

*Government Notice No. 142 of 2022***THE ELECTRICITY ACT 2005****Regulations made by the Minister, after consultation with
the Utility Regulatory Authority, under section 44 of
the Electricity Act of 2005**

1. These regulations may be cited as the Electricity (Metering, Billing and Collection) Regulations 2022.

2. In these regulations –

“Act” means the Electricity Act 2005;

“Authority” means the Utility Regulatory Authority established under the Utility Regulatory Authority Act;

“Board” has the same meaning as in the Central Electricity Board Act;

“bill” means a written statement comprising the information set out in regulation 10;

“cable” means a conductor which is electrically insulated;

“consumption charges” –

(a) means the charges payable for the consumption of energy, in kWh, multiplied by the applicable tariff rates; and

(b) includes, but not limited to, demand charges and/or customer charges, whichever applicable;

“conductor” means a wire, metallic bar, rod or plate, which is not insulated, arranged to be electrically connected to a network or earth;

“consumer” has the same meaning as customer under the Act;

“demand charge” means the monthly charge made to the consumer in respect of the consumer’s maximum electrical demand, expressed in kilovolt amperes, as averaged over periods of 30 minutes in the month of account, or in any of the preceding 6 months of account, whichever is greater, and measured by a maximum demand indicator of such type and rating as the Authority may approve;

“distribution code” means such technical or operational codes, as the Authority may publish, relating to distribution and required by a Distribution Licensee to be implemented and maintained in terms of the Distribution Licence issued by the Authority;

“distribution licensee” means a person who is granted a Distribution Licence under the Act;

“energy” means an electrical energy;

“equipment” includes plants, meters, conductors, devices, supports, appliances and any other associated item used, or intended to be used, for the purpose of generating, transmitting, distributing or measuring energy;

“high voltage” means a nominal voltage of more than 33,000 Volts;

“insulated” has the same meaning as Insulation;

“insulation” means a non-conducting material enclosing or surrounding an equipment, or any part thereof, and of such quality and thickness as to withstand the operating voltage to which the equipment is subjected to;

“mains” means the main switchboard of a building;

“medium voltage” means a nominal voltage of more than 1,000 Volts but not exceeding 33,000 Volts;

“month”, unless otherwise specified in this regulation, means the period between the regular monthly watt-hour meter reading and the next regular monthly watt-hour meter reading;

“monthly minimum charge” means the charge payable by the consumer in cases where such charge is not exceeded during any particular month by the charge which is the sum of the demand and running charges for that month;

“premises” includes any land, building or structure;

“prosumer” means a customer who has installed a distributed electricity generation system on his premises, as specified in the First Schedule;

“running charge” means the monthly charge made to the consumer in respect of his energy consumption, expressed in kilowatt hours, as measured in the month of account by a kilowatt hour meter of such type and rating as the Authority may approve;

“statement of account” has the same meaning as a bill;

“SSDG” means Small Scale Distributed Generation;

“MSDG” means Medium Scale Distributed Generation;

“supply” means the supply of electricity to any premises, including the sales of electricity;

“supply terminal” means the end of the electric conductor or cable at which the supply is delivered to a customer’s or a prosumer’s installation;

“support” –

- (a) means any structure, pole or other device, in, on, by or from, which any electric conductor is or may be supported or suspended; and
- (b) includes stays and struts; but
- (c) does not include any Insulator or its fitting or any building;

“total connected load” means the aggregate total of the power ratings of all electrical apparatus, fittings, inclusive of lamps converted into watts and kilowatts, that can be simultaneously connected to the Network;

“transmission code” means such technical or operational codes as the Authority may publish, relating to the transmission, and required by a transmission licensee, to be implemented and maintained in accordance with the transmission licence to be issued by the Authority;

“transmission licensee” means a person who is granted a Transmission Licence.

3. (1) The Board shall seal every meter.

(2) The amount of electricity supplied by the Board to any customer or prosumer, pursuant to the method of billing, shall be ascertained by means of an appropriate meter in accordance with the transmission code and distribution code.

(3) The Board shall bear the cost of the meter and shall be entitled to charge a monthly rental for such meter.

(4) (a) Where a special type of meter is required to measure the consumption of electricity, the Board may require the customer

or prosumer to provide the meter at his own expense, in which case no rental charge shall be made.

(b) Where the customer or the prosumer provides the meter at his own expense, he shall not be liable to any rental charge.

(5) (a) The meter shall be fixed at such place as the Board may determine.

(b) (i) Where a customer or prosumer intends to have the meter moved to another place, the meter shall be relocated to such position as the Board and consumer or prosumer, as the case may be, may agree.

(ii) The consumer or prosumer shall bear the cost of the relocation under sub subparagraph (i).

(6) For the purpose of –

- (a) reading;
- (b) testing;
- (c) inspecting;
- (d) removing; or
- (e) replacing,

any meter, the Board shall, at all reasonable times, have unrestricted and safe access to the meter.

(7) (a) Where a consumer or prosumer fails to provide to the Board with unrestricted and safe access to the meter, the Board may discontinue the supply of electricity to that consumer or prosumer, as the case may be.

(b) Where the Board has discontinued the supply of electricity and a consumer or prosumer makes a request to the Board for a reconnection of the supply, the consumer or prosumer, as the case may be, shall bear such reasonable cost as the Board may incur.

(8) Where meters falling under the responsibility of a customer or prosumer are used to measure the quantity of electricity, such customer or prosumer shall, at his own expense, keep in proper order such meters and in default, the Board may discontinue the supply of electricity to that consumer or prosumer, as the case may be.

(9) (a) In addition to any meter which may be placed at the premises of any customer or prosumer to measure the quantity of electricity, the Board may place between the Board's mains and the customer's or prosumer's terminals, as the case may be, or wherever the Board deems fit, such meter or other apparatus as the Board may consider appropriate for the purpose of measuring or regulating either the amount of energy supplied to the customer or the prosumer or any other quantity connected with the supply.

(b) Where the Board places a meter or an apparatus under the sub paragraph (a), the Board may charge the customer or the prosumer for the expenses incurred.

(10) (a) Where the Board is unable to gain access to a customer's or prosumer's premises for the purpose of reading the meter to determine the charge for energy consumed during the month, the Board may assume that the number of units consumed during such month was the same as –

- (i) during the previous month;
- (ii) during the last month when the meter could be read;

(iii) the average units consumed during the last 6 months; or

(iv) apply the minimum charge,

and the customer or prosumer may be charged accordingly, provided that when the meter can be subsequently read, such charge shall be adjusted to accord with the actual number of units consumed during the period.

(b) Where the Board cannot read the meter of a consumer or prosumer for 3 consecutive months for the same reasons, the Board may, after giving 3 working days' notice, discontinue the supply of electricity to the consumer or prosumer, as the case may be.

(c) Where the customer's or prosumer's supply have been discontinued, the Board may charge the customer or prosumer for any expenses incurred.

(10) The Board may conduct remote meter reading, remote disconnection or remote reconnection of the customer's or prosumer's supply, as the case may be.

(11) Unless authorised in writing by the Board, no person shall connect or disconnect any meter used for measuring the quantity of the supply, and thereby the charge payable, with or from any electric line through which energy is supplied by the Board.

(12) (a) For the purpose of determining whether a meter is in accordance with these regulations, the Board may inspect the meter at the premises of the consumer or prosumer, as the case may be.

(b) Where following an inspection by the Board, a meter is found not to be certified in accordance with these regulations, its use shall be immediately discontinued until it has been duly certified by the Board.

(c) (i) The inspection under subparagraph (b) shall be conducted in presence of the consumer or prosumer.

(ii) For the purpose of this paragraph, the Board shall give prior notice of the inspection to the consumer or the prosumer.

4. (1) Any customer or prosumer may require the Board to check the accuracy of the meter used for recording the energy consumed by such customer or prosumer.

(2) Where a check is carried out under paragraph (1) and the meter is found to be in accordance with the transmission code or distribution code, the Board may charge such customer or prosumer a fee as determined by it and approved by the Authority together with any reasonable expenses incurred in removing and reinstalling the meter.

(3) Where a defect is found in a metering equipment following a check resulting in a faulty registration of the number of units consumed, the Board, the customer or the prosumer shall be entitled to an adjustment of the account for the month in question, based on –

- (a) the consumption registered by new meter;
- (b) the calculation of current data recorded by the meter and saved in the Board's database for the one month in question;
- (c) any meter installed by the Board in accordance with regulation 3(9); or
- (d) the average of the preceding 6 months or since such supply began, whichever is shorter period, as may be reasonably determined by the Board, and the customer or the prosumer shall agree to such adjustment.

(4) (a) If the circumstances of the supply for such preceding period used for determining the average monthly payment were such as to make a significant difference in the actual amount of electricity consumed for any month as compared with any other month within such period, the Authority shall, in the absence of any agreement between the Board and the customer or the prosumer, determine the amount payable for the relevant month.

(b) The determination of the Authority under subparagraph (a) shall be final.

(5) Where a check is carried out under paragraph (1) and it is found by the Board that the defect occurred for more than a month, the customer or prosumer shall be entitled to an adjustment of the account for a period not exceeding 36 months.

5. (1) Electricity charges payable to the Board for the electricity supplied to the different categories of customer and prosumer, as described in the First Schedule, shall be at the applicable tariff by General Notice published in the Gazette by the Authority.

(2) The customer and the prosumer shall, for every month or billing period, pay the charges for the electricity supplied at the applicable tariff to the Board within the time specified in regulation 6(4) –

- (a) at the appropriate office of the Board;
- (b) at any other place allowed by the Board; or
- (c) by electronic payment channel allowed by the Board.

(3) (a) The customer and prosumer shall, in addition to the charges fixed in the tariff, pay all surcharges and any other charges payable relating to the supply to the customer or the prosumer as per the applicable tariff conditions.

(b) The customer and prosumer shall, in addition to the charges as specified in subparagraph (a), pay any amount chargeable by the Government by way of tax, duty or fee.

(4) Where additions to a customer's or a prosumer's installation affecting the charges payable in respect of a supply are established at any time other than at the beginning of a calendar month, the minimum charge, the fixed charge and the meter rent, due for the broken period of such calendar month, shall be determined in the following manner –

- (a) the Monthly minimum charge, demand charge and the fixed charge shall be payable in full for such broken period; and
- (b) the Monthly meter rent shall not be applicable for such broken period.

(5) Every customer and prosumer shall pay to the Board such charge and any other sum payable, within 20 days from the date on which a Statement of Account or any printed or electronic notice stating the amount of the charge and any other sum payable is delivered to him personally or left at the premises to which electricity is supplied or at any other address as provided by him.

(6) (a) The Board may require any customer or prosumer to give adequate security for the payment of all sums that may become due.

(b) Where a new security deposit or any adjustment to a security deposit is required, the Board shall send a notice of such requirement to the customer or prosumer.

(7) Notwithstanding paragraph 6, the Board may require any customer or prosumer to adjust adequate payment for security deposit

of all sums payable or that may become payable by the customer or prosumer in case of tariff change or increase in load requested.

(8) The Board may use prorated actual meter readings, for billing purposes, where meters have been read with delay due to unforeseen circumstances.

(9) (a) A bill shall be issued every month to a customer and prosumer –

- (i) by electronic means;
- (ii) through the postal services;
- (iii) by hand delivery; or
- (iv) by being left at his premises.

(b) The Board may issue more than one electricity bill indicating the monthly watt-hour meter reading to any customer or prosumer during a month.

(c) The date of the bill shall be a maximum of one month after the regular meter reading date.

(d) The bill shall be issued to a customer or a prosumer not later than 15 days from the bill date.

(e) (i) It shall be the responsibility of the Board to ensure prompt submission of a bill to a customer and a prosumer.

(ii) Where the customer or the prosumer does not receive the current monthly bill within 5 working days from the date of the planned meter reading, he shall request a copy of the bill from the Board.

(10) (a) The Board shall issue the first bill for all services energised during a billing cycle, at latest by the end of next billing cycle.

(b) Where a customer or prosumer does not receive the first bill within 70 days from the date the supply is made, he shall report the matter to the designated officer of the Board who shall then arrange for the prompt issue of the bill.

(11) (a) (i) It shall be the responsibility of the customer or prosumer to inform the Board of any change in ownership, connected load or purpose of using electricity with respect to the supply.

(ii) Where a consumer or prosumer has passed away, his heirs shall, within a period of 12 months from the date of his death, inform the Board accordingly and submit details of the new consumer or prosumer.

(b) Where –

(i) there is a change in occupancy; or

(ii) a premises becomes vacant,

the consumer or prosumer shall make a request to the Board for a special reading.

(c) (i) The customer or prosumer may, under subparagraph (2)(b), request the Board in writing for a final reading at least 15 working days prior to the premises becoming vacant.

(ii) The Board shall, following a request made under subparagraph (a), issue a final bill to the consumer or prosumer which shall include all arrears up to the bill date, at least 7 working days before the premises becoming vacant.

(iii) A final bill shall also include consumption for the period between the date of special reading and date of the premises becoming vacant on pro rata basis.

(d) (i) Where a final bill is issued, the Board shall recover only the charges specified in the final bill together with any other associated charges.

(ii) Notwithstanding subparagraph (a), in cases of illegal abstraction of electricity, the Board shall be entitled to recover any charges including any costs incurred in dealing with such illegal abstractions, for any period prior to the date of a final bill.

(e) For the purposes of these regulations, a bill shall comprise the information set out in the Second Schedule.

6. (1) The payment of a bill shall be made at any customer Service Centre of the Board, or through any other facility such as banks, post offices, internet banking or electronic channels as may be provided by the Board.

(2) (a) The customer or the prosumer shall produce his bill at the time of making payment.

(b) Where the customer or prosumer is unable to produce his bill, he shall apply for a duplicate bill at a customer Service Centre and the Board shall issue him with a duplicate bill to allow him to make payment.

(c) Where a customer or prosumer applies for a duplicate bill in writing, the Board shall supply him with a duplicate bill within 3 working days of receipt of his application.

(d) Non-receipt of a bill shall not entitle the customer or prosumer to delay the payment beyond the due date.

(3) The Board or its agent shall issue a receipt or an electronic payment acknowledgement to the customer or prosumer for the payment of a bill.

(4) Every customer and prosumer shall, within 20 days from the date on which the Statement of Account, or any printed or electronic notice stating the amount of the charge or other sum payable by him has been served on him or at the premises to which electricity is supplied or any other address as provided by the customer or the prosumer, pay such charge or other sum payable to the Board.

(5) (a) Where a customer or prosumer pays a bill by a dishonoured bank cheque, the Board may –

- (i) treat this as a case of non-payment under regulation 7(1) and initiate action for disconnection; and
- (ii) refuse to accept payment by bank cheque from such customer or prosumer for a period of one year from the date on which the cheque was returned dishonoured.

(b) Where a customer or prosumer is not allowed by the Board to make payment either by bank cheque or direct debit, he shall pay his bill in cash, office cheque or by other electronic payment channels.

(6) Where a customer or prosumer makes advance payments towards his bill, the Board shall adjust such advance payments against any future bill provided that such advance payments shall not attract any interest.

(7) Where a customer or prosumer has not paid any sum or sums due by him on the date such sum or sums become payable, he shall, in addition, pay a surcharge of 5 per cent thereon.

(8) The amount paid by a customer or prosumer shall be adjusted in the following order –

- (a) oldest arrears accrued up to the current arrear incrementally; and
- (b) current month consumption charges.

7. (1) (a) A customer or prosumer shall be liable to have his supply disconnected where he fails to pay to the Board any –

- (i) charge or other sum due by him;
- (ii) security deposit; or
- (iii) capital contribution.

(b) Notwithstanding subparagraph (a), a customer's or prosumer's supply shall not be disconnected where he pays any –

- (i) charge or other sum due by him;
- (ii) security deposit; or
- (iii) capital contribution,

before the expiry of 7 working days after a printed or electronic notice in relation to any amount due is served on him or is left at the premises where electricity is supplied or is sent to any other addresses provided by him.

(2) (a) The supply referred to in paragraph (1)(a) shall remain disconnected until the charge or other sum due by the customer or prosumer has been paid.

(b) Any expense incurred by the Board whether by disconnecting or reconnecting any supply shall be borne by the customer or prosumer.

(c) Where payment is not effected by the customer or prosumer within a period of 15 working days after disconnection, the Board may close the account of the customer or prosumer.

(d) Where there is continued default in paying electricity charges and any other sum due to the Board, the Board shall be entitled to terminate the agreement executed by the customer or the prosumer as per the terms and conditions thereof.

(3) (a) Where any supply is disconnected due to non-payment of electricity charges or any other charges owed to the Board, the customer or the prosumer shall pay these charges together with any applicable processing fee for reconnection of the supply.

(b) Where the payments referred to in subparagraph (a) are made, the Board shall restore the supply not later than 48 hours after such payments.

8. (1) A customer or prosumer shall enter into an agreement with the Board for the provision of a new supply and shall receive a copy of the agreement.

(2) Where electricity is supplied by the Board to a customer or a prosumer under an agreement, he shall not sell or supply electricity to –

(a) any other customer or prosumer;

(b) any other person; or

(c) any other premises.

(3) (a) The Board shall at its own expense, provide a suitable service Cable up to 40 metres in length for the supply to the low voltage customer's or prosumer's supply terminals of the meter.

(b) Where a service cable exceeds 40 metres, the customer or prosumer shall bear the cost of any such excess in service cable used and such service cable shall be the property of the Board.

9. (1) The Board or any other person duly authorised by it may, in accordance with section 39(1) of the Act, at any time, and in the presence of the occupier, his representative or a law enforcement authority, enter any premises for the purpose of –

- (a) inspecting, testing, repairing or altering electric supply-lines, meters, fittings, works and apparatus for the supply belonging to the Board;
- (b) ascertaining the amount of electricity supplied or the electrical quantity contained in the supply; or
- (c) removing any electric supply-lines, meters, fittings, works or apparatus belonging to the Board where a supply is no longer required.

(2) For the purpose of section 39(2) of the Act and pursuant to an order of the Judge in Chambers, the Board or any person so authorised by it may enter any premises.

(3) For the purpose of examining and testing the electric wires, fittings, works and apparatus for the use of electricity belonging to the customer or prosumer, the Board or any other person so authorised by it may, under section 39(1) of the Act, enter any premises to which electricity is to be supplied.

(4) The Board may, after 24 hours from the service of a notice in writing on a customer or prosumer, disconnect the supply to the customer or prosumer for as long as he –

- (a) refuses to allow the Board or any person authorised by it to enter his premises in accordance with paragraph (1);
- (b) refuses to allow the Board to perform any act under these regulations; or
- (c) fails to give reasonable access.

10. (1) (a) Where any equipment of the Board such as electrical plant, line or meter, placed in the customer's or prosumer's premises is found to be tampered with, distressed or damaged, the Board shall recover any expenses associated with such tampered, distressed or damaged equipment.

(b) Without prejudice to any right to take action under the provisions of the Act, the Board shall recover any –

- (i) expenses and any other charges incurred for electricity abstracted illegally as calculated by the Board; and
- (ii) costs associated in restoring any of the Board's equipment.

(2) Subject to paragraph (1), where in relation to a meter, it is established that a defect occurred for more than a month through no fault of the customer or prosumer, he shall be entitled to an adjustment of his account by the Board for a period not exceeding 36 months.

(3) Where an unauthorised use or theft of electricity is detected, the provisions of section 42 of the Act shall apply.

11. (1) Any order or notice to the customer or prosumer by the Board, including a notice under the Act shall be deemed served if it is –

- (a) sent by such electronic means as notified to the Board by the customer or prosumer;
- (b) sent by registered post to the address notified to the Board by the customer or prosumer; or
- (c) delivered by hand at the address notified to the Board by the customer or prosumer.

12. Any customer or prosumer who fails to comply with these regulations shall commit an offence.

13. These regulations shall come into operation on 10 June 2022.

Made by the Minister, after consultation with the Utility Regulatory Authority on 10 June 2022.

FIRST SCHEDULE

[Regulation 5(1)]

In this Schedule –

“bulk consumer” means a consumer who uses electricity supplied in bulk by the Board, simultaneously as a residential consumer, a commercial consumer and an industrial consumer;

“commercial consumer” means –

- (a) a consumer occupying premises wholly or mainly used for –
 - (i) the purposes of distributive or retail trade;
 - (ii) the transportation of any materials, including fluids;
 - (iii) the purposes of construction;
 - (iv) professional business;
 - (v) providing a service, whether it is specialised or not and whether or not a charge is made; or
 - (vi) any other service such as, but not limited to –
 - (A) airport and ancillary services;
 - (B) battery charging stations;
 - (C) clubs (both private and public);
 - (D) cold storage;
 - (E) food processing for retail purposes;
 - (F) freeport and ancillary services;
 - (G) hospitals and healthcare institutions;

- (H) hotels, inns and similar businesses;
- (I) ICT or similar businesses;
- (J) incinerators;
- (K) laundry services, laundry and dyeing services;
- (L) media services;
- (M) military and Government installations;
- (N) nursing homes or similar institutions;
- (O) offices;
- (P) packaging plants or similar businesses;
- (Q) panel beating, painting workshops and ancillary services;
- (R) parlours, spas or lounges;
- (S) parks, places of entertainment or recreation, sports facilities;
- (T) port and ancillary services;
- (U) public institutions;
- (V) restaurants or catering services;
- (W) retail complexes;
- (X) school, educational institution or training establishments;
- (Y) shops;

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- (Z) syndicate of co-owners, providing common services, for private residential complexes;
 - (AA) broadcasting installations;
 - (AB) telecommunications installation;
 - (AC) transport services;
 - (AD) warehouses; or
 - (AE) workshops for repairs;
- (b) a consumer who cannot be classified under residential or industrial categories, excluding street lighting purposes by Municipal, District and Village Councils, Beach Authority and Traffic Lights, Speed Cameras and CCTV Cameras under the control of Public Institutions, and Pumping for Irrigation purposes;

“commercial prosumer” means a Commercial consumer who has installed and operates a distributed electricity generation system, registered under the CEB 2015 SSDG Net-metering Scheme, on its premises;

“industrial consumer” means –

- (a) a consumer primarily engaged in an extractive or manufacturing or agricultural and farming industry, and on whose premises electricity is used for the purpose of a mine, quarry, factory works, foundry, mill, refinery, pumping plant for treatment at source, or ship building and ship repairs and mainly for motive power or for an electro-chemical or electro-thermal process;
- (b) a consumer occupying premises wholly or mainly for operating a printing factory, a desalination plant or for the purposes of generation;

“industrial prosumer” means an industrial consumer who has installed and operates a distributed electricity generation system, registered under the CEB 2015 SSDG Net-metering Scheme, on its premises;

“other prosumer” means an electricity consumer not falling under the definition of residential prosumer or commercial prosumer or industrial prosumer who has installed and operates a distributed electricity generation system, registered under the CEB 2015 SSDG Net-metering Scheme, on its premises;

“residential consumer” –

(a) means a consumer occupying premises for living purposes; and

(b) includes –

- (i) domestic, household and living purposes of one or more persons whether or not forming a family with or without dependants;
- (ii) living quarters, places of worship, affiliated charitable institutions limited to convents, nursing homes for the destitute or meeting places under the control of religious or affiliated charitable institutions; or
- (iii) syndicate of co-owners, providing common services, for residential complexes set up by the Government.

“residential prosumer” means a residential consumer who has installed and operates a distributed electricity generation system, registered under the CEB 2015 SSDG Net-metering Scheme, on its premises.

SECOND SCHEDULE

[Regulation (5)11(e)]

Invoice number

Business partner number

Contract account number

Name and address of the customer or prosumer

Address where the bill should be delivered

VAT number of the customer or prosumer, if applicable

Business registration number, if applicable

Date of the invoice

Tariff applicable

Meter number

Consumption period

Previous meter reading of the billing period/cycle with date

Current meter reading of the billing period/cycle with date

Multiplying factor of the meter, if applicable

Number of units consumed during the billing period

Date of the bill and due date of payment

Next planned meter reading date, if applicable

Next invoice reading(s), if applicable

Any arrears and details for the current month

Running charge/monthly minimum charges

Demand charges, if applicable

Power factor penalty clause surcharge, if applicable

Meter rental

Electricity duty, if applicable

Late payment surcharge

Total current month demand, if applicable

Previous charges

Balance from previous charges

Current amount payable

Total amount due

Other charges

Net amount

Mode of payment/payment channels

Customer Service Centres with which queries, complaints or grievances can be made and telephone numbers of the centres

Fault and emergency reporting
