

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 41 OF 2023

The Energy Regulation Act, 2019
(Act No. 12 of 2019)

**The Energy Regulation (General)
Regulations, 2023**

ARRANGEMENT OF REGULATIONS

Regulation

PART I

PRELIMINARY PROVISIONS

1. Title
2. Interpretation

PART II

LICENSING REQUIREMENTS AND PROCEDURES

3. Application to establish or operate enterprise, or carry out licensed activity
4. Licensing requirements
5. Additional criteria for grant of licence
6. Request for additional information for licence
7. Site visit for licence
8. Fit and proper person to grant licence
9. Objection to grant of licence
10. Grant of provisional licence and licence
11. Notice of rejection of application for licence
12. Validity and renewal of licence
13. Display of licence
14. Notice of intention to vary terms and conditions of licence
15. Notice of intention to surrender licence
16. Transfer, pledge, assign or encumber licence
17. Suspension or revocation of licence

PART III

PERMIT REQUIREMENTS AND PROCEDURES

18. Application for permit to construct energy facility, installation or common carrier
19. Permit requirements
20. Assessment before consideration of application for permit
21. Site visit for permit
22. Request for additional information for permit
23. Approval or rejection of application for permit
24. Renewal of permit
25. Suspension or revocation of permit
26. Transfer, pledge, assign or encumber permit

PART IV

TRANSPORTATION OF PETROLEUM PRODUCT USING PIPELINE ON
BEHALF OF A THIRD PARTY

27. Prohibition of contracting with third party without licence
28. Notice of transportation of petroleum products on behalf of third party
29. Principles for transporting petroleum product using pipeline on behalf of third party
30. Lodging of complaints by customers
31. Guidelines for use of pipeline

PART V

GENERAL PROVISIONS

32. Excluded activities
33. Changes in detail
34. Lost or destroyed licence or permit
35. Register of licenses and permits
36. Appointment of statutory manager on suspension or revocation of licence
37. Keeping of records
38. General penalty
39. Fees
40. Revocation of Statutory Instrument No. 42 of 2021, and savings and transitional provisions

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

IN EXERCISE of the powers contained in section 54 of the Energy Regulation Act, 2019, the following Regulations are made:

PART I

PRELIMINARY PROVISIONS

- | | |
|---|--------------------|
| 1. These Regulations may be cited as the Energy Regulation (General) Regulations, 2023. | Title |
| 2. (1) In these Regulations, unless the context otherwise requires— | Interpretation |
| “anti competitive trade practices” has the meaning assigned to the words in the Competition and Consumer Protection Act, 2010; | Act No. 24 of 2010 |
| “appropriate authority” means a Ministry, government department or statutory body having a regulatory mandate or functions related to, or impacting on, the energy sector, the environment, water management and development, and mining, and includes a traditional authority; | |
| “Director General” has the meaning assigned to the words in the Act; | |
| “Energy Regulation Board” has the meaning assigned to the words in the Act; | |
| “engineer” has the meaning assigned to the words in the Engineering Institution of Zambia Act, 2010; | Act No.17 of 2010 |
| “enterprise” has the meaning assigned to the word in the Act; | |
| “energy facility” means a structure, system, appurtenance, plant or equipment, whether located on private or public property, that is necessary for energy generation, storage, transportation, processing, transmission, distribution, supply, retailing or the provision of services to a consumer or user; | |
| “legally disqualified” has the meaning assigned to the words in the Act; | |
| “licence” has the meaning assigned to the word in the Act; | |
| “licensee” has the meaning assigned to the word in the Act; | |
| “licensed activity” has the meaning assigned to the words in the Act; | |
| “local authority” has the meaning assigned to the words in the Constitution; | |

Cap.1

“main grid” means the integrated transmission and distribution grid of the Republic;

“meter” means an appliance, apparatus or device used to measure, ascertain or regulate the rate or the amount of energy supplied, taken or used from an energy facility;

“permit” has the meaning assigned to the word in the Act;

“promoter” means —

(a) a person who has contributed initial capital to an enterprise or has the right to appoint the majority of the governing board;

(b) a person who replaces the person referred to in paragraph (a); or

(c) a person or group of persons who have control of the enterprise;

“property” means a structure, building or part of a building, and includes land with or without buildings which is held or occupied as a distinct or separate holding or tenancy;

“qualifying off grid activity” means a commercial integrated generation, distribution and supply of electricity activity, with or without storage, that is not connected to the main grid and has an installed capacity of equal to or less than 250 Kilowatts;

“senior management” means the chief executive officer, chief financial officer, or executive or non executive director of a company or any person performing similar functions;

“statutory manager” means a person appointed by the Minister as a statutory manager for an undertaking in accordance with regulation 36;

“use-it-or-lose-it” means the requirement for a licensee to use the capacity of the pipeline allocated to

that licensee by a specified date or lose it to another competing party;

“Zambian National Standard” has the meaning assigned to the words in the Standards Act, 2017.

PART II

LICENSING REQUIREMENTS AND PROCEDURES

3. (1) A person who intends to establish or operate an enterprise or carry out a licensed activity shall apply to the Director General for a licence in Form I set out in the First Schedule on payment of a fee set out in the Second Schedule.

Application to establish or operate enterprise, or carry out licensed activity

(2) An application referred to under subregulation (1) may be filed physically or electronically.

(3) The Energy Regulation Board shall, on receipt of an application under subregulation (1), notify the applicant, in writing, whether the application is duly completed.

(4) An application is duly completed where the required fields in Form I set out in the First Schedule are correctly filled, the required documents are attached and the fee set out under subregulation (1) is paid.

4. (1) An application referred to under regulation 3 shall be accompanied by licensing requirements that the Energy Regulation Board shall determine.

Licensing requirements

(2) The licensing requirements referred to under subregulation (1) shall be attached to Form I set out in the First Schedule.

5. The Energy Regulation Board shall, where an application is received under regulation 3, consider the following:

(a) the economic and financial benefits of the activity to the country and the area where the activity shall be undertaken;

(b) the current national economic and energy policies;

(c) the ability of the applicant to operate in a manner that is not harmful to the health and safety of consumers and other members of the public; and

(d) any other matter that the Energy Regulation Board may consider necessary for the purposes of the application.

Additional criteria for grant of licence

6. (1) Despite the licensing requirements expressly requested for under regulations 3 and 4, the Energy Regulation Board may request an applicant, in writing, to submit further information as may be considered material to the application, to enable the Energy Regulation Board make a decision on the application.

Request for additional information for licence

(2) The Energy Regulation Board shall specify the additional information requested for under subregulation (1) and specify the period within which that information shall be made available.

(3) Where the applicant fails or neglects to submit the requested information under this regulation within the specified period, the application shall be rejected.

Site visit for
licence

7. (1) The Energy Regulation Board may, before considering an application under regulation 3, conduct a site visit where the Energy Regulation Board considers it necessary.

(2) Where the Energy Regulation Board intends to conduct a site visit as specified in subregulation (1), it shall notify the applicant, in writing, and may direct the applicant to put in place notices, or other procedures or measures in the immediate vicinity of the site where the site visit shall take place.

Fit and proper
person to grant
licence

8. Subject to section 14 of the Act, the Energy Regulation Board shall consider the following conditions in determining whether an applicant is a fit and proper person to be granted a licence:

- (a) whether the applicant can guarantee security of supply at the minimum barest cost;
- (b) whether the applicant can guarantee security of supply in line with the minimum standard requirements to deliver a service;
- (c) whether the applicant has knowledge and expertise with respect to the activity that the applicant intends to engage in;
- (d) whether the applicant is honest, not fraudulent and has complied with relevant written laws;
- (e) whether the applicant engages in bribery or other corrupt practices;
- (f) whether the applicant is legally disqualified;
- (g) whether the applicant is compliant with the submission or returns and payment of fees, charges, levies, penalties and fines under the Act;
- (h) whether the applicant already has a licence with the Energy Regulation Board and elects to incorporate a new company and apply for a new licence but is owing a fee, charge, levy, penalty or fine under the Act;
- (i) whether a member of the senior management of the applicant was a member of the senior management of a company that is owing a fee, charge, levy, penalty or fine under the Act; or
- (j) in the case of a renewal, whether the applicant has breached the conditions of the licence repeatedly.

9. A person who intends to object to the grant of a licence shall, where the Energy Regulation Board publishes a notice of its intention to grant a licence, make an objection in Form II set out in the First Schedule.

Objection to grant of licence

10. (1) The Energy Regulation Board may, where the applicant has complied with the licensing requirements issue the applicant a provisional licence in Form III set out in the First Schedule pending the grant of a licence.

Grant of provisional licence and licence

(2) The Energy Regulation Board shall issue the applicant with a licence in Form IV set out in the First Schedule.

(3) A licensee shall, in addition to the conditions endorsed on the licence, comply with the conditions set out in the Third Schedule.

11. The Energy Regulation Board shall, where the Energy Regulation Board rejects an application for a grant of a licence, notify the applicant in Form V set out in the First Schedule.

Notice of rejection of application for licence

12. (1) The validity period of a licence shall be endorsed on the licence.

Validity and renewal of licence

(2) A person who intends to renew a licence shall, three months before the expiry of the licence, apply to the Director General in Form I set out in the First Schedule on payment of a fee set out in the Second Schedule.

(3) The Energy Regulation Board shall, where the Energy Regulation Board rejects an application under subregulation (2), inform the applicant in Form V set out in the First Schedule.

(4) The Energy Regulation Board shall, where the Energy Regulation Board approves an application under subregulation (2), renew the licence in Form IV set out in the First Schedule.

13. A licensee shall display the licence in a conspicuous place at the licensee's registered place of business and at every other premise where the licensee carries on business.

Display of licence

14. The Energy Regulation Board shall, where the Energy Regulation Board intends to vary the terms and conditions of a licence, give notice to the licensee of its intention to vary the terms and conditions of a licence in Form VI set out in the First Schedule.

Notice of intention to vary terms and conditions of licence

15. (1) A licensee that intends to surrender a licence shall notify the Energy Regulation Board of the intention to surrender a licence in Form VII set out in the First Schedule.

Notice of intention to surrender licence

(2) A licensee shall, on lodging a notice of intention to surrender a licence, submit to the Energy Regulation Board—

(a) proof of discharge of outstanding obligations to the Energy Regulation Board or any other appropriate authority, including filing of returns, payment of fees, tariffs or levies or penalties imposed; and

(b) any other relevant information that the Energy Regulation Board may request.

(3) A notice of intention to surrender a licence shall take effect on the surrender of the licence to the Energy Regulation Board by the licensee and the cancellation of the licence by the Energy Regulation Board.

(4) If, prior to the effective date of cancellation of a licence, as provided in subregulation (3), the Energy Regulation Board has initiated proceedings to suspend or revoke a licence, the notice of intention to surrender a licence shall only be effective at a time and on terms and conditions that the Energy Regulation Board may consider necessary in the public interest.

(5) The Energy Regulation Board shall publish the notice of intention to surrender a licence in a daily newspaper of general circulation in the Republic.

Transfer,
pledge,
assign or
encumber
licence

16. (1) A licensee that intends to transfer, pledge, assign or encumber a licence, shall apply to the Director General in Form VIII set out in the First Schedule on payment of a fee set out in the Second Schedule.

(2) A licensee shall, where an application is made under subregulation (1), submit to the Energy Regulation Board—

(a) proof of discharge of outstanding obligations to the Energy Regulation Board or any other appropriate authority, including filing of returns, payment of fees, tariffs or levies or penalties imposed;

(b) information on the person, if any, who shall take over operations in the case of a transfer or assignment of the licence; and

(c) any other relevant information that the Energy Regulation Board may request.

(3) The Energy Regulation Board shall approve an application made in accordance with subregulation (1), if

- (a) the licensee has discharged outstanding obligations to the Energy Regulation Board or any other appropriate authority, including filing of returns, payment of fees, tariffs or levies or penalties imposed;
- (b) the Energy Regulation Board has not initiated proceedings to suspend or revoke the licence; and
- (c) the licensee has not, in the last twelve months, immediately before the application, contravened the Act, these Regulations or any other relevant written law.

(4) The Energy Regulation Board shall, where it approves an application under subregulation (1), issue the licensee with a certificate of approval of transfer, pledge, assignment or encumbrance of licence in Form IX set out in the First Schedule.

(5) The Energy Regulation Board shall, where it rejects an application under sub regulation (1), notify the applicant in Form V set out in the First Schedule.

(6) The Energy Regulation Board shall, where the Energy Regulation Board approves a transfer, pledge, assignment or encumbrance of a licence, publish the certificate of approval in the *Gazette*.

17. (1) The Energy Regulation Board shall, where the Energy Regulation Board intends to suspend or revoke a licence, notify the licensee in Form X set out in the First Schedule.

Suspension
or revocation
of licence

(2) The Energy Regulation Board shall, where the Energy Regulation Board suspends or revokes a licence, notify the licensee of the suspension or revocation of the licence in Form X set out in the First Schedule.

PART III

PERMIT REQUIREMENTS AND PROCEDURES

18. (1) A person who intends to construct an energy facility, installation or common carrier shall apply to the Director General for a permit in Form XI set out in the First Schedule.

Application
for permit to
construct
energy
facility,
installation
or common
carrier

(2) An application under subregulation (1) may be filed physically or electronically.

(3) The Energy Regulation Board shall, on receipt of an application under subregulation (1), notify the applicant, in writing, whether the application is duly completed.

- (4) An application is duly completed where the required fields in Form XI set out in the First Schedule are correctly filled and the required documents are attached.
- Permit requirements 19. (1) An application referred to under regulation 18 shall be accompanied by permit requirements that the Energy Regulation Board shall determine.
- (2) The permit requirements referred to under subregulation (1) shall be attached to Form XI set out in the First Schedule.
- Assessment before consideration of application for permit 20. The Energy Regulation Board may, before considering an application under regulation 18, conduct or cause to be conducted an assessment of an applicant so as to ascertain whether the applicant has —
- (a) the financial resources and technical capacity to carry out the activity or works for which a permit is being applied for;
- (b) written permission from the owner of the land or a lawful occupier or an appropriate authority, to carry out the activity for which a permit is being applied for; and
- (c) complied with the Urban and Regional Planning Act, 2015.
- Act No.3 of 2015
Site visit for permit 21. (1) The Energy Regulation Board may, before considering an application under regulation 18, conduct a site visit where the Energy Regulation Board considers it necessary.
- (2) The Energy Regulation Board shall, where the Energy Regulation Board intends to conduct a site visit under subregulation (1), notify the applicant, in writing, and may direct the applicant to put in place notices, or other procedures or measures in the immediate vicinity of the site where the site visit shall take place.
- Request for additional information for permit 22. (1) Despite the licensing requirements expressly requested for under regulations 18 and 19, the Energy Regulation Board may request an applicant, in writing, to submit further information as may be considered material to the application, to enable the Energy Regulation Board make a decision on the application.
- (2) The Energy Regulation Board shall specify the additional information requested for under subregulation (1) and specify the period within which that information shall be made available.
- (3) Where the applicant fails or neglects to submit the requested information under this regulation within the specified period, the application shall be rejected.

23. (1) The Energy Regulation Board shall, where the requirements for a permit have been complied with, within twenty days of the receipt of an application under regulation 18, approve the application for a permit and issue a permit to the applicant in Form XII set out in the First Schedule.

Approval or rejection of application for permit

(2) The Energy Regulation Board shall, where it rejects an application for a permit, notify the applicant in Form V set out in the First Schedule.

(3) The validity period of the permit shall be endorsed on the permit.

(4) A permit holder shall keep a copy of the permit at the site or premises being constructed for inspection by the Energy Regulation Board.

24. (1) A permit holder may, three months before the expiry of the permit, apply to the Energy Regulation Board for a renewal of the permit in Form XI set out in the First Schedule.

Renewal of permit

(2) The Energy Regulation Board may, within twenty days of the receipt of an application under subregulation (1), approve or reject the application.

(3) The Energy Regulation Board shall, where it approves an application under subregulation (2), issue the applicant with a permit in Form XII set out in the First Schedule.

(4) The validity period for a renewed permit shall be endorsed on the permit but shall not exceed two years.

(5) The Energy Regulation Board shall, where it rejects an application under subregulation (2), notify the applicant in Form V set out in the First Schedule.

25. (1) The Energy Regulation Board may suspend or revoke a permit, if the permit holder fails to —

Suspension or revocation of permit

(a) comply with the Act, these Regulations or any other relevant written law;

(b) comply with a term or condition of a permit;

(c) commence the operations for which the permit was granted within the period specified by the Energy Regulation Board from the date of the grant of a permit;

(d) submit information or reports on activities, that may be required by the Energy Regulation Board; or

(e) update its operational systems and procedures as recommended by the Energy Regulation Board.

(2) The Energy Regulation Board shall, before suspending or revoking a permit in accordance with subregulation (1), give the permit holder a notice of its intention to suspend or revoke the permit in Form X set out in the First Schedule giving reasons for the intended suspension or revocation and require a permit holder to —

(a) show cause, within a period specified in the notice, why the permit should not be suspended or revoked; or

(b) take remedial measures, within a period specified in the notice, to the satisfaction of the Energy Regulation Board to prevent the suspension or revocation of the permit.

(3) The Energy Regulation Board shall not suspend or revoke a permit, if remedial measures are taken to the satisfaction of the Energy Regulation Board that ensure compliance with the Act, these Regulations or any other relevant written law, within the period specified under subregulation (2).

(4) The Energy Regulation Board may, after giving the permit holder an opportunity to be heard, in person or in writing, suspend or revoke the permit in Form X set out in the First Schedule, if the permit holder—

(a) fails to give reasons, to the satisfaction of the Energy Regulation Board, why the permit should not be suspended or revoked; or

(b) does not take remedial measures, to the satisfaction of the Energy Regulation Board, within the period specified under subregulation (2).

(5) The Director General shall, where the Energy Regulation Board suspends or revokes a permit under this regulation, publish the suspension or revocation in a daily newspaper of general circulation in the Republic.

Transfer,
pledge,
assign or
encumber
permit

26. (1) A permit holder intending to transfer, pledge, assign or encumber a permit, shall apply to the Director General in Form VIII set out in the First Schedule.

(2) The Energy Regulation Board may, within thirty days of the receipt of an application under subregulation (1), approve or reject the application.

(3) The Energy Regulation Board shall, where it approves an application under subregulation (2), issue the applicant with a certificate of approval of transfer, pledge, assignment or encumbrance of permit in Form IX set out in the First Schedule.

(4) The Energy Regulation Board shall, where it rejects an application under subregulation (2), notify the applicant in Form V set out in the First Schedule.

PART IV

TRANSPORTATION OF PETROLEUM PRODUCT USING PIPELINE ON BEHALF OF A THIRD PARTY

27. (1) A holder of a licence to transport a petroleum product using a pipeline shall not enter into a contract to transport a petroleum product on behalf of a third party who is not licensed to import a petroleum product.

Prohibition of contracting with third party without licence

(2) A licensee who contravenes subregulation (1) commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units.

28. A holder of a licence to transport a petroleum product using a pipeline shall, where the licensee enters into a contract to transport a petroleum product on behalf of a third party, notify the Energy Regulation Board, in writing, within seven days of the execution of the contract.

Notice of transportation of petroleum products on behalf of third party

29. A licensee referred to under regulation 28, shall apply the following principles when entering into a contract to transport a petroleum product using a pipeline on behalf of a third party:

Principles for transporting petroleum product using pipeline on behalf of third party

- (a) use-it-or-lose-it, taking into account daily and seasonal load profiles;
- (b) non-discrimination and prevention of abuse of dominant position;
- (c) defined time periods;
- (d) technical feasibility;
- (e) fairness and reasonableness;
- (f) quality of service, predictability and transparency;
- (g) enhanced competition; and
- (h) confidentiality of commercially sensitive information.

30. (1) A person aggrieved by a decision of a licensee under this Part shall lodge a complaint with the Energy Regulation Board within seven days of receipt of the decision.

Lodging of complaints by customers

(2) Despite subregulation (1), the Energy Regulation Board shall not consider a complaint that is frivolous or vexatious.

Guidelines for
use of pipeline

31. (1) A licensee shall prepare and lodge with the Energy Regulation Board guidelines for the use of the pipeline.

(2) A licensee shall, where the licensee makes an amendment to the guidelines referred to under subregulation (1), lodge the amendment with the Energy Regulation Board within ten days of the amendment.

PART V

GENERAL PROVISIONS

Excluded
activities

32. (1) The following activities shall not constitute an activity for the purposes of the Act, whether public or private:

(a) importation of lubricants for domestic or non-commercial use;

(b) importation of renewable energy generating equipment for domestic use or non commercial use;

(b) importation of renewable energy generating equipment for use in Government projects; and

(c) a qualifying off grid activity.

(2) In this regulation —

“domestic use” means household use or use by a non profit organisation; and

“non commercial use” means use by a person that does not involve the sale of renewable energy generating equipment or lubricants and includes own use in commercial farming, subsistence farming or business premises.

Change in detail

33. A licensee or permit holder shall notify the Energy Regulation Board, in writing, of any changes in the following details within seven days of the change:

(a) the location of the licensee or permit holder’s registered office;

(b) the shareholding structure of the licensee or permit holder, where ownership or control of the licensee or permit holder is likely to be affected;

(c) the energy facilities owned or leased by the licensee; and

(d) statutory documents subject to registration or re registration with an appropriate authority.

34. (1) A licensee or permit holder may, where a licence or permit is lost or destroyed, apply to the Director General, in writing, for a duplicate licence or permit on payment of a fee set out in the Second Schedule.

Lost or destroyed licence or permit

(2) The Director General shall, after being satisfied with the proof of loss or destruction of a licence or permit, issue a duplicate licence or permit to the licensee or permit holder, respectively.

(3) A duplicate licence or permit issued under subregulation (2) shall have effect as the original licence or permit.

35. (1) A register of licences shall be in Form XIII set out in the First Schedule.

Register of licences and permits

(2) The Energy Regulation Board shall establish and maintain a register of permits and permit holders in Form XIV set out in the First Schedule.

(3) The register referred to under subregulation (2) shall be kept by the Secretary at the offices of the Energy Regulation Board, and shall be open for inspection by members of the public during office hours on payment of a fee set out in the Second Schedule.

(4) A person that intends to inspect the register referred to under subregulation (2) shall apply to the Director General, in writing, on payment of a fee set out in the Second Schedule.

(5) The Director General shall, within two days of receipt of an application under subregulation (3), issue the applicant with a certified extract from the register or a copy of a permit issued to a permit holder in accordance with the Act and these Regulations.

36. (1) Despite any other provision of the Act and these Regulations, the Minister may, in national interest and where a licence is suspended or revoked, appoint a statutory manager and direct that the licensee operates under the management and control of a statutory manager.

Appointment of statutory manager on suspension or revocation of licence

(2) The Minister shall appoint a competent person, with not less than ten years' experience in the energy sector, as a statutory manager, for a specified period and on terms and conditions that the Minister considers necessary, to ensure the continued provision of a licensed activity or until a time that the Energy Regulation Board lifts the suspension or the licensed activity is taken over by another licensee.

(3) A statutory manager shall, during the statutory manager's term of appointment, keep the Energy Regulation Board informed on matters relating to the licensed activity.

- (4) The expenses connected with the appointment of a statutory manager and management of the enterprise shall be a charge on the revenues of the enterprise whose licence is suspended or revoked.
- (5) Despite subregulations (1), (2), (3) and (4), the suspension or revocation of a licence in accordance with the Act and these Regulations, and the appointment of a
 statutory manager, shall not prejudice or affect the security of any debenture holder, mortgage or right of enforcement of that security.
- Keeping of records 37. A licensee or permit holder shall keep and maintain relevant and updated records and information of its licensed activity as specified in guidelines issued in accordance with section 46 of the Act.
- General penalty 38. A person who contravenes a provision of these Regulations or fails to comply with a condition of a licence or permit commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.
- Fees 39. The fees set out in the Second Schedule are payable for the matters specified in the Second Schedule.
- Revocation of Statutory Instrument No. 42 of 2021, and savings and transitional provisions S.I. No. 42 of 2021 40. (1) The Energy Regulation (General) Regulations, 2021, are revoked.
 (2) A provisional licence, licence or permit issue in accordance with the repealed Regulations shall be valid for a period of one year from the commencement of these Regulations or until its expiry, revocation or surrender in accordance with its terms, whichever is the earlier, but subject to any rights or benefits accruing or any liabilities suffered under the repealed Regulations.
 (3) A provisional licence, licence or permit issue in accordance with the repealed Regulations shall, after the period of one year specified under subregulation (2), be issued in accordance with these Regulations.
 (4) A licensee shall comply with regulation 31 within three months of the commencement of these Regulations.
 (5) In this Regulation, “repealed Regulations” means the Energy Regulation (General) Regulations, 2021.

FIRST SCHEDULE

(Regulations 3, 4, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 23, 24, 25, 26 and 35)

Form I

(Regulations 3(1), 3(4), 4(2) and 12(2))



ENERGY REGULATION BOARD
The Energy Regulation Act, 2019
 (Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2023**APPLICATION FOR LICENCE**

INSTRUCTIONS	FOR OFFICIAL USE
1. Complete the form fully (incomplete forms will not be accepted) 2. Use capital letters	File Number:..... Date Initial Application Received:..... Date of Due Lodgement:.....

SECTION A: DETAILS OF THE APPLICANT

Registered Company name in full e.g. XYZ Investments (Pvt) Ltd

Trade name in full e.g. ABC Petroleum

Company Details

Physical address: _____

Telephone number(s): _____

Email address: _____

Contract Person:

Full Name: _____

Title: _____

Physical address: _____

Cell phone number(s): _____

Email address: _____

This application is for a licence to*: _____

Initial Application

Renewal Application

Details of any other Energy Regulation Board Licences held, applied or being applied for by the applicant: _____

SECTION B:

Attachments (to be completed by applicant)

Please tick to show that the required document is attached. After finalising, please date and sign the attached checklist and send together with the application.

- | | |
|---|----------------|
| (a) Proof of payment of Application fee | YES () NO () |
| (b) Certificate of Incorporation | YES () NO () |
| (c) Business plan | YES () NO () |
| (d) Latest stamped PACRA printout
(within 30 days preceding the application) | YES () NO () |
| (e) ZRA Tax clearance certificate | YES () NO () |
| (f) Relevant checklist | YES () NO () |

SECTION C: DECLARATION OF COMMITMENT TO FUND THE ACTIVITY

I, _____, in my capacity as Director/Partner/Principal of _____ (hereinafter called the "Applicant").

I hereby declare and confirm as follows:

1. that I am duly authorised to make this commitment;

2. that, prior to making this commitment, I have made all appropriate enquiries into the financial requirements of the business and wish to commit that funds will be made available to undertake the activity for which the licence is being applied for.

I understand that any false, fictitious or fraudulent statements knowingly made by me to the Energy Regulation Board may result in the Licence being revoked.

Name of Declarant (block capitals): _____

Job Title of Declarant (block capitals): _____

Signature of Declarant: _____

Date of Signature: _____

SECTION D: DECLARATION BY THE APPLICANT*

I (full names) _____ hereby declare that all information provided herein is within my personal knowledge and that —

- (a) I am duly authorised to make this application;
- (b) I have read and understood this form and all accompanying Regulations related hereto;
- (c) All information provide therein is to the best of my knowledge true and correct; and
- (d) I undertake to provide additional information in whatever form the Energy Regulation Board may require in order to evaluate this application.

Signed at _____ (place) on this _____ day of _____ (month) _____ (year)

Signature

NOTES:

Section A- * Indicate whether the application is an initial application or renewal

Section D- * In circumstances where the applicant is a body corporate, a director of the applicant who is duly authorised to make the commitment must complete this declaration. If the applicant is a sole trader or an individual, the sole trader or an individual must complete this declaration.

*Additional licensing requirements are attached to this application.



ENERGY REGULATION BOARD

The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2023

NOTICE OF OBJECTION TO THE GRANT OF A LICENCE

To: The Board Chairperson
Energy Regulation Board
Lusaka

An objection is hereby made to the issuance of a licence in respect of (Name of Applicant)

.....
.....

For the issuance of..... Licence
(Licence type) in the terms contained in the Notice Number.....of
.....

The grounds for objection are:

1.
2.
3.
4.
5.

Dated this..... day of.....

Full Name of Objector:.....

Signature of Objector:.....

Address of Objector:.....

Mobile No. of Objector:.....

Email address of Objector:.....

Attachments: Written submissions and evidence in support of the objection



ENERGY REGULATION BOARD

The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2023

PROVISIONAL LICENCE

Provisional Licence No.:.....

(1) Here insert the full name of the applicant This is to certify that (1)
of (2)
is duly provisionally licensed to carry out the following activity(ies):

- (2) Here insert the applicant's physical address* (a).....
- (b).....
- (c).....
- (d).....
- (e).....

(3) Here insert the period of validity of the provisional licence This Licence is temporarily valid for.....(3)

The terms and conditions of the Licence are overleaf.

.....

Director-General

OFFICIAL STAMP

Form IV
(Regulations 10(2) and 12(4))



ENERGY REGULATION BOARD

The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2023

STANDARD LICENCE

(.....*)

1. This Licence is issued by the Energy Regulation Board (hereinafter referred to as “ERB”) in the exercise of the powers vested in it by the Energy Regulation Act, 2019 (Act No. 12 of 2019) (hereinafter referred to as “the Act”).
2. This Licence is issued to an entity incorporated or registered in Zambia and having its registered office at to engage in the (list licensed activity).
3. The Licensed Capacity shall be as per attached Appendix.
4. The Licence is subject to accompanying terms and conditions and those provided in the Act, the Energy Regulation (General) Regulations, 2023, Standards and other Guidelines issued under the Energy Regulation Act, 2019.
5. This Licence becomes effective on theday of.....(hereinafter referred to as the “Effective Date”) and shall remain valid for a period ofunless suspended or revoked in accordance with the conditions set forth herein.

Board Resolution No:.....

Licence Registration No:

Effective Date:.....

Expiry Date:

.....
Director-General

NOTES:

*Here insert type of Licence

THIS PAGE OF THE LICENCE OR A CERTIFIED COPY HEREOF MUST BE DISPLAYED IN A CONSPICUOUS PLACE AT THE LICENSEE’S REGISTERED OFFICE AND EVERY SITE OPERATING UNDER THIS LICENCE.

Form V
(Regulations 11, 12 (3), 16(5), 23(2), 24(5) and 26(4))



ENERGY REGULATION BOARD

The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2023

NOTICE OF REJECTION OF APPLICATION

(1) Here TO (1)
insert the full names and address of the applicant

(2) Here IN THE MATTER OF (2).....
insert the reference No. of the application.

(3) Here You are hereby notified that your application for (3)has been rejected on the following grounds:

- (a).....
- (b).....
- (c).....
- (d).....
- (e).....

Dated thisday of..... 20.....

.....
Director-General



ENERGY REGULATION BOARD

The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2023

NOTICE OF INTENTION TO VARY THE TERMS AND CONDITIONS OF A LICENCE

TAKE NOTICE THAT the Energy Regulation Board intends to vary the following terms and Conditions of the..... (Name of Licence) Licence Registration No.....:

- 1.
- 2.
- 3.

The Energy Regulation Board shall, on varying the above listed terms and conditions, notify you of the variation, in writing, and the effective date of the variation.

.....
Director-General

Form VII
(Regulation 15 (1))



ENERGY REGULATION BOARD

The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2023

NOTICE OF INTENTION TO SURRENDER A LICENCE

INSTRUCTIONS	FOR OFFICIAL USE
1. Complete the form fully (incomplete forms will not be accepted)2. Use capital letters	FileNumber: Date Initial Application Received:

SECTION A: DETAILS OF THE APPLICANT

Registered Company name in full e.g. XYZ INVESTMENTS (PVT) LTD

Trade name in full e.g. ABC PETROLEUM

Type of Licence

Date of Issuance:.....

Company Details:

Physical address: _____

Telephone number(s): _____

Email address: _____

Contact Person:

Full Name: _____

Title: _____

Physical address: _____

Cell phone number (s): _____

Email address: _____

Reason for Surrender: _____

Current state of Infrastructure: _____

Future plans for the Infrastructure: _____

Details of any changes in the applicant's particulars since the licence was granted e.g registered name, ownership or shareholding etc.

SECTION C: DECLARATION BY THE APPLICANT

I (full names) _____ hereby declare that all information provided herein is within my personal knowledge and that—

- (a) I am duly authorised to make this application;
- (b) I am the designated person responsible for this Licence and any conditions attached thereto;
- (c) I have read and understood the Regulations related hereto and all information provide herein is to the best of my knowledge true and correct; and
- (d) I undertake to provide whatever additional information the Energy Regulation Board may require in order to evaluate this application.

Signed at _____ (place) on this _____ day of _____ (month) _____ (year)

.....
Signature

Attachments:

1. **Original Licence being surrendered**
2. **Board Resolution signed by two directors**
3. **Financial statements**

**ENERGY REGULATION BOARD**

The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2023

APPLICATION TO TRANSFER/PLEDGE/ASSIGN/ENCUMBER LICENCE/PERMIT*

INSTRUCTIONS	FOR OFFICIAL USE
1. Complete the form fully (incomplete forms will not be accepted) 2. Use capital letters	File Number: Date Initial Application Received:

SECTION A: DETAILS OF THE APPLICANT

Registered Company name in full e.g. XYZ INVESTMENTS (PVT) LTD

Trade name in full e.g. ABC PETROLEUM

Type of Licence

Date of Issuance:.....

Company Details:

Physical address: _____

Telephone number(s): _____

Email address: _____

Contact Person:

Full Name: _____

Title: _____

Physical address: _____

Cell phone number (s): _____

Email address: _____

SECTION B: DETAILS OF THE TRANSFEREE/ASSIGNEE/PLEDGEERegistered Company name in full e.g. XYZ INVESTMENTS (PVT) LTD
_____**Company Details:**

Physical address: _____

Telephone number(s): _____

Email address: _____

Contact Person:

Full Name: _____

Title: _____

Physical address: _____

Cell phone number (s): _____

Email address: _____

Reason for Transfer/Pledge/Assignment/Encumbrance:**SECTION C: DECLARATION BY THE LICENSEE/PERMIT HOLDER***

I (full names) _____ hereby declare that all information provided herein is within my personal knowledge and that —

- (a) I am duly authorised to make this application;
- (b) I am the designated person responsible for this Licence/Permit* and any conditions attached thereto;
- (c) I have read and understood the Regulations related hereto and all information provided therein is to the best of my knowledge true and correct; and
- (d) I undertake to provide whatever additional information the Energy Regulation Board may require in order to evaluate this application.

Signed at _____ (place) on this _____ day of _____ (month) _____ (year)

.....
Signature

Attachments**TRANSFER**

1. Board Resolution signed by at least two directors and Company Secretary authorising the transfer
2. Proof that the transferee is financially and technically capable of carrying out the licensed activity
3. Letter of Application from the Licensee/Permit holder* requesting for transfer of licence/permit*
4. Payment of a prescribed fee which will be the minimum assessment fee as prescribed by the Board

PLEDGE

1. Attach a certified copy of the instrument by which the pledge is created or evidenced
2. Board Resolution signed by at least two directors and Company Secretary authorising the pledge
3. Letter of Application from the Licensee/Permit holder* requesting to pledge
4. Payment of a prescribed fee would be the minimum assessment fee as prescribed by the Board

ASSIGNMENT

1. Attach a certified copy of the instrument by which the assignment is created or evidenced
2. Board Resolution signed by at least two directors and Company Secretary authorising the assignment
3. Documentation evidencing the assignment
4. Proof that the transferee is financially and technically capable of carrying out the licensed activity/activity for which permit is granted*
5. Letter of Application from the Licensee/Permit holder* requesting for assignment of licence/permit*
6. Payment of a prescribed fee which will be the minimum assessment fee as prescribed by the Board

ENCUMBRANCE

1. Attach a certified copy of the instrument by which the encumbrance is created or evidenced
2. Board Resolution signed by at least two directors and Company Secretary authorising the encumbrance
3. Payment of prescribed fee
4. Description of encumbrance specifying the date and amount secured (if any)
5. Particulars of energy facility encumbered or acquired
6. Details of creditor

NOTES:

*Delete whichever is not applicable



ENERGY REGULATION BOARD

The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2023

**CERTIFICATE OF APPROVAL TO TRANSFER/PLEDGE/ASSIGN/ENCUMBER
LICENCE/PERMIT***

This is to certify that.....(*Insert name of company*) has on and from the.....day of
..... 20(*Insert date when the transfer, pledge, assignment or
encumbrance was effected*) transferred, pledged, assigned or encumbered the Licence/Permit*
Registration Number.....to.....(*Name of the company to whom
the Licence has been transferred, pledged, assigned or encumbered**).

Given under my hand and seal at Lusaka, Zambia, this.....day of.....20.....

.....
Director-General

NOTE:

*Delete whichever is not applicable



ENERGY REGULATION BOARD

The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2023

NOTICE OF INTENTION TO SUSPEND OR REVOKE LICENCE/PERMIT*/NOTICE OF SUSPENSION OR REVOCATION OF LICENCE/PERMIT*

(1) Here TO (1).....
insert the full names and address of the Licensee

(2) Here IN THE MATTER OF (2).....
insert the Licence/ Permit No. You are hereby notified that the Energy Regulation Board intends to suspend/ revoke* your Licence/Permit* or the Energy Regulation Board has suspended/ revoked* your Licence/Permit* on the following grounds:
(a).....
(b).....
(c).....
(d).....
(e).....

(3) Here (Accordingly, you are requested to show cause why your Licence/Permit* should not be suspended/revoked* and to take action to remedy the breaches set out in paragraphs (above) within (3).....days of receiving this notice. Failure to remedy the said breaches shall result in the suspension/revocation* of your Licence/Permit*.)¹
insert the number of days stipulated

Dated this.....day of..... 20.....

.....
Director-General



NOTES:

*Delete whichever is not applicable

¹To be deleted when the Notice is for the actual suspension or revocation of a Licence or Permit

Form XI
(Regulations 18 (1), 19(2) and 24(1))



ENERGY REGULATION BOARD
The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2023
APPLICATION FOR A PERMIT

INSTRUCTIONS	FOR OFFICIAL USE
1. Complete the form fully (incomplete forms will not be accepted) 2. Use capital letters	File Number:..... Date Initial Application Received:..... Date of Due Lodgement:

SECTION A: DETAILS OF THE APPLICANT

Registered Company name in full e.g. XYZ INVESTMENTS (PVT) LTD

Trade name in full e.g. ABC PETROLEUM

Company Details

Physical address: _____

Telephone number(s): _____

Email address: _____

Contract Person:

Full Name: _____

Title: _____

Physical address: _____

Cell phone number(s): _____

Email address: _____

This application is for a permit to*: _____

Initial Application

 Renewal Application

Details of any other Energy Regulation Board permits held, applied or being applied for by the applicant: _____

SECTION B:

Attachments (to be completed by applicant)*

Please tick to show that the required document is attached. After finalising, please date and sign the attached checklist and send together with the application.

- | | |
|---|----------------|
| (i) Certificate of Incorporation | YES () NO () |
| (ii) Five year Business plan | YES () NO () |
| (iii) Latest stamped PACRA printout
(within 30 days preceding the application) | YES () NO () |
| (iv) Valid ZRA Tax clearance certificate | YES () NO () |
| (v) Relevant checklist | YES () NO () |

SECTION C: DECLARATION OF COMMITMENT TO FUND THE ACTIVITY

I, _____, in my capacity as Director/Partner/Principal of _____ (hereinafter called the "Applicant").

I hereby declare and confirm as follows:

1. that I am duly authorised to make this Commitment;
2. that, prior to making this commitment, I have made all appropriate enquiries into the financial requirements of the business and wish to commit that funds will be made available to undertake the activity for which the Permit is being applied for.

I understand that any false, fictitious or fraudulent statements knowingly made by me to the Energy Regulation Board may result in the Permit being revoked.

Signature of Declarant: _____

Date of Signature: _____

Name of Declarant (block capitals): _____

Job Title of Declarant (block capitals): _____

SECTION D: DECLARATION BY THE APPLICANT*

I (full names) _____ hereby
declare that all information provided herein is within my personal knowledge and that —

- (a) I am duly authorised to make this application;
- (b) I have read and understood this form and all accompanying Regulations related hereto;
- (c) All information provide herein is to the best of my knowledge true and correct;
- (d) I undertake to provide additional information in whatever form the Energy Regulation Board may require for the purposes of evaluating this application.

Signed at _____ (place) on this _____ day of _____ (month) _____ (year)

.....
Signature

NOTES:

- Section A- *Indicate whether the application is an initial application or renewal
- Section D- *In circumstances where the Applicant is a body corporate, a director of the Applicant who is duly authorised to make the commitment must complete this declaration. If the Applicant is a sole trader or an individual, the sole trader or an individual must complete this declaration.

*Additional permit requirements are attached to this application.

Form XII
(Regulations 23 (1) and 24 (3))



ENERGY REGULATION BOARD

The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2023

PERMIT

- 1.1 This Permit is issued by the Energy Regulation Board (hereinafter referred to as “ERB”) in the exercise of the powers vested in it by the Energy Regulation Act, 2019 (Act No. 12 of 2019) (hereinafter referred to as “the Act”)
- 1.2 This Permit is issued to.....an entity incorporated or registered in Zambia and having its registered office at (hereinafter referred to as the “Permit Holder”) to construct a.....on Lot No.:..... InDistrict on the premise specified in the attached Schedule.
- 1.3 The capacity to be installed on the said premises is specifically described in schedule, hereto attached (hereinafter referred to as “Authorised Capacity”).
- 1.4 The Permit Holder is authorised to construct a.....based on the drawings as approved by the ERB subject to and in accordance with the Conditions of this Permit.
- 1.5 This Permit becomes effective on the..... day of.....20..... (Hereinafter referred to as “Effective Date”) and shall remain valid for years unless terminated, suspended or revoked in accordance with the conditions set forth herein.

Permit Registration No:.....

Effective Date:.....

Expiry Date:.....

.....
Director-General

FIRST SCHEDULE

(Regulations 3(1), 12(2), 16(1), 34(1), 35(3), 35(4) and 39)

PRESCRIBED FEES

<i>Type</i>	<i>Fee Units</i>
1. Application/Renewal of Licence or permit	3334
2. An application for a Licence to operate an undertaking or Renewal of such Licence	0.1 percent of cost of establishing an enterprise or net worth of an enterprise with a minimum of 8,333.33 fee units
3. Transfer, Pledge, Assign or Encumber	N/A
4. Licence/Permit	30, 000
5. Inspection of Register	2000 for the search and printout
6. Replacement of Lost or Destroyed Licence or Permit	1000

THIRD SCHEDULE
(Regulation 10 (3))

In addition to the conditions endorsed on the licence, the following conditions shall apply to a licence:

1. General Conditions:

- (a) The licensee shall not show undue preference to, or exercise undue discrimination against any particular person of any class or description as regards any aspect of the provision of energy products or any service under the licence.
- (b) Should any of the Conditions cease to be effective, that condition shall be deleted and the remaining conditions shall continue in full force and effect.
- (c) The licensee shall commence the licensed activity within six months from the effective date of the licence, failure to which, the licensee shall give notice, in writing, to the Energy Regulation Board requesting for an extension of the period within which to commence the licensed activity and the extension shall be for period not exceeding six months.
- (d) Failure by the licensee to give notice within the first six months shall result in the revocation of the licence.
- (e) If the licensee gives notice in writing to the Energy Regulation Board requesting for an extension of the period within which to commence the licensed activity but fails to commence within the extended period, the licensee shall be considered to have ceased to fulfill the eligibility requirements for grant of the licence and the licence shall be revoked in accordance with section 19 of the Act.
- (f) A breach of any of the conditions of the licence shall give rise to the imposition of penalties or fines in accordance with the Act, these Regulations and other guidelines issued by the Energy Regulation Board.

2. Operational Conditions of the licensed activity:

- (a) The licensee shall only operate the licensed premises, equipment, installations and facilities as set forth in the licence.
- (b) The licensee shall not vary the licensed capacity of the licensed premises, equipment, installations and facilities without prior written authority of the Energy Regulation Board.
- (c) The licensee shall, where an accident or incident occurs in the implementation of the licensed activity or to the premises, equipment, installations and energy facilities—
 - (i) notify the Energy Regulation Board immediately or within twenty-four hours;
 - (ii) submit a written preliminary report to the Energy Regulation Board within forty-eight hours; and
 - (iii) submit a written comprehensive incident report to the Energy Regulation Board within seven calendar days.
- (d) The licensee shall not engage in any activities that compromise the proper implementation of the licensed activity or that may impede any licensed activity of other licensees.

P. C. KAPALA,

LUSAKA

Minister of Energy

7TH SEPTEMBER, 2023

[MOE.64/9/2]