

*Government Notice No. 82 of 2019*

### **THE ENERGY EFFICIENCY ACT**

#### **Regulations made by the Minister under section 23 of the Energy Efficiency Act**

1. These regulations may be cited as the Energy Efficiency (Registration of Energy Auditors) (Amendment) Regulations 2019.
2. In these regulations –  
“principal regulations” means the Energy Efficiency (Registration of Energy Auditors) Regulations 2016.
3. Regulation 3 of the principal regulations is amended –
  - (a) by revoking paragraph (1) and replacing it by the following paragraph –

(1) No individual or firm shall practise energy auditing in Mauritius unless that individual or firm is registered as an energy auditor with the Office.
  - (b) by inserting, after paragraph (1), the following new paragraph, existing paragraph (2) being renumbered as paragraph (3) –

(2) Any individual or firm wishing to be registered as an energy auditor shall make an application to the Office in the appropriate form set out in the First Schedule.
4. Regulation 4 of the principal regulations is amended –
  - (a) in paragraph (1), in subparagraph (b), by deleting the words “an energy audit” and replacing them by the word “a”;
  - (b) in paragraph (2) –

- (i) by deleting the word “allows” and replacing it by the word “grants”;
  - (ii) by inserting, after the word “shall”, the words “, on payment of the appropriate fee specified in the Third Schedule,”;
  - (c) in paragraph (4), by deleting the words “regulation 3(2)” and replacing them by the words “regulation 3(3)”.
- 5. Regulation 5 of the principal regulations is amended –
  - (a) by numbering the existing provision as paragraph (1);
  - (b) in the newly numbered paragraph (1) –
    - (i) by deleting the words “and 6(5)” and replacing them by the words “, 6(5) and 8(3)”;
    - (ii) in subparagraph (b), by deleting the words “be renewed for a further period” and replacing them by the words “, subject to paragraph (2), be renewed for further periods”;
  - (c) by adding the following new paragraph –
    - (2) An energy auditor shall, during the 2-year period of validity of his registration, be required to carry out an energy audit to a level of detail of Level 2, for all objects, of at least 3 non-residential buildings, each with an average yearly energy consumption of at least 5 tonnes of oil equivalent.
- 6. Regulation 6 of the principal regulations is amended –
  - (a) in paragraph (1), by deleting the word “An” and replacing it by the words “Subject to paragraphs (2A) and (2D), an”;

- (b) by inserting, after paragraph (2), the following new paragraphs –

(2A) Where an energy auditor fails to meet the requirements specified in regulation 5(2) –

- (a) he shall not qualify for the renewal of his registration;
- (b) he may, not later than 30 days before the expiry of his registration, make a request, in writing, to the Office, to extend his registration to enable him to meet the requirements specified in regulation 5(2).

(2B) Where the Office grants a request made under paragraph (2A), it shall, on payment of the appropriate fee specified in the Third Schedule, extend the registration of the energy auditor by such period, not exceeding one year, as it may determine and issue a new certificate of registration to him.

(2C) An extension under paragraph (2B) may be granted by the Office only once within a period of 5 years.

(2D) (a) Notwithstanding paragraph (1) and regulation 5(2), in the case of an energy auditor whose certificate of registration is due to expire in the year 2019 –

- (i) the energy auditor may, not later than 30 days before the expiry of his registration, make a request, in writing, to the Office, to extend his registration;

- (ii) where the Office grants the request for extension, it shall, on payment of the appropriate fee specified in the Third Schedule, extend the period of validity of the registration of the energy auditor by one year and issue a new certificate of registration to him; and
  - (iii) the energy auditor shall, during the extended period of validity of his registration, be required to carry out an energy audit to a level of detail of Level 2, for all objects, of at least one non-residential building, with an average yearly energy consumption of at least 5 tonnes of oil equivalent.
- (b) Where the energy auditor fails to meet the requirements specified in subparagraph (a)(iii) –
- (i) he shall not qualify for the renewal of his registration;
  - (ii) he may, not later than 30 days before the expiry of his registration, make a request, in writing, to the Office, to extend his registration to enable him to meet the requirement specified in subparagraph (a)(iii).

(c) Where the Office grants a request made under subparagraph (b), it shall, on payment of the appropriate fee specified in the Third Schedule, extend the registration of the energy auditor by such period, not exceeding one year, as it may determine and issue a new certificate of registration to him.

(d) An extension under subparagraph (c) may be granted only once by the Office.

- (c) in paragraph (3), by inserting, after the word “renewal”, the words “or request for extension”;
- (d) in paragraph (4), by deleting the words “regulation 4(1)(a) or (b)” and replacing them by the words “regulation 4(1) and the requirements specified in paragraph (2D)(a)(iii) or regulation 5(2)”;
- (e) in paragraph (5) –
  - (i) by deleting the word “allows” and replacing it by the word “grants”;
  - (ii) by inserting, after the word “shall”, the words “, on payment of the appropriate fee specified in the Third Schedule,”;
- (f) in paragraph (6), by inserting, after the words “paragraph (1)”, the words “or a request for extension made under paragraph (2A) or (2D)(b)”;
- (g) in paragraph (7) –
  - (i) by inserting, after the words “paragraph (1)”, the words “or a request for extension made under paragraph (2A) or (2D)(b)”;

- (ii) in subparagraph (a), by inserting, after the word “application”, the words “or request”;
  - (h) by adding the following new paragraph –
    - (8) In this regulation –
      - “Level 2”, in relation to the level of detail of an energy audit, has the same meaning as in the Energy Efficiency (Energy Consumer and Energy Audit) Regulations 2017.
7. Regulation 7 of the principal regulations is amended –
- (a) by numbering the existing provision as paragraph (1);
  - (b) by adding the following new paragraph –
    - (2) Where an application is made under paragraph (1), the Office shall, on payment of the appropriate fee specified in the Third Schedule, issue a duplicate certificate of registration to the energy auditor.
8. Regulation 8 of the principal regulations is amended –
- (a) in paragraph (1) –
    - (i) by deleting the word “may” and replacing it by the word “shall”;
    - (ii) by adding the following new subparagraph, the full stop at the end of subparagraph (d) being deleted and replaced by the words “; or” and the word “or” at the end of subparagraph (c) being deleted –
      - (e) no application for renewal or request for extension is submitted by the energy auditor before the expiry date of his registration.

- (b) by inserting, after paragraph (1), the following new paragraph –

(1A) For the purpose of paragraph (1)(b), where an energy auditor no longer meets the criteria set out in regulation 4(1), he shall, within 10 days from the date of such non-compliance, inform the Office in writing.

- (c) in paragraph (2), by deleting the words “Regulation 3” and replacing them by the words “Subject to paragraph (3), regulation 3”;
- (d) by adding the following new paragraphs –

(3) (a) Where an energy auditor has been deregistered under paragraph (1), the Office may, after a period of 12 months from the date of such deregistration –

- (i) require the energy auditor to furnish such information or document as it may determine; and
- (ii) on payment by the energy auditor of the appropriate fee specified in the Third Schedule,

cause the energy auditor to be registered anew.

(b) Where the energy auditor is registered anew under subparagraph (a), the Office shall issue to him a certificate of registration on such conditions as it may determine.

(4) Any person who –

- (a) knowingly submits false information to the Office; or
- (b) otherwise contravenes these regulations,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees.

9. The First Schedule to the principal regulations is amended by deleting the following words –

[Regulations 3(1) and 6(2)]

and replacing them by the following words –

[Regulations 3(2) and 6(2)]

10. The principal regulations are amended by adding the Third Schedule set out in the Schedule to these regulations.

11. These regulations shall come into operation on 1 May 2019.

Made by the Minister on 18 April 2019.

---

**SCHEDULE**

[Regulation 10]

**THIRD SCHEDULE**

[Regulations 4(2), 6(2B), (2D) and (5), 7(2) and 8(3)]

**FEES**

	(Rs)
Registration	2,000
Renewal of registration	2,000
Extension of registration	1,000
Duplicate certificate of registration	500