

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 42 of 2021

The Energy Regulation Act, 2019

(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2021

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FIRST SCHEDULE**SECOND SCHEDULE****THIRD SCHEDULE****FOURTH 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

Title	1. These Regulations may be cited as the Energy Regulation (General) Regulations, 2021.
Interpretation	2. (1) In these Regulations, unless the context otherwise requires—
Act No. 24 of 2010	<p>“anti-competitive trade practices” has the meaning assigned to the words in the Competition and Consumer Protection Act, 2010;</p> <p>“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;</p> <p>“Director-General” has the meaning assigned to the word in the Act;</p> <p>“Energy Regulation Board” has the meaning assigned to the words in the Act;</p>
Act No. 17 of 2010	<p>“Engineering Institution of Zambia” means the Engineering Institution of Zambia established under the Engineering Institution of Zambia Act, 2010;</p>
Act No. 17 of 2010	<p>“engineering professional” has the meaning assigned to the words in the Engineering Institution of Zambia Act, 2010;</p> <p>“enterprise” has the meaning assigned to the word in the Act;</p> <p>“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;</p> <p>“information” includes documents, accounts, statistics, estimates, returns, operating stock or reports, whether or not prepared at the request of the Energy Regulation Board;</p> <p>“licence” has the meaning assigned to the word in the Act;</p> <p>“licensee” has the meaning assigned to the word in the Act;</p>

- “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
- “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;
- “Patents and Companies Registration Agency” means the Patents and Companies Registration Agency, established by the Patents and Companies Registration Agency Act, 2010; Act No. 15 of 2010
- “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; and
- “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;
- “Road Development Agency” has the meaning assigned to the words under the Public Roads Act, 2002; Act No. 12 of 2002
- “senior management” means the chief executive officer, chief financial officer or executive director of a licensee or any person performing similar functions, and the term “senior manager” shall be construed accordingly;
- “statutory manager” means a person appointed by the Minister as a statutory manager for an undertaking in accordance with regulation 31;
- “Zambia Environmental Management Agency” means the Zambia Environmental Management Agency established under the Environmental Management Act, 2011; Act No. 12 of 2011
- “Zambian National Standard” has the meaning assigned to the words in the Standards Act, 2017; and Act No. 4 of 2017
- “Zambia Revenue Authority” means the Zambia Revenue Authority, established by the Zambia Revenue Authority Act. Cap. 321

PART II

LICENSING REQUIREMENTS AND PROCEDURES

Application to Establish or operate enterprise or carryout Licensed activity

3. Application to establish or operate enterprise, or carryout licensed activity

(1) A person who intends to establish or operate an enterprise or carryout a licensed activity shall 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.

(2) An application referred to under sub-regulation (1), may be filed as a hard copy or electronically.

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

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

Licensing requirements

4. (1) The application referred to under regulation 3 shall be accompanied by the following documents:

- (a) a copy of the certificate of incorporation;
- (b) a copy of a list of the names and particulars of an applicant's promoters or directors, certified by the Patents and Companies Registration Agency;
- (c) a valid tax clearance certificate issued by the Zambia Revenue Authority;
- (d) a profile, including a brief of the organisational structure, shareholding structure and senior management;
- (e) written approval from the Zambia Environmental Management Agency or any other appropriate authority, to undertake a regulated activity;
- (f) a copy of the five years business plan showing projected financial statements;
- (g) a statement indicating the applicant's technical capacity to carry out the proposed activity or works for which a licence is being applied for;
- (h) a design of the proposed works or activities in compliance with recognised Zambian National Standards on engineering design and accepted codes of practice, or other standards set by an appropriate authority;

- (i) a set of operation and maintenance manuals for the proposed works or activities;
- (j) planning permission in accordance with the Urban and Regional Planning Act, 2015;
- (k) a declaration of availability of funds in Form II set out in the First Schedule; and
- (l) a copy of a receipt of the application fee.

Act No. 3 of
2015

(2) A person that intends to carry out a licensed activity shall, in addition to the requirements under sub-regulation (1), submit the documents referred to in the Third Schedule with respect to the particular activity that is sought to be carried out.

5. The Energy Regulation Board shall, in addition to the licensing requirements set out under regulation 4, consider the following:

Additional
criteria for
grant of
licence

- (a) the economic and financial benefits of the activity to the country, or 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 likely to have a bearing on the activity or works.

6. (1) Despite the licensing requirements and other information expressly required to be included in an application under regulations 4 and 5, the Energy Regulation Board may request an applicant 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) Where information is requested in accordance with subregulation (1), the Director-General shall notify the applicant, in writing, specifying the additional information required to be submitted and specifying the period within which the information shall be made available.

(3) If 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 a security of supply at the minimum barest cost;
 - (b) whether the applicant can guarantee a 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 law;
 - (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; or
 - (i) in the case of a renewal, whether the applicant has breached the conditions of the licence repeatedly.
- Objection to grant of licence
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 III set out in the First Schedule.

10. (1) The Energy Regulation Board may, where the Energy Regulation Board determines that an applicant has met the criteria to be granted a licence, issue the applicant with a provisional licence pending the grant of a licence in Form IV set out in the First Schedule.

Grant of provisional licence and licence

(2) The Energy Regulation Board shall, where the licensing requirements are complied with, issue the applicant with a licence in Form V 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 Fourth Schedule.

11. The Energy Regulation Board shall, where it rejects an application for a grant of a licence, notify the applicant in Form VI 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, 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 it rejects an application under subregulation (2), inform the applicant in Form VI set out in the First Schedule.

(4) The Energy Regulation Board shall, where it approves an application under subregulation (2), renew the licence in Form V 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 it 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 VII 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 VIII 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 the following to the Energy Regulation Board:

(a) evidence 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 as the Energy Regulation Board may request.

(3) A notice of intention to surrender a licence shall become effective if the licence is surrendered to the Energy Regulation Board by the licensee and the licence is cancelled.

(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 become 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 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 IX 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 the following to the Energy Regulation Board:

(a) evidence 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 sub-regulation (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;
- (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; and
- (d) on any other terms and conditions that the Energy Regulation Board may determine.

(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 X set out in the First Schedule.

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

Suspension
or revocation
of licence

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

PART III

PERMIT REQUIREMENTS AND PROCEDURES

18. (1) A person that intends to construct an energy facility, installation or common carrier shall apply to the Director General for a permit in Form XII 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 as a hard copy 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 and received.

(4) An application is duly completed where the required fields in the Form are correctly filled and the required documents are attached.

Permit requirements

19. A person that lodges an application under regulation 18 shall lodge the application together with the following documents:

- (a) written approval from the Zambia Environmental Management Agency;
- (b) copies of detailed site plans and engineering and structural drawings according to applicable regulations, Zambian National Standards, guidelines or orders issued by the Energy Regulation Board;
- (c) approval by the relevant local authority for siting of energy facility;
- (d) a completed appendix showing the capacity of energy facility;
- (e) approval from the Road Development Agency or any other appropriate authority, where applicable;
- (f) a practising certificate issued by Engineering Institution for Zambia for a registered engineering professional that will supervise the project;
- (g) a letter of appointment of a registered engineering professional to supervise the project;
- (h) a copy of the five years business plan showing projected financial statements, where applicable;
- (i) a declaration of availability of funds in Form II set out in the First Schedule; and
- (j) any other approval from an appropriate authority having jurisdiction in the area being proposed to be developed.

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

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.

Site visit for permit

(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 will take place.

22. (1) Despite the permit requirements and any information expressly required to be included in an application under regulations 19 and 20, the Energy Regulation Board may request an applicant to submit further information that may be considered material to the application to enable the Energy Regulation Board make a decision on the application.

Request for additional information for permit

(2) The Director-General shall, where information is requested in accordance with subregulation (1), notify the applicant, in writing, specifying the additional information required to be submitted and specifying the period within which the information shall be made.

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

23. (1) The Energy Regulation Board shall, where all permit requirements have been complied with within twenty days of receipt of an application under regulation 18, approve the application for a permit and grant a permit to the applicant in Form XIII 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 VI 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.

Renewal of
permit

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 XII set out in the First Schedule.

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

(3) The Energy Regulation Board shall, where it approves the application, issue the applicant with a permit in Form XIII 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, notify the applicant in Form VI set out in the First Schedule.

Suspension
or
revocation
of permit

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

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

(b) 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;

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

(d) update its operational systems and procedures as recommended by the Energy Regulation Board; or

(e) co-operate in any investigation or inspection undertaken 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 XI 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 other relevant laws, within the period specified under sub-regulation (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 XI 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 newspaper of daily circulation in the Republic.

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

Transfer,
pledge,
assign or
encumber
permit

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

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

(4) The Energy Regulation Board shall, where it rejects an application under subregulation (1), notify the applicant in Form VI set out in the First Schedule.

PART IV

GENERAL PROVISIONS

27. (1) Subject to subregulation (3), the following activities shall not constitute an activity for the purposes of the Act, whether public or private:

Excluded
activities

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

- (b) importation of lubricants for use in equipment for sale, where the—
 - (i) lubricant is in the imported equipment; and
 - (ii) equipment is imported together with the lubricant on one consignment but as two separate units;
 - (c) importation of solar for domestic or non-commercial use;
 - (d) importation of solar for use in Government projects and not for commercial purposes; and
 - (e) importation of lubricants for use in equipment meant for Government projects and not for commercial purposes.
- (2) In subregulation (1), unless the context otherwise requires, “domestic or non-commercial use” means in—
- (a) paragraph (a), household use that does not exceed fifty litres or its equivalent; and
 - (b) paragraph (c), a dwelling house with maximum generating capacity of five Kilowatts, including accompanying accessories and a small holding with maximum generating capacity of 10 Kilowatts, including accompanying accessories.
- (3) The exclusion in subregulation (1) (b) shall be restricted to the initial startup only.

Changes in
detail

28. 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.

Liability
insurance

29. (1) Except where expressly exempt by the Energy Regulation Board, a licensee or permit holder shall take out and maintain, in full effect, liability insurance, including environmental impairment liability, to cover the cost of any damage incurred by the licensee or permit holder and compensation to be paid to any person, including commercial liability and clean-up costs.

(2) For purposes of subregulation (1), the environmental impairment liability shall cover environmental damages, including that done to land, watercourses, underground water and the atmosphere.

30. (1) The licensee or permit holder may, where a licence or permit has been lost or destroyed, apply to the Director-General, in writing, for a replacement of the 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 in accordance with subregulation (1), issue a copy of the licence or permit to the licensee or permit holder, respectively.

(3) A copy of a licence or permit issued under subregulation (2) shall be as effective as the original licence or permit.

31. (1) A register of licenses shall be in Form XIV set out in the First Schedule.

Register of
licenses and
permits

(2) The Energy Regulation Board shall establish and maintain a register of permits and permit holders in Form XV 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, on receipt of an application under subregulation (3) and within two days, 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.

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

33. 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

34. 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 a term of imprisonment not exceeding three years, or to both.

Notice of appeal

35. A person aggrieved with a decision of the Energy Regulation Board may, within thirty days of the decision, appeal to the Minister in Form XVI set out in the First Schedule.

Fees

36. The fees set out in the Second Schedule are applicable to the matters specified in the Second Schedule.

Revocation of Statutory Instrument No. 2 of 1998

37. The Energy Regulation (Licensing) Regulations, 1998 are revoked.

FIRST SCHEDULE
(Regulations 3(1), 4 (1), 9, 10, 11, 12, 14, 15 (1), 16, 17,
18, 19, 23, 24, 25, 26, 31 and 35)

FORM I
(Regulation 3 (1) and 12 (2))



ENERGY REGULATION BOARD

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

The Energy Regulation (General) Regulations, 2021

APPLICATION FOR A 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 Lodgment:

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: _____

Contact Person:

Full Name: _____

Title: _____

Physical address: _____

Cell phone number (s): _____

Email address: _____

This application is for a licence to*: _____

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.

- | | |
|---|----------------|
| (i) Proof of payment of application fee | YES () NO () |
| (ii) Certificate of Incorporation | YES () NO () |
| (iii) Declaration of availability of funds form | YES () NO () |
| (iv) Business plan | YES () NO () |
| (v) Latest stamped PACRA printout | YES () NO () |
| (vi) ZRA Tax clearance certificate | YES () NO () |
| (vii) PACRA latest annual return | YES () NO () |
| (viii) Relevant checklist | YES () NO () |

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 authorized to make this declaration;
- (b) I am the designated person responsible for this Licence and any conditions attached thereto;
- (c) I have read and understood this form and all accompanying regulations related hereto;
- (d) All information provide herein is to the best of my knowledge true and correct;
- (e) I undertake to provide additional information in whatever form the ERB may require in order to evaluate this application.

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

Signature

NOTE:

*Indicate whether the application is an initial application or a renewal

Form II
(Regulation 4 (1) and 19)



ENERGY REGULATION BOARD

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

The Energy Regulation (General) Regulations, 2021

DECLARATION OF AVAILABILITY OF FUNDS

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

I, _____¹, in my capacity as **Director/Partner/Principal**² of _____³ (hereinafter called the “**Applicant**”).

I hereby declare and confirm as follows:

1. that I am duly authorised to make this declaration;
2. that, prior to making this declaration, I have made all appropriate enquiries into the business affairs and financial obligations of the Applicant; and
3. accompanying this declaration is one of the following options, selected below:
 - (a) a bank account statement issued by a financial institution within of the date of this declaration showing that a sum of the Total business Cost is contained in the bank account ;
 - OR**
 - (b) a letter from a financial institution dated in the last confirming that the Total business Costs, in the amount of², are available or will be made available to the Applicant for use on the business .

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.

Signature of Declarant: _____

Date of Signature: _____

Name of Declarant (block capitals): _____

Job Title of Declarant (block capitals): _____

NOTES:

- In circumstances where the Applicant is a body corporate, a director of the Applicant who is duly authorised to make the declaration must complete this declaration. If the Applicant is a sole trader or an individual, the sole trader or an individual must complete this declaration.
- 1 Please insert the name of the person who is making the declaration.
 - 2 Please put a line through the options that are not applicable to you.
 - 3 Please insert the name of the entity on behalf of whom the declaration is being made. If the Applicant is a sole trade or an individual please insert sole trader or individual in this field.
 - 4 Please insert appropriate amount in applicable currency.



ENERGY REGULATION BOARD

The Energy Regulation Act, 2019

(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2021

NOTICE OF OBJECTION TO THE GRANT OF A LICENCE

To: The Board Chairperson
Energy Regulation Board
Lusaka

An Objection is hereby made to the issue 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

Signature of Objector:

Full Name of Objector:

Address of Objector:

.....

.....

Mobile No. of Objector:

Email address of Objector:

Attachments: Written submissions and Evidence in support of the objection

FORM IV
(Regulation 10 (1))



ENERGY REGULATION BOARD

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

The Energy Regulation (General) Regulations, 2021

PROVISIONAL LICENCE

Provisional Licence No.:

(1) Here insert the full name of the applicant

(1) Here insert the full name of the applicant

(2) Here insert the applicant's physical address

(2) Here insert the applicant's physical address

This is to certify that (1)

of (2)

is duly provisionally licensed to carry out the following activity(ies):

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

This Licence is temporarily valid for (3)

(3) Here insert the period of validity of the provisional licence

The terms and conditions of the Licence are overleaf.

.....

Director-General



FORM V

(Regulation 10 (2) and 12 (4))

**ENERGY REGULATION BOARD****The Energy Regulation Act, 2019**

(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2021**STANDARD LICENCE**

(.....*)

- 1.0 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").
- 2.0 This Licence is issued to an entity incorporated or registered in Zambia and having its registered office at (hereinafter referred to as the "Licensee") to engage in the (list licensed activity).
- 3.0 The Licensed Capacity shall be as per attached appendix.
- 4.0 The Licence is subject to accompanying terms and conditions and those provided in the Act, the Energy Regulation (General) Regulations, 2021, Standards and other Guidelines issued by the Energy Regulation Act, 2019.
- 5.0 This Licence becomes effective on the day of (hereinafter referred to as the "Effective Date") and shall remain valid for a period of unless revoked, suspended or can celled 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 VI

(Regulation 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, 2021

NOTICE OF REJECTION OF APPLICATION

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

To (1)

(2) Here insert the reference No. of the application.

IN THE MATTER OF (2).....

You are hereby notified that your application for (3)

..... has been rejected on the following grounds:

(3) Here insert type of application

(f).....

(g).....

(h).....

(i).....

(j).....

Dated this day of 20.....

.....

Director-General

FORM VII
(Regulation 14)



ENERGY REGULATION BOARD

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

The Energy Regulation (General) Regulations, 2021

**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 VIII
(Regulation 15 (1))



ENERGY REGULATION BOARD

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

The Energy Regulation (General) Regulations, 2021

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	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: _____

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 declaration;
- (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 at two directions**
- 3. Financial statements**

FORM IX

(Regulation 16 (1) and 26 (1))

**ENERGY REGULATION BOARD****The Energy Regulation Act, 2019**

(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2021**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/PLEDGEE

Registered 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 declaration;
- (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 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

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 form 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 form 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

FORM X
(Regulation 16 (4) and 26 (3))



ENERGY REGULATION BOARD

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

The Energy Regulation (General) Regulations, 2021

**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 of20.....

.....
Director-General

NOTE:

*Delete whichever is not applicable

FORM XI

(Regulation 17, 25 (2) and 25 (4))



ENERGY REGULATION BOARD

The Energy Regulation Act, 2019

(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2021

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

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

To (1)

(2) Here insert the Licence/ Permit No.

IN THE MATTER OF (2)

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 insert the number of days stipulated

(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

Dated this day of 20.....

.....
Director-General



NOTE:S:
*Delete whichever is not applicable
¹To be deleted when the Notice is for the actual suspension or revocation of a Licence or Permit

FORM XII

(Regulation 18 (1) and 24 (1))

**ENERGY REGULATION BOARD**

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

The Energy Regulation (General) Regulations, 2021**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 Lodgment: _____

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: _____

Contact Person:

Full Name: _____

Title: _____

Physical address: _____

Cell phone number (s): _____

Email address: _____

This application is for a permit to (indicate whether the application is an initial application or a renewal):

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) Declaration of availability of funds form | YES () NO () |
| (iii) Business plan (where applicable) | YES () NO () |
| (iv) Latest stamped PACRA printout | YES () NO () |
| (v) ZRA Tax clearance certificate | YES () NO () |
| (vi) Relevant checklist | YES () NO () |

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 declaration;
- (b) I am the designated person responsible for this Permit and any conditions attached thereto;
- (c) I have read and understood this form and all accompanying regulations related hereto;
- (d) All information provide herein is to the best of my knowledge true and correct;
- (e) I undertake to provide additional information in whatever form the Energy Regulation Board may require in evaluating this application.

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

Signature



ENERGY REGULATION BOARD

The Energy Regulation Act, 2019

(Act No. 12 of 2019)

The Energy Regulation (General) Regulations, 2021

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. In District 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 “Authorized 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, revoked, suspended or cancelled in accordance with the conditions set forth herein.

Permit Registration No:

Effective Date:

Expiry Date:

.....

Director-General

FORM XIV
(Regulation 31 (1))



ENERGY REGULATION BOARD

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

The Energy Regulation (General) Regulations, 2021

REGISTER OF LICENCES

Licence No.	Licence Type	Date Issued	Date of Expiry of Licence	Tenure of Licence	Licensed Capacity	Status (Valid/Suspended/Revoked/Assigned/Pledged/Transferred/Encumbered)

FORM XV
(Regulation 31 (2))



ENERGY REGULATION BOARD

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

The Energy Regulation (General) Regulations, 2021

REGISTER OF PERMITS

Permit No.	Permit Type	Date Issued	Date of Expiry of Permit	Tenure of Permit	Permit Capacity	Status (Valid/Suspended/Revoked/Assigned/Pledged/Transferred/Encumbered)



ENERGY REGULATION BOARD

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

The Energy Regulation (General) Regulations, 2021

NOTICE OF APPEAL

IN THE MATTER OF
(Application Reference and matter of appeal)

I, hereby, give Notice of Appeal against the decision of the Energy Regulation Board due to the following reasons:

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

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

.....

Signature of Appellant

SECOND SCHEDULE
(Regulation 36)

PRESCRIBED FEES

<i>Type</i>	<i>Fee Units</i>
Application/Renewal of Licence	3334 to cover the minimum assessment fee
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
Transfer, Pledge, Assign or Encumber Licence/Permit	30, 000
Inspection of Register	2000 for the search and printout
Replacement of Lost or Destroyed Licence or Permit	1000

THIRD SCHEDULE

(Regulation 4 (2))

As provided under regulation 4 (2), an applicant shall submit the following documents with respect to the particular activity that is sought to be carried out:

1. DISTRIBUTE, IMPORT AND EXPORT PETROLEUM PRODUCTS

- (a) Construction Permit
- (b) Description of facilities for Distribution, Import and Export of Petroleum Products
- (c) Proof of ownership or lease (hospitality agreement) of depot of at least 250 m³ capacity
- (d) Valid fire certificate for the proposed depot from the Local Authority/Council
- (e) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)

2. BULK DISTRIBUTION, IMPORT AND EXPORT OF LIQUEFIED PETROLEUM GAS (LPG)

- (a) Construction Permit
- (b) Description of facilities for Bulk Distribution, Import and Export of LPG
- (c) Proof of ownership or lease (hospitality agreement) of depot of at least 10MT capacity - Except for export
- (d) Valid fire certificate for the proposed depot from the Local Authority/Council
- (e) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)
- (f) Minimum of 250 cylinders with a plan to increase to the required number of 1000 cylinders over a period of 24 months

3. LICENCE TO RETAIL PETROLEUM PRODUCTS

- (a) Construction Permit
- (b) Letter stating the Cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (c) Schedule of total installed storage and dispensing capacity in the format to be specified by the Energy Regulation Board
- (d) Proof of ownership or lease of retail site
- (e) Valid fire certificate for each proposed retail site from Local Authority/Council
- (f) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)

4. INCLUSION OF SITE TO RETAIL PETROLEUM PRODUCTS

- (a) Construction Permit (applies to greenfield projects)
- (b) Schedule of total installed storage and dispensing capacity in the format to be specified by the Energy Regulation Board
- (c) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (d) Proof of ownership or lease of retail site
- (e) Valid fire certificate for each proposed retail site from a local authority/council
- (f) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)

5. RETAIL OF LIQUIFIED PETROLEUM GAS (LPG)

- (a) Construction Permit (applicable where Refilling of Cylinders is involved)
- (b) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (c) List of LPG Retail Sites in the format specified by the Energy Regulation Board
- (d) Proof of ownership or lease of retail site
- (e) Valid fire certificate for each proposed retail site from a local authority/council
- (f) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)
- (g) Minimum of 250 cylinders (either owned or leased in form of distributorship agreement)

6. ROAD TRANSPORTATION OF PETROLEUM PRODUCTS

- (a) Valid Road Service Licence as issued by the Road Transport and Safety Agency (or relevant authority for rail transportation)
- (b) List of tank vehicles or wagons in the format specified by the Energy Regulation Board
- (c) Zambia Revenue Authority excise & customs declaration schedule, invoices & form CE20 (applies to imported vehicles)
- (d) Letter of sale showing purchase price (applies to locally purchased vehicle)
- (e) Certificate of vehicle registration or certification of rail wagon
- (f) Valid certification of conformity for each tanker or rail wagon issued by relevant authority (Zambia Compulsory Standards Agency for road transportation)
- (g) Certification of tankers from Zambia Metrology Agency (not applicable for tankers presented to the Energy Regulation Board for first time registration)
- (h) Electrical wiring certificate for the tankers

7. PIPELINE TRANSPORTATION OF PETROLEUM PRODUCTS

- (a) Description of pipelines for transportation of petroleum products in the format specified by the Energy Regulation Board
- (b) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (c) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)

8. REFINING OF PETROLEUM FEEDSTOCK

- (a) Construction Permit
- (b) Description of storage and processing facilities in the format specified by the Energy Regulation Board
- (c) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (d) Detailed Refinery lay-out plan
- (e) Valid fire certificate from a local authority
- (f) Valid certificates for pressure vessels from the factories department
- (g) Proof of ownership or lease
- (h) Zambia Environmental Management Agency waste management and emission licences
- (i) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)

9. WHOLESALE AND MARKETING OF PETROLEUM FEEDSTOCK

- (a) Construction Permit
- (b) Description of storage and distribution facilities in the format specified by the Energy Regulation Board
- (c) Proof of ownership or lease (hospitality agreement) of depot of at least 250 m³ capacity
- (d) Valid fire certificate for the proposed depot from a local authority/council
- (e) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)

10. IMPORTATION, BLENDING, PACKAGING, DISTRIBUTION AND EXPORT OF LUBRICANTS

- (a) Construction Permit
- (b) Description of storage and processing facilities in the format specified by the Energy Regulation Board
- (c) Proof of ownership of storage facility or lease
- (d) Valid fire certificate for the proposed storage from a local authority/council
- (e) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)

11. TRANSPORTATION AND MARKETING OF COAL

- (a) Construction Permit, where applicable
- (b) Valid Road Service Licence as issued by the Road Transport and Safety Agency
- (c) List of Transportation Vehicles in the format specified by the Energy Regulation Board, where applicable
- (d) Description of storage facility for Coal in the format specified by the Energy Regulation Board, where applicable
- (e) White books for the vehicles, where applicable
- (f) Valid fire certificate for the proposed storage from a local authority/council, where applicable
- (g) Electrical wiring certificate for the vehicles
- (h) Zambia Revenue Authority Excise & Customs Declaration Schedule (if vehicle was imported)
- (i) Letter of sale showing purchase value (if vehicle is locally purchased)

12. OPERATE A CONSUMER STORAGE FACILITY

- (a) Construction Permit
- (b) Description of storage and dispensing facilities for Petroleum Products in the format specified by the Energy Regulation Board
- (c) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (d) Proof of ownership or lease of storage facility of applicable capacity
- (e) Valid fire certificate for each proposed consumer facility from the relevant local authority/council
- (f) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)

13. EQUIPMENT FOR PRODUCTION, REFINING, TRANSPORTATION, STORAGE, TRADING OR SUPPLY OF ENERGY OF FUEL

- (a) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (b) Description of equipment for production, refining, transportation, storage, trading or supply of energy or Fuel Licence
- (c) Proof of a management system (SHEQ management system)
- (d) Any other documentation as may be required by the Energy Regulation Board

14. GENERATION OF ELECTRICITY

- (a) Construction permit
- (b) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (c) Pricing/tariff model
- (d) Description of the generation facility in the format specified by the Energy Regulation Board
- (e) Fuel supply agreement/water permit (where applicable)
- (f) Power purchase agreement (where applicable)
- (g) Grid connection agreements
- (h) Licensed territory/location
- (i) Electrical drawings (Single Line Diagrams and flow charts)
- (j) Proof of qualified technical staff – including authorisation appointment by the applicant
- (k) Maintenance agreement/program for the plant
- (l) Valid fire certificate from the relevant local authority
- (m) Commissioning test certificates and reports (applicable to new generation plant)
- (n) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)

15. TRANSMISSION OF ELECTRICITY

- (a) Construction permit
- (b) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (c) Pricing/tariff model
- (d) Description of the transmission in the format specified by the Energy Regulation Board
- (e) Fuel supply agreement/water permit (where applicable)
- (f) Power purchase/wheeling agreement (where applicable)

- (g) Proposed territory/location
- (h) Electrical drawings (Single Line Diagrams and flow charts)
- (i) Proof of qualified technical staff – including authorisation appointment by the applicant
- (j) Valid fire certificate from a relevant local authority
- (k) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)
- (l) Five year forecast of maximum demand of energy to be transmitted through the transmission system

16. DISTRIBUTION OF ELECTRICITY

- (a) Construction permit
- (b) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (c) Pricing/tariff model
- (d) Completed appendices for distribution licence
- (e) Fuel supply agreement/water permit (where applicable)
- (f) Power purchase/wheeling agreement (where applicable)
- (g) Proposed territory/location
- (h) Power purchase, connection, wheeling agreement, power supply (where applicable)
- (i) Electrical drawings (Single Line Diagrams and flow charts)
- (j) Proof of qualified technical staff – including authorisation appointment by the applicant
- (k) Valid fire certificate from a relevant local authority responsible for the jurisdiction where each substation/switching station is located
- (l) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)
- (m) Location of any existing or proposed embedded generating stations, including, type, maximum energy expected to be available from the station at any one time, and aggregate energy expected to be available from the generation station during any year, excluding such wattage as is expected to be consumed on site
- (n) Annual forecast of maximum demand of energy to be distributed through the distribution system for the first five years
- (o) An undertaking that the distribution system through which the applicant would be authorised to convey energy if the licence is granted would be operated safely

17. TRADING OF ELECTRICITY

- (i) Letter stating the cost of investment accompanied by copies of means of verification where applicable
- (ii) Pricing/tariff model
- (iii) List of customers for trading of electricity in the format specified by the Energy Regulation Board
- (iv) Power purchase agreements
- (v) Wheeling agreements
- (vi) Power supply agreements
- (vii) Grid connection agreements
- (viii) Use of system agreement

18. SYSTEM OPERATOR OF TRANSMISSION AND DISTRIBUTION SYSTEM

- (a) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (b) Pricing/tariff model
- (c) Copy of network configuration diagram
- (d) System operator agreements
- (e) A schedule of relevant assets in the format specified by the Energy Regulation Board

19. GENERATION, TRANSMISSION, DISTRIBUTION & SUPPLY OF ELECTRICITY (OFF-GRID)

- (a) Construction permit
- (b) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (c) Pricing/tariff model
- (d) Description of facilities for generation, transmission distribution and supply in the format specified by the Energy Regulation Board
- (e) Fuel supply agreement (where applicable)
- (f) Water permit (where applicable)
- (g) Customer supply contract
- (h) Authorised territory
- (i) Proof of qualified technical staff – including authorisation appointment by the applicant
- (j) Valid fire certificate from a relevant local authority
- (k) Electrical drawings (Single Line Diagrams and flow charts)
- (l) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)

20. EMBEDDED GENERATION OF ELECTRICITY

- (a) Construction permit
- (b) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (c) Pricing/tariff model
- (d) List of generation and distribution facilities in the format specified by the Energy Regulation Board
- (e) Fuel supply agreement/water permit (where applicable)
- (f) Power purchase agreement (where applicable)
- (g) Connection agreements
- (h) Electrical drawings (Single Line Diagrams and flow charts)
- (i) Maps showing proposed territory for distribution/supply
- (j) Proof of qualified technical staff – including authorisation appointment by the applicant
- (k) Valid fire certificate from a relevant local authority
- (l) Commissioning test certificates and reports (applicable to new generation plant)
- (m) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)

21. GENERATION OF ELECTRICITY FOR OWN USE

- (a) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (b) List of generation and distribution facilities of electricity in the format specified by the Energy Regulation Board
- (c) Electrical drawings Single Line Diagrams and flow charts
- (d) Valid fire certificate from a relevant local authority
- (e) Completion certificate by an engineering professional registered by the Engineering Institution of Zambia (applicable to a new depot (Greenfield) and only applicable to brownfield projects that have not been in operation for a period of six months or more and require works to comply with the regulations, standards and codes of practice)

22. MANUFACTURE, SUPPLY, INSTALLATION, AND MAINTENANCE OF RENEWABLE ENERGY GENERATING EQUIPMENT

- (a) Letter stating the cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (b) Description of facilities for manufacture, supply, installation and maintenance of renewable energy equipment in the format specified by the Energy Regulation Board
- (c) Proof of ownership or lease of warehouse/storage facility
- (d) Proof of qualified technical staff
- (e) Valid fire certificate from a relevant local authority
- (f) Proof of prudent manufacturing best practice management system (SHEQ management system) (applicable to manufacturing)

23. PRODUCTION, STORAGE, MARKETING AND TRANSPORTATION OF RENEWABLE ENERGY

- (a) Letter stating the Cost of investment (cost of rebranding, repairs/rehabilitation and other costs incurred) accompanied by copies of means of verification
- (b) Description of facilities of production, storage, marketing and transportation of renewable energy licence in the format specified by the Energy Regulation Board in the format specified by the Energy Regulation Board
- (c) Proof of ownership or lease of warehouse/storage facility
- (d) Proof of qualified technical staff
- (e) Valid fire certificate from a relevant local authority
- (f) Proof of prudent manufacturing best practice management system (SHEQ management system) (applicable to manufacturing)

FOURTH 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. The extension shall be for period not exceeding six months. Failure by the Licensee to give notice within the first six months shall result in the revocation of the Licence.
- (d) 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.
- (e) A breach of any of the conditions of this Licence will 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.

- (e) The licensee shall ensure management of the licensed activity in a manner consistent with the principles of ensuring economic and technical expedience and the objective of achieving reasonable costs and highest quality of service for clients.
- (f) The licensee shall not engage in any form of anti-competitive trade practices.
- (g) The licensee shall comply with applicable Regulations and guidelines made pursuant to the Act and Zambian National Standards pertaining to the Quality Control and Monitoring of energy products and services in carrying out the licensed activity.

3. Provision and use of Information:

- (a) The licensee or any other person authorised by the licensee shall provide to the Energy Regulation Board information or reports concerning the licensed activity that the Energy Regulation Board may reasonably require for purposes of exercising or performing its functions.
- (b) Any confidential information received from the licensee shall not be disclosed to any third party except as required by any written law.
- (c) The licensee shall ensure that any information the licensee receives from the Energy Regulation Board as a direct result of conducting the licensed activity is not divulged to any person, except those carrying out the licensed activity who are authorised to receive the information, and ensure that the information is not used by the licensee for conducting any other activities other than the licensed activity, except:
 - (i) with the prior written consent of the Energy Regulation Board;
 - (ii) if the information is already in the public domain;
 - (iii) if the licensee is required or permitted to disclose the information to comply with the Licence, an Energy Regulation Board directive, any applicable law; or
 - (iv) if the information is required to be disclosed in the course of performing the licensed activity.

4. Price of Energy Products

- (a) The prices or other charges imposed or demanded by the licensee in respect of any product or commodity or any service to be provided in the course of the licensed activity shall be just and reasonable.
- (b) The Energy Regulation Board may require the licensee to re-adjust the prevailing price, or charges imposed in respect of energy products or service provided in the course of the licensed activity if it is found that the licensee's prices and charges imposed in respect of energy products or service are not just and reasonable.
- (c) The licensee shall comply with any tariffs, fees or charges in respect of energy, fuel or service provided in the course of the licensed activity that may be set by the Energy Regulation Board from time to time.
- (d) The licensee shall keep open for inspection by the Energy Regulation Board or its authorised agents, schedules showing the prices and charges which are in force at any time for energy product or services to be provided by it.

5. Compliance and Enforcement:

The licensee shall be required to establish a documented management system and designate a competent person to coordinate the system to ensure compliance with the conditions of the Licence.

LUSAKA
12th May, 2021
[MOE/DOE.64/1/1]

M. NKHUWA,
Minister of Energy