

Licensing procedure at Electricity Regulatory Authority

1. Notice of intended application

- a. A person who intends to establish a project for which a license is required under the Act shall submit to the Authority a notice of intended application in [Form A \(Notice of Intended Application Form\)](#)
- b. The notice of intended application shall contain:
 - i. information on the financial and legal status; and the technical and industrial competence and experience of the intended applicant;
 - ii. a description of the project and the time plan for the execution of the project;
 - iii. a review of the use of land for the project and the relation of the project to local authorities;
 - iv. a review of public and private-measures necessary to carry out the project;
 - v. information relating to permissions required from public authorities;
 - vi. a description of the impact of the project on electricity supply, socioeconomics, cultural heritage, the environment, natural resources and wildlife; and
 - vii. any other relevant information required by the Authority.
- c. A notice of intended application shall be deemed to be incomplete where the information and requirements under sub-regulation 1b. have not been submitted by the applicant.
- d. Where a notice of intended application is incomplete in terms of sub-regulation 1c., the Authority shall inform the applicant in writing within thirty days (30) after the date of submission of the notice.
- e. The Authority may, within thirty days (30) after the date of submission of the notice, request for additional information from the applicant as the Authority may deem necessary.

2. Publication of notice of intended application.

- a. The Authority shall within thirty days after receipt of a complete notice of intended application, cause the notice to be published in the Gazette and in at least one national newspaper of wide circulation in Uganda.
- b. The notice published under sub-regulation 2a. shall:
 - i. contain a summary of the notice of intended application; and
 - ii. inform members of the public that the notice may be inspected-
 - iii. at the offices of the Authority;

- iv. at a public office within the jurisdiction of the local governments affected by the project;
or
 - v. at any other appropriate place as the Authority may determine.
- c. The Authority shall invite directly affected parties and affected public agencies to make comments on the notice within a fixed period of not less than thirty days after the date of publication of the notice.
 - d. The affected parties and affected public agencies shall submit comments in writing and shall deliver them by person, post, fax or e-mail
 - e. The Authority shall confirm in writing receipt of the comments received under sub-regulation 2d.
 - f. The Authority shall forward to the intended applicant, the comments from the affected parties and affected public agencies.
 - g. The applicant shall respond to the comments of the affected parties and public affected agencies within fifteen days after receipt of the comments.

3. Grant of a permit

- a. The Authority may, within thirty days (30) after the expiration of the notice, issue a permit to the intended applicant, taking into account the responses and comments made by the applicant under regulation 2g.
- b. A permit issued under sub-regulation 3a. shall:
 - i. be for a specific period and is subject to review at intervals specified in the permit;
 - ii. allow the intended applicant to carry out studies and any other activities that may be necessary to enable the intended applicant to prepare an application for a license.

4. Renewal of permit

- a. The Authority may renew a permit on such terms and conditions as it may determine.
- b. A permit holder may within ninety days (90) before the expiry of the permit apply to the Authority giving a statement of reasons for the renewal of the permit.
- c. The Authority may, on receipt of an application under sub-regulation 4b., renew the permit on such terms and conditions as the Authority may determine.

5. Form of application for license.

- a. An application for a license under the Act shall be submitted to the Authority and shall contain :
 - i. the legal and financial status of the applicant;
 - ii. a technical and economic description of the project;
 - iii. a description of how the project fits in with the existing and planned power supply system;
 - iv. the planned time of commencement and completion of the construction of the project;

- v. a view of the project's adaption to the land scape; including necessary maps and drawings;
 - vi. the impact of the project on public interests and possible mitigation;
 - vii. the results of assessments, including environmental impact assessments and studies carried out and reports of those assessments and studies;
 - viii. impacts of the project on private interests, including the interests of affected landowners and holders of other rights and consents and permits required under any other law.
- b. An application for a license under the Act shall be in [Form B \(Application for License Form\)](#).
 - c. The application shall be accompanied by an evaluation by the applicant of all the comments from affected parties and affected public agencies received under regulation 2f.
 - d. The Authority shall not process an application unless all the requirements and information in the application form have been submitted,
 - e. The Authority shall, where the requirements and information in the application are incomplete inform the applicant within thirty days (30) after the date of submission of the application, that the application is incomplete
 - f. The Authority may, within thirty days after receipt of the application, request for additional information from the applicant as the Authority may deem necessary.
 - g. The Authority shall, within thirty (30) days after receipt of a complete application, confirm in writing to the applicant. that the application is complete.
 - h. The Authority:
 - i. may require an applicant to make arrangements as may be satisfactory to the Authority for the execution of a bond or other form of security for the performance and observance of the conditions to which the license may be subject; and
 - ii. shall require the applicant to take out the necessary insurance policies to protect against liabilities that may arise as a result of activities done under the license.

6. Publication of application for license.

- a. The Authority shall, within forty days after receipt of a complete application for a license, cause a notice of the application to be published in the Gazette and in at least one national newspaper of wide circulation in Uganda.
- b. The notice published under sub-regulation 6a. shall:
 - i. indicate receipt of the application for the license;
 - ii. contain a description of the nature and location of the proposed undertaking;
 - iii. inform members of the public that the application may be inspected at the offices of the Authority or at any other place that the Authority may determine;

- iv. invite directly affected parties and public agencies in the area affected by the project to submit in writing, any objection and comments on the project within thirty days after publication of the notice.

7. Licenses through competitive process.

- a. Where the Government or a government agency initiates a project under the Act which is likely to benefit from public finances, the Authority shall, through a fair, open and competitive process, invite applications for licenses in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.
- b. Where the Authority, in the public interest, identifies a need for a project under the Act, the Authority may invite applications and award licenses through a fair, open and competitive process.
- c. Where a privately initiated project under section 29 of the Act is converted into a public-private partnership, the Authority may award a license through a fair, open and competitive process.
- d. Where two or more investors or developers have interest in the same site or project to generate, sale or distribute electricity to the same community or to the national grid and the required capacity or energy can be supplied conveniently by only one investor or developer, the Authority may award a permit or license through a fair, open and competitive process.
- e. A competitive process of issuing a license shall not apply where a private entity has, at its expense, carried out a feasibility study, unless the Authority determines that it is in the public interest to do so.
- f. Where a private entity has carried out a feasibility study, the Authority shall refund the costs of the feasibility study and other expenses incurred by the private entity.
- g. Where the Authority uses the competitive process, Parts IV and V of the Public Procurement and Disposal of Public Assets Act, 2003 or the procurement rules of the funding agency involved in the project, shall apply

8. Grant of license.

The Authority shall, in granting a license, take into consideration the policies of the Government, matters provided for under the Act and any other relevant law, the report of the public hearing and any other matter

that the Authority may consider to have a bearing on the operations of the applicant.

9. Refusal to grant license.

- a. The Authority shall, where it refuses to grant a license, give the applicant a statement of its reasons in writing for the refusal within thirty days (30) after the refusal.
- b. A person aggrieved by the refusal of the Authority to grant a license may appeal to the Electricity Disputes Tribunal.

10. Transfer and assignment of license.

- a. A licensee who intends to transfer or assign a license shall submit an application in Form C.
- b. The Authority shall, before approving a transfer or assignment of a license, be satisfied that:
 - i. the transferee or assignee has fulfilled the requirements for licensing under the Act;
 - ii. the transferee or assignee has accepted and is willing to undertake the obligations under the license; and the transferee or assignee has paid the transfer fee.
- c. The Authority shall, within thirty days (30) after receipt of an application to transfer or assign a license:
 - i. publish the application in the Gazette or in at least one newspaper of wide circulation in Uganda; and
 - ii. communicate its decision to the applicant.