

The Malawi Gazette Supplement, dated 24th December, 2010, containing
Regulations, Rules, etc. (No. 16A)

GOVERNMENT NOTICE NO. 29

ENERGY REGULATION ACT

(CAP. 73:02)

ENERGY REGULATION (AMENDMENT) BY-LAWS, 2010

IN EXERCISE of the powers conferred by section 45 of the Energy Regulation Act, the Malawi Energy Regulatory Authority has made the following By-laws—

1. These By-laws may be cited as the Energy Regulation (Amendment) By-laws, 2010. Citation

2. The Energy Regulation By-laws, (hereinafter referred to as the “principal By-laws”) are amended by deleting by-law 42 and substituting therefor the following new by-law— Amendment of By-law 42 of Cap. 73:02 G.N. No. 5 of 2009

“Licences for renewable energy technologies activities” 42. No person shall carry on the business of importing and selling or installation and maintenance of renewable energy technologies without a licence issued by the Authority.”

3. The principal By-laws are amended by deleting by-law 43 and substituting therefor the following new By-law— Amendment of By-law 43 of the principal By-laws

“Licence application and fees” 43.—(1) Any person who wishes to carry on the business of importing and selling or installation and maintenance of renewable energy technologies shall apply for a licence in Form ERET 1 contained in the Fifth Schedule hereto.

(2) The Authority shall issue two types of licences for activities dealing with renewable energy technologies—

- (a) importation and selling; or
- (b) installation and maintenance.

(3) Every licence issued by the Authority shall be in the form prescribed in the Fifth Schedule hereto and shall be valid on the conditions and for the period therein.

(4) Every licence issued under these By-laws shall have the following details—

- (a) name and type of the licence;
- (b) name and particulars of the licensee;
- (c) commencement and expiry date;
- (d) emblem or logo of the Authority;
- (e) designated signature of the Authority;
- (f) any such security features as the Authority may determine; and
- (g) the common seal of the Authority.

(5) No application for a licence under these By-laws shall be considered by the Authority unless the applicant has paid the application fees specified in Part II of the Third Schedule hereto.

(6) Upon the grant of the licence and annual renewal thereof, an applicant shall pay the issue fee specified in Part II of the Third Schedule.”.

Amendment
of By-law 66
of the
principal
By-laws

4. The principal By-laws are amended by deleting by-law 66 and substituting therefor the following new By-law—

“Registration
and annual
renewal fees
for private
owner

66.—(1) Every private owner with a generation capacity of below and above 20 kVA shall register with the Authority, details required under sections A and C only in Form EPOU 1 in the Seventh Schedule hereto:

Provided that only those registered by the Authority shall be permitted to generate electricity for own use.

(2) Whenever there is a change in the particulars provided under paragraph (1), the private owner shall immediately advise the Authority of the new particulars.

(3) Every private owner shall pay a registration fee and an annual renewal fee prescribed in the Third Schedule hereto.

(4) Every person, who, before entry into force of these By-laws, owns generation facilities for own use shall register with the Authority within six months from the date of these By-laws.

(5) Every Registration Certificate issued by the Authority shall be in Form EPOU 2 prescribed in the Seventh Schedule hereto and shall be valid on the conditions and for the period provided therein.

(6) Every Registration Certificate issued under these By-laws shall have the following details—

- (a) name and type of Registration Certificate;
- (b) name and particulars of the registered private generator;
- (c) commencement and expiry date;
- (d) emblem or logo of the Authority;
- (e) designated signature of the Authority;
- (f) any such security features as the Authority may determine; and
- (g) the common seal of the Authority.

(7) Generators of less than 20 kVA shall be registered—

- (a) on importation, at the border of entry; and
- (b) on sale in Malawi, by shop owners who shall transmit a register of such sales to the Authority every three months.”.

5. Part II of the Third Schedule to the principal By-laws is revoked and replaced by the following new part as Part II—

Replacement of Part II of the Third Schedule to the principal By-laws

“THIRD SCHEDULE

(by-law 43 (5))

PART II—FEES UNDER PART V FOR RENEWABLE ENERGY TECHNOLOGIES

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1. On application	10,000	00
2. On issue	5,000	00
3. On renewal	10,000	00.”

6. Form ERET 1 of the Fifth Schedule to the principal By-laws is deleted and replaced by the following new Form—

Replacement of Form ERET 1 of the Fifth Schedule to the principal By-laws

“FIFTH SCHEDULE

REPUBLIC OF MALAWI

ENERGY REGULATION ACT

(CAP. 73:02)

ENERGY REGULATION BY-LAWS, 2009

LICENCE FOR RENEWABLE ENERGY ACTIVITIES

FORM ERET 1

(by-law 43)

This Licence is hereby granted to:
of (physical address):

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for the importation and selling/installation and maintenance of renewable energy technologies subject to the conditions prescribed by the Energy Regulation By-laws, 2010, made under the Energy Regulation Act (Cap. 73:02).

This Licence shall expire on the day of next following the date of issue hereof, and may be renewed on application being made for this purpose.

Issued this day of, 20.....

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for Malawi Energy Regulatory Authority

This Licence is issued subject to the Energy Regulation By-laws, 2009, of which the Licensee admits cognizance.

Made this 3rd day of December, 2010.

(FILE NO. C/48/2/20)

PROF. J. D. SAKA
Chairman