



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON LEGISLATION AND INTERNATIONAL AGREEMENTS

ON THE

ENERGY REGULATION (AMENDMENT) BILL, N.A.B. NO. 37 OF 2026

FOR THE

FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

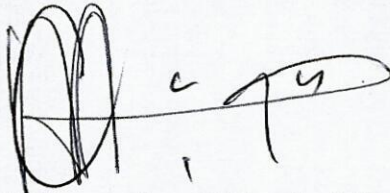
Published by the National Assembly of Zambia

FOREWORD

Honourable Madam Speaker, the Committee on Legislation and International Agreements has the honour to present its Report on the Energy Regulation (Amendment) Bill, N.A.B. No. 37 of 2026. The functions of the Committee are set out under Standing Orders 206(a) and 204 (2) (iv) of the National Assembly of Zambia Standing Orders, 2024

In order to acquaint itself with the ramifications of the Bill, the Committee held eight meetings and sought both written and oral submissions from stakeholders. Stakeholders, who appeared before the Committee, are listed at Appendix II of the Report. The Report is organised in three parts. Part I provides a background and summary of the provisions of the Bill. Part II presents the summary of submissions from stakeholders, while Part III constitutes the Committee's observations and recommendations.

The Committee is grateful to stakeholders who tendered both written and oral submissions. The Committee further wishes to thank you, Madam Speaker, for affording it the opportunity to scrutinise the Energy Regulation (Amendment) Bill, N.A.B. No. 37 of 2026. The Committee's appreciation is further extended to the Office of the Clerk of the National Assembly for the support and guidance rendered throughout its deliberations.



Mr Remember C Mutale, MP
CHAIRPERSON

April, 2026
LUSAKA

TABLE OF CONTENTS

Foreword	i
1.0 Membership of the Committee	1
2.0 Background	1
3.0 Objectives of the Bill	1
4.0 Summary of the Provisions of the Bill	1
5.0 Summary of Submissions from Stakeholders	2
5.5 Submission by the Permanent Secretary – Ministry of Energy	4
6.0 Committee’s Observations and Recommendations	4
7.0 Conclusion	6
Appendix I-List of National Assembly Officials	8
Appendix II-List of Witnesses	9

1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Mr Remember C Mutale, MP (Chairperson); Mr Charles Abel Mulenga, (Vice-Chairperson); Mr Chonde Saka, MP; Mr Francis Kapyanga, MP; Rev Given Katuta, MP; Mr Wesley Kolala, MP; Mr Kenny Siachisumo, MP; Mr Menyani Zulu, MP; Mr Siphon Hlazo, MP; and Mr Phillimon Twasa, MP.

PART I

2.0 BACKGROUND

The Bill seeks to amend the *Energy Regulation Act, Chapter 436 of the Laws of Zambia*, so as to revise the composition of the Board of the Energy Regulation Board. This is in line with the Government policy as stipulated in Cabinet Office Circular Minute 101/39/1 of 2025, calling for the amendment of pieces of legislation on Boards and Committees.

The decision by Government is aimed at strengthening governance in public institutions, including parastatal and statutory bodies in order to enhance service delivery and socio-economic transformation. The measure further seeks to strengthen the participation of the private sector, civil society organisations and other non-state actors in national affairs and programmes.

3.0 OBJECT OF THE BILL

The object of the Bill is to:

- (a) revise the composition of the Board of the Energy Regulation Board; and
- (b) provide for matters connected with, or incidental to, the foregoing.

4.0 SUMMARY OF THE PROVISIONS OF THE BILL

The summarised provisions of the Bill are as set out below.

Part One

Clause 1 – Preliminary Provisions

The clause provides the short title of the Bill and that once enacted, it shall be read as one with the *Energy Regulation Act, No. 12 of 2019* hereinafter referred to as the principal Act. Further, the clause provides the commencement date of the Act as being the expiry of the term of office, or removal by the Minister, of the members of the Board holding office prior to the enactment of this Act, after which the Minister shall appoint the members of the Board in accordance with this Bill.

Clause 2 – Amendment of Section 2 of the Principal Act

This clause provides for the amendment of section of the principal Act by the insertion of new.

Clause 3 – Amendment of Section 5

Clause 3 provides for the constituting of the Board of the Energy Regulation Board, which consists of part time members appointed by the Minister.

Clauses 4 – Disqualification from Appointment as a Board Member

The clause provides the grounds for disqualification of persons to be appointed to the Board.

PART II

5.0 SUBMISSIONS AND CONCERNS BY STAKEHOLDERS

Stakeholders who appeared before the Committee were in support of the Energy Regulation (Amendment) Bill, N.A.B. No. 37 of 2026, and submitted as outlined below.

The Committee was informed that the revision of the composition of the Board was in line with Government policy so as to enhance private sector participation in the governance of public institutions. In this regard, the Government through Cabinet Office Circular Minute 101/39/1 provided the underlisted guidelines.

- (i) Each Board of Committee has adequate representation from the private sector.
- (ii) The total number of members on each Board does not exceed eleven.
- (iii) Each board or Committee has adequate gender representation.
- (iv) Each Board or Committee has adequate national representation.

Generally, stakeholders submitted that the amendment was progressive as it would enhance corporate governance, transparency and accountability. They were of the view that revising the Board would provide a more diverse and professionally representative Board, which would enhance the Board's ability to balance technical, economic, and environmental interests. In an era where Zambia was navigating an energy transition, the regulator must possess the multi-disciplinary depth to govern complex energy systems.

However, stakeholders observed that to enhance provisions of the Bill, the underlisted should be addressed.

(i) Clause 3–Composition of the Board

Stakeholders submitted that the composition of the Board was adequate to provide technical expertise as it had the private sector and all relevant players such as the Engineering Institution of Zambia, Economics Association of Zambia and the Zambia institute of Chartered Accountants, among others.

However, stakeholders were of the view that there was a need to refine the clause on the selection of the "private sector" representatives in clause 3(1) (i). The selection process should prioritise individuals with a proven track record in Energy Infrastructure Investment to ensure the Board benefits from industry insight without compromising ethics.

Furthermore, in order to ensure professional accountability, and maintain the highest standards, the Bill should stipulate that the representatives from the professional bodies such as EIZ and ZICA must be registered members in good standing with their respective professional bodies. This would ensure that the representative was subject to the professional code of ethics and disciplinary oversight of their home institution.

(ii) Clause 4–Disqualification from Appointment to the Board

Stakeholders submitted that the strict prohibition of licensees, directors, or shareholders from serving on the Board in clause 4 (e), enhanced institutional integrity and conflict of interest management. This was in a quest to prevent the risk of "Regulatory Capture" considering that the sector was in the process of opening to Independent Power

Producers (IPPs) and private mini-grid developers. This clause was a vital safeguard that protected the impartiality of the regulator.

However, the Committee learnt that this clause ought to be refined to ensure that while on one hand, there was protection of conflict of interest, the clause did not limit the pool from which experts to be appointed to the Board could be picked.

(iii) Clause 1(2) –Transitional Provisions

Stakeholders submitted that the Act comes into operation upon the expiry of the current Board's term. In this regard and considering the urgency of current energy projects (such as Mission 300 and various solar hybrid commissions), stakeholders recommended a mandatory fourteen-day handover period. This would prevent a "regulatory vacuum" and ensure that pending technical approvals or safety certifications were not stalled during the transition to the new Board.

(iv) The Competition and Consumer Protection Commission

The Committee learnt that Part II of the *Energy Regulation Board Act, No. 12 of 2019*, under functions of the Board reads, “in collaboration with the Competition and Consumer Protection Commission undertake to investigate and monitor the levels and structures of competition within the energy sector with a view to promoting competition and accessibility to a licensee or enterprise complying with the basic requirement for operating as a business in the Republic; and develop and implement appropriate rules to promote competition in the energy sector.”

In view of this important function, stakeholders proposed that a representative from the Competition and Consumer Protection Commission should be on the ERB Board.

(vi) Appointment of Board Chairperson and Vice Chairperson

Stakeholders submitted that in order to enhance corporate governance and increase the knowledge and experience in matters relevant to this Act, as a requirement, the position of board Chairperson must be defined.

Further, stakeholders submitted that there was a need to refine the selection process of the Chairperson and the Vice Chairperson to allow for the two to be elected among the Board members excluding the members from the Ministry and other public institutions.

However, some stakeholders noted that the current arrangement where the Minister appointed the Chairperson worked to promote and protect the Governments interest as the sector was critical to the sustainability of the economy.

(vi) Introduction of a Representative from the Attorney General’s Office and Removal of the Law Association of Zambia

Stakeholders submitted that the introduction of a representative from the Attorneys General Office works against the tenets of regulation, which include transparency and accountability, where ideally policy and regulation must be separate functions. In this vein, the Ministry was responsible for policy, while the Board for regulation. The Committee learnt that Part VI of the *Energy Regulation Act, No. 12 of 2019*, provides for objections and appeals and, therefore, having the Attorney General represented on the Board increases the risk of conflict of interest, if an appeal was made to the tribunal or

through the courts and the Attorneys General Office, as respondent, was also represented on the Board as regulator.

This was coupled with the fact that the Director Legal, who was also the Board Secretary of the Board, was the legal advisor to the Board in line with good corporate governance.

In this regard, stakeholders submitted that the status quo of a representative from the Law Association of Zambia be maintained.

(vii) Appointment Powers and Institutional Independence

The Committee was informed that the Bill grants the Minister power to appoint all Board members. While ministerial appointment was constitutionally permissible, stakeholders submitted that concentration of appointment power in the minister heightened the risk of Executive influence over an institution that should function at arm's length from political authority.

In this regard, stakeholders submitted that in line with international best practices, there was need to provide a clause for the nomination of members by professional or stakeholder bodies following a set objective eligibility criterion for the appointment of the Minister as the case was with other pieces of legislation.

5.5 SUBMISSION BY THE PERMANENT SECRETARY-MINISTRY OF ENERGY

The Committee also interacted with the Permanent Secretary who submitted that the amendment to the *Energy Regulation Act, Chapter 436 of the Laws of Zambia* was intended to strengthen governance and broaden stakeholder representation within the Energy Regulation Board. The Bill, if enacted, would ensure that regulatory decisions were informed by a wider range of expertise and perspectives. The inclusion of a representative from the Ministry responsible for energy guarantees that Government policy priorities were directly reflected in the work of the Board.

Secondly, the inclusion of a representative of the Attorney General would ensure immediate legal insight during board deliberations thereby safeguarding the interests of the Energy Regulation Board by preventing legally flawed decisions before they happen.

In this regard, the Ministry submitted that the implications of this amendment were significant for the governance of the energy sector. The broadened composition would enhance efficiency, transparency and accountability, as decisions would now be subjected to scrutiny from a wider range of stakeholders. This diversity of representation was expected to improve the quality of regulatory oversight, ensuring that economic, environmental, technical and social dimensions were all considered in policy and operational decisions.

PART III

6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

After scrutinising the Bill, and taking into consideration the submissions from various stakeholders, the Committee supports the amendment of *the Energy Regulation Act, No. 12 of 2019*. In doing so, the Committee makes the observations and recommendations set out below.

(i) Clause 3 – Composition of the Board

The Committee observes that, while the Board has a multi-sectoral representation, the clause does not provide an adequate criterion for selection of private sector nominees in clause 3 (1) (i).

The Committee, therefore, recommends the refinement of the selection process to ensure that it prioritises individuals with a proven track record in energy infrastructure investment to ensure the Board benefits from industry insight without compromising ethics.

Furthermore, the Committee recommends that the Bill should stipulate that the representatives from the professional bodies such as EIZ and ZICA must be registered members, who are in good standing with their respective professional bodies in order to ensure professional accountability, and maintain the highest standards. This will ensure that the representative is subject to the professional code of ethics and disciplinary oversight of their home institution.

(ii) Clause 4 – Disqualification from Appointment to the Board

The Committee notes the strict prohibition of licensees, directors, or shareholders from serving on the Board in clause 4 (e) in order to enhance institutional integrity and protect against conflict of interest.

The Committee, however, recommends the refinement of the clause so as to ensure that this does not limit the pool from which experts to be appointed to the Board can be picked.

(iii) Clause 1(2) –Transition provisions

The Committee observes, with concern, that the amendment does not provide adequate transition provisions so as to not create a “regulatory vacuum” when the Act is enacted.

In this regard, the Committee recommends a mandatory fourteen-day handover period. This would prevent a "regulatory vacuum" and ensure that pending technical approvals or safety certifications are not stalled during the transition to the new Board.

(iv) The Competition and Consumer Protection Commission

The Committee observes, with concern, that while the *Energy Regulation Board Act, No. 12 of 2019*, provides close collaboration between the Board and the Competition and Consumer Protection Commission, the Bill does not provide a representative of the Commission to be on the Board.

In view of this important function, the Committee proposes that a representative from the Competition and Consumer Protection Commission should be on the ERB Board.

(v) Appointment of Board Chairperson and Vice Chairperson

The Committee observes, with concern, the centralisation of appointment powers of members of the Board in the Minister.

In this vein, the Committee recommends the refinement of the appointment procedure to allow professional bodies or institutions nominate representatives for the appointment of the Minister.

Furthermore, the Committee recommends that the Bill defines matters relevant to this Act, as a requirement, for the position of Board Chairperson.

Lastly, the Committee recommends the refinement of the selection process for the Chairperson and the Vice Chairperson to allow for the two to be elected among the Board members excluding the members from the Ministry and other public institutions.

(vi) Introduction of a Representative from the Attorney's General Office and Removal of the Law Association of Zambia

The Committee observes, with concern, that the Bill removes a representative of the Law Association of Zambia and introduces a representative from the Attorney General's Office on the Board.

The Committee recommends the removal of the representative of the Attorney General from the Board, as the Board already has the Director Legal at ERB as the Secretary for the Board providing legal advice. The Attorney General is consulted whenever an opinion is required at that level.

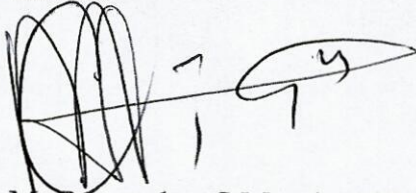
In this regard, the Committee recommends that the status quo of a representative from the Law Association of Zambia be maintained.

7.0 CONCLUSION

In conclusion, the Energy Regulation (Amendment) Bill, N.A.B No.37 of 2026 presents an opportunity to modernise the governance framework of Zambia's energy regulator at a time of economic adjustment, climate transition, and growing demand for reliable energy.

However, without targeted safeguards, the proposed amendments risk weakening regulatory independence and undermining investor confidence, climate ambition, and public trust. By refining the Bill to strengthen institutional balance, transparency, and accountability, this will ensure that the ERB remains a credible, professional, and development-oriented regulator capable of supporting Zambia's long-term prosperity.

We have the honour to be, Madam, the Committee on Legislation and International Agreements, mandated to scrutinise the *Energy Regulation Act, Chapter 436 of the Laws of Zambia*.



Mr Remember C Mutale, MP
CHAIRPERSON

April, 2026
LUSAKA

APPENDIX I – List of National Assembly Officials

Mr Charles Haambote, Director – Social Committees
Mr Geoffrey Zulu, Deputy Director – Financial Committees
Ms Chitalu R Mulenga, Senior Committee Clerk (FC2)
Mr Timothy C Lumba, Committee Clerk
Ms Ruth Nambule, Administrative Assistant
Mr Daniel Lupiya, Senior Committee Assistant
Mr Muyembi Kantumoya, Committee Assistant
Ms Taona Chabinga, Committee Assistant

APPENDIX II – List of Witnesses

Economics Association of Zambia

Engineering Institution of Zambia

Ministry of Justice

Ministry of Energy

Energy Regulation Board

Zambia Environmental Management Authority

Zambia Institute of Chartered Accountants