

L.N. 52 of 2010**ENEMALTA ACT
(CAP.272)****MALTA RESOURCES AUTHORITY ACT
(CAP. 423)****Electricity Supply (Amendment) (No. 2) Regulations, 2010**

IN exercise of the powers conferred by article 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 and the Minister for Resources and Rural Affairs, has made the following regulations:—

Citation.

G.N. 223 of 1940.

Amends regulation
2 of the principal
regulations.

1. The title of these regulations is the Electricity Supply (Amendment) (No. 2) Regulations, 2010 and they shall be read and construed as one with the Electricity Supply Regulations, 1940 hereinafter referred to as “the principal regulations”.

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

(a) immediately before the definition “Chairman” there shall be inserted the following new definition:

“ “application” means an application for the supply of electricity made to the Chairman in accordance with these regulations;”;

(b) immediately after the new definition “application” there shall be inserted the following new definition:

“ “BHP” means Break Horse Power;”;

(c) immediately after the definition “Chairman” there shall be added the following new definition:

“ “close family member” means the parents, spouse, or children of the consumer;”;

(d) for the definition “Enemalta” there shall be substituted the following:

“ “Enemalta” means the Enemalta Corporation as established by the Enemalta Act, and any reference made to “Corporation” therein, shall be read and construed as being a reference to Enemalta:

Provided that any reference to Enemalta shall, also be construed as being a reference to any subsidiary or associate company of Enemalta, or to any other entity, however so described, duly authorized in writing by Enemalta to perform any of the functions that Enemalta may undertake in accordance with these regulations;”;

(e) immediately after the definition “Enemalta” there shall be inserted the following new definition:

“ “H.T. contribution” means high tension contribution;”;

(f) immediately after the definition “kVAh” there shall be inserted the following new definition:

“ “maximum demand made in any period” means twice the greatest number of units supplied during any thirty consecutive minutes during the year or, as the case may be, the quarter, as registered by the maximum demand indicator of the meter installed in such premises by Enemalta:

Provided that -

(a) where the seal of a maximum demand indicator of the meter is found broken or tampered with, the indicator shall be conclusively deemed to have registered the highest demand in KW or KVA, depending on the applicable tariff, which the meter is capable of registering; or

(b) where a maximum demand indicator of the meter is found to be defective, for reasons other than breaking or tampering, the maximum demand made in any period during the last preceding year or, as the case may be, during the last preceding corresponding quarter, shall, unless it is otherwise agreed between Enemalta and the consumer, apply to the year or, as the case may be, to the quarter

in relation to which such indicator is found to be defective, until the indicator is repaired or replaced by Enemalta:

Provided further that, without prejudice to the other provisions of these regulations, and for the purposes of this paragraph only, “year” means a period of approximately twelve consecutive months ending on such day not earlier than the 24th day of March and not later than the 7th day of April on which a reading is carried out.”.

(g) in the definition “Office”, for the words “the Head Office of Enemalta.”, there shall be substituted the words “the Head Office of Enemalta;”;

(h) immediately after the definition “Office” there shall be added the following new definition:

“ “reading” means a reading of the current consumption of electricity by an officer authorised by Enemalta to undertake such readings, or through remote reading mechanism;”;

(i) immediately after the definition “reading” there shall be added the following new definition:

“ “smart meter” means an advanced electricity meter that stores data related to the consumption of electricity enabling two-way transfer of data through a network, primarily for monitoring and billing purposes;”;

(j) immediately after the new definition “smart meter” there shall be added the following new definition:

“special readings of meters” means the reading of a meter made at the request of the consumer.”.

Amends regulation 3 of the principal regulations.

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

“Identification of officers.

3. (1) Bill collectors, meter readers and any Enemalta officer carrying out field duties and requiring access to private premises, shall, when on

duty and visiting such private premises, clearly identify themselves as acting on behalf of Enemalta.

(2) Without prejudice to any other law allowing the entry into any premises at all reasonable times to a service provider, such officers shall carry an identification pass issued by Enemalta which pass shall be produced each time that any such person requests admission to any private premises in the course of his work:

Provided that a consumer may refuse admission to his premises to any such officers who fail to produce a pass:

Provided further that any persons acting on behalf of, or engaged by Enemalta to carry out work on its behalf, shall present a similar identification pass when visiting the premises of a consumer to undertake such work.”.

4. Regulation 13 of the principal regulations shall be deleted. Deletes regulation 13 of the principal regulations.

5. In paragraph (e) of sub-regulation 3 of regulation 14 of the principal regulations, for the words “Lm35” there shall be substituted the words “€ 81.52”. Amends regulation 14 of the principal regulations.

6. Regulation 15 of the principal regulations shall be amended as follows: Amends regulation 15 of the principal regulations.

(a) in item (iii) of paragraph (b) thereof for the words “Lm10,000” there shall be substituted the words “€23,293”;

(b) in item (iv) of paragraph (b) thereof for the words “Lm25” there shall be substituted the words “€58.23”; and

(c) in item (i) of paragraph (c) thereof for the words “Lm10,000” there shall be substituted the words “€23,293”.

7. Regulation 19 of the principal regulations shall be amended as follows: Amends regulation 19 of the principal regulations.

(a) in sub-article (4) thereof for the words “Lm5” and “Lm10” wherever they occur, there shall be substituted the words “€11.65” and “€23.29” respectively; and

(b) in sub-article (6) thereof for the words “Lm5” there shall be substituted the words “€11.65”.

Amends regulation
25 of the principal
regulations.

8. In regulation 25 of the principal regulations for the words “Lm5” there shall be substituted the words “€11.65”.

Amends regulation
27 of the principal
regulations.

9. In regulation 27 of the principal regulations for the words “Lm100” there shall be substituted the words “€232.93”.

Amends regulation
28 of the principal
regulations.

10. In regulation 28 of the principal regulations for the words “Lm5” there shall be substituted the words “€11.65”.

Amends regulation
34 of the principal
regulations.

11. In regulation 34 of the principal regulations for the words “Lm1,000” wherever they occur, there shall be substituted the words “€2,329”.

Amends regulation
57 of the principal
regulations.

12. In regulation 57 of the principal regulations for the words “who may be present at the test.” there shall be substituted the words “who may be present during the test:” and immediately thereafter there shall be added the following new proviso:

“Provided that before carrying out any such test, Enemalta shall serve prior written notice on the consumer, at least two working days before, of the time, date and place when such a test is carried out. The contact details of the relative office in case of queries or related issues shall be made available to the consumer, also on the aforementioned written notice.”.

Amends regulation
61 of the principal
regulations.

13. In sub-regulation (2) of regulation 61 of the principal regulations, the words, “at the Manager’s discretion,” shall be deleted.

Amends regulation
71 of the principal
regulations.

14. In regulation 71 of the principal regulations immediately after the words “regulation 67” there shall be inserted the words “or regulation 85”.

Amends regulation
72 of the principal
regulations.

15. In regulation 72 of the principal regulations for the words “that may be due by him under these regulations.” there shall be substituted the words “that may be due by the consumer

under these regulations.” and immediately thereafter there shall be added the following proviso:

“Provided that Enemalta may, as from the date established in such notice, discontinue the supply of electricity and remove the meter.”.

16. Regulations 73, 75 and 76 of the principal regulations shall be deleted.

Deletes regulations 73, 75 and 76 of the principal regulations.

17. Sub-regulation (1) of regulation 83 of the principal regulations shall be amended as follows:

Amends regulation 83 of the principal regulations.

(a) for the words “Consumers shall at all reasonable times” there shall be substituted the words “Subject to the provisions of regulation 83A, consumers shall at all reasonable times”;

(b) in paragraph (e) thereof, for the words “or horse-power installed in the premises.”, there shall be substituted the words “or horse power installed in the premises;”; and

(c) immediately after paragraph (e) thereof, there shall be added the following new paragraph:

“(f) installing, inspecting, testing, replacing, removing or doing any other work as may be deemed necessary by Enemalta on a smart meter, or any related works.”.

18. Immediately after regulation 83 of the principal regulations, there shall be added the following new regulation:

Adds new regulation 83A to the principal regulations.

“Notification of appointments to install etc. smart meters.

83A. (1) Prior to installing or doing any other work relating to smart meters on the premises of a consumer, Enemalta shall notify in writing the consumer of the date of the appointment when such work shall be undertaken by Enemalta at the premises of the consumer:

Provided that in notifying an appointment, Enemalta shall endeavour to provide the consumer with an approximate indication of the time of the appointment.

(2) A notification of an appointment shall be communicated to the consumer at least four working days prior to the date proposed for the undertaking of the said works and shall clearly state the purpose of the appointment providing the consumer with contact details to communicate with an Enemalta representative in case of queries.

(3) The consumer may request Enemalta to reschedule any such appointment:

Provided that such a rescheduled appointment shall be held within a period of fifteen working days from the date of the appointment originally notified by Enemalta to the consumer:

Provided further that the consumer shall, under pain of nullity, communicate his request for a rescheduling at least two working days before the scheduled day for the appointment communicated to him by Enemalta.

(4) The consumer may request a rescheduling of the appointment beyond the period of fifteen working days if he provides Enemalta with written documentation which demonstrates that the consumer shall not be able to be present within such a period due to any of the following reasons:

- (a) his ill-health conditions or those relating to a close family member;
- (b) the death of a close family member;
- (c) travel reasons;
- (d) jury service;
- (e) at the discretion of the Chairman:

Provided that in no instance may the consumer request a rescheduling beyond the period of sixty working days from the date of the original appointment.

(5) Where the consumer requests Enemalta to reschedule an appointment in any of the following instances:

(a) between 8.00 a.m. and 4.00 p.m. on any day from Monday to Friday, not being a public holiday, and not beyond the period of fifteen working days of the first scheduled visit, Enemalta shall not issue any charges;

(b) between 4.00 pm and 8.00 pm on any day from Monday to Friday not being a public holiday, or between 8.00 am and 4.00 pm on a Saturday, as long as the appointment is not beyond the period of fifteen working days of the first scheduled visit, Enemalta may issue a charge equivalent to an after hours fee of €10; and, or

(c) between 8.00 a.m. to 4.00 pm on a Sunday or a public holiday, or beyond the period of fifteen working days of the first notified visit, Enemalta may issue a charge equivalent to an after hours fee of €25.

(6) The consumer shall be refunded any after hours fee paid to Enemalta for an appointment held in accordance with this regulation if the consumer requested rescheduling because of any of the following:

(a) performance of jury service;

(b) a court summons;

(c) travel abroad;

(d) a previously scheduled medical appointment, whether of the consumer or of a close family member who needs to be accompanied by the consumer;

(e) where the consumer is undergoing medical treatment or a close family member is undergoing medical treatment which necessitates the presence of the consumer; or

(f) at the discretion of the Chairman:

Provided that in any of the instances listed in this subregulation, Enemalta may require the consumer to furnish proof as it may reasonably require to substantiate the reason why the consumer is requesting a rescheduling of the appointment.

(7) Without prejudice to the provisions of this regulation, an appointment scheduled in accordance with this regulation which is not honored by the consumer shall, for the purposes of these regulations, be considered to be an unsuccessful scheduled visit.”.

Amends regulation 85 of the principal regulations.

19. In regulation 85 of the principal regulations for the words “is refused or rendered difficult or impossible.” there shall be substituted the words “is refused or rendered difficult or impossible or if the consumer does not comply with the requirements of regulation 51 after being given two months notice in writing to carry out the necessary alterations as required by Enemalta to be compliant with that regulation:” and immediately thereafter, there shall be inserted the following proviso:

“Provided that for the purposes of this regulation, access shall be deemed to have been refused, if Enemalta, or its representatives, for any reason whatsoever, are not afforded access to premises in terms of regulations 83 or 84, notwithstanding their reasonable efforts to notify the consumer or the occupant of the premises of their requirement to enter the premises.”.