



THE ZANZIBAR ELECTRICITY CORPORATION ACT, 2006

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ACT NO. 3 OF 2006

I ASSENT

A. A. Karume
AMANI ABEID KARUME
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL

....., 2006

AN ACT TO ESTABLISH THE ZANZIBAR ELECTRICITY CORPORATION AND TO FACILITATE THE GENERATION, TRANSMISSION, TRANSFORMATION, DISTRIBUTION, SUPPLY AND USE OF ELECTRICITY

ENACTED by the House of Representatives of Zanzibar.

PART I **PRELIMINARY**

Short title and commencement. 1. This Act may be cited as the Zanzibar Electricity Corporation Act, 2006 and shall come into operation immediately upon being assented to by the President.

Interpretation. 2. In this Act, unless the context otherwise requires:

“aerial line” means an electric supply-line which is placed above ground and in the open air;



"authorized officer" means an officer authorized by the Corporation to exercise the powers or perform the duties in respect of which the expression is used;

"Board" means Board of Directors of the Corporation established under section 5 of the Act;

"Commissioner" means Commissioner for Public Investment as defined in the Public Investment Act, No. 4 of 2002;

"consumer" means a person entitled under the terms of an agreement to be supplied with electricity by the Corporation and includes any person whose premises are for the time being connected for the purpose of the supply of electricity with the works of the Corporation;

"consumer's terminals" means the ends of the electric conductors, situated upon any consumer's premises and belonging to him, at which the supply of electricity is delivered from the service lines;

"cut out" means a fuse or circuit breaker inserted in a service line to protect the meter;

"distributing main" means the portion of any main with which a direct service is or is intended to be connected;

"earthing" means connected to the general mass of earth in such a manner as to ensure at all times an immediate and safe discharge of electricity to earth;



"electric supply-line" means a wire, conductor or other means used for the purpose of conveying, transmitting or distributing electricity together with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying, transmitting or distributing such electricity;

"electricity" means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of a message;

"general supply" means the general supply of electricity to ordinary consumers and includes, unless otherwise specially agreed with a local authority, the general supply of electricity for public lighting but does not include the supply to any one more particular consumers under special agreement;

"government" means the Revolutionary Government of Zanzibar;

"licence" means a licence granted under section 27 of this Act;

"local authority" means a local government authority established by law;

"main" means any electric supply-line through which electricity is or is intended to be supplied by the Corporation for the use of the public;

"meter" means any apparatus intended for the measurement of electricity supplied, fixed and



connected under the provisions of section 32 of this Act and includes devices for limiting current, it also includes pre-paid meters (Tukuza);

“Minister” means the Minister for the time being responsible for matters relating to electricity;

“President” means President of Zanzibar and Chairman of the Revolutionary Council;

“private purposes” includes any purposes, other than that of public purposes or the transmission of messages, to which electricity may for the time being be applicable;

“public purposes” means electricity used for the illumination of any street or any place belonging to or subject to the control of the Government or of a local authority or any place of public worship or any hall or building belonging to or subject to the control of any public authority, or any public theatre, but does not include any other purpose to which electricity may be applied;

“public use” means the use of electricity by any member of the public and includes public lighting;

“service line” means any electric supply-line through which electricity is or is intended to be supplied by the Corporation:

- (i) to a consumer either from a distributing main or immediately from any of the premises of the Corporation;



- (ii) from a distributing main to a group of consumers on the same premises or on adjoining premises supplied from the same point of the distributing main;

"special agreement" means any agreement for the supply of electricity made between the Corporation and any Consumer, which by reason of any peculiarity in supply or demand, contains some special term or price, quantity to be and consumed, period or otherwise, which term or condition is not reasonably applicable to every consumer of any general class of supply;

"special consumer" means any person who has entered into a special agreement with the Corporation;

"street" includes any square, bridge, highway, lane, road, thoroughfare or public passage or place;

"telegraph line" or "telephone line" means a line by which communications are conveyed by electro-mechanical means;

"the Corporation" means the Zanzibar Electricity Corporation established under section 3 of this Act;

"underground line" means an electric supply-line which is placed under the ground;

"works" includes distributing mains, electric supply-lines, poles, brackets, pillars, lamps, meters, seals, street boxes, machinery, buildings, earth and water-works and any apparatus or other works of whatsoever description required for



the generation, transmission, transformation, distribution or supply of electricity.

PART II
THE ESTABLISHMENT OF THE ZANZIBAR ELECTRICITY CORPORATION

Establishment of
Zanzibar
Electricity
Corporation.

3.(1) There is hereby established a Public Corporation to be known as the Zanzibar Electricity Corporation or ZECO in its acronym hereinafter referred to as the Corporation.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal, and shall, in its corporate name, be capable of :

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of property, movable or immovable; and
- (c) entering into contracts and doing or performing all other things or acts for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Functions of the
Corporation.

4. The functions of the Corporation shall be:

- (a) the establishment, acquisition maintenance and operation of works and undertakings for the generation, transmission, transformation, distribution and supply of electricity to consumers in Zanzibar;



- (b) the investigation of new or additional facilities for the generation and supply of electricity within Zanzibar;
- (c) to construct or erect and to maintain, alter, machinery, plant, electricity supply lines, mains, and any other apparatus or works;
- (d) to exchange, let, sell any of the property or plant acquired or constructed by the Corporation;
- (e) to enter into contracts with any public, local authority or any person for the purchase and supply of electricity or for any other purpose;
- (f) to enter into agreements for purchase of electricity in bulk from independent power producers within or outside Zanzibar for resale to consumers;
- (g) to carry on all such other activities as it may appear to the corporation to be requisite, advantageous or in connection with the exercise of its functions.

The Board of
Directors.

5.(1) There is hereby established a Board to be called the Board of Directors of the Corporation.

(2) The Board shall be supervising body for the management of the Corporation.

(3) The Board shall be a statutory body responsible for supervision of the implementation of the policies of the Government.



Composition of Board.

6.(1) The Board shall be constituted with the following members:

- (a) A chairperson who shall be appointed by the President;
 - (b) The General Manager of the Corporation as an ex officio member;
 - (c) Three other members appointed by the Minister from amongst persons who have experience of, or shown capacity in or otherwise knowledgeable of the activities undertaken by Corporation who have no vested interest in the Corporation.
- (2) The Board shall be answerable to the Minister
- (3) The Board shall appoint a suitable and qualified lawyer as it may determine to be the Secretary to the Board.
- (4) The Secretary of the Board shall be responsible for arranging the business proceeding of the Board and for such other functions as the Board may direct.

Tenure of members of the Board.

7. A member of the Board other than ex-officio member shall hold office on such terms and conditions as are specified in his instrument of appointment for a period not exceeding three years in the first instance and shall be eligible for reappointment for such further period as the Minister may determine.

Suspension or termination of members.

8. The Minister may terminate or suspend any member appointed by him under section 6(1) (c) of this Act:

- (a) for the member's inability to perform the functions of his office;



- (b) for misbehaviour or misconduct;
- (c) if the member is convicted of a criminal offence involving fraud, dishonesty or moral turpitude;
- (d) if the member fails to comply with the regulations relating to disclosure of interest in a particular case;
- (e) if the member absents himself from three consecutive meetings of the Board without the leave of the Chairman; or
- (f) for any other sufficient reason to be recorded in writing.

Business of the Board.

9. The Board may, make rules regulating its own procedures generally and, in respect of holding of meetings, notices, proceedings at Board meetings, production and inspection of minutes of Board meetings and other related matters.

Powers and functions of the Board.

10. The Board shall, in discharge of the functions, have powers to:

- (a) require the General Manager to furnish it with any information, reports or other documents which the Board considers necessary for performance of its functions;
- (b) approve such organizational structure and work procedures and determine the terms and conditions of service, salaries and other allowances including any other benefits for the employees of the Corporation;



- (c) approve budget, action plans, objectives and work targets for all revenue departments and monitor their progress in achieving them on a continuous basis;
- (d) with the approval of the Minister, to set out electricity tariff rates and ensure that the tariff structure is reviewed from time to time to cover the cost of production; including generation, transmission, transformation, distribution, supply, maintenance and administration;
- (e) set out, enforce staff regulations, code of conduct, discipline and professional standards of the employees of the Corporation.

Appointment
and
establishment of
committees.

11.(1) For the purpose of performing the functions, the Board may establish committees as it considers necessary and with such terms of reference as it may specify by regulations.

(2) Members of committees established under subsection (1) of this section may be appointed from amongst members of the Board.

(3) The Board may revoke the appointment of any member of a committee.

(4) A member of a committee may at any time resign by giving notice in writing to the Chairman of the Board.

Co-option.

12. The Board may co-opt any person to participate in its deliberations, but the person so co-opted shall have no right to vote.



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Assignment of powers and duties.

- (c) perform any functions and exercise any powers conferred upon the General Manager or Corporation under any legislation or agreement entered by the Corporation.

16.(1) The General Manager may:

- (a) assign management or other duties to employees appropriately qualified to assist the General Manager in the management, and the control over the functioning of the Corporation;
- (b) delegate any function of the General Manager in terms of this Act to any employee of the Corporation; or
- (c) instruct any employee of the Corporation to perform any of the General Manager duties in terms of this Act.

(2) An assignment, delegation or instruction under subsection (1) of this section:

- (a) may be effected subject to any condition the General Manager may impose; and
- (b) does not absolve the General Manager of the responsibility concerning the exercise of the powers or the performance of the duty.

Appointment of Heads of Departments.

17. The Board may, upon the recommendation of the General Manager, as per Staff Regulations and Scheme of Service, appoint such number of heads of departments as it may think necessary for proper management and efficient performance of the functions of the Corporation on such terms and conditions as it may determine.



Disciplinary powers.

18. Subject to Staff Regulations and the Code of Conduct, the Board or the General Manager, as the case may be, shall be responsible for discipline and control of the officers and staff of the Corporation and may evolve suitable procedures in accordance with the Staff Regulations or the Code of Conduct.

Immunity from personal liability.

19. No act, matter or thing done or omitted to be done by any member of the Board, or employee of the Corporation or any other person under the direction of the Corporation, shall, if that act, matter or thing done or omitted to be done in good faith in the execution of his duty or under the direction, render that member, employee or person personally liable to any civil action, claim or demand.

PART IV FUNDS AND ACCOUNTS OF THE CORPORATION

Funds of the Corporation.

20. Funds of the Corporation for management of its own affairs shall consist of:

- (a) all revenues generated from the sales of electricity;
- (b) the amounts as may be received by or made available to the Corporation by way of grants, loans or other sums for the purpose of performing its functions subject to the approval of the Board;
- (c) all moneys derived from the disposal, lease or hire of, or any other dealings with, any property vested in or acquired by the Corporation;
- (d) all moneys derived as income from investments by the Corporation;



Responsibility
of General
Manager on
Funds.

Expenditure and
budget
estimates.

Bank accounts
and application
of funds.

- (e) all moneys borrowed by the Corporation under this Act;
- (f) all other moneys lawfully received by the Corporation on its own behalf.

21. The General Manager shall be responsible for:

- (a) all income and expenditure of the Corporation;
- (b) all revenue collected by the Corporation; and
- (c) all assets and discharge of all liabilities of the Corporation

22.(1) There shall be paid out of the fund all such sums of money required to defray the expenditure incurred by the Corporation in the exercise, discharge and performance of its functions and duties under this or any Act.

(2) The General Manager shall, not later than three months before the end of each financial year, prepare and submit to the Board for its approval, estimates of its income and expenditure for the next ensuing year, which, on approval, shall be forwarded to the Minister.

(3) The General Manager may at any time submit to the Board a supplementary estimate for its consideration and on approval the Board shall notify the Minister on the same.

23.(1) The Corporation shall open and maintain an account or accounts with such banks as the Board may approve, and every such account shall be operated upon as far as practicable by cheques signed by such person or



persons as may, from time to time be authorized by the General Manager.

(2) The moneys of the Corporation shall be applied only in payment of discharge of the expenses, obligations and liabilities of the Corporation and in making any payment or advance that the Corporation is authorized or required to make.

Accounts and auditing.

24.(1) The Corporation shall keep accounts and records of all its transactions and shall ensure that all moneys received and paid by the Corporation are properly accounted for.

(2) The provisions of the Establishment of Officer of Controller and Auditor General Act No. 11 of 2003 shall apply mutatis mutandis to the auditing of the annual accounts of the Corporation.

Investment.

25. The Corporation may invest any of its funds in a manner as may be approved by the Board.

Monthly and annual reports.

26.(1) The General Manager shall within three months after the end of each financial year submit annual report to the Board which shall then be submitted to the Minister in respect of that year, containing:

- (a) a summary of the Corporations performance during the year;
- (b) audited financial statements reflecting the Corporations financial affairs during the year consisting of at least.
 - (i) balance sheet;
 - (ii) an income statement;



- (iii) a statement showing loans and advances to the Corporation;
 - (iv) a report of the auditors; and
 - (v) a cash flow statement.
- (c) audited financial statements of all revenue collected by the Corporation;
 - (d) a report on performance of all individual departments of the Corporation.
- (2) The financial statements forming part of the report shall:
- (a) be prepared in accordance with International accepted accounting practices;
 - (b) fairly reflect the activities and performance of, and the state of affairs in the Corporation; and
 - (c) draw attention to any matter that may or would probably affect the affairs of the Corporation.

PART V
FURTHER PROVISIONS RELATING TO DUTIES AND
POWERS OF THE CORPORATION

Power of the Minister to issue licence.

27.(1) The Minister may grant a licence to any entity or person who wants to invest in the electricity generation, in any area in Zanzibar on such terms and conditions as may be specified in the licence.

(2) The Minister may appoint a committee to advise him on lincencing and regulatory issues.



Power to enter land to survey or to construct works.

28.(1) After giving reasonable notice to the owner or occupier, where practicable, the Corporation or any person authorized by the Corporation for that purpose may enter upon any land in order to survey land or in order to examine, maintain, alter or remove any works the property of the Corporation or to exercise the powers conferred by section 30 of this section.

(2) Every person acting in the exercise of the powers given by this section shall do as little damage as possible and, where any damage is caused by reason of the exercise of such powers, the owner or occupier of the land shall be entitled to compensation in accordance with the provisions of this Act.

Power to construct works on any property.

29.(1) Subject to the provisions of subsection (2) of this section the Corporation or any person authorized by the Corporation for that purpose may construct, erect, place, examine, maintain, alter or remove any works on, in, over, under, along or across any land, building, street, watercourse, harbour or branch of the sea.

(2) The Corporation shall not:

- (a) acquire any right other than that of user only in the property on, in, over, under, along or across which works are constructed, erected or placed under the provisions of this section;
- (b) unless a public emergency has occurred, exercise any power under this section unless it has given fourteen days' notice of its intention so to do to the occupier of the property or to the person under whose control or management that property is.



(3) In the exercise of its powers under this section the Corporation or an authorized officer may:

- (a) demolish any structure, cut and remove any tree, plant or under wood which is not at a safe distance from any existing or proposed works or which interferes or is likely to interfere with the construction, erection, placing, maintenance, alteration or removal of any existing or proposed works;
- (b) affix any works to any tree or building;
- (c) open or break up any street and:
 - (i) alter the position of any pipe for the supply of water, gas or compressed air or the position of any drain (not being a main drain) or the position of any works;

Provided that in any such case the Corporation shall make arrangements to ensure that there shall not be any undue interference with the supply of water, gas or compressed air or with the maintenance of drainage or with the continuance of the supply of electricity and shall give notice of its intention to take such action to the Director of Survey and Urban Planning and the Corporation shall comply with his directions in regard thereto;

- (ii) alter the position of any telephone line or require the owner thereof to alter the position of such telephone line to the satisfaction of the Corporation; and, if the position from which such



telephone line is so altered was approved in writing by the Director of Survey and Urban Planning, the cost of such alteration shall be borne by the Corporation:

Provided that in any such case the Corporation shall give notice of its intention to take such action to the Director of Survey and Urban Planning and shall comply with his directions in regard thereto.

(d) stop any quarrying activities, or stop or demolish any construction which is not at a safe distance from any existing or proposed works or which is likely to interfere with any existing or proposed works.

(5) Where the Corporation in the exercise of its powers under paragraph (c) of subsection (3) of this section opens or breaks up any street it shall cause the street to be restored as nearly as possible to other condition in which that street was immediately prior to the opening or breaking.

(6) Where the Corporation in the exercise of any power under this section constructs, erects or places any works on, in, over, under, along or across any street, watercourse, harbour or branch of the sea, it shall be so constructed, erected or placed as not to obstruct or interfere with passage along such street or obstruct or interfere with the navigation of such watercourse, harbour or branch, as the case may be.

(7) The Corporation shall do as little damage as possible in the exercise of its powers under this section and shall, before cutting or removing any tree, consult the Commissioner or Officer in Charge responsible for Agriculture,



and where any damage is caused by reason of the exercise of such powers the owner or occupier of the property shall be entitled to compensation in accordance with the provisions of this Act.

(8) Any works placed before the commencement of this Act on, in, over, under, along or across any land, building, street, watercourse, harbour or branch of the sea shall be deemed to have been so placed in exercise of the powers conferred by and in accordance with the requirement of this Act and, in the case of works placed on, in, over, along or across any property under the control or management of any person, as if that person had agreed in writing to the position of such works.

Removal of
works erected
on any
property.

30.(1) Where any works have under the provisions of this Act been constructed, erected or placed on, in, over, along or across any property under the control or management of any person and the person considers it expedient, having regard to circumstances which have arisen since the works were so constructed, erected, or placed, that such works should be removed or that their position should be altered, the person may by notice in writing require the Corporation to remove them or to alter their position, as the case may be, and the Corporation may comply with such requirement and the cost of any such removal or alteration shall be borne by such person.

(2) In the event of any dispute arising between the person and the Corporation on any question arising out of the provisions of this section the matter shall be referred to the Consumer Appeal Committee established under section 44 of this Act.

(3) Where any works have under the provisions of this Act been constructed, erected or placed on, in, over, under, along or across any property, and any person entitled



to do so desires to erect on such property a building which would interfere with the works, either temporarily or permanently, or desires to deal with such property in some manner which renders it desirable that such works should, either temporarily or permanently, be removed or that their position should be altered, he may by notice in writing require the Corporation so to remove them or alter their position, as the case may be, and the Corporation may either:

- (a) comply with such requirement subject to the payment by such person of the cost, or any part thereof, of such removal or alteration, in which event the Corporation may require such person to deposit with the Corporation such sum as the Corporation may consider necessary; or
- (b) by notice in writing refuse to comply with such requirement, in which event such person may apply to a district court within the jurisdiction of which the property is situate for an order as to such removal or alteration and as to the payment or apportionment of the cost thereof; and any such order shall be final.

Power to enter land to prevent accident, etc.

31.(1) The Corporation or any person authorized by the Corporation may, for the purpose of preventing the occurrence of any accident, restoring the supply of electricity or repairing any damage caused by any accident, enter upon any land or building and:

- (a) cut down or remove any tree, plant, underwood or other obstruction, not being a building, which endangers or interferes with works the property of the Corporation;



(b) do such things as may be necessary to prevent the occurrence of any accident or to restore the supply of electricity or to repair any damage caused as a result of any accident.

(2) The Corporation shall do as little damage as possible in the exercise of its powers under this section and shall, except in cases of emergency involving danger to life, before cutting or removing any tree, consult the Commissioner of Agriculture or Officer in charge responsible for Agriculture, and where any damage is caused by reason of the exercise of such powers the owner or occupier of the property shall be entitled to compensation in accordance with the provisions of this Act.

(3) If any tree, plant, underwood or other obstruction cut down or removed under this section came into existence subsequent to the installation of the works at that place, then no compensation shall be payable in respect of such entry and the cutting down or removal of the tree, plant, underwood or other obstruction.

PART VI **METERS AND SUPPLY OF ELECTRICITY**

Meters.

32.(1) Save as provided in any agreement made between the Corporation and a Consumer, the amount of electricity supplied to a consumer shall be ascertained by means of an appropriate meter or meters, fixed and connected with a service line by the Corporation.

(2) The Consumer shall provide such meter with a cut out, conductor, poles and their accessories that will be found necessary for such supply of electricity.



(3) All such meters, cut-outs, conductors, accessories or any materials supplied by consumer shall comply with quality standards to be set out by the Corporation and approved by the Minister.

(4) The Corporation shall have the right to reject any supplied meters that do not comply with such quality standards.

(5) All materials supplied by a consumer shall be the property of the corporation.

Supply for private purposes.

33.(1) The Corporation shall, upon being requested to do by the owner or occupier of any premises situated within fifty meters from a distributing main in which the Corporation for the time being, maintaining a supply of electricity for the purpose of general supply for private purposes, give and continue to give a supply of electricity for those premises and shall furnish and lay such service lines as may be necessary for supplying such electricity.

(2) If the owner's premises is located beyond fifty meters from the distributing main, the Corporation may extend the distribution line and give supply to the owner if materials for construction of such line are in stock or after the owner has made payments for costs of extension of the line.

Refusal to give a supply for non-compliance with the Act.

34.(1) The consumer shall ensure that his/her installation is protected with circuit breaker against earth leakage or short circuit.

(2) The Corporation may refuse to give a supply if they are satisfied that the consumer's installation is not suitable and fails to comply with this Act or with Rules and Regulations made under this Act.



(3) The Corporation shall not, by reason of making an inspection or test of a consumer's electrical installation, fittings or apparatus be deemed responsible for sufficiency or safety of the installation, fittings or apparatus so inspected or tested, or for any damage or loss arising out of the use or misuse of such installation, fittings or apparatus by the consumer or any other person.

Security for payment.

35. The Corporation may, before executing the work necessary for connecting the premises of an owner or occupier to any distributing main, by notice in writing require such owner or occupier, within seven days of the service of such notice, to give security for the payment of all moneys which may become due in respect of such work or of the supply of electricity to such owner or occupier or of both such work and such supply and, if the owner or occupier fails to comply with the terms of the notice, may refuse to supply electricity for the premises for so long as the failure continues.

Discontinuance of supply to consumer in certain events.

36.(1) Where a consumer uses any form of lamp or apparatus of such kind, or the electricity supplied to him in such manner, as to interfere unduly or improperly with the efficient supply of electricity to any person or commits an offence under sections 39, 40, or 41, the Corporation may, without prejudice to the right to sue for and recover any amount due by the consumer for electricity supplied or otherwise, forthwith cut off the supply of electricity and for that purpose cut or disconnect any service line or other works and remove any works the property of the Corporation and may discontinue the supply of electricity to such consumer.

(2) Where a consumer neglects to pay any amount due by him for electricity supplied or any other sum due by him to the Corporation in respect of the supply of electricity or the hire of any works, the Corporation may, after giving not less than forty-eight hours' notice in writing to such consumer and without prejudice to the right to sue for and recover the



amount so due, cut off the supply of electricity and for that purpose cut or disconnect any service line or other works and remove any works the property of the Corporation and may discontinue the supply of electricity until such amount, together with all expenses incurred in cutting off, disconnecting and reconnecting the supply are paid.

Notice to
Corporation
when quitting
premises.

37. Forty-eight hours' notice in writing shall be given to the Corporation by every consumer before he quits any premises supplied with electricity by it and, in default of such notice, the consumer so quitting shall be liable to pay to the corporation the money due in respect of such supply up to such time as notice of removal is given or up to the next usual date for ascertaining the register of the meter or otherwise for determining the charges due to the Corporation in respect of such premises, or up to the date from which any subsequent occupier of such premises may require the Corporation to supply electricity to the premises, whichever shall first occur.

PART VII **OFFENCES**

Unlawful acts by
employees of
the Corporation.

38. Any person who, being a person employed by the Corporation in connection with the supply of electricity or any works:

- (a) knowingly permits any unauthorized person to interfere in any way with any works; or
- (b) with intent to defraud or deceive, prepares, alters secretes or destroys any documents or thing used in connection with the supply of electricity; or
- (c) knowingly demands or receives from any other person any sum of money in respect of the use by such other person of electricity where such sum of money is not chargeable under this Act;



shall be guilty of an offence and shall be liable to a fine not exceeding three million shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Theft of electricity.

39.(1) Any person who fraudulently abstracts, consumes or uses any electricity shall be deemed to have stolen such electricity and shall be liable to a fine of not less than one million shillings or to imprisonment of for a term not exceeding six months or to both such fine and imprisonment and shall also be required to compensate the Corporation for the estimated value of energy fraudulently consumed for the period of fraud.

(2) The existence of any unauthorised means for such abstraction, consumption or use shall be *prima facie* evidence that the abstraction, consumption or use was fraudulent.

Maliciously wasting electricity, damaging works, etc.

40. Any person who:

- (a) maliciously caused electricity to be wasted or diverted; or
- (b) willfully destroys or damages any works; or
- (c) without authority and with intent to cut off the supply of electricity cuts or injures any works; or
- (d) willfully digs and removes sand from any electricity line at a distance in paragraph (e) of this section or any work; or
- (e) construct a building or any structure within distance of 50 meters from either side of the national grid line or within a distance of 15 meters from 33kv and 11kv lines or near the works or which interferes with any work;



shall be guilty of an offence and shall be liable to a fine not less than one million shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Interference
with meters,
works, etc., and
improper use of
electricity.

41.(1) Any person who:

- (a) connects or disconnects any meter with or from any electric supply line without authority; or
- (b) lays or connects up or causes to be laid or connected up any works with any other works the property of the Corporation for the purpose of procuring a supply of electricity without the consent of the Corporation; or
- (c) without authority alters the indicator of any meter or any apparatus connected therewith whereby electricity is measured or prevents any meter, indicator or apparatus from measuring electricity consumed; or
- (d) where electricity supplied by the Corporation is not measured by a meter, uses electricity supplied to him in a different way or in a greater amount than he has contracted to pay for; or
- (e) supplies any other person with any part of the electricity supplied to him by the Corporation without the approval of the Corporation; or
- (f) willfully or negligently uses electricity supplied to him by the Corporation in dangerous manner;



shall be guilty of an offence and shall be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and, in the case of a continuing offence, to a further fine of fifty thousand shillings for each day during which the offence continues.

(2) The existence of any unauthorised connection or of any unauthorised alteration or unauthorised interference with a meter, indicator, apparatus or works shall, where the meter, indicator, apparatus or works is or are under the custody or control of the person charged, be *prima facie* evidence that such connection, alteration or prevention has been knowingly or willfully caused by the person charged.

Unlawfully being
on premises
used for
generating or
distributing
electricity etc.

42. Any person who:

- (a) without the permission of the Corporation, the proof of which permission shall lie on the person charged, knowingly enters any premises used for the purpose of generating electricity or distributing electricity to which the public has no right of access; or
- (b) refuses or fails to leave any such premises when called upon so to do by an authorized officer; or
- (c) willfully and unlawfully obstructs or impedes an authorized officer lawfully discharging any duties in connection with the generation of electricity or the supply of electricity or any other duties under this Act;

shall be guilty of an offence and shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.



Defacing works.

43. Any person who, without the permission of the Corporation the proof of which permission shall lie on the person charged, affixes or attempts to affix any placard, board, advertisement, notice, document, paint or other thing to any works or any building used in connection with the generation of electricity or the distribution of electricity shall be guilty of an offence and shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

PART VIII **MISCELLANEOUS PROVISIONS**

Consumers
Appeal
Committee.

44.(1) The Minister shall set up Consumers Appeal Committee to hear and determine consumers' complaints against decisions of the Corporation in relation to supply of energy, installations, disconnections or person aggrieved by any action taken or intended to be taken by Corporation under section 29 of this Act.

(2) Any consumer who is not satisfied with the decision of the Consumers Appeal Committee, may file a suit in a court of competent jurisdiction.

(3) The Committee shall be composed of a Chairperson who shall be a person with knowledge and experience in law and not more than four other members with knowledge of electrical engineering, commerce or finance or such other persons as the Minister may deem fit.

(4) The Chairperson and the members shall be appointed by the Minister.

(5) The period of appointment of members, the working procedures, reporting, record keeping and other matters



relating to operation of the committee shall be as directed by the Minister in writing.

Vesting of assets.

45. All property which immediately before the commencement of this Act was vested in the State Fuel and Power Corporation for its own use for the purposes of giving effect to the repealed Act, shall on the date of commencement of this Act vest in the Corporation subject to all interests, liabilities, charges, obligations and trusts affecting the property.

Compensation.

46.(1) When any damage is caused to any person in the exercise of the powers of the Corporation under sections 28, 29 and 31 such person shall be entitled to compensation therefore subject to the provisions of this section

(2) No person shall be entitled to compensation for damage suffered as a result of the user of any works authorized under this Act unless such damage results from negligence on the part of the Corporation or any person employed by it.

(3) This section shall not apply in cases where buildings are erected by the Corporation.

(4) No person shall be entitled to compensation for, and no action, suit or other proceedings shall lie against the Corporation in respect of any interruption in or failure of the supply of electricity.

Settlement of compensation.

47.(1) Where any person is entitled to compensation under section 46 the Corporation and the person entitled thereto may by agreement in writing agree the amount of compensation to be paid and any such agreement shall be final and binding on the parties thereto.



(2) Any dispute as to the payment or amount of compensation under the provisions of section 46 shall be referred to the Consumers Appeal Committee.

Services of notices, etc., on or by the Corporation.

48.(1) Any notice or other document required or authorized under this Act or otherwise to be served on the Corporation may be served:

- (a) by delivering the notice or other document to the Corporation;
- (b) by leaving it at the office of the Corporation;
- (c) by sending it by registered post addressed to the Corporation.

(2) Any notice or other document required or authorized under this Act or otherwise to be served on any person by the Corporation may be served:

- (a) by delivering it to the person; or
- (b) by leaving it at the usual or last known place of abode of the person; or
- (c) by sending it by registered post addressed to the person at his usual or last known place of abode.

Offences by a body corporate.

49. Where any offence against this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a Director, General Manager, Secretary or other similar officer of the body corporate or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the



commission of the offence as he ought to have exercised having regard to the nature of his functions in such capacity as aforesaid and in all the circumstances of the case.

Forfeiture of apparatus in certain cases.

50. Where a person is convicted of an offence under section 39 section 40 or section 41, the court may, in addition to any other penalty, order all or any apparatus in connection with which the offence was committed to be forfeited to the Corporation.

Saving of remedies.

51. Nothing in this Act contained shall take away or interfere with the right of the Corporation, or, save as provided in Act, any person to sue for and recover damages for or in respect of damage or injury caused by any offence against this Act.

Plan of area of supply to be made by the Corporation.

52.(1) The Corporation shall, as soon as practicable after commencing to supply electricity, cause a plan to be made of the area of supply to a scale of not less than one in two thousand five hundred and shall cause to be marked thereupon the position of all aerial lines and underground lines and, in the case of underground lines, showing thereon the depth of such lines below the surface, and shall, from time to time and as soon as practicable after the lines have been laid, cause all extensions and alterations to be marked thereon.

(2) Every plan so made and amended or a copy thereof marked with the date when it was made or last amended shall be kept at the office of the Corporation and shall at all reasonable times be open to inspection by the Director of Survey and Planning or any officer authorized by him in that behalf.

(3) The Corporation shall, if required so to do by the Director of Survey and Planning supply to him a copy of every such plan and of every such plan as amended from time to time.



Power to make regulations.

53.(1) The Minister may make regulations generally with respect to the generation, transmission, distribution, supply and use of electricity and to the construction, maintenance and operation of electrical apparatus and, without prejudice to the generally of the foregoing, with respect to:

- (a) accident insurance cover for employees the protection of persons and property from injury by reason of contact with, or the proximity of, or by reason of the defective or dangerous condition of, any appliance or apparatus used in the generation, transmission, supply or use of electricity;
- (b) the prevention of telephone or telegraph lines from being injuriously affected by the generation, transmission, supply or use of electricity;
- (c) the issuance and conditions of licences by the Minister for the generation of electricity;
- (d) the regulation and control of the generation of electricity.

(2) In making any regulations under this Act, the Minister may direct that the breach of any regulations so made shall be punishable with a fine of one million shillings or to imprisonment not exceeding six months or to both such fine and imprisonment and, in the case of a continuing offence, to a further fine of ten thousand shillings for each day during which the offence continues.

Repeal and saving.

54.(1) The Presidential Decree No. 12 1964 is hereby repealed.



(2) All regulations made under the said Act shall be deemed to be regulations made under this Act and shall continue to be of full force and effect with the area to which they apply until revoked by rules and regulations made under this Act.

PASSED in the House of Representatives of Zanzibar on the 30th day of March, 2006.

KJChande
{ KHAMIS JUMA CHANDE }
CLERK OF THE HOUSE OF REPRESENTATIVES