



## ZIMBABWE

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# ACT

To amend the Copper Control Act [*Chapter 14:06*] and to provide for matters connected therewith or incidental thereto.

ENACTED by the Parliament and the President of Zimbabwe.

### **1 Short title**

This Act may be cited as the Copper Control Amendment Act, 2022.

### **2 Amendment of section 2 of Cap. 14:06**

Section 2 (“Interpretation”) of the Copper Control Act [*Chapter 14:06*] (hereinafter called the “principal Act”) is amended by the insertion of the following definition—

““putative dealer” means a person who is presumed to be in possession of copper for a consideration;”.

### **3 Amendment of section 4 of Cap. 14:06**

Section 4 (“Dealer’s licence”) of the Copper Control Act [*Chapter 14:06*] (hereinafter called the Principal Act) is amended by the deletion in subsection (3) of “Parliament” and substitution of “Minister in consultation with the minister responsible for finance”.

#### 4 Insertion of new section to Cap.14:06

The principal Act is amended by the insertion of the following section after section 4—

##### “4A Certificate of origin

(1) No person shall, either as a principal or agent deal in or possess copper as a dealer or putative dealer, unless he or she is a holder of a prescribed certificate of origin.

(2) The certificate of origin issued shall include the following—

- (a) name and address of both the seller and purchaser; and
- (b) description of the copper; and
- (c) quantity of the copper; and
- (d) reasons for disposal; and
- (e) endorsement by the police.

(3) Any person who unlawfully or intentionally deals in or possesses copper without a certificate of origin shall be guilty of an offence, and if there are no special circumstances peculiar to the case, be liable to imprisonment for a period not less than ten years without the option of a fine”.

#### 5 Amendment of section 9 of Cap. 14:06

Section 9 (“dealer to account for stolen copper”) of the principal Act is amended by the deletion of “liable to a fine not exceeding level 8 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment” and substitution of “if there are no special circumstances peculiar to the case, be liable to imprisonment for a period not less than ten years without the option of a fine.”.

#### 6 Amendment of section 10 of Cap. 14:06

Section 10 (“failure to give satisfactory account of possession of copper”) of the principal Act is amended by the deletion of “liable to a fine not exceeding level 8 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment” and substitution of “if there are no special circumstances peculiar to the case, be liable to imprisonment for a period not less than ten years without the option of a fine.”.

#### 7 Insertion of new sections to Cap. 14:06

The principal Act is amended by the insertion of the following sections after section 10—

##### “10A Vandalism of any item or essential infrastructure through theft of copper cables

- (1) Any person who unlawfully, knowingly and intentionally—
- (a) tampers with, damages or destroys utilities through theft of copper cables; or
  - (b) colludes with or assists another person in the commission, performance or carrying out of any activity referred to in paragraph (a), and who knows or ought reasonably to have known or suspected that there are copper cables;

shall be guilty of an offence, and if there are no special circumstances peculiar to the case, be liable to imprisonment for a period not less than ten years without the option of a fine.

**10B Dealing in stolen copper**

Any person who deals in, or has in his or her possession, stolen copper shall be guilty of dealing in or possession of stolen copper, as the case may be, and liable to imprisonment for a period not less than ten years without the option of a fine.”.

**8 Amendment of section 13 of Cap. 14:06**

Section 13 (“Penalty and confiscation”) of the principal Act is amended by the insertion of the following new subsection with the existing section being subsection (1)—

“(2) The court, in convicting a person for an offence under this Act, the court shall order that any vehicle or any other device used in transporting the illegal copper be forfeited to the State.”.

