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Act No. 12 of 2007.

Gazetted and into force Friday 14th December 2007

ACT

To amend the Electricity Act [*Chapter 13:19*] (No. 4 of 2002) and to provide for matters connected with or incidental to the foregoing.

ENACTED by the President and the Parliament of Zimbabwe.

1 Short title

This Act may be cited as the Electricity Amendment Act, 2007.

2 New section inserted after section 60 of Cap. 13:19

The Electricity Act [*Chapter 13:19*] (No. 4 of 2002) ((hereinafter called "the principal Act") is amended by the insertion after section 60 of the following section—

"60A Offences in relation to electric current and apparatus

(1) Any person who, without lawful excuse, the proof whereof shall lie on him or her—

- (a) abstracts or diverts any electric current or causes any electric current to be abstracted or diverted; or
- (b) uses any electric current, knowing it to have been unlawfully abstracted or diverted;

shall be guilty of an offence and liable to a fine not exceeding level fourteen or imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2) Any person who, without lawful excuse, the proof whereof shall lie on him or her, extinguishes, damages or destroys any electric lamp or other electric apparatus provided for the convenience or safety of the public, shall be guilty of an offence 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 one year.

(3) Any person who, without lawful excuse, the proof whereof shall lie on him or her—

- (a) tampers with any apparatus for generating, transmitting, distributing or supplying electricity with the result that any supply of electricity is interrupted or cut off; or
- (b) cuts, damages, destroys or interferes with any apparatus for generating, transmitting, distributing or supplying electricity;

shall be guilty of an offence, and if there are no special circumstances peculiar to the case as provided for in subsection (4), liable to imprisonment for a period of not less than ten years.

(4) If a person referred to in subsection (2) or (3) 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) or (3) 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.

(5) A court sentencing a person to imprisonment under subsection (2) or (3) shall not order the suspension of any part of the sentence if the effect of such suspension is that the convicted person will serve—

- (a) in the case of subsection (2), a period of less than one year; or
- (b) in the case of subsection (3), a period of less than ten years.

(6) A person charged with an offence in terms of subsection (2) or (3) may be found guilty of contravening section 141 ("Negligently causing serious damage to property") of the Criminal Law Code if such are the facts proved."

3 Amendment of section 61 of Cap. 13:19

Section 61 ("Other offences") of the principal Act is amended by the repeal of paragraph (e).

4 New section substituted for section 68 of Cap. 13:19

Section 68 ("Formation of successor companies") of the principal Act is amended by the insertion of the following subsection, the existing subsection becoming subsection (1)—

"(2) With effect from the date of commencement of the Electricity Amendment Act, 2007, or not later than six months thereafter, the companies referred to in subsection (1)(b) and (c) shall be merged and the Minister shall take such steps as are necessary under the Companies Act [*Chapter 24:03*] to secure the registration of a company limited by shares that shall be responsible for the transmission and distribution systems of the Authority."