

Statutory Instrument 93 of 2023.

[CAP. 22:05

Exchange Control (Payment for Electricity and Related Services
in Foreign Currency by Exporters and Partial Exporters)
(Amendment) Order, 2023 (No. 2)

WHEREAS public utilities offer essential services which should be accessible to the generality of the public;

AND WHEREAS exporters and partial exporters are being billed in United States dollars by ZESA;

AND WHEREAS it is desirable that partial exporters (other than those which apply to ZESA under this Order to be billed in United States dollars) and other customers who are non exporters, be billed by ZESA exclusively in Zimbabwe dollars:

NOW, THEREFORE, the Reserve Bank of Zimbabwe, in terms of section 40 of the Exchange Control Regulations, 1996, and with the approval of the Minister of Finance and Economic Development, has made the following order:—

1. This Order may be cited as the Exchange Control (Payment for Electricity and Related Services in Foreign Currency by Exporters and Partial Exporters) (Amendment) Order, 2023 (No. 2).

2. The Exchange Control (Payment for Electricity and Related Services in Foreign Currency by Exporters and Partial Exporters) Order, 2022, published in Statutory Instrument 131 of 2022 (hereinafter called “the principal order”), is amended in section 1 by the deletion from the title of “and Partial Exporters”.

3. Section 3 of the principal order is repealed and substituted by—

“Payment of electricity bills in foreign currency by exporters

3.(1) In this section, “foreign currency billing contract” means a contract referred to in subsection (5).

(2) This section applies notwithstanding section 4(1) of the principal regulations and section 2 of Statutory Instrument 142 of 2019, Reserve Bank of Zimbabwe (Legal Tender) Regulations, 2019.

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(3) Every exporter shall pay and be billed by ZESA in United States dollars or the equivalent in Euro or any other currency denominated under the Exchange Control Order at the international cross rate prevailing on the date of payment for the supply of electricity by ZESA to exporters.

(4) Any partial exporter or any other customer shall be billed in Zimbabwe dollars unless such partial exporter or customer at their instance apply to enter into a foreign currency billing agreement with ZESA.

(5) ZESA, the Reserve Bank and ZERA shall between them frame a standard foreign currency billing agreement that may be entered into by ZESA and any partial exporter or any other customer wishing to pay for electricity consumed by the partial exporter or customer in United States dollars, Euros or any other currency as provided in subsection (3), which agreement, among other provisions—

- (a) must, provide for the duration and renewal of the foreign currency billing agreement, what happens on the failure of the partial exporter or customer concerned to pay in the agreed foreign currency, and the minimum notice period to be given by a partial exporter or customer wishing to switch from a foreign currency billing agreement to an ordinary contract of supply;
- (b) may specify qualifying criteria of general applicability to all partial exporters and other customers on the basis of which ZESA may enter into, refuse to enter into or terminate a current foreign currency billing agreement.”.

(6) For the avoidance of doubt, ZESA shall bill customers who are not exporters in Zimbabwe dollars.

4. Section 7 of the principal order is repealed and substituted by—

“Expiry of Order

7. (1) This Order continues to have effect for a period of six months without interruption from the date of publication of the Exchange Control (Payment for Electricity and Related Services in Foreign Currency by Exporters and Partial Exporters) (Amendment) Order, 2023 (No. 2).”.

