

**THE MAURITIUS RENEWABLE ENERGY AGENCY
BILL (No. XI of 2015)**

Explanatory Memorandum

The main object of this Bill is to provide for the establishment of the Mauritius Renewable Energy Agency for the purpose of promoting the development and use of renewable energy.

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Vice-Prime Minister, Minister of Energy and Public Utilities

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A BILL

To provide for the establishment of the Mauritius Renewable Energy Agency

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Mauritius Renewable Energy Agency Act 2015.

2. Interpretation

In this Act –

“Agency” means the Mauritius Renewable Energy Agency established under section 3;

“Board” means the Board referred to in section 7;

“Chairperson” means the Chairperson of the Board;

“Chief Executive Officer” means the person appointed as such under section 10;

“employee” –

(a) means a person appointed as such under section 11;

(b) includes the Chief Executive Officer;

“financial year” has the same meaning as in the Finance and Audit Act;

“member” –

(a) means a member of the Board; and

(b) includes the Chairperson;

“Minister” means the Minister to whom responsibility for the subject of energy is assigned;

“renewable energy” –

- (a) means all forms of energy produced from renewable sources in a sustainable manner;
- (b) includes, inter alia, bioenergy, geothermal energy, hydropower, ocean energy, tidal, wave and ocean thermal energy, solar energy and wind energy.

PART II – THE AGENCY

3. Establishment of Agency

(1) There is established for the purposes of this Act the Mauritius Renewable Energy Agency.

(2) The Agency shall be a body corporate.

4. Objects of Agency

The objects of the Agency shall be to –

- (a) promote the adoption and use of renewable energy with a view to achieving sustainable development goals;
- (b) advise on possible uses of liquid natural gas;
- (c) create an enabling environment for the development of renewable energy;
- (d) increase the share of renewable energy in the national energy mix;
- (e) share information and experience on renewable energy research and technology; and
- (f) foster collaboration and networking, at regional and international levels, with institutions promoting renewable energy.

5. Functions of Agency

The Agency shall –

- (a) advise the Minister on all matters relating to renewable energy policy and strategy;

- (b) every 5 years, elaborate a renewable energy strategic plan;
- (c) establish the necessary mechanism and framework to increase the use of renewable energy;
- (d) assess the feasibility and competitiveness of renewable energy projects and make recommendations;
- (e) encourage and support studies and research on the renewable energy technologies and their implementation;
- (f) compile and analyse data on use and benefits of renewable energy;
- (g) develop guidelines and standards for renewable energy projects and for evaluation and approval of on-grid and off-grid renewable energy projects;
- (h) devising incentive mechanisms, including subsidisation mechanisms based on principles of competitiveness and specific technologies;
- (i) define a funding strategy for renewable energy projects;
- (j) assess the requirements for the improvement of skills for the implementation of renewable energy projects;
- (k) establish linkages with the International Renewable Energy Agency and regional and international institutions with similar objectives;
- (l) share information and knowledge on renewable energy technologies;
- (m) carry out sensitisation programmes on renewable energy technologies;
- (n) devise such criteria as may be necessary for the accreditation of operators in the renewable energy sector; and
- (o) do such acts and things as may be necessary for the purposes of this Act.

6. Powers of Agency

The Agency shall have such powers as may be necessary to attain its objects and discharge its functions most effectively and may, in particular –

- (a) with the approval of the Minister to whom responsibility for the subject of finance is assigned, raise such loan as may be required to finance renewable energy projects and studies;
- (b) set up advisory committees;
- (c) enter into any contract in accordance with the Public Procurement Act;
- (d) sell or exchange any property;
- (e) receive grants and donations, and raise funds; and
- (f) do such acts and things as may be necessary for the purposes of this Act.

PART III – ADMINISTRATION OF AGENCY

7. The Board

- (1) The Agency shall be administered by a Board which shall consist of –
 - (a) a Chairperson, to be appointed by the Minister;
 - (b) a representative of the Ministry;
 - (c) a representative of the Ministry responsible for the subject of environment;
 - (d) a representative of the Ministry responsible for the subject of finance;
 - (e) a representative of the Joint Economic Council;
 - (f) a representative of the University of Mauritius;

- (g) 2 persons having wide experience in the field of energy sector, engineering, finance and management, to be appointed by the Minister;
- (h) 2 representatives of non-governmental organisations having as object the promotion of renewable energy;
- (i) 2 Members of the Assembly, to be appointed by the Speaker.

(2) The Chairperson and members referred to in subsection (1)(e), (f) and (g) shall hold office for a period of 2 years and be eligible for reappointment.

(3) Every member shall be paid by the Board such allowance as the Minister may determine.

(4) Where any person appointed under subsection (1) ceases to hold office, the vacancy shall be filled by a person appointed by the Minister, who shall hold office for the remainder of the term of office of that member.

(5) (a) The Board may co-opt any other person who may be of assistance in relation to any matter before it.

(b) A person co-opted under paragraph (a) shall –

- (i) not have the right to vote at a meeting of the Board;
- (ii) be paid such allowance as the Board may determine.

(6) (a) The Board shall designate an employee to act as Secretary to the Board

(b) The Secretary shall –

- (i) prepare and attend every meeting of the Board;
- (ii) keep minutes of proceedings of every meeting of the Board;
- (iii) have such other duties as may be conferred on him by the Board.

8. Meetings of Board

(1) Subject to subsections (2) and (3), the Board shall regulate its meetings and proceedings in such manner as it may determine.

(2) The Board shall meet at the request of the Chairperson or of not less than 5 members.

(3) At any meeting of the Board, 5 members shall constitute a quorum.

(4) At a meeting of the Board, every member shall have one vote on a matter in issue and in the event of an equality of votes, the Chairperson shall have a casting vote.

(5) The Chief Executive Officer shall, unless the Board may direct otherwise, attend every meeting of the Board and take part in its deliberations, but shall not have the right to vote.

(6) Where a member or a person related to him by blood or marriage has a pecuniary or other material interest in relation to any matter before the Board, the member shall –

- (a) disclose the nature of the interest before or at the meeting convened to discuss that matter; and
- (b) not take part in any deliberations of the Board relating to that matter.

9. Committees

(1) The Board may set up such committees as may be necessary to assist it in the discharge of its functions.

(2) A committee shall consist of not less than 3 members and such other persons as may be co-opted by the Board.

(3) A committee shall –

- (a) meet as often as is necessary and at such time and place as the chairperson may determine;
- (b) meet as and when the Board may require;
- (c) regulate its meetings and proceedings in such manner as it may determine.

(4) A committee shall submit its report within such time as the Board may determine.

(5) The report referred to in subsection (4) shall contain the Committee's observations, comments, recommendations or findings, if any, on any matter referred to it.

10. Chief Executive Officer

(1) There shall be a Chief Executive Officer of the Agency who shall be appointed, subject to the approval of the Minister, by the Board on a fixed term performance contract and on such terms and conditions as it may determine.

(2) The Chief Executive Officer shall be responsible for the execution of the policy of the Board and for the control and management of the day to day business of the Agency.

(3) The Chief Executive Officer shall, in the exercise of his functions, act in accordance with such directions as he may receive from the Board.

(4) (a) The Board may, subject to such instructions as it may give, delegate to the Chief Executive Officer such of its powers and functions as may be necessary for the effective management of the day-to-day business and activities of the Agency, other than the power to –

- (i) sell or exchange any property, or make any donation;
- (ii) borrow money; or
- (iii) enter into a contract.

(b) The Chief Executive Officer may, with the approval of the Board, delegate his powers and functions to such employee as he may determine.

11. Appointment of employees

(1) The Board may, subject to the approval of the Minister and on such terms and conditions as it may determine, appoint such number of employees as may be necessary for the proper discharge of its functions under this Act.

(2) Every employee referred to in subsection (1) shall be under the administrative control of the Chief Executive Officer.

(3) The Agency may make provision, in such form as it may determine, to govern the conditions of service of employees and, in particular, to deal with –

- (a) the appointment, discipline, pay and leave of, and the security to be given by, employees;
- (b) appeals by employees against dismissal or other disciplinary measures; and
- (c) the establishment and maintenance of provident and pension fund schemes and the contributions payable to, and the benefits recoverable from, such schemes.

12. Powers of Minister

(1) (a) The Minister may give such directions of a general character to the Board, not inconsistent with this Act, as he may consider necessary in the public interest.

(b) The Board shall comply with the directions referred to in paragraph (a).

(2) The Minister may require the Board to furnish such information in such manner and at such time as he may determine in respect of its activities and the Board shall supply that information.

(3) The Minister may direct the Agency to provide advice in relation to any matter referred to in section 5.

PART IV – FINANCIAL PROVISIONS AND ACCOUNTS

13. General Fund

(1) The Agency shall set up a General Fund –

- (a) into which shall be paid all the revenue of the Agency; and
- (b) out of which shall be paid all the expenses incurred by the Agency.

(2) The revenue of the Agency shall consist of –

- (a) Government grants;
- (b) special government funding for specific projects;

- (c) external aid funding for specific projects;
- (d) income from any other source approved by the Minister.

14. Estimates

(1) The Agency shall, not later than 30 September in every year, submit to the Minister an estimate of the expenditure and income of the Agency for the next financial year for his approval.

(2) Subject to subsection (3), the Minister shall, before the beginning of every financial year, signify in writing his approval of the estimates.

(3) Where the Minister gives his approval under subsection (1), he may direct the Agency to amend the estimate in respect of any item in such manner as he may determine.

(4) Subsection (1) shall not apply to the first financial year of the Agency.

15. Annual report

(1) The Board shall prepare and submit, in accordance with the Statutory Bodies (Accounts and Audit) Act, an annual report to the Minister together with an audited statement of accounts on the operations of the Agency in respect of every financial year.

(2) The auditor to be appointed under section 5(1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

16. Donations and exemptions

(1) Article 910 of the Code Civil Mauricien shall not apply to the Agency.

(2) Notwithstanding any other enactment, the Agency shall be exempt from payment of any registration duty, fee or charge in respect of any document under which the Agency is the sole beneficiary.

PART V – MISCELLANEOUS

17. Execution of documents

(1) Subject to subsection (2), no deed or other document shall be executed by or on behalf of the Agency unless it is signed by –

- (a) the Chairperson or, in his absence, a member designated by the Board; and
- (b) the Chief Executive Officer, or, in his absence, an employee designated by the Board.

(2) Every cheque shall be signed by the Chairperson and the Chief Executive Officer.

18. Legal proceedings

(1) The Agency shall act, sue and be sued in its corporate name.

(2) Service of process by or on the Agency shall be sufficient if made on behalf of or on the Chief Executive Officer.

(3) No liability, civil or criminal, shall be incurred by the Agency, a member or an employee in respect of any act done or omitted in good faith in the performance of its or his functions or exercise of its or his powers under this Act.

19. Confidentiality

(1) No member or employee shall, during or after his relationship with the Agency, use or disclose any matter which comes to his knowledge in the performance of his functions or use any material of the Agency, except for the purposes of administering this Act.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding one year.

20. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for —

- (a) the setting of standards and guidelines relating to renewable energy technologies;
- (b) accreditation mechanisms in respect of operators in the sector of renewable energy ;

- (c) the criteria for approval of renewable energy projects; and
- (d) the levying of fees and charges.

21. Consequential amendment

The Statutory Bodies (Accounts and Audit) Act is amended in the First Schedule by inserting, in the appropriate alphabetical order, the following new item –

Mauritius Renewable Energy Agency	Mauritius Renewable Energy Agency Act
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22. 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.