

STATUTORY INSTRUMENT

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CAPTIVE ELECTRICITY GENERATION PERMIT

RULES 2019

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STATUTORY INSTRUMENT NO. 12 OF 2019

Published 13th day of December, 2019

SIERRA LEONE ELECTRICITY AND WATER
REGULATORY COMMISSION ACT 2011
(ACT NO 13 OF 2011)

CAPTIVE ELECTRICITY GENERATION PERMIT RULES 2019 Short title.

In exercise of the powers conferred upon it by section 66 of the Sierra Leone Electricity and Water Regulatory Commission Act 2011, the Commission makes the following rules-

PART I-PRELIMINARY

1. In these Rules, unless the context otherwise requires-

Interpretation.

“Act” means the Sierra Leone Electricity and Water Regulatory Commission Act, No. 13 of 2011;

“authorised representative” means any person authorised by an applicant to represent the applicant in matters before the Commission;

“captive power generation” means generation of electricity exceeding 10KVA for the purpose of consumption by the permit holder and which is consumed by the permit holder itself, and not sold to a third-party;

“captive power plant” means a power plant of over 10 KVA in capacity set-up by the applicant or licensee for own use;

“Commission” means the Sierra Leone Electricity and Water Regulatory Commission established under section 3 of the Act;

“consortium based captive power plant” means a power plant owned by a group of industries for their own use, except when the plant is not available;

“officer” means a staff or authorised representative of the Commission;

“permit” means a permit granted by the Commission under these Rules;

“permit holder” means any person issued a permit by the Commission pursuant to these Rules;

“person” includes an individual, a company, partnership or any association of individuals, whether incorporated or not.

2. (1) These Rules shall apply to –

- (a) a captive generator that produces electricity from a generation unit with a rated output of 10KVA and above for the generator's own use and not for resale to a third party;
- (b) a captive power generator for commercial and industrial purposes.

(2) For the purposes of these rules an electricity generator plant established as a cooperative to supply power solely to the members shall be deemed to be a captive generator.

PART II - APPLICATION FOR A PERMIT

3. A person shall not install or operate an electricity generation unit of a rated output of 10KVA and above unless that person holds a captive generation permit issued by the Commission. Requirement for a permit.

4. An applicant shall-

Application for a permit.

- (a) fill out the application form set out in Schedule 1;
- (b) attach to the application form an environmental impact assessment certificate issued by the Environmental Protection Agency, in the case of a person applying to install or operate a generation plant with a capacity of 500KVA or more;
- (c) deliver the application at the Commission's principal place or any other place as determined by the Commission;

(d) on submission of the application pay an application fee as determined by the Commission and published in the Gazette.

Issuance of Permit.

5. (1) The Commission shall -

(a) acknowledge receipt of the application made under rule 4 within 10 days of receiving the application;

(b) inform the applicant in writing of its decision within 30 days of receiving the application.

(2) The Commission shall issue a permit subject to the applicant meeting the technical and operational requirements set out in the Act or statutory instruments made under the Act

(3) Where the Commission refuses the application it shall communicate its decision to the applicant within 30 days stating the reasons for the refusal.

Permit Fee.

6. The applicant whose application is successful shall pay the permit fee as determined by the Commission and published in the Gazette.

Duration of Permit.

7. (1) A permit issued under these rules shall be valid for a period of 5 years.

(2) A permit may be renewed at the end of its term subject to the holder complying to the terms and conditions of the permit.

Annual fee.

8. A permit holder shall pay the annual fees as determined by the Commission and published in the Gazette.

PART III - TRANSFER OF PERMIT AND OTHER RELATED PROVISIONS

9. (1) A permit holder shall not transfer the permit to another person unless he submits to the Commission a written application in the form as set out in Schedule 2 requesting authorisation to transfer the permit. Transfer of Permit.

(2) The Commission shall not unduly withhold its authority to grant the authorization to transfer the permit.

(3) Where the Commission does not grant the application it shall state the reasons for not granting the authorization to transfer the permit.

10. (1) The Commission may suspend or cancel a permit where it is satisfied that - Suspension or cancellation of permit.

(a) the permit holder has contravened a term or condition of the permit;

(b) the permit holder has given information to the Commission which is false or misleading ;

(c) it is in the public's interest to do so.

(2) Where the Commission has grounds for the suspension or cancellation of a permit it shall notify the permit holder of its intention and shall give the permit holder an opportunity to show cause why the permit should not be suspended or cancelled.

(3) Where the permit holder is unable to persuade the Commission or fails to respond to the notice referred to in sub-rule 2, the Commission shall proceed to suspend or cancel the permit in accordance with section 35 of the Act.

(4) The Commission shall restore the permit when the holder remedies the defect that gave rise to the suspension or cancellation.

Conditions of permit. —

11. (1) The permit holder shall ensure that the generation plant

- (a) meets the standards relating to specification and design;
- (b) is installed and operated by a qualified person and in accordance with good practice;
- (c) is installed at an appropriate location;
- (d) complies with environmental requirements.

(2) An operator of a captive generation plant shall ensure that —

— (a) the generation plant and its associated facilities

- (i) are operated and maintained in accordance with the manufacturer's manual;
- (ii) do not pose a danger to the public; and

(b) the highest level of safety is observed.

(3) Where the facilities are connected to an electricity network, the permit holder shall ensure that the generation plant and facilities are operated-

(a) in accordance with the distribution or grid code; and

(b) in a manner that prevents interference with the network.

12. (1) A licensee whose network is connected to the permit holder's facilities shall ensure that the captive generation plant and associated facilities are compatible with the licensee's network. Network connected to facilities.

(2) For the purposes of this rule a licensee means a person issued with a licence by the Commission to undertake an activity specified under the Act or statutory instruments made under the Act.

13. The Commission shall appoint inspectors to inspect plants and facilities at such times as the Commission may determine. Inspection.

14. The Commission shall- Register.

(a) maintain a register of permit holders; and

(b) publish the list of permit holders in the Gazette and on its website.

PART IV - MISCELLANEOUS

15. A person who – Offences.

(a) operates a generation plant, installation or facility without the requisite qualification or permit;

(b) allows unqualified persons to operate the generation plant;

- (c) obstructs or interferes with a member of the Commission carrying out functions under the Act or statutory instruments made under the Act;

- (d) fails to comply with other provisions in these rules

commits an offence punishable under section 65 of the Act.

Transitional
Provision.

16. Any person operating a captive generation plant prior to the coming into effect of these rules and intends to continue operating the plant shall apply for a permit within 3 months from the coming into effect of these rules or cease operation after 6 months if the permit is not obtained.

SCHEDULE 1**APPLICATION FORM FOR CAPTIVE ELECTRICITY
GENERATION PERMIT**

Rule 4(a)

IMPORTANT NOTE: Your application is not complete unless all requirements herein are received and all questions are answered.

1.0 PARTICULARS OF APPLICANT**1.1 Applicant Information**

Full Name: _____

Physical address: _____

Postal address: _____

Tel: _____

Fax: _____

Mobile Phone: _____

E- mail: _____

Website Address: _____

1.2 Contact Person Information

Full Name: _____

Physical address: _____

Postal address: _____

Tel: _____

Fax: _____

Mobile Phone: _____

E- mail: _____

3.0 NATURE OF PERMIT

3.1 State whether application is a new application or renewal

3.2 State whether applicant has an existing permit issued by the Commission.

3.3 Has the Applicant ever been denied a permit or had its permit suspended or revoked by the Commission?

3.4 If so, give details of the denial, suspension or revocation

4.0 MAIN BUSINESS ACTIVITIES OF APPLICANT

Please indicate the main business activities the applicant is currently engaged in.

(Please attach a valid Tax Clearance Certificate)

5.0 TECHNICAL CAPACITY

Please provide a detailed statement of applicant's technical competence to operate the Power Plant. (Attach CVs of key technical personnel responsible for the operation and maintenance of the plant).

6.0 DESCRIPTION OF POWER PLANT

6.1 State Plant type

6.2 State total capacity of Power Plant

6.3 Location of the Power Plant

(Please attach a detailed Schedule of Plant sizes and locations if applying for more than one location)

6.4 Is the Power Plant new? If not, please state number of years the plant has been in operation

6.5 Is the purpose of electricity generation for main supply or standby?

(Please note that SLEWRC verify the accuracy of this information)

7.0 TECHNICAL DATA

7.1 Name Plate information and other relevant details:

No. of Units and Capacity of each Unit _____

Installed Capacity _____

Fuel Type _____

Rated Power Factor _____

Plant Load Factor _____

Reactive Power Capability _____

Noise Level (State distance from Power Plant) _____

Output Voltage _____

Heat Rate _____

No. of Phases _____

Unit Frequency _____

Unit Efficiency _____

Date of Installation of Generator _____

Make and Serial Number of Generator _____

Date of Manufacture of Generator _____

Technical specification of other equipment _____

7.2 Please provide the following: (For plant size over 1 MW)

- i. Site-map indicating location
- ii. Technical details of Generating Set(s) including schematic diagram and brief description of earthing system, protection scheme, etc.
- iii. Single line diagram of the Power Plant showing the cable sizes and protective devices
- iv. Environmental Impact Assessment Approval. Where EIA is not applicable, give detailed information on effluents and discharges and how they will be managed.
- v. Any other details (considered necessary by the applicant)

Dated this _____ day of _____ 20_____.

(Name of Applicant)

SCHEDULE 2
TRANSFER OF PERMIT

Rule 9(1)

IMPORTANT NOTE: Your application is not complete unless all requirements herein are received and all questions are answered.

1.0 PARTICULARS OF APPLICANT

1.1 Applicant Information (Transferor)

Name: _____

Location Address: _____

Mobile Phone Number(s): _____

Email: _____

1.2 Contact Person Information

Name: _____

Contact Address: _____

Mobile Phone Number: _____

Email: _____

1.3 Applicant Information (Transferee)

Name: _____

Location Address: _____

Mobile Phone Number(s): _____

Email: _____

1.4 Contact Person Information

Name: _____

Contact Address: _____

Mobile Phone Number: _____

Email: _____

2.0 LEGAL STATUS OF TRANSFEREE

2.1 Indicate legal status of Transferee (Tick relevant option)

? Individual ? Sole proprietorship ? Partnership

? Public Limited Liability Company ? Private Limited Liability Company

? Cooperative Society

? Other (please specify): _____

(Attach Business registration certificates)

2.2 List and Particulars of Directors of the Transferee:

Full Name	Address	Nationality

3.0 NATURE OF CURRENT PERMIT

3.1 Current Permit:

(a) Permit Number

(a) Expiration date of the permit

(b) Has the transferee ever been denied a permit or had its permit suspended or revoked by the Commission?

If yes, state the case number

3.2 Previous Application(s)

(a) Have you applied previously for a Transfer of your Permit?

(b) Has the applicant ever been refused an Application to transfer the permit?

If yes, state the case number

3.3 Term of Proposed Transfer

4.0 MAIN BUSINESS ACTIVITIES OF TRANSFEREE

Please indicate the main business activities the applicant is currently engaged in.

(Please attach a valid Tax Clearance Certificate)

5.0 TECHNICAL CAPACITY

Please provide a detailed statement of transferee's technical competence to operate the Power Plant. (Attach CVs of key technical personnel responsible for the operation and maintenance of the plant).

6.0 DECLARATION BY THE APPLICANT(Transferor):

I/we hereby declare that the details stated above are, to the best of my/our knowledge, true and correct.

Dated this _____ day of _____ 20_____.

Has hereunto been affixed in the presence of:

Name: _____ Sign: _____

POSITION if corporate person

7.0 DECLARATION BY THE APPLICANT(Transferee):

I/we hereby declare that the details stated above are, to the best of my/our knowledge, true and correct.

Dated this _____ day of _____ 20_____.

Has hereunto been affixed in the presence of:

Name: _____ Sign: _____

POSITION if corporate person

Sworn to this _____ day of _____ 20_____ at _____

BEFORE ME

NOTARY PUBLIC/COMMISSIONER OF OATHS

EXPLANATORY MEMORANDUM
(This explanatory memorandum is not part of these rules but is intended to indicate its general purport)

The statutory instrument is made pursuant to section 66 of the Sierra Leone Electricity and Water Regulatory Commission Act 2011. This instrument is divided into 4 parts.

Part I covers the interpretation and application provisions. The interpretation provision defines words and expressions used throughout the instrument. The application provision stipulates that the instrument applies to –

- (a) A captive generator that produces electricity from a generation unit with a rated output of 10 KVA and above for the generator's own use and not for resale to a third party;
- (b) A captive power generator for commercial and industrial purposes.

Part II covers provisions on application for a permit. The instrument provides that no person should install or operate an electricity generation unit of a rated output of 10KVA and above unless that person holds a captive generation permit issued by the Commission for that purpose.

Part III covers provisions on transfer of permit and other related provisions.

Part IV contains miscellaneous provisions. The instrument criminalises among other things the operation of a generation plant, installation or facility without a permit.

MADE this *th day of* , 2019.

MOHAMED D. B. SESAY,
Chairman