(Published 31st May, 2024)

Act

No. 19 of 2024

I assent

DR. LAZARUS MCCARTHY CHAKWERA
PRESIDENT
19th May, 2024

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of s. 4 to Cap. 73:01
3. Amendment of s. 19 of the principal Act
4. Amendment of s. 25 of the principal Act
5. Amendment of s. 26 of the principal Act
6. Substitution of s. 45 of the principal Act
7. Repeal of s. 46 of the principal Act

An Act to amend the Electricity Act

ENACTED by the Parliament of Malawi as follows—

Short title

1. This Act may be cited as the Electricity (Amendment) Act, 2024.

Amendment of s. 4 to Cap. 73:01

2. The Electricity Act (hereinafter referred to as the "principal Act") is amended, in section 4, by deleting subsection (4) and substituting therefor, a new subsection as follows—

"(4) A licensee shall not hold more than five percent shares in another company which holds a licence under this Act, except where the licensee is a state-owned enterprise.".

Amendment of s. 19 of the principal Act

3. Section 19 of the principal Act is amended by—

(*a*) deleting subsection (1);

(*b*) deleting in subsection (2) the words "owned and";

(*c*) renumbering subsections (2) and (3) as subsection (1) and (2).

Amendment of s. 25 of the principal Act

4. Section 25 of the principal Act is amended, by deleting the words "transmission licensee" and substituting therefor, the words "system and market operator".

Amendment of s. 26 of the principal Act

5. Section 26 of the principal Act is amended, by deleting the words "transmission licensee", wherever they appear, and substituting therefor, the words "system and market operator".

Substitution of s. 45 of the principal Act

6. Section 45 of the principal Act is amended, by deleting section 45 and substituting therefor, a new section 45 as follows—

"Offences

45.—(1) A person who carries on in any manner an activity for the supply of electricity in contravention of this Act, or fails to carry out any order or decision of the Authority or a licensee made or given under this Act or otherwise contravenes the provisions of this Act, commits an offence and is, upon conviction, liable to a fine of K100,000,000 and to imprisonment for twenty years.

(2) Without prejudice to the right of a licensee to recover for any illegal consumption of electricity, including costs associated with such recovery, a person who—

(*a*) connects electricity to premises without written authorization of the licensee; or

(*b*) disturbs or tampers with any electricity meter or other measuring instrument or apparatus,

commits an offence and is, upon conviction, liable to a fine of K100,000,000 and to imprisonment for twenty years.

(3) A person who denies access to premises for inspections by authorized personnel of a licensee or the Authority, commits an offence and is, upon conviction, liable to a fine of K50,000,000 and to imprisonment for ten years.

(4) A person who—

(*a*) is found in possession of equipment stolen from a licensee; or

(*b*) damages, destroys or vandalizes any electricity installation equipment or apparatus,

commits an offence and is, upon conviction, liable to imprisonment for thirty years

(5) Without prejudice to the right of a licensee to recover for illegal consumption of electricity, including costs associated with such recovery, a person, being an employee or former employee of a licensee, who—

(*a*) connects or assists a person to connect, electricity without authorization of the licensee; or

(*b*) disturbs or tampers or assists a person to disturb or to tamper, with an electricity meter or any other measuring instrument or apparatus,

commits an offence and is, upon conviction, liable to a fine of K150,000,000 and to imprisonment for twenty-five years.".

7. Section 46 of the principal Act is repealed.

Repeal of s. 46 of the principal Act

Passed in Parliament this fifth day of April, two thousand and twenty-four.

FIONA KALEMBA
Clerk of Parliament