

ELECTRICITY SUPPLY ACT
(Cap. 73:01)

ELECTRICITY SUPPLY (LICENSING) REGULATIONS, 1993
(Published on 26th November, 1993)

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IN EXERCISE of the powers conferred by section 15 (1) of the Electricity Supply Act, and after consultation with the Botswana Power Corporation, the Minister of Mineral Resources and Water Affairs hereby makes the following Regulations —

PART I — *Preliminary*

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|----------------|---|
| Citation | 1. These Regulations may be cited as the Electricity Supply (Licensing) Regulations, 1993. |
| Interpretation | 2. In these Regulations, unless the context otherwise requires —
“consumer” means any person supplied with energy from an undertaking;
“consumer’s installation” means any wiring installed by a consumer, together with any apparatus upon the premises connected or intended to be connected thereto;
“distributing main” means the portion of any main from which service lines originate for the purpose of general supply;
“energy” means electrical energy;
“main” means any electrical line through which energy may be supplied by an undertaking for the purpose of general supply;
“service line” means any underground or overhead electric line through which energy may be supplied or is intended to be supplied by an undertaking to a consumer either from any main, or directly from the premises of such undertaking; |

“supply terminal” means the end of any electrical line situated upon any consumer’s premises at which the supply of energy is delivered from the service line;

“undertaking” means any undertaking for the generation or for the supply of energy within a defined area, with all the assets and liabilities appertaining thereto, whether or not carried on under the authority of a licence;

“works” includes electric lines, buildings, machinery, engines, or any matters or things of whatever description required to supply energy and to carry into effect the object of an undertaking.

3. These Regulations shall apply to all undertakings for the generation or supply of electrical energy, other than such undertakings as are not required to be licensed in accordance with the provisions of section 3 (2) of the Act.

Application of
Regulations

PART II — *Licences for Generation or Supply of Electricity*

4. Every application for a licence shall be made to the Minister in writing, in the form prescribed in the First Schedule, and giving such further information as the Minister may require.

Application
for licence

5. (1) A licence granted by the Minister shall be in such form as he may determine, and shall bear the name of the applicant, the situation of his head office and a description of the undertaking to be carried on by him.

Form and
conditions
of licence

(2) A licence shall be granted for such period of time and subject to such conditions and restrictions as the Minister may determine, and as shall be stipulated in the licence.

(3) A licence shall not be ceded or transferred in any way to any other person without the prior written consent of the Minister.

(4) A licensee shall not use his licence in respect of any undertaking which is not specifically described in his licence.

(5) A licensee shall not supply energy outside the area of supply specified in his licence.

(6) A licensee shall commence to supply energy within the period specified in his licence, which period shall give due regard to the time required for the design and construction of the required works and the demand by the public for a supply of energy in the area in question.

(7) Any licence may, at the Minister’s discretion, prescribe the maximum or minimum generating capacity of the plant which may be installed at any particular generating station or within any particular area.

(8) A licensee may, at the discretion of the Minister, be required to publish in the Gazette, at his own expense, details of the terms and conditions of his licence.

6. (1) Charges made by a licensee for the supply of energy to consumers shall be those specified in the licence or as may be agreed by the Minister, with due regard to the following circumstances —

Charges for
supply of
electricity
by licensees

(a) the capital and recurrent expenditure of the licensee in furnishing the supply;

(b) the amount of energy consumed;

(c) the uniformity or regularity of demand;

(d) the time when or during which the energy is required; and

(e) any special circumstances which may exist.

(2) An agreement between a licensee and any consumer, whereby any charge to that consumer will be changed from the price specified in the licence or as previously agreed by the Minister, shall not be valid unless or until the proposed change has been approved by the Minister.

Charges for connexion to main

7. (1) Charges made by a licensee for connecting a consumer's installation to his distributing main shall not exceed the capital cost of connecting up the service line and other apparatus to the supply terminals.

(2) Where it is necessary for a licensee to extend or increase the capacity of his distributing main to permit the connexion of new consumers, or to meet the increase in demand of consumers, he may require the consumers or developers of the area to make a capital contribution towards the cost of so doing.

Alteration of or addition to licence

8. A licensee desiring any addition to or amendment of his licence or of the conditions or restrictions subject to which it is issued, shall make a written application therefor to the Minister, and if such addition or amendment is not inconsistent with the provisions of the Act or of regulations made under the Act, the Minister may, at his discretion, approve such addition or amendment, and amend the licence accordingly.

Cancellation of licence

9. The Minister may, at any time, in the public interest, cancel a licence, if the licensee —

- (a) having committed a breach of any of the conditions or restrictions of his licence, or of the provisions of the Factories Act, and after having received written notice of such breach from the Minister, fails, within a period of one month from the date of such notice, to take appropriate remedial action;
- (b) fails to satisfy the Minister within a period to be stated in the licence, that he is able to discharge efficiently in all respects the obligations imposed by the licence; or
- (c) consents to such cancellation.

Offences and penalties

10. Any person who contravenes any provision of these Regulations shall be guilty of an offence and shall be liable to a fine of P200 and to imprisonment for six months; and in the case of a continuing offence shall be liable to an additional fine of P100 and imprisonment for three months for each day on which the offence continues, and to have his licence cancelled by the Minister.

Annual returns

11. A licensee shall each year, within a period of six months after the end of the financial year during which he operates, or on such other date as may be agreed, submit to the Minister —

- (a) an audited revenue and expenditure account; and
- (b) a statistical return, for the first year of operation as prescribed in the Second Schedule, and for each succeeding year as prescribed in the Third Schedule.

FIRST SCHEDULE (reg. 4)

PARTICULARS TO BE SUPPLIED IN AN APPLICATION FOR A LICENCE FOR THE GENERATION AND/OR SUPPLY OF ELECTRICAL ENERGY. WHERE ESTIMATES ARE CALLED FOR; THESE ARE TO BE BASED ON A TEN YEAR PERIOD

1. Name, address and appointment of applicant.
2. Location of the generating station and particulars of the generating plant including overall efficiency, with the site rating and fuel to be used.

3. Type of current, frequency and voltage of the energy to be generated.
4. Use to which the energy generated will be principally used.
5. Estimated maximum load supplied by the generating plant and number of units to be generated each year.
6. Estimated capital expenditure on generation works.
7. Estimated date for commissioning of the generation works.
8. The qualifications of the operating staff.
9. The area in which a supply of energy will be given.
10. Estimated number of consumers.
11. Transmission and distribution voltages.
12. Estimated capital expenditure on transmission and distribution works.
13. The changes which will be made for supply of energy to consumers.

N.B. Items 1 to 8 to be completed by all applicants for licences.
 Items 9 to 13 to be completed by all applicants for licences for the supply of energy to other persons.

SECOND SCHEDULE (reg. 11)

Undertaking.....

Revenue and Expenditure Account for year ending.....

Operating Revenue

Consumers:	Number	M wh	Revenue
Domestic			
Commercial			
Industrial			
Government			
Bulk sales			
Street lighting			
Meter rents			
Miscellaneous			
	Total		

Operating Expenditure

Bulk Purchases	
Generation:	tonnes/litres at
	tonnes/litres at
	tonnes/litres at
Lubricating oils	tonnes/litres at
Water	
Salaries, wages and housing	
Repairs and maintenance	
Depreciation	
Miscellaneous	
Transmission and Distribution:	
	salaries, wages and housing

Medical
 Rents, rates and taxes
 Stationery, printing and postage
 Telephones
 Transport
 Office machinery
 Reserve for bad debts
 description of bad loose assets
 Interest on short-term loans
 Training
 Miscellaneous
 Total operating expenses
 Net operating surplus

THIRD SCHEDULE (reg. 11)

Undertaking.....

Statistical Return for year ending.....

	<i>Last Year</i>	<i>This Year</i>
<i>Generating Plant</i>		
Steam — site rating		KW
Diesel — site rating		KW
Calorific value of fuel		MJ/Kg
Hours of supply each day		
Maximum demand — half-hour sustained		KW
Units generated		MWh
Units sent out		MWh
Units sold		MWh
<i>Transmission and Distribution Lines</i>		
HV	Km	
MW and LV (excluding service lines)	Km	

MADE this 5th day of November, 1993.

A.M. MOGWE,
*Minister of Mineral Resources and
 Water Affairs.*