

ELECTRICITY

Powers of the SWA Water and Electricity Corporation Act 14 of 1980

Summary: This Act ([OG 4225](#)) gives certain powers to the SWA Water and Electricity Corporation (Pty) Ltd, subject to the approval of the Minister of Mines and Energy. (This corporation is now known as “NamPower”).)

Regulations: The Act makes no provision for regulations.

Application of law: Namibia Power Corporation (Pty) Ltd was deemed to be a company registered in terms of Chapter IV of the *Companies Act 61 of 1973* (which has since been replaced by the Companies Act 28 of 2004) by Proc. 7/1998 ([GG 1849](#)).

The application of the Act is also affected by the State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006. (That statute has since been replaced by the Public Enterprises Act 1 of 2019.)

Cases: *Arandis Power (Pty) Ltd v President of the Republic of Namibia & Others* 2018 (2) NR 567 (SC) discusses Nampower’s tender and procurement policy.

Electricity Act 4 of 2007

Summary: This Act ([GG 3922](#)) provides for the establishment and functions of the Electricity Control Board. It was brought into force on 15 November 2007 by GN 201/2007 ([GG 3933](#)).

Repeals: The Act repeals the Electricity Act 2 of 2000 ([GG 2270](#)), which in turn replaced the Electric Power Proclamation 4 of 1922.

Savings: Regulations and other acts done in terms of the repealed Electricity Act 2 of 2000 survive by virtue of section 46(3) of this Act:

Unless otherwise provided in this Act, anything done or made under the repealed law, and which could have been done or made under a corresponding provision of this Act, is deemed to have been done or made under that corresponding provision.

The Electricity Act 2 of 2000 did not contain a saving clause for any acts done under the Electric Power Proclamation 4 of 1922, which it repealed.

Regulations: The Electricity Regulations: Administrative issued under the Electricity Act 2 of 2000 and contained in GN 168/2000 ([GG 2371](#)) continued to operate initially, but were repealed by GN 13/2011 ([GG 4652](#)).

The **Electricity Regulations: Administrative** made in terms of this Act are contained in GN 13/2011 ([GG 4652](#)), as amended by GN 158/2020 ([GG 7282](#)).

Rules and codes: The Namibian Electricity Safety Code is contained in GN 200/2011 ([GG 4821](#)), as amended by GN 234/2012 ([GG 5033](#)).

Economic Rules are contained in General Notice 46/2016 ([GG 5949](#)).

Technical Rules are contained in General Notice 47/2016 ([GG 5950](#)).

Net Metering Rules are contained in General Notice 471/2016 ([GG 6173](#)).

A Distribution Grid Code is contained in General Notice 560/2018 ([GG 6730](#)).

A Transmission Grid Code is contained in General Notice 561/2018 ([GG 6731](#)).

Rules relating to the Redistribution and Resale of Electricity are contained in General Notice 480/2021 ([GG 7625](#)).

Modified Single Buyer Market Rules are contained in General Notice 736/2022 ([GG 7983](#)).

Notices: A levy on electricity supplied by NamPower is imposed by GN 80/2019 ([GG 6884](#)). The levies issued previously in terms of this Act and its predecessor have all been repealed.

Cases: *Namibia Power Corporation (Pty) Ltd v Congo Namibia (Pty) Ltd* 2021 (2) NR 483 (HC) (section 17(10(e))).