

THE ELECTRICITY ACT
(CAP. 131)

REGULATIONS

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Electricity (General) Regulations

G. N. No 63 (contd.)

THE ELECTRICITY ACT

(CAP. 131)

REGULATIONS

(Made under sections 24 (9), 26 (8), 39 (6), 41 (9) and 44)

THE ELECTRICITY (GENERAL) REGULATIONS, 2011

Citation

1. These Regulations may be cited as the Electricity (General) Regulations, 2011 which shall come into operation on the date of publication.

Interpre-
tation
Cap. 131

2. In these Regulations unless the context otherwise require:

“Act” means the Electricity Act, 2008;

“electricity supply line” means a power line from the existing utility network to the consumer’s premises excluding a standard service line or a dedicated line;

“dedicated line” means any electric supply line through which energy is supplied only to the intended customer and shall not taped to supply other customers;

“Ministry” means a ministry responsible for energy;

“standard service line” means a service line not exceeding thirty meters in length in the nearest taping point from distributing main line to the point of matering at the customer premises.

Lines to
be closer
to
consumers

3. A licensee shall endeavor to extend electric supply lines closer to customers in such a manner that a customer requesting electricity supply will be supplied through a standard service line or dedicated line.

Option to
pay cost
of
construc-
tion

4.-(1) Where a customer applies for power supply which requires the extension of the electric supply line and the licensee is not in a position to finance the construction of the requested line, the customer may opt to pay the cost of construction of the electric supply line.

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(2) Where a customer pays for extension of the electric supply line pursuant to sub-regulation (1), and shall be entitled to reimbursement of a fair and just proportion of the cost originally paid by each person subsequently connected to such electric supply line.

(3) The extended electric supply line shall become the property of the licensee and may be used to supply other persons, provided that such other user does not prejudice supply of electric energy to the person who first paid for the construction of the electric supply line.

(4) The applicant and licensee shall enter into an agreement for the reimbursement modality, provided that the reimbursement-

- (a) is fair and just;
- (b) is interest free; and
- (c) cost covers the portion of the line that can be tapped by other customers.

(5) Subject to sub-regulation (4), the computation for the reimbursement shall be as prescribed in the Schedule to these Regulations.

(6) Where a dispute arises under this regulation, the dispute shall be referred to the Authority.

5.-(1) The equipment and properties referred to under section 26(6)(a) of the Act, shall include, but not limited to-

- (a) metering system;
- (b) cutout;
- (c) conductors;
- (d) cables;
- (e) poles;
- (f) insulators;
- (g) cross arms;
- (h) d-irons; and
- (i) switchgears.

Equip-
ment and
properties
of licensee

(2) The licensee shall have unrestricted access to his installations within the customer's premises, provided that a reasonable notice is given, depending on circumstances.

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(3) The licensee shall, among other things, establish a standard procedure for inspection which shall include-

- (a) customer identification;
- (b) date and time of inspection;
- (c) type of inspection conducted; and
- (d) work done and its findings.

(4) The licensee and a customer or their representative shall jointly sign the inspection form witnessing the findings and in the absence of the signature of the licensee customer or their representative, photographs shall be taken as proof of findings of the inspection.

(5) The cause of the loss or damage may be established by the licensee during the normal course of inspection of installations, or reported by the customer or any other person.

(6) Where the customer is of the view that the inspection was not conducted properly, he may lodge a complaint to the Authority within fourteen days from the date of inspection and the Authority shall order re-inspection under the supervision of an independent inspector.

(7) Where the re-inspection establishes that the findings of the first inspection are correct, the cost of the re-inspection shall be borne by the customer, and vice versa.

(8) Where the licensee establishes loss or damage in the due course of his inspection, the licensee may immediately disconnect power supply pursuant to section 28(1) (b) of the Act.

(9) Notwithstanding sub-regulation (8)-

- (a) the customer shall be notified by the licensee of the amount in monetary terms of the loss or damage found in the due course of the inspection of the equipment or property under his custody or at his premises within forty eight hours after the inspection; and
- (b) in the event that power is disconnected as a result of the findings of the inspection that power shall be restored within twenty four hours upon the payment by the customer and the licensee shall take into consideration the nature of the business or operations of the customer.

6.--(1) Where the licensee establishes that the equipment and properties were unlawfully damaged by the customer and requires repair, replacement or rectification, the licensee shall establish the cost of such rectification or repair, as the case may be.

Damage caused by a consumer

(2) Upon establishing the cost of rectification, replacement or repair of the damage, the licensee shall consider-

- (a) the market price of the equipment or parts to be replaced;
- (b) labour charges; and
- (c) transportation cost.

(3) The licensee shall issue a breakdown of the cost of rectification or repair of the damage and demand compensation for repair, replacement or rectification from the customer.

(4) The licensee shall restore power supply to the customer upon payment of the compensation pursuant to sub-regulation (3).

(5) Where there is dispute between the parties regarding the settlement of the damage, the matter shall be referred to the Authority.

7.--(1) Where the licensee complains about the procedures prescribed under these regulations that the equipment and properties were tampered with, maliciously or negligently caused physical or financial loss directly or indirectly to the licensee, the licensee shall-

Tampering of equipment and properties

- (a) immediately disconnect power supply at the customer premises;
- (b) notify the customer the amount in monetary terms of the physical or financial loss directly or indirectly caused to the licensee as a result of the tampering within forty eight hours after the inspection;
- (c) consider the financial loss basing on the consumption trend of the customer or installed capacity in establishing the cost of loss or damage; and
- (d) in the course of calculating of revenue loss caused by tampering of a meter or installations, the period of financial recovery under consideration shall be full period starting from the date or year when commenced, but shall not exceed the date of the

immediate preceding inspection or in its absence, not more than twelve months counted backward from the date of current inspection.

(2) The lost of financial or revenue recovery shall include interest charged at the prevailing rates of Bank of Tanzania.

(3) In the event that the licensee requires rectification or repair of tampered equipment or property, the cost shall consider market price of the equipment or parts to be replaced, labour charges and transportation cost.

(4) In the event that power is disconnected as a result of the findings of the inspection, the power shall be restored within twenty four hours upon payment of the cost by the customer.

Damage
caused
otherwise
customer

8.-(1) Where the licensee proof that the equipment and properties suffered damages which does not caused by the customer-

(a) the customer shall be notifies by the licensee of the amount in monetary terms of the physical or financial loss directly or indirectly caused by the licensee as a result of such loss or damage within forty eight hours after the inspection;

(b) in establishing the cost of revenue loss if occurred, the licensee shall consider the revenue loss based on the consumption trend of the customer or installed capacity;

(c) in the event that the licensee requires to rectify, repair or replace the damaged equipment or property, the cost shall consider market price of the equipment or parts to be replaced, repaired or rectified labour charges and transportation cost.

(2) In the course of calculation of revenue lost, the period of revenue recovery under consideration shall consider the full period starting from the date or year when the loss commenced, but shall not exceed the date of the immediate preceding inspection and in its absence, twelve months counted backward from the date of current inspection.

Meter and
metering

9. (1) The amount of electrical energy supplied to the customer or the number of hours during the supply is given, or the maximum demand

taken by the customer or any other quantity or time connected with the supply shall be ascertained by meters of a type approved by the Tanzania Bureau of Standards, or determined in a manner agreed upon by the licensee and the customer and approved by the Authority.

(2) The licensee shall supply and fix meters, upon the premises of the consumer and connect the supply system and the customer shall pay to the licensee for the hire of any such meter such costs as may be approved by the Authority.

(3) The customer may, in consultation with the licensee, install a check meter for purposes of determining the quantity of energy supply.

(4) The meters shall whether supplied by the licensee or customer, be sealed by the licensee with an approved seal bearing the licensee's distinguishing brand or mark impressed thereon as approved by the relevant authority.

(5) The licensee may, in order to protect a meter or any other apparatus belonging to him, install suitable cut-outs on a customer premises on the supply side of such meter or other apparatus, and seal such cut-outs with an approved seal bearing the licensee's distinguishing brand or mark impressed thereon as approved by the relevant authority.

(6) Where any seal affixed under sub-regulation (3) or (4) is broken without the authority of the permission, the customer upon whose premises the seal was placed, commits an offence and shall, on conviction, be liable to a fine of two hundred thousand shillings.

(7) Subject to the provision of sub-regulation (6) where it can be proved that the offence was committed by some person other than the consumer, that person shall be punishable as if he were the customer upon whose premises the breach occurred.

(8) Where a customer is supplied with electrical energy by the licensee is provided a meter for purposes of ascertaining the quantity of electrical energy supplied, and the licensee changes the method of charging for electrical energy supplied, the licensee shall either pay to that person the reasonable expenses which he may have incurred in providing a new meter for the purpose of ascertaining the quantity of

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electrical energy supplied according to the new method of charging, or provide such customer with a new meter.

Installation of meter

10.-(1) The customer shall, in his premises, be entitled to install a check meter or meters for purposes of checking the quantity of electrical energy supplied to him, but the registrations of such check meter shall not be taken into account in determining the quantity of electrical energy supplied to him and no such check meter be fixed and connected with the supply system, except in such manner and subject to such conditions as the licensee may approve.

(2) The licensee shall not disconnect any meter to be used for ascertaining the quantity of electrical energy supplied, or a customer's check meter, or from any electric supply line through which electrical energy is supplied by the licensee, unless he has given a notice to that effect for not less than twenty four hours' before doing so.

(3) The licensee shall not make any alteration, adjustment or readjustment in any meter being used for ascertaining the quantity of electrical energy supplied, as to affect the functioning of such meter unless the licensee has given to the customer a notice to that effect not less than forty eight hours' before doing so or as may be agreed upon.

(4) The licensee shall, at all times, and at his own expense, maintain all meters for ascertaining the quantity of electrical energy supplied, in proper order for correctly registering that quantity.

Ascertaining the quantity of electrical

11.-(1) The licensee shall, subject to the provisions of section 34 of the Act and for purposes of this regulation, have access to, and be at liberty to remove, test, inspect and replace any meters installed for purpose of ascertaining the quantity of electrical energy supplied at all reasonable times.

(2) A person who contravenes the provisions of this regulation commits an offence and shall, on conviction, be liable to fine not exceeding five hundred thousand shillings or imprisonment for a term of one year or to both.

Defective meter

12.-(1) Where a meter used to register the quantity of electrical energy supplied by a licensee to any customer is found to be defective

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through no fault of the licensee or the customer, the licensee may, in consultation with the customer, determine the reasonable quantity of electrical energy supplied and recalculate the charges due to or from the customer as appropriate for up to a maximum period of twelve months from the date the meter is established to be defective, and if the customer reports any suspected defect in the meter and the licensee as not immediately examine the meter, the licensee shall not be entitled to recover from the customer energy consumed for more than three months from the date on which the meter was established to be defective.

(2) Where any meter used to register the quantity of electrical energy supplies by any licensee to any customer is found to be defective through interference by the consumer, the provisions of section 26(6)(c) of the Act and regulation 10 shall apply.

13. (1) If any dispute arises under regulation 12(2) as to recalculation of electrical energy supplied to a customer or as to interference with any meter, such dispute shall be referred to the Authority for determination.

Dispute

(2) If any dispute arises between a customer and the licensee as to whether any meter or other apparatus, by which the value of the supply is ascertained, whether belonging to the customer or to the licensee, is or is not in proper order for correctly registering that value or as to whether that value has been correctly registered by any meter or other apparatus, that dispute shall be determined by the Authority upon application of either party; and the Authority shall also order to whom, the costs of and incidental to the proceedings, shall be paid, provided that, a licensee or a customer shall not disconnected, remove, alter, adjust or readjust any meter or apparatus if any dispute of the nature described herein has arisen, until the dispute has been determined as provided for.

14. The licensee shall establish one or more stations suitably equipped with standard instruments for testing and calibrating meters, and shall-

Establishment of stations

(a) maintain the standard instruments in proper working order, and

(b) test or cause to be tested, from time to time, the accuracy of the working standards by some recognized absolute method.

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Supply of
power for
more than
one
tenant

15. Where the licensee supplies power to a building or premises to more than one tenant, the licensee may opt to install one bulky meter to measure electricity supplied to the premises or building for purposes of charging consumed energy or demand and the owner may install sub-meters for purpose of ascertaining the amount of electricity consumed by each tenant.

Electrical
installa-
tion and
trans-
mission
on lines

16. -(1) Where a licensee is planning to install electrical installations or extend transmission lines to supply any intended consumer, the licensee shall be required to-

- (a) carry out a feasibility study along the route of location of the installation to cover supply of power to communities within a radius of 0.6 kilometers from the installation or transmission line route in order to determine the feasibility of supplying electricity to the local communities where electrical supply installations are located or along the transmission line;
- (b) design low cost supply systems which meets supply quality, construction standards and safety requirements to the local communities where such installations are located or along transmission lines; and
- (c) where the licensee establishes through the feasibility study that it would be technically viable to supply electrical energy to a community, may refer the matter to Rural Energy Agency (REA) or any other relevant body for provision of technical and financial assistances as part of capital contribution necessary to make the supply economically viable.

(2) Upon receipt of capital contribution request from the licensee the Rural Energy Agency (REA) shall respond to such request basing on conditions stipulated in the Rural Energy Act.

(3) Where the licensee fails to comply with section 39(4) of the Act as required, the Authority may, upon consultation with the Minister, suspend or revoke the licence.

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17. (1) Where electrical generation is done by using natural resources obtained in Mainland Tanzania, the licensee shall be required to-

Electrical generation by local natural resources

- (a) consult the local community located at the generation point to determine and agree on development activities which are priority to the community;
- (b) enter into an implementation agreement with the local government of the respective district in the agreed development project; and
- (c) implement the development project as agreed with the local community.

(2) Where the licensee fails to comply with section 39(5) of the Act, the Authority may, upon consultation with the Minister, suspend or revoke the license.

18.-(1) Every intensive electrical energy consumer as an eligible customer shall first submit a written application to the Tanzania Electric Supplying Company for the supply of power.

First right of refusal by TANESCO

(2) Within fourteen working days from receipt of the written application, the Tanzania Electric Supplying Company shall respond to the customer on its capability to supply the power.

(3) Where the Tanzania Electric Supplying Company has not responded to the submitted application within fourteen days, the applicant shall consider that the Tanzania Electric Supplying Company has no ability to supply such power.

(4) Where the Tanzania Electric Supplying Company has responded on its inability to supply the power, the intensive electrical energy customer may apply for the service from another licensee.

19.-(1) The provisions of regulation 18 shall not be construed as to allow the Tanzania Electric Supplying Company to ignore other relevant procedures as laid down by the Authority or the Minister.

TANESCO to comply with other procedures

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(2) Any dispute which may arise in implementation of regulation 18 shall be settled amicably between the Tanzania Electric Supplying Company and the customer, failure of that the dispute shall be directed to the Authority for determination.

Protection of public from danger

20.-(1) The licensee shall, in conducting its licensed activities of generation, transmission, supply of electricity and installation, ensure compliance with industry's standards and best practice to guarantee protection of the public from danger.

(2) The dangers referred to under this regulation includes dangers to persons, property and the environment.

(3) The licensee shall ensure that the public is aware of the licensee's activities and any associated potential danger and hazards.

(4) When carrying out maintenance of electrical equipment, the licensee shall adhere to the applicable maintenance and safety procedures to avoid harm to persons, properties and the environment.

Health and safety of persons and properties

21. Notwithstanding the provisions to regulations 20, in conducting its licensed activities the licensee shall comply with relevant and applicable laws in place with regard to health and safety of persons, properties and the environment.

Review of energy policy, power system master plan, etc.

22.-(1) The Ministry shall-

- (a) oversee the timely review of the Energy Policy, Electricity Act and Power System Master Plan in order to address the changes in the electricity industry;
- (b) oversee and coordinate timely implementation of the Power System Master Plan; and
- (c) promote Regional Power Grid Interconnection for facilitation of regional, sub-regional and cross border electricity trading;

(2) In overseeing implementation of the Power System Master Plan, the Government shall promote diversification of the power generation sources in order to ensure security, reliability and sufficiency of power supply so that to meet the demand.

23. The Government shall ensure timely capital investment for reinforcement and expansion of the transmission and distribution networks to support wheeling of power to the load centers across the country.

Timely capital investment

24. The Minister shall ensure that the electrification Plan and Strategies established under section 37 (i) of the Act are carried out in order to promote access to electricity in rural areas by-

Promotion of access to electricity in rural areas

(a) developing rural electrification strategies and programs for scaling up access to electricity service to peri-urban and rural areas;

(b) mobilizing financial resources through Rural Energy Fund (REF) to developers of rural electrification projects in accordance with Rural Energy Act and Rural Energy Strategic Plan-

(c) Providing technical assistance to developers in order:
(i) to strengthen institutional sustainability of the project;

(ii) establish market assessment and data collection for electricity potentials in rural areas;

(iii) appraise cheap and affordable electricity sources;

(iv) facilitate capacity building in the preparation, installation, operation and management of the rural electrification systems and projects; and

(v) facilitate productive use of electricity in rural areas by supporting small and medium enterprises for wealth generation and poverty reduction.

25.- (1) In promoting research for the electricity sector, the following initiatives shall be done-

Research initiatives

(a) the Minister shall set funds in its fiscal budget and support research activities within the electricity sector;

(b) electricity utilities shall set funds in its budgets and establish dedicated research units;

(c) the Minister shall ensure that the sector participates in activities that promotes research particularly in research institutes that relate to the electricity supply industry;

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(d) the Energy and Water Utility Regulatory Authority shall set funds in its budget and support research projects in accordance with the section 44(2)(b) of the Energy and Water Utility Regulatory Authority Act; and

(e) the Rural Energy Agency shall facilitate research in accordance with section 15(b) of the Rural Energy Agency Act.

(2) The Minister shall promote exchange of information and data through networking at national, regional and international level.

(3) The Minister shall, twice a year, receive reports of the initiatives taken under this regulation in the format prescribed by the Minister.

Techniques and innovation in electricity supply

26. (1) In developing new techniques relating to the electricity supply industry-

(a) the Minister shall ensure that innovation is encouraged in the sector as part of the efforts to

(b) developing new techniques;

(c) the Minister shall ensure that relevant stakeholders in the sector allocates adequate funds and embark in capacity building in order to promote innovation;

(d) the developed techniques aims at improving efficiency, quality, safety and ensuring low cost services to end users; and utilities endeavors to introduce and use new technologies in their undertakings to improve service delivery.

(2) The Minister shall, twice a year and in the format prescribed by him, receive reports of the initiatives taken under this regulation.

SCHEDULE

Under Regulation 4(5)

Reimbursement Scheme

1. The licensee shall establish cost of the electric supply line and amount of the contribution to be paid by the original customer.
2. The number of potential customers that would be connected from the constructed line within four years basing on the capacity of the supply line shall be estimated.
3. The reimbursable cost that would have been incurred if the subsequent Customers were connected as a group from the beginning shall be calculated.
4. The original customer shall be reimbursed by the subsequent customers who shall connect directly to the electric supply line.
5. The reimbursable cost shall be shared equally by subsequent customers connecting to the electric supply line.
6. The reimbursable cost shall be the total cost of the electric supply line excluding:
 - (a) the cost of the part of the supply line that cannot be used by the licensee to connect other customers;
 - (b) the standard service line charges; and
 - (c) cost of the dedicated line.
7. No "reimbursement payments" shall be made to original customer until the subsequent customer has paid all the amounts due.
8. The payment of Reimbursement by subsequent customers shall continue until the total reimbursable cost is paid but such payment shall not continue after the end of the fourth year from the date of commissioning of the electric supply line.

Dar es Salaam,
29th November, 2010

HON. WILLIAM M. NGELEJA (MP),
Minister for Energy and Minerals