

THE CENTRAL ELECTRICITY BOARD (AMENDMENT) BILL
(No. XXI of 2020)

Explanatory Memorandum

The object of this Bill is to amend the Central Electricity Board Act to, mainly –

- (a) harmonise the Central Electricity Board Act and the Electricity Act 2005 for the proper functioning of the electricity sector;
- (b) amend and clarify the functions of the Central Electricity Board;
- (c) remove from the Central Electricity Board the powers conferred upon it to grant permits for the supply of electricity and to fix the prices to be charged for electricity and thereby align the Act with the Electricity Act 2005 which gives the Utility Regulatory Authority the power to issue licences and determine tariffs for electricity services;
- (d) clarify some provisions of the Act,

and to provide for matters related thereto.

G. P. LESJONGARD

Minister of Energy and Public Utilities

04 December 2020

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 2 of principal Act amended
4. Section 3 of principal Act amended
5. Section 10 of principal Act amended

6. Section 20 of principal Act repealed and replaced
7. Commencement

A BILL

To amend the Central Electricity Board Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Central Electricity Board (Amendment) Act 2020.

2. Interpretation

In this Act –

“principal Act” means the Central Electricity Board Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended –

- (a) by deleting the definition of “financial year” and replacing it by the following definition –

“financial year” has the same meaning as in section 111 of the Constitution;

- (b) in the definition of “licensed electricity undertaking”, by deleting the words “for the supply and distribution of electricity”;

- (c) by inserting, in the appropriate alphabetical order, the following new definitions –

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

“electricity service” means the generation, transmission, system operation, distribution or procurement of electricity;

“tariff” has the same meaning as in the Electricity Act 2005;

4. Section 3 of principal Act amended

Section 3 of the principal Act is amended by deleting the words “the electricity supplies generally” and replacing them by the words “electricity services”.

5. Section 10 of principal Act amended

Section 10 of the principal Act is amended –

- (a) in the heading, by inserting, after the word “**Duties**”, the words “**and functions**”;
- (b) by repealing subsection (1) and replacing it by the following subsection –

(1) (a) The Board shall be the sole undertaker for the transmission, system operation, distribution and procurement of electricity in Mauritius.

(b) Without prejudice to the generality of paragraph (a), the duties and functions of the Board shall, inter alia, be to –

- (i) prepare and carry out development schemes relating to electricity services;
- (ii) prepare plans for the generation, transmission, procurement, distribution and sale of electricity;
- (iii) construct, maintain and operate the necessary infrastructure for the generation, transmission and distribution of electricity;
- (iv) transmit electricity and carry out system operation;
- (v) purchase electricity from the holder of a generation licence and distribute and sell electricity;

- (vi) ensure that the total revenues of the Board are sufficient to meet its total expenses;
- (vii) collect, with the approval of the Minister, fees on behalf of any entity; and
- (viii) discharge such other functions conferred upon it under this Act or any other enactment.

6. Section 20 of principal Act repealed and replaced

Section 20 of the principal Act is repealed and replaced by the following section –

20. Tariff to be filed with Authority

The tariff to be filed by the Board with the Authority for any electricity service shall –

- (a) cover the cost of generating, procuring, transmitting, distributing and supplying electricity, including –
 - (i) the expansion, replacement and maintenance of electrical facilities;
 - (ii) the financing of activities of the Board through loans and other borrowings; and
 - (iii) any fees, taxes, duties and levy paid by the Board and any other expenses incurred by the Board;
- (b) provide a return on investment made by the Board;
- (c) take into account the costs incurred by the Board for the conservation and efficient use of electricity;
- (d) provide for subsidised charges or any other financial assistance to certain categories of customers;

- (e) cover the costs involved to ensure the security of electricity supply;
- (f) cover the costs of operating and providing a reliable and quality electricity service; and
- (g) cover the cost of performing other public service obligations in respect of electricity supply.

7. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.
