

L.N. 330 of 2008

ENEMALTA ACT
(CAP. 272)

Electricity Supply (Amendment) (No. 2) Regulations, 2008

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) (No. 2) Regulations, 2008 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 October, 2008.

2. Sub-regulation (1) of regulation 2 to the principal regulations shall be amended as follows:

Amends regulation
2 of the principal
regulation;

(a) the definition “Board of Trade Unit” shall be deleted;

(b) the definition “quarter” shall be deleted;

(c) the definition “Unit” shall be deleted;

(d) immediately before the definition “Enemalta” there shall be added the following new definition:

“ “day consumption” means the consumption registered between 06.00 hours and 22.00 hours of the same day;”;

(e) immediately after the definition “installation” there shall be added the following new definitions:

“ “kWh” means kilo Watt hour;

“kVAh” means kilo Volt Ampere hour;

“night consumption” means the consumption registered between 22.00 hours of one day and 06.00 hours of the following day”.

3. Sub-regulation (2) of regulation 4 to the principal regulations shall be deleted. Amends regulation 4 of the principal regulation.

4. Regulation 14 of the principal regulations shall be amended as follows: Amends regulation 14 of the principal regulations;

(a) in item (b) of sub-regulation (1) thereof, immediately after the words “per phase” there shall be added the words “and a supply in excess of 60 Amps per phase, provided through one meter, shall be deemed as a bulk supply for the purposes of these regulations”;

(b) item (c) of sub-regulation (1) thereof shall be substituted as follows:

“(c) Without prejudice to the other provisions of these regulations an installation charge shall be due on every new application for a service amounting to €300 for the provision of a Single Phase Service or to €900 for the provision of a Three Phase Service:

Provided that the replacement of a Single Phase Service with a Three Phase Service or of a Three Phase Service with a Single Phase Service shall be deemed to be a new application for the purposes of these regulations and shall be subject to the charges established by this sub-regulation for a new application:

Provided further that, only in the case of a Residential Premises Service, up to the 30th June 2009, the replacement of a Three Phase Service with a Single Phase Service shall be subject to a charge of €163.06 but shall thereafter be deemed to be a new application for the purposes of these regulations and shall be subject to the charge established by this sub-regulation for a new application.”.

(c) in item (d) of sub-regulation (1) thereof the words “Lm100” shall be substituted with the words “€430” and the words “Lm300” shall be substituted with the words “€1300”;

(d) in item (a) of sub-regulation (2) thereof the words “domestic or industrial or commercial” shall be substituted with the words “Residential or Non-Residential”;

(e) in item (d) of sub-regulation (2) thereof the words “An industrial/ commercial premises forming part of” shall be substituted with the words “A Service within”; and

(f) in item (b) of sub-regulation (3) thereof the words “, normally for industrial and commercial concerns,” shall be deleted.

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

Amends 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) 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 or a Non-Residential Premises Service for the purposes of these regulations.

(4) 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 Residential 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 Residential 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 Residential 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 metres 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 Residential Premises Services for a period of up to twelve months.

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

Deletes regulation 37 of the principal regulations.

6. Regulation 37 of the principal regulations shall be deleted.

Deletes regulation 38 of the principal regulations.

7. Regulation 38 of the principal regulations shall be deleted.

Deletes regulation 39 of the principal regulations.

8. Regulation 39 of the principal regulations shall be deleted.

Deletes regulation 40 of the principal regulations.

9. Regulation 40 of the principal regulations shall be deleted.

Deletes regulation 41 of the principal regulations.

10. Regulation 41 of the principal regulations shall be deleted.

Deletes regulation 43 of the principal regulations

11. Regulation 43 of the principal regulations shall be deleted.

Deletes regulation 44 of the principal regulations.

12. Regulation 44 of the principal regulations shall be deleted;

Amends regulation 50 of the principal regulations.

13. In regulation 50 of the principal regulations, immediately after the word “Enemalta” shall be added the following words “, and Enemalta shall be entitled to charge a fee of €1500 if a meter installed on a consumer’s premises is subsequently found to be missing”.

Amends regulation 53 of the principal regulations.

14. Regulation 53 of the principal regulations shall be amended as follows:

(a) for sub-regulation (1) there shall be substituted the following:

(b) “(1) A charge of € 55 shall be made for the replacement or the removal of a meter, when such meter shall have been removed or replaced at the request of the owner of the premises or of the consumer applying for its replacement or removal”; and

(c) sub-regulation (2) thereof shall be deleted.

15. In regulation 59 of the principal regulations immediately after the words “on being tested” there shall be added the words “at the request of the consumer” and the words “one euro and sixteen cents (€1.16)” shall be substituted with the words “€70”.

Amends regulation 59 of the principal regulations.

16. Regulation 63 of the principal regulations shall be amended as follows:

Amends regulation 63 of the principal regulations.

(a) in paragraph (a) the words “€4.66” shall be substituted with the words “€5”;

(b) in paragraph (b) the words “€11.65” shall be substituted with the words “€15”; and

(c) in paragraph (c) the words “€23.29” shall be substituted with the words “€35”.

17. Regulation 65 of the principal regulations shall be deleted.

Deletes regulation 65 of the principal regulations.

18. In regulation 71 of the principal regulations the words “€139.76” shall be substituted with the words “€140”.

Amends regulation 71 of the principal regulations.

19. Regulation 87 of the principal regulations shall be deleted.

Deletes regulation 87 of the principal regulations.

20. For the First Schedule to the principal regulations there shall be substituted the following new Schedule:

Amends the First Schedule to the principal regulations.

“FIRST SCHEDULE

(Regulation 36)

A Residential 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 Residential Premises Service shall be subject to the following Annual Service Charge:

(a) up to the 31st December 2008 a charge of €27.95, irrespective of whether the service is a Single Phase Service or a Three Phase Service; and

(b) from the 1st January 2009 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 Residential Premises Service shall be subject to the following Consumption Tariff based on a cumulative consumption per annum:

- 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 Residential 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) Without prejudice to the other provisions of these regulations a Residential Premises Service, which is provided to a Primary Residence or a Secondary Residence, shall be eligible to an Eco Reduction of the amount due for consumption of electricity for the billing period in question, which shall be calculated in accordance with the following rates, on a pro rata basis of the relative annual cumulative consumption:

i) If no individual is registered on a Residential Premises Service, the Service shall not be eligible for an eco-reduction;

ii) If only one individual is registered on a Residential Premises Service, the Service shall be eligible for an eco-reduction of 25% of all the amount due for consumption of electricity for the billing period in question if the consumption shall not exceed the pro rata equivalent consumption of 2,000 kWh per annum; or

iii) If more than one individual is registered on a Residential Premises Service, the Service shall be eligible for an Eco Reduction

a) of 25% of all the amount due for consumption of electricity for the billing period in question if the consumption shall not exceed the pro rata equivalent of 1,000 kWh per annum per individual registered; or

b) of 15% of all the amount due for consumption of electricity for the billing period in question if the consumption shall exceed the pro rata equivalent of 1,000 kWh per annum per individual registered but shall not exceed or be equal to,

the pro rata equivalent consumption of 1,750 kWh per annum per individual registered;

Provided that no one individual shall be registered on more than one Service at the same time and that the Eco Reduction shall only apply for Primary Residences and Secondary Residences;

Provided further that an Eco Reduction shall only be calculated on the basis of an Actual Reading of the consumption taken by a representative of Enemalta or by a Consumer Reading provided to a representative of Enemalta through an established procedure, by the consumer registered on the Service, and notwithstanding the provisions of any other law, if an Actual Reading or a Consumer Reading as defined in this proviso shall not be available for the billing period in question, the Service's eligibility for an Eco Reduction for that billing period shall be forfeited permanently.

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

21. The Second Schedule to the principal regulations shall be substituted with the following new Schedule:

Amends the Second Schedule to the principal regulations.

“SECOND SCHEDULE

(Regulation 36)

A Non-Residential 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 Non-Residential Single Phase Service shall be subject to an annual Service Charge of €120 and a Non-Residential Three Phase Service shall be subject to an annual Service Charge of €360.

2) Without prejudice to the other provisions of these regulations a Non-Residential Premises Service, other than Services which are authorised by the Corporation to be charged in accordance with regulation 3) to this schedule, shall be subject to one of the following Consumption Tariffs based on a cumulative consumption per annum and subject to the relative conditions:

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..... €0.147; and
- ii) For every kWh of the next 4,000 kWh.....€ 0.155; and
- iii) For every kWh of the next 4,000 kWh.....€ 0.168; and
- iv) For every kWh of the next 10,000 kWh.....€ 0.183; and
- v) For every kWh of the next 40,000 kWh.....€ 0.200; and
- vi) For every kWh of the next 40,000 kWh.....€ 0.185; and
- vii) For every kWh of the next 900,000 kWh.....€ 0.172; and
- viii) For every kWh of the next 4,000,000 kWh.....€ 0.160; and
- ix) For every kWh of the remaining consumption....€ 0.134; 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..... € 0.150; and
- ii) For every kWh of the next 4,000 kWh.....€ 0.158; and
- iii) For every kWh of the next 4,000 kWh.....€ 0.171; and
- iv) For every kWh of the next 10,000 kWh..... .€ 0.186; and
- v) For every kWh of the next 40,000 kWh.....€ 0.203; and
- vi) For every kWh of the next 40,000 kWh.....€ 0.188; and
- vii) For every kWh of the next 900,000 kWh.....€ 0.175; and
- viii) For every kWh of the next 4,000,000 kWh... .€ 0.163; and
- ix) For every kWh of the remaining consumption € 0.137; and

night consumption shall be subject to the following tariff:

- i) For every kWh of the first 2,000 kWh..... € 0.144; and
- ii) For every kWh of the next 4,000 kWh.....€ 0.152; and
- iii) For every kWh of the next 4,000 kWh.....€ 0.165; and
- iv) For every kWh of the next 10,000 kWh.....€ 0.180; and
- v) For every kWh of the next 40,000 kWh.....€ 0.197; and
- vi) For every kWh of the next 40,000 kWh.....€ 0.182; and
- vii) For every kWh of the next 900,000 kWh.....€ 0.169; and
- viii) For every kWh of the next 4,000,000 kWh.....€ 0.157; and
- ix) For every kWh of the remaining consumption ...€ 0.131; or

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

- i) For every kVAh of the first 2,000 kVAh.....€ 0.135; and
- ii) For every kVAh of the next 4,000 kVAh€ 0.143; and
- iii) For every kVAh of the next 4,000 kVAh€ 0.155; and
- iv) For every kVAh of the next 10,000 kVAh€ 0.168; and
- v) For every kVAh of the next 40,000 kVAh€ 0.184; and
- vi) For every kVAh of the next 40,000 kVAh€ 0.170; and
- vii) For every kVAh of the next 900,000 kVAh€ 0.158; and
- viii) For every kVAh of the next 4,000,000 kVAh .€ 0.147; and
- ix) For every kVAh of the remaining consumption € 0.123; 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.....€ 0.138; and
- ii) For every kVAh of the next 4,000 kVAh€ 0.145; and
- iii) For every kVAh of the next 4,000 kVAh€ 0.158; and
- iv) For every kVAh of the next 10,000 kVAh€ 0.171; and
- v) For every kVAh of the next 40,000 kVAh€ 0.187; and
- vi) For every kVAh of the next 40,000 kVAh€ 0.173; and
- vii) For every kVAh of the next 900,000 kVAh€ 0.161; and
- viii) For every kVAh of the next 4,000,000 kVAh...€ 0.150; and
- ix) For every kVAh of the remaining consumption € 0.126; and

night consumption shall be subject to the following tariff:

- i) For every kVAh of the first 2,000 kVAh.....€ 0.132; and
- ii) For every kVAh of the next 4,000 kVAh € 0.140; and
- iii) For every kVAh of the next 4,000 kVAh € 0.152; and
- iv) For every kVAh of the next 10,000 kVAh€ 0.165; and
- v) For every kVAh of the next 40,000 kVAh€ 0.181; and
- vi) For every kVAh of the next 40,000 kVAh€ 0.167; and
- vii) For every kVAh of the next 900,000 kVAh€ 0.155; and
- viii) For every kVAh of the next 4,000,000 kVAh ..€ 0.144; and
- ix) For every kVAh of the remaining consumption.....€ 0.120.

3) Without prejudice to the other provisions of these regulations a Non-Residential Premises Service provided to a Hotel or a Guesthouse, irrespective of consumption, or to a Factory with an estimated annual consumption of 1,200,000 kWh or 1,300,000 kVAh may be subject, on applying, to one of the following Reduced Consumption Tariffs based on a cumulative consumption per annum:

a) Electricity consumption will be metered in kWh 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.....€ 0.117; and
- ix) For every kWh of the remaining consumption.... € 0.091; 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..... € 0.107; and
- ii) For every kWh of the next 4,000 kWh.....€ 0.115; and
- iii) For every kWh of the next 4,000 kWh.....€ 0.128; and
- iv) For every kWh of the next 10,000 kWh.....€ 0.143; and
- v) For every kWh of the next 40,000 kWh.....€ 0.160; and
- vi) For every kWh of the next 40,000 kWh.....€ 0.145; and
- vii) For every kWh of the next 900,000 kWh.....€ 0.132; and
- viii) For every kWh of the next 4,000,000 kWh....€ 0.120; and
- ix) For every kWh of the remaining consumption € 0.094; and

night consumption shall be subject to the following tariff:

- i) For every kWh of the first 2,000 kWh..... € 0.101; and
- ii) For every kWh of the next 4,000 kWh.....€ 0.109; and
- iii) For every kWh of the next 4,000 kWh.....€ 0.122; and
- iv) For every kWh of the next 10,000 kWh.....€ 0.137; and
- v) For every kWh of the next 40,000 kWh.....€ 0.154; and
- vi) For every kWh of the next 40,000 kWh.....€ 0.139; and
- vii) For every kWh of the next 900,000 kWh.....€ 0.126; 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; or

c) The registered consumer on a Non-Residential Premises Service that is rated above 100 Amps per phase may apply to be metered 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..€ 0.108; and
- ix) For every kVAh of the remaining consumption € 0.084; 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.....€ 0.099; and
- ii) For every kVAh of the next 4,000 kVAh€ 0.106; and
- iii) For every kVAh of the next 4,000 kVAh€ 0.118; and
- iv) For every kVAh of the next 10,000 kVAh€ 0.132; and
- v) For every kVAh of the next 40,000 kVAh€ 0.147; and
- vi) For every kVAh of the next 40,000 kVAh€ 0.133; and
- vii) For every kVAh of the next 900,000 kVAh€ 0.122; and
- viii) For every kVAh of the next 4,000,000 kVAh..€ 0.111; and
- ix) For every kVAh of the remaining consumption € 0.087; and

night consumption shall be subject to the following tariff:

- i) For every kVAh of the first 2,000 kVAh.....€ 0.093; and
- ii) For every kVAh of the next 4,000 kVAh€ 0.100; and
- iii) For every kVAh of the next 4,000 kVAh€ 0.112; and
- iv) For every kVAh of the next 10,000 kVAh€ 0.126; and
- v) For every kVAh of the next 40,000 kVAh€ 0.141; and
- vi) For every kVAh of the next 40,000 kVAh.....€ 0.128; and
- vii) For every kVAh of the next 900,000 kVAh€ 0.116; 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;

Provided that the Corporation shall, in its discretion, determine whether the Hotel or Guesthouse or Factory applying for the Reduced Tariff in terms of this regulation, be charged in terms of this regulation or in terms of regulation 2) to this Schedule:

Provided further that the Corporation may, in the case of a Hotel or a Guesthouse or a Factory, having multiple activities, determine which activities should be charged the Tariff established by this regulation and which activities should be charged the Tariff established by regulation 2) to this Schedule and the Corporation may order the installation of sub-meters to discern between the consumption used for the various activities.

4) Without prejudice to the other provisions of these regulations a Non-Residential Premises Three Phase Service exceeding 60 Amps per phase shall also be subject to a Maximum Demand Tariff at the following rates:

i) If consumption does not exceed or is equal to 5,000,000 kW, at a rate of €20.50 per kW of the Maximum Demand in any period during the year;

ii) If consumption does not exceed or is equal to 5,500,000 kVA, at a rate of €19.20 per kVA of the Maximum Demand in any period during the year;

iii) If consumption exceeds 5,000,000 kW or 5,500,000 kVA, at a rate of €17.20 of the Maximum Demand in any period during the year;

5) All the above rates are exclusive of Value Added Tax.”.

Deletes the Third Schedule to the principal regulations.

22. The Third Schedule to the principal regulations shall be deleted.