

PART V-RENEWABLE ENERGY TECHNOLOGIES

Division I-Licenses

Licences for
renewable
energy
technologies
activities

42. No person shall carry on the business of importing, selling, installation and maintenance of renewable energy technologies without a licence issued to him by the Authority.

Licence
applications
and fees

43.- (1) Any person who wishes to carry on the business of importing, selling, installation or maintenance of renewable energy technologies shall apply to the Authority for a licence in form ERET I contained in the Fifth Schedule hereto.

(2) The Authority shall issue only one type of licence covering any type of activity dealing with renewable energy technologies:

Provided that an applicant may apply for a licence for a specific activity.

(3) No application for licence under these By-laws shall be considered by the Authority unless the applicant has paid the application fees specified in Part II of the Third Schedule hereto.

(4) Upon the grant of the licence and annual renewal thereof an applicant shall pay the licence fee specified in Part II of the Third Schedule.

Installations
permit under
Electricity
Act

44. The Authority shall not issue a licence to an applicant for renewable energy technologies unless the Authority has granted to

the applicant an electrical installations permit issued under the Electricity Regulations, 2008.

Information
to be
supplied by
applicants

45. Every application for a licence under this Part shall be accompanied by the following-

- (a) the information specified in form ERET I;
- (b) a copy of the Electrical Installations Permit issued to the applicant under the Electricity Regulations, 2008;
- (c) a schedule of charges for each type of renewable energy technologies equipment to be supplied by him in the next twelve (12) months; and
- (d) a schedule of the maintenance charges, where applicable, for all types of maintenance for renewable energy technologies it intends to charge customers in the next twelve (12) months.

Grant or denial
of application

46.- (1) The Authority shall consider each application under this Part and determine if the application meets the criteria specifically set out under this Part and if the Authority is satisfied that the applicant has met all the requirements hereunder, it shall issue the licence to the applicant.

(2) Where the Authority determines that the applicant does not meet all the requirements, the Authority shall refuse to grant the licence.

Communication
of the
Authority's
decision

47.- (1) Once the Authority determines the outcome of any application for licence, it shall communicate its decision in writing to the Applicant within thirty (30) days from the date any such decision is made.

(2) Where the Authority refuses to grant the licence it shall give reasons for such refusal to the applicant.

Right of appeal

48. Any applicant whose application for licence has been refused may appeal against the decision in accordance with the Act.

Duration and renewal of licence

49.- (1) Any licence issued under this Part shall be valid for twelve (12) months and may be renewed for a similar period after the expiration of the period.

(2) An application for renewal of a licence shall be made in a similar manner used when making the initial application.

Division II-Prices and Charges

Licensees to charge only approved prices

50.- (1) No person shall sell or provide maintenance services for renewable energy technologies to any other person at a price or maintenance charge that is higher than the maximum selling prices or maintenance charges approved by the Authority.

(2) The Authority may review maximum prices and maintenance charges for renewable energy technologies once a year unless there are special extenuating circumstances necessitating an earlier review.

Factors
determining
prices

51.- (1) In determining the prices and maintenance charges for renewable energy technologies, the Authority shall take into account the following factors:

- (a) the Free on Board (FOB) cost of the equipment and associated service spares, tools and materials;
- (b) the cost of transportation and distribution to the place of use;
- (c) the weighted cost of storage;
- (d) the cost of goods in transit insurance and other transit expenses;
- (e) Government taxes and levies on the sale of the product;
- (f) the weighted cost of labour; and
- (g) the licensee's approved mark-up.

(2) The Authority, in its discretion or at the instance of a licensee, may take into account other factors as the Authority may deem necessary.

Licensees to
propose prices
annually

52. In order to help determine the prices and charges applicable in the following year, at the time each applicant is applying for renewal of licence, each licensee shall present to the Authority a schedule of prices and charges for all types of renewable energy

technologies equipment and maintenance charges it proposes to charge consumers or purchasers during the next twelve (12) months.

Authority may obtain independent quotation

53. In addition to proposals by licensees in by-law 52 above, the Authority may also obtain independent quotations for prices of all types of renewable energy technologies equipment for purposes of determining the appropriate prices and charges for the next twelve (12) months.

Renewed licence to be accompanied by new prices

54. The renewal of licence for each licensee shall be accompanied by the approved maximum prices and charges which that licensee is authorized to charge during the next twelve (12) months.

Division III-Standards, Code of Practice and Inspections

Standard specification and code of practice

55.- (1) Every licensee shall comply with and adhere to the standards and specifications for renewable energy technologies approved by the Authority.

(2) Every licensee shall comply with and adhere to the standard code of practice for renewable energy technologies approved by the Authority.

Electrical installation permits
Cap.73:01

56. Every licensee shall comply with and adhere to the applicable provisions in the Electricity Regulations, 2008 under the Electricity Act in respect of authorized persons or licensees to carry out installations and maintenance of renewable energy technologies installations.

Inspections by the Authority

57. The Authority may through its members, officers or authorized agents carry out inspections on the premises or operations of the licensee or on the premises of the customer to verify or monitor compliance with the above standards and code of practice or the Electricity Regulations, 2008 and shall have power to order rectification of non compliance thereof.

Division IV-Purchase, Sale and Service Agreements

The Authority
to approve
purchase
agreements

58. Every licensee selling and installing renewable energy technologies equipment shall enter into a sale and purchase agreement with the purchaser and the terms of such agreement shall be subject to the approval of the Authority.

Terms in
purchase
agreements

59. Every sale and purchase agreement shall contain the following terms and conditions-

- (a) that the contractor shall fully and faithfully provide all labour, plant, and materials and complete the works and deliver, install, test and commission at buyer's premises the renewable energy technologies equipment, including instructions on location, in operating the system in accordance with the specifications of the contract;
- (b) that the contractor shall give the buyer the following documents:
 - (i) commissioning certificate;
 - (ii) operation manual for the system;

- (iii) service contract, signed by both contractor and buyer;
 - (iv) warranty guarantee or certificate, including warranty transfer agreement transferring the manufacturer's product guarantee to the buyer, where applicable.
- (c) that if the contractor fails to complete the works within the period specified in the contract, including any extension of time that may be granted, the contractor shall pay the buyer zero point one percent (0.1%) of the contract price each day of delay up to a maximum of ten percent (10%) of the contract price as liquidated damages;
- (d) that the buyer shall give the licensee free access to his premises to the extent necessary for the licensee to install, test and commission the renewable energy technology system described in the contract; and
- (e) that the buyer shall reasonably prepare his premises for the installation, and shall attend personally or by duly appointed representative the installation in order to discuss with the licensee's installation crew the exact location of the equipment.

Licensees to sign service agreements with buyers

60.- (1) Every licensee selling and installing renewable energy technologies equipment shall enter into a service agreement with the purchaser.

(2) The Authority shall approve the terms of the agreement referred to in paragraph (1).

Obligations of licensees in service agreements

61. The following licensee's obligations shall be specified in every service agreements, that the licensee shall-

- (a) perform the maintenance services with reasonable care and skill;
- (b) perform any associated services within a reasonable time after being requested by the buyer; and
- (c) use parts that are of merchantable quality and reasonably fit for their purpose.

Obligations of buyers in service agreements

62. The following buyer's obligations shall be specified in every service agreement that the buyer shall-

- (a) grant the licensee such access to the premises as the licensee shall from time to time reasonably require in order to discharge its obligations hereunder;
- (b) make available at the premises such facilities as the licensee shall reasonably require in order to discharge its obligations hereunder, including adequate work space and storage;
- (c) take all reasonable precautions to protect the health and safety of the licensee's employees agents and sub-contractors while on the buyer's site;

(d) make available the all documentation and other information necessary for the licensee to diagnose any fault in the equipment; and

(e) the licensee shall have a free and unencumbered title to any replaced parts for the equipment replaced during service.

Division V - Customer Information and Reports

Service agreements

63.- (1) The Authority shall prescribe a standard service agreement in the form set out in the Sixth Schedule hereto.

(2) Licensees and buyers shall enter into a service agreement for the duration of the warranty period.

Licensees to provide information to applicants and customers

64. Licensee shall upon the request of an applicant or a customer provide to such applicant or customer such reasonable information and assistance as may be necessary to enable the applicant or customer become informed about the service provided by the licensee and to apply to receive such service from such licensee.

Copies of agreements to be sent to the Authority

65. Every licensee shall within one month of the execution of the equipment sale and purchase agreement and service agreement provide to the Authority a copy of such equipment sale and purchase agreement and service agreement.