

**THE ENERGY REGULATION BILL, 2019**

**MEMORANDUM**

The objects of this Bill are to—

- (a) provide for the licensing of enterprises in the energy sector;
- (b) continue the existence of the Energy Regulation Board and re-define its functions;
- (c) re-constitute and revise the functions of the Board;
- (d) repeal and replace the Energy Regulation Act, 1995; and
- (e) provide for matters connected with, or incidental to, the foregoing.

L. KALALUKA,  
*Attorney-General*

**N.A.B. 17, 2019**  
11th November, 2019

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THE ENERGY REGULATION BILL, 2019

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SCHEDULES

# A BILL

## ENTITLED

**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.**

ENACTED by the Parliament of Zambia

Enactment

## PART I

### PRELIMINARY PROVISIONS

5     **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

10     “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

15     (c) manufacturing, distribution or supply of equipment used for any activity mentioned in paragraph (a) or (b), other than equipment—

**N.A.B. 17, 2019**

	(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;	5
	(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;	10
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;	15
	“ 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;	20
	“ Board ” means the Board of the Energy Regulation Board constituted under section 5;	
	“ Chairperson ” means a person appointed as Chairperson under section 5;	25
	“ 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;	30
Act No. 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;	35