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H.B. 10, 2010.

Gazetted: 5th November 2010.

**NATIONAL INCOMES AND PRICING COMMISSION AMENDMENT
BILL, 2010**

MEMORANDUM

The purpose of this Bill is to amend the National Incomes and Pricing Commission Act [Chapter 14:32] to provide for the establishment and the composition of a National Incomes and Pricing Board. The Bill also seeks to repeal the institution of inspectors and reintroduce them in the Control of Goods Act [Chapter 14:05].

Clause 1 sets out the short title.

Clause 2 provides for the amendment to section 2 of the National Incomes and Pricing Commission Act [Chapter 14:32] which defines "Commission". This amendment seeks to repeal the definition of "Commission" and substitute it with "Board". This clause also seeks to repeal the definition of "Commissioner" and substitute it with that of "member".

Clause 3 and 4 provide for the establishment of the National Incomes and Pricing Board and its composition.

Clause 5 provides for the repeal of section 5(c) which provides for the powers of the Commission to approve price adjustments of price monitored goods and prices and industry mark-ups.

Clause 6 provides for the repeal of Part IVA of the National Incomes and Pricing Commission Act [Chapter 14:32] which provides for the Control of Incomes and service charges.

Clause 7 provides for the chairpersons' power to obtain information that will assist the Board in the exercise of its functions.

Clause 10 provides for the amendment to the Control of Goods Act [Chapter 14:05] and Control of Goods (Price Control) Regulations, 2001 published in Statutory Instrument 334 of 2001 which deals with price controls. The Control of Goods Act is amended to the extent that the definition of "Commission" is repealed and is substituted with that of "Board". The Statutory Instrument is amended in section 2 by the insertion of the definition of "Inspectors". It is also amended by the insertion of a new section 30 which provides for the appointment of these inspectors.

The Schedule provides for the minor amendments.

BILL

To amend the National Incomes and Pricing Commission Act [*Chapter 14:32*] and to provide for matters incidental to or connected with the foregoing.

ENACTED by the President and the Parliament of Zimbabwe.

1 Short title

This Act may be cited as the National Incomes and Pricing Commission Amendment Act, 2010.

2 Amendment of section 2 of Cap 14:32

Section 2 ("Interpretation") of the National Incomes and Pricing Commission Act [*Chapter 14:32*] (hereinafter called the "principal Act") is amended by—

- (a) the repeal of the definition of "Commission" and the substitution of the following definition—

""Board" means the National Incomes and Pricing Board established in terms of section 3;"

- (b) the repeal of the definition of "Commissioner" and the substitution of the following definition—

""member" means a member of the Board appointed as such in terms of section 4, including the chairperson and deputy chairperson;"

3 New section 3 of Cap 14:32

Section 3 of the principal Act is repealed and the following is substituted—

"3 Establishment of National Incomes and Pricing Board

There is hereby established a Board, to be known as the National Incomes and Pricing Board, which shall be a body corporate capable of suing and being sued in its corporate name and, subject to this Act, of performing all act that a body corporate may by law perform."

4 Amendment of section 4 of Cap 14:32

Section 4 of the principal Act is repealed and the following is substituted—

"4 Composition of Board

(1) The Board shall consist of the following people appointed by the Minister in consultation with the President—

- (a) a Chairperson who shall be a person qualified to be an economist;
- (b) two members appointed from a list submitted by business or industry organisations;

- (c) one member appointed from a list submitted by labour organisations;
- (d) one member appointed from a list submitted by consumer watch-dog organisations;
- (e) one member who is a qualified lawyer.

(2) The provisions relating to the terms and conditions of office, vacation of office, filling of vacancies, meetings and procedure of the Board and other related matters are set out in the First Schedule."

5 Amendment of section 5 of Cap 14:32

Section 5 ("Functions of Commission") of the principal Act is amended

- (a) in subsection (b) by the deletion of "initiating corrective measures in cases of unscrupulous business practises affecting. Zimbabwe's pricing system" and the substitution of "guiding producers, wholesalers and retailers as well as advising Government on price trends";
- (b) by the repeal of subsections (c) and (d);
- (c) in subsection (e) by the deletion of "provide regular reviews and updates on capacity utilisation in various sectors of the economy";

6 Repeal of Part IVA of Cap 14:32

Part IVA (Control of Incomes and service charges) of the principal Act is repealed.

7 Amendment to section 18 of Cap 14:32

Section 18("Power to obtain information") of the principal Act is amended in subsection (1) by the repeal and substitution of the following

"18 (1) The Chairperson may, by notice in writing signed by him or her and served on a person, require the person—

- (a) to furnish to the Board, in writing, such information in relation to the affairs of the person as is specified in the notice; or
- (b) to produce to the Board, in accordance with the notice, such documents in relation to the affairs of the person as are specified in the notice;

being information that is, or documents that are relevant to or will assist the Board in the exercise of its functions as provided in this Act."

8 Repeal of sections 19, 20A, 20B, 21, 22, 23, 26 and 27 of Cap. 14:32¹

9 Amendment of Cap. 14:32

The principal Act is amended to the extent specified in the Schedule.

10 Amendment to cap 14:05 and Statutory Instrument 334 of 2001

(1) The Control of Goods Act [*Chapter 14:05*] is amended in section 2 by the repeal of the definition of "Commission" and the substitution of the following definition—

¹ *Note by Veritas. (sic)* This is exactly what is in the hard copy of the gazetted Bill – clause heading only, without the words of the clause: "The principal Act is amended by the repeal of sections".

""Board" means the National Incomes and Pricing Board established in terms of section 3 of the National Incomes and Pricing Commission Act [Chapter 14:32];".

(2) The Control of Goods (Price Control) Regulations, 2001 published in Statutory Instrument 334 of 2001 is amended—

(a) in section 2 by the insertion of the following definition—

""Inspector" means a person designated as an inspector in terms of section 29;";

(b) after section 29 by the insertion of the following section—

"30 Appointment of Inspectors

(1) Subject to the law relating to the Public Service, the Minister may designate persons to be inspectors for the purpose of these regulations.

(2) Every inspector shall be furnished with a certificate signed by or on behalf of the Minister, which shall state that the inspector has been designated as an inspector in terms of these regulations.

(3) An inspector exercising any power or performing any duty conferred or imposed upon him by these regulations or about to exercise or perform any such duty or power shall, on demand by any person concerned, produce the certificate referred to in subsection (2)."

SCHEDULE (Section 9)

MINOR AMENDMENTS TO THE NATIONAL INCOMES AND PRICING COMMISSION ACT [CHAPTER 14:32]

<i>Provision</i>	<i>Extent of Amendment</i>
Section 2	By the repeal of the definition of "Commission" and the substitution of: "Board" means the National Incomes and Pricing Board established in terms of section 3.
Sections 3; 4; 5; 6; 7; 8; 9; 10; 11(1),(3), (4), (5) and proviso thereto, (6); 12; 13; 14; 15; 16; 17; 17E(1) and (2); 17F(1), (2), (3), (4), (5) and (7); 18(1); 24(1),(2);25, 28 ; paragraphs 4; 5; 6; 7; 8; 9; 10; 11 and 12 of the First Schedule and paragraphs 5; 7; 9 ; and 11 of the Second Schedule	By the deletion of "Commission" and the substitution of "Board"
Sections 17; 25; paragraphs 1; 2; 3; 4; 5; 6(2),(3), (5), (6), (7), (9), (10), (11) and proviso thereto; 7(2); 8; 9(1) and (2); 10	By the deletion of "Commissioner" and the substitution of "member".