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NOTE ON THIS VERSION OF THE BILL

This document incorporates all the amendments made to the Bill in Parliament, up to and including those made on the 30th August, 2005, as reflected in the uncorrected Votes and Proceedings of the House.

Committee Stage amendments were made on the 27th and 28th July, 2005 (shown in red in this document – see clauses 2, 13, 21, 26, 31 and 33 and Schedule). The Parliamentary Legal Committee returned a non-adverse report on the amendments.

Subsequently, on the motion of the Minister of Justice, Legal and Parliamentary Affairs, the Bill was "recommitted" (i.e., the Committee Stage was re-opened) and further amendments were made on the 30th August, 2005 (text shown in blue - see clauses 7, 11 and 25, below). Those further amendments are now (7th September, 2005) under consideration by the Parliamentary Legal Committee. The original Bill H.B. 5, 2005 contained 28 clauses and a Schedule; after these two sets of amendments, the number of clauses has risen to 35.

As a result of the amendments, clause numbers in this version, from clause 2 onwards, differ from those in the original Bill.

[Comments](#) on the new and altered clauses can be found at the end of this document.

BILL

To amend section 9 of the **Statute Law Compilation and Revision Act [Chapter 1:03]**, the Maintenance Act [Chapter 5:09], section 4 of the Judges Salaries, Allowances and Pensions Act [Chapter 7:08], sections 13 and 14 of the Judicial College Act [Chapter 7:17], the Service of Documents (Telegraph) Act [Chapter 8:13], **section 346A of the Criminal Procedure and Evidence Act [Chapter 9:07]**, sections 6 and 7 of the Miscellaneous Offences Act [Chapter 9:15], section 63 of the Serious Offences (Confiscation of Profits) Act [Chapter 9:17], section 9 of the Stock Theft Act [Chapter 9:18], **the First Schedule to the Criminal Law (Codification and Reform) Act [Chapter 9:23]**, section 10 of the Betting and Totalizator Control Act [Chapter

10:02], section 5 of the Pools Control Act [Chapter 10:19], section 6 of the Presidential Powers (Temporary Measures) Act [Chapter 10:20], section 5 of the Lotteries and Gaming Act [Chapter 10:26], the Defence Act [Chapter 11:02], sections 2 and 30 of the War Victims Compensation Act [Chapter 11:16], the Public Order and Security Act [Chapter 11:17] (Act No. 1 of 2002), sections 98 and 103 of the Postal and Telecommunications Act [Chapter 12:05] (Act No. 4 of 2000), section 4 of the Copper Control Act [Chapter 14:06], the Electricity Act [Chapter 13:19], section 1 of the Rural Electrification Act [Chapter 13:20] (Act No. 3 of 2002), section 3 of the Moneylending and Rates of Interest Act [Chapter 14:14], section 4 of the Second-hand Goods Act [Chapter 14:16], section 19 of the Health Service Act [Chapter 15:16], the Acquisition of Farm Equipment and Material Act [Chapter 18:23], the Water Act [Chapter 20:24] (Act No. 31 of 1998), the Environmental Management Act [Chapter 20:27] (Act No. 11 of 2002), section 6 of the Exchange Control Act [Chapter 22:05], section 14 of the Procurement Act [Chapter 22:14] (Act No. 2 of 1999), the Banking Act [Chapter 24:20], the Boxing and Wrestling Control Act [Chapter 25:02], the Legal Practitioners Act [Chapter 27:07], and sections 193 and 196 of the Urban Councils Act [Chapter 29:15]; and to update cross-references to the Children's Act [Chapter 5:06] in certain acts.

ENACTED by the President and the Parliament of Zimbabwe.

1 Short title

This Act may be cited as the General Laws Amendment Act, 2005.

2 Amendment of section 9 of Cap. 1:03¹

The Statute Law Compilation and Revision Act [Chapter 1:03] is amended by the insertion in section 9 (Appointment of Law Reviser) of the following subsection—

"(4) Notwithstanding the above provisions, the Minister may appoint the Deputy Chairman of the Law Development Commission appointed in terms of section 4(b) of the Law Development Commission Act [Chapter 1:02] to act as Law Reviser."

3 Amendment of [section 6 of]Cap. 5:09

The Maintenance Act [Chapter 5:09] is amended—

- (a) in section 2 ("Interpretation") by the deletion from the definition of "probation officer" of "Protection and Adoption";
- (b) in section 6 ("Making of order") (5) by the deletion in paragraph (a) of the proviso of "ten dollars per month" and the substitution of "the lowest minimum monthly wage specified in terms of section 20 ("Minimum wage notices") of the Labour Act [Chapter 28:01]";
- (c) in section 7 ("Effect of direction") (1) by the deletion of "Protection and Adoption";

¹ Votes and Proceedings, 28th July, 2005, page 177

- (d) in section 23 ("Criminal offence for failing to comply with maintenance order") (5) by the deletion of "Protection and Adoption".

4 Amendment of section 4 of Cap. 7:08

The Judges Salaries, Allowances and Pensions Act [*Chapter 7:08*] is amended in section 4 ("Pensions")—

- (a) by the insertion after subsection (2) of the following subsection—

"(2a) The Minister shall as soon as is practicable publish by notice in the *Gazette* the terms and conditions fixed by the President under subsection (1) subject to which pensions benefits shall be paid.";

- (b) in subsection (3) by the deletion of "Protection and Adoption".

- (c) by the insertion after subsection (4) of the following subsection—

"(4) For the avoidance of doubt it is declared that the pension scheme that was approved on the 22nd October, 1997, and amended from time to time in terms of this section before its amendment by the General Laws Amendment Act, 2005, shall continue in force with effect from that date.".

5 Amendment of sections 13 and 14 of Cap. 7:17

The Judicial College Act [*Chapter 7:17*] is amended—

- (a) in section 13 ("Principal of College") (3)(b) by the repeal of subparagraph (ii) and the substitution of—

"(ii) he shall be appointed for a period determined by the Council in consultation with the Minister, and upon the expiry of his term of office shall be eligible for reappointment for a further period determined by the Council in consultation with the Minister.";

- (b) in section 14 ("Supporting staff") in subsection (2) by the repeal of paragraph (b) and the substitution of—

"(b) shall be appointed for a period determined by the Council in consultation with the Minister, and upon the expiry of his term of office shall be eligible for reappointment for a further period determined by the Council in consultation with the Minister.".

6 Amendment of Cap. 8:13

The Service of Documents (Telegraph) Act [*Chapter 8:13*] is amended by the insertion after section 3 of the following section—

"4 Repeal of Act

When the President is satisfied that matters to be done under this Act have been, subject to rules of court, incorporated in the appropriate rules of court, he shall by statutory instrument, repeal this Act."

7 Amendment of section 346A of Cap. 9:07²

The Criminal Procedure and Evidence Act [*Chapter 9:07*] is amended in section 346A ("Standard scale of fines") by the repeal of subsection (4) and the substitution of —

"(4) A statutory instrument may not be made in terms of subsection (2) or (3) unless a draft has been laid before and approved by resolution of Parliament."

² Votes and Proceedings, 30th August, 2005, page 275.

8 Amendment of Cap. 9:15

The Miscellaneous Offences Act [*Chapter 9:15*] is amended—

- (a) in section 6 (“Penalty for certain other offences”) by the deletion of “a fine not exceeding ten thousand dollars” and the substitution of “a fine not exceeding level seven”;
- (b) in section 7 (“Penalty for riotous or indecent conduct or threats, etc.”) by the deletion of “a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding twelve months” and the substitution of “a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment”.

9 Amendment of section 63 of Cap. 9:17

The Serious Offences (Confiscation of Profits) Act [*Chapter 9:17*] is amended in section 63 (“Money-laundering”) (2) by the deletion in—

- (a) paragraph (a) of “two hundred thousand dollars” and the substitution of “level twelve”;
- (b) paragraph (b) of “five hundred thousand dollars” and the substitution of “level fourteen”.

10 Amendment of section 9 of Cap. 9:18

The Stock Theft Act [*Chapter 9:18*] is amended in section 9 (“Special jurisdiction of magistrates courts”) by the deletion of “section *eleven*” and the substitution of “sections *eleven* and *twelve*”.

11 Amendment of First Schedule to Cap. 9:23³

(1) The First Schedule to the Criminal Law (Codification and Reform) Act [*Chapter 9:23*] (Act No. 23 of 2004) is repealed and the following is substituted—

"FIRST SCHEDULE (Sections 2(1) and 280)

STANDARD SCALE OF FINES

<i>Level</i>	<i>Monetary amount</i> \$
1	50 000,00
2	120 000,00
3	250 000,00
4	500 000,00
5	1 000 000,00
6	2 000 000,00
7	4 000 000,00
8	6 000 000,00
9	7 500 000,00
10	10 000 000,00

³ Votes and Proceedings, 30th August, 2005, page 275.

11	12 500 000,00
12	15 000 000,00
13	20 000 000,00
14	25 000 000,00".

(2) Notwithstanding section 1 ("Short title and date of commencement") (3) of the Criminal Law (Codification and Reform) Act [*Chapter 9:23*] (Act No. 23 of 2004) (hereinafter referred to as "the Criminal Law Code") and section 346A ("Standard Scale of Fines") of the Criminal Procedure and Evidence Act [*Chapter 9:07*], the following provisions of the Criminal Law Code shall come into operation on the date of promulgation of this Act—

- (a) the definition of "level" and "standard scale" in section 2 ("Interpretation") (1); and
- (b) section 280 ("Standard scale of fines and amendment thereof"); and
- (c) the First Schedule."

12 Amendment of Cap. 10:02

The Betting and Totalizator Control Act [*Chapter 10:02*] is amended in section 18 ("Licensing of operators of totalizators") (1) by the insertion after "writing" of "and on payment of the appropriate prescribed licence fee".

13 Amendment of Cap. 10:19

The Pools Control Act [*Chapter 10:19*] is amended in section 5 ("Licence fees and pool betting tax") (1) ~~and (2)~~ b⁴ by the deletion of "fixed by Act of Parliament" and the substitution of "prescribed".

14 Amendment of section 6 of Cap. 10:20

The Presidential Powers (Temporary Measures) Act [*Chapter 10:20*] is amended in section 6 ("Expiry of regulations") (1) by the deletion of "on the one hundred and eighty-first day" and the substitution of "immediately before the one hundred and eighty-first day".

15 Amendment of section 5 of Cap. 10:26

The Lotteries and Gaming Act [*Chapter 10:26*] (No. 26 of 1998) is amended in section 5 ("Constitution of Board") (1) by the deletion of "Permanent Secretary" and the substitution of "Secretary".

16 Amendment of Cap. 11:02

The Defence Act [*Chapter 11:02*] is amended—

- (a) in section 78 ("Interpretation in Part VIII") by the repeal of the definition of "judges" and the substitution of—
 - ““judges” means the Chief Justice and other judges of the Supreme Court;”;
- (b) in section 79 ("Establishment, practice and procedure of Court Martial Appeal Court")—
 - (i) in subsections (1) and (3) by the deletion of "Judge President" and the substitution of "Chief Justice";

- (ii) in subsection (4) by the deletion of “and the Judge President, after consultation with a committee appointed by the Chief Justice,”;
- (c) by the repeal of section 88A (“Appeals from decisions of Appeal Court”).

17 Amendment of sections 2 and 30 of Cap. 11:16

The War Victims Compensation Act [*Chapter 11:16*] is amended—

- (a) in section 2 (“Interpretation”) (1) by the by the repeal of the definition of “occupation” and the substitution of—
 - “ “occupation” includes—
 - (a) a profession, calling or trade; or
 - (b) service as a combatant that qualifies the combatant as a war veteran in terms of the War Veterans Act [*Chapter 11:15*];”;
- (b) in section 30 (“Compensation to be inalienable”) by the deletion of “Children’s Protection and Adoption Act [*Chapter 5:09*]” and the substitution of “Children’s Act [*Chapter 5:06*]”.

18 Amendment of Cap. 11:17

The Public Order and Security Act [*Chapter 11:17*] (No. 1 of 2002) is amended—

- (a) in section 11 (“Harbouring, concealing or failing to report insurgent, bandit, saboteur or terrorist”) in—
 - (i) subsection (1) by the deletion of “two hundred thousand dollars” and the substitution of “level twelve”;
 - (ii) subsection (2) by the deletion of “fifty thousand dollars” and the substitution of “level seven”;
 - (iii) subsection (4) by the deletion of “one hundred thousand dollars” and the substitution of “level ten”;
- (b) in section 12 (“Causing disaffection among Police Force or Defence Forces”) by the deletion of “twenty thousand dollars” and the substitution of “level seven”;
- (c) in section 13 (“Possession of dangerous weapons”) (1) by the deletion of “two hundred thousand dollars” and the and the substitution of “level twelve”;
- (d) in section 14 (“Temporary prohibition of possession of certain weapons within particular police districts”) (1) and (2) by the deletion of “ten thousand dollars” and the and the substitution of “level five”;
- (e) in section 15 (“Publishing or communicating false statements prejudicial to the State”) (1) and (2) by the deletion of “one hundred thousand dollars” and the and the substitution of “level ten”;
- (f) in section 16 (“Undermining authority of or insulting President”) (2) by the deletion of “twenty thousand dollars” and the substitution of “level six”;
- (g) in section 17 (“Public violence”) (1) by the deletion of “one hundred thousand dollars” and the substitution of “level twelve”;
- (h) in section 18 (“Throwing articles at persons, motor vehicles, etc.”) by the deletion of “one hundred thousand dollars” and the substitution of “level twelve”;
- (i) in section 19 (“Gatherings conducing to riot, disorder or intolerance”) (1) by the deletion of “fifty thousand dollars” and the substitution of “level ten”;

- (j) in section 20 (“Assaulting or resisting peace officer”) by the deletion of “two hundred thousand dollars” and the and the substitution of “level twelve”;
- (k) in section 21 (“Undermining of police authority”) by the deletion of “twenty thousand dollars” and the and the substitution of “level seven”;
- (l) in section 22 (“Intimidation”) by the deletion of “one hundred thousand dollars” and the substitution of “level ten”;
- (m) in section 24 (“Organiser to notify regulating authority of intention to hold public gathering”) (6) by the deletion of “ten thousand dollars” and the substitution of “level five”;
- (n) in section 25 (“Regulation of public gatherings”) (9) by the deletion of “ten thousand dollars” and the substitution of “level five”;
- (o) in section 26 (“Prohibition of public gatherings to avoid public disorder”) by the deletion of “ten thousand dollars” and the substitution of “level five”;
- (p) in section 27 (“Temporary prohibition of holding of public demonstrations within particular police districts”) (5) by the deletion of “five thousand dollars” and the substitution of “level six”;
- (q) in section 30 (“Prohibition of offensive weapons at public gatherings”) (2) by the deletion “one hundred thousand dollars” and the substitution of “level ten”;
- (r) in section 31 (“Disrupting public gatherings”) by the deletion of “fifty thousand dollars” and the substitution of “level seven”;
- (s) in section 33 (“Cordon and search”) (2) by the deletion of “ten thousand dollars” and the substitution of “level five”;
- (t) in section 34 (“Powers of stopping and searching”) (3) by the deletion of “ten thousand dollars” and the substitution of “level six”;
- (u) in section 35 (“Powers of police officers in relation to aircraft, aerodromes and airstrips”) (6) by the deletion of “ten thousand dollars” and the substitution of “level six”;
- (v) in section 40 (“Special jurisdiction of magistrates”) (1) by the deletion—
 - (i) in paragraph (a) of “seventy-five thousand dollars” and the substitution of “level eight”;
 - (ii) in paragraph (b) of “two hundred thousand dollars” and the substitution of “level twelve”;
 - (iii) in paragraph (c) of “three hundred thousand dollars or imprisonment for a period not exceeding fifteen years” and the substitution of “level fourteen or imprisonment for a period not exceeding twenty years”.

19 Amendment of Cap. 12:05

The Postal and Telecommunications Act [*Chapter 12:05*] (Act No. 4 of 2000) is amended—

- (a) in section 98 (“Interception of communications”) by the repeal of subsection (2);
- (b) by the repeal of section 103 (“Directions to licensees in the interests of national security”).

20 Amendment of Cap. 13:19

The Electricity Act [*Chapter 13:19*] (No 4 of 2002) is amended—

- (a) in section 14 (“Commissioners to disclose certain connections and interests”) by the deletion of “two thousand dollars” and the substitution of “level four”;
- (b) in section 23 (“Penalty for witness failing to attend hearing or give evidence or produce documents”) by the deletion of “two thousand five hundred dollars or to imprisonment for a period not exceeding three months” and the substitution of “level five or to imprisonment for a period not exceeding six months”;
- (c) in section 31 (“Powers of auditors”) (2) by the deletion of “one thousand dollars” and the substitution of “level four”;
- (d) in section 40 (“Licensing requirement”) (3) by the deletion of “two hundred thousand dollars” and the substitution of “level fourteen”;
- (e) in section 60 (“False statements and declarations”) by the deletion of “ten thousand dollars or to imprisonment for a period not exceeding six months” and the substitution of “level seven or to imprisonment for a period not exceeding two years”;
- (f) in section 61 (“Offences”) by the deletion of “ten thousand dollars or to imprisonment for a period not exceeding six months” and the substitution of “level seven or to imprisonment for a period not exceeding two years”;
- (g) in section 65 (“Regulations”) by the deletion of “five thousand dollars or, in default of payment, imprisonment for a period not exceeding six months” and the substitution of “level five or, in default of payment, imprisonment for a period not exceeding six months or to both such fine and such imprisonment”;
- (h) in section 66 (“Disclosure of confidential information and use of information acquired by inspectors, etc., for personal gain”) by the deletion of “five hundred thousand dollars or to imprisonment for a period not exceeding two years” and the substitution of “level fourteen or to imprisonment for a period not exceeding five years”.

21 Amendment of section 1 of Cap. 13:20

(1) The Rural Electrification Fund Act [*Chapter 13:20*] (Act No. 3 of 2002) is amended in section 1 (“Title and date of commencement”) by the repeal of subsection (2).

(2) The Rural Electrification Fund Act [*Chapter 13:20*] (Act No. 3 of 2002) is deemed to have ~~commenced on the date of its promulgation~~**come into operation on the 22nd March, 2002, the date on which the Act was published in the Gazette.**⁵

(3) The collection of any levies and any other thing done or suffered under the exercise or purported exercise of any power under the Rural Electrification Fund Act [*Chapter 13:20*] (Act No. 3 of 2002) which, but for the enactment of this section, would have been invalid, is hereby validated.

22 Amendment of Cap. 14:06

The Copper Control Act [*Chapter 14:06*] is amended in section 4 (“Dealer’s licence”) (3) by the deletion of “fee of an amount fixed by Parliament” and the substitution of “prescribed fee”.

⁵ Votes and Proceedings, 27th July, 2005, page 160

23 Amendment of section 3 of Cap. 14:14

The Moneylending and Rates of Interest Act [*Chapter 14:14*] is amended in section 3 (“Constitution of Board”) by the repeal of subsection (8).

24 Amendment of Cap. 14:16

The Second-hand Goods Act [*Chapter 14:16*] is amended in section 4 (“Smelting pots”) by the insertion after “Secretary” of “and without payment of the prescribed fee”.

25 Amendment of section 19 of Cap. 15:16⁶

The Health Service Act [*Chapter 15:16*] (Act No. 28 of 2004) is amended in section 19 (“Establishment and composition of hospital management board”) (1) by the deletion of “, through the board,”.

26 New section substituted for section 10 of Cap. 18:23⁷

The Acquisition of Farm Equipment and Material Act [*Chapter 18:23*] (No. 7 of 2004) is amended by the repeal of section 10 and the substitution of—

“10 Use of acquired farm equipment or material

Subject to subsection (2), any farm equipment or material acquired in terms of this Act shall vest in the State for the benefit of the Land Reform Programme.

(2) The State may, subject to such conditions as are prescribed under section *twelve*, sell or otherwise dispose of for valuable consideration any farm equipment or material acquired in terms of this Act to any private individual, institution or corporation requiring to use the equipment or material for agricultural purposes on agricultural land:

Provided that if the person from whom the farm equipment or material was acquired by the State contests the acquisition, the State shall not sell or otherwise dispose of it in terms of this subsection until the matter is finally determined in accordance with section *eight*.”.

27 Amendment of Cap. 20:24

(1) The Water Act [*Chapter 20:24*] (Act No. 31 of 1998) is amended—

- (a) in section 6 (“General functions of Minister”) (2) (k) by the deletion of “Minister for Environment and Tourism in terms of the Environmental Management Act [*Chapter 20:26*].” and the substitution of “the Minister responsible for the administration of the Environmental Management Act [*Chapter 20:27*].”;
- (b) in section 13 (“Contents of outline plans”) (1) (a) (iii) by the deletion of “Environmental Management Act [*Chapter 20:26*]” and the substitution of “Environmental Management Act [*Chapter 20:27*]”;
- (c) in section 119 (“Regulations”) (2)(c) by the deletion of “Minister for Environment and Tourism” and the substitution of “the Minister responsible for environment”.

28 Amendment of Cap. 20:27

The Environmental Management Act [*Chapter 20:27*] (Act No. 11 of 2002) is amended—

⁶ Votes and Proceedings, 30th August, 2005, page 276

⁷ Votes and Proceedings, 27th July, 2005, page 160

- (a) in section 7 (“Establishment of a National Environmental Council”) (1)(a) by the deletion of “Permanent Secretaries” and the substitution of “Secretaries”;
- (b) in section 37 (“Powers of officers and inspectors”)—
 - (i) in subsection (2) by the deletion of “an inspector” and the substitution of “an officer or inspector”;
 - (ii) in subsection (4) by the deletion of “An inspector may” and the substitution of “An officer or inspector may”;
- (c) in section 57 (“Water pollution prohibition”) (1) by the deletion of “for imprisonment for a period not exceeding five years, or to a fine not exceeding five million dollars” and the substitution of “to a fine not exceeding level fourteen or fifteen million dollars, whichever is the greater, or to imprisonment for a period not exceeding five years”;
- (d) in section 63 (“Air quality standards”) (2) by the deletion of “imprisonment for a period of not more than five years or to a fine of not more than fifteen million dollars” and the substitution of “a fine not exceeding level fourteen or fifteen million dollars, whichever is the greater, or to imprisonment for a period not exceeding five years”;
- (e) in section 142 (“Amendments of Acts”) by the insertion of the following subsection, the existing section becoming subsection (1)—
 - “(2) Notwithstanding subsection (1), any statutory instruments which immediately before the fixed date were in force under the Acts referred to in subsection (1) shall remain in force as if they had been made under this Act.”;
- (f) in section 144 (“Repeals of Caps. 20:03, 15:05 and 19:07”) by the insertion of the following subsection, the existing section becoming subsection (1)—
 - “(2) Notwithstanding subsection (1), any statutory instruments which immediately before the fixed date were in force under the Acts referred to in subsection (1) shall remain in force as if they had been made under this Act.”;
- (g) in the Sixth Schedule by the deletion at the end of Part IX of “The Minister may serve a written order to obtain information or data for the purpose of enabling the Minister to determine what measures should be taken for the management and protection.”.

29 Amendment of section 6 of Cap. 22:05

The Exchange Control Act [*Chapter 22:05*] is amended in section 6 (“Special jurisdiction of magistrates”) in the proviso by the deletion of “paragraph (a) or (b)” and the substitution of “paragraph (a), (a1) or (b)”.

30 Amendment of section 14 of Cap. 22:14

The Procurement Act [*Chapter 22:14*] (Act 2 of 1999) is amended in section 14 (“Meetings and procedure of State Procurement Board”) by the insertion of the following proviso to subsection (1)—

“Provided that the Chairman shall ensure that the State Procurement Board meets at least twice a week for the dispatch of its business.”.

31 Amendment of Cap. 24:20⁸

The Banking Act [*Chapter 24:20*] (No. 9 of 1999) is amended—

- (a) in section 3 (“Application of Act”)—

⁸ Votes and Proceedings, 27th July, 2005, page 160-161

- (i) by the repeal of subsection (1)(a) and the substitution of—

"(a) the People's Own Savings Bank of Zimbabwe operating under the People's Own Savings Bank of Zimbabwe Act [*Chapter 24:22*] (No. 18 of 1999); or";

- (ii) by the repeal of subsection (3) and the substitution of—

"(3) The Minister may, by notice in the *Gazette*, direct that all or any of the provisions of this Act shall apply, with such modifications and subject to such terms and conditions as he may specify in the notice, to—

- (a) all building societies or any particular building society established in terms of the Building Societies Act [*Chapter 24:02*]; or
- (b) the People's Own Savings Bank of Zimbabwe operating under the People's Own Savings Bank of Zimbabwe Act [*Chapter 24:22*] (No. 18 of 1999); or
- (c) all asset managers or any particular asset manager registered in terms of the Asset Management Act [*Chapter 24:26*] (No. 15 of 2004); or
- (d) all unit trust schemes or any particular unit trust scheme registered in terms of the Collective Investment Schemes Act, 1997 (No. 25 of 1997); or
- (e) all moneylenders or any particular moneylender registered in terms of the Moneylending and Rates of Interest Act [*Chapter 14:14*];

and the provisions concerned shall apply accordingly, notwithstanding anything to the contrary in the above Acts.";

- (b) in section 8 ("Registration of banking institutions") (3) by the deletion of "and any in regard to".

32 Amendment of Cap 25:02

The Boxing and Wrestling Control Act [*Chapter 25:02*] is amended—

- (a) in section 6 ("Tenure of office, vacancies and remuneration of members of Board") by the repeal of subsection (3) and the substitution of the following—

"(3) Any member, while engaged upon the business of the Board, shall be paid from the funds of the Board such remuneration and allowances as the Minister, with the approval of the Minister responsible for finance, may from time to time fix.";

- (b) in section 8 ("Powers of Board") (1)—

- (i) in paragraph (c) by the repeal of the proviso;
- (ii) in paragraph (g) by the deletion of "medical practitioner (whether practising in Zimbabwe or elsewhere)" and the substitution of "medical practitioner practising in Zimbabwe";
- (iii) in paragraph (k) by the deletion of "half-yearly" and the substitution of "yearly";

- (c) by the repeal of section 10 and the substitution of—

"10 Funds of Board

- (1) The funds of the Board shall consist of—

- (a) any moneys that may be payable to it from moneys appropriated for the purpose by Act of Parliament; and

- (b) fees received by it in pursuance of any regulation made under section *nine*;
and
 - (c) any funds received by way of gifts or from any other sources whatsoever.
- (2) The Board shall cause full and correct accounts to be kept of all amounts received and expended by it.”.
- (d) in section 11 (“Annual report and financial statement”) (2)—
- (i) by the deletion of “the 1st July” and the substitution of “the 1st January”;
 - (ii) by the deletion of “the 30th June” and the substitution of “the 31st December”.

33 Amendment of Cap. 27:07⁹

The Legal Practitioners Act [*Chapter 27:07*] is amended—

- (a) in section 7 (“Exemption certificate”) (1) by the deletion where it appears for the first time of “a reciprocating country” and the substitution of “but is from a reciprocating country”;
- (b) in section 12 (“Prohibition against practice without practising certificate”) in the proviso by the insertion after proviso (b) of the following proviso—
or
- (c) a person who is in the full-time employment of the Zimbabwe Revenue Authority, established by section 3 of the Revenue Authority Act [*Chapter 23:11*] (No. 17 of 1999), and who performs services for the Zimbabwe Revenue Authority as a legal practitioner, in relation to things done in the course of his employment.”;
- (c) by the repeal of section 82 and the substitution of—

“82 Right of State and certain parastatal employees to appear in court

(1) Notwithstanding anything to the contrary in this Act, any person who is in the employment of the State may appear in any court on behalf of the State.

(2) Notwithstanding anything to the contrary in this Act, an person who is in the full-time employment of the Zimbabwe Revenue Authority, established by section 3 of the Revenue Authority Act [*Chapter 23:11*] (No. 17 of 1999), and who performs services for the Zimbabwe Revenue Authority as a legal practitioner, may appear before—

- (a) the Fiscal Appeal Court established in terms of section 3 of the Fiscal Appeal Court Act [*Chapter 23:05*]; or
- (b) the Special Court for Income Tax Appeals established in terms of section 64 of the Income Tax Act [*Chapter 23:06*]; or
- (c) any court in any civil action to which the Zimbabwe Revenue Authority is a party, involving any Act specified in the First Schedule to the Revenue Authority Act [*Chapter 23:11*] (No. 17 of 1999);

and shall have the same rights and privileges as are specified in paragraphs (a), (b) and (c) of subsection (1) of section *eighty-five* for persons performing services for the State.”.

34 Amendment of section 193 of Cap. 29:15

The Urban Councils Act [*Chapter 29:15*] is amended in—

- (a) section 193 (“Commuter transport services”) by the insertion of the following subsections, the existing section becoming subsection (1)—

“(2) Any person who contravenes any provision of regulations made in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(3) On a second or subsequent conviction of an offence in terms of subsection (2), the court may, in addition to any penalty authorized by this Act, cancel the permit relating to the vehicle used in connection with the commission of the offence, and a copy of such cancellation order shall be forwarded by the clerk of the court to the Controller of Road Motor Transportation.”;

- (b) section 196 (“Omnibus routes, terminal points and stops”) (4) by the deletion of “and liable to a fine not exceeding level three” and the substitution of “and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment”.

35 Amendment of Acts

The Act specified in each Part of the Schedule is amended to the extent set out in that Part.

SCHEDULE (Section 35)

AMENDMENT OF ACTS

PART I

PARLIAMENTARY PENSIONS ACT [*Chapter 2:02*]

In section 15 (“Prohibition of pledge or cession of pension or other benefit”) by the deletion of “Protection and Adoption”.

PART II

PRESIDENTIAL PENSION AND RETIREMENT BENEFITS ACT [*Chapter 2:05*]

In section 8 (“Pensions, allowances, etc., not to be ceded, hypothecated or attached”) by the deletion of “Protection and Adoption”.

PART III

BIRTHS AND DEATHS REGISTRATION ACT [*Chapter 5:02*]

1. In section 2 (“Interpretation”) by the deletion from the definition of “adopter” of “Protection and Adoption”.
2. In section 6 (“Certified copies of entries”) (5) by the deletion of “Protection and Adoption”.
3. In section 18 (“Change of name in register”) (6) by the deletion of “Protection and Adoption”.

PART IV

CHILD ABDUCTION ACT [*Chapter 5:05*]

In section 11 (“Matter not to be decided until question of child’s return determined”) by the

deletion of “Protection and Adoption” .

PART V

TRANSFER OF OFFENDERS ACT [*Chapter 7:14*]

1. In section 11 (“Juvenile offenders and mentally disordered or defective offenders”) (1)(a) by the deletion of “Protection and Adoption”.
2. In section 16 (“Preservation of agreement with South Africa”) by the deletion of “Protection and Adoption”.

PART VI

CRIMINAL PROCEDURE AND EVIDENCE ACT [*Chapter 9:07*]

1. In section 135 (“Release of juvenile offenders without bail”) (1)(c) by the deletion of “Protection and Adoption”.
2. In section 351 (“Manner of dealing with convicted juveniles”) of “Protection and Adoption” wherever it occurs.
3. In section 352 (“Period of retention or supervision”) of “Protection and Adoption” wherever it occurs.
4. In section 358 (“Powers of courts as to postponement or suspension of sentences”) (3)(f) by the deletion of “Protection and Adoption”.

PART VII

INFANTICIDE ACT [*Chapter 9:12*]

In section 5 (“Competent verdicts on charge of infanticide”) (c) by the deletion of “Protection and Adoption”.

PART VIII

SIGNATURES AND POWERS DELEGATION ACT [*Chapter 10:24*]

In the First Schedule in item 6 by the deletion of “Protection and Adoption”.

PART IX

WAR PENSIONS ACT [*Chapter 11:14*]

In section 40 (“Awards not to be pledged or ceded”) by the deletion of “Protection and Adoption”.

PART X

WAR VETERANS ACT [*Chapter 11:15*]

In section 21 (“Inalienability of assistance”) by the deletion of “Protection and Adoption”.

PART XI

STATE SERVICE (DISABILITY BENEFITS) ACT [*Chapter 16:05*]

In section 41 (“Compensation not to be pledged or ceded”) by the deletion of “Protection and Adoption”.

PART XII

STATE SERVICE (PENSIONS) ACT [*Chapter 16:06*]

In section 12 (“Pensions and other benefits not to be pledged or ceded, etc.”) by the deletion of “Protection and Adoption”.

PART XIII

NATIONAL SOCIAL SECURITY AUTHORITY ACT [*Chapter 17:04*]

In section 45 (“Pensions and other benefits not to be pledged or ceded, etc.”) (1) by the deletion of “Protection and Adoption”.

PART XIV

CO-OPERATIVE SOCIETIES ACT [*Chapter 24:05*]

In section 86 (“Pension and provident funds”) (2)(c) by the deletion of “Children’s Protection and Adoption Act [*Chapter 5:05*]” and the substitution of “Children’s Act [*Chapter 5:06*]”.

PART XV

PENSION AND PROVIDENT FUNDS ACT [*Chapter 24:09*]

In section 36 (“Regulatory powers of Minister”) (2)(i) by the deletion of “Children’s Protection and Adoption Act [*Chapter 5:05*]” and the substitution of “Children’s Act [*Chapter 5:06*]”.

END OF BILL

COMMENTS ON COMMITTEE STAGE AMENDMENTS

These comments deal only with the new clauses added to the Bill and the changes made to certain of the original clauses.

Clause 2 (new clause)

Amends section 9 of the Statute Law Compilation and Revision Act [*Chapter 1:03*] to permit the appointment of the Deputy Chairman of the Law Development Commission to act as Law Reviser.

Clause 7 (new clause)

Amends section 346A of the Criminal Procedure and Evidence Act [*Chapter 9:07*] with a view to clarifying the procedure for altering the standard scale of fines by statutory instrument. A new subsection (4) for that section makes it clear that the Minister of Justice, Legal and Parliamentary Affairs must obtain Parliamentary approval of a draft before publishing a statutory instrument altering the standard scale.

The clause is in fact unnecessary, because clause 11 (see below) will make section 346A a dead letter by bringing the corresponding provisions of the Criminal Law (Codification and Reform) Act [*Chapter 9:23*] (Act No. 23 of 2004) (the “Criminal Law Code”) into immediate operation, ahead of the remainder of that Act. (Those provisions already contain a provision identical to the new subsection (4) provided for by this clause.)

Clause 11 (new clause)

This clause is an obvious response to two facts: (1) that the current standard scale of fines (set out in Statutory Instrument 192 of 2003) has remained unchanged since the 19th September, 2003, notwithstanding the massive decline in the value of money in the nearly two years that have passed since that date; (2) that the pending successor scale (the new standard scale set out in the First Schedule to the Criminal Law Code) is already totally inadequate and will be even more inadequate by the time the Code comes into force in several months’ time).

The clause accordingly makes provision for the early replacement of the standard scale with a new scale specifying monetary amounts that are substantially higher than the amounts specified in both the current standard scale and the standard scale that would otherwise have replaced it in due course (the scale presently set out in the First Schedule to the Criminal Law Code). It is a rather complicated provision but its effect is that the new standard scale of fines set out in subclause (1) will come into force on the date on which this Bill is published in the *Government Gazette* as the General Laws Amendment Act, 2005.

Assuming final approval of this Bill shortly after Parliament resumes sittings on the 11th October, 2005, that could be before the end of October.

A noteworthy difference between the new standard scale and the scale presently set out in the First Schedule to the Criminal Law Code is that in the new scale the maximum permissible deposit fine will not be limited to half the monetary amount of level three.

Clause 13 (original clause 10, as altered)

This clause amends section 5 of the Pools Control Act [*Chapter 10:19*]. In its original form the clause would have allowed not only licence fees, but also pool betting tax, to be fixed in regulations made by the responsible Minister instead of, as at present, having to be fixed in the Finance Act. That would not only have gone beyond the intention stated in the memorandum, which referred to licence fees only, but would have been wrong in principle. The Committee Stage amendment restricts the scope of the clause to licence fees only.

Clause 21 (original clause 18, as altered)

At present, the correct position in law is that the Rural Electrification Fund Act [*Chapter 13:20*] (No. 3 of 2002) came into force on the 16th May, 2005, the date fixed for its commencement in Statutory Instrument 67A of 2005, made in terms of section 1(2) of the Act. The purpose of the clause is to backdate the commencement of the Act to the date on which it was originally published in the *Government Gazette*, which was the 22nd March, 2002. The effect of the Committee Stage amendment is merely to state that date specifically, which is more helpful for the reader.

Clause 25 (new clause)

This clause merely removes three confusing words from section 19(1) of the recently enacted Health Service Act [*Chapter 15:16*] (No. 28 of 2004); section 19 provides for the establishment of hospital management boards by the Minister of Health.

Clause 26 (new clause)

A significant clause envisaging a major change in the law. It replaces section 10 of the Acquisition of Farm Equipment and Material Act [*Chapter 18:23*] (No. 7 of 2004) with a new section. The effect of the new section can be appreciated by comparing it with the existing section. The existing section provides as follows—

10 Use of acquired farm equipment or material

Any farm equipment or material acquired in terms of this Act shall vest in the State for the benefit of the Land Reform Programme and shall not be sold or otherwise disposed of to any private individual, institution or corporation.

The new section would abolish that prohibition on sale or disposition of acquired equipment or material and substitute an express provision for the State to sell or otherwise dispose of such equipment or material "for valuable consideration" to "any private individual, institution or corporation requiring to use the equipment or material for agricultural purposes on agricultural land".

Clause 31 (new clause)

This new clause amends various provisions of the Banking Act [*Chapter 24:20*] (No. 9 of 1999). The amendments do not touch on matters of substance; they merely tidy up outdated references (such as references to the former Post Office Savings Bank) or infelicities of language.

Clause 33 (new clause)

This new clause amends the Legal Practitioners Act [*Chapter 27:07*] in several respects—

- paragraph (a), amending section 7(1) of the Act, appears to be designed to place further limitations on the employment in Zimbabwe of lawyers resident outside Zimbabwe
- paragraph (b) allows registered legal practitioners in the full-time employment of the Zimbabwe Revenue Authority to perform legal services for the Authority without having to hold a practising certificate (thereby extending to them the same exemption already enjoyed by registered legal practitioners in the full-time employment of the State)

- replaces section 82 of the Act, which presently deals only with the right of State employees to appear in court on behalf of the State, with a wider provision permitting the appearance in court, on behalf of their employer, of both State employees and employees of the Zimbabwe Revenue Authority. The new element is in subsection (2) of the new section; subsection (1) merely repeats the existing provision for State employees.

Schedule

The amendment to the heading of the Schedule is a tidying-up measure of no significance.

7th September, 2005