

GAZETTE No.

No.R.

**ELECTRICITY ACT, 2007 (ACT No. 3 of 2007)
LICENCE FEE REGULATIONS**

It is hereby made known that the Minister of Minerals and Energy, in consultation with the Swaziland Energy Regulatory Authority, acting in terms of section 67(1)(d) of the Electricity Act, 2007 (Act No. 3 of 2007) –

- (a) prescribed the licence fees set out in the Schedule;
- (b) determined that this regulation shall come into effect on the date of publication and be valid for a period of three years from the said date of publication.

Minister of Minerals and Energy

SCHEDULE

Definitions

1. In these Regulations, unless the context otherwise indicates, a word or expression defined in the Act has the same meaning, and -

“Authority” means the Energy Regulatory Authority established under the Energy Regulatory Authority Act, 2007;

“end consumer” means a final consumer or user of electricity;

“financial year” means the period from 1 April in any year to 31 March the following year;

“licence” means a generation, transmission, distribution, supply, import or export licence;

“prime lending rate” means the prime lending rate applied by commercial banks in Swaziland from time to time;

“regulations” mean these Regulations, as amended from time to time

“supplier” means the holder of a supply licence in term of the Act entitling that licensee to supply electricity;

“the Act” means the Electricity Act, 2007 (Act No. 3 of 2007).

Licence Application Fees

- 2(1) An application to the Authority for the issuing, renewal, amendment, transfer or revocation of a licence shall be accompanied by the application fee indicated in Table A opposite the applicable licence.
- (2) An application fee contemplated in sub regulation (1) is non-refundable.
- (3) An application for a licence will not be considered unless the applicable licence application fee has been paid in full.

Annual Licence Fees

- 3(1) The holder of a licence shall, prior to the date specified in its licence, or if no date is thus specified, within 30 days of the commencement of a financial year, pay an annual licence maintenance fee to the Authority as indicated in Table B opposite the applicable licence.
- (2) The Authority may, on written application by a licensee, allow such licensee to pay his annual licence maintenance fee by way of monthly or quarterly instalments: Provided that a licence fee account shall be opened for such licensee at the Authority for the management of that licensee's payment scheduled.
- (3) Licence maintenance fees in arrears shall incur interest at the prime lending rate, calculated from the date such fees became due and owing.
- (4) A licensee shall submit to the Authority its annual report which shall include audited financial statements of its electricity generation/transmission/distribution activities fully ring-fenced, within four months of the end of the financial year.

Service Fees

- 4(1) The Authority may charge a licensee a service fee based on the actual cost incurred in the performance of that service by the Authority to the benefit of the licensee concerned, if such service is not otherwise funded from the Licence Application Fee contemplated in Regulation 2, the annual Licence Maintenance Fees contemplated in Regulation 3.
- (2) Service fees in arrears shall incur interest at the prime lending rate, calculated from the date the service concerned was performed by the Authority.

comments

TABLE A: LICENCE APPLICATION FEES

No	Licensed Activity	Application Fee
1	Generation licence	[10 000]
2	Transmission Licence	[10 000]
3	System Operator Licence	[10 000]
4	Distribution Licence	[10 000]
5	Supply Licence	[10 000]
6	Import Licence	[10 000]
7	Export Licence	[10 000]

SERA 14/6/24 12:56 PM

Comment [2]:

TABLE B: ANNUAL LICENCE FEES

No	Licensed Activity	Annual Licence Fee
1	<ul style="list-style-type: none"> • Generation licence • Transmission/System Operator Licence • Distribution/Supply Licence • Import/Export Licence 	A maximum 1% of the licensee's audited annual electricity revenue