

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, মে ৭, ২০১৪

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

Ministry of Law, Justice and Parliamentary Affairs
Legislative and Parliamentary Affairs Division

NOTIFICATION

Dated: 28 April, 2014/15th Boishakh, 1421

S. R. O. No. 69-Law/2014.—In exercise of the powers conferred by section 29 of the Sustainable and Renewable Energy Development Authority Act, 2012 (Act No. 48 of 2012), the Government is pleased to publish the following authentic English Text of the Act and it shall be effective from the date on which the Bangla Text of the Act came into force under section 2 of the Act:

**The Sustainable and Renewable Energy Development Authority Act, 2012
(Act No. 48 of 2012)**

[10th December, 2012]

An Act to make provisions for the establishment of the Sustainable and Renewable Energy Development Authority to ensure energy security

WHEREAS it is expedient to control global warming, to mitigate the risk of natural calamity and gradually to lessen dependence on fossil fuel for energy security by promoting the use of renewable energy; and

WHEREAS energy conservation and efficient use thereof may play a role to prevent misuse of energy and reduce global warming; and

(১৩৩৪১)

মূল্য : টাকা ১৬.০০

WHEREAS it is expedient and necessary to make provisions for the establishment of Sustainable and Renewable Energy Development Authority and matters connected therewith to ensure energy security;

THEREFORE, it is hereby enacted as follows :—

CHAPTER 1

Preliminary

1. Short title and commencement.—(1) This Act may be called the Sustainable and Renewable Energy Development Authority Act, 2012.

(2) It shall come into force on such date as the Government may, by notification in the *official Gazette*, appoint.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context—

- (1) **“non-renewable energy”** means energy derived from natural gas, coal, peat coal, mineral oil, other fossil fuel and energy derived from electricity and nuclear power and any other energy and power derived from any other sources as may be declared by the Government as non-renewable energy, by notification in the *official Gazette*, from time to time;
- (2) **“Authority”** means the Sustainable and Renewable Energy Development Authority established under section 4;
- (3) **“Clean Development Mechanism (CDM)”** means the Clean Development Mechanism set out in rules made under this Act;
- (4) **“Chairman”** means the Chairman of the Board;
- (5) **“energy”** means renewable energy and non-renewable energy and power produced from the use of energy;
- (6) **“energy audit”** means determination of energy efficiency through verification, monitoring and analysis of machinery and appliances of designated consumer and utilization process of energy, and shall also include the account of cost benefit related to comparative energy expenses and technical report containing action plan to reduce energy consumption identifying possible areas of replacement by renewable energy;

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- (7) “**Energy Auditor**” means any person or firm, having such qualification as may be determined by the Authority, who or which is capable of conducting energy audit activities of different industrial and business organizations, large buildings and other energy using establishments, in such manner as may be prescribed by regulations;
 - (8) “**Energy Manager**” means any person having such qualification as may be determined by the Authority to perform duty as an Energy Manager, who continuously monitors the activities of using energy of the establishment, identified by the Authority, reduces its inefficient and dissipative use of energy, prepares and maintains reports thereof and submit it to the competent authority;
 - (9) “**energy resources**” means all types of primary and commercial energy or converted energy, natural gas, mineral oil, coal, peat coal, electricity, other fossil fuel, bio-gas, bio mass, bio fuel, hydrogen cell, geothermal, energy derived from low and high tide and wave, solar energy, wind energy, hydro power, nuclear power etc. produced in the country or imported from abroad;
 - (10) “**energy conservation**” means energy conserved by taking steps such as improvement of energy burning efficiency, prevention of misuse of energy, recovery and use of waste heat, use of more efficient and environment friendly alternate energy in place of energy being used, efficient use of energy etc;
 - (11) “**sustainable energy**” means the development of renewable energy and activities relating to energy efficiency and its conservation;
 - (12) “**designated consumer**” means a consumer declared as designated consumer prescribed by rules;
 - (13) “**fund**” means the Sustainable and Renewable Energy Development Authority Fund mentioned in section 19;
 - (14) “**renewable energy**” means bio-mass (fire wood, paddy husk, sugar cane bagasse, waste etc.), bio-fuel, bio gas, hydro power, solar energy, wind energy, hydrogen cell, geothermal, low and high tide energy and energy derived from any other source as may be declared by the Government, from time to time, by notification in the *official gazette*;

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- (15) “**prescribed**” means prescribed by rules or regulations;
 - (16) “**Board**” means the Board constituted under section 9;
 - (17) “**regulations**” means regulations made under this Act;
 - (18) “**fuel**” means energy products;
 - (19) “**rules**” means rules made under this Act;
 - (20) “**member**” means any member of the Board.

3. Overriding effect of the Act.—Notwithstanding anything contained in any other law for the time being in force, for carrying out the purposes of this Act, the provisions of this Act shall prevail.

CHAPTER 2

Establishment, and functions of the Authority, etc.

4. Establishment of the Authority.—(1) After the commencement of this Act, the Government shall, by notification in the *official Gazette*, establish an Authority to be called the Sustainable and Renewable Energy Development Authority.

(2) The Authority shall be a body corporate, having perpetual succession, and a common seal, with power, subject to the prior approval of the Government, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

5. Office of the Authority.—(1) The head office of the Authority shall be at Dhaka.

(2) The Authority may, with the prior approval of Government, set up its branch office at any place of Bangladesh.

6. Responsibilities and Functions of the Authority.—Responsibilities and Functions of the Authority shall be as follows, namely :—

- (1) to take necessary measures to create public awareness and motivation for efficient use of power and energy and its conservation;
- (2) to encourage the use of power and energy efficient equipment and take necessary steps for standardization and labeling of power and energy using equipment and appliances;

- (3) to establish testing laboratories or provide assistance in establishing laboratories in order to test and certify on standard equipments of using energy;
- (4) to encourage energy efficiency and conservation related research and development and to identify innovative financing for implementation of projects or associated works relating thereto, and arrange necessary training in this behalf;
- (5) to assist the Government in making and implementation of energy efficient building code;
- (6) to make regulation for qualification and competency of energy manager and energy auditors and selection of accredited energy auditor firm;
- (7) to coordinate the implementation activities of energy efficiency and conservation in government, semi-government and autonomous bodies and create commercial market for sustainable energy in private sector through demonstration;
- (8) to assist the Government in making necessary laws, rules, regulations for sustainable energy development;
- (9) to identify energy inefficient equipment and take necessary measures to stop its production, import and sales;
- (10) to take necessary measures to declare designated consumers of different energy consumers or category of consumers;
- (11) to prepare and update inventory of renewable energy resources and associated technologies, indicating its geographical location of sites and verify its suitability for commercial use after assessing possibilities of its exploitation;
- (12) to provide necessary technical assistance in preparing CDM or similar type of activities;
- (13) to prepare short, medium and long term development project to extend the use of renewable energy with specific targets and take necessary steps to implement it;

- (14) to provide technical and financial assistance in research, development, demonstration and training on renewable energy;
- (15) to take necessary steps for creating public awareness and motivation in order to encourage the use of renewable energy in public and private sector;
- (16) to assist to identify sources of financing and make necessary arrangement to provide financial incentives to attract and encourage private investment in renewable energy sector;
- (17) to send tariff proposal of renewable energy to Bangladesh Energy Regulatory Commission established under section 4 of Bangladesh Energy Regulatory Commission Act, 2003 (Act No. 13 of 2003), upon discussion with the Government;
- (18) to assist the Government to coordinate the implementation of renewable energy development related activities in government, semi-government and autonomous bodies;
- (19) to encourage commercialization of renewable energy and energy efficiency activities in private sector through implementation of pilot project;
- (20) to assist the Government to formulate, update and implementation of policies made under this Act, including revision of Renewable Energy policy;
- (21) to coordinate with different Ministries, Divisions and organizations in matters related to sustainable energy;
- (22) to establish linkage with regional and international organizations on sustainable energy;
- (23) to perform such other functions as may be prescribed by rules or by the Government, from time to time.

7. Power of the Authority to impose fee.—The authority may, with the prior approval of the Government, impose appropriate fee for any act done under this Act.

CHAPTER 3**Matters relating to management**

8. **Management.**—The general direction and management of the Authority shall vest in a Board and the Board of Directors may exercise such powers and perform such functions as may be exercised and performed by the Authority.

9. **Constitution of the Board of Directors.**—(1) The Board of Directors of the Authority shall consist of a Chairman and members not more than 16(sixteen).

(2) The Chairmen and 5(five) members shall be the fulltime members and other members shall be the honorary members of the Board of Directors.

(3) The Chairman and the fulltime members of the Board of Directors shall be appointed by the Government and the terms and conditions of their service shall be determined by the Government.

(4) The Chairman shall be the Chief executive of the Authority.

(5) 6(six) representatives from different Ministries/Divisions, and 5 (five) members to be nominated by the Government from academicians, professionals, technical experts, business representatives or representative from non-government development organization to be included as the honorary members of the Board of Directors.

(6) The member, nominated under sub-section (5) shall hold his office for a period of 2 (two) years from the date of his nomination :

Provided that nominated member shall resign from his office upon the request of the Government or any such member may resign from his office by a letter in writing under his signature addressed to the Chairman.

(7) The Government may re-nominate any member nominated under sub-section (5).

10. **Meeting of the Board of Directors.**—(1) The Board of Directors shall subject to the provisions of this section, determine the procedures of its meeting.

(2) The meeting of the Board shall be held at as such times and places as may be determined by the Chairman:

Provided that the Board of Directors shall hold its meeting at least once in every 3 (three) months.

(3) All the meetings of the Board of Directors shall be presided over by the Chairman, and, in his absence, the person in the charge of the Chairman or any member empowered by him shall preside over the meeting.

(4) To constitute a quorum at a meeting of the Board of Directors not less than half of the total members including its chairman shall be present.

(5) The matters placed at the meetings of the Board of Directors, shall be resolved on the basis of the majority of votes.

(6) Each member present at the meeting of the Board of Directors shall have one vote, and in the event of equality of votes, the person presiding over the meeting shall have a second or a casting vote.

(7) No act or proceeding of the Board of Directors shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of the Board of Directors.

(8) The honorary members shall be entitled to receive honorarium, in such manner as may be prescribed by rules, to attend the meetings of the Board of Directors.

11. Constitution of Committee.—The Board of Directors may, for giving assistance to discharge its duties, constitute one or more committees and the duties and functions of such committees shall be determined by the Board of Directors.

12. Consultancy services.—The Authority may take consultancy services from any person or firm to carry out any of its special task.

CHAPTER 4

Establishment

13. Appointment of employees.—(1) The Authority shall have a secretary, who is not below the rank of Deputy Secretary to the Government and he shall be appointed on such terms and conditions as may be prescribed by the Government.

(2) Subject to the organogram approved by the Government, the Authority may appoint such number of officers and employees as it considers necessary for the efficient performance of its functions, and the terms and conditions of their services shall be determined by regulations.

14. Deemed to be public servant.—The Chairman, fulltime members, and the officers and employees of the Authority shall be deemed to be public servants within the meaning of section 21 of the Penal Code, 1860 (Act No. XLV of 1860).

15. Delegation of powers.—The Authority may, by general or special order, delegate any of its powers or functions, subject to such conditions as may be specified, to the Chairman or a full-time member or an officer of the Authority.

CHAPTER 5

Contract, Report, Borrowing, etc.

16. Performance of Contract.—(1) The Authority may, for the performance of its function, enter into any contract with any individual or organization.

Provided that the Authority shall take prior approval of the Government before entering into any contract with any foreign government or international organization.

(2) Such contract on behalf of the Authority shall be signed by the Chairman, or by any fulltime member or any other officer empowered by him in this behalf.

17. Reports.—(1) The Authority shall, after the end of every financial year, submit to the Government a report containing the functions taken and performed by it for that year.

(2) The Government may, at any time, if it considers necessary, require the Authority to furnish any report, statement, accounts, statistics or other information regarding any matter of the Authority and the Authority shall furnish such report to the Government.

18. Power to borrow.—For carrying out the purposes of this Act, the Authority may, with the prior approval of the Government, borrow money from any commercial bank, financial institution, or any domestic or foreign source.

CHAPTER 6**Fund, budget, and accounts and audit**

19. Fund of the Authority—(1) There shall be a fund of the Authority to be called the Sustainable and Renewable Energy Development Authority Fund.

(2) Moneys received from the following sources shall be credited to the fund, namely :

- (a) grants made by the Government;
- (b) loan obtained from the Government;
- (c) grants made by the local Authority;
- (d) grants or loans obtained from any other source;
- (e) sums received from CDM or any such similar projects implemented under any other activities;
- (f) sums acquired for providing consultancy services;
- (g) sums received from the fee imposed for any act done under this Act; and
- (h) sums received from any other source.

(3) The fund shall be deposited to any scheduled bank :

Provided that, in absence of scheduled bank, the fund may be deposited to any commercial bank approved by the Bangladesh Bank.

(4) All expenses of the Authority shall be met up from the fund.

(5) The surplus fund, if any, after meeting up the expenses of the Authority for that financial year, the whole or any part thereof, shall be refunded to the Treasury of the Government.

20. Budget.—The Authority shall, in such time as may be specified by the Government, submit to the Government an annual budget statement for every financial year showing the estimated receipt and expenditure and the sums which are likely to be required from the Government during that financial year.

21. Accounts and audit.—(1) The Authority shall maintain its accounts in such manner as may be prescribed by the Government.

(2) The comptroller and Auditor-General of Bangladesh shall audit the accounts of the Authority for every year and shall furnish a copy of the audit report to the Government and the Authority.

(3) Besides the audit mentioned in sub-section (2), the Authority may get its account audited by Chartered Accountants as defined in the Article 2(1)(b) of the Bangladesh Chartered Accountants Order, 1973(P.O. No. 2 of 1973), and the Authority may appoint one or more Chartered Accountants in this behalf and such appointed Chartered Accountants shall be entitled to have such remuneration as may be fixed by the Government.

(4). For the purpose of audit of the Accounts of the Authority, the Auditor-General or any person empowered by him in this behalf of Chartered Accountant appointed under sub-section (3), shall have access to all records, documents, annual balance sheet, cash or deposit in the banks, securities, stores and other property of the Authority and may examine any member or any officer or employee of the Authority.

CHAPTER 7

Miscellaneous

22. General Powers of the Government for giving directions.—For carrying out the purposes of this Act, the Government may, from time to time, to take necessary steps as it thinks fit, give direction to the Authority and the Authority shall comply with all such directions.

23. Power to inspect.—For carrying out the purposes of this Act, the Authority may inspect the premises of designated consumers.

24. Protection of acts done in good faith.—No suit or prosecution or any other legal proceeding shall lie against the Authority or its Chairman, any member, officer or employee of the Authority for any damage caused or likely to be caused to any person as a result of any act done in good faith under this Act.

25. Removal of difficulties.—If any difficulty arises in giving effect to any provision of this Act, the Government may, by order, take necessary steps for removing such difficulties.

26. Power to make rules.—The Government may, upon consultation with the Authority, by notification in the *Official Gazette*, make rules for carrying out the purpose of this Act.

27. Power to make regulations.—The Authority may, with the prior approval of the Government, by notification in the *official Gazette*, make regulations for carrying out the purposes of this Act.

28. Abolition of Energy Audit Cell, etc.—(1) Upon the establishment of the Authority, the Energy Audit Cell, hereinafter referred to as the abolished cell, shall stand dissolved.

(2) All assets, rights, powers, authorities, debts, liabilities and all movable and immovable properties, cash and bank balance, reserved fund, investment and all other rights, and all interests and rights arising out of these assets and all books, registers, records and all documents of the abolished cell shall be transferred to, and vest in the Authority.

(3) Any act done measures taken, order passed, notice issued by the abolished cell, and shall be deemed to have been done, taken, passed or issued by the Authority under the provisions of this Act.

29. Publication of translation in English.—(1) The Government may, after the commencement of this Act, by notification in the *official Gazette*, publish an authentic text of translation in English of the Bangla text of the Act.

(2) In the event of conflict between the Bangla and the English Text, the Bangla text shall prevail.

On behalf of the President

MOHAMMAD SHAHIDUL HAQUE
Secretary.