

ELECTRICITY AMENDMENT

H.B. 7, 2022.]

ELECTRICITY AMENDMENT BILL, 2022

MEMORANDUM

This Bill will amend the Electricity Act [*Chapter 13:19*] in clauses stipulated below.

Clause 1

This clause sets out the Bill's short title.

Clause 2

This clause provides for the introduction of stiffer penalties for the abstraction or diversion of any electric current, or the use of such electric current, knowing it to have been unlawfully abstracted or diverted. Currently the Act provides for an option to pay a fine where one is convicted for such a crime, and the Bill proposes to remove the option to pay a fine generally, unless they are special circumstances peculiar to the case that may warrant awarding the option to pay a fine.

Clause 3

This clause provides for the introduction of stiffer penalties for transportation of material used in connection with generation, transmission, distribution or supply of electricity. Currently the Act provides for an option to pay a fine where one is convicted for such a crime, and the Bill proposes to remove the option to pay a fine and instead for one to be liable to imprisonment for a period not less than 10 years. The clause also makes provision for the Court to consider special circumstances, which might be exempted from this stiffer penalty.

BILL

To amend the Electricity Act [*Chapter 13:19*] and to provide for matters connected with or incidental to the foregoing.

ENACTED by the Parliament and the President of Zimbabwe.

5 **1 Short title**

This Act may be cited as the Electricity Amendment Act, 2022.

2 Amendment of section 60A of Cap. 13:19

Section 60C (“Transportation of material used in connection with generation, transmission, distribution or supply of electricity”) of the principal Act is amended—

- 10 (a) in subsection (1) by the deletion of “and liable to a fine not exceeding level 14 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment” and the substitution of “and if there are no special circumstances peculiar to the case as provided for in subsection (4), be liable to imprisonment for a period of not less than ten
15 years,”;
- (b) in subsection (2) by the deletion of “to imprisonment for a period not less than one year” and the substitution of “to imprisonment for a period not less than ten years,”.

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3 Amendment of section 60C of Cap. 13:19

Section 60C (“Transportation of material used in connection with generation, transmission, distribution or supply of electricity”) of the principal Act is amended—

(a) in subsection (2) by the deletion of “and liable to a fine not exceeding level 14 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment” and the substitution of “and if there are no special circumstances peculiar to the case as provided for in subsection (2a), be liable to imprisonment for a period of not less than ten years,”; 5

(b) by the insertion of the following subsections after subsection (2)— 10

“(2a) If a person referred to in subsection (2) satisfies the court that there are special circumstances peculiar to the case, which circumstances shall be recorded by the court, why the penalty provided under subsection (2) should not be imposed, the convicted person shall be liable to a fine up to or exceeding level fourteen or to imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment. 15

(2b) A court sentencing a person under subsection (2) shall not order that the operation of the whole or any part of the sentence be suspended.”. 20

(c) by the repeal of subsection (3).