

GOVERNMENT OF ZAMBIA

ACT

No. 21 of 2003

Date of Assent: 11th December, 2003

An Act to amend the Electricity Act

[12th December, 2003

Enactment	ENACTED by the Parliament of Zambia.
Short title Cap. 433	1. This Act may be cited as the Electricity (Amendment) Act, 2003, and shall be read as one with the Electricity Act, in this Act referred to as the principal Act.
Amendment of long title	2. The principal Act is amended in the long title by the insertion of the words "to repeal the Electricity Act, 1956" and a semi colon after the words "distribution and supply of electricity".
Amendment of section 2	3. Section <i>two</i> of the principal Act is amended by the insertion in the appropriate places of the following new definitions: "common carrier" means a transmission line or distribution line declared as such by the Minister under this Act; "distribution" means the transportation of electricity on high voltage, medium voltage and low voltage systems for delivery to the final consumers but does not include supply; "distribution line" means any cable, overhead or underground line for the transportation of electricity on high voltage, medium voltage and low voltage systems and includes— (a) any transformer, switchgear or other works necessary for, and used in connection with, such cable, overhead or underground line; and (b) any buildings or any part of such building as may be required to accommodate such transformer, switchgear or other works; "generation" means the production of electricity;

“interconnected system” means a number of transmission and distribution lines which are linked together;

“supply” means the sale of electricity to consumers; and

“transmission” means the transportation of electricity on an extra high voltage or a high voltage interconnected system for delivery to distributors and final consumers but does not include supply;

4. Section *four* of the principal Act is amended—

Amendment
of section 4

(a) in paragraph (a) of subsection (1) by the insertion of the word “one” before the word “hundred”; and

(b) by the deletion of the words “the Minister or” after the words “any requirement of.”

5. The principal Act is amended by the repeal of section *five* and the substitution therefor of the following:

Repeal and
replacement
of section 5

5. (1) If any undertaking, which is part of an interconnected system, wishes to increase or decrease its related generating capacity, it shall apply to the Board for approval and shall submit to the Board a full report on its proposals.

Increase or
decrease of
rated
generating
capacity

(2) The Board shall after considering an application submitted under subsection (1) approve or refuse to approve the application.

(3) Where the Board refused to approve an application under subsection (2), the Board shall within fourteen days of making the decision notify the applicant, in writing, stating the reasons for the refusal to approve the application.

(4) Any person who is aggrieved by the refusal of the Board to approve an application under subsection (1) may appeal to the Minister within thirty days of receiving the notification.

(5) The Minister shall, within thirty days of receiving the appeal under subsection (4), consider the appeal.

(6) In any appeal under subsection (4) the Minister may confirm or set aside the decision of the Board and shall immediately notify the appellant of the Minister’s decision.

(7) Any person who is aggrieved by the Minister’s decision under subsection (6) may, within thirty days of receiving the notification, appeal to the High Court.

6. The principal Act is amended by the insertion immediately after section *five* of the following new section:

Insertion of
new section
5A

Purchase of
power from
outside
Zambia

5A. (1) Any undertaking which wishes to purchase power from outside Zambia shall apply to the Minister for approval and shall submit to the Minister a full report on its proposals.

(2) The Minister shall, in considering any application under subsection (1), have regard to the terms of any relevant international agreement and to the advice of the Board.

(3) The Minister may, after considering a report submitted under subsection (1), approve or refuse to approve the application.

(4) Where the Minister refuses to approve an application under subsection (3) the Minister shall within fourteen days of making the decision notify the applicant, in writing, stating the reasons for the refusal.

(5) Any person aggrieved by the refusal of the Minister to approve an application under this section may appeal to the High Court within thirty days of receiving the notification.

Amendment
of section 8

7. Section *eight* of the principal Act is amended by the insertion immediately after subsection (4) of the following new subsection:

(4A) The Board may, if it considers it appropriate, on its own motion review a notice by an operator of an undertaking to vary or alter charges in respect of any supply of electricity.

Amendment
of section 9

8. Section *nine* of the principal Act is amended by the deletion of paragraph (b) and the substitution therefor of the following:

(b) the consumer has failed to comply with conditions of supply or the regulations and failed to remedy the default within *seven* days of receiving, from the operator of the undertaking, a notice served on the consumer in accordance with section *twenty-nine* calling upon the consumer to do so.

Amendment
of section 11

9. Section *eleven* of the principal Act is amended by the insertion immediately after subsection (2) of the following new subsection:

(3) Any operator who is aggrieved by the decision of the Board to revoke its licence may within thirty days of receiving the notification appeal to the High Court.

Repeal and
replacement
of section 12

10. The principal Act is amended by the repeal of section *twelve* and substitution therefor of the following:

Maintenance
of
undertakings

12. Any person who operates an undertaking the plant of which is rated at the site where it is installed at a capacity of one hundred or more kilowatts shall submit to the Board details of the plant and installation of the undertaking in such manner and

form as the Board may prescribe, and any such undertaking shall be maintained in accordance with regulations made under this Act, and shall comply with any requirement of the Board for the purpose of facilitating co-ordination with existing or future undertakings.

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| <p>11. The principal Act is amended by the repeal of section <i>thirteen</i> and the substitution therefor of the following:</p> | <p>Repeal and replacement of section 13</p> |
| <p>13. (1) A licence under the Energy Regulation Act authorizing any person to supply electricity within the area under the jurisdiction of a local authority shall not be issued—</p> <p style="padding-left: 40px;">(a) without the consent of that authority; and</p> <p style="padding-left: 40px;">(b) in the absence of an environmental impact assessment report.</p> <p style="padding-left: 40px;">(2) In paragraph (b) of subsection (1) “ environmental impact assessment report ” means an environmental impact assessment report issued by the Environmental Council of Zambia in accordance with the provisions of the Environmental Protection and Pollution Control Act.</p> | <p>Supply within area of local authority
Cap. 436</p> <p>Cap. 204</p> |
| <p>12. Section <i>fourteen</i> of the principal Act is amended in paragraph (b) of the proviso to subsection (4) by the insertion of the word “ not ” before the words “ used for . ”</p> | <p>Amendment of section 14</p> |
| <p>13. Section <i>sixteen</i> of the principal Act is amended—</p> <p style="padding-left: 40px;">(a) in subsection (1) by the deletion of the words “ or distribution ” after the words “ a transmission ” and</p> <p style="padding-left: 40px;">(b) by the deletion of subsection (2) and the substitution therefor of the following:</p> <p style="padding-left: 80px;">(2) When the operator of any undertaking has acquired any land or rights over land under the provisions of any written law or any law relating to the supply of electricity, the provisions of subsection (1) shall apply, with necessary modifications, to access to such land, and any person entitled to exercise them, subject to the conditions applicable to them under the provisions of the law at the time when they were acquired.</p> | <p>Amendment of section 16</p> |
| <p>14. Section <i>seventeen</i> of the principal Act is amended in subsection (2) by the deletion of the words “ Notwithstanding ” and substitution therefor of the word “ Notwithstanding ”.</p> | <p>Amendment of section 17</p> |
| <p>15. Section <i>eighteen</i> of the principal Act is amended in subsection (2) by the insertion of the word “ if ” before the words “ the person concerned ”.</p> | <p>Amendment of section 18</p> |

- Amendment of section 19
16. Section *nineteen* of the principal Act is amended—
- (a) in subsection (1) by the deletion of the words “ law relating to power and light ” and the substitution therefor of the words “ written law ”; and
- (b) in subsection (4) by the insertion of the word “ at ” before the words “ all times fenced ”.
- Repeal and replacement of section 25
17. The principal Act is amended by the repeal of section *twenty-five* and the substitution therefor of the following:
- Entry and inspection
25. The Board or any person authorised in writing by the Board may, at all reasonable times, enter the premises of any undertaking for the purpose of ascertaining whether the provisions of this Act or the conditions of any licence are being complied with.
- Repeal and replacement of section 27
18. The principal Act is amended by the repeal of section *twenty-seven* and the substitution therefor of the following:
- Information and records
27. The Board may, for purposes of this Act, require the operator of an undertaking to provide information relating to the activities and operations of the undertaking, including records, documents and agreements relating to the purchase and sale of electricity as the Board may require.
- Amendment of section 30
19. Section *thirty* of the principal Act is amended—
- (a) in paragraph (b) of subsection (2) by the insertion of the words “ transmit, convert, distribute ” before the words “ or supply ”; and
- (b) in paragraph (d) of subsection (2) by the insertion of the words “ transmission, conversion, distribution ” before the words “ supply or use of electricity ”.
- Insertion of new section 31
20. The principal Act is amended by the insertion immediately after section *thirty* of the following new section:
- Repeal of Act No. 8 of 1956
31. The Electricity Act, 1956 is hereby repealed.
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