

Ewura (Payment of Annual Levy) (Commencement of Application in Petroleum Sector)

GOVERNMENT NOTICE No. 68 published on 23/3/2007

THE ENERGY AND WATER UTILITIES AUTHORITY ACT

(CAP. 414)

RULES

Made under section 40(1)(b)

THE EWURA (PAYMENT OF ANNUAL LEVY) (COMMENCEMENT OF APPLICATION IN PETROLEUM SECTOR) RULES, 2007

- Citation 1. These Rules may be cited as the EWURA (Payment of Annual Levy) (Commencement of application in Petroleum Sector) Rules, 2007.
- Suppliers 2.--(1) The regulated suppliers set out on the Schedule to these Rules, shall pay to EWURA not more than one percent of the gross operating revenues from the supply of regulated goods and services in a manner to be stipulated by EWURA.
- Revoca-
tion (2) The payment liable pursuant to subparagraph (1) shall become effective on 1st April, 2007.
3. Government Notice No.36 of 2007 is hereby revoked.

SCHEDULE

Any person or entity engaging in importation of petroleum products including lubricants for local consumption.

Dar es Salaam
20th March, 2007

HARUNA MASEBU,
Director General

THE ENERGY AND WATER UTILITIES REGULATORY
AUTHORITY ACT

(CAP. 414)

RULES

Made under section 40(1)

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY
(RULEMAKING) RULES, 2007

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Rules may be cited as the Energy and Water Utilities
Regulatory Authority (Rulemaking) Rules, 2006.
- Application 2. These Rules shall apply to all rules of general and specific application
for all regulated Sectors.
- Interpreta- 3. In these Rules, unless the context otherwise requires-
tion
Cap. 414 “Act” means the Energy and Water Utilities Regulatory Authority Act;
“Authority” means Energy and Water Utilities Regulatory Authority
established by section 4 of the Act known in its acronym EWURA;
“interested person” means a person having a social or financial interes
in the application of these Rules;
“person” means a natural person, public body, company, association
body of persons, corporate or unincorporated;
“petition” means an application for rulemaking by an Interested Perso
and lodged with the Authority;
“petitioner” means a person who has lodged a petition;
“Regulated Sector” means include Electricity, Petroleum, Natural Ga
or Water and Sewerage;

Energy and Water Utilities Regulatory Authority (Rulemaking)

G.N. No.70 (contd.)

PART II

ADOPTION AND AMENDMENT OF RULES

(1) The Authority may, on its own motion, adopt Rules or amend existing Rules.

Initiation
of
Rulema-
king

(2) Any Interested person may petition to the Authority to adopt new or amend the existing Rules.

A petition under section 4 shall be in writing and shall include-

Petition
in
Writing

(a) a brief explanation of the proposed new Rule or amendment of existing Rules;

(b) reasons for the adoption of the proposed new Rules or amendment of existing Rules;

(c) the legal basis for the proposed new Rules or amendment of existing Rules; and

(d) proposed text for the proposed new Rules or amendment of existing Rule.

6.-(1) Where the Authority decides on its own motion to make Rules or amend an existing rule or upon receipt of a petition for rulemaking, the Authority shall publish a notice of its motion or of such a petition in a widely circulating newspaper and post such notice on the Public Register and on the website of the Authority.

Notices

(2) The Authority may publish a notice under subrule (1) in such other media and in such other manner as the Authority may determine.

(3) The notice in sub rules (1) and (2) of subrule 6 shall include-

(a) a summary of the Petition or proposed new rule or amendment by the Authority;

(b) in case of a Petition, the name of the individual, organization or entity that submitted the Petition; and

(c) notification that a copy of the Petition has been posted in the Public Register of the Authority and is available for review and copying.

Language 7. The language of the proposed new Rule or amendment of existing Rules shall be English.

PART III
CONSIDERATION OF PETITION

Comments on Petition 8.-(1) Written comments on the petition and or on the proposed new Rules or amendment of existing Rules shall be addressed to the Authority and shall be due not later than thirty (30) days after the date of publication of the Petition.

(2) The Authority may extend the time within which to receive comments on the Petition.

(3) The Authority may request the petitioner to clarify on any issue or comment on the Petition.

Timing for decision 9. Not later than sixty (60) days after submission of a petition the Authority either shall:

(a) deny the petition in writing, stating its reasons thereof; or

(b) initiate Rules making proceedings.

Consultation 10. In considering a petition for new Rules or amendment to existing Rules or the Authority's proposed new Rules or amendment to the existing Rules, the Authority may consult with any person on the proposed new Rules or amendment.

Decision by the Authority 11. Following consideration of comments, the Authority shall make a decision adopting, adopting with amendments, or withdrawing the proposed new Rule or amendment of existing Rules.

Void for inactivity 12.-(1) In the event that the Authority fails to make a decision pursuant to Rule 11 during the six months period following receipt of all comments, the proposed new Rules or amendment of existing Rule shall be automatically withdrawn from consideration by the Authority.

(2) Where a proposed new Rule or amendment to an existing Rule is not adopted by the Authority, a notice giving reasons for such refusal shall be published in a widely circulating newspaper and on the website of the Authority.

13.-(1) Notwithstanding any other provision of these Rules, if the Authority finds that an imminent peril to the public health, safety, or welfare or a requirement of applicable law requires adoption of an emergency Rule, the Authority may dispense with the procedures prescribed in these Rules and may proceed without prior notice or hearing if it finds it necessary or appropriate to do so.

Emergency
Rulemaking

(2) The Authority shall publish the reasons for such an emergency Rule.

(3) The Emergency Rules under this paragraph shall be valid for such period of emergency, or for such period as the Authority may determine.

Dar es Salaam,
20th March, 2007

HARUNA MASEBU,
Director General