
THE ENERGY REGULATION ACT, 2019

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SCHEDULES

GOVERNMENT OF ZAMBIA

ACT

No. 12 of 2019

Date of Assent: 27th December, 2019

An Act to provide for the licensing of enterprises in the energy sector; continue the existence of the Energy Regulation Board and re-define its functions; re-constitute and revise the functions of the Board; repeal and replace the Energy Regulation 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 Energy Regulation Act, 2019, and shall come into operation on the date appointed by the Minister by statutory instrument.

Short title and commencement

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

Interpretation

“activity” means a commercial activity, excluding an activity which the Minister, by statutory instrument, declares not to constitute an activity for the purposes of this Act whether public or private, for the —

- (a) production, generation transmission, distribution or supply of energy;
- (b) production, refining, transportation, storage, trading or supply of energy or fuel; or
- (c) manufacturing, distribution or supply of equipment used for any activity mentioned in paragraph (a) or (b), other than equipment—

- (i) designed for ordinary household use;
- (ii) of a design or type prescribed by the Minister;
- (iii) designed or used for a purpose, or in circumstances, that may be prescribed;
- (iv) for the export of electricity;
- (v) for the import of electricity;
- (vi) for the sale and trading of electricity by asset and non-asset owner; or
- (vii) for transmission and distribution service provision by intermediary power trader or off-taker;

Act No. 9 of
2000

“ arbitration ” has the meaning assigned to the word in the Arbitration Act, 2000;

Act No. 3 of
2012

“ associate ” has the meaning assigned to the word in the Anti-Corruption Act, 2012;

“ base cost ” means the capital costs associated with conceiving, designing, planning and implementing through engineering, procurement and construction of an enterprise for which a licence is being sought, applying the best utility industry practice standards, including equipment, materials, civil works, development costs, pre-operating costs and associated imported duties and taxes;

“ Board ” means the Board of the Energy Regulation Board constituted under section 5;

“ Chairperson ” means a person appointed as Chairperson under section 5;

“ charges ” include prices, fees, rates, surcharges, levies, penalties, deposits, connection charges or fees, use of system charges or any other charge made for the provision of any service, commodity or product that a licensee renders in the course of carrying out its licensed activity;

Act No. 11
of 2019

“ common carrier ” has the meaning assigned to the words in the Electricity Act, 2019;

Act No. 24
of 2010

“ Competition and Consumer Protection Commission ” means the Competition and Consumer Protection Commission established under the Competition and Consumer Protection Act, 2010;

“consumer” means a person to whom energy is supplied or who has applied and paid for the supply of energy;

“Director-General” means the person appointed as Director-General under section 8;

“Emoluments Commission” means the Emoluments Commission established under the Constitution;

Cap. 1

“energy” means—

(a) a source of electrical, mechanical, thermal, nuclear or chemical power for any use, and includes electricity, petroleum, coal, other fossil fuels, geothermal, natural gas, biomass and its derivatives municipal waste, solar, wind and tidal wave power; and

(b) energy produced by any other means that the Minister may, on recommendation of the Board, prescribe by statutory instrument;

“Energy Regulation Board” means the Energy Regulation Board continued under section 3;

“enterprise” means an entity engaged in the production, generation, transmission, distribution, supply of energy, intermediary power trading, refining, transportation, storage, trading or supply of fuel or any other licensed activity under this Act;

“inspector” means a person appointed as inspector under section 23;

“legally disqualified” means having no legal capacity as provided in section 4 of the Mental Health Act, 2019;

Act No. 6 of
2019

“licence” means a licence issued by the Board under section 12;

“licensee” means a holder of a licence in relation to—

(a) petroleum, in the—

(i) pipeline transportation of crude oil, petroleum products and natural gas;

(ii) refining of petroleum products;

(iii) processing of natural gas;

(iv) terminal storage of petroleum products;