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THE SIERRA LEONE ELECTRICITY AND WATER REGULATORY COMMISSION ACT, 2025.

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No.

2025



Sierra Leone

A BILL ENTITLED

The Sierra Leone Electricity and Water Regulatory Commission Act, 2025. Short title.

Being an Act to repeal and replace the Sierra Leone Electricity and Water Regulatory Commission Act, 2011 (Act No. 13 of 2011), to provide for the continuation of the Sierra Leone Electricity and Water Regulatory Commission to regulate the provision of electricity, water and sanitation services and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

Interpretation. 1. In this Act, unless the context otherwise requires -

"Authority" means Electricity Distribution and Supply Authority established under section 25 of the National Electricity Act, 2011 (Act No. 16 of 2011);

"captive power generator" means a captive generator licensee that produces electricity with a rated output of 10 KVA and above for the generator's own use and not for resale;

"Chairman" means the Chairman of the Commission appointed under section 5;

"Commission" means the Sierra Leone Electricity and Water Regulatory Commission established under section 3;

"community" means a body of people living as a group;

"consumer" means a person who purchases, receives or makes use of any service provided by a public utility and does not deliver or resell the service to others;

"Director-General" means the Director-General appointed under section 24;

"faecal sludge" means the semi-solid waste that accumulates in on-site sanitation systems such as pit latrines, septic tanks, vault toilets, and aqua privies and consists of human excreta, water, toilet paper, and sometimes other materials like solid waste and has not yet passed through a sewer system or wastewater treatment plant;

"Independent Power Producer" means an independent power producer which is a private entity that generates and sell electricity to utilities, and other consumers;

"Independent Water Producer" means an independent water producer which is a private entity that generates and sell water to utilities, and other consumers;

"inspector" means an inspector appointed under section 40;

"levy" means a charge by statute on a licensee, payable to the Commission;

"licence" means a right or permission granted by the Commission to a person, organisation, business, community or any other entity to engage in the generation, production, distribution, sale and provision of electricity, water and sanitation services;

"member" means a member of the Commission;

"Minister" means the Minister designated by the President at any given period;

"non-state entity" means any business entity that operates independently of government and are privately owned;

"person" means a utility which is either a natural person, Government institution, agency or body, a corporate entity, association, partnership or community;

"public register" means the public register of the Commission under section 14;

"public utility" means a provider of electricity, water and sanitation services to the public;

"rate" means the tariff price per unit of services supplied by a public utility;

"registration" means to be officially recognised by the Commission as a service provider in the electricity, water and sanitation sector;

"regulated service" means the supply of a commodity derived directly from the business in which a public utility is engaged;

"regulated supplier" means a person engaged in activities in a regulated sector and includes a holder of a licence issued under this Act;

"regulatory fee" means, charges paid to Commission by a licensee;

"sanitation service" means a safe collection, transport, treatment and disposal of waste water, solid waste and faecal matters;

"standard" includes -

- (a) technical standard relating to the content and supply of regulated services;
- (b) standard for the terms and conditions of supply of goods and services; and
- (c) quality of service standard;

"tariff" means the amount charged or payment made by a consumer for the use of electricity, water and sanitation services;

"water production" means the harnessing and treatment of water.

2. This Act shall apply to State and non-state entities in the electricity, water supply and sanitation sector. Application.

PART II—THE SIERRA LEONE ELECTRICITY AND WATER REGULATORY COMMISSION.

3. (1) There is hereby continued in existence, the body which immediately before the commencement of this Act, was known as the Sierra Leone Electricity and Water Regulatory Commission. Continuation of Commission.

(2) The Commission is a body corporate having perpetual succession, a common seal and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Commission shall have a common seal, the use of which shall be authenticated by -

- (a) the signature of the Chairman or a member of the Commission authorised either generally or specially by the Commission for that purpose;
- (b) the Director-General or some other person authorised by the Board in that behalf.

Board of Commissioners. 4. (1) The governing body of the Commission shall be a Board in which shall be vested, subject to this Act, the supervision of the Commission.

(2) The Board shall, in addition to its function under subsection (1), be responsible to-

- (a) advise the Commission on any aspect of its mandate and functions; and
- (b) monitor and evaluate the work of the Commission.

Composition of Board. 5. (1) The Board of Commissioners shall consist of a Chairman and the following other members -

- (a) a representative of the Sierra Leone Institution of Engineers;
- (b) a representative of the Sierra Leone Consumer Protection Commission;
- (c) a representative of the Sierra Leone Labour Congress;
- (d) one technical representative each, not below the rank of a director, from the Ministries responsible for water resources, sanitation and energy;
- (e) President, Sierra Leone water producers union
- (f) A representatives of the independent power producers
- (g) A representative from the council of Paramount Chiefs
- (h) Director General who shall serve as Secretary to the Board with no voting right.

(2) The Chairman and other members of the Commission, who are not ex-officio, shall be appointed by the President on the recommendation of the Minister:

Provided that, at least, one third of such appointments shall be women.

6. (1) The Chairman and other members of the Commission shall hold office for a term of 3 years and shall be eligible for re-appointment for a further term of 3 years only. Tenure of members.

(2) A person shall cease to be a member of the Commission on any of the following grounds-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud, dishonesty or sexual offence;
- (e) if he fails to attend 3 consecutive meetings of the Commission without reasonable cause; or
- (f) if he resigns his office by written notice to the Minister.

Meetings of Board.

7. (1) The Board of the Commission shall meet for the dispatch of its business, at least, once every 3 months at such time and place as the Chairman may determine.

(2) The Chairman shall preside at every meeting of the Board of Commissioners and in his absence, the members present shall appoint one of their number to preside.

(3) A minimum of 5 Commissioners may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Commission for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, another Commissioner appointed to act in his stead, shall summon a special meeting within 5 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board of Commissioners shall be 5.

(6) The Chairman or another Commissioner presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all commissioners and agreed to in writing by a two-thirds majority of all Commissioners shall be of the same force or effect as a decision made at a duly constituted meeting of the Board of Commissioners and shall be incorporated in the minutes of the next succeeding meeting of the Commission:

Provided that, if a Commissioner requires that such proposal be placed before a meeting of the Board of Commissioners, this subsection shall not apply to such proposal.

(8) The Board of Commissioners may co-opt a person to attend and participate in its deliberations on any matter but such person shall not vote on an issue for the decision by the Commission.

(9) The Board of Commissioners shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Commission shall regulate its own procedure.

8. (1) A member of the Board of Commissioners who has an interest, whether direct or indirect in a matter being considered or to be considered by the Commission, shall disclose the nature of his interest to the Commission and the disclosure shall be recorded in the minutes of the Commission and that member shall not take part in a deliberation or decision of the Commission relating to that matter. Disclosure of interest.

(2) A member of the Board of Commissioners who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Board of Commissioners.

9. (1) An action or other proceedings shall not lie or be instituted against a member of the Board of Commissioners or member of a committee of the Commission for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act. Immunity of members.

(2) A member of the Board of Commissioners shall not be personally liable for any debt or obligation of the Commission.

10. (1) The Chairman and other members of the Board of Commissioners appointed under sub-section (1) of section (5) (c), (e) (f) and (h) and a person co-opted by the Commission under subsection (8) of section 7 shall be paid such remuneration and shall be reimbursed by the Commission for expenses incurred in connection with the discharge of their functions. Remuneration of Board.

(2) Members appointed under sub-section (1) of section (5) (a) (b) (d) and (i) shall be paid sitting fees and shall be reimbursed by the Commission for incurred in connection with the discharge of their functions. incurred in connection with the discharge of their functions.

11. (1) Where the Chairman or a member of the Board of Commissioners dies, resigns, is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 3 months, in the case of - Filling of vacancies.

- (a) the Chairman, the Board of Commissioners shall elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) a member, the Chairman shall, subject to this Act, have another person appointed to the Board.

(2) Where a person is appointed as Chairman or appointed as a member of the Board of Commissioners to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member of the Board of Commissioners, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART III-FUNCTIONS OF SIERRALEONE ELECTRICITY AND WATER REGULATORY COMMISSION.

Functions of Commission.

12. (1) The object for which the Commission is established is to regulate electricity, water and sanitation service providers throughout Sierra Leone.

(2) Without prejudice to the generality of subsection (1), the Commission shall be responsible to -

- (a) issue, renew, modify, suspend, revoke or cancel licences;
- (b) monitor and enforce compliance with the terms of licences;
- (c) provide guidelines on rates chargeable for electricity and water services;
- (d) protect the interest of consumers and providers of electricity, water and sanitation services;

- (e) monitor and enforce standards of performance for provision of electricity, water and sanitation services;
- (f) initiate and conduct investigations into the quality of service given to consumers;
- (g) promote fair competition among public utilities;
- (h) conduct studies relating to economy and efficiency of public utilities;
- (i) undertake valuation of properties of public utilities in the event of a takeover;
- (j) collect and compile data on public utilities as it considers necessary for the performance of its functions;
- (k) maintain a register of public utilities;
- (l) enhance public knowledge, awareness and understanding of public utilities including-
 - (i) the rights and obligations of consumers and regulated suppliers;
 - (ii) the ways in which complaints and disputes may be initiated and resolved;
- (m) take measures necessary to protect the environment;
- (o) advice or assist public utilities to comply with this Act or licence issued under it;
- (p) prepare and publish quarterly and yearly utility performance reports,

- (q) conduct and assess customer satisfaction survey of public utilities;
- (r) provide advice on water, electricity and sanitation projects whether funded by government, grant or private;
- (s) approve power purchase agreement, water purchase agreement and contracts between the Authority or other Independent Power Producers and Independent Water Producers and other regulated entities and eligible buyers;
- (t) engage the services of such consultants or experts as it may consider necessary for the proper and efficient performance of its functions; and
- (u) Protect and keep sachet water production exclusively in the hands of indigenous Sierra Leoneans under the membership of the Sierra Leone Water Producers Union.
- (v) carry out such other activities conducive to the attainment of the object of the Commission.

Competition policy.

13. The Commission shall, in carrying out its functions and exercising its powers under this Act, in relation to a public utility, take into account -

- (a) the conditions for effective competition;
- (b) The likelihood that the exercise of a function or power may -
 - (i) cause a reduction of competition or additional costs; and
 - (ii) be detrimental to the public.

14. The Commission shall adopt a code of conduct prescribing standards of behaviour to be observed by members and employees of the Commission in the performance of their duties. Code of conduct.

PART IV- POWERS OF SIERRA LEONE ELECTRICITY AND WATER REGULATORY COMMISSION.

15. (1) The Commission shall have power to regulate rates and charges including the power to - Power to regulate rates and charges.

- (a) set or otherwise determine rates to be charged by electricity, water and sanitation service providers;
- (b) review rates and charges of electricity, water and sanitation service providers

(2) The Commission shall, in making a determination of rates and charges under subsection (1), take into account-

- (a) the cost of making, producing and supplying goods or services to electricity, water and sanitation service providers;
- (b) earnings on assets in the electricity, water and sanitation sector;
- (c) relevant benchmarks, including international benchmarks for prices, costs and earnings on assets in comparable industries;
- (d) other financial implications of the determination;
- (e) desirability of establishing maximum rates and charges, and in carrying out regular reviews of rates and charges;
- (f) any other factors specified in the electricity, water and sanitation sector legislation;

- (g) consumer and investor interests;
- (h) desire to promote competitive rates and attract new entrants to the market.

Power to obtain information.

16. (1) The Commission shall, by notice in writing, summon a person whom it believes has information (including data system) or document to-

- (a) appear before it, answer orally on oath or affirmation to a question relevant thereto;
- (b) furnish the information in writing signed by him or in the case of a body corporate, signed by a competent officer; or
- (c) produce or otherwise deliver the original or copy of a document in his possession or under his control.

(2) A person who neglects or fails to comply with a summons issued under subsection (1) commits an offence and is liable, on conviction, to a fine not less than NLe. 10,000.00 or a term of imprisonment not less than 6 months.

(3) A person who, in making a statement or furnishing information under subsection (1), willfully makes a false or misleading statement commits an offence and is liable, on conviction, to a fine not less than NLe. 10,000.00 or a term of imprisonment not less than 6 months.

Power to enter and search.

17. (1) The Commission shall, where it has reasonable cause to believe that a person is in possession of a document that will assist in the performance of its functions, on application to a Judge obtain a warrant to enter and search a premises under the control or possession of that person in order to access records including a data storage system or device in the possession or under the control of that person.

(2) An authorised officer conducting a search under subsection (1), may -

- (a) seize and take possession of a document, computer, computer disk or other related article; or
- (b) inspect, make copy of or take extracts from a book, record or document.

(3) The Commission shall, where an authorised officer is refused entry into a premises, seek police assistance to enter the premises to conduct the search.

18. (1) The Commission shall, where it appears that an activity of a person is in contravention with this Act, serve on that person an enforcement notice requiring him to take such steps, as the Commission deems necessary, to prevent or stop an activity or breach of terms and conditions of a licence or registration.

(2) An enforcement notice under subsection (1) shall specify-

- (a) an offending activity or a breach of terms and conditions;
- (b) steps required to be taken to prevent or stop an activity or breach of terms and conditions; and
- (c) a time within which the steps shall be taken; or
- (d) direct immediate cessation of an offending activity.

(3) The Commission shall, where a person on whom an enforcement notice is served under subsection (1), fails, neglects or refuses to take the action specified-

- (a) enter or authorise another person to enter a premises, office or facility under the control of that person;
- (b) take all necessary action to prevent or stop an activity to which the enforcement notice relates; and
- (c) recover, as a civil debt, from that person, the expenses incurred in the enforcement.

(4) A person who fails to comply with an enforcement notice under subsection (1), commits an offence and is liable, on conviction, to a fine, in the case of -

- (a) non-corporate entity, not less than NLe. 100,000.00;
- (b) corporate entity, not less than NLe. 200,000.00;
- (c) a continuing violation after notice has been served, an additional NLe. 5,000.00 for each day for which the violation continues.

Power to register persons.

19. The Commission shall register persons operating electricity, water and sanitation supply services at community level.

Power to levy fines and penalties.

20. The Commission may, by statutory instrument, levy fines and penalties on a public or private utility for non-compliance or failure to meet quality of service standards.

Power to charge regulatory fees.

21. The Commission shall, by statutory instrument, charge annual regulatory fees on public or private utilities.

Complaint Tribunal.

22. (1) There shall be a Complaint Tribunal which shall adjudicate or determine claims or disputes under this Act comprising-

- (a) a High Court Judge, who shall be Chairman;
- (b) 2 legal practitioners, of not less than 5 years standing appointed by the Sierra Leone Bar Association; and
- (c) the technical head, from the Ministry responsible for energy and the Ministry responsible for water resources and sanitation.

(2) The Tribunal shall have power to hear and decide on disputes related to public utilities and have the authority to:

- (a) hear evidence and testimony;
- (b) make findings of fact;
- (c) interpret relevant laws and regulations; and
- (d) render decisions or judgments.

(3) An Order of the Tribunal under subsection (1), shall be enforceable as an Order of the High Court.

(4) A person aggrieved by the decision of the Tribunal may appeal to the Court of Appeal.

PART V - ADMINISTRATIVE PROVISIONS

23. (1) The Commission shall have a Director General who shall be appointed by the President subject to the approval of Parliament. Director General.

(2) A person shall not be appointed Director General unless he has a degree from a recognised university with at least five (5) years experience in public administration.

(3) The Director General shall be responsible to the Commission for-

- (a) the day-to-day administration of the Commission;
- (b) the submitting of reports, work programmes and budgets to the Commission;
- (c) the arrangement of the business and the recording and keeping of the minutes of the meetings of the Commission;
- (d) the supervision and discipline of staff of the Commission; and
- (e) performance of such other functions as the Commission may assign to him.

Deputy
Director-
General.

24. (1) The Commission shall have a Deputy Director-General who shall be appointed by the President subject to the approval of Parliament.

(2) A person shall not be appointed Director General unless he has a degree from a recognised university with at least five (5) years experience in public administration.

(3) The Deputy Director-General shall be the principal assistant to the Director -General and shall act in the absence of the Director-General and perform any other functions determined by the Board.

Other staff
of
Commission.

25. (1) The Commission shall have, in addition to the Director- General and the Deputy Director-General, such other staff of the Commission as the Commission may require for the efficient discharge of its functions under this Act.

(2) Public officers shall be seconded or otherwise give assistance to the Commission.

(3) The Commission shall engage the services of such consultants and advisers as it considers necessary for the efficient discharge of the functions of the Commission.

(4) Liability shall not be laid on a staff of the Commission for loss or damage sustained by a person as a result of the exercise in good faith or performance of a function of the Commission. Directorates
of
Commission.

26. The Commission shall have the following directorates-

- (a) Directorate of Electricity;
- (b) Directorate of Water and Sanitation;
- (c) Directorate of Administration and Finance ;
- (d) Directorate of Audit, Monitoring and Evaluation;
- (e) Directorate of Economic Regulations;
- (f) Directorate of Legal and Consumer Services;
- (g) such other directorates as the Commission may from time to time determine on approval by the Board.

PART VI - FINANCIAL PROVISIONS

27. (1) The activities of the Commission shall be financed by funds consisting of- Funds of
Commission.

- (a) monies appropriated by Parliament to the Commission for the discharge of its functions;
- (b) payments or property due to the Commission in respect of any matter incidental to its functions;
- (c) monies accruing to the Commission in the course of the performance of its functions under this Act;

- (d) grants, donations, bequests or other contribution made to the Commission by persons other than regulated suppliers or other entities operating in a regulated sector;
- (e) one percent of the tariff structure for electricity and water service provider revenue after tax of electricity, water and sanitation sold by the public utilities; and
- (f) such proportion of government levy on electricity, water, sanitation and other regulated products as may be determined by Parliament.

(2) The Commission shall from time to time apply the proceeds of the funds specified in subsection (1)-

- (a) for the promotion of energy efficiency and productive use of electricity, water, sanitation and related products;
- (b) for the promotion of projects to develop and utilise renewable energy resources including solar energy and mini-hydro plants;
- (c) for human resources development in the electricity, water and sanitation sectors;
- (d) to enhance public knowledge, awareness and understanding of issues concerning safety, efficiency, conservation, health, gender, education, protection and preservation of the environment; and
- (e) for such other relevant purposes as may be determined by the Commission.

Accounts and audit.

28. (1) The Commission shall keep proper books of account and other records in relation to the activities, property and finances of the Commission in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Commission, a financial statement which shall include -

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Commission kept under subsection (1) shall, not later than 2 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Commission and to require such information and explanation thereon as he may think fit.

(4) The Commission shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Commission.

(5) The Auditor-General or the auditor appointed by him shall submit to the Commission a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to -

- (a) irregularities in the accounts;
- (b) matters that are likely to adversely affect the operations of the Commission; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Commission.

29. The financial year of the Commission shall be the same as the financial year of the Government. Financial year.

Annual report.

30. (1) The Commission shall, within 3 months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policy and programmes including a list of persons granted licences in that year.

(2) The annual report shall include the accounts and annual financial statement prepared under section 29 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 30 days upon receipt of the report.

(4) The Commission shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART VII -LICENSING AND OTHER RELATED PROVISIONS

Licence requirement.

31. (1) A person shall not-

- (a) sell, provide, arrange or otherwise supply access to electricity, water and sanitation services;
- (b) construct, install or operate a facility for the sale, provision or supply of electricity and water services;
- (c) engage in the business of generation, transmission, wholesale supply, distribution or sale of electricity, water or related products; or
- (d) engage in the business of electricity, water and sanitation production or distribution, unless that person holds a licence issued by the Commission.

(2) A person who contravenes sub-section (1) commits an offence and is liable of conviction to a fine not less than Nle 50,000 or to a term of imprisonment not less than 2 years or to both such fine and imprisonment.

32. (1) An application for a licence issued by the Commission under section 32 shall be made in writing and shall be in such form as may be prescribed by the Commission and shall be accompanied by -

- (a) such information in support of the application as the Commission may require; and
- (b) the prescribed fee.

(2) The Commission shall, on receipt of an application for a licence, within -

- (a) 10 days, acknowledge receipt of the application; and
- (b) 60 days thereafter, inform the applicant in writing of the decision of the Commission.

(3) The Commission shall, in making a decision under subsection (2),-

- (a) make such inquiry and consult such persons or authorities as it may deem necessary to ascertain whether the applicant is capable of operating or rendering the services for which he is seeking the licence;
- (b) cause a notice of the application for licence to be published in the Gazette or any other medium prescribed by the Commission; and
- (c) consider any written notice of objection or other representation made in relation to such application.

(4) The Commission shall, where it is satisfied with an application for a licence, grant the licence to the applicant.

(5) A licence issued under subsection (4) shall-

- (a) be in the prescribed form;
- (b) authorise the licensee to undertake such activity as may be specified therein;
- (c) contain such terms and conditions as the Commission may think necessary; and
- (d) be valid for such period as specified therein.

Restriction of licence.

33. The Commission shall not approve an application for a licence unless the applicant is -

- (a) a person;
- (b) a body corporate; or
- (c) a partnership, that is registered or incorporated to do business under the laws of Sierra Leone.

Transfer of licence.

34. (1) A licence granted under this Act shall not be transferred except with the written approval of the Commission.

(2) A licensee who wishes to transfer his licence shall apply to the Commission in the prescribed form and manner.

(3) An application to transfer a licence under subsection (2) shall -

- (a) be accompanied by an application of the proposed transferee;
- (b) be subject to the same conditions as an application for a new licence.

(4) A person who contravenes sub-section (1) commits an offence and is liable of conviction to a fine not less than N1e 10,000 or to a term of imprisonment not less than 6 months or to both such fine and imprisonment.

35. (1) A person who wishes to renew his licence shall make a written application to the Commission in the prescribed form not later than 3 months before the expiry of his licence. Renewal of licence.

(2) The procedure for the application for a licence shall, with the necessary modification, apply to the renewal of a licence

(3) A licensee who fails to renew his licence or whose application for renewal is rejected by the Commission shall cease to function as an electricity or water service provider under this Act.

36. (1) The Commission may, modify a licence granted under this Act if the modification is permissible under the terms of the licence or is required in the public interest. Modification of licence.

(2) A modification under subsection (1) shall not be made unless the Commission has given at least 60 working days written notice-

- (a) stating that the Commission proposes to make the modification; and
- (b) setting out the effect of the modification.

37. (1) The Commission shall suspend or cancel a licence where it is satisfied that- Suspension or cancellation of licence.

- (a) the licensee has contravened terms and condition of his licence;
- (b) the licensee has given information to the Commission which is false or misleading in any material particular; or
- (c) it is in the public interest to do so.

(2) The Commission shall not suspend or cancel a licence unless it has given written notice -

- (a) stating its intention to suspend or cancel the licence to the licensee together with the reasons for doing so; and

(b) requiring the licensee to show cause, in writing, within such time as may be specified in the notice why his licence should not be suspended or cancelled.

(3) The Commission shall, after considering the explanation of the licensee, inform the licensee in writing of its decision and reasons therefore.

(4) The Commission shall, in determining whether it is necessary to suspend or cancel a licence issued under this Act, consider the extent to which the licensee is likely to sustain loss or damage as a result of the suspension or cancellation.

(5) The Commission shall, where a licence is not utilised within one year from the date a licence was issued, cancel the licence, after notice of not less than 30 days has been served on the licensee,

Register.

38. (1) The Commission shall maintain a register and shall record in it-

- (a) licences issued under this Act and relevant terms and conditions;
- (b) suspended and cancelled licences;
- (c) such other information relating to public utilities as the Commission considers appropriate and not being contrary to public interest or the commercial interest of any person.

(2) A person who wishes to obtain an extract from the register shall do so in accordance with conditions stipulated by the Commission.

PART VIII - INSPECTION

Inspectors.

39. (1) The Commission shall appoint inspectors who shall be responsible to enter and inspect the premises of a public utility to ensure that the provisions of this Act are complied with.

(2) A person shall not be appointed as an inspector under subsection (1), unless that person is suitably qualified and possesses the necessary expertise to enable him to perform the functions of an inspector in an efficient manner.

(3) The Commission shall, where an inspector is refused entry into the premises of a public utility, on application to a Judge, obtain a warrant to enter and inspect the premises.

(4) An inspector shall submit a report of his inspection or investigation to the Commission for appropriate action.

PART IX -SERVICE AND RATES

40. (1) A public utility licensed under this Act shall-

Duty to provide adequate service.

- (a) maintain the equipment and property used in the provision of the service in such a condition as to enable it to effectively provide the service;
- (b) make such reasonable effort as may be necessary to provide the public with service that is safe, adequate, efficient, reasonable and non-discriminatory; and
- (c) make such repairs, changes, extensions and improvements in or to the service as may be necessary or proper for the efficient delivery of the service to the consumer.

(2) Where a public utility contravenes this section, the Commission shall in writing direct that public utility as to the level of service that should be provided and shall include such other direction as to secure compliance with subsection (1).

(3) A direction issued under this section shall include payment of compensation by a public utility to a consumer for damage or loss suffered on account of the failure of that public utility to comply with subsection (1).

(4) The Commission shall, where -

- (a) a technology employed by a public utility is out of date; or
- (b) an advancement in technology which should result in an improvement in the service or in reducing the cost to the consumer is not incorporated in the service within a reasonable time, in writing, direct that public utility to take such measures as the Commission considers appropriate to remedy the omission.

(5) A direction issued by the Commission under this section shall specify a reasonable time for compliance and where compliance is in stages, different times may be specified to comply with each stage.

Standards of performance.

41. (1) A public utility shall meet the required standard of performance specified in its licence.

(2) The Commission shall monitor the standard of performance of a public utility.

(3) Where a public utility contravenes this section, it shall pay such compensation as the Commission may determine to a person adversely affected as a result of that contravention.

(4) The requirement for payment of compensation under this section shall not -

- (a) limit the right to any other remedy at law which shall be available to the complainant; or
- (b) preclude the Commission from taking a measure or imposing any other sanction that the Commission has a right to impose in respect of an act or omission that constitutes a failure.

42. (1) Where a public utility has entered into an agreement with an institution or body corporate for the provision, development or expansion of a service and the implementation of the agreement is not effected within a reasonable time, the institution or body shall submit a written complaint to the Commission. Agreement to supply.

(2) The Commission shall, after receipt of complaint made under subsection (1) send a notice of such complaint to a public utility concerned and provide the public utility a reasonable opportunity to be heard.

(3) The Commission shall, where it is satisfied that a public utility has failed to implement the terms of an agreement with an institution or body corporate for the provision, development or expansion of a service within a reasonable time -

- (a) direct the public utility to pay the institution or body such sum as it considers reasonable;
- (b) recommend the cancellation or suspension of the licence of a public utility; or
- (c) give such other directions as it considers necessary.

43. A public utility shall not restrict or refuse to provide its service unless- Restriction on service prohibited.

- (a) it has notified the Commission in writing; or
- (b) its licence is, as the case may be, revoked, suspended, cancelled or expired.

44. (1) The Commission shall prepare and provide public utilities with guidelines for levels of rates that shall be charged by the public utilities for the services provided. Fixing rates.

(2) The Commission shall, in preparing guidelines under subsection (1), take into account-

- (a) the interest of a consumer;
- (b) the interest of an investor;
- (c) the cost of production;
- (d) assurance of the financial integrity of a public utility; and
- (e) any other factor the Commission considers relevant.

Special rates. 45. (1) A public utility shall, with the written permission of the Commission, demand and receive from a consumer special rate agreed to by that public utility and the consumer.

(2) The Commission shall, before approving a rate agreed to by that public utility and the consumer provide, the public utility and a consumer under subsection (1), a reasonable opportunity to be heard and shall take into account a representation made before it.

Publication of rates. 46. The Commission shall publish in the Gazette and the mass media a rate approved under section 46 as a tariff.

Uniform rates of tariffs. 47. (1) Where the Commission decides to fix a uniform rate for a service a public utility provides, it shall take into consideration-

- (a) the population distribution of the country;
- (b) the need to make the best use of a natural resource of the country; and
- (c) the economic development of the country.

(2) The Commission shall approve different rates for different classes of consumers.

Filing of tariff. 48. (1) A public utility shall, within such time as may be determined by the Commission, file with the Commission, tariffs showing the rate it charges or services it provides.

(2) Copies of the tariffs filed under subsection (1), shall be published or otherwise made available to the public for inspection.

49. (1) A licensee that starts a new service for which rates are chargeable, or who desires to revise an existing rate for any of its services shall file with the Commission, a notice of the proposed new rate or revised rate at least 60 days before the commencement of the new service or the effective date of the revised rate. New service and change in existing rate.

(2) A notice under subsection (1), where it relates to -

- (a) a rate for a new service, shall state -
 - (i) the new rate;
 - (ii) the effective date of the rate; and
 - (iii) any other particulars that may be required by the Commission.
- (b) changing existing rates, shall state -
 - (i) the existing rates and the proposed rate;
 - (ii) the effective date of the proposed rate;
 - (iii) the reasons for the change in rate; and
 - (iv) any other particulars that may be required by the Commission.

(3) The Commission shall, within 30 days upon acceptance of the application as being complete take a decision on the rate.

(4) The Commission, in setting new rates or revised rates, shall consider the following-

- (a) unexpected repair and maintenance expenses as may result from a natural disaster;

- (b) revenues to finance existing debts service requirements;
- (c) unexpectedly high cost associated with energy or water purchase;
- (d) other unexpected and unusual costs, a utility may incur.

(5) The Commission shall, notwithstanding subsection (2), adopt a multi-year tariff order system for end user tariffs with principles that allow for efficient costs adjustments.

Cost of production.

50. (1) The Commission shall investigate and determine whether an expenditure incurred by a public utility is justified or reasonable in order to assess the cost of production of a service provided by the public utility.

(2) The Commission shall, where a public utility does not itself produce or generate the service which it provides to a consumer, but obtains it from another source, investigate the cost of production or generation of the producer or generator in order to determine-

- (a) the rate being charged; or
- (b) proposed rate to be charged for the service concerned.

Returns and information.

51. The Commission shall, in writing, require a public utility to furnish it, annually or at such time as the Commission shall determine, with the following information -

- (a) a detailed report of finances and operations of the public utility; and
- (b) contracts, reports of engineers, documents, books, accounts and any other record in possession or control of the public utility and in any way relating to its property or service.

52. A public utility shall give a consumer, except one on payment meters, after every calendar month or at such time as may be determined by the Commission, a bill showing the sum payable by the consumer for the service provided by the public utility during the preceding month or such time as may be determined by the Commission.

Obligation to bill.

53. Where a consumer is entitled to receive money from a public utility as a result of favourable change in rates, the money shall be adjusted towards any future debt owed by the consumer to the public utility or paid in cash to the consumer.

Adjustment of credit consumers.

54. (1) A public utility that require a consumer to make cash deposit as a condition before receiving a service, shall pay interest on the deposit at such rate as the Commission shall determine except where the deposit is held by that public utility for less than 6 months.

Interest to be paid on deposits.

(2) A public utility under subsection (1), shall disclose to a consumer the amount of interest which has accumulated on deposits during the calendar year and the proportion which stands to the credit of the consumer.

55. (1) A public utility shall establish procedures for dealing with complaint of a consumer or potential consumer.

Complaints from consumers.

(2) A procedure shall not be established or modified unless-

- (a) the public utility consults and receives approval from a person or body that constitute a fair representation of a consumer; and
- (b) the proposed procedure or modification is approved by the Commission.

(3) A public utility shall publish the approved procedure in such a manner as the Commission may require and send copies of the procedures to a consumer who makes request thereof.

(4) The Commission shall direct a public utility to review its procedures or the manner in which it modifies the procedures.

PART X - EQUIPMENT AND FACILITY OF PUBLIC UTILITY

Capacity of power generation.

56. (1) The capacity for the production of captive power electricity generation by producers shall be 10 kilovolt-ampere and above.

(2) Where a captive power generator sells to a third party, it shall-

- (a) be categorised as an independent power producer and would require a generation licence; and
- (b) require a power purchase agreement or concession agreement with the relevant party.

Joint use of facilities.

57. (1) A public utility shall permit the joint use of its equipment and facility by another public utility for a reasonable compensation where such arrangement is convenient or necessary and the joint use will not result in damage to the owner or other users of the equipment.

(2) Where a dispute arises with respect to an arrangement made under subsection (1), a party shall submit a written complaint to the Commission.

(3) Where the Commission is satisfied after investigation that a joint use of equipment and facility-

- (a) is necessary to provide safe, adequate and economic service to consumers;
- (b) will not result in irreparable damage to the owners or users of the equipment or facilities; and

(c) is just and reasonable, having regard to the circumstances of the case, the Commission shall direct that two or more public utilities enter into an agreement for joint use or other arrangement upon such terms as the Commission shall determine.

(4) The Commission shall, upon receiving a complaint from a public utility or consumer affected by the directives under subsection (3), modify or revoke its earlier directive.

58. (1) The Commission shall, in writing, direct the ascertainment by appraisal, of the value of a property of a public utility and in addition enquire into every fact which it considers has a bearing on that value, including the amount of money expended by a public utility in order to provide adequate service to the public.

(2) Expenses incurred in connection with an appraisal order by the Commission shall be charged on the capital account of a public utility whose property is the subject of an appraisal.

PART XI - UNFAIR COMPETITION.

59. (1) A public utility shall not, by an act or omission, engage in an activity which has, or is intended to have the effect of unfairly preventing, restricting or distorting competition in relation to a business activity relating to a utility service provided by that public utility.

(2) A public utility shall not deny access or service to a customer except for failing to pay due or for other cause.

(3) A public utility shall provide equal opportunity for access to the same type and quality of service to a customer in a given area at the same tariff rate, limiting variations to available or appropriate technologies required to serve a specific customer.

(4) For the purpose of subsection (1), an act or omission shall include-

- (a) an abuse by the public utility, either alone or with others which unfairly excludes or limits competition between that public utility and another party;
- (b) entering into an agreement or engaging in a concerted practice with another which unfairly prevents, restricts or distorts competition; or
- (c) the implementation of anti-competitive changes in the market structure and in particular, anti-competitive mergers and acquisitions in the electricity and water sectors.

(5) A person affected by a public utility in contravention of this section shall submit a complaint to the Commission.

(6) The Commission shall, after receiving a complaint under subsection (5), send a written notice to that person and the public utility stating -

- (a) that the Commission is investigating a possible breach of fair competition;
- (b) the reasons for the suspicion, including any matter of fact or law which is relevant to the investigation;
- (c) where appropriate, the steps to be taken to remedy the contravention.

(7) A public utility that is the subject of an investigation shall, within 30 days from the date of the notice referred to in subsection (6), make a representation and forward to the Commission, all information required under the notice.

(8) A person affected by the contravention under subsection (5) shall also make a representation to the Commission.

60. (1) Where the Commission, after an investigation, concludes that a public utility is competing unfairly, it shall - Penalties for unfair competition.

- (a) order that public utility to stop the unfair competition;
- (b) require that public utility to pay a fine not exceeding the equivalent of 10 percent of its annual turnover;
- (c) declare any anti-competitive agreements or contracts null and void; or
- (d) modify, suspend, cancel or revoke the licence, if any, of the public utility where the anti-competitive behaviour is serious or persistent enough to warrant such action.

(2) The provisions of subsection (1) shall not affect in any way the right of a person to take any other action against a public utility under any other law.

(3) A person aggrieved by the decision of the Commission under this section shall appeal to the Minister.

(4) This section shall not limit or in any way affect the obligations of a public utility under the term or condition of a licence.

PART XII - OFFENCES AND PENALTIES

61. (1) A person shall not knowingly make a false or misleading statement to an inspector. False or misleading statements.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not less than NLe. 5,000.00 or a term of imprisonment not less than 6 months or to both such fine and imprisonment.

Obstructing an inspector.

62. (1) A person shall not deliberately obstruct or hinder or attempt to hinder or obstruct an inspector carrying out his functions under this Act or regulations made under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not less than NLe. 10,000.00 or a term of imprisonment not less than 2 years or to both such fine and imprisonment.

Aiding and abetting.

63. (1) A person shall not aid, abet, conspire with others or induce in nyway, another person to engage in an activity prohibited under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not less than NLe. 20,000.00 or a term of imprisonment not less than 2 years or to both such fine and imprisonment.

Loss or damage.

64. A person who suffers loss or damage as a result of a contravention of this Act shall recover compensation for such loss or damage from the person who contravened this Act, whether or not that person has been convicted of an offence.

Failure to pay one percent levy.

65. A supplier who fails to pay the stipulated one percent levy of revenue after tax to the Commission, shall be charged a late penalty of one percent of the levied amount, monthly, on the outstanding balance till the amount due and owing is paid in full.

False return.

66. (1) A public utility shall not make a false return or furnish information that is false to the Commission.

(2) A public utility who contravenes subsection (1) commits an offence and is liable to a fine not less than NLe. 80,000.00.

Obstruction.

67. (1) A person shall not obstruct or interfere with a member of the Commission, officer or person employed by the Commission in the performance of a function or exercise of a power under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not less than NLe. 30,000.00 or a term of imprisonment not less than one year or to both such fine and imprisonment.

68. (1) The Commission shall, by statutory instrument, make regulation in relation to aspects of public health and sanitation, environmental sustainability, social well-being for wastewater systems and services, including -

Regulation of sanitation in water sector.

- (a) faecal sludge management along the sanitation service chain including toilet containment and on-site treatment, conveyance and transportation, treatment and safe disposal of human waste;
- (b) setting of minimum service standards as well as regulating private and public sanitation service providers including manual pit emptiers, vacuum truck operators, non-domestic liquid waste, etc;
- (c) solid wastes management including segregation at source, collection, transportation, safe disposal and issuance of licence to service providers;
- (d) greywater management;
- (e) collection, treatment and disposal of industrial wastewater;
- (f) development and enforcement of sanitation services, standards and regulations;
- (g) develop comprehensive regulations and guidelines governing inspections of service providers' premises, including standards for provision of sanitation services and general environmental compliance.

(2) A public utility that contravenes a regulation made by the Commission under subsection (1) commits an offence and is liable to a fine not less than NLe 50,000.00.

Enforcement
of decision.

69. Where the Commission, before or after an investigation, makes a decision or gives a direction requiring a person to do or desist from doing any act and the person fails to comply with that decision or direction, the Commission shall apply to the High Court for the enforcement of the decision or direction.

Compliance
order.

70. (1) The Commission shall make a compliance order against a person where -

- (a) it is satisfied that the person has committed an offence under this Act; or
- (b) it has evidence that a person is likely to commit an offence under this Act.

(2) A compliance order shall require a person to-

- (a) refrain from conduct which contravenes this Act; or
- (b) take the necessary action to comply with this Act.

(3) A copy of the compliance order shall be served on the person against whom it is made.

(4) A compliance order shall be -

- (a) made in writing specifying the grounds of its making;
- (b) enforceable as an injunction in the High Court; and
- (c) placed in the public register.

71. A person who fails to comply with a requirement under this Act for which no offence is specifically created commits an offence and shall be liable on conviction to a fine not less than Le 100,000.00 or to imprisonment for a term not less than 5 years or to both such fine and imprisonment. ^{General penalty.}

PART XIII-MISCELLANEOUS

72. The Minister shall, by statutory instrument, make Regulations. Regulations for carrying out the purposes of this Act.

73. (1) The Sierra Leone Electricity and Water Regulatory Commission Act, 2011 (Act No. 13 of 2011) is hereby repealed. ^{Repeal and savings.}

(2) Notwithstanding the repeal of the Sierra Leone Electricity and Water Regulatory Commission Act, 2011 (Act No. 13 of 2011) any order, proclamation or regulations made under the Sierra Leone Electricity and Water Regulatory Commission Act, 2011 shall continue in existence unless revoked.

MEMORANDUM OF OBJECT AND REASON

The object of this Act is to provide for the continuation of the Sierra Leone Electricity and Water Regulatory Commission to regulate and manage the provision of electricity, water and sanitation services and to provide for other related matters.

The Act is divided into XIV parts.

Part I - which is the interpretation part, defines words and expressions used throughout the Bill

Part II - contains provision for the continuation of the Sierra Leone Electricity and Water Regulatory Commission, Board of Commissioners, composition of Board, tenure of members, meetings of Board and other related provisions.

Part III - deals with the functions of the Commission, competition policy, public register and code of conduct.

Part IV - deals with the powers of the Commission including power to regulate rates and charges, obtain information, enter and search, enforce notice, register persons, levy fines and penalties, charge regulatory fees and the Complaint Tribunal.

Part V - deals with administrative provisions including Director-General, Deputy Director-General, other staff of Commission and Directorates of Commission.

Part VI - deals with financial provisions including funds of the Commission, account and audit, financial year and annual report.

Part VII - deals with licensing and other related provisions including licence requirement, application, restriction, transfer, renewal, modification and suspension of licence.

Part VIII - deals with inspectors of the Commission.

Part IX - deals with service and rates including duty to provide adequate service, standards of performance, agreement to supply, restriction on service, fixing of rates, special rates, publication of rates, filing of tariffs and other related provisions.

Part X - deals with equipment and facility of public utilities including capacity of power generation, joint use of facilities and ascertainment value of property.

Part XI - deals with unfair competition and penalties for unfair competition.

Part XII - deals with offences and penalties including false or misleading information, obstructing an inspector, aiding and abetting, loss or damage, failure to pay one percent and other related provisions.

Part XIII - deals with miscellaneous provision, regulation and repeal.

Made this day of 2025

SAO-KPATO HANNAH ISATTA MACARTHY PHD.
Minister of Water Resources and Sanitation