

L.N. 164 of 2009

ENEMALTA ACT
(CAP. 272)

Electricity Supply (Amendment) Regulations, 2009

IN exercise of the powers conferred by articles 20 and 39 of the Enemalta Act, Enemalta, with the approval of the Minister for Infrastructure, Transport and Communications, and with the approval of the Malta Resources Authority: -

1. (1) The title of these regulations is the Electricity Supply (Amendment) Regulations, 2009 and they shall be read and construed as one with the Electricity Supply Regulations, 1939 hereinafter referred to as “the principal regulations”.

Citation and commencement.

G.N. 223 of 1940.

(2) These regulations shall be deemed to have come into effect on the 1st April, 2009.

2. Regulation 14 of the principal regulations shall be amended as follows:

Amends regulation 14 of the principal regulations.

(a) in the second proviso to paragraph (c) of sub-regulation (1) thereof, immediately after the words “Residential Premises Service” there shall be added the words “or a Domestic Premises Service”; and

(b) in paragraph (a) of sub-regulation (2) thereof, immediately after the words “Residential or Non-Residential” there shall be added the words “or Domestic” and the words “domestic or industrial or commercial” shall be substituted with the words “Residential or Non-Residential or Domestic”.

3. For regulation 36 of the principal regulations there shall be substituted the following:

Substitutes regulation 36 to the principal regulations.

“Tariffs for supply of electricity.

36 (1) For the purposes of these regulations a Residential Premises Service shall be charged for in accordance with the First Schedule to these regulations.

(2) For the purposes of these regulations a Non-Residential Premises Service shall be charged for in accordance with the Second Schedule to these regulations.

(3) For the purposes of these regulations a Domestic Premises Service shall be charged for in accordance with the Third Schedule to these regulations.

(4) Notwithstanding the provisions of any other law, the Chairman shall, at any time and in his discretion, having regard to the provisions of these regulations, determine whether a Service is to be deemed a Residential Premises Service, a Non-Residential Premises Service or a Domestic Premises Service for the purposes of these regulations.

(5) For the purposes of these regulations, a consumer shall be entitled to submit an application requesting that a Service to individual units of residence, used solely and regularly as private dwellings, as may be confirmed by documentary evidence, be registered as a Domestic Premises Service:

Provided that the Service to the common parts of a condominium consisting entirely of premises used exclusively for residential purposes may also be submitted for registration as a Domestic Premises Service:

Provided further that, unless otherwise authorised by the Chairman, for good and sufficient cause, a consumer shall only be entitled to register as a Domestic Premises Service, a Service to one Primary Residence, a Service to one Secondary Residence and a Service to one Garage which does not exceed 30 square meters in area and is used exclusively for private, non-commercial purposes:

Provided also that in the case of uninhabited premises intended for residential use, the Corporation may allow such a service to be registered as a Domestic Premises Services for a period of up to twelve months.

(6) For the purposes of these regulations a consumer may request the Chairman to register individuals resident in Malta, on a Domestic Premises Service and if the Chairman accepts such a request, the Service shall be considered, until at least one individual is registered on the Service, as a Residential Premises Service:

Provided that no one individual shall be registered on more than one Service at the same time and that no individual will be registered on a garage or on the common parts of a condominium.

(7) For the purposes of these regulations, a Service which is not registered as a Domestic Premises Service or as a Residential Premises Service in terms of this regulation or a Service which has not been submitted for registration as a Domestic Premises Service or a Residential Premises Service in terms of this regulation, shall be considered as a Non-Residential Premises Service, unless otherwise determined by the Chairman.”.

4. The First Schedule to the principal regulations shall be amended as follows:

Amends the First Schedule to the principal regulations.

(a) item 2) thereof shall be substituted with the following new item:

“2) Without prejudice to the other provisions of these regulations a Residential Premises Service shall be subject to the following Consumption Tariff based on a cumulative consumption per annum and which may be billed on a pro rata basis:

- i) For every kWh of the first 2,000 kWh..... €0.119; and
- ii) For every kWh of the next 4,000 kWh.....€0.134; and
- iii) For every kWh of the next 4,000 kWh.....€0.152; and
- iv) For every kWh of the next 10,000 kWh.....€0.209; and
- v) For every kWh of the remaining consumption.....€0.232;” and

(b) paragraph i) of item 4) shall be deleted.

5. The Second Schedule to the principal regulations shall be amended as follows:

Amends the Second Schedule to the principal regulations.

(a) item 2) shall be substituted with the following item:

“2) Without prejudice to the other provisions of these regulations a Non-Residential Premises Service, shall be subject to one of the following Consumption Tariffs based on a cumulative consumption per annum

and subject to the relative conditions and which may be billed on a pro rata basis:

a) Electricity consumption will be metered in kWh and will be billed at the following tariffs:

- i) For every kWh of the first 2,000 kWh..... € 0.104; and
- ii) For every kWh of the next 4,000 kWh.....€ 0.112; and
- iii) For every kWh of the next 4,000 kWh.....€ 0.125; and
- iv) For every kWh of the next 10,000 kWh.....€ 0.140; and
- v) For every kWh of the next 40,000 kWh.....€ 0.157; and
- vi) For every kWh of the next 40,000 kWh.....€ 0.142; and
- vii) For every kWh of the next 900,000 kWh.....€ 0.129; and
- viii) For every kWh of the next 4,000,000 kWh.....€ 0.112; and
- ix) For every kWh of the remaining consumption...€ 0.086; or

b) The registered consumer on a Non-Residential Premises Service with a consumption exceeding 5,000,000 kWh may apply to be billed at day and night kWh rates at the following tariffs:

day consumption shall be subject to the following tariff:

- i) For every kWh of the first 2,000 kWh..... € 0.106; and
- ii) For every kWh of the next 4,000 kWh.....€ 0.114; and
- iii) For every kWh of the next 4,000 kWh.....€ 0.127; and
- iv) For every kWh of the next 10,000 kWh..... .€ 0.142; and
- v) For every kWh of the next 40,000 kWh.....€ 0.159; and
- vi) For every kWh of the next 40,000 kWh.....€ 0.144; and
- vii) For every kWh of the next 900,000 kWh.....€ 0.131; and
- viii) For every kWh of the next 4,000,000 kWh... .€ 0.114; and
- ix) For every kWh of the remaining consumption € 0.088; and

night consumption shall be subject to the following tariff:

- i) For every kWh of the first 2,000 kWh..... € 0.099; and
- ii) For every kWh of the next 4,000 kWh.....€ 0.107; and
- iii) For every kWh of the next 4,000 kWh... ..€ 0.120; and
- iv) For every kWh of the next 10,000 kWh... .€ 0.135; and
- v) For every kWh of the next 40,000 kWh....€ 0.152; and
- vi) For every kWh of the next 40,000 kWh.....€ 0.137; and
- vii) For every kWh of the next 900,000 kWh.....€ 0.124; and
- viii) For every kWh of the next 4,000,000 kWh...€ 0.107; and
- ix) For every kWh of the remaining consumption € 0.081; or

c) The registered consumer on a Non-Residential Premises Service that is rated above 100 Amps per phase may apply to be meter and billed in kVAh at the following tariffs:

- i) For every kVAh of the first 2,000 kVAh.....€ 0.096; and
- ii) For every kVAh of the next 4,000 kVAh€ 0.103; and
- iii) For every kVAh of the next 4,000 kVAh€ 0.115; and
- iv) For every kVAh of the next 10,000 kVAh€ 0.129; and
- v) For every kVAh of the next 40,000 kVAh€ 0.144; and
- vi) For every kVAh of the next 40,000 kVAh€ 0.131; and
- vii) For every kVAh of the next 900,000 kVAh€ 0.119; and
- viii) For every kVAh of the next 4,000,000 kVAh .€ 0.103; and
- ix) For every kVAh of the remaining consumption € 0.079; or

d) The registered consumer on a Non-Residential Premises Service that is rated above 100 Amps per phase and has a consumption exceeding 5,500,000 kVAh may apply to be billed at day and night kVAh rates at the following tariffs:

day consumption shall be subject to the following tariff:

- i) For every kVAh of the first 2,000 kVAh.....€ 0.098; and
- ii) For every kVAh of the next 4,000 kVAh€ 0.105; and
- iii) For every kVAh of the next 4,000 kVAh€ 0.117; and
- iv) For every kVAh of the next 10,000 kVAh€ 0.131; and
- v) For every kVAh of the next 40,000 kVAh€ 0.146; and
- vi) For every kVAh of the next 40,000 kVAh€ 0.133; and
- vii) For every kVAh of the next 900,000 kVAh€ 0.121; and
- viii) For every kVAh of the next 4,000,000 kVAh.....€ 0.105; and
- ix) For every kVAh of the remaining consumption .. € 0.081; and

night consumption shall be subject to the following tariff:

- i) For every kVAh of the first 2,000 kVAh.....€ 0.091; and
- ii) For every kVAh of the next 4,000 kVAh€ 0.098; and
- iii) For every kVAh of the next 4,000 kVAh€ 0.110; and
- iv) For every kVAh of the next 10,000 kVAh€ 0.124; and
- v) For every kVAh of the next 40,000 kVAh€ 0.139; and
- vi) For every kVAh of the next 40,000 kVAh€ 0.126; and
- vii) For every kVAh of the next 900,000 kVAh€ 0.114; and
- viii) For every kVAh of the next 4,000,000 kVAh ...€ 0.098; and
- ix) For every kVAh of the remaining consumption...€0.074.”; and

(b) item 3) shall be deleted.

Adds new Third Schedule to the principal regulations.

6. Immediately after the Second Schedule there shall be added a new Third Schedule to the principal regulations as follows:

“THIRD SCHEDULE

(Regulation 36)

A Domestic Premises Service shall be billed, for any period or periods as Enemalta may, from time to time determine, in accordance with the following charges and tariffs:

1) Without prejudice to the other provisions of these regulations a Domestic Premises Service shall be subject to the following Annual Service Charge:

(a) A charge of €65 for a Single Phase Service and a charge of €195 for a Three Phase Service; and

2) Without prejudice to the other provisions of these regulations a Domestic Premises Service shall be subject to the following Consumption Tariff based on a cumulative consumption per annum and which may be billed on a pro rata basis:

- i) For every kWh of the first 2,000 kWh..... €0.161; and
- ii) For every kWh of the next 4,000 kWh.....€0.173; and
- iii) For every kWh of the next 4,000 kWh.....€0.189; and
- iv) For every kWh of the next 10,000 kWh.....€0.209; and
- v) For every kWh of the remaining consumption.....€0.232; and

3) Without prejudice to the other provisions of these regulations a Domestic Premises Three Phase Service exceeding 60 Amps per phase shall also be subject to a Maximum Demand Tariff at the rate of €21.05 per annum per kW of the Maximum Demand in any period during the year.

4) All the above rates are inclusive of Value Added Tax.

5) The following provisions shall apply with respect to the registration of persons on a Domestic Premises Service or on a Residential Premises Service:

(a) a consumer shall furnish in writing to Enemalta, within such time as may be stipulated by Enemalta, any information together with any supporting documents which may be required for the purpose of such registration;

(b) a consumer shall notify Enemalta in writing of any change in the circumstances, on the basis of which such registration is made, not later than one month from when such change occurs;

(c) any change in the number of persons registered on a Domestic Premises Service or on a Residential Premises Service shall be taken into account, for the purpose of such registration, from the date of the first normal meter reading following the date on which the change in the number of persons occurs or the date on which Enemalta is notified in writing of such a change, at the discretion of Enemalta;

(d) a person residing in a tenement may apply to Enemalta so that he shall be registered on a tenement other than that in which he resides;

(e) any application shall be made in such form as may be issued by Enemalta from time to time;

(f) every arrangement made in terms of this item shall be valid until the 31st December of the year in which it was made or for which it was renewed, and it shall be deemed to have been renewed for the next following year, unless the consumer, not later than the last day of November of the year in which the arrangement is in force, gives notice in writing to Enemalta that he does not want the said arrangement to be so renewed.”.