

Electricity (Customer Supplied Prepayment Meter Scheme)  
Regulations, 2018

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ARRANGEMENT OF SECTIONS

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IT is hereby notified that the Minister of Energy and Power Development has, in terms of section 65 of the Electricity Act [*Chapter 13:19*], made the following regulations after consultation with the Zimbabwe Energy Regulatory Authority: —

*Title*

1. These regulations may be cited as the Electricity (Customer Supplied Prepayment Meter Scheme) Regulations, 2018.

*Application*

2. These regulations shall apply to electricity customers with an electricity supply capacity of 100 Amps and below.

*Interpretation*

3. In these regulations—  
“free supply mode” means a condition where a meter dispenses energy without credit on the unit;

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“offer for sale” includes displaying, donating, selling and any manner of exchange;

“original equipment manufacturer or OEM” means the manufacturers of prepayment meters prequalified by the distribution licensee;

“prepayment meter” means a device which—

- (a) measures and records a customer’s consumption of electricity; and
- (b) requires the customer to make advance payments to a distribution/retail licensee before consuming electricity;

“prequalified manufacturer” means a prepayment meter manufacturer that has been approved by a supply licensee to manufacture prepayment meters;

“agent” means a company approved by the Authority to supply prepayment meters from a prequalified manufacturer.

*Prohibition of selling prepayment meters without approval*

4. (1) No person shall—

- (a) offer for sale or sell any electricity prepayment meters to be channelled into the national grid except under the terms of a registration certificate obtained from the Authority;
- (b) purchase any electricity prepayment meters for use in the national grid from an unauthorised agent.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and may be liable to a fine not exceeding level 5 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(3) In addition, any electricity prepayment meters being sold or traded or suspected of being sold, or traded in contravention of this section, shall be liable to seizure in accordance with section 5.

*Seizure*

5. (1) If a person is charged with contravening section 4(1), any officer of the Authority, licensing officer (in the company of an officer from the Authority or police officer) or police officer may seize—

- (a) any electricity prepayment meters being sold, traded in contravention of section 4(1); and
- (b) any vehicle or other equipment used in connection with the selling or trading of prepayment meters in contravention of section 4(1);

pending the outcome of the prosecution of the offence.

(2) Where a vehicle or other equipment is seized under subsection (1), and the person from whom it is seized alleges that the vehicle or equipment used in connection with the offence concerned was availed to him or her by another person who owns the vehicle or equipment, the vehicle or equipment shall still be liable to seizure under this section unless the owner proves to the satisfaction of an officer from the Authority, licensing officer or police officer that he or she was unaware that the vehicle or equipment would be so used.

(3) All items which have been seized under subsection (1) shall—

- (a) be taken forthwith and delivered to a place of security under the control of an officer of the Authority, licensing officer or police officer; and
- (b) be held in custody at the owner's risk until—
  - (i) the criminal proceedings in connection with which those items have been seized are abandoned or discontinued or are concluded otherwise than with the conviction of the accused, in which event the custodian officer of the Authority, licensing officer or police officer shall forthwith restore such items to the person from whom they were seized or to whom they belong, as may be appropriate; or
  - (ii) at any time before plea in the criminal proceedings, the accused person acquires the appropriate certificate or permit and the charge is, with the leave of the Attorney-General, withdrawn, in which event the custodian officer, licensing officer or police officer shall forthwith restore such items to the person from whom they were seized or to whom they belong, as may be appropriate; or
  - (iii) the criminal proceedings have resulted in the conviction of the accused person, in which event

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the convicting court may order any such items to be forfeited to the State or returned to the accused person, as it deems fit in the circumstances.

(4) The Authority shall establish and maintain a register of items seized under this section to be known as the seized items register, in which the Authority shall record the following—

- (a) a description of seized items including, where necessary, their quantity; and
- (b) the name of the person from whom they were seized and the place at which they were seized and the reason for seizure; and
- (c) the date of seizure; and
- (d) the manner of eventual disposal (whether returned to the person referred to in paragraph (b) or forfeited to the State).

*Application for certificate*

6. (1) Any person wishing to sell or trade in electricity prepayment meters who is required in terms of section 12 to obtain a certificate to use sell or trade in electricity prepayment meters, must complete an application form in triplicate and submit two copies of it, together with the prescribed application fee (which is non-refundable), to the Authority.

(2) The Authority shall, no later than 14 days after receiving an application for a certificate—

- (a) satisfy itself that the application has been properly completed; and
- (b) if so satisfied, shall consider the application within 30 days from the date indicated on the application form as the date of application, and shall within that period, make a decision on the application by remitting to the applicant a copy of the application whereon it shall be indicated whether the Authority—
  - (i) approves the application unconditionally; or
  - (ii) approves the application subject to specified conditions; or
  - (iii) rejects the application for specified reasons.

(3) If within the prescribed period the Authority finds that the application form has not been properly completed or he or she requires further information in connection with an application, he or she must remit a copy of the application back to the appropriate applicant to enable the applicant to take the remedial action or furnish the additional information requested (in which event the 30-day period shall run from the date when the applicant re-transmits the application back to the Authority having taken the remedial action or furnished the additional information requested).

(4) As soon as possible after a decision on an application is made, the Authority shall notify the applicant of the granting or rejection of the application for a certificate by giving the applicant a copy of the application whereon it is indicated whether the application is granted or rejected and, if rejected the reasons for the rejection.

(5) Every agent—

(a) shall at every place where he or she sells or trades in electricity prepayment meters, display or have available a copy of his or her certificate; and

(b) on demand by any person who produces proof to the certificate that he or she is—

(i) an officer of the Authority; or

(ii) a police officer; or

produce to that person a copy of the certificate authorising him or her to sell or trade in prepayment meters.

*Conditions attaching to every certificate*

7. (1) It shall be deemed to be a condition of every certificate that no certificate holder, whether individual or corporate, shall transfer his or her or its certificate to another person during the currency of the certificate.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level 3 or imprisonment for a period not exceeding one month or both such fine and such imprisonment.

*Issuance, duration, surrender and renewal of certificates*

8. (1) Every certificate shall be valid for a period of a year or part of a year ending on 31st December of the year in which the applicant received the certificate, unless it is earlier surrendered to or cancelled by the Authority.

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(2) If an application for a certificate is successful (whether approved with or without conditions by the Authority or deemed to have been approved by him or her in terms of section 6(5)), the Authority shall—

- (a) inform the applicant accordingly in accordance with section 7(6); and
- (b) issue to the applicant a certificate upon payment by the applicant of the prescribed issuance fee; and
- (c) make an appropriate entry in the certificate register.

(3) A person who makes an application for a certificate—

- (a) in the first quarter of the year, shall pay the full prescribed issuance fee; or
- (b) in the second quarter of the year, shall pay three-quarters of the prescribed issuance fee; or
- (c) in the third quarter or fourth quarter of the year, shall pay half of the prescribed issuance fee.

(4) If a certificate holder ceases to operate, he or she shall, within 30 days of ceasing to operate, surrender his or her certificate to the Authority from whom he or she obtained it.

(5) Any person who contravenes subsection (4) shall be guilty of an offence and liable to a fine not exceeding level three or imprisonment for a period not exceeding one month or both such fine and such imprisonment.

(6) Upon expiry of a certificate, a certificate holder may renew it by making an application therefor no later than 31 days after the expiry of the existing certificate by submitting an application for renewal.

(7) Upon receipt of an application for the renewal of a certificate the Authority shall satisfy himself or herself that the application form has been properly completed and that there has been no material change of the details of the existing certificate, and if so satisfied, may renew the certificate.

*Suspension or cancellation of certificates*

9. (1) Subject to subsections (2) and (4), the Authority may at any time suspend (for a period not exceeding 60 days) or cancel any certificate if the Authority has reasonable grounds for believing that—

- (a) the certificate was issued in error or through fraud or misrepresentation or non-disclosure of a material fact by the certificate holder; or
- (b) the certificate holder has contravened any provision of the Act or these regulations or any condition of his or her certificate; or
- (c) the certificate holder has ceased the registered operations.

(2) The Authority shall notify the certificate holder in writing of its intention to suspend or cancel his or her certificate and the reasons for doing so, and shall call upon the certificate holder to show cause, within 14 days from the date of the notice, why the certificate should not be suspended or cancelled, as the case may be:

Provided that if in the opinion of the Authority the certificate needs to be immediately suspended or cancelled in the public interest or to avert an environmental emergency he or she can issue the notice requiring the certificate holder to show cause after suspending or cancelling the certificate.

(3) If, at the expiry of the period specified in the notice given in terms of subsection (2), and after considering any representations made by the certificate holder, the Authority is satisfied for any reason specified in subsection (1) that the certificate concerned should be suspended or cancelled, the Authority shall, by notice in writing to the certificate holder, suspend or cancel the certificate or take such other action as it considers appropriate.

(4) The penalty of suspension is only available where there has been a contravention of any provision of the Act or these regulations or any condition of a certificate which, in the opinion of the Authority, is a contravention that can be easily or speedily remediated by the certificate holder:

Provided that —

- (a) if after the expiry of the period of suspension the certificate holder has not taken the remedial action, the Authority shall forthwith cancel the certificate; or
- (b) on good cause shown by the certificate holder, the Authority may extend the suspension for a period not exceeding 30 days to allow the certificate holder to take the required remedial action.

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(5) The Authority shall immediately make an appropriate entry in the register of certificates where he or she suspends or lifts a suspension of any certificate or cancels it in accordance with this section.

*Amendment and replacement of certificates*

10. (1) The Authority may at any time amend a certificate or any terms or conditions of a certificate—

- (a) to correct any error in the certificate; or
- (b) if the certificate holder requests the amendment; or
- (c) if the Authority considers the amendment necessary to reflect the true nature of the licensed activities; or
- (d) if for any other reason the Authority considers the amendment necessary or desirable in the interests of the environment or in the public interest.

(2) The Authority shall notify the certificate holder in writing of its intention to amend a certificate on a ground referred to in subsection (1)(a),(c) or (d) and shall call upon the certificate holder to show cause, within 14 days from the date of the notice, why the certificate should not be amended.

(3) Where a certificate holder requests an amendment to his or her certificate, he or she shall make an application to the Authority therefor, together with the prescribed fee.

(4) If in the opinion of the Authority the amendment sought by the certificate holder is a material amendment section 5 shall apply as if the application for the amendment is an application for a certificate.

(5) Where a certificate is lost or destroyed, the certificate holder may apply to the Authority, together with the prescribed fee, for a replacement certificate:

Provided that if the certificate holder finds the lost certificate he or she shall forthwith surrender it to the Authority.

(6) Any person who contravenes the proviso to subsection (5) shall be guilty of an offence and liable to a fine not exceeding level 3 or imprisonment for a period not exceeding one month or both such fine and such imprisonment.



*Register of certificates*

11. (1) The Authority shall establish and maintain a register of certificates to be known as an Electricity Prepayment Meter Register, in which the following shall be recorded—

- (a) the name and address of every certificate holder and the addresses at which he or she sells or trades; and
- (b) the date of issue of every certificate and of any renewal thereof; and
- (c) any special terms or conditions subject to which any certificate is issued or renewed; and
- (d) the particulars of any suspension or cancellation or amendment of a certificate.

(2) Any person may—

- (a) inspect the register of certificates free of charge at all reasonable times at the premises of the Authority or at such other place that the Authority may direct; or
- (b) obtain copies of or extracts from the register for a prescribed fee.

(3) The Authority shall keep and maintain the register in both material and electronic form.

*Repeal*

12. The Electricity (Unpaid Bills, Prepayment Meters and Smart Meters) Regulations, 2013, published in Statutory Instrument 44A of 2013, are repealed.

