board under this Act are to—

(a) secure a regular, efficient, coordinated and economical supply of electricity and facilitate universal access to electricity supply;

(b) provide for diversity in the generation of electricity in order to accelerate energy independence, affordability of electricity and universal supply of electricity;

(c) facilitate the efficient, effective, sustainable development and operation of electricity supply infrastructure, installations and facilities;

(d) facilitate investment in the development, construction and operation of electric plants using renewable energy resources;

(e) facilitate energy conservation in the production and end-use of electricity;

(f) ensure that the interests and needs of present and future consumers are safeguarded and met having regard to the governance, efficiency, effectiveness and long-term sustainability of the electricity industry;

(g) promote specialised programmes to increase the capacity for the effective regulation of the electricity industry and the development, implementation and monitoring of national electricity policy;

(h) sensitise the consumers and the public on efficient use of electricity and dangers arising from the supply of electricity;

(i) approve, determine, review and regulate tariffs;

(j) approve, review and regulate power purchase and power supply agreements; and

(k) carry out any other function conferred on it under this Act, the Energy Regulation Act, 2019 and any other written law. Act No. 12 of 2019

PART II
ELECTRICITY GENERATION, TRANSMISSION, DISTRIBUTION AND SUPPLY

Feasibility study

4. (1) A person who intends to undertake a feasibility study for the development of a new electricity project, shall apply for an authorisation to the Minister in the prescribed manner and form.

(2) The Minister shall, in consultation with other relevant authorities, in considering an application under subsection (1) approve or reject the application to undertake a feasibility study within thirty days of receipt of the application.

(3) An approval granted under subsection (2) shall be valid for a period of two years.

(4) The holder of an authorisation may apply to the Minister in the prescribed manner and form for renewal of the authorisation for a further period of one year, on demonstrating that the feasability study could not reasonably be completed during the period specified under subsection (3).

(5) The Minister may approve or reject the application for the renewal of authorisation within thirty days of receipt of the application.

(6) Where after the expiry of the period for the renewal, the holder of the authorisation does not conclude or undertake the feasibility study, the Minister may on an application by another person grant the authorisation to another person.

Prohibition of unauthorised electricity generation, transmission, distribution or supply Act No. of 2019

5. (1) A person shal not generate, transmit, distribute or supply electricity or trade in electricity as an intermediary or establish or carry on an activity for or related to the generation, transmission, distribution or supply of electricity, trading in electricity as an intermediary or the operation of a transmission or distribution system, except as provided in this Act and the Energy Regulation Act, 2019.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million penalty units or to imprisonment for a term not exceeding ten years, or to both.

Establishment of generating station Act No. 12 of 2011

6. (1) Subject to the provisions of the Environmental Management Act, 2011, or any other written law, a person who intends to construct and establish a generating station shall do so in accordance with this Act, and any requirement of the Energy Regulation Board which is consistent with this Act if the plant—

(a) is rated at a site where it is to be installed at a capacity of two hundred and fifty or more kilowatts for generating, transmitting, transforming, converting or distributing electricity; or

(b) is rated at a site where it is installed at a capacity below two hundred and fifty kilowatts and that is used for the generation, transmission, distribution or supply of electricity for the use of another person.

(2) A person who intends to establish a generating station under subsection (l) shall take into consideration the need to facilitate co-ordination with existing or future enterprises.

Application for new generation capacity

7. A licensee shall obtain the prior written approval of the Energy Regulation Board where the licensee requires new installed capacity for generation to—

(a) ensure a continuous supply of electricity;

(b) determine the type of energy source from which electricity may be generated and the percentage of electricity that may be generated from that energy source; or

(c) secure electricity supply to specified consumers that do not have access to electricity.

Application to expand or decrease rated generating capacity

8. (1) A licensee who is part of an interconnected system who intends to expand or decrease its installed capacity shall apply to the Energy Regulation Board for approval in the prescribed manner and form.

(2) The Energy Regulation Board shall, within thirty days of the receipt of the application submitted under subsection (1), approve or reject the application.

(3) The Energy Regulation Board shall, where it rejects an application under subsection (2), notify the applicant, in writing, within fourteen days of the decision, and shall state the reasons for the rejection.

Producer
Act No. 12
of 2019

9. (1) Subject to this Act and the Energy Regulation Act, 2019, a producer may—

(a) develop and maintain a regular, efficient, coordinated and economical system of electricity supply;

(b) transmit electricity through the transmission system and distribution system;

(c) connect the generating station to the transmission or distribution network;

(d) use primary sources of energy that the producer considers appropriate for the generation of electricity;

(e) enter into contracts for the sale of electricity, subject to the prior written approval of the Energy Regulation Board; and

(f) use part of its generated electricity or access the interconnected power system for the purpose of the producer's auxiliary requirements in accordance with the grid code and other technical rules.

(2) A producer shall—

(a) comply with the conditions of the licence, this Act or any other relevant written law;

(b) comply with the grid code and other relevant technical rules, as may be prescribed; and

(c) possess adequate metering devices for measuring electricity that enters or leaves a transmission network or distribution network.

(3) A producer shall generate electricity in a reliable manner and maintain a specified reserve capacity of electricity in accordance with this Act and the Energy Regulation Act, 2019.

Act No. 12
of 2019

System
operator

10. A system operator shall—

(a) operate a transmission network and its inter-connectors with other networks in order to guarantee the security of supply of electricity;

(b) manage energy flows on the transmission network and maintain a balance of the energy flow;

(c) ensure the availability of the necessary ancillary services for the generation of electricity;

(d) provide sufficient information to other transmission regional operators on an interconnected system to ensure secure and efficient operation;

(e) ensure a coordinated development of the interconnected system;

(f) ensure non-discrimination between system users or classes of system users;

(g) provide a system user with the information needed for efficient access to the transmission system or distribution system, dispatching of electricity and determining the use of inter-connectors; and

(h) carry out any other functions that may be prescribed.

Transmission network service provider

11. (1) A transmission network service provider shall develop, maintain and operate a transmission network in the area where the transmission provider operates and where applicable, the transmission network interconnects with other networks.

(2) A transmission network service provider shall determine the terms and conditions for the provision of transmission services to transmission network service users in a non-discriminatory and cost reflective manner.

(3) A transmission network service provider shall allow producers and suppliers to access a transmission network in accordance with this Act, the conditions of the relevant licence and the grid code.

Distribution network service provider

12. (1) A distribution network service provider shall—

(a) maintain a secure, reliable and efficient distribution system in its area;

(b) ensure non-discrimination between distribution network users;

(c) provide distribution network users with information required for efficient access to the electricity distribution system; and

(d) plan the development of the distribution network, taking into account energy efficiency measures.

(2) The distribution network service provider shall comply with the conditions of the relevant licence and the grid code.

Connection to transmission and distribution network

13. A transmission network or distribution network service provider shall connect a person who—

(a) satisfies the terms and conditions for connection to a transmission network or distribution network as provided in the grid code; and

(b) enters into an agreement with the transmission network or distribution network service provider.

Access to transmission or distribution network

14. (1) A person who seeks access to a transmission network or distribution network shall apply to the transmission or distribution network service provider in the prescribed manner and form.

(2) The transmission or distribution network service provider shall, within thirty days of receipt of the application approve or reject the application.

(3) An applicant shall be granted access to a transmission network or distribution network on the conditions set out in the licence of the transmission network or distribution network service provider which may include—

(a) the circumstances under which access shall be allowed;

(b) the strengthening or upgrading of the transmission network or distribution network in order to provide for access, including contributions towards the upgrading by the potential network user of the network, if applicable;

(c) the rights and obligations of other existing or new users regarding the use of the transmission network or distribution network;

(d) compliance with any rule, code or practice issued by the Energy Regulation Board; or

(e) the fees that may be charged by a licensee for the use of the transmission network or distribution network.

(4) A transmission network or distribution network service provider shall notify an applicant of the rejection, in writing, stating the reasons for the refusal.

(5) A person who is aggrieved with a decision of a transmission network or distribution network service provider under subsection (4) or objects to the conditions imposed for access to a transmission network or distribution network may appeal to the Energy Regulation Board.

(6) The Energy Regulation Board shall hear and determine the appeal within sixty days of the date of receipt of the appeal, and notify the parties of its decision within fourteen days of the date of the decision.

Declaration of common carrier

15. (1) The Minister may, by statutory instrument, declare a transmission or distribution line as a common carrier for the purposes of this Act.

(2) A transmission or distribution line that is declared as a common carrier may be used for the purpose of an enterprise on terms and conditions that may be agreed between the enterprise and a person who owns or controls the transmission or distribution line concerned or, in default of that agreement, as may be determined by the Energy Regulation Board, with the approval of the Minister.

Sustainability programmes

16. A licensee shall develop and maintain a five year sustainability programme which shall be reviewed on an annual basis, or a shorter period that may be prescribed by the Energy Regulation Board.

Sale or purchase of electricity outside the Republic

17. (1) An enterprise or consumer that intends to purchase or sell electricity outside the Republic shall apply to the Minister for approval, in the prescribed manner and form, except where electricity is purchased or sold on a competitive spot market or is required for emergency purposes.

(2) The Minister shall, in considering an application under subsection (1), have regard to the advice of the Energy Regulation Board and the terms of any relevant international agreement to which the Republic is a party.

(3) The Minister may, after considering an application under subsection (1), approve or reject an application within thirty days of receipt of the application.

(4) Where the Minister fails to make a decision under subsection (3), within the specified period, the approval to purchase or sell electricity outside the Republic shall be considered to have been granted.

Declaration of emergency

18. (1) A licensee shall where the licensee has reasonable grounds to believe that an emergency exists, apply to the Energy Regulation Board for a declaration that the emergency exists.

(2) Where the Energy Regulation Board determines that an emergency exists and is of a nature and extent that exceptional measures are necessary in public interest, the Energy Regulation Board shall declare as an emergency and as soon as practicable publish the declaration in the *Gazette*.

(3) Where the emergency is declared, the licensee shall submit the proposed tariff adjustment to the Energy Regulation Board for approval.

(4) The Energy Regulation Board may in approving the proposed tariff under subsection (3), dispense with the holding of a public hearing.

(5) The Energy Regulation Board may review the declared emergency under subsection (1) at intervals not exceeding three months for purposes of determining whether the emergency still exists.

(6) The Energy Regulation Board may revoke the declaration made under subsection (1) where the Energy Regulation Board considers that the emergency no longer exists and the approved tariff under this section shall cease to have effect and the licensee shall revert to the tariff that existed before the declaration of the emergency.

Power purchase agreement or power supply agreement

19. (1) An enterprise that intends to enter into a power purchase agreement or power supply agreement for the local or export market shall submit the proposed power purchase agreement or power supply agreement to the Energy Regulation Board for approval.

(2) The Energy Regulation Board shall, within thirty days of receipt of the proposed agreement, approve or reject the proposed agreement.

(3) The Energy Regulation Board shall, where the Energy Regulation Board rejects the proposed agreement notify the enterprise of the reasons for the rejection.

(4) A power purchase agreement or power supply agreement shall include terms relating to—

(a) the quantity of the power supply;

(b) the technical conditions and quality of supply;

(c) the scheduling of supply receipts;

(d) the responsibility for supply and receipt;

(e) the sanctions for breach of a contract;

(f) the payment terms or payment guarantees for the supply of electricity;

(g) the tariff and the tariff structure;

(h) the duration of the agreement;

(i) the review of the agreement; and

(j) any other terms that the Energy Regulation Board may determine.

(5) Subject to this Act, the Energy Regulation Board may vary a bilateral tariff in accordance with the principles under section 30(1).

Notice of accidents and liability of licensee for damage or injury

20. (1) A licensee shall inform the Energy Regulation Board of an accident within twenty-four hours of becoming aware of an accident which occurs in the licensee's course of operation or of the licensed activity which causes, or is likely to have caused, loss of life or serious personal injury or damage to property.

(2) A licensee who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to a term of imprisonment not exceeding two years, or to both.

(3) The notice referred to in subsection (1) shall not discharge the licensee from carrying out any obligations arising from the accident under any other written law.

Notice of incidence affecting quality and availability of electricity

21. (1) A licensee shall report all incidents likely to affect, or that materially affect, the quality or availability of electricity within twenty-four hours of the occurrence of the incident and submit a written outage report to the Energy Regulation Board within seven days of the incident, indicating the causative factors, response time and effectiveness of the corrective measures.

(2) For the purposes of this section, "outage"means an interruption in the supply of electricity to a point of supply or consumption.

PART III

ACQUISITION OF LAND AND RIGHTS OVER LAND

Acquisition of land for electricity purposes Cap. 189

22. (1) The President may, in accordance with the Lands Acquisition Act, compulsorily acquire land that the President may consider necessary for purposes of, or associated with, the generation, transmission, distribution or supply of electricity by a licensee.

(2) A licensee that acquires land under this section shall not—

(a) use the land for any other purpose except the purpose for which it was acquired; or

(b) dispose of the land or an interest or right on the land, except with the prior approval of the President, taking into account the public interest.

(3) Where a licensee does not use the land or any part of it for the purpose for which it was acquired, the land, or that part of it that the President may determine, shall revert to the use and absolute control of the President.

Wayleaves over land

23. (1) Despite section 22, a licensee may, for the purpose of supplying electricity, place transmission or distribution lines above or below the ground of, into, out of, or across, any land other than land covered by a building.

(2) A licensee shall, before placing a transmission or distribution line in position in accordance with subsection (1), serve for consent on the landowner and the person lawfully occupying it or, in the case of a street, on the local authority concerned, a notice of the intention to erect a transmission or distribution line, in the prescribed manner and form, with a description of the lines proposed to be placed, unless the owner or occupier is not resident in the Republic or has no representative within the Republic.

(3) A person on whom a notice has been served under subsection (2) may object or attach any terms or conditions to the consent to which that person objects.

(4) Where a person served with a notice objects under subsection (3), the licensee shall refer the matter to the Minister for a decision.

(5) The Minister shall, within sixty days of the date of receipt of the matter referred to the Minister under subsection (4), make an order that may be necessary and inform the parties to the matter of the Minister's decision in writing.

(6) A licensee shall, where the Minister makes an order under subsection (5) permitting the licensee to place transmission or distribution lines on the land specified in the order—

(a) give notice to the land owner or occupier of the land of the date of placement of the transmission or distribution lines; and

(b) compensate the land owner for any damage caused by the placement of the lines in accordance with the provisions of the Lands Acquisition Act. Cap. 189

(7) A licensee shall maintain a wayleaves in good state of cleanliness and repair.

Rights of entry

24. (1) Where a licensee is permitted to use any land or has placed a transmission or distribution line in position on any land in accordance with this Part, the licensee shall have reasonable access to the land or transmission or distribution line for the purpose of carrying on the operations authorised by the licence or maintaining, removing, repairing or replacing the distribution or transmission line on the land.

(2) Where a licensee has acquired any land or rights over land under the provisions of this Act or any other written law, subsection (1) shall apply to access to that land and a person entitled to exercise the right over the land.

Trees and buildings interfering with transmission lines
Act No. 4 of 2015

25. (1) Subject to the Forest Act, 2015, where on any land including state land trees or undergrowth obstruct or interfere with the construction, working or maintenance of any transmission line the licensee concerned may give to the owner or lawful occupier of the land on which the trees or undergrowth are situated, not less than fourteen days' notice of the intention to enter on the land and cut down or trim the trees or undergrowth in question and, after expiry of that notice, may enter on the land and carry out that intention.

(2) Despite subsection (1), where immediate action is required to protect a distribution or transmission line from damage by a tree or undergrowth on any land, or the tree or undergrowth poses a threat to the safety of persons on the land, is interrupting or threatening to interrupt the supply or transmission of electricity, the licensee concerned may, without any notice to the owner or lawful occupier of the land, enter on the land in a manner that may be necessary to prevent the damage to the transmission or distribution line and take action that may be necessary to establish safe conditions and ensure the continuity of the supply of electricity.

Obstruction of lines by buildings or structure

26. (1) A person shall not, without the permission of a licensee, erect a building or structure in a position or manner that is likely to interfere with the supply of electricity through a transmission or distribution line.

(2) A licensee may, where a person erects a building or structure contrary to subsection (1), request the person to remove or adjust the building or structure as may be necessary, and where that person fails to comply with the request, the licensee may apply to the planning authority responsible for the area in which the building or structure is located for an order for the removal or adjustment of the building or structure, and after due inquiry, the planning authority may take action that may be appropriate for purposes of this Act.

(3) For the purposes of this section, "planning authority" has the meaning assigned to the words in the Urban and Regional Planning Act, 2015.

Act No. 3 of 2015

Breaking up other infrastructure

27. (1) Where a licensee has acquired the right to place, repair or replace a transmission or distribution line across, under or along a street or has placed a transmission or distribution line in accordance with this Act or any other law, the licensee may—

(a) break up a street, road, bridge or pavement for purposes of placing or replacing the transmission or distribution line;

(b) open and break up any sewer, drain or tunnel within, under or along any street, road, bridge or pavement;

(c) lay down pipes, conduits, machinery and other apparatus; and

(d) do other things that are necessary for the purpose of supplying electricity.

(2) A licensee shall, before exercising a power conferred by this section, give to the local authority fourteen days' notice, in writing, of the licensee's intention to exercise that right, except in cases of emergency, when the licensee shall give notice to the local authority as soon as possible after the emergency has arisen, and shall give notice to the owner of a water pipe, telephone cable or other installation that is likely to be affected by the exercise of the power.

(3) The powers conferred by this section shall, except in cases of emergency, be exercised under the supervision of the local authority and according to the specifications and plan showing the route approved by the local authority or if a difference arises on the specification, plan or route specified by the local authority, as approved by the Minister, and where the local authority concerned fails to exercise the powers of supervision after the notice has been given, the licensee may exercise those powers without the necessary supervision.

(4) A licensee who carries out any work authorised under this section shall comply with the by-laws and regulations of a local authority concerned and shall complete that work within a reasonable period and repair the street, road, bridge, pavement, sewer or like structure and remove any waste created.

(5) A licensee shall, while carrying out any work on a street, road, bridge, pavement, sewer or like structure or while the street, road, bridge, pavement, sewer or like structure is obstructed—

(a) fence in and guard the works at all times and ensure that the area is well lit during the night; and

(b) provide adequate warning devices to indicate the fact of disrepair on or to the street, road, bridge or pavement, sewer or like structure.

(6) A licensee shall, without unnecessary delay, restore to the satisfaction of the local authority a street, road, bridge, pavement, sewer or like structure affected under subsection (1).

(7) A local authority may, where a licensee fails to carry out any duty imposed by subsections (4), (5) and (6), execute, at the expense of the licensee, any delayed or omitted work.

(8) A licensee concerned shall pay to the local authority the costs incurred by the local authority in exercising any necessary supervision under this section or in re-instating and making good any damage on the street caused by the licensee.

Entry and inspection of premises by licensee

28. (1) A licensee and a person authorised, in writing, by the licensee may, at any reasonable time enter any premises to which electricity is or has been supplied by the licensee in order to inspect the generating station, transmission or distribution lines, fittings, meters and apparatus.

(2) A licensee that enters any premises under subsection (1) may—

(a) ascertain the quantity of electricity consumed or, where supply is no longer required or the licensee is authorised to do so, cut off the supply from the premises; and

(b) remove any generation, transmission or distribution lines, fittings, meters, and apparatus that belong to the licensee.

(3) A licensee that causes any damage by an entry, inspection or removal of a generation, transmission or distribution line, fitting, meter and apparatus shall repair the damage within a reasonable time.

Compensation for damage in exercise of powers

29. (1) A licensee shall, in the exercise of powers relating to the execution of works permitted under this Act, execute the permitted works in a manner that will cause as little detriment, inconvenience or damage as possible to any land or property.

(2) A licensee shall ensure prompt payment of fair and adequate compensation to a local authority and any other person for any damage or loss suffered by the local authority or any other person by reason of exercise of the licensee's powers, and in default of agreement between the parties, the amount and application of the compensation shall be determined by a court of competent jurisdiction.

PART IV
TARIFFS

Tariff principles

30. (1) The Energy Regulation Board shall, in determining a tariff or variation of a tariff, take into account the following principles:

(a) a tariff shall be fair and reasonable and reflect the cost of efficient business operation;

(b) a tariff shall ensure quality of service, predictability of tariff adjustment and reasonable rate of return on capital investment;

(c) a tariff shall encourage competition, economical use of the source of the electricity, good performance and optimum investment;

(d) a tariff shall reward efficiency in performance; and

(e) a tariff shall reflect enforceable standards for the quality and cost of the supply of electricity to retail consumers and non-retail consumers.

(2) Subject to section 19, a licensee shall not discriminate between similarly circumstanced consumers or classes of consumers when setting tariffs and terms of supply regarding—

(a) the place and time of supply;

(b) the quantity of electricity supplied;

(c) the purpose for which the electricity is supplied; or

(d) consumer load and power factor.

Prohibition on charging retail tariffs without approval of Energy Regulation Board

31. (1) A licensee shall not charge a retail tariff without the approval of the Energy Regulation Board.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Application for retail tariff

32. (1) A licensee who intends to charge a retail tariff shall apply to the Energy Regulation Board in the prescribed manner and form.

(2) The Energy Regulation Board shall, within fourteen days of receipt of a duly lodged application under subsection (1), notify the public of the proposed retail tariff in a daily newspaper of general circulation in the Republic and invite objections or submissions on the proposed retail tariff within thirty days of the date of publication of the notice.

(3) The Energy Regulation Board may, on an application by an applicant or on its own motion, review the proposed retail tariff, taking into account any objection or submission made pursuant to subsection (2).

(4) Subject to subsection (2), the Energy Regulation Board shall, after the expiry of the thirty days referred to in subsection (2) following the receipt of objections or submissions, or on its own motion, conduct a public hearing to determine the objections and submissions.

(5) A person who submits an objection or submission under this section, or a licensee who responds to the objection or submission may appear before the Energy Regulation Board in person or through a representative and present the objection or response to an objection respectively.

(6) The Energy Regulation Board shall, after considering the objections or submissions, determine the application of the proposed retail tariffs within thirty days of the date of the public hearing.

Approval and effective date of retail tariff

33. (1) The Energy Regulation Board may, after considering an application made under section 32 and any objection or submissions and any responses to those objections and submissions relating to the application—

(a) confirm the proposed retail tariff;

(b) reject the proposed retail tariff; or

(c) vary the proposed retail tariff as the Energy Regulation Board may determine.

(2) The decision of the Energy Regulation Board shall come into operation on the date specified in the decision.

(3) The proposed retail tariffs shall, where no objections or submissions are received from a consumer or interested party following the public notice of the proposed retail tariffs in accordance with section 32(2), commence on the thirtieth day from the date of expiry of the notice or a later date that the Energy Regulation Board may determine.

(4) The grant of a licence by the Energy Regulation Board to a licensee under the Energy Regulation Act, 2019, shall not be considered an approval of a proposed retail tariff that is submitted to the Energy Regulation Board for approval at the time of the application for the licence. Act No. 12 of 2019

Multi-year and annual tariff adjustments

34. (1) Subject to section 32, the Energy Regulation Board may approve the retail tariff for the licensee for a period of up to five years taking into account the previous base tariff and retail tariff adjustments.

(2) The retail tariffs approved by the Energy Regulation Board shall comprise—

(a) a base tariff determined in accordance with the principles specified in this Part;

(b) pre-determined tariffs; and

(c) a provision for a retail tariff adjustment that takes into consideration—

(i) the exchange rate movements;

(ii) the changes in appropriate index;

(iii) the price of feedstock and any other consumables essential for power generation, distribution and supply; and

(iv) other unavoidable cost increases and expected efficiency gains in the sector as may be determined by the Energy Regulation Board.

(3) A licensee shall not charge a consumer a retail tariff that is higher than the retail tariff approved by the Energy Regulation Board.

(4) Despite subsection (2), the Energy Regulation Board may on the application of a licensee, approve an annual retail tariff adjustment.

Variation of tariff

35. (1) Subject to this Act, a licensee who intends to vary a retail tariff shall apply to the Energy Regulation Board in the prescribed manner and form.

(2) The Energy Regulation Board shall, in considering an application under subsection (1) to vary a retail tariff, have regard to—

(a) the amount of electricity consumed;

(b) the uniformity or regularity of demand;

(c) the time when or during which electricity is required; and

(d) the expenditure on the generation transmission, distribution or supply of electricity.

Publication of retail tariffs

36. A licensee shall publish the approved retail tariffs or any revision of the retail tariff in the *Gazette*, a daily newspaper of general circulation or in electronic media.

Minimum bilateral tariff

37. (1) In addition to any other function under this Act or any other written law, the Energy Regulation Board may at any time, on the application of the licensee, or on its own motion, determine a minimum bilateral tariff payable by non-retail consumers required to achieve cost reflectivity.

(2) A determination by the Energy Regulation Board of the minimum bilateral tariff shall not affect a bilateral tariff applicable to any power purchase agreement or power supply agreement where the tariff is, at the time of the determination under subsection (1), equal to or above the minimum bilateral tariff determined by the Energy Regulation Board.

PART V
Rights and Duties of Retail Consumers

Duties of retail consumers Act No. 24 of 2010

38. (1) A retail consumer shall comply with safety guidelines published by the Energy Regulation Board in accordance with the Competition and Consumer Protection Act, 2010.

(2) A retail consumer who fails to comply with the safety guidelines made under subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand penalty units or to a term of imprisonment not exceeding one year, or to both.

Supply of electricity

39. (1) A person shall apply to a licensee for the supply of electricity under a contract of supply in the prescribed manner and form.

(2) An application made under subsection (1) shall specify—

(a) the premises in respect of which the application is made;

(b) proposed date of commencement for the supply of electricity;

(c) the maximum power which may be required at any time; and

(d) the minimum period for which the supply is required.

(3) The licensee shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.

(4) The licensee shall consider the—

(a) extent to which the application may be granted; and

(b) charges for the supply of electricity.

(5) A licensee shall, on approval of an application for the supply of electricity—

(a) enter into a contract of supply with a retail consumer;

(b) provide electric lines or an electric plant or electrical equipment to the successful applicant for the purposes of supplying electricity;

(c) ensure continuous supply of electricity; and

(d) ensure the rights of consumers relating to the quality of electricity in accordance with the Standards Act, 2017. Act No. 4 of 2017

(6) Where the retail consumer enters into a contract of supply with the licensee under subsection (5), the licensee shall supply electricity to the retail consumer within the period as prescribed.

(7) Where the licensee fails to supply electricity to the retail consumer in accordance with subsection (6), the licensee shall refund the retail consumer the charges for the supply of electricity.

(8) Despite subsection (5), a licensee shall in the event of—

(a) planned interruption of the supply of electricity to a retail consumer, give seven days prior notice of the interruption in a daily newspaper of general circulation in the Republic or electronic media;

(b) unplanned emergency interruption of the supply of electricity to a retail consumer, give notice of the interruption within twenty-four hours.

(9) Despite subsections (5) and (8), a licensee may interrupt the supply of electricity to a retail consumer for periods that may be necessary for carrying out repairs and the licensee shall give twenty-four hours' notice.

(10) Where a licensee interrupts the supply of electricity to a retail consumer to whom the licensee is required to supply electricity under this Part, the retail consumer may appeal to the Energy Regulation Board.

(11) For the purposes of this section "planned interruption" means a deliberate interruption of electricity by the licensee for the purposes of construction, maintenance and load management.

Exceptions to duty to supply electricity

40. (1) A licensee is not required to supply electricity to any premises under a contract of supply where—

(a) the licensee is prevented from supplying electricity due to an act of God or any other cause beyond the licensee's control which the licensee took reasonable precaution and exercised due diligence to avoid;

(b) circumstances exist by reason of which the licensee's supplying electricity breaches or is likely to breach this Act;

(c) it is necessary to prevent damage to the electricity system or property of any retail consumer or to avoid a risk of injury to any person or member of the public;

(d) it is necessary to ensure the continuous supply of electricity to retail consumers or to restore the supply of electricity to other retail consumers;

(e) maintenance, repair, removal of an electric plant or electricity network is authorised by this Act;

(f) the retail consumer has failed to pay the licensee for the cost of installation or supply of electricity to the premises; or

(g) the retail consumer denies the licensee access to the electric supply lines or meters on the premises under the control of the retail consumer.

(2) Despite subsection (1), a licensee shall where the premises is not occupied for a period of more than sixty days, and an electrical installation used to supply the premises remains unutilised for that period, give seven days' notice in accordance with section 51 of the licensee's intention to discontinue the supply of electricity.

(3) A person who is aggrieved by the decision of the licensee under this section may lodge a complaint with the Energy Regulation Board within seven days of the decision.

(4) The Energy Regulation Board shall consider and determine a complaint within seven days of receipt of the complaint.

(5) A person aggrieved with the decision of the Energy Regulation Board may appeal to the High Court.

Consumption

41. (1) A licensee shall supply electricity to a retail consumer in accordance with a contract of supply.

Act No. 6 of 2017

(2) Subject to the Metrology Act, 2017, and any other written law, the metering of electricity by a licensee and related matters shall be governed by a grid code.

(3) A licensee shall, at all times keep the meter in proper order to ensure accurate readings registering or recording of the consumption and the retail consumer shall not tamper with the meter.

(4) Where a meter used to register the quantity of electricity supplied by a licensee to a retail consumer is defective through no fault of the licensee or the retail consumer, the licensee acting reasonably may determine the quantity of electricity supplied and re-calculate the charges due from the retail consumer, as appropriate, for up to a maximum period of six months from the date the meter is established to have been defective.

(5) Where a retail consumer reports a suspected defect of the meter and the licensee delays in responding to the report, the licensee is not entitled to recover from the retail consumer any charges for a period of more than three months from the date the meter was established to be defective.

(6) Where a meter is found to be defective through interference by the retail consumer, the licensee may determine the reasonable quantity of electricity supplied to the retail consumer and re-calculate the charges due from the retail consumer, as appropriate, from the date the licensee determines the meter to have been interfered with.

(7) Where a meter ceases to operate, through interference by a retail consumer, the licensee shall repair or replace the meter and the retail consumer shall bear the cost of that repair or replacement of the meter.

(8) Where a dispute arises under this section concerning the re-calculation of electricity supplied to a retail consumer or regarding interference with a meter, the dispute shall be referred to the Energy Regulation Board for determination.

Security deposit

42. (1) A licensee may require a person who requires a supply of electricity under a contract of supply to give to the licensee reasonable security deposit for the amount that may become due to the licensee—

(a) in respect of the electricity supply; or

(b) where the supply line or electrical plant or equipment has to be provided under section 39, in respect of the provision of that facility.

(2) Where a person fails to give the security required under subsection (1), the licensee may refuse to give the supply or equipment until the security has been given.

Recovery of charges for electricity

43. (1) Where a person fails or refuses to pay a charge for electricity under a contract of supply or engages in an act likely to affect the safety, reliability, security or correct record of electricity supplied, the licensee may discontinue the supply of electricity under a contract of supply, and cut off or disconnect any electric line or other equipment through which the electricity may be supplied until—

(a) the charge, together with any expenses incurred by the licensee in cutting off the supply of electricity, is fully paid; and

(b) all requirements for the safe restoration of an accurately metered supply of electricity are met.

(2) Where a retail consumer on any premises connects a device to an electric line or meter, the licensee may discontinue the supply of electricity under a contract of supply to the retail consumer or occupant of the premises or to any other person who, without legal right, the proof of which shall be on that person, has abstracted or caused to be abstracted, or diverted or caused to be diverted, the electricity, or has consumed or used the electricity, and the licensee shall determine the reasonable quantity of electricity supplied to the retail consumer and calculate the charges due from the retail consumer.

(3) Where the retail consumer or occupier of any premises leaves the premises without paying the amount due to the licensee in respect of charges for electricity under the contract of supply the licensee may refuse to furnish the occupier with a supply of electricity at any other premises until the occupier pays the amount due, but the licensee shall not be entitled to require from the next occupier of the premises the payment of the amount due, unless that occupier has undertaken with the former occupier to pay that amount or exonerate the other occupier for the payment of that amount.

(4) Where a licensee has discontinued the supply of electricity under a contract of supply to any premises in consequence of any default on the part of any consumer or occupant, the licensee shall be under an obligation to resume the supply of electricity before the end of the period of two working days beginning with the time when the retail consumer has made good the default and has paid the reasonable expenses of disconnecting and reconnecting the supply, or such longer period as is reasonable under the circumstances.

PART VI
OFFENCES AND PENALTIES

Interference with supplies and apparatus

44. (1) A person shall not—

(a) unlawfully abstract or cause to be abstracted an electric current;

(b) divert or cause to be diverted any electric current;

(c) knowingly or intentionally consume or use any electric current unlawfully abstracted or diverted;

(d) cut, injure or interfere with any apparatus for generating, transmitting, distributing or supplying electricity; and

(e) maliciously, extinguish or damage a lamp or other electric apparatus provided for convenience of the public.

(2) A person who contravenes subsection (1), commits an offence and is liable on conviction to a fine not exceeding five hundred thousand penalty units, or to imprisonment for a period not exceeding five years, or to both.

Installation of electrical wiring

45. (1) A person shall not install any electrical wiring or extension to an existing transmission or distribution line on any premises without the approval of the licensee.

(2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one million penalty units or to imprisonment for a term not exceeding ten years, or to both.

Obstruction of inspector or licensee

46. (1) A person shall not—

(a) delay or obstruct an inspector or licensee in the carrying out of the inspector's duties or licensee's obligations under this Act;

(b) knowingly or negligently give an inspector or licensee information which is false or misleading in a material particular;

(c) refuse to give an inspector or licensee information or assistance which is required for purposes of an investigation or the fulfilment of an obligation under this Act; or

(d) impersonate an inspector or falsely represent oneself to be an inspector or licensee or to be acting under an inspector's or licensee's orders.

(2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Prohibition of publication or disclosure of information to unauthorised persons

47. (1) A person shall not, without the consent in writing given by or on behalf of the Energy Regulation Board, otherwise than in the course of duties of that person, publish or disclose to any other person, the contents of any document, communication or information, which relates to, or which has come to the knowledge of that person in the course of that person's duties under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of subparagraph (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

Offence by body corporate or unincorporate body

48. Where an offence under this Act is committed by a body corporate or unincorporate body, with the knowledge, consent or connivance of the director, manager, shareholder or partner, that director, manager, shareholder or partner of the body corporate or unincorporate body commits an offence and is liable, on conviction, to the penalty or term of imprisonment specified for that offence.

PART VII
General Provisions

Access fees

49. A licensee may, with the approval of the Energy Regulation Board, require an enterprise to pay access fees for the provision of a supply line, electrical plant or equipment.

Information and records

50. (1) The Energy Regulation Board may, for purposes of this Act, require a licensee to provide information relating to the licensed activity and operations, including any records, documents and agreements relating to the purchase and sale of electricity as the Energy Regulation Board may require in the prescribed manner and form.

(2) A licensee who fails to provide the information requested under subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units, and if the offence of which the licensee is convicted is continued after conviction, the licensee commits a further offence and liable to a fine of two thousand penalty units for each day on which the offence is continued.

Service of notice

51. A notice or other documents required or authorised to be served under this Act may be given—

(a) by delivering it to the person to whom it is directed;

(b) by leaving it at the usual or last known place of abode of that person, except that if there is no person on the premises to whom it can be delivered, by affixing the notice, a copy of the notice at a conspicuous place at the premises;

(c) by sending it in a pre-paid registered letter addressed to that person at the person's usual or last known place of abode, place of business or postal address; or

(d) in the case of an enterprise, by delivering it to the person in charge of the premises of an enterprise.

Regulations Act No. 12 of 2019

52. (1) Subject to the Energy Regulation Act, 2019 the Minister may, by statutory instrument, make regulations for the better carrying out of this Act.

(2) Without limiting the generality of subsection (1), regulations may provide for—

(a) maintenance of security of supply of electricity within the Republic;

(b) grant of permits for feasibility studies and the rights of permit holders;

(c) preventing damage to property arising from the generation, supply or use of electricity;

(d) standards of quality of supply and service;

(e) determination of tariffs;

(f) functions of a system operator;

(g) development and use of renewable energy resources for the generation of electricity;

(h) promotion of efficiency by licensees in the supply of electricity and by consumers in the use of electricity;

(i) protection of consumers and the terms and conditions for the supply of electricity by licensees;

(j) protection of the public and property from dangers arising from the supply of electricity including—

(i) the safety of the public from personal injury, fire and otherwise;

(ii) the protection of persons and property by reason of contact with or the proximity of, or by reason of the defective or dangerous condition of, any electric line or other element of an electrical system used in the supply of electricity or any appliance or other electrical installation in any premises;

(iii) the reporting and investigation of electricity related accidents, damage and other matters concerning the safety of electrical systems and for failures to supply electricity;

(iv) the prevention of any electronic communications or other line, or the current or other signals in those lines, from being injuriously affected by any electricity utilised in the supply of electricity;

(k) rates charged for the supply of electricity and any other service associated with the supply of electricity by any licensee and the rates payable by a licensee to self-generators who provide excess electricity from their electricity generation capacity to the licensee;

(l) information that licensees and self-generators must provide to the Energy Regulation Board under this Act and by licensees to consumers;

(m) open access framework;

(n) declaring that a portion of electricity or power produced from any power station as may be determined by the Minister be reserved for retail consumers including institutions rendering public social services;

(o) metering and other forms of consumption of electricity; and

(p) classes of consumers and licenses.

(3) Regulations made under this Act may provide for fines not exceeding three hundred thousand penalty units or imprisonment for a term not exceeding three years, or both, in relation to offences under those regulations.

Repeal of Cap 433

53. The Electricity Act, 1995, is repealed.

Savings and transitional provisions Act No. of 2019

54. (1) On the commencement of this Act—

(a) subject to the Energy Regulation Act, 2019, any existing rights vested in a person or licensee under the repealed Act, shall, after the commencement of this Act, continue to be held by that person or licensee as if they were accrued under this Act and for purposes of this Act;

(b) a directive issued by the former Board under the repealed Act that is still in force shall continue as if made under this Act;

(c) a contract of supply entered into between an undertaking and a customer under the repealed Act that is still in force shall continue as if entered under this Act;

(d) an establishment under the repealed Act that is still in existence, shall continue to exist as if established under this Act;

(e) existing tariffs and tariff agreements approved or entered into under the repealed Act that are still in force shall continue as if approved or entered into under this Act;

(f) any legal proceedings or application pending immediately before the commencement of this Act by or against the former Board or a person under this Act shall be continued as if commenced under this Act;

(g) after the commencement of this Act, proceedings in respect of any right, liability of the former Board or a person, or obligation which was vested in, held, enjoyed, incurred or suffered by the former Board or a person, may be instituted by or against the former Board or a person as if vested in, held, enjoyed, incurred or suffered under this Act;

(h) where any rights over land have been acquired by a licensee, whether by agreement or under the repealed Act, the rights shall be binding on the licensee and on the successor in title or representative interest despite the fact that those rights may not have been registered against the title to the land to which they relate in accordance with the law relating to registration of title; and

(i) despite paragraph *(h)* of this section and the provisions of any other written law, evidence of written agreement relating to prior consent of rights over land shall not be required for installations which were acquired or transferred prior to 1994.

(2) For the purposes of this section, former Energy Regulation Board means the Energy Regulation Board established under the repealed Act.