

ACT

Supplement to the Sierra Leone Gazette Vol. CXLII, No. 71 *dated 17th November, 2011*

THE SIERRALEONE ELECTRICITY AND WATER REGULATORY COMMISSION ACT, 2011

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SIGNED this 8th day of November, 2011.

DR. ERNEST BAI KOROMA,
President.

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No. 13



2011

Sierra Leone

**THE SIERRA LEONE ELECTRICITY AND WATER
REGULATORY COMMISSION ACT, 2011.**

Short title.

**Being an Act to establish the Sierra Leone Electricity and
Water Regulatory Commission to regulate the provision of
electricity and water services and to provide for other related matters.**

[/] Date of com-
mencement.

ENACTED by the President and Members of Parliament in this
present Parliament assembled.

PART 1-PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires-

"Chairman" means the Chairman of the Commission appointed under section 5;

"Commission" means the Sierra Leone Electricity and Water Regulatory Commission established by section 3;

"consumer" means a person who purchases, receives or makes use of any service provided by a public utility and does not deliver or resell the service to others;

"Director-General" means the Director-General appointed under section 22;

"inspector" means an inspector appointed under section 38;

"licence" means a licence issued by the Commission under section 30(5);

"member" means a member of the Commission;

"Minister" means the Minister responsible for electricity and water ;

"public register" means the public register of the Commission;

"public utility" means any provider of electricity and water to the public;

"rate" means the tariff price per unit of services supplied by a public utility ;

"regulated service" means the supply of a commodity derived directly from the business in which a public utility is engaged;

"regulated supplier" means a person engaged in activities in a regulated sector and includes any holder of a licence issued under this Act;

"standard" includes:-

- (a) technical standards relating to the content and supply of regulated services;
- (b) standards for the terms and conditions of supply of goods and services; and
- (c) quality of service standards

"water production" means the harnessing and treatment of water.

2. (1) This Act shall not apply to the supply of water operated and managed by a community. Application of Act.

(2) In this section, community means a body of people living as a group in a locality.

PART II-ESTABLISHMENT AND FUNCTIONS OF SIERRA LEONE ELECTRICITY AND WATER REGULATORY COMMISSION

3. (1) There is hereby established a body to be known as Sierra Leone Electricity and Water Regulatory Commission . Establishment of Commission.

(2) The Commission shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name, and subject to this Act, performing all such acts as bodies corporate may by law perform.

4. (1) The Commission shall have a common seal the use of which shall be authenticated by the signatures of the Chairman and other member of the Commission generally or specifically authorised by the Commission for that purpose. Common seal.

(2) Every document purporting to be an instrument executed or issued by or on behalf of the Commission and to be sealed with the common seal of the Commission authenticated in the manner stated in subsection (1) shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(3) In appropriate cases the seal may be affixed to documents outside of Sierra Leone.

Composition
of Commis-
sion.

5. (1) The Commission shall consist of a Chairman and the following other members:-

- (a) a representative of the Sierra Leone Institution of Engineers;
- (b) a representative of the Sierra Leone Labour Congress;
- (c) a representative of the Sierra Leone Consumer Protection Agency;
- (d) four other persons with formal qualifications, extensive knowledge and experience relevant to the functions of the Commission, two each from the electricity and water supply sectors respectively; and
- (e) the Director-General appointed under section 22.

(2) The Chairman shall be appointed by the President on the recommendation of the Minister from among persons with formal qualifications, extensive knowledge and experience relevant to the functions of the Commission with proven ability for supervising or managing a utility regulatory body, a regulated supplier or large corporation with direct impact on the general public.

(3) Members specified in paragraph (d) of subsection (1) shall be appointed by the President on the recommendation of the Minister.

6. (1) The Chairman and other members of the Commission except the Director-General shall hold office for a term of three years and shall be eligible for reappointment for another term of three years but shall not be eligible for reappointment after the expiration of a second term of office. ^{Tenure of office.}

(2) A person shall cease to be a member of the Commission on any of the following grounds:-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted of an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Commission without reasonable cause; or
- (f) if he resigns his office by written notice to the President.

(3) Where a vacancy occurs in the membership of the Commission, the President shall appoint a replacement who shall hold office for the remainder of the term of the person replaced and shall, subject to this Act, be eligible for reappointment.

7. The Chairman and the other members shall be paid such remunerations, fees and allowances and shall be reimbursed by the Commission for any expenses incurred in connection with the discharge of their functions as the Commission may determine. ^{Remuneration and expenses.}

Meetings of
Commission

8. The Commission shall meet for the dispatch of its business at such time and place as the Chairman may determine but shall meet at least once every three months.

(2) A special meeting of the Commission shall be summoned by the Chairman at the written request of not less than five members of the Commission.

(3) The Chairman shall preside at meetings of the Commission at which he is present and in his absence, a member elected by the members present from among their number shall preside.

(4) Each member shall have one vote but where there is equality of votes, the Chairman or other member presiding shall have a casting vote.

(5) All acts, matters or things authorised or required to be done by the Commission shall be decided at a meeting where a quorum is present and the decision is supported by the votes of the majority of the members.

(6) The quorum for a meeting of the Commission shall be five.

(7) Any proposal circulated among all members and agreed to in writing by a majority of all members shall be of the same effect as a decision made at a duly constituted meeting of the Commission and shall be incorporated in the minutes of the next succeeding meeting of the Commission:

Provided that if a member requires that such proposal be placed before a meeting of the Commission subsection (7) shall not apply to such proposal.

(8) The Commission may co-opt any person to attend and participate in its deliberations on any matter, but such person shall not vote on any matter for decision by the Commission.

(9) The Commission shall cause minutes of all its meetings to be taken and signed subsequently by the Chairman and kept in proper form as a public record.

(10) Subject to this Act, the Commission shall regulate its own procedure.

9. Any member having a personal interest, whether pecuniary or otherwise, direct or indirect through any member of his immediate family or business partner, in any matter to be considered by the Commission, shall disclose the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Commission and such member shall take no part in any deliberation or discussion of the Commission relating to such matter. Disclosure of interest

10. (1) The object for which the Commission is established is to regulate the provision of the highest quality of electricity and water services to consumers. Functions of Commission

(2) Without prejudice to the generality of subsection (1), it shall be the functions of the Commission to—

- (a) issue and as the case may be renew, amend, suspend, revoke and cancel licenses;
- (b) monitor compliance with the terms of licences;
- (c) provide guidelines on rates chargeable for provision of electricity and water services;
- (d) protect the interest of consumers and providers of electricity and water services;
- (e) monitor standards of performance for provision of electricity and water services;
- (f) initiate and conduct investigations into the quality of service given to consumers;