

LAWS OF KENYA

THE ENERGY ACT

NO. 1 OF 2019

2019

Published by the National Council for Law Reporting with the Authority of the Attorney-General www.kenyalaw.org

NO. 1 OF 2019

ENERGY ACT

ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY

Section

- 1. Short title
- 2. Interpretation
- 3. Act to prevail

PART IL – ENERGY POLICY AND INTEGRATED ENERGY PLAN Energy Policy and Plan

- 4. National energy policy
- 5. Integrated national energy plan
- 6. Monitoring implementation of National integrated energy plan Government obligations
- 7. Obligation to provide energy in all areas
- 8. Promotion of energy investments

PART III – NATIONAL ENERGY ENTITIES Energy and Petroleum Regulatory Authority

- 9. Establishment of the Energy and Petroleum Regulatory Authority
- 10. Functions of the Authority
- 11. Powers of the Authority
- 12. Board of the Authority
- 13. Director-General
- 14. Conduct of the business and affairs of the Board
- 15. Terms of office, common seal, annual estimates and books of accounts
- 16. Staff of the Authority
- 17. Remuneration of members of the Board
- 18. Protection from personal liability
- 19. Liability of the Authority for damages
- 20. Funds of the Authority
- 21. Delegation of powers or functions to committees or agents
- 22. Powers of committees or agents
- 23. Decisions of the Authority
- 24. Appeal against a decision of the Authority

Energy and Petroleum Tribunal

- 25. Establishment of the Energy and Petroleum Tribunal
- 26. Members of the Tribunal
- 27. Vacancy in the Tribunal
- 28. Oath of office
- 29. Disclosure of interest
- 30. Secretary and other staff
- 31. Terms of office, common seal, annual estimates and books of accounts

Energy

32. Arrangement of be	usiness
-----------------------	---------

- 33. Quorum and conduct of business of the Tribunal
- 34. Technical advice
- 35. Remuneration
- 36. Jurisdiction of the Tribunal
- 37. Power of review and appeals from Tribunal
- 38. Procedure of the Tribunal
- 39. Funds of the Tribunal
- 40. Appeals from decisions of the Authority
- 41. Protection from personal liability
- 42. Any reference that has been made to the court

 Rural Electrification and Renewable Energy Corporation
- 43. Establishment of the Rural Electrification and Renewable Energy Corporation
- 44. Functions and powers of the Corporation
- 45. Board of the Corporation
- 46. Chief Executive Officer
- 47. Conduct of business of the Corporation
- 48. Terms of office, common seal, annual estimates and books of accounts
- 49. Staff of the Corporation
- 50. Remuneration of Board members
- 51. Protection from personal liability
- 52. Liability of the Corporation for damages
- 53. Funds of the Corporation

Nuclear Power and Energy Agency

- 54. Establishment of the Nuclear Power and Energy Agency
- 55. Headquarters
- 56. Objects and functions of the Agency
- 57. Powers of the Agency
- 58. Board of Directors of the Agency
- 59. Qualification for appointment as a Chairperson and member of the Board
- 60. Functions of the Board
- 61. Chief Executive Officer
- 62. Conduct of business of the Agency
- 63. Terms of office, common seal, annual estimates and books of accounts
- 64. Committees
- 65. Delegation by Board
- 66. Staff of the Agency
- 67. Remuneration
- 68. Protection from personal liability
- 69. Liability of the Agency for damages
- 70. Funds of the Agency
- 71. Investments of funds
- 72. Discoveries, inventions and improvements

Energy

PART IV - RENEWABLE ENERGY

- 73. Vesting of renewable energy resources
- 74. Preparation of resource maps and renewable energy resources inventory
- 75. Promotion of renewable energy
- 76. Establishment of Renewable Energy Resource Advisory Committee Geothermal Resources
- 77. Geothermal resources vested in the National Government
- 78. Unauthorized use of geothermal resources prohibited
- 79. Cabinet Secretary to authorize search of geothermal resources
- 80. Cabinet Secretary may grant a geothermal resources licence
- 81. Rights under licence
- 82. Renewal and surrender of licence, etc
- 83. Transfer of geothermal licence
- 84. Forfeiture of licence
- 85. Royalty
- 86. Licensee to re-enter under certain conditions
- 87. Safety of persons
- 88. Cabinet Secretary may require well to be closed
- 89. Charges payable for extraction of geothermal resources for certain purposes
- 90. Offences and penalties

Renewable Energy Feed-in Tariff System

- 91. Establishment of a renewable energy feed-in-tariffsystem
- 92. Regulations for the feed-in-tariffsystem
- 93. Regulations under this part

PART V - DOWNSTREAM COAL

- 94. Requirements of licence for coal business
- 95. Granting of licences
- 96. Conditions for granting licenses or permits
- 97. Amendment of licence or permit
- 98. Factors to be considered in reviewing an application
- 99. Environment liability policy
- 100. Forms and conditions of a licence or permit
- 101. Display of licences and permits
- 102. Revocation of licence or permit
- 103. Replacement of a licence or permit
- 104. Transfer of a licence or permit
- 105. Register of licences and permits
- 106. Appeal against action of the Authority
- 107. Construction permits
- 108. Suspension or revocation of a construction permit
- 109. Validity of permits
- 110. Destruction of illegal construction
- 111. Contracts for common user facilities