

H.B. 3A, 2015.]

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## GENERAL LAWS AMENDMENT BILL, 2015

### EXPLANATORY MEMORANDUM

The purpose of this Bill is to ensure that all Acts of Parliament in force before the new Constitution became effective are, to the extent of any inconsistency with the Constitution, aligned with the Constitution. The changes are mostly of a minor nature. The opportunity has also been taken to resolve some minor anomalies in the statute book. The more important amendments are the subject of the commentary below.

#### **PART I: AMENDMENT OF INTERPRETATION ACT**

##### *Item 1*

These amendments update the definition section of the Interpretation Act to amend or include definitions of terms found in the new Constitution.

##### *Item 2*

The principle of the supremacy of the Constitution as a fundamental principle of statutory interpretation is embodied in section 2(1) of the new Constitution:

“This Constitution is the supreme law of Zimbabwe and any law, practice, custom or conduct inconsistent with it is invalid to the extent of the inconsistency”.

Before the enactment of this principle, statutory interpretation was premised on the concept of the sovereignty of Parliament, whose supremacy in the legislative sphere was qualified only by express words in the constitution derogating from it. A textual approach to statutory interpretation suits this concept, since the words in which Parliament expresses itself are definitive. The principle of the supremacy of the Constitution does not abolish this textual approach, except to the extent that the values underlying the statutory text in question are shown to be clearly in conflict with the values enshrined in the Constitution. In that event, the sovereignty of the Constitution trumps that of Parliament, requiring a value-based approach to statutory interpretation which ensures that the values of the Constitution prevail over those of the statutory text. This amendment to the Interpretation Act includes a new section giving effect to the principle of the supremacy of the Constitution.

#### **PART V: AMENDMENT OF THE PRIVILEGES, IMMUNITIES AND POWERS OF PARLIAMENT ACT**

Section 148 of the new Constitution fundamentally alters the power of Parliament to defend its dignity and prestige in face of contempt towards it and breaches of its privileges. The relevant portion of the constitutional provision provides that “no ... Act may permit Parliament or its Members or officers to impose any punishment in the nature of a criminal penalty, other than a fine, for breach of privilege or contempt of Parliament”.

##### *Item 6*

Before the new Constitution Parliament had the option of requesting the Attorney-General (now the Prosecutor-General) to launch a prosecution in respect of any offence over which Parliament could exercise its autonomous criminal jurisdiction. This amendment strengthens that provision in the light of the new constitutional restriction on Parliament’s penal power for certain offences over which it had jurisdiction. For any imprisonable offence Parliament might find it is appropriate to invoke the aid of the Prosecutor-General rather than for it to try the offence itself, since it can only impose a fine.

*Items 7, 8, 9, 10*

These amendments allow Parliament to fix a custodial sentence as an alternative to the non-payment of any fine imposed by it. This does not violate the spirit of section 148 of the Constitution (in any event, the sentence of imprisonment must be confirmed by a court of law; see item below). A fine in the nature of a criminal penalty, even if not imposed in conjunction with a custodial sentence, is generally backed up by the alternative of imprisonment if the fine is not paid (see section 347 of the Criminal Procedure and Evidence Act); the reason for this is that it is very expensive and time consuming to recover a fine through civil process in the civil courts: often the costs involved exceed the amount of the fine (and if the fine is pitched too high it may encounter constitutional objections as being disproportionate); furthermore, because the offender is free of the fear of imprisonment, there is no incentive for him or her to pay it timeously, if at all.

In the proposed amendments, the level of fines that may be imposed by Parliament are generally higher than those that might be imposed by a criminal court.

*Item 13*

Where—

- Parliament chooses to exercise its autonomous quasi-judicial jurisdiction and imposes penalty of imprisonment in default of the payment of a fine imposed by Parliament, and
- The offender fails to pay the fine timeously or at all;

the alternative penalty of imprisonment must be confirmed (in an expedited way) by a court of competent criminal jurisdiction. This amendment provides accordingly.

*Item 14*

At law there is a distinction between a “criminal” and an “administrative” penalty of detention or imprisonment. The administrative penalty of detention is very necessary for the good governance and conduct of hearings before bodies like Parliament and its committees, and for hearings before other constitutional or statutory commissions (such as commissions of inquiry and the Human Rights Commission, which has a similar power); accordingly, the administrative penalty of detention is retained in the amendments, but drastically curtailed: a detained person cannot be detained for a period beyond the next sitting of a House after the sitting during which he or she was detained. This curtailment is necessary because the new Constitution, by depriving Parliament of the power to impose sentences of imprisonment, cannot be presumed to be favourable toward any exercise by Parliament of the power of detention except in restricted circumstances (admittedly, the present power given to Parliament under the Act is perhaps too expansive).

**PART VI: AMENDMENT OF ELECTORAL ACT**

Section 239(c), (d) and (e) of the new Constitution gives to the Zimbabwe Electoral Commission the responsibility for registering voters, compiling voters’ rolls and registers and ensuring the proper custody and maintenance of voters’ rolls and registers. In doing so it may “give instructions to persons in the employment of the State or of a local authority for the purpose of ensuring the efficient, free, fair, proper and transparent conduct of any election or referendum”. The most important employee of the State in this respect is the Registrar-General, who is given statutory responsibility for national registration and the maintenance of registers of births, deaths, marriages and citizenship. These amendments are primarily concerned with bestowing the function of registration of voters upon the Commission while ensuring a proper coordination of this function with those of the Registrar-General as the custodian of the registers of births, deaths, marriages and citizenship.

*Item 1*

This amendment repeals the definition of “Registrar-General of Voters”, whose office will be abolished by these amendments.

*Item 2, 5 and 14*

These amendments remove redundant references to “special voting”, which was abolished by the Electoral Amendment Act, 2014.

*Item 3, 4, 6, 7, 8, 9, 10, 11 and 12*

This amendment confers on the Zimbabwe Electoral Commission, through the agency of the Chief Elections Officer, the function of the registration of voters (including claims for transfers of registration) previously exercised by the Registrar-General of Voters, whose office will be abolished. At the same time it requires the Commission and the former Registrar-General of Voters, in his or her capacity as the Registrar-General of Births and Deaths, the Registrar-General of Citizenship and the Registrar-General of Registrar-General of National Registration, to cooperate with each other to ensure that their respective databases, as they relate to the eligibility or potential eligibility of voters, are in harmony with each other.

*Items 13, 17 and 18*

These amendments update references to office, terms and provision employed in the old Constitution which have been overtaken by the new Constitution.

*Item 16*

This amendment imposes a duty upon roving political party election agents not to disrupt polling in the exercise of their powers and privileges to enter any polling station.

**PART XX: AMENDMENT OF THE CRIMINAL LAW (CODIFICATION AND REFORM) ACT**

*Items 1, 2, 3, 4, 5, 9, 10, 11, 14, 15, 16*

These amendments simply replace the expression “shorter period” of imprisonment (that is to say, as an alternative to life imprisonment) by the more accurate expression “definite period of imprisonment”.

*Items 6, 7, 17, 28 and 29*

These amendments replace the designation “Prison Service” by the constitutional designation “Prisons and Correctional Service”.

*Item 8*

Section 48 of the Constitution protects the right to life but states that “a law may permit the death penalty to be imposed.” The Constitution itself does not impose the death penalty; it only allows a law to do so, and if a law does provide for the death penalty the law must make its imposition subject to certain restrictions:

- The penalty can be imposed only for murder committed in aggravating circumstances.
- It cannot be made a mandatory penalty but must allow a court a discretion to impose it.
- It cannot be imposed on women;

Accordingly, the section in the Criminal Law Code providing for the crime of murder is amended to provide that the death penalty for murder is competent only where the crime is committed in certain aggravation circumstances, and even then a court has a discretion to impose a sentence of imprisonment for life or a prison sentence of at least

20 years. The other restrictions on the death penalty contained in the Constitution and the Criminal Procedure and Evidence Act are also referenced.

*Item 12*

Section 3 of the Constitution sets forth the founding values and principles of Zimbabwe, among which the recognition of the rights of women, the elderly, youths and children (paragraph (i)).

At present, the crime provided for in section 70 of the Code (“Sexual intercourse or performing indecent acts with young persons”) prevents the sexual exploitation of younger persons. It is implicit from the wording of this section that only adults may be prosecuted for this crime, because the subject of the crime is a “person” and its object is a “young person” (defined in section 61 of the Code as a person below the age of 16). However, it is in society’s interest to protect all young persons from being “sexualised” prematurely, regardless of whether the perpetrator is, for instance, a boy of 15 who has “consensual” sexual intercourse with a girl of 13. Where two young persons aged between 12 and 16 engage in sexual intercourse or an indecent act, it is proposed that neither of them should be prosecuted for the crime of sexual intercourse or performing an indecent act with a young person, unless the report of a probation officer finds that it is proper to prosecute one of them for the offence.

*Item 13*

Section 89(3) of the Code provides that, in sentencing an offender for assault, the court must have regard to certain factors which may have aggravated the offence, such as the age of the person assaulted, and the degree of force or violence used. For the sake of comprehensiveness, the extent of physical injury inflicted upon the person assaulted should also be specifically included as a factor to be considered in aggravation of the offence of assault.

*Item 18*

The definition of “public officer” in section 169 of the Criminal Law Code refers to the redundant office of “provincial governor”. The definition is amended in conformity to Chapter 14 of the Constitution, provides in Part 2 for the eventual appointment of chairpersons of Provincial Council.

*Item 19*

The “commencement of the execution” standard for distinguishing between an “attempt” to commit a crime and mere “preparation” raises more problems than it solves, and suffers from the great disadvantage that it has never been canvassed by our courts. It is proposed to revert to the previous Common Law position, whereby all acts committed with the intention of furthering a crime would amount to an attempt, and the courts are left to decide whether a person has taken any “substantial” step towards its commission that would justify him or her being convicted of attempt.

*Items 20 and 21*

The original position of the Ministry of Justice and the Attorney-General’s Office when formulating the Criminal Law Code was to try to simplify the gradations of responsibility where two or more persons are associated with a crime. Accordingly, if a person authorises a crime but is not present at its commission, it was decided to treat him or her simply as an accomplice (since, in principle, an accomplice is guilty of the same crime as that committed by an actual perpetrator). However, it is now felt that the position as it existed in the Common Law should be reverted to. This holds that someone who authorises an actual perpetrator to commit a crime (“the principal”) should be distinguished from a mere accomplice in the ordinary sense of that word. An accomplice (in the ordinary sense) is often simply a “follower”, “assistant” or

“attendant” of an actual perpetrator, whereas the principal is the “intellectual author” of the crime. This distinction makes a difference in sentencing, because courts rarely punish “accomplices” to the same extent as principal and actual perpetrators.

Accordingly, in addition to actual perpetrators, co-perpetrators, accomplices and accessories, special provisions are sought by these clauses to be inserted in Chapter XIII of the Code to cover “principals”, without, however, blurring the distinctions between all aforementioned types of criminal association.

In addition, certain sections in Chapter XIII of the Code have been reframed to reinforce the presumption of innocence. Finally, in cases of murder where the death penalty may be imposed, it is important to include a cautionary provision reiterating that sections 337 and 338 of the Criminal Procedure and Evidence Act apply to the sentencing of principals and co-perpetrators (including actual perpetrators).

#### *Item 22*

Section 197(3)(a) of the Criminal Law Code (which provides that where an actual perpetrator has defence that excuses or reduces the liability of that person the accomplice will still be liable as an accomplice as if the other person were an actual perpetrator) is an incorrect statement of the common law insofar as it refers to “accomplices” in the ordinary sense of that word. Accomplice liability is dependant upon the liability of the actual perpetrator; accordingly, a person cannot be an accomplice if the actual perpetrator has a complete defence to the crime. The confusion arises here because the term “accomplice” as presently used in the Criminal Law Code encompasses also a “principal” who authorises the crime without actually committing it.

However, if one substitutes the word “accomplice” in subsection (3) by the word “principal”, subsection (3) becomes a correct statement of the *qui facit per alium facit per se* principle (“the acts of an agent are the acts of a principal”). For example, if a principal uses a 6-year old child to commit a theft for him, the child will have a complete defence to the crime, but the principal will be liable as if he himself had committed the crime.

Because the *qui facit per alium facit per se* principle is embodied in subsection (3) of the new section 196A, it is proposed that subsection (3) should be repealed and substituted by a different subsection which makes it clear that if an actual perpetrator is not found and brought to trial, another person can be convicted as an accomplice.

#### *Item 23*

The types of assistance referred to in section 198 (e), (f), (g) and (h) of the Criminal Law Code need to be distinguished from cases where the person rendering them may be liable as a co-perpetrator rather than as an accomplice. This amendment provides accordingly.

#### *Item 25*

It is felt that section 200 of the Criminal Law Code should be re-crafted in a manner more consistent with the pre-existing Common Law, that is to say, principals or accomplices should not escape criminal liability entirely where they simply withdraw from participation in a crime before it is committed, if the crime is subsequently committed without their participation. A separate provision is also required to cover withdrawal from crimes by co-perpetrators. Co-perpetrators, who are present at the scene of the crime, may only escape liability for the crime only if they take action to prevent the commission of the crime. Even where they do, they must still be liable for conspiracy or attempt to commit the crime.

*Item 30*

A person who is convicted of a crime in specified aggravating circumstances that may render him or her liable to severer punishment is in jeopardy of double punishment if, at the same time, he or she is also convicted of any other crime whose factual elements are the same as the specified aggravating circumstances. Double penalisation in respect of the same criminal acts is disproportionate punishment which may amount to “cruel” or “inhuman” punishment contrary to section 53 of the Constitution. Accordingly, a new section needs to be included for the avoidance of double penalisation where aggravating features of one crime are elements of another crime concurrently charged.

**PART CXIV: AMENDMENT OF TRADE MARKS ACT**

The purpose of this amendment is not constitutional alignment but timeous compliance with our international treaty obligations with respect to intellectual property rights, in particular, trade marks. By this amendment Zimbabwe will accede to the World Intellectual Property Organisation (hereinafter referred to as “WIPO”) Madrid Protocol concerning the International Registration of Marks (hereinafter referred to as the “Madrid Protocol”). The Madrid Protocol aims not only to simplify but also shorten the process of registering an international trademark by permitting the submission of one application to the International Bureau at WIPO that seeks protection in several countries.

PRESENTED BY THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS

# BILL

To make amendments to Acts to bring them into conformity with the  
Constitution; and to provide for matters connected with or incidental  
5 to the foregoing.

ENACTED by the Parliament and the President of Zimbabwe.

## 1 Short title

This Act may be cited as the General Laws Amendment Act, 2015.

## 2 Amendment of various Acts

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

## 3 Certain references in statutory instruments

Where, in a statutory instrument that was in force immediately before the date of  
commencement of this Act, there is any reference to—

- 15 (a) the Attorney-General, it shall be substituted by a reference to the  
“Attorney-General” or the “Prosecutor-General”, whichever is required  
by the enabling Act under which the statutory instrument is made;
- (b) the Prison Service or the Prison Service Commission, it shall be substituted  
by a reference to the “Prisons and Correctional Service” or the “Prisons  
20 and Correctional Service Commission”;

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- (c) a president, with reference to a president of the Administrative Court or the Labour Court, it shall be substituted by a reference to a “judge”.

## SCHEDULE (Section 2)

### AMENDMENT OF VARIOUS ACTS

#### PART I

5

#### INTERPRETATION ACT [CHAPTER 1:01]

##### 1. In section 2 (“Interpretation”)—

- (a) in the definition of “Consolidated Revenue Fund” by the deletion of “section 101” and the substitution of “section 302”;
- (b) by the insertion of the following definitions—

10

““Constitutional Court” means the Constitutional Court referred to in section 166 of the Constitution;

“Declaration of Rights” means the Declaration of Rights set out in Chapter 4 of the Constitution;”;
- (c) in the definition of “Defence Forces” by the deletion of “section 96” and the substitution of “section 211”;

15
- (d) in the definition of “High Court” by the deletion of “subsection (1) of section 81” and the substitution of “section 170”;
- (e) by the repeal of the definition of “Prison Service” and the substitution of—

20

““Prisons and Correctional Service” means the Prisons and Correctional Service referred to in section 227 of the Constitution;”;
- (f) in the definition of “Supreme Court” by the deletion of “subsection (1) of section 81” and the substitution of “section 168”;
- (g) by the repeal of the definition of “Administrative Court” and the substitution of the following—

25

““Administrative Court” means the Administrative Court referred to in section 173 of the Constitution;”;
- (h) by the repeal of the definition of “Police force” and the substitution of the following—

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““Police Service” means the Police Service referred to in section 219 of the Constitution;”;
- (i) by the repeal of the definition of “Public Service” and the substitution of the following—

35

““Civil Service” means the Civil Service referred to in section 199 of the Constitution;”;
- (j) by the repeal of the definition of Public Service Commission and the substitution of the following—

40

““Civil Service Commission” means the Civil Service Commission referred to in section 202 of the Constitution;”.

##### 2. By the insertion in Part II after section 3 of the following section—

“3A Fundamental principles of statutory interpretation in relation to Constitution

(1) When interpreting an enactment—

- (a) effect must be given to the intention of the Legislature as expressed by the enactment, subject to the principle of the supremacy of the Constitution as enacted by section 2 of the Constitution;
- 5 (b) to the extent that the intention of the Legislature is shown to be in conflict with the spirit, purport and objects of the Constitution, and in particular with the Declaration of Rights, the spirit, purport and objects of the Constitution must prevail;
- 10 (c) any reasonable interpretation of an enactment that is consistent with the Constitution must be preferred over any alternative interpretation that is inconsistent with the Constitution;
- 15 (d) if any provision of an enactment is held to be unconstitutional or invalid for any other reason, the enactment as a whole is not thereby invalidated unless a court finds that the remaining provisions of the enactment are so essentially and inseparably connected with, and so depend on, the void provision, that it cannot be presumed that the Legislature would have enacted the provisions without the void one; or
- 20 unless the court finds that the remaining provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

(2) For the avoidance of doubt it is declared that this section does not preclude the application in appropriate cases of other rules or principles of statutory interpretation, whether in relation to the Constitution or otherwise”.

3. In section 37 (“Assignment of Vice-Presidential or Ministerial functions”)—

- (a) in subsection (1), by the deletion of “section 31D” and the substitution of “section 104”;
- 30 (b) in subsection (2), by the deletion of “section 31C or 31D” and the substitution of “section 94 or 104”;
- (c) in subsection (4), by the deletion of “section 31D” and the substitution of “section 104”.

PART II

35 PARLIAMENTARY PENSIONS ACT [CHAPTER 2:02]

1. In section 2 (“Interpretation”)—

- (a) in subsection (1)—
  - (i) in the definition of “Deputy Minister” by the deletion of “section 31D” and the substitution of “section 104”;
  - 40 (ii) in the definition of “Minister” by the deletion of “section 31D” and the substitution of “section 92”;
- (b) by the repeal of subsection (2) and the substitution of—
 

“(2) Any reference in this Act to a member of Parliament shall be construed as including a reference to the Speaker of the National Assembly and the President of the Senate.”;
- 45 (c) in subsection (4) by the deletion of “section 63” and the substitution of “section 143”.

2. In section 8 (“Calculation of pension”)(4) by the deletion of “section 63” and the substitution of “section 143”.

3. In section 21 (“Accrual of benefits”) by the deletion of “section 63” and the substitution of “section 143”.

### PART III

5

#### PARLIAMENTARY SALARIES, ALLOWANCES AND BENEFITS ACT [CHAPTER 2:03]

1. In section 2 (“Interpretation”)—

- (a) in the definition of “Deputy Minister” by the deletion of “section 31D” and the substitution of “section 104”;
- (b) in the definition of “Minister” by the deletion of “section 31D” and the substitution of “section 92”;
- (c) in the definition of “Parliamentary Legal Committee” by the deletion of “section 40” and the substitution of “section 152”;
- (d) in the definition of “Vice-President” by the deletion of “section 31C” and the substitution of “section 92”.

2. In section 5 (“Persons acting as President”) by the deletion of “section 31” and the substitution of “section 100”.

3. In section 7 (“Persons acting as Speaker”)—

- (a) in the introductory words by the deletion of “Parliament” where it occurs for the first time and the substitution of “the National Assembly”;
- (b) by the repeal of paragraph (b) and the substitution of—  
 “(b) he or she ceases sooner to perform the functions of the Speaker of the National Assembly in the circumstances mentioned in section 126 of the Constitution.”.

4. In section 8 (“Prescribing of benefits and other matters”) (2) (e) by the deletion of “subsection (2) of section 45” and the substitution of “section 153”.

### PART IV

#### PRESIDENTIAL PENSION AND RETIREMENT BENEFITS ACT [CHAPTER 2:05]

1. In section 2 (“Pensions payable to former Presidents and surviving spouses”) (5) by the deletion of “section 63” and the substitution of “section 143”.

2. In section 4 (“Special payment to first former President on vacation of office”) (3) by the deletion of “section 63” and the substitution of “section 143”.

3. In section 6 (“Circumstances in which pensions, etc., not payable”) (3) (a) by the deletion of “subsection (3) of section 29” and the substitution of “97”.

### PART V

35

#### PRIVILEGES, IMMUNITIES AND POWERS OF PARLIAMENT ACT [CHAPTER 2:08]

1. In section 2 (“Interpretation”)—

- (a) by the repeal of the definitions of “officer of Parliament” and “Secretary” and the substitution of—  
 ““officer of Parliament” means the Clerk or any other person appointed to the staff of Parliament in terms of section 154(4) the Constitution;

“Clerk” means the Clerk of Parliament or any person acting for the Clerk of Parliament”;

(b) in the definition of “Speaker” by the deletion of “section 39” and the substitution of “section 126 and section 127”;

5 (c) in the definition of “Standing Orders” by the deletion of “section 57” and the substitution of “section 139”.

2. In section 5 (“Freedom of speech and debate”), by the repeal of subsection (3) and the substitution of —

10 “(3) It is declared for the avoidance of doubt that a member shall not be liable to any civil or criminal proceedings, arrest or imprisonment or damages for anything said in, produced before or submitted to Parliament or any of its committees.”.

3. In section 6 (“Stay of proceedings in cases of privilege”)(1), by the deletion of “Secretary” and the substitution of “Clerk”.

15 4. In section 7 (“Exemption from attendance at court”)(3), by the deletion of “Secretary” and the substitution of “Clerk”.

5. In section 10 (“Summonses”) by the deletion wherever it occurs of “Secretary” and the substitution of “Clerk”.

6. In section 16 (“Jurisdiction of Parliament”) by the insertion of the following subsection after subsection (4) —

20 “(5) In determining whether to exercise its powers and jurisdiction for the purpose of judging and pronouncing upon the commission of any act, matter or thing in this Part declared to be an offence, and awarding and executing the punishments provided by this Part for the commission of that offence, Parliament shall be guided, but not bound, by the principle that if, in the given circumstances of the offence, a  
25 criminal court might reasonably be expected to impose a sentence of imprisonment without the option of a fine, or a sentence of imprisonment in conjunction with a fine, then the Prosecutor-General ought to be requested to institute a prosecution of the offence in terms of section 22.”.

30 7. In section 17 (“Member not to vote on matters in which he has a direct pecuniary interest”) by the repeal of subsection (1) and the substitution of —

“(1) Subject to subsection (2), a member who, in or before Parliament or a committee, votes upon or takes part in the discussion of any matter in which he or she has a direct pecuniary interest shall be guilty of an offence and liable —

35 (a) where the Prosecutor-General has, in terms of section 22, instituted the prosecution, to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment; or

40 (b) where Parliament sits as the court by virtue of section 3(b), to a fine not exceeding twice the amount of the maximum fine in level fourteen or, in default of payment of the fine, to imprisonment for a period not exceeding one year.”.

8. In section 18 (“Prohibition against fees, etc., for promoting or opposing proceedings in Parliament”) by the repeal of subsection (2) and the substitution of —

45 “(2) A person who contravenes subsection (1) shall be guilty of an offence and liable —

(a) where the Prosecutor-General has, in terms of section 22, instituted the prosecution, to a fine not exceeding level seven or to imprisonment

for a period not exceeding one year or to both such fine and such imprisonment; or

- (b) where Parliament sits as the court by virtue of section 3(b), to a fine not exceeding twice the amount of the maximum fine in level fourteen or, in default of payment of the fine, to imprisonment for a period not exceeding one year; 5

and, in addition, he or she shall be liable to repay the amount or value of the fee, compensation, gift or reward accepted or received by him or her.”.

9. In section 19 (“Prohibition against fees, etc., for promoting or opposing proceedings in Parliament”) by the repeal of subsection (2) and the substitution of— 10

“(2) Any person who wilfully and corruptly gives before Parliament or a committee a false answer to any question material to the subject of inquiry which is put to him or her in the course of any examination shall be guilty of an offence and liable—

- (a) where the Prosecutor-General has, in terms of section 22, instituted the prosecution, to the punishments and penalties prescribed by law for perjury; or 15
- (b) where Parliament sits as the court by virtue of section 3(b), to a fine not exceeding twice the amount of the maximum fine in level fourteen or, in default of payment of the fine, to imprisonment for a period not exceeding two years.”. 20

10. By the repeal of sections 20 and 21 and the substitution of—

“20 Penalty for printing or tendering in evidence reports, etc., falsely purporting to be printed under parliamentary authority

Any person who—

- (a) prints or causes to be printed a copy of any enactment or of any report, paper, minutes or minutes of proceedings of Parliament or a committee as purporting to have been printed by the Government Printer or the Parliamentary Printer or by the order or by or under the authority of Parliament, a committee or the Speaker which was not so printed; or 25 30
- (b) tenders in evidence as purporting to have been so printed a copy of any enactment, report, paper or minutes referred to in paragraph (a) knowing that it was not so printed;

shall be guilty of an offence and liable—

- (c) where the Prosecutor-General has, in terms of section 22, instituted the prosecution, to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment; or 35
- (d) where Parliament sits as the court by virtue of section 3(b), to a fine not exceeding twice the amount of the maximum fine in level fourteen or, in default of payment of the fine, to imprisonment for a period not exceeding two years.”. 40

21 Certain other contempts to be offences

Any person who commits any act, matter or thing specified in the Schedule shall be guilty of an offence and liable— 45

- (a) where the Prosecutor-General has, in terms of section 22, instituted the prosecution, to a fine not exceeding level seven

or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment; or

- (b) where Parliament sits as the court by virtue of section 3(b), to a fine not exceeding twice the amount of the maximum fine in level fourteen or, in default of payment of the fine, to imprisonment for a period not exceeding two years.”.

11. In section 22 (“Prosecutions by Prosecutor-General”)(2) by the deletion of “or preparatory examination, as the case may be”.

12. In section 23 (“Warrants for arrest and imprisonment”) by the deletion of “The Speaker” and the substitution of “Subject to section 23A, the Speaker”.

13. By the insertion of the following section after section 22—

**“23A Judicial authority for issuance of warrants by Speaker**

Where Parliament sitting as a court has imposed any fine for the commission of an offence under Part V, and the offender has not paid the fine in full within the period stipulated by Parliament or, if the period is not so stipulated, within twenty-one days of the imposition of the fine, the Clerk or any officer of Parliament authorised by the Clerk may forthwith transmit to the clerk or registrar of any court having competent jurisdiction to impose the fine a document signed by the Speaker setting out the particulars of the offender, the offence, the fine and the custodial sentence imposed by Parliament in the event of the fine not being paid, whereupon—

- (a) the document shall be entered by the clerk or registrar in the records of that court; and
- (b) as soon as the document has been recorded in terms of paragraph (a) it shall be laid before the court and the court shall thereupon—
- (i) sentence the offender to the term of imprisonment imposed by Parliament in default of payment of the fine; and
- (ii) by endorsement on a copy of the document authorise the Speaker to issue the appropriate warrant of arrest and imprisonment in accordance with this Part.”.

14. By the repeal of sections 32 and the substitution of—

**“32 Administrative penalty of Imprisonment for contempt, etc**

(1) It is declared for the avoidance of doubt that any person adjudged by Parliament to be guilty of a contempt which is not an act, matter or thing declared in Part V to be an offence may, in addition to any other penalty to which he or she is liable by virtue of this Act or any other law, be committed to prison for such period during the current session of Parliament as Parliament may determine, which period, however, shall terminate—

- (a) on the adjournment of the next sitting of the House which adjourned first after the sitting during which person is committed to prison; or
- (b) on the prorogation or dissolution of Parliament;

whichever is the earlier date.

(2) Parliament shall not have power to impose —

- (a) any fee for any contempt; or
- (b) any fine for any contempt which is not an act, matter or thing declared in Part V to be an offence.

(3) Sections 23 and 24 shall, apply with such changes as may be necessary, to a warrant of committal to prison issued in pursuance of subsection (1).”.

## PART VI

### ELECTORAL ACT [*CHAPTER 2:13*]

1. In section 4 (“Interpretation”)(1)—

- (a) by the repeal of the definitions of “constituency registrar” and “registration office” and the substitution of —

““absence”, in relation to the absence of the Chairperson of the Commission, includes absence occasioned by the vacation of the office of the Chairperson;”;

- (b) by the repeal of the definitions of “constituency registrar” and “registration office” and the substitution of —

““registration office” means or any office of a voter registration officer or office designated by the Commission as a place where persons may register as voters;

“voter registration officer” means a person who is appointed in terms of section 19(1) to be a voter registration officer, and includes any person assisting the Commission in that capacity;”;

- (c) in the definition of “electoral officer” by the deletion of “district special voting officer” and the substitution of “district elections officer”.

- (d) by the repeal of the definition of “Registrar-General of Voters”.

2. In section 10 (“Staff of Commission during elections”)(4) by the repeal of paragraph (d).

3. By the repeal of sections 18 and 19 and the substitution of —

“18 Commission to register voters

(1) In this section —

“former Registrar-General of Voters” is a reference to the Registrar-General of Voters appointed in terms of section 18 of this Act before its substitution by this section under the General Laws Amendment Act, 2015;

“Registrar-General of Births and Deaths” means the person referred to in section 3(a) of the Births and Deaths Registration Act [*Chapter 5:02*];

“Registrar-General of Citizenship” means the person referred to in section 3 of the Citizenship of Zimbabwe Act [*Chapter 4:01*];

“Registrar-General of National Registration” means the person referred to in 3(a) of the National Registration Act [*Chapter 10:17*].

(2) The Commission is deemed with effect from the 22nd May, 2013 (being the “publication day” of the Constitution of Zimbabwe, 2013),

to have assumed the assumed the functions of the former Registrar-General of Voters, that is to say such functions as were imposed or conferred upon the Registrar-General of Voters by or under this Act before the 22nd May, 2013, including in particular the functions of registering voters, compiling voters' rolls and registers, ensuring the proper custody and maintenance of voters' rolls and registers, and all other functions in connection therewith:

Provided that, consistently with section 239(j) of the Constitution, the Commission may give such instructions to the former Registrar-General of Voters, in his or her capacity as the Registrar-General of Births and Deaths, the Registrar-General of Citizenship and the Registrar-General of Registrar-General of National Registration, as will ensure the efficient, free, fair, proper and transparent conduct of any election or referendum.

(3) Notwithstanding any other provision of this Act, the Commission may—

- (a) direct the Chief Elections Officer, a voter registration officer, the former Registrar-General of Voters or (subject to paragraph (b)) any member of the Civil Service to assume and exercise any function which in terms of this Act before its amendment by the General Laws Amendment Act, 2015, is vested in a constituency registrar;
- (b) with the consent of the Civil Service Commission, instruct any member of the Civil Service to assist it in any of its voter registration functions in terms of this Act;
- (c) in relation to an election to which Part XIX applies, delegate any of its voter registration functions in terms of this Act, the Rural District Councils Act [*Chapter 29:13*] or the Urban Councils Act [*Chapter 29:15*] to a member of the Civil Service.

(4) The Commission and the former Registrar-General of Voters, in his or her capacity as the Registrar-General of Births and Deaths, the Registrar-General of Citizenship and the Registrar-General of Registrar-General of National Registration, have a duty to cooperate with each other to ensure that their respective databases, as they relate to the eligibility or potential eligibility of voters, are in harmony with each other.

(5) The Minister may, after consultation with the Commission and the former Registrar-General of Voters, by regulations made in terms of this section, provide for—

- (a) the manner of dealing with any confidential information in the custody of the former Registrar-General of Voters and the conditions under which it may be shared with the Commission; and
- (b) the resolution of any discrepancies between the records of the former Registrar-General of Voters and those of the Commission; and
- (c) the resolution of any disputes whatsoever that may arise between the Commission and the former Registrar-General of Voters; and
- (d) mandatory automatic and electronic voter registration.



## 19 Voter registration officers and registration offices

(1) Voter registration shall be conducted by the Commission through its voter registration officers (who shall be employees of the Commission and who may be appointed to this office conjunctively with any other office as an electoral officer) or any persons whom the Commission may from time to time appoint to assist in voter registration. 5

(2) A voter registration officer shall be appointed for such locality as the Commission may determine, including (but not limited to) a constituency, district or ward.

(3) Voter registration officers shall exercise the functions conferred upon them by or under this Act under the general supervision and direction of the Commission. 10

(4) A person seeking registration as a voter may approach any of the registration offices of the Commission for registration as a voter during the period specified in section 17A (2).". 15

4. In section 19 ("Constituency registrars and other officers")(3) by the deletion of "Registrar-General of Voters" and the substitution of "Commission".

5. In section 20 ("Voters rolls to be kept by Commission")(2) by the repeal of paragraph (a) and the substitution of—

“(a) the voter’s first and last names, date of birth, national registration number and sex; and”. 20

6. In section 22A ("Polling Station Voters Rolls")(3)(a) by the deletion of "or to cast a special vote".

7. By the repeal of section 26 and the substitution of—

## “26 Voters registration certificates 25

(1) On the registration of a voter in terms of this Part the voter registration officer shall issue him or her with a voters registration certificate specifying—

(a) the voter’s last name, date of birth, national registration number and sex; and; 30

(a) the ward, constituency, district, province and, in the case of polling station specific registration, the polling station in or for which the voter is registered.

(2) On the transfer of the registration of a voter in terms of section 25 the voter shall be issued with a voters registration certificate by the voter registration officer of the constituency to which he or she has been transferred.". 35

8. In section 40C ("Voter education by persons other than the Commission or political parties")(1) by the repeal of paragraphs (i) and (j) and the substitution of—

“(i) the voter education materials used by the person and the course or programme of instruction in accordance with which the voter education is conducted are adequate, current, correct and not misleading or biased in favour of any political party; and 40

(j) the voter education materials used by the person and the course or programme of instruction in accordance with which the voter education is conducted are furnished to the Commission for its scrutiny no later than twenty-eight days before they are intended to be used; and 45

- (k) no fee or charge is levied for the provision of voter education or voter education materials.”.

9. In section 51 (“Polling stations”) is amended—

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

“(1) Subject to this section, the Commission shall in each constituency establish, at such convenient places as it may determine, as many polling stations as it may consider to be necessary for the purposes of conveniently taking a poll of the voters of that constituency:

Provided that—

- (i) the Commission shall establish a sufficient number of polling stations in each ward of the constituency concerned;
- (ii) the Commission shall receive from political parties contesting the election concerned any representations on the issue of the location of polling stations in any constituency, and may give directions on this matter to any provincial elections officer, district elections officer or constituency elections officer on the basis of such representations.

- (b) in subsection (3) by the deletion of “A constituency elections officer” and “and in such other manner as he or she thinks fit” and the substitution of “The Commission” and “and in such other manner as it thinks fit” respectively.

10. By the repeal of section 52 and the substitution of—

“52 Provision of requisites and officers for purpose of poll

(1) For any election the Commission shall ensure that every constituency elections officer is provided with polling booths or voting compartments and ballot boxes, and shall provide papers, including ballot papers, instruments for marking ballot papers with the official mark, seals and other necessary things and shall do such other acts and things and make such arrangements to facilitate the taking of the poll as the Commission may consider advisable for effectively conducting the election, and the expenditure incurred upon all such acts and things shall be charged upon and paid out of the funds of the Commission, or, to the extent of any insufficiency of the funds of the Commission for this purpose, the Consolidated Revenue Fund.

(2) Where two or more elections are to be held concurrently in a constituency, the Commission shall ensure that the constituency elections officer concerned is provided with separate ballot boxes for each such election.”.

11. In section 72 (“persons who may vote by post”)—

- (a) in the introductory words by the deletion of “outside Zimbabwe”;
- (b) in paragraph (b) by the insertion after “the Government” of “outside Zimbabwe”;
- (c) by the repeal of paragraph (c) and the substitution of—
- “(c) outside Zimbabwe as the spouse of a person referred to in paragraph (b);”.

12. In section 93 (“Appointment of roving political party election agents”)(3) by the deletion of “shall have the authority to enter and move through a polling station” and the substitution of “shall, without interfering in or disrupting the conduct of the poll at the polling station, have the authority to enter and move through a polling station”.
13. In section 110 (“Determination and declaration of result of election to office of president”) by the repeal of subsection (5) and the substitution of — 5
- “(5) In accordance with section 94 of the Constitution, a person elected as President assumes office when he or she takes, before the Chief Justice or the next most senior judge available, the oath of President in the form set out in the Third Schedule.”. 10
14. In section 173 (“Procedure where Electoral Court reports cases of corrupt practices or illegal practices”) by the deletion of “Attorney-General” and the substitution of “Prosecutor-General”.
15. In the Long Title by the deletion of “to provide for the Registrar-General of Voters and constituency registrars;”. 15
16. In addition, the provisions of the principal Act specified in the first column of the Second Schedule are amended to the extent set out opposite thereto in the second column.

## PART VII

### REFUGEES ACT [CHAPTER 4:03] 20

In section 17 (“Authorised officers”) (2) proviso (b) by the deletion of “Commissioner of Prisons” and Prison Service Commission” and the substitution of “Commissioner-General of Prisons and Correctional Service” and “Prisons and Correctional Service Commission” respectively.

## PART VIII 25

### CHILDREN’S ACT [CHAPTER 5:06]

In section 2 (“Interpretation”) (7) by the repeal of definition of “probation officer” and the substitution of —

““probation officer” means a person registered as a social worker in terms of the Social Workers Act [Chapter 27:21] who is appointed in terms of section 46;”. 30

## PART IX

### ADMINISTRATIVE COURT ACT [CHAPTER 7:01]

1. In section 2 (“Interpretation”) by the repeal of the definition of “President of the Court” and the substitution of the following— 35

““Judge of the Court” means the Judge President of the Court, a Judge of the Court or the Acting Judge President of the Court or an acting Judge of the Court;”.

2. In section 3 (“Establishment and constitution of Administrative Court”) by the repeal of paragraph (a) and the substitution of— 40

“(a) the Judge President of the Court and such number of Judges of the Court as the President may consider necessary;”.

3. By the repeal of section 5 and the substitution of—

#### “5 Judges and acting Judges of Court

(1) The Court shall be presided over by— 45

- (a) a Judge of the Court who shall be a person appointed, subject to subsection (3), as a Judge of the Court in terms of section 180(1) of the Constitution; or
- (b) an acting Judge of the Court appointed, subject to subsection (3), in terms of section 181 of the Constitution.

(2) A person referred to in subsection (1) shall be appointed on such terms and conditions, including terms and conditions relating to the payment of salary, allowances and pension benefits, as the President, on the recommendation of the Judicial Service Commission, may fix.

(3) A person shall not be qualified for appointment as the Judge of the Court or acting Judge of the Court unless he or she—

- (a) is a former judge of the Supreme Court or the High Court; or
- (b) is qualified for appointment as a judge of the Supreme Court or the High Court; or
- (c) has been a magistrate in Zimbabwe for not less than seven years.”.

4. In section 6 (“assessors”)—

- (a) in subsection (1) by the deletion of “President” and the substitution of “Judge”;
- (b) in subsection (2) by the deletion of “Senior President” and the substitution of “Judge President”;
- (c) in subsection (3) by the deletion of “Senior President” and the substitution of “Judge President”;
- (d) in subsection (4) by the deletion of “President” and the substitution of “Judge”.

5. In section 8 (“Record of proceedings of Court”) (2) by the deletion of “Subject to subsection (12) of section 18 of the Constitution, the record kept” and the substitution of “The record kept”.

6. By the repeal of section 9 and the substitution of—

**“9 Proceedings to be in public**

The proceedings of the Court shall be conducted in public.”.

7. In section 10 (“Decision of Court”) by the deletion of “President” wherever it occurs and the substitution of “Judge”.

8. By the repeal of section 11 and the substitution of—

**“11 Powers of Judge of Court sitting alone**

Subject to this Act and except as otherwise provided by or under the Constitution or in any other enactment, a Judge of the Court sitting without assessors may, whether in chambers or otherwise—

- (a) vary, reverse or set aside the decision, order or action that is the subject of the appeal or review or refer the matter back to the body, person or authority responsible for the decision, order or action, if he or she is satisfied that such a course is not opposed by any of the parties to the appeal or review, including that body, person or authority;
- (b) postpone or further postpone the hearing of any matter;

- (c) appoint commissioners for the taking of evidence;
- (d) authorise the proof of all or any of the facts in a case by affidavit;
- (e) on such terms and conditions as to costs or otherwise, as he or she thinks fit, permit an applicant or appellant to withdraw his application or appeal; 5
- (f) deal with such other matters as may be prescribed in rules of court made in terms of section 13.”.

9. In section 12 (“Sittings of Court”) by the deletion of “Senior President” and the substitution of “Judge President”. 10

10. In section 13 (“Procedure of Court”)(1) by the deletion wherever it occurs of “Presidents” and the substitution of “Judges” wherever it appears.

11. In section 14 (“Representation of parties and consideration of written submissions”)(2) by the deletion of “President” and the substitution of “Judge”.

12. In section 16 (“Witnesses failing to attend or refusing to be sworn or to give evidence”)(5) by the deletion of “President” and the substitution of “Judge”. 15

13. In section 18 (“Contempt of Court”) by the deletion wherever it occurs of “President” and the substitution of “Judge”.

14. In section 19 (“Costs”) by the deletion wherever it occurs of “President” and the substitution of “Judge”. 20

15. In section 20 (“Appeal from decision of Court”)(2)(b) by the deletion of “President” and the substitution of “Judge”.

## PART X

### COURTS AND ADJUDICATING AUTHORITIES (PUBLICITY RESTRICTION) ACT [CHAPTER 7:04]

1. By the repeal of section 9 and the substitution of— 25

#### “9 Authority of Prosecutor-General for prosecutions

Where a person is brought before a magistrates court charged with—

- (a) an offence in terms of section 8; or
- (b) an attempt, conspiracy or incitement to commit an offence in terms of section 8; or 30
- (c) being an accessory after the fact to an offence in terms of section 8;

no further proceedings in respect thereof shall be taken against him without the authority of the Prosecutor-General except such as the court may think necessary by remand to secure the due appearance of the person charged.”. 35

2. In section 17 (“Authorised officers”) (2) proviso (b) by the deletion of “Commissioner of Prisons” and “Prison Service Commission” and the substitution of “Commissioner-General of Prisons and Correctional Service” and “Prisons and Correctional Service Commission” respectively. 40

## PART XI

### MAGISTRATES COURT ACT [CHAPTER 7:10]

In section 7 (“Appointment of magistrates”) by the repeal of “Subject to subsection (4) of section 75 of the Constitution” and the substitution of “Subject to section 182 of the Constitution”. 45

PART XII

PRISONS ACT [CHAPTER 7:11]

1. In the Long title to the Act by the deletion of “Prison Service” and the substitution of “Prisons and Correctional Services”.

5 2. By the repeal of the Preamble and substitution of the following—

“WHEREAS section 227 of the Constitution provides as follows—

227(1) *There is a Prisons and Correctional Service which is responsible for—*

- 10 (a) *the protection of society from criminals through the incarceration and rehabilitation of convicted persons and others who are lawfully required to be detained, and their reintegration into society; and*  
(b) *the administration of prisons and correctional facilities.*

(2) *The Prisons and Correctional Service must be non-partisan, national in character, patriotic, professional and subordinate to the civilian authority as established by this Constitution.*

15 (3) *An Act of Parliament must provide for the organisation, structure, management, regulation, discipline and, subject to section 231, the conditions of service of members of the Prisons and Correctional Service.*

20 230 (1) *There is a Prisons and Correctional Service Commission consisting of a chairperson, who must be the chairperson of the Civil Service Commission, and a minimum of two and a maximum of six other members appointed by the President.*

(2) *Members of the Prisons and Correctional Service Commission must be chosen for their knowledge of or experience in administration, management, security affairs, or for their professional qualifications or their general suitability for appointment, and—*

- 25 (a) *at least half of them must be persons who are not and have not been members of the Prisons and Correctional Service;*  
(b) *at least one of them must have held senior rank in the Prisons and Correctional Service for one or more periods amounting to at least five years.*

30 231 (1) *The Prisons and Correctional Service Commission has the following functions—*

- (a) *to appoint qualified and competent persons to hold posts or ranks in the Prisons and Correctional Service;*  
(b) *to fix and regulate conditions of service, including salaries, allowances and other benefits, of members of the Prisons and Correctional Service;*  
35 (c) *to ensure the general well-being and good administration of the Prisons and Correctional Service and its maintenance in a high state of efficiency;*  
(d) *to ensure that members of the Prisons and Correctional Service comply with section 208;*  
40 (e) *to foster harmony and understanding between the Prisons and Correctional Service and civilians;*  
(f) *to advise the President and the Minister on any matter relating to the Prisons and Correctional Service; and*  
45 (g) *to exercise any other function conferred or imposed on the Commission by this Constitution or an Act of Parliament.”.*

3. In section 2 (“Interpretation”)—

- (a) in the definition of “Commissioner” by the repeal of “subsection (2) of section 99 of the Constitution” and the substitution of “section 229(1) of the Constitution”;
  - (b) by the repeal of the definitions of “Commissioner”, “Deputy Commissioner”, “Prison Service Commission” and “Service” and the substitution of—
    - ““Commissioner-General” means the Commissioner-General of Prisons and Correctional Service appointed in terms of section 229(1) of the Constitution;
    - “Deputy Commissioner” means a Deputy Commissioner of Prisons and Correctional Service referred to in section 5(1)(b);
    - “Prisons and Correctional Service Commission” means the Prisons and Correctional Service Commission established by section 230 of the Constitution, and “Commission” shall be construed accordingly;”;
    - “Service” means the Prisons and Correctional Service established by section 229(1) of the Constitution;”.
4. In section 5 (“Composition and ranks of Prison Service”)—
  - (a) in the heading by the deletion of “Composition and ranks of Prison Service” and the substitution of “Composition and ranks of Prisons and Correctional Service”;
  - (b) in subsection (1)(b) by deleting “of Prisons”.
  - (c) in subsection (3) by deleting “Prison Service Commission” and substituting “Commission”.
5. By the repeal of section 6 and the substitution of—
  - “6 Appointment of Commissioner-General**
    - (1) The President shall appoint the Commissioner-General in terms of section 229 of the Constitution after consultation with the Minister.
    - (2) Before tendering advice to the President for the purpose of subsection (1), the Minister shall consult the Commission.”.
6. In section 7 (“Terms and conditions of service of Commissioner”)—
  - (a) in the heading by the deletion of “Terms and conditions of service of Commissioner” and the substitution of “Terms and conditions of service of Commissioner-General”;
  - (b) in subsections (1), (2) and (3) by deleting “Commissioner” and the substitution of “Commissioner-General”;
  - (c) by the repeal of subsection (4) and the substitution of—
    - “(4) Subject to this Act, the Commissioner-General’s terms and conditions of service shall be as fixed by the President from time to time in terms of section 231(3) of the Constitution.”.
7. In section 8 (“Removal from office of Commissioner”)—
  - (a) in the heading by the deletion of “Removal from office of Commissioner” and the substitution of “Removal from office of Commissioner-General”;
  - (b) by deleting “Commissioner” and substituting “Commissioner-General”.
8. In section 9 (“Appointment and removal of prison officers”)—
  - (a) in subsection (1) by deleting “Commissioner” and substituting “Commissioner-General”;

- (b) in subsection (3) by deleting “shall vest in the Commissioner, acting with the approval of the Prison Service Commission” and substituting “shall vest in the Commissioner-General, acting with the approval of the Commission”.

5 9. In section 10 (“Liberty to resign”)—

- (a) in subsection (1) by deleting “Commissioner” and substituting “Commissioner-General”;
- (b) in subsection (2) by deleting “Commissioner” wherever it occurs and substituting “Commissioner-General”.

10 10. In section 12 (“Term of office of members of Prison Service Commission”)—

- (a) by deleting the heading thereto and substituting “Term of office of members of Prisons and Correctional Service Commission”;
- (b) in subsection (1) by deleting “Prison Service Commission” and substituting “Prisons and Correctional Service Commission”;
- 15 (c) in subsection (2) by deleting “Prison Service Commission” and substituting “Commission”;

11. In section 13 (“Resignation of members of Prison Service Commission”) by the deletion of “Prison Service Commission” and the substitution of “Prisons and Correctional Service Commission” wherever it appears.

20 12. In section 14 (“Conditions of service of members of Prison Service Commission”) by the deletion of “Prison Service Commission” and the substitution of “Prisons and Correctional Service Commission”.

25 13. In section 15 (“Functions of Prison Service Commission”) by the deletion of “Prison Service Commission” and the substitution of “Prisons and Correctional Service Commission” wherever it appears.

14. In section 16 (“Procedure of Prison Service Commission”) by the deletion of “Prison Service Commission” and the substitution of “Prisons and Correctional Service Commission” wherever it appears.

30 15. In section 17 (“Staff of Prison Service Commission”) by the deletion of “Prison Service Commission” and the substitution of “Prisons and Correctional Service Commission”.

16. In section 18 (“Reports of Prison Service Commission”) by the deletion of “Prison Service Commission” and the substitution of “Prisons and Correctional Service Commission” wherever it appears.

35 17. In section 19 (“Validity of acts and decisions of Prison Service Commission”) by the deletion of “Prison Service Commission” and the substitution of “Prisons and Correctional Service Commission” wherever it appears.

18. In section 130 (“Power to make regulations”)—

- 40 (a) by the deletion of “Prison Service Commission” and the substitution of “Prisons and Correctional Service Commission” wherever it appears;
- (b) by the deletion of “109 of the Constitution” and the substitution of “section 231(2) of the constitution”.

### PART XIII

#### TRANSFER OF OFFENDERS ACT [CHAPTER 7:14]

45 In section 10 (“Pardons”) by the deletion of “section 311 of the Constitution” and the substitution of “section 112 of the Constitution”.



PART XIV

JUDICIAL COLLEGE ACT [CHAPTER 7:17] (No. 18 OF 1998)

1. In section 6 (“Annual and other reports of College”) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
2. In section 13 (“Principal of College”)(6) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.
3. In section 18 (“Audit of College’s accounts”) by the deletion of “Comptroller and Auditor General” and “Audit and Exchequer Act [Chapter 22:03]” the substitution of “Auditor General” and “Public Finance Management Act [Chapter 22:19]” respectively.

PART XV

JUDICIAL SERVICE ACT [CHAPTER 7:18] (No. 10 OF 2006)

1. In the Long title to the Act—
  - (a) by the insertion of “Constitutional Court” before “Supreme Court”; and
  - (b) by the deletion of “the office of the Public Protector”.
2. By the repeal of the Preamble and substitution of the following—
 

“WHEREAS section 190 of the Constitution provides as follows—

*190 (1) The Judicial Service Commission may tender advice to the government on any matter relating to the judiciary or the administration of justice, and the Government must pay due regard to any such advice.*

*(2) The Judicial service Commission must promote and facilitate the independence and accountability of the judiciary and the efficient, effective and transparent administration of justice in Zimbabwe, and has all the powers needed for this purpose.*

*(3) The Judicial Service Commission, with the approval of the Minister responsible for justice, may make regulations for any purpose set out in this section.*

*(4) An Act of Parliament may confer on the Judicial Service Commission functions in connection with the employment, discipline and conditions of service of persons employed in the Constitutional Court, the Supreme Court, the High Court, the Labour Court, the Administrative Court and other courts.*

AND WHEREAS it is desirable to make further provisions for the Judicial Service Commission and for persons employed in connection with the administration of justice in Zimbabwe:

NOW, THEREFORE, be it enacted by the President and the Parliament of Zimbabwe as follows—”.
3. By the deletion in section 2 (“Interpretation”)—
  - (a) in the definition of “approved service” of “Public Service” and the substitution of “Civil Service”; and
  - (b) in the definition of “Commission” of “section 90” and the substitution of “section 189”; and
  - (c) in the definition of “disciplined force” of “section 113(1)” and the substitution of “section 332”.
4. In section 3 (“Constitution of Judicial Service”)—
  - (a) in paragraph (a) by the repeal of “section 84” and the substitution of “section 180”; and
  - (b) by the repeal of paragraph (e).”.

PART XVI

CONTRACTUAL PENALTIES ACT [CHAPTER 8:04]

In section 2 (“interpretation”) by the repeal of the definition of “land” and the substitution of the following—

5 ““land” includes—

- (a) any improvements or anything permanently attached or growing on land; and
- (b) an undivided share in the land which is coupled with an exclusive right of occupation such as referred to in Section 27 of the Deeds Registries Act [Chapter 20:05];”.

10

PART XVII

CLASS ACTIONS ACT [CHAPTER 8:17]

In section 20 (“Books of account and audit of Fund”) by the deletion of “Comptroller and Auditor General” and “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Auditor General” and “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)” respectively.

15

PART XVIII

PREVENTION OF CORRUPTION ACT [CHAPTER 9:16]

In section 2 (“Interpretation”) in the definition of “public officer” by the repeal of paragraph (b) and the substitution of—

20

- “(b) a Chairperson of a Provincial Council elected in terms of section 272 of the Constitution; or”.

PART XIX

ANTI-CORRUPTION COMMISSION ACT [CHAPTER 9:22]

25 1. By the repeal of the Preamble and the substitution of—

“WHEREAS section 254 of the Constitution provides as follows—

*(1) There is a commission to be known as the Zimbabwe Anti-Corruption Commission consisting of—*

30

- (a) a chairperson appointed by the President after consultation with the Committee on Standing Rules and Orders; and*
- (b) eight other members appointed by the President from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders.*

35

*(2) Members of the Zimbabwe Anti-Corruption Commission must be chosen for their integrity and their knowledge of and experience in administration or the prosecution or investigation of crime or for their general suitability for appointment, and—*

40

- (a) at least one must be qualified to practise as a legal practitioner in Zimbabwe, and have been so qualified for at least seven years;*
- (b) at least one must be qualified to practise as a public accountant or public auditor in Zimbabwe, and have been so qualified for at least seven years; and*
- (c) at least one must be a person with at least ten years’ experience in the investigation of crime.*

## 255 Functions of Zimbabwe Anti-Corruption Commission

- (1) *The Zimbabwe Anti-Corruption Commission has the following functions—*
- (a) *to investigate and expose cases of corruption in the public and private sectors;*
  - (b) *to combat corruption, theft, misappropriation, abuse of power and other improper conduct in the public and private sectors;* 5
  - (c) *to promote honesty, financial discipline and transparency in the public and private sectors;*
  - (d) *to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;* 10
  - (e) *to direct the Commissioner-General of Police to investigate cases of suspected corruption and to report to the Commission on the results of any such investigation;*
  - (f) *to refer matters to the National Prosecuting Authority for prosecution;*
  - (g) *to require assistance from members of the Police Service and other investigative agencies of the State; and* 15
  - (h) *to make recommendations to the Government and other persons on measures to enhance integrity and accountability and prevent improper conduct in the public and private sectors.”.*

2. In section 18 (“Funds of Commission”) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and substitution of Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 20

## PART XX

### CRIMINAL LAW (CODIFICATION AND REFORM) ACT [CHAPTER 9:23]

1. In section 23 (“Insurgency, banditry, sabotage or terrorism”) (1) B by the deletion of “or any shorter period” and the substitution of “or any definite period of imprisonment”. 25

2. In section 24 (“Recruiting or training insurgents, bandits, saboteurs or terrorists”) by the deletion of “or any shorter period” and the substitution of “or any definite period of imprisonment”. 30

3. In section 25 (“Training as insurgent, bandit, saboteur or terrorist”)(1) by the deletion of “or any shorter period” and the substitution of “or any definite period of imprisonment”.

4. In section 26 (“Supplying weaponry to insurgents, bandits, saboteurs or terrorists”) by the deletion of “or any shorter period” and the substitution of “or any definite period of imprisonment”. 35

5. In section 27 (“Possessing weaponry for insurgency, banditry, sabotage or terrorism”)(1) by the deletion of “or any shorter period” and the substitution of “or any definite period of imprisonment”.

6. In section 31 (“Publishing or communicating false statements prejudicial to the State”) by the deletion of “Prison Service” and the substitution of “Prisons and Correctional Service”. 40

7. In section 32 (“Unlawful possession or wearing of camouflage uniforms”) by the deletion of “Prison Service” and the substitution of “Prisons and Correctional Service”. 45

8. In section 47 (“Murder”), by the repeal of subsections (2) and (3) and the substitution of the following subsections—

“(3) In determining an appropriate sentence to be imposed upon a person convicted of murder, and without limitation on any other factors or circumstances which a court may take into account, a court shall regard it as an aggravating circumstance if—

- 5 (a) the murder was committed by the accused in the course of, or in connection with, or as the result of, the commission of any one or more of the following crimes, or of any act constituting an essential element of any such crime (whether or not the accused was also charged with or convicted of such crime)—
  - 10 (i) an act of insurgency, banditry, sabotage or terrorism; or
  - (ii) the rape or other sexual assault of the victim; or
  - (iii) kidnapping or illegal detention, robbery, hijacking, piracy or escaping from lawful custody; or
  - 15 (iv) unlawful entry into a dwelling house, or malicious damage to property if the property in question was a dwelling house and the damage was effected by the use of fire or explosives;
  - or
- (b) the murder was one of two or more murders committed by the accused during the same episode, or was one of a series of two or more murders committed by the accused over any period of time; or
- 20 (c) the murder was preceded or accompanied by physical torture or mutilation inflicted by the accused on the victim; or
- (d) the victim was murdered in a public place or in an aircraft, public passenger transport vehicle or vessel, railway car or other public conveyance by the use means (such as fire, explosives or the indiscriminate firing of a weapon) that caused or involved a substantial risk of serious injury to bystanders.

25 (4) A court may also, in the absence of other circumstances of a mitigating nature, or together with other circumstances of an aggravating nature, regard as an aggravating circumstance the fact that—

- 30 (a) the murder was premeditated; or
- (b) the murder victim was a police officer or prison officer, a minor, or was pregnant, or was of or over the age of seventy years, or was physically disabled.

35 (5) A person convicted of murder shall be liable—

- (a) subject to sections 337 and 338 of the Criminal Procedure and Evidence Act [*Chapter 9:07*], to death, imprisonment for life or imprisonment for any definite period of not less than twenty years, if the crime was committed in aggravating circumstances as provided in subsection (3) or (4); or
- 40 (b) in any other case to imprisonment for any definite period.

(6) For the avoidance of doubt, it is declared that the circumstances enumerated in subsections (3) and (4) as being aggravating are not exhaustive, and that a court may find other circumstances in which a murder is committed to be aggravating for the purposes of subsection (5)(a).

45 (7) A person convicted of attempted murder or of incitement or conspiracy to commit murder shall be liable to be sentenced to imprisonment for life or any definite period of imprisonment.”.

50 9. In section 49 (“Culpable homicide”) by the deletion of “or any shorter period” and the substitution of “or any definite period of imprisonment”.

10. In section 50 (“Inciting or assisting suicide”) by the deletion of “or any shorter period” and the substitution of “or any definite period of imprisonment”.
11. In section 65 (“Rape”)(1) by the deletion of “or any shorter period” and the substitution of “or any definite period of imprisonment”.
12. In section 70 (“Sexual intercourse or performing indecent acts with young persons”) by the insertion of the following subsection after subsection (2)—

“(2a) Where extra-marital sexual intercourse or an indecent act occurs between young persons who are both over the age of twelve years but below the age of sixteen years at the time of the sexual intercourse or the indecent act, one of them shall be charged with sexual intercourse or performing an indecent act with a young person except upon a report of a probation officer appointed in terms of the Children’s Act [Chapter 5:06] showing that it is appropriate to charge one of them with that crime.”.
13. In section 89 (“Assault”)(3) by the insertion of the following paragraph after paragraph (b)—

“(b1) the extent of physical injury inflicted upon the person assaulted; or”.
14. In section 93 (“Kidnapping or unlawful detention”)(1)A by the deletion of “or any shorter period” and the substitution of “or any definite period of imprisonment”.
15. In section 126 (“Robbery”)(2)(a) by the deletion of “or any shorter period” and the substitution of “or any definite period of imprisonment”.
16. In section 147 (“Hijacking”) by the deletion of “or any shorter period” and the substitution of “or any definite period of imprisonment”.
17. In section 166 (“Aggravating circumstances in relation to crimes under sections 163, 164 and 165”) by the deletion of “Prison Service” and the substitution of “Prisons and Correctional Service”.
18. In section 169 (“Interpretation in Chapter IX”) in the definition of “public officer” by the repeal of paragraph (b) and the substitution of—

“(b) a Chairperson of a Provincial Council elected in terms of section 272 of the Constitution; or”;
19. In section 189 (“Attempt”)—
  - (a) by the deletion of “that has reached at least the commencement of the execution of the intended crime” and the substitution of “in preparation for or in furtherance of the commission of the crime”;
  - (b) by the repeal of subsection (2) and the substitution of—

“(2) A person shall not be guilty of attempting to commit a crime if he or she changes his or her mind and voluntarily desists from proceeding further with the crime before he or she has taken any substantial step towards its commission.”.
20. In 195 (“Interpretation in Part I of Chapter XIII”)—
  - (a) in the definition of “accomplice” by the repeal of paragraph (b);
  - (b) by the insertion of the following definition—

““principal” means a person referred to in section 195A;”.
21. By the repeal of section 196 and the substitution of the following sections—

**“196 Liability of principals**  
(1) Subject to this Part, where a person having authority, whether lawful or otherwise, over an actual perpetrator authorises the actual perpetrator to commit a crime—

- (a) knowing that the actual perpetrator intends to commit the crime; or
- (b) realising that there is a real risk or possibility that an actual perpetrator intends commit a crime;

5 and the person so authorising is not present with the actual perpetrator during the commission of the crime, the conduct of the actual perpetrator shall be deemed also to be the conduct of that person (hereafter in this Part referred to as “the principal”).

10 (2) Subject to sections 196B and 200, the liability of a principal shall not differ in any respect from the liability of the actual perpetrator, unless the principal satisfies the court that there are special circumstances peculiar to him or her or to the case (which circumstances shall be recorded by the court) why the same penalty as that imposed on the actual perpetrator should not be imposed on him or her:

15 (3) Where the actual perpetrator of a crime authorised by a principal is entitled to rely upon a defence referred to Part V or VI of Chapter XIV or any other defence which excuses the actual perpetrator from liability or reduces his or her liability for the crime concerned—

- 20 (a) the principal shall be liable as if he or she is the actual perpetrator; and
- (b) the principal shall not be entitled to rely upon that defence unless he or she would be entitled to rely upon it if he or she were charged as an actual perpetrator of the crime concerned.

25 (4) A person charged with being the principal of a crime may be found guilty as a co-perpetrator of the crime or of assisting the actual perpetrator of the crime as an accomplice or accessory if such are the facts proved.”.

#### 196A Liability of co-perpetrators

30 (1) If two or more persons are accused of committing a crime in association with each other and the State adduces evidence to show that each of them had the requisite *mens rea* to commit the crime, whether by virtue of having the intention to commit it or the knowledge that it would be committed, or the realisation of a real risk or possibility that a crime of the kind in question would be committed, then they may be  
35 convicted as co-perpetrators, in which event the conduct of the actual perpetrator (even if none of them is identified as the actual perpetrator) shall be deemed also to be the conduct of every co-perpetrator, whether or not the conduct of the co-perpetrator contributed directly in any way to the commission of the crime by the actual perpetrator.

40 (2) The following shall be indicative (but not, in themselves, necessarily decisive) factors tending to prove that two or more persons accused of committing a crime in association with each other together had the requisite *mens rea* to commit the crime, namely, if they—

- 45 (a) were present at or in the immediate vicinity of the scene of the crime in circumstances which implicate them directly or indirectly in the commission of that crime; or
- (b) were associated together in any conduct that is preparatory to the conduct which resulted in the crime for which they are charged; or

- (c) engaged in any criminal behaviour as a team or group prior to the conduct which resulted in the crime for which they are charged.

(3) A person charged with being a co-perpetrator of crime may be found guilty of assisting the actual perpetrator of the crime as an accomplice or accessory if such are the facts proved. 5

#### 196B Principals and co-perpetrators convicted of murder

For the avoidance of doubt it is declared that in sentencing a principal or two or more co-perpetrators for murder a court shall not impose a death sentence except where the murder is committed in aggravating circumstances as provided in section 47(3) and (4), and in any event must not impose the death sentence upon a principal, perpetrator or co-perpetrator who— 10

- (a) was less than twenty-one years old when the offence was committed; or 15
- (b) is more than seventy years old; or
- (c) is a woman.”.

22. In section 197 (“Liability of accomplices”) by the repeal of subsection (3) and the substitution of—

“(3) For the avoidance of doubt it is declared that an accomplice to the commission of a crime is liable to be charged and convicted as such even where— 20

- (a) the actual perpetrator is produced as a witness on behalf of the prosecution; or
- (b) for any reason, it has not been possible to bring the actual perpetrator to trial.”. 25

23. In section 198 (“Types of assistance to which accomplice liability applies”)—

- (a) by the repeal of paragraphs (e), (f), (g) and (h);
- (b) by the insertion of the following subsection, the present section becoming subsection (1)—

“(2) In addition to the forms of assistance mentioned in subsection (1), the following forms of assistance given to an actual perpetrator of a crime, namely— 30

- (a) holding oneself available to give assistance in the commission of the crime, in the event of such assistance being required; or 35
- (b) immobilising or incapacitating the victim of the crime to enable the crime to be committed; or
- (c) carrying implements or other things by which or with the aid of which the crime is committed; or
- (d) keeping watch for or guarding against intervention or discovery while the crime is being committed. 40

shall render the assister an accomplice unless—

- (e) the assister is present with actual perpetrator during the commission of the crime; and
- (f) the State adduces any evidence that the assister knew or realised that there was a real risk or possibility that a crime of the kind in question would be committed 45

in which event the assister shall be liable as a co-perpetrator.”.

24. In section 199 (“Liability of accomplice for further crimes committed by actual perpetrator”)—

- (a) by the deletion of the title to the section and the substitution of “Liability of principal or accomplice for further crimes committed by actual perpetrator”;
- (b) by the insertion before “accomplice” wherever it occurs of “principal or”.

25. By the repeal of section 200 and the substitution of —

**“200 Withdrawal from crime by principal, co-perpetrator or accomplice**

(1) A person shall not be guilty as a principal, co-perpetrator or accomplice of a crime committed by an actual perpetrator if, before the crime has been committed, the person prevents the commission of the crime, whether by having given timely warning to a police officer to enable the police officer or other person to prevent its commission, or otherwise:

Provided that the fact that a principal, co-perpetrator or accomplice succeeded in stopping the crime authorised by him or her or with which he or she was associated does not relieve the principal or co-perpetrator of liability for an attempt, incitement or conspiracy to commit the crime.

(2) The fact that a principal, co-perpetrator or accomplice of a crime changes his or her mind and unsuccessfully took action to prevent the actual perpetrator from committing the crime shall not relieve the principal or co-perpetrator from liability for the crime.

Provided that a court shall, among other relevant considerations, mitigate the sentence that may be imposed on the principal, co-perpetrator or accomplice if —

- (a) the principal, co-perpetrator or accomplice, before the commission of the crime, took all possible steps within his or her power to stop the actual perpetrator from committing the crime; and
- (b) in the absence of the circumstances that intervened to frustrate the prevention of the crime, the steps actually taken would have stopped the crime from being committed; and
- (c) the circumstances that intervened to frustrate the prevention of the crime were not reasonably foreseeable.”.

26. In section 222 (“Voluntary intoxication leading to unlawful conduct”) by the insertion of the following subsection after subsection (2)—

“(3) If a person, while in a state of voluntary intoxication, is provoked into any criminal conduct by something which would not have provoked that person had he or she not been intoxicated, he or she shall be guilty of voluntary intoxication leading to unlawful conduct.”.

27. By the repeal of section 224.

28. In section 267 (“Interpretation in Part XVIII of Chapter XIV”) in the definition of “disciplined force”, by the repeal of paragraph (b) and the substitution of —

“(c) the Prisons and Correctional Service; or”;

29. In section 278 (“Relation of criminal to civil or disciplinary proceedings”) in the definition of “disciplined force”, by the repeal of paragraph (b) and the substitution of —



“(c) the Prisons and Correctional Service; or”;

30. By the insertion after section 279 of the following section—

**“279A Avoidance of double penalisation where aggravating features of one crime are elements of another crime concurrently charged**

5

(1) If under this Code or any other enactment a person is charged concurrently with two or more crimes, and—

(a) the provisions relating to either or any one of those crimes permit or require a court to consider certain features of the commission of the crime or crimes in aggravation of sentence; and

10

(b) the features mentioned in paragraph (a) are also elements of a different crime or crimes with which the accused is concurrently charged;

then the court shall have regard to subsection (2) when convicting and sentencing that person.

15

(2) A court convicting and sentencing a person referred to in subsection (1) shall exercise one of the following options (paragraph (a) or paragraph (b)) to the exclusion of the other—

(a) convicting the accused for the crime or crimes referred to in subsection (1)(a) and sentencing him or her to a penalty that takes into account the aggravating features—

20

(i) but not convicting and sentencing him or her for the crime or crimes referred to in subsection (1)(b); or

(ii) as well as convicting him or her for the crime or crimes referred to in subsection (1)(b), but making the sentences therefor run concurrently with the first-mentioned sentence;

25

or

(b) convicting the accused for the crime or crimes—

30

(i) referred to in subsection (1)(a) and sentencing him or her to a penalty that does not take into account the aggravating features; and

(ii) convicting and sentencing him or her for the crime or crimes referred to in subsection (1)(b):

35

Provided that where the court exercises this option it must satisfy itself that the level of the combined penalties it imposes would be at least equivalent to the level of the penalty it would have imposed if it had exercised option (a).”.

40

**PART XXI**

**TRAFFICKING IN PERSONS ACT [CHAPTER 9:25] (NO. 4 OF 2014)**

In section 3 (“Crime of trafficking in persons”)(2)—

(a) by the repeal of paragraph (a) and the substitution of—

“(a) in a case described in—

45

- (i) subsection (1)(a)(i); or
- (ii) subsection (1)(a)(ii) or (1)(b) that is committed in any of the aggravating circumstances described in subsection (3); shall be liable to imprisonment for life or any definite period of imprisonment of not less than ten years; or”;
- (b) in paragraph (b)—
  - (i) in subparagraph (i) by the deletion of “subsection (1)(a)” and the substitution of “subsection (1)(a)(i)”;
  - (ii) in subparagraph (ii) by the deletion of “subsection (1)(b)” and the substitution of “subsection (1)(a)(ii) or (1)(b)”.

## PART XXII

### MONEY LAUNDERING AND PROCEEDS OF CRIME ACT [CHAPTER 9:24] (No. 4 of 2013)

In section 99 (“Financial year, accounts and audit of Recovered Assets Fund”) by the deletion of “Comptroller and Auditor-General and the substitution of “Auditor-General” wherever it appears.

## PART XXIII

### NATIONAL HEROES ACT [CHAPTER 10:16]

In section 22 (“Accounts and audit of Fund”)—

- (a) by the deletion of “Comptroller and Audit-General” and the substitution of “Auditor-General”;
- (b) by the deletion of “Audit and Exchequer Act [Chapter 22:03] and the substitution of “Public Finance Management [Chapter 22:10] (No. 11 of 2009).

## PART XXIV

### RESEARCH ACT [CHAPTER 10:22]

1. In section 23 (“Reports by Council”)(1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Act [Chapter 22:19] (No. 11 of 2009)”.

2. In the Schedule (“Powers of Council”), in items 4 and 8, by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

## PART XXV

### LOTTERIES AND GAMING ACT [CHAPTER 10:26]

1. In section 27 (“Audit of Board’s accounts”)—

- (a) in subsection (6) the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General” wherever it appears;
- (b) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

2. In section 29 (“Internal auditor”) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance and Management Act [Chapter 22:19] (No. 11 of 2009)”.

3. In section 49 (“Audit of State Lotteries Account”)—

- (a) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General” wherever it appears;

- (b) by the deletion of Audit and Exchequer Act [*Chapter 22:03*]” and the substitution of “Public Finance Management Act [*Chapter 22:19*] (No. 11 of 2009)”.

4. In section 57 (“Books of account and audit of Fund”) (2) by the deletion of “Audit and Exchequer Act [*Chapter 22:03*]” and the substitution of “Public Finance and Management Act [*Chapter 22:19*] (No. 11 of 2009)”.

## PART XXVI

### ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT [*CHAPTER 10:27*] (No. 5 OF 2002)

1. In section 49 (“Accounts and audit of Fund”)—
  - (a) by the deletion of “Comptroller-General” and substitution of “Auditor-General” wherever it appears;
  - (b) in subsection (2) by the deletion of “Audit and Exchequer Act” and the substitution of “Public Finance Management Act [*Chapter 22:19*] (No. 11 of 2009)”.

2. In the Fifth Schedule (“Financial and miscellaneous provisions relating to Commission”) in paragraph 5(1) by the deletion of “Audit and Exchequer Act” and the substitution of “Public Finance Management [*Chapter 22:19*] (No. 11 of 2009)”.

## PART XXVII

### ADMINISTRATIVE JUSTICE ACT [*CHAPTER 10:28*] 20

In section 2 (“Interpretation”)(1)(d)(c) by the deletion of “Prison Services” and the substitution of “Prison and Correctional Services”.

## PART XXVIII

### CENSUS AND STATISTICS ACT [*CHAPTER 10:29*] (No. 1 OF 2007)

1. In section 6 (“Reports of Agency”) (1) by the deletion of “Audit and Exchequer Act [*Chapter 22:03*]” and the substitution of “Public Finance Management [*Chapter 22:19*] (No. 11 of 2009)”.
2. In section 21 (“Accounts and audit”)—
  - (a) subsection (3) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General” wherever it appears;
  - (b) subsection (6) by the deletion of “Audit and Exchequer Act [*Chapter 22:03*]” and the substitution of “Public Finance Management [*Chapter 22:19*] (No. 11 of 2009)”.

## PART XXIX

### ZIMBABWE HUMAN RIGHTS COMMISSION ACT [*CHAPTER 10:30*] 35 (No. 1 OF 2007)

1. By the repeal of the Preamble and substitution of the following—

“WHEREAS section 242 and 243 of the Constitution provide as follows—

242 Establishment and composition of Zimbabwe Human Rights Commission

“(1) There is a commission to be known as the Zimbabwe Human Rights Commission consisting of—

- (a) *a chairperson appointed by the President after consultation with the Judicial Service Commission and the Committee on Standing Rules and Orders; and*
  - (b) *eight other members appointed by the President from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders.*
- (2) *The chairperson of the Zimbabwe Human Rights Commission must be a person who has been qualified for at least seven years to practise as a legal practitioner in Zimbabwe.*
- (3) *If the appointment of a chairperson to the Zimbabwe Human Rights Commission is not consistent with a recommendation of the Judicial Service Commission, the President must cause the Committee on Standing Rules and Orders to be informed as soon as practicable.*
- (4) *Members of the Zimbabwe Human Rights Commission must be chosen for their integrity and their knowledge and understanding of, and experience in, the promotion of human rights.*

#### 243 Functions of Zimbabwe Human Rights Commission

- (1) *The Zimbabwe Human Rights Commission has the following functions—*
- (a) *to promote awareness of and respect for human rights and freedoms at all levels of society;*
  - (b) *to promote the protection, development and attainment of human rights and freedoms;*
  - (c) *to monitor, assess and ensure observance of human rights and freedoms;*
  - (d) *to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;*
  - (e) *to protect the public against abuse of power and maladministration by State and public institutions and by officers of those institutions;*
  - (f) *to investigate the conduct of any authority or person, where it is alleged that any of the human rights and freedoms set out in the Declaration of Rights has been violated by that authority or person;*
  - (g) *to secure appropriate redress, including recommending the prosecution of offenders, where human rights or freedoms have been violated;*
  - (h) *to direct the Commissioner-General of Police to investigate cases of suspected criminal violations of human rights or freedoms and to report to the Commission on the results of any such investigation;*
  - (i) *to recommend to Parliament effective measures to promote human rights and freedoms;*
  - (j) *to conduct research into issues relating to human rights and freedoms and social justice; and*
  - (k) *to visit and inspect—*
    - (i) *prisons, places of detention, refugee camps and related facilities; and*
    - (ii) *places where mentally disordered or intellectually handicapped persons are detained.”.*

2. In section 2 (“Interpretation”) by the deletion of “section 100R (1)” and substitution of “section 242”.

3. In section 4 (“Functions of Commission”) by the deletion of “section 100R (6) and (7)” and the substitution of “section 243”.

4. In section 19 (“Audit of Accounts”) (20) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General” wherever it appears.

### PART XXX

#### DEFENCE ACT [CHAPTER 11:02]

1. By the repeal of the Preamble and substitution of the following— 5

“WHEREAS section 211 and 212 of the Constitution provide as follows—

#### 211 Defence Forces

*(1) The Defence Forces of Zimbabwe consist of an Army, an Air Force and any other services that may be established under an Act of Parliament.*

*(2) The Defence Forces are the only lawful military forces in Zimbabwe.* 10

*(3) The Defence Forces must respect the fundamental rights and freedoms of all persons and be non-partisan, national in character, patriotic, professional and subordinate to the civilian authority as established by this Constitution.*

*(4) The Defence Forces must be maintained as disciplined military forces.*

*(5) An Act of Parliament must provide for the organisation, structure, management, regulation, discipline and, subject to section 218, the conditions of service of members of the Defence Forces.* 15

AND WHEREAS it is desirable to make further provisions for the Defence Forces and the Defence Forces Service Commission:

NOW, THEREFORE, be it enacted as follows—”. 20

2. In section 2 (“Interpretation”)—

- (a) in the definitions of “Air Force” and “Army” by the deletion of “subsection (1) of section 96 of the Constitution” and substitution of “section 211(1) of the Constitution”;
- (b) in the definition of “Commander” by the repeal of “subsection (3) of section 96 of the Constitution” and substitution of “section 216 (2) of the Constitution”; 25
- (c) in the definition of “Commission” by the repeal of “section 97 of the Constitution” and the substitution of “section 217 of the Constitution”. 25

### PART XXXI 30

#### DEFENCE PROCUREMENT ACT [CHAPTER 11:03]

1. In section 7 (“Establishment of Fund”) (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03] and the substitution of “Public Finance Management [Chapter 22:19] (No. 11 of 2009).

2. In section 10 (“Accounts and audit”)— 35

- (a) by the deletion of “Comptroller and Auditor-General” and substitution of “Auditor-General” wherever it appears;
- (b) by the deletion from subsection (4) of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 40

### PART XXXII

#### EMERGENCY POWERS ACT [CHAPTER 11:04]

1. By the repeal of the long title and the substitution of—

“AN ACT to make exceptional provision for the protection of the community in cases where a declaration in terms of subsection (2), or a resolution in terms of subsection (6), of section 113 of the Constitution is in force; and to provide for matters incidental thereto or connected therewith.”.

- 5       2. In section 3 (“President may make emergency regulations”)—
  - (a) subsection (1) by the repeal of “section 31J of the Constitution” and the substitution of “section 113 of the Constitution”;
  - (b) subsection (3) (a) by the repeal of “section 31J of the Constitution” and the substitution of “section 113 of the Constitution”.
- 10       3. In section 6 (“President may make regulations for preventive detention”)—
  - (a) subsection (1) by the repeal of “section 31J of the Constitution” and the substitution of “section 113 of the Constitution”;
  - (b) subsection (1)(d) by the repeal of “paragraph 2 of Schedule 2” and the substitution of “section 2 (2) of the Second Schedule”.
- 15       4. In section 7 (“Continuation of regulations in certain circumstances”)—
  - (a) subsection (1) by the deletion of “section 31J of the Constitution” and the substitution of “section 113 of the Constitution”;
  - (b) subsection (2) by the deletion of “section 31J of the Constitution” and the substitution of “section 113 of the Constitution”.

#### PART XXXIII

##### NATIONAL SERVICE ACT [CHAPTER 11:08]

1. In section 2 (“Interpretation”)(1) in the definition of “Commander” by the repeal of paragraph (c) and the substitution of—
  - 25       “(c) in relation to the Prisons and Correctional Service, the Commissioner-General of Prisons; or”.
2. In section 3 (“Meaning of “resident””)(3)(e) by the deletion of “Prison Service” and the substitution of “Prisons and Correctional Service”.
3. In section 11 (“Call-up for Phase I Service”)(3), by the repeal of paragraph (b) and the substitution of—
  - 30       “(b) the Prisons and Correctional Service, unless the Commissioner-General of Prisons has agreed thereto.”.
4. In section 25 (“Conditions of National Service and transfer of persons from one designated Service to another”)(3), by the repeal of paragraph (c) and the substitution of—
  - 35       “(b) the Prisons and Correctional Service, by or under the law relating to the Prisons and Correctional Service;”.

#### PART XXXIV

##### PROTECTED PLACES AND AREAS ACT [CHAPTER 11:12]

- 40       In section 6 (“Circumstances in which Minister may make orders”)(1)(b)(iii) by the deletion of “section 31J of the Constitution” and the substitution of “section 113 of the Constitution”.

PART XXXV

WAR VETERANS ACT [CHAPTER 11:15]

In section 10 (“Accounts and audit of Fund”) (3) by the deletion of “Comptroller and Auditor-General” and “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Auditor-General” and “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009), respectively. 5

PART XXXVI

POSTAL AND TELECOMMUNICATIONS ACT [CHAPTER 12:05] (No. 4 of 2000)

1. In section 23 (“Audit of Authority’s accounts”)(1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009). 10

2. In section 28 (“Reports of Authority”) (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No.11 of 2009).

3. In section 79 (“Accounts and audit of Fund”)— 15

- (a) in subsection (1) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”;
- (b) in subsection (2) by the deletion of “Comptroller and Auditor-General “and “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Auditor-General” and “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009) respectively. 20

4. In the Second Schedule (“Ancillary powers of Authority”) in paragraph 11 by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009).

PART XXXVII 25

BROADCASTING SERVICES ACT [CHAPTER 12:06] (No. 3 of 2001)

1. In section 35 (“Accounts and audit of Fund”)(1) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.

2. In the Second Schedule (“Ancillary powers of Authority”) in paragraph 11 of by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 30

3. In the Fourth Schedule (“Financial and Miscellaneous Provisions Relating to Authority”)—

- (a) in paragraph 5(1) by deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”; 35
- (b) in paragraph 8(1) by deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 40

PART XXXVIII 40

RAILWAYS ACT [CHAPTER 12:06]

1. In section 22 (“Submission of plans, reports and information by Railways”)(1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009).

2. In section 31 (“Audit of accounts of Railways”)(5) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009).

### PART XXXIX

5 CIVIL AVIATION ACT [CHAPTER 13:16] (No. 7 OF 1998)

1. In section 9 (“Reports, plans and programmes of Authority”)(1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009).

2. In section 39 (“Audit of Authority’s accounts”)—

- 10 (a) in subsection (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”;
- (b) in subsection (6) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and “Comptroller and Auditor-General” and the  
15 substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)” and “Auditor-General respectively.

### PART XL

TRAFFIC SAFETY COUNCIL ACT [CHAPTER 13:17]

1. In section 22 (“Reports of Council”)—

- 20 (a) in subsection (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”;
- (b) in subsection (2) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance  
25 Management Act [Chapter 22:19] (No. 11 of 2009)”.

2. In section 31 (“Audit of Council’s accounts”)—

- (a) in subsection (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”;
- 30 (b) in subsection (6) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and “Comptroller and Auditor-General” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009) and “Auditor-General” respectively.

3. In section 33 (“Internal auditor”) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

### PART XLI

ROADS ACT [CHAPTER 13:18] (No. 6 OF 2001)

40 1. In section 11 (“Reports of Road Administration”)(1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

2. In section 22 (“Imposition of fuel levy”)—

- (a) subsection (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance  
45 Management Act [Chapter 22:19] (No. 11 of 2009)”;



- (b) in subsection (6) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and “Comptroller and Auditor-General” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)” and “Auditor-General” respectively.

3. In section 48 (“Trading on roads or in restricted area”) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

## PART XLII

### ELECTRICITY ACT [CHAPTER 13:19]

In the First Schedule (“Ancillary powers of Commission”) in paragraph 11 by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

## PART XLIII

### RURAL ELECTRIFICATION ACT [CHAPTER 13:20] (No. 3 of 2002)

1. In section 38 (“Audit of Fund’s account”)—

- (a) in subsection (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”;
- (b) in subsection (6) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and “Comptroller and Auditor-General” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)” and “Auditor-General” respectively.

2. In section 40 (“Internal auditor”) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

3. In section 44 (“Interpretation in Part VIII”) on the definition of “Fund” by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

## PART XLIV

### METEOROLOGICAL SERVICES ACT [CHAPTER 13:21]

In section 7 (“Meteorological Services Fund”) (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

## PART XLV

### PETROLEUM ACT [CHAPTER 13:20] (No. 11 of 2006)

In section 50 (“Books of accounts and audit of Fund”) (2) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and “Comptroller and Auditor-General” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)” and “Auditor-General” respectively.

## PART XLVI

### FACTORIES AND WORKS ACT [CHAPTER 14:08]

In section 24 (“Appeal from decision of Administrative Court or magistrate”) (1) (b) by the deletion of “president” and the substitution of “judge”.

PART XLVII

SHOP LICENCES ACT [CHAPTER 14:17]

In section 40 (“Composition of Administrative Court”) (1) and (3) by the deletion of “president” wherever it occurs and the substitution of “judge”.

5

PART XLVIII

STANDARDS DEVELOPMENT FUND ACT [CHAPTER 14:19]

1. In section 10 (“Annual budgets and reports”)(3) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

10

2. In section 12 (“Accounts and audit of Fund”)(1) and (2) by the deletion of “Comptroller and Auditor General” and the substitution of “Auditor General”.

PART XLIX

TOURISM ACT [CHAPTER 14:20]

15 1. In section 19 (“Annual budgets and reports”)(1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

2. In section 27 (“Audit of Authority’s accounts”)—

- 20 (a) in subsection (1) and (6) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”;
- (b) in subsection (6) by the deletion of “Comptroller and Auditor General” and the substitution of “Auditor General”.

3. In section 34 (“Books of account and audit of Zimbabwe Tourism Fund”)(2) by the deletion of—

- 25 (a) Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”;
- (b) “Comptroller and Auditor General” and the substitution of “Auditor General”.

PART L

30

TRADITIONAL BEER ACT [CHAPTER 14:24]

In section 5 (“Authority to brew, sell or supply traditional beer to service personnel”) (1) (b) by the deletion of “Prison Service” wherever it occurs and the substitution of “Prisons and Correctional Service”.

PART LI

35

COMPETITION ACT [CHAPTER 14:28] (NO. 7 OF 1996)

1. In section 26 (“Audit of Commission’s accounts”) by the deletion—

- 40 (a) in subsections (1) and (6) of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”;
- (b) in subsection (6) of “Comptroller and Auditor General” and the substitution of “Auditor General”.

3. In section 41 (“Composition of Administrative Court for purposes of this Act”) by the deletion of “President” and “Presidents”, wherever they appear, and the substitution of “Judge” and “Judges” respectively.

## PART LII

ZIMBABWE INVESTMENT AUTHORITY ACT [CHAPTER 14:30] (No. 4 OF 2006) 5

1. In section 9 (“Reports of Authority”)(1) by the deletion of “Audit and Exchequer Act, [Chapter 22:03] and the substitution of “Public Finance Management Act, [Chapter 22:19] (No. 11 of 2009)”. 5

2. In section 12 (“Minister may give Authority directions in national interest”)(3) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 10

3. In section 28 (“Accounts and audit”)—

- (a) in subsection (3) by the deletion of “Comptroller and Auditor General”, wherever it appears, and the substitution of “Auditor General”;
- (b) in subsection (6) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 15

## PART LIII

NATIONAL BIOTECHNOLOGY AUTHORITY ACT [CHAPTER 14:31] (No. 3 OF 2006)

1. In section 20 (“Reports of Authority”)(1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 20

2. In section 38 (“Audit of Authority’s accounts”)—

- (a) in subsection (5) by the deletion of “Comptroller and Auditor General”, wherever it appears, and the substitution of “Auditor General”; 25
- (b) in subsection (5) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 25

3. In section 48 (“Books of account and audit of Fund”)(2)—

- (a) by the deletion of “Comptroller and Auditor General”, wherever it appears, and the substitution of “Auditor General”; 30
- (b) by the deletion of “Audit and Exchequer Act, [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 30

## PART LIV

NATIONAL INCOMES AND PRICING COMMISSION ACT [CHAPTER 14:32] (No. 2 OF 2007) 35

In section 16 (“Audit of Commission’s accounts”)(5)—

- (a) by the deletion of “Comptroller and Auditor General”, wherever it appears, and the substitution of “Auditor General”;
- (b) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 40

PART LV

INDIGENISATION AND ECONOMIC EMPOWERMENT ACT [CHAPTER 14:33] (No. 14 OF 2007)

In the Third Schedule (“Provisions Applicable to Administration of Fund”) in paragraph 4(2) by the deletion of “Comptroller and Auditor General” and “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Auditor General” and “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)” respectively.

PART LVI

MEDICINES AND ALLIED SUBSTANCES CONTROL ACT [CHAPTER 15:03]

In section 13 (“Funds, accounts and audit”)(4) by the deletion of “Comptroller and Auditor General”, and the substitution of “Auditor-General”.

PART LVII

ZIMBABWE NATIONAL FAMILY PLANNING COUNCIL ACT [CHAPTER 15:11]

In section 32 (“Reports by Council”)(1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

PART LVIII

MENTAL HEALTH ACT [CHAPTER 15:12]

In section 118 (“Cost of maintaining patients at State institutions”)(1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

PART LIX

NATIONAL AIDS COUNCIL OF ZIMBABWE ACT [CHAPTER 15:14] (No. 16 OF 1999)

1. In section 19 (“Reports of Council”)(1) by the deletion of “Audit and Exchequer Act, [Chapter 22:03] and the substitution of “Public Finance Management Act, [Chapter 22:19] (No. 11 of 2009)”.

2. In section 29 (“Audit of Council’s accounts”)—

- (a) in subsection (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”;
- (b) in subsection (6) by the deletion of “Comptroller and Auditor General”, wherever it appears, and the substitution of “Auditor General”.

3. In section 31 (“Internal auditor”) by the deletion of “Audit and Exchequer Act, [Chapter 22:03] and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

PART LX

RADIATION PROTECTION ACT [CHAPTER 15:15] (No. 5 OF 2004)

1. In section 12 (“Audit of Authority’s accounts”)—

- (a) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”;
- (b) by the deletion of “Comptroller and Auditor General”, wherever it appears, and the substitution of “Auditor General”.

2. In section 13 (“Internal Auditor”) by the deletion of “Audit and Exchequer Act, [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

## PART LXI

### HEALTH SERVICE ACT [CHAPTER 15:16] (NO. 28 OF 2004)

5

1. In section 21 (“Administration, application and income of health services fund”) by the repeal of subsection (1) and the substitution of the following—

“(1) Each hospital management board shall, subject to the constitution drawn up for the regulation of the fund in terms of section 18 of the Public Finance Management Act [Chapter 22:19] (No. 11 of 2009), administer the health services fund established for the hospital for which the hospital management board is the responsible authority.”.

10

2. By the repeal of section 23 and the substitution of—

#### “23 Audit of accounts

(1) The accounts of a hospital management board shall be audited by the Comptroller and Auditor-General, who for that purpose shall have the function conferred on him or her by the Public Finance Management Act [Chapter 22:19] (No. 11 of 2009) and the Audit Office Act [Chapter 22:18] (No. 12 of 2009).

15

(2) Any member of the hospital management board or Health Service who—

20

(a) fails or refuses to provide the Auditor-General with any explanation or information required by him or her for the purpose of an audit in terms of subsection (1); or

(b) hinders or obstructs the Auditor-General in the conduct of an audit in terms of subsection (1);

25

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

(3) Notwithstanding subsection (1) the Comptroller and Auditor-General may appoint a suitably qualified person to audit the accounts of a hospital management board and if he or she does so—

30

(a) subsections (1) and (2) shall apply in respect of the person so appointed as if he or she were the Auditor-General; and

(b) any expenses incurred by the person so appointed in carrying out his or her audit shall be met from the health services fund.”.

35

## PART LXII

### PENSION AND OTHER BENEFITS ACT [CHAPTER 16:01]

1. In section 11 (“Application of provisions to certain former officers”)(1)(b) (i) by the deletion of “Comptroller and Auditor General” wherever it appears and the substitution of “Auditor-General”.

40

2. In section 13 (“Interpretation”)(1) in the definition of “Commanding Officer”, by the repeal of paragraph (c) and the substitution of—

“(c) section 14(3), the Commissioner-General of the Prisons and Correctional Service;”.

#### PART LXIII

##### PENSIONS REVIEW ACT [*CHAPTER 16:03*]

5 In section 2 (“Review of pensions”)(3)(c) by the repeal of subparagraph (ii) and the substitution of—

“(ii) judges of the Administrative Court;”.

#### PART LXIV

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

10 1. In the long title of the Act by the deletion of “Prison Service” and the substitution of “Prisons and Correctional Service”.

2. In section 2 (“Interpretation”) by the deletion of “Prison Service” and the substitution of “Prisons and Correctional Service” wherever it appears.

15 3. In section 10 (“Disablement Benefits Appeal Board”)(2)(a) by the deletion of “President of the Administrative Court” and the substitution of “judge of the Administrative Court”.

4. In section 37 (“Application of Act to certain persons”) by the deletion from subsection (1) of “Prison Service” and the substitution of “Prisons and Correctional Service”.

20 5. In section 46 (“Savings”) by the deletion from subsection (4) of “Prison Service” and the substitution of “Prisons and Correctional Service”.

#### PART LXV

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

25 1. In section 2 (“Interpretation”) on the definition of “uniformed forces” by the deletion of the definition of paragraph (c) and the substitution of the following—

“(c) the Prisons and Correctional Service.”.

2. In section 17 (“Regulatory powers”) (4)(c) by the deletion of “Prison Service” and the substitution of “Prisons and Correctional Service”.

#### PART LXVI

30 NATIONAL SOCIAL SECURITY AUTHORITY ACT [*CHAPTER 17:04*]

In section 24 (“Reports of Authority”)(1) by the deletion of “Audit and Exchequer Act [*Chapter 22:03*]” and the substitution of “Public Finance Management Act [*Chapter 22:19*] (No. 11 of 2009)”.

#### PART LXVII

35 EX-POLITICAL PRISONERS, DETAINEES AND RESTRICTED ACT [*CHAPTER 17:10*]  
(No. 20 of 2004)

In section 10 (“Accounts and audit of Fund”)(3) by the deletion of “Comptroller and Auditor-General” and “Audit and Exchequer Act [*Chapter 22:03*]” and the substitution of “Auditor-General” and “Public Finance Management Act [*Chapter 22:19*] (No. 11 of 2009)” respectively.

40

PART LXVIII

AGRICULTURAL AND RURAL DEVELOPMENT AUTHORITY ACT [CHAPTER 18:01]

1. In section 19 (“Authority to submit reports and furnish information”) (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 5

2. In section 31 (“Appointment of auditors and audit of accounts of Authority”) (1) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.

3. In section 32 (“Powers of auditors”) (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 10

PART LXIX

AGRICULTURAL FINANCE ACT [CHAPTER 18:01]

In section 31 (“Appointment of auditors and audit of accounts of Corporation”) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and “Comptroller and Auditor-General” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)” and “Auditor-General” respectively. 15

PART LXX

AGRICULTURAL RESEARCH ACT [CHAPTER 18:05]

In section 23 (“Audit of accounts”) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General” wherever it appears. 20

PART LXXI

GRAIN MARKETING ACT [CHAPTER 18:14]

In section 23 (“Reports of Grain Marketing Board”) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 25

PART LXXII

PIG INDUSTRY ACT [CHAPTER 18:15]

In section 23 (“Reports of Board”)(1) by the deletion of “section 44 of the Audit and Exchequer Act [Chapter 22:03]” and the substitution of “section 47 of the Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 30

PART LXXIII

TOBACCO INDUSTRY AND MARKETING ACT [CHAPTER 18:20]

In the Schedule (“Powers of Board”) in paragraph 8 by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”. 35

PART LXXIV

TOBACCO RESEARCH ACT [CHAPTER 18:21]

1. In section 8 (“Powers of Board”) (d) and (h) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”. 40

2. In section 11 (“Accounts, audit and reports”) (3) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

#### PART LXXV

##### 5 AGRICULTURAL MARKETING AUTHORITY ACT [CHAPTER 18:24]

1. In section 20 (“Reports of Authority”) (1) by the deletion of Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

10 2. In section 26 (“Audit of Authority’s accounts”)(5) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and “Comptroller and Auditor-General” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009) and “Auditor-General” respectively.

15 3. In section 36 (“Books of Account and audit of Fund”)(2) by the deletion of “Comptroller and Auditor-General” and “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Auditor-General” and “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)” respectively.

#### PART LXXVI

##### FOREST ACT [CHAPTER 19:05]

20 1. In section 25 (“Accounts and audit”) (3)(a) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.

2. In section 25A (“Reports of Commission”) (1) by the deletion of Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

#### PART LXXVII

##### 25 AGRICULTURAL LAND SETTLEMENT ACT [CHAPTER 29:13]

In section 31 (“Composition of Appeal Board”) (2)(b) by the deletion of “President or former President of the Administrative Court” and the substitution of “Judge or former judge of the Administrative Court”.

#### PART LXXVIII

##### 30 DEEDS REGISTRIES ACT [CHAPTER 20:05]

In section 83 (“Appeals to Planning Appeals Board”) (1) by the deletion of “President” and the substitution of “Judge”.

#### PART LXXIX

##### FINGO LOCATION (DISTRIBUTION OF LAND) ACT [CHAPTER 20:07]

35 In section 3 (“Location to revest in Governor”) by the deletion of “Governor” and the substitution of “Chairperson of a Provincial Council elected in terms of section 272 of the Constitution”.

#### PART LXXX

##### LAND ACQUISITION ACT [CHAPTER 20:10]

40 1. In section 2 (“Interpretation”) (3)(a) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.



2. In section 25A (“Reports of Commission”) (1) by the deletion of Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

3. In section 45 by the deletion of “President” wherever it occurs and the substitution of “Judge”.

4. In section 46 by the deletion of “President” and the substitution of “Judge” wherever it occurs.

#### PART LXXXI

##### PARKS AND WILD LIFE ACT [CHAPTER 20:14]

1. In section 9 (“Reports of Authority”) by the deletion from subsection (1) of “paragraph 18 of the Twelfth Schedule of the Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19]”.

2. In section 16A (“Audit of Authority’s accounts”)(1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19]”.

3. In section 16C (“Internal auditor”) by the deletion of “Section 19 of the Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Section 80 of the Public Finance Management Act [Chapter 22:19]”.

#### PART LXXXII

##### WATER ACT [CHAPTER 20:24]

1. In section 75 (“Method of claiming servitudes”)(1)(b) and (2)(a) by the deletion of “President” and the substitution of “Judge”.

2. In section 83 (“Holders of servitudes awarded by Administrative Court”)(2) by the deletion of “President” and the substitution of “Judge”.

3. In section 84 (“Registration of servitudes acquired by agreement”)(2) by the deletion of “President” and the substitution of “Judge”.

4. In section 85 (“Registration of servitudes in Deeds Registry”)(5) by the deletion of “President” and the substitution of “Judge”.

5. In section 113 (“Composition of Administrative Court for purposes of this Act”) (1) and (3) by the deletion of “President” by the substitution of “Judge”.

#### PART LXXXIII

##### ZIMBABWE NATIONAL WATER AUTHORITY ACT [CHAPTER 20:25]

1. In section 19 (“Reports of Authority”) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19]”.

2. In section 36 (“Audit of Authority’s accounts”) by the deletion of “Comptroller and Auditor-General” and “Audit and Exchequer Act [Chapter 22:03]” wherever it occurs and the substitution of “Auditor-General” and “Public Finance Management Act [Chapter 22:19]” respectively.

3. In section 45 (“Books of account and audit of Fund”) by the deletion of “Comptroller and Auditor-General” and “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Auditor-General” and “Public Finance Management Act [Chapter 22:19]” respectively.

PART LXXXIV

ENVIRONMENTAL MANAGEMENT ACT [CHAPTER 20:27] (NO. 13 OF 2002)

1. In section 39 (“Reports of Agency”) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19]”.
2. In section 46 (“Audit of Agency’s accounts”) by the deletion of “Comptroller and Auditor-General” wherever it occurs and “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Auditor-General” and “Public Finance Management Act [Chapter 22:19]” respectively.
3. In section 47 (“Internal Auditor”) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19]”.
4. In section 54 (“Books of account and audit of Fund”) by the deletion of “Comptroller and Auditor-General” and “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Auditor-General” and “Public Finance Management Act [Chapter 22:19]” respectively.
5. In section 131 (“Composition of Administrative Court for purposes of this Act”)—
  - (a) in subsection (1) by the deletion of “a Senior President” and the substitution of “a Judge President”;
  - (b) in subsection (2)(b) by the deletion of “Senior Presidents” and the substitution of “Judge Presidents”;
  - (c) in subsection (3) by the deletion of “Senior President” and the substitution of “Judge President”.

PART LXXXV

GAZETTED LAND (CONSEQUENTIAL PROVISIONS) ACT [CHAPTER 20:28] (NO. 8 OF 2006)

1. In the Long title by the deletion of “section 16B of the former Constitution” and substitution of “section 16B of the former Constitution and section 72 of the new Constitution”.
2. In section 2 (“Interpretation”) with the definition of “Gazetted Land”—
  - (a) in paragraphs (a) and (b) by the deletion of “Constitution” wherever it occurs and the substitution of “former Constitution”.
  - (b) by the insertion of the following paragraph after paragraph (b)—
    - “(c) in accordance with section 72(2) of the Constitution, is identified in terms of that provision by the acquiring authority on or after the 22nd May, 2013, in the *Gazette* or *Gazette* Extraordinary for any of the purposes set forth in (a) to (b) of that provision;”.
3. In section 3 (“Occupation of Gazetted land without lawful authority”)(2)—
  - (a) in paragraph (a) by the deletion of “Constitution” and the substitution of “former Constitution”;
  - (b) by the insertion of the following paragraph after paragraph (b)—
    - “(c) referred to in paragraph (c) of the definition of “Gazetted land” in section 2(1), shall cease to occupy, hold or use that land forty-five days after the date when the land is identified in accordance with section 72(2) of the Constitution, unless the owner or occupier is lawfully authorised to occupy, hold or use that land.”.
1. In the preamble by the deletion of “16B” and substitution of “72”.

PART LXXXVI

MINERALS MARKETING CORPORATION ACT [CHAPTER 21:04]

In section 23 (“Reports of Corporation”)(1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19]”.

5

PART LXXXVII

MINES AND MINERALS ACT [CHAPTER 21:05]

2. In section 35 (“Reservations against prospecting and pegging”) (11) by the deletion of “Governor” and the substitution of “Chairperson of Provincial Council”.

3. In section 245 (“Fixing of royalty”) by the deletion of “House of Assembly” and the substitution of “National Assembly” wherever it occurs.

10

PART LXXXVIII

ROASTING PLANT CORPORATION ACT [CHAPTER 21:07]

1. In section 21 (“Reports of Corporation”)(1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19]”.

15

2. In section 23 (“Minister may give Corporation directions in national interest”) (4) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19]”.

PART LXXXIX

20

ZIMBABWE MINING DEVELOPMENT CORPORATION ACT [CHAPTER 21:08]

In section 21 (“Reports of Corporation”) (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19]”.

PART XC

25

AFRICAN DEVELOPMENT BANK (MEMBERSHIP OF ZIMBABWE) ACT [CHAPTER 22:01]

In section 2 (“Interpretation”) by the repeal of the definition of “Consolidated Revenue Fund” and the substitution of—

““Consolidated Revenue Fund” means the Consolidated Revenue Fund referred to in section 302 of the Constitution of Zimbabwe;”.

30

PART XCI

EXCHANGE CONTROL ACT [CHAPTER 22:05]

In section 10 (“Recovered Foreign Currency Fund and reward for information”)(6) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

35

PART XCII

HOUSINGS AND BUILDING ACT [CHAPTER 22:07]

1. In section 3 (“Establishment of Housing and Guarantee Funds”) (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19]”.

40

2. In section 14 (“Establishment of Building Funds”) (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19]”.

3. In section 18 (“Establishment of rates funds”) (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19]”.

4. In section 27 (“Accounts and audit”) (2) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and “Comptroller and Auditor-general” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)” and “Auditor-General” respectively.

### PART XCIII

#### INTERNATIONAL FINANCIAL ORGANISATIONS ACT [CHAPTER 22:09]

In section 2 (“Interpretation”) by the repeal of the definition of “Consolidated Revenue Fund” and the substitution of—

““Consolidated Revenue Fund” means the Consolidated Revenue Fund referred to in section 302 of the Constitution of Zimbabwe;”.

### PART XCIV

#### PROCUREMENT ACT [CHAPTER 22:14] (No. 2 OF 1999)

1. In section 18 (“Minutes of proceedings of State Procurement Board and of committees”) (2) by the deletion of “Comptroller and Auditor-general” and the substitution of “Auditor-General”.

2. In section 28 (“Audit of State Procurement Board’s accounts”)—

(a) in subsection (1) by the deletion of “Comptroller and Auditor General” and “sections 8 and 9 of the Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Auditor General” and “the Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)” respectively;

(b) in subsection (2)(a) and (b) by the deletion of “Comptroller and Auditor General” wherever it appears and the substitution of “Auditor General”;

(c) in subsection (3) and (3)(a) by the deletion of “Comptroller and Auditor General” and the substitution of “Auditor General”.

3. In section 29 (“Internal auditor”) by the deletion of “Section 19 of the Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Section 80 of the Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

4. In section 37 (“Suppliers to permit access to their books and accounts”) (1)(b) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor General”.

### PART XCV

#### RESERVE BANK OF ZIMBABWE ACT [CHAPTER 22:15] (No. 5 OF 1999)

1. In section 34 (“Allocation of losses or gains due to exchange rate fluctuations and pursuit of monetary policies.”)(4) by the deletion of “Comptroller and Auditor-general” and the substitution of “Auditor-General”.

2. In section 49 (“Reserves against domestic and international obligations”)—

(a) in subsection (3)(a) by the deletion of “House of Assembly” and the substitution of “National Assembly”;

(b) in subsection (4) by the deletion of “House of Assembly” and the substitution of “National Assembly”.

PART XCVI

AUDIT OFFICE ACT [CHAPTER 22:18] (NO. 12 OF 2009)

1. By the repeal of the preamble and the substitution of the following—

“WHEREAS sections 309, 310, 311, 312, 313 and 314 of the Constitution provide as follows:

5

*309 (1) There must be an Auditor-General, whose office is a public office but does not form part of the Civil Service.*

*(2) The functions of the Auditor-General are—*

- (a) to audit the accounts, financial systems and financial management of all departments, institutions and agencies of government, all provincial and metropolitan councils and all local authorities;* 10
- (b) at the request of the Government, to carry out special audits of the accounts of any statutory body or government-controlled entity;*
- (c) to order the taking of measures to rectify any defects in the management and safeguarding of public funds and public property; and* 15
- (d) to exercise any other functions that may be conferred or imposed on him or her by or under an Act of Parliament.*

*(3) Public officers must comply with orders given to them by the Auditor-General in terms of subsection (2)(c).*

*319 (1) The Auditor-General is appointed by the President with the approval of Parliament.* 20

*(2) The Auditor-General must be a Zimbabwean citizen chosen for his or her integrity, and must have been qualified to practice as an auditor for at least ten years.*

*(3) The term of office of the Auditor-General is a period of not more than six years and a person must not be appointed as Auditor-General after he or she has served for one or more periods, whether continuous or not, amounting to twelve years.* 25

*(4) Before entering office, the Auditor-General must take, before the President or a person authorised by the President, the oaths of loyalty and office in the forms set out in the Third Schedule.* 30

*311 In the exercise of his or her functions the Auditor-General is independent and subject only to the law.*

*312 (1) An Act of Parliament must provide for the remuneration and benefits of the Auditor-General to be fixed with the approval of the President on the recommendation of the Minister responsible for finance.* 35

*(2) The remuneration of the Auditor-General must be charged upon and paid out of the Consolidated Revenue Fund and must not be reduced during his or her tenure of office.*

*313 (1) The Auditor-General may be removed from office only for—* 40

- (a) inability to perform the functions of his or her office because of mental or physical incapacity; or*
- (b) gross incompetence; or*
- (c) gross misconduct.*

(2) *If the Minister responsible for finance, with the concurrence of the parliamentary committee responsible for public accounts, informs the President that the question of removing the Auditor-General from office ought to be investigated, the President must appoint a tribunal to inquire into the matter.*

5 (3) *A tribunal appointed under subsection (2) must consist of at least three members appointed by the President, of whom—*

- (a) *at least one must be a person who has served as a judge; and*
- (b) *at least one must be chosen from a panel of at least three persons who have been nominated by the institute or association established by law*  
10 *to represent public auditors in Zimbabwe.*

(4) *The institute or association referred to in subsection (3)(b) must nominate the panel referred to in that subsection when called upon to do so by the President.*

15 (5) *A tribunal appointed under subsection (2) must inquire into the question of removing the Auditor-General from office and, having done so, must report its findings to the President and recommend whether or not the Auditor-General should be removed, and if the tribunal so recommends the President must, by order under the public seal, remove the Auditor-General from office.*

20 (6) *A tribunal appointed under subsection (2) has the same rights and powers as commissioners under the Commissions of Inquiry Act [Chapter 10:07], or any law that replaces that Act.*

*314 An Act of Parliament must provide for the appointment of a board to employ persons to assist the Auditor-General in the exercise of his or her functions, and must also provide for—*

- (a) *the qualifications of those persons;*
- 25 (b) *the conditions of service, conduct and discipline of those persons;*
- (c) *the independence, impartiality and integrity of those persons; and*
- (d) *the organisation, efficiency and well-being of the Auditor-General's office.*

30 NOW, THEREFORE, be it enacted by the President and the Parliament of Zimbabwe as follows—”.

2. In section 2 (“Interpretation”)—

- (a) in the repeal of the definition of “Comptroller and Auditor-General” and the substitution of —  
35 ““Auditor-General” means the person appointed in terms of section 309 of the Constitution;”;
- (b) in the definition of “officer” by the deletion of “Comptroller and Auditor-General” the substitution of “Auditor-General”.

3. By the repeal of section 3 and the substitution of—

### “3 Salary of Auditor-General

40 The salary and the related allowances of the Auditor-General shall be a charge on the Consolidated Revenue Fund, which is hereby appropriated to the purpose.”.

4. In section 4 (“Tenure of office of Comptroller and Auditor-General”)—

- 45 (a) in subsection (1) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”;

- (b) by the repeal of subsection (2) and the substitution of—
    - “(2) Any suspension in terms of subsection (1) shall terminate, and the Comptroller and Auditor-General shall resume his or her duties, on the twenty-eighth day on which Parliament next sits after such suspension, unless the President has, in terms of section 313(5) of the Constitution earlier removed the Auditor-General from office.”;
  - (c) in subsections (3), (4), (5) and (5)(b) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
5. In section 5 (“Duties of Comptroller and Auditor-General”)—
- (a) in the heading by the deletion of “Comptroller and”;
  - (b) in subsection (1) by the deletion of “Subject to section 106 of the Constitution, the duties of the Comptroller and Auditor-General” and the substitution of “Subject to section 309 of the Constitution, the duties of the Auditor-General”;
6. In section 6 (“Examination and audit of accounts”)—
- (a) in subsection (1)—
    - (i) by the deletion of “section 106(1) of the Constitution, the Comptroller and Auditor-General” and the substitution of “section 309 of the Constitution, the Auditor-General”;
    - (ii) in paragraph (a) by the deletion of “House of Assembly” and the substitution of “National Assembly”;
  - (b) in subsection (2) by the deletion of “section 106(1) of the Constitution, the Comptroller and Auditor-General” and the substitution of “section 309 of the Constitution, the Auditor-General”.
7. In section 7 (“Comptroller and Auditor-General to satisfy himself or herself that public moneys and State Property are safeguarded”)—
- (a) in the heading by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”;
  - (b) in subsection (1) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”;
  - (c) in subsection (2) by the repeal of paragraph (f) and the substitution of—
    - “(f) the Commissioner-General of the Prisons and Correctional Service, where in his or her opinion the irregularity constitutes misconduct or a breach of discipline on the part of any member of the Prisons and Correctional Service; and”.
8. In section 8 (“Powers of Comptroller and Auditor-General”)—
- (a) in the heading by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”;
  - (b) in subsection (1) and (1)(b) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”;
  - (c) in subsection (2) and (3) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”;
  - (d) in subsection (4) by the deletion of “The Comptroller and Auditor-General may lay before the Attorney-General” and the substitution of “The Auditor-General may lay before the Prosecutor-General”.
9. In section 9 (“Contracted audits”)—
- (a) in subsection (1) by the deletion wherever it appears of “Comptroller and Auditor-General” and the substitution of “Auditor-General”;

- (b) in subsection (2) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
10. In section 10 (“Annual report of Comptroller and Auditor-General”)—
- 5 (a) in the heading by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”;
- (b) in subsections (1), (2), (2)(a) and (2)(b) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
11. In section 11 (“Special reports”)—
- 10 (a) in subsection (1) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”;
- (b) in subsections (2) and (3) by the deletion of “Comptroller and Auditor-General” wherever it appears and the substitution of “Auditor-General”.
12. In section 12 (“Reports to be laid before Parliament”)—
- 15 (a) in subsection (1) by the deletion of “House of Assembly” wherever it appears and the substitution of “National Assembly”;
- (b) in subsection (2) by the deletion of “House of Assembly” wherever it appears, and “Comptroller and Auditor-General”, and the substitution of “National Assembly” and “Auditor-General” respectively.
- 20 13. In section 13 (“Constitution of Audit Office”)(1)(a) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
14. In section 14 (“Establishment and composition of Audit Office Commission”)(1)(c) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
- 25 15. In section 24 (“Removal of members from Audit Office”)(1) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
16. In section 29 (“Audit committee of Office”)(6) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
- 30 17. In section 30 (“Minister may give Policy directions to Commission”)(6) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
18. In section 33 (“Offences and penalties”)(a) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
19. In the First Schedule (“Provisions Applicable to Commission”)—
- 35 (a) in paragraph 1(d) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”;
- (b) in paragraph 9 by the deletion wherever it appears of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
20. In the Second Schedule (“Powers of Audit Office Commission”) in items 20 and 21 by the deletion of “Comptroller and Auditor-General” and the substitution of
- 40 “Auditor-General”.



PART XCVII

PUBLIC FINANCE MANAGEMENT ACT [*CHAPTER 22:19*] (No. 11 OF 2009)

1. In section 2 (“Interpretation”)—
  - (a) by the repeal of the definitions of “Comptroller and Auditor-General” and “Consolidated Revenue Fund” the substitution of—

5

““Auditor-General” means the person appointed in terms of section 309 of the Constitution;  
“Consolidated Revenue Fund” means the Consolidated Fund referred to in section 302 of the Constitution;”;
  - (b) in the definition of “constitutional entity” by the repeal of—

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    - (i) paragraph (c);
    - (ii) paragraph (e) and the substitution of—

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“(g) the Defence Forces Service Commission; or”;
    - (iii) paragraph (g) and the substitution of—

15

“(g) the Prisons and Correctional Service; or”;
  - (c) in the definition of “officer” by the deletion in paragraph (b) of “Comptroller and Auditor General” and the substitution of “Auditor General”;
  - (d) in the definition of “reporting unit” by the deletion of “Comptroller and Auditor General” and the substitution of “Auditor General”.

20
2. In section 4 (“Application of Act”)(2) by the deletion of “House of Assembly” and the substitution of “National Assembly”.
3. In section 7 (“Duties and powers of Minister”)(2) (c) and (c)(i) by the deletion of “House of Assembly” and the substitution of “National Assembly”.
4. In section 11 (“Powers of Treasury in relation to public resources”)(2) by the deletion of “House of Assembly” and the substitution of “National Assembly”.

25
5. In section 12 (“Loss or destruction of or damage to State property”) (8)(b) by the deletion of “Comptroller and Auditor General” and the substitution of “Auditor General”.
6. In section 14 (“Ministerial directives having financial implications”) (2) and (4)(b) by the deletion of “Comptroller and Auditor General” and the substitution of “Auditor General”.

30
7. In section 15 (“Reports to be laid before House of Assembly”)—
  - (a) in the heading by the deletion of “House of Assembly” and the substitution of “National Assembly”;

35
  - (b) in subsection (1), (2) and (2)(b), by the deletion of “House of Assembly” and the substitution of “National Assembly”;
  - (c) in subsection (2) (b) by the deletion of “Comptroller and Auditor General” and the substitution of “Auditor General”;
8. In section 18 (“Establishment of other public funds”)(4) and (5) by the deletion of “House of Assembly” and the substitution of “National Assembly”.

40
9. In section 19 (“Anticipated or unauthorised excess expenditure”)(1), (2) and (3) by the deletion of “House of Assembly” and the substitution of “National Assembly”.
10. In section 24 (“Special warrants for issues to meet unforeseen expenditure”)—

- (a) in subsection (2) by the deletion of “five *per centum*” and the substitution of “one and a half *per centum*”;
  - (b) in subsection (3), by the deletion of “House of Assembly” and the substitution of “National Assembly”.
- 5        11. In section 25 (“Advances by Treasury”) (2) by the deletion of “greater” and the substitution of “lesser”.
- 12. In section 26 (“Issue of money to carry on government at beginning of each financial year”) (3) by the deletion of “House of Assembly” and the substitution of “National Assembly”.
- 10       13. In section 27 (“Issue of money to carry on government after dissolution of Parliament”)—
  - (a) by the repeal of subsection (1) and the substitution of—
    - 15                “(1) Subject to subsection (2), if at any time Parliament has been dissolved before any provision or sufficient provision has been made in terms of Chapter XVII of the Constitution or this Act for the carrying on of the Government of Zimbabwe, the President may authorise the issue of money from the Consolidated Revenue Fund for the purpose of meeting expenditure necessary to carry on the services of the Government during the period beginning on the dissolution of Parliament and expiring thirty days after the day on which Parliament first meets after that dissolution.”;
    - 20                (b) in subsection (2) by the deletion of “House of Assembly” and the substitution of “National Assembly”;
- 25       14. In section 28 (“Submission to Parliament of annual estimates of revenue and expenditure”)—
  - (a) in subsection (1)—
    - (i) by the deletion of “House of Assembly” and the substitution of “National Assembly”;
    - (ii) by the deletion of the words “not earlier than thirty days or”;
  - 30        (b) in subsection (2)—
    - (i) by the deletion of “House of Assembly” and the substitution of “National Assembly”;
    - (ii) by the deletion of “as soon as is possible after the commencement of that year” and the substitution of “within thirty days after the National Assembly first meets following the dissolution”;
  - 35        (c) in subsections (3) and (4) by the deletion of “House of Assembly” and the substitution of “National Assembly”.
- 40       15. In section 32 (“Preparation and reporting of annual financial statements by Ministries”) (2) by the deletion of “Comptroller and Auditor General” wherever it appears and the substitution of “Auditor General”.
- 16. In section 33 (“Preparation and reporting of quarterly financial statements”) (3) by the deletion of “House of Assembly” and the substitution of “National Assembly”.
- 17. In section 35 (“Consolidation of annual financial statements”)—
  - 45        (a) in subsection (3) and (6) (b) and (11) by the deletion of “Comptroller and Auditor General” and the substitution of “Auditor General”.
  - (b) in subsection (8)(a) and (b), (10), (11) and (12), by the deletion of “House of Assembly” and the substitution of “National Assembly”.

18. In section 44 (“General responsibilities of accounting authorities”) (1)(f) by the deletion of “House of Assembly” and the substitution of “National Assembly”.
19. In section 48 (“Information to be submitted by accounting authorities”) (2) by the deletion of “Comptroller and Auditor General” wherever it appears and the substitution of “Auditor General”. 5
20. In section 49 (“Annual reports and financial statements”)—
  - (a) in subsection (1), (d) by the deletion of “Comptroller and Auditor General” and the substitution of “Auditor General”.
  - (b) in subsection (3) by the deletion of “House of Assembly” and the substitution of “National Assembly”. 10
21. In section 51 (“Reconstruction of designated corporate bodies in certain circumstances”) (1) and (2) by the deletion of “Comptroller and Auditor General” wherever it appears and the substitution of “Auditor General”.
22. In section 52 (“Borrowing powers”) (2) (proviso) by the deletion of “House of Assembly” and the substitution of “National Assembly”. 15
23. In section 53 (“Purposes for which the Minister may borrow money”) (f) by the deletion of “House of Assembly” and the substitution of “National Assembly”.
24. In section 55 (“Certain State loans exempt from tax”) (proviso) by the deletion of “House of Assembly” and the substitution of “National Assembly”.
25. In section 61 (“Power to give guarantees”) (3) by the deletion of “House of Assembly” and the substitution of “National Assembly”. 20
26. In section 71 (“Disclosure of information concerning loans and guarantees”) (1) by the deletion of “House of Assembly” and the substitution of “National Assembly”.
27. In section 72 (“Annual, monthly and quarterly reports on loans and guarantees”) (4) by the deletion of “House of Assembly” and the substitution of “National Assembly”. 25
28. In section 78 (“Treasury instructions or directions”) (4) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
29. In section 80 (“Internal auditors”) (4) (b) and (5) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
30. In section 81 (“External auditors”)— 30
  - (a) in subsection (1), (2) and (3) by the deletion of “Comptroller and Auditor General” and the substitution of “Auditor General”;
  - (b) in subsection (3)(f) by the deletion of “Commissioner of Prisons” and the substitution of “Commissioner-General of Prisons and Correctional Service”. 35
31. In section 84 (“Audit committees”) (2) (c), (4) and (6)(b) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”.
32. In section 88 (“Regulations on financial misconduct procedures”) (1) (a) and (e) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”. 40
33. In section 89 (“Abandonment of claims and write-off of public resources”) (1) and (2) by the deletion of “House of Assembly” and the substitution of “National Assembly”.
34. In section 91 (“Offences and penalties”) (4) (a) by the deletion of “Comptroller and Auditor-General” and the substitution of “Auditor-General”. 45

PART XCVIII

CUSTOMS AND EXCISE ACT [CHAPTER 23:02]

In section 3 (“Commissioner of Customs and Excise”) (4) (b) by the deletion of  
 5 “Prison Service Commission” and “Commissioner of Prisons” and the substitution  
 of “Prisons and Correctional Service Commission” and “Commissioner-General of  
 Prisons and Correctional Service” respectively.

PART XCIX

REVENUE AUTHORITY ACT [CHAPTER 23:11] (No. 17 OF 1999)

1. In section 32 (“Audit of Authority’s accounts”)—
  - 10 (a) in subsection (1) by the deletion of “Comptroller and Auditor General” and  
“sections 8 and 9 of the Audit and Exchequer Act [Chapter 22:03]” and the  
substitution of “Auditor General” and “the Public Finance Management  
Act [Chapter 22:19] (No. 11 of 2009)” respectively;
  - 15 (b) in subsection (2)(a) and (b) by the deletion of “Comptroller and Auditor  
General and the substitution of “Auditor General”;
  - (c) in subsection (3) by the deletion of “Comptroller and Auditor General”  
wherever it appears and the substitution of “Auditor General”.
2. In section 33 (“Internal Auditor”) by the deletion of “Audit and Exchequer  
Act [Chapter 22:03]” and the substitution of “Public Finance Management Act  
20 [Chapter 22:19] (No. 11 of 2009)”.

PART C

VALUE ADDED TAX ACT [CHAPTER 23:12] (No. 12 OF 2002)

In section 2 (“Interpretation”) (1) in the definition of “public authority” by  
 the deletion of “Zimbabwean Prison Service” and the substitution of “Prisons and  
 25 Correctional Service Commission”.

PART CI

EXPORT CREDIT REINSURANCE ACT [CHAPTER 24:06]

In section 4 (“Financial arrangements”) (9) by the deletion of “Comptroller and  
 Auditor General” and “sections 8 and 9 of the Audit and Exchequer Act [Chapter 22:03]”  
 30 and the substitution of “Auditor General” and “the Public Finance Management Act  
 [Chapter 22:19] (No. 11 of 2009)”, respectively.

PART CII

SMALL ENTERPRISES DEVELOPMENT CORPORATION ACT [CHAPTER 24:12]

In section 21 (“Reports of Corporation”) (1) by the deletion of “Audit and  
 Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management  
 35 Act [Chapter 22:19] (No. 11 of 2009)”.

PART CIII

PEOPLE’S OWN SAVINGS BANK ACT [CHAPTER 24:22] (No. 18 OF 1999)

In section 34 (“Audit of Savings Bank’s accounts”)—

- 40 (a) in subsection (1) by the deletion of “Comptroller and Auditor General” and  
“sections 8 and 9 of the Audit and Exchequer Act [Chapter 22:03]” and the  
substitution of “Auditor General” and “the Public Finance Management  
Act [Chapter 22:19] (No. 11 of 2009)” respectively;

- (b) in subsection (2)(a) and (b) by the deletion of “Comptroller and Auditor General and the substitution of “Auditor General”;
- (c) in subsection (3) by the deletion of “Comptroller and Auditor General” wherever it appears and the substitution of “Auditor General”.

#### PART CIV

5

##### SECURITIES AND EXCHANGE ACT [CHAPTER 24:25] (No. 17 OF 2004)

In section 27 (“Audit of Commission’s accounts”)—

- (a) in subsection (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”;
- (b) in subsection (6) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and “Comptroller and Auditor General” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)” and “Auditor General” respectively.

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#### PART CV

15

##### DEPOSIT PROTECTION CORPORATION ACT [CHAPTER 24:28] (No. 7 OF 2011)

In section 19 (“Audit of Fund’s accounts”) (1) and (7) by the deletion of “Comptroller and Auditor General” wherever it appears and the substitution of “Auditor General”.

#### PART CVI

20

##### NATIONAL ARTS COUNCIL OF ZIMBABWE ACT [CHAPTER 25:07]

1. In section 28 (“Audit of Accounts”) (1) by the deletion of “Comptroller and Auditor General” and the substitution of “Auditor General”.

2. In section 29 (“Powers of auditors”) by the deletion of “Without derogation from subsection (6) of section 9 of the Audit and Exchequer Act [Chapter 22:03],” and the substitution of “Without derogating from any powers he or she may have under the Public Finance Management Act [Chapter 22:19]”.

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#### PART CVII

##### NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY ACT [CHAPTER 25:13]

1. In section 9 (“The Pro-Vice Chancellors”), by the insertion of the following subsection after subsection (3)—

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“(4) Where the Council deems it fit to appoint a second Pro-Vice Chancellor, the Council shall submit a written justification of the reasons therefor to the Permanent Secretary, who shall in consultation with the Minister approve or disapprove such appointment.”

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2. In section 10 (“Council”)—

- (a) in subsection (1) by the repeal of paragraph (b) and substitution of—

“(b) sixteen persons appointed by the Minister, including—

- (i) one person who shall be a legal practitioner;
- (ii) one person who shall be a registered medical practitioner;
- (iii) one person who shall be a qualified engineer;
- (iv) one person who shall be a chartered accountant;

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and”;

(b) by the insertion of the following subsection after subsection (2)—

“(3) In appointing the members of the Council, the Minister shall endeavour to secure that at least half the appointed members of the Council are women.”.

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## PART CVIII

### SPORTS AND RECREATION COMMISSION ACT [CHAPTER 25:15]

1. In section 22 (“Reports of the Board”) (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

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2. In section 28 (“Accounts and audit”)—

(a) in subsection (2) by the deletion of “Comptroller and Auditor General” wherever it appears and the substitution of “Auditor General”;

(b) in subsection (6) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

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## PART CIX

### UNIVERSITY OF ZIMBABWE ACT [CHAPTER 25:16]

1. In section 9 (“The Pro-Vice Chancellors”) by the insertion of the following subsection after subsection (2)—

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“(3) Where the Board deems it fit to appoint a second Pro-Vice Chancellor, the Board shall submit a written justification of the reasons therefor to the Permanent Secretary, who shall in consultation with the Minister approve or disapprove such appointment.”.

2. In section 11 (“The Council”)—

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(a) in subsection (1) by the repeal of paragraph (b) and substitution of—

“(b) sixteen persons appointed by the Minister, including—

(i) one person who shall be a legal practitioner;

(ii) one person who shall be a registered medical practitioner;

(iii) one person who shall be a qualified engineer;

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(iv) one person who shall be a chartered accountant;

and”;

(b) by the insertion of the following subsection after subsection (5)—

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“(6) In appointing the members of the Council, the Minister shall endeavour to secure that at least half the appointed members of the Council are women and fair regional representation is achieved.”.

## PART CX

### ZIMBABWE SCHOOL EXAMINATIONS COUNCIL ACT [CHAPTER 25:18]

In section 20 (“Reports of Board”) (1) by the deletion of “Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

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## PART CXI

### ZIMBABWE YOUTH COUNCIL ACT [CHAPTER 25:19]

1. In section 8 (“Provincial and district councils”)(6) by the deletion of “Part VI of the Audit and Exchequer Act [Chapter 22:03]” and the substitution of “Public Finance Management Act [Chapter 22:19] (No. 11 of 2009)”.

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2. In section 13 (“Accounts and audit”)—

- (a) in subsection (2) by the deletion of “Comptroller and Auditor General” and the substitution of “Auditor General”;
- (b) in subsection (6) by the deletion of “Audit and Exchequer Act [*Chapter 22:03*]” and the substitution of “Public Finance Management Act [*Chapter 22:19*] (No. 11 of 2009)”. 5

PART CXII

ZIMBABWE OPEN UNIVERSITY ACT [*CHAPTER 25:20*] (No. 12 OF 1998)

1. In section 9 (“The Pro-Vice Chancellors”) by the insertion of the following subsection after subsection (3)— 10

“(4) Where the Council deems it fit to appoint a second Pro-Vice Chancellor, the Board shall submit a written justification of the reasons therefor to the Permanent Secretary, who shall in consultation with the Minister approve or disapprove such appointment.”.

2. In section 10 (“Council”)— 15

- (a) by the repeal of paragraph (b) and substitution of—
  - “(b) sixteen persons appointed by the Minister, including—
    - (i) one person who shall be a legal practitioner;
    - (ii) one person who shall be a registered medical practitioner;
    - (iii) one person who shall be a qualified engineer; 20
    - (iv) one person who shall be a chartered accountant;
  - and”;
- (b) by the insertion of the following subsection after subsection (2)—
  - “(3) In appointing the members of the Council, the Minister shall endeavour to secure that at least half the appointed members of the Council are women and fair regional representation is achieved.”. 25

PART CXIII

MIDLANDS STATE UNIVERSITY ACT [*CHAPTER 25:21*] (No. 4 OF 1999)

1. In section 9 (“The Pro-Vice Chancellors”) by the insertion of the following subsection after subsection (3)— 30

“(4) Where the Council deems it fit to appoint a second Pro-Vice Chancellor, the Board shall submit a written justification of the reasons therefor to the Permanent Secretary, who shall in consultation with the Minister approve or disapprove such appointment.”.

2. In section 10 (“Council”)— 35

- (a) by the repeal of paragraph (b) and substitution of—
  - “(b) sixteen persons appointed by the Minister, including—
    - (i) one person who shall be a legal practitioner;
    - (ii) one person who shall be a registered medical practitioner;
    - (iii) one person who shall be a qualified engineer; 40
    - (iv) one person who shall be a chartered accountant;
  - and”;
- (b) by the insertion of the following subsection after subsection (2)—

“(3) In appointing the members of the Council, the Minister shall endeavour to secure that at least half the appointed members of the Council are women and fair regional representation is achieved.”.

#### PART CXIV

5 BINDURA UNIVERSITY OF SCIENCE EDUCATION ACT [CHAPTER 25:22] (No. 15 OF 1999)

1. In section 9 (“The Pro-Vice Chancellors”) by the insertion of the following subsection after subsection (3)—

10 “(4) Where the Council deems it fit to appoint a second Pro-Vice Chancellor, the Board shall submit a written justification of the reasons therefor to the Permanent Secretary, who shall in consultation with the Minister approve or disapprove such appointment.”.

2. In section 9 (“The Pro-Vice Chancellors”) by the insertion of the following subsection after subsection (3)—

15 “(4) Where the Council deems it fit to appoint a second Pro-Vice Chancellor, the Board shall submit a written justification of the reasons therefor to the Permanent Secretary, who shall in consultation with the Minister approve or disapprove such appointment.”.

3. In section 10 (“Council”)—

(a) by the repeal of paragraph (b) and substitution of—

20 “(b) sixteen persons appointed by the Minister, including—  
(i) one person who shall be a legal practitioner;  
(ii) one person who shall be a registered medical practitioner;  
(iii) one person who shall be a qualified engineer;  
(iv) one person who shall be a chartered accountant;  
25 and”;

(b) by the insertion of the following subsection after subsection (2)—

“(3) In appointing the members of the Council, the Minister shall endeavour to secure that at least half the appointed members of the Council are women and fair regional representation is achieved.”.

30 PART CXV

CHINHOYI UNIVERSITY OF TECHNOLOGY ACT [CHAPTER 25:23] (No. 15 OF 2001)

1. In section 9 (“The Pro-Vice Chancellors”) by the insertion of the following subsection after subsection (2)—

35 “(3) Where the Council deems it fit to appoint a second Pro-Vice Chancellor, the Council shall submit a written justification of the reasons therefor to the Permanent Secretary, who shall in consultation with the Minister approve or disapprove such appointment.”.

2. In section 10 (“The Council”), by the repeal of paragraph (b) and substitution of—

40 (a) by the repeal of paragraph (b) and substitution of—  
“ (b) sixteen persons appointed by the Minister, including—  
(i) one person who shall be a legal practitioner;  
(ii) one person who shall be a registered medical practitioner;  
(iii) one person who shall be a qualified engineer;  
45 (iv) one person who shall be a chartered accountant;  
and”;



(b) by the insertion of the following subsection after subsection (2)—

“(3) In appointing the members of the Council, the Minister shall endeavour to secure that at least half the appointed members of the Council are women and fair regional representation is achieved.”.

## PART CXVI

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GREAT ZIMBABWE UNIVERSITY ACT [CHAPTER 25:24] (No. 11 OF 2002)

1. By the deletion of section 1 (“Short Title”) and the substitution of the following—

### “1 Short title

This Act may be cited as the Great Zimbabwe University Act [Chapter 25:24].”.

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2. In section 9 (“The Pro-Vice Chancellors”) by the insertion of the following subsection after subsection (3)—

“(4) Where the Council deems it fit to appoint a second Pro-Vice Chancellor, the Board shall submit a written justification of the reasons therefor to the Permanent Secretary, who shall in consultation with the Minister approve or disapprove such appointment.”.

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3. In section 10 (“Council”)—

(a) by the repeal of paragraph (b) and substitution of—

“(b) sixteen persons appointed by the Minister, including—

- (i) one person who shall be a legal practitioner;
  - (ii) one person who shall be a registered medical practitioner;
  - (iii) one person who shall be a qualified engineer;
  - (iv) one person who shall be a chartered accountant;
- and”;

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(b) by the insertion of the following subsection after subsection (2)—

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“(3) In appointing the members of the Council, the Minister shall endeavour to secure that at least half the appointed members of the Council are women and fair regional representation is achieved.”.

## PART CXVII

LUPANE STATE UNIVERSITY ACT [CHAPTER 25:25] (No. 10 OF 2004)

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1. By the insertion of the following subsection in section 9 (“The Pro-Vice Chancellors”)—

“(3) Where the Council deems it fit to appoint a second Pro-Vice Chancellor, the Council shall submit a written justification of the reasons therefor to the Permanent Secretary, who shall in consultation with the Minister approve or disapprove such appointment.”.

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2. In section 10 (“The Council”)—

(a) in subsection (1) by the repeal of paragraph (b) and substitution of—

“(b) sixteen persons appointed by the Minister, including—

- (i) one person who shall be a legal practitioner;
  - (ii) one person who shall be a registered medical practitioner;
  - (iii) one person who shall be a qualified engineer;
  - (iv) one person who shall be a chartered accountant;
- and”;

40

(b) by the insertion of the following subsection after subsection (5)—

“(6) In appointing the members of the Council, the Minister shall endeavour to secure that at least half the appointed members of the Council are women and fair regional representation is achieved.”.

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## PART CXVIII

HARARE INSTITUTE OF TECHNOLOGY ACT [*CHAPTER 25:26*] (No. 4 OF 2005)

1. In section 9 (“The Pro-Vice Chancellors”) by the insertion of the following subsection after subsection (2)—

10       “(3) Where the Board deems it fit to appoint a second Pro-Vice Chancellor, the Board shall submit a written justification of the reasons therefor to the Permanent Secretary, who shall in consultation with the Minister approve or disapprove such appointment.”

2. In section 10 (“Institute Board”) by the insertion of the following subsection after subsection (2)—

15       “(3) In appointing the members of the Board, the Minister shall endeavour to secure that at least half the appointed members of the Board are women and fair regional representation is achieved.”.

## PART CXIX

ZIMBABWE COUNCIL FOR HIGHER EDUCATION ACT [*CHAPTER 25:27*]

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(No. 1 OF 2006)

In section 26 (“Audit of Council accounts”)—

(a) in subsection (1) by the deletion of “Comptroller and Auditor General” and “sections 8 and 9 of the Audit and Exchequer Act [*Chapter 22:03*]” and the substitution of “Auditor General” and “the Public Finance Management Act [*Chapter 22:19*] (No. 11 of 2009)” respectively;

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(b) in subsection (2) by the deletion of “Comptroller and Auditor General” wherever it appears and the substitution of “Auditor General”

## PART CXX

TRADE MARKS ACT [*Chapter 26:04*]

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By the insertion of the following section after section 97A —

### “97B Madrid Protocol

(1) In this section —

“Madrid Protocol” refers to the Madrid Protocol relating to the Madrid Agreement of 1989.

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(2) Words or expressions to which a meaning has been assigned in the Madrid Protocol shall bear the same meaning when used in this section.

(3) Subject to this section, the Madrid Protocol shall have the force of law within Zimbabwe.

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(4) Any trade mark which has been registered by the Trade Marks Office in accordance with the Madrid Protocol and in respect of which Zimbabwe has been designated, shall —

- (a) have the same effect, with such changes as may be necessary, as a trade mark registered under this Act; and
- (b) be accorded the same protection, with such modifications as may be necessary, as a trade mark registered in accordance with section ninety-seven. 5

(5) Subsection (4) shall apply to trade marks registered by the Trade Marks Office before the date this Act comes into effect in accordance with the Madrid Protocol: 10

Provided that the proprietor of any such mark shall not be entitled to damages or any other remedy for infringement of copyright in the mark which took place before that date.

- (6) The Minister, by notice in a statutory instrument—
  - (a) shall set forth the provisions of the Madrid Protocol and any regulations made under the Madrid Protocol, and shall amend the statutory instrument whenever necessary to record any amendment of the Madrid Protocol or those regulations; 15 20
  - (b) may directly or indirectly amend any provision of this Act (whether by addition, substitution or repeal) insofar as such amendment is strictly necessary for the purpose of—
    - (i) implementing the provisions of the Madrid Protocol in Zimbabwe; 25
    - (ii) bringing this Act into conformity with the Madrid Protocol;
    - (iii) managing the interface between trade marks registered under this Act otherwise than in accordance with the Madrid Protocol and those registered under this Act in accordance with Madrid Protocol, including provisions to enable those holders of trade marks registered under this Act before the domestication of the Madrid Protocol and who wish to benefit from the provisions of the Madrid Protocol to expeditiously re-register their trade marks in accordance with the Madrid Protocol; 30 35 40

(7) The Minister shall lay the draft statutory instrument referred to in subsection (6) before the National Assembly, and if the National Assembly makes no resolution against the publication of the statutory instrument within the next seven sitting days after it is so laid before it, the Minister shall cause it to be published in the *Gazette*. 45

(8) In the event of inconsistency between this Act and the statutory instrument referred to in subsection (6) then—

- (a) the statutory instrument shall prevail over this Act to the extent of the inconsistency; and
- (b) this Act shall be construed with such modifications, qualifications, adaptations and exceptions as may be necessary to bring it into conformity with the statutory instrument.”.

#### PART CXXI

##### INTEGRATED CIRCUIT LAYOUT DESIGNS ACT [CHAPTER 26:07] (No. 18 OF 2001)

In section 25 (“Special provisions as to State use during emergency”)(2)(b) by the deletion of “section 31J the Constitution” and the substitution of “section 113 subsection (1) of the Constitution”.

#### PART CXXII

##### INTELLECTUAL PROPERTY TRIBUNAL ACT [CHAPTER 26:08] (No. 5 OF 2001)

1. In section 10 (“Proceedings to be in public”) by the deletion of “Subject to subsection (12) of section 18 of the Constitution and except” and the substitution of “Except”.

2. In section 15 (“Record of proceedings of Tribunal”) (2) by the deletion of “Subject to subsection (12) of section 18 of the Constitution and any other enactment” and the substitution of “Subject to any other enactment”.

#### PART CXXIII

##### LABOUR ACT [CHAPTER 28:01]

1. In section 2 (“Interpretation”) in the definition of “member”, by the deletion in section 2 of “President” and substitution of “Judge”.

2. In section 84 (“Establishment and composition of Labour Court”) by the repeal of subsection (1) and the substitution of—

##### “84 Establishment and composition of Labour Court

(1) The Labour Court established before the commencement of the Constitution shall, subject to this Act, continue in operation.

(2) The Labour Court shall consist of—

- (a) the Judge President of the Labour Court and such number of Judges of the Labour Court as the President may consider necessary after consultation with the Judicial Service Commission; and
- (b) subject to section 90(1), such assessors as are provided for in this Act.

(3) A person referred to in subsection (1)(a) shall be appointed on such terms and conditions, including terms and conditions relating to the payment of salary, allowances and pension benefits, as the President, on the recommendation of the Judicial Service Commission, may fix.

(4) Assessors shall be chosen in terms of section 90, whenever required, from the list prepared in terms of section 86.”.

3. By the repeal of sections 84A and 85 and the substitution of—

**“84A Oath of office**

Every Judge of the Labour Court appointed after the commencement of the Constitution shall, before entering upon his or her office, swear before the Chief Justice or the next most senior judge available, the judicial oath in the form set out in the Third Schedule.

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**85 Qualification for appointment as President of Labour Court**

(1) A person shall not be qualified for appointment as a President of the Labour Court unless he or she is at least forty years old and—

(a) is or has been a judge of a court with unlimited jurisdiction in civil or criminal matters in a country in which the common law is Roman-Dutch or English and English is an officially recognised language; or

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(b) for at least seven years, whether continuously or not, he or she has been qualified to practise as a legal practitioner—

(i) in Zimbabwe; or

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(ii) in a country in which the common law is Roman-Dutch and English is an officially recognised language; or

(iii) if he or she is a Zimbabwean citizen, in a country in which the common law is English and English is an officially recognised language;

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and is currently so qualified to practise.

(2) Additionally, to be appointed as a judge of the Labour Court a person must be a fit and proper person to hold office as a judge.”.

4. In section 86 (“Assessors”) (1), (2) and (3) by the deletion of “Senior President” and the substitution of “Judge President”.

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5. In section 87 (“Registrar of Labour Court”)—

(a) in subsection (1) by the deletion of “Public Service” and the substitution of “Judicial Service”;

(b) in subsection (3) by the deletion of “Senior President” and the substitution of “Judge President”.

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6. In section 89 (“Functions, powers and jurisdiction of Labour Court”) (4) by the deletion of “President of the Labour Court” and the substitution of “Judge of the Labour Court”.

7. In section 90 (“Exercise of functions by Labour Court”) by the deletion of “Presidents” and the substitution of “Judges” wherever it appears.

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8. In section 91 (“Sittings of Labour Court”) by the deletion of “Senior President” and the substitution of “Judge President”.

9. In section 92 (“Representation of parties”) by the insertion of a the following subsection after (b)—

“(c) a company director, company secretary, company legal advisor or person in charge of human resources or personnel management on behalf of an employer.”.

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**PART CXXIV**

**REGIONAL, TOWN AND COUNTRY PLANNING ACT [CHAPTER 29:12]**

1. In section 35 (“Powers to remove, demolish or alter existing buildings or discontinue or modify uses or operations or require abatement of injury”) by the deletion

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of “President of the Administration Court” and the substitution of “Judge of the Administration Court” wherever it appears.

2. In section 38 (“Appeals”) by the deletion of “President of the Administration Court” and the substitution of “Judge of the Administration Court” wherever it appears.

3. In section 41 (“Setting aside of land and payment of moneys”) by the deletion of “President of the Administration Court” and the substitution of “Judge of the Administration Court” wherever it appears.

4. In section 44 (“Appeals”)(1) by the deletion of “President of the Administration Court” and the substitution of “Judge of the Labour Court”.

5. In section 46 (“Expropriation of land”) by the deletion of “President of the Administration Court” and the substitution of “Judge of the Administration Court” wherever it appears.

6. In section 48 (“Acquisition of building subject to building preservation order”) by the deletion of “President of the Administration Court” and the substitution of “Judge of the Administration Court” wherever it appears.

7. In section 59 (“Composition of Court”) by the deletion of “President of the Administration Court” and the substitution of “Judge of the Administration Court where it appears”.

8. In section 61 (“Appeal to Supreme Court on point of law”) by the deletion of “President of the Administration Court” and the substitution of “Judge of the Administration Court” wherever it appears.

#### PART CXXV

##### URBAN COUNCILS ACT [CHAPTER 29:15]

In section 241 (“Establishment and constitution of valuation board”) (3) by the deletion of “President of the Administration Court” and the substitution of “Judge of the Administration Court”.

#### PART CXXVI

##### TRADITIONAL LEADERS ACT [CHAPTER 29:17] (NO. 25 OF 1998)

1. In section 37 (“Council of Chiefs”) by the repeal of subsection (4) and the substitution of—

“(4) Subject to subsections (5), (6) and (7), every Chief elected to the Council shall hold office as a member thereof for a period of five years concurrent with the life of Parliament referred to in section 143(1) of the Constitution, or a lesser period where the President earlier dissolves Parliament in terms of section 143(3) of the Constitution, in which event term of office of the Chief as a member of the Council shall terminate on the expiration of such lesser period:

Provided that the Chief shall continue in office as a member of the Council until the Chief is re-elected or another Chief is elected in his or her place.”.

2. In section 45 (“Election of chief, headman or village head to political office”)(1) by the deletion of “paragraph (a) subsection (1) of section 38 of the Constitution” and the substitution of “section 281 (1) of the Constitution”.

**SECOND SCHEDULE (ITEM 16 OF PART VI)**  
MINOR AMENDMENTS TO ELECTORAL ACT [*CHAPTER 2:13*]

<i>Provision</i>	<i>Extent of Amendment</i>
Part IV (title)	By the deletion of the title thereto and the substitution of “Voter Registration Functions of Commission”.
Section 21(1)	By the deletion of “constituency registrar” and the substitution of “registration office”.
Section 22A(1)(3)(a)	By the deletion of “or to cast a special vote”.
Sections 25(4), 26(1) and (2), 27 (title), (2)(b), (3)(b)(i) and (ii), (4), 28(2)(b), (4) and (5), 29(1)(d) and (e), 31, 33(4), 37(1)(b), 77(4), 78(1)(c)	By the deletion of “constituency registrar” and the substitution of “voter registration officer”.
Sections 22, 24(3), 25(3), 27(1), (3)(a), (6) and (7), 28(3)(a) and (6), 32(2) and (3), 33(1) and (2), 33(5), 36A(3), 36B, 190(1)	By the deletion of “constituency registrar” wherever it occurs and the substitution of “voter registration officer”.
Sections 24(4)	By the deletion of “Registrar-General of Voters” (wherever it occurs) and “constituency registrar” and the substitution of “Commission” and “voter registration officer” respectively.
Sections 23(1) (proviso), 24(2), 25(2) and (6), 36A(5)33(2) (a), 35(1)(a), 36B(b), 190(1)	By the deletion of “Registrar-General of Voters” and the substitution of “Commission”.
Sections 23(4) and 24(6)	By the deletion of “Chief Elections Officer, Registrar-General of Voters, any constituency registrar” and the substitution of “Commission, any voter registration officer”.
Section 24(1)	By the deletion of “constituency registrar, deputy constituency registrar or assistant constituency registrar” and the substitution of “voter registration officer”.
Section 24(7)	By the deletion of “Chief Elections Officer, Registrar-General of Voters or constituency registrar” and the substitution of “Commission or voter registration officer”.
Section 25(1)(proviso)	By the deletion of “Registrar-General of Voters for his or her” and the substitution of “Commission for its”.
Sections 25(5)	By the deletion of “constituency registrar” (wherever it occurs) and “constituency registrars” and the substitution of “voter registration officer” and “voter registration officers” respectively.

<i>Provision</i>	<i>Extent of Amendment</i>
Section 25(6)	By the deletion of “Registrar-General of Voters or a constituency registrar” and the substitution of “Commission or a voter registration officer”.
Sections 32(1)	By the deletion of “constituency registrars” and the substitution of “voter registration officers”.
Section 35(2) and (3)	By the deletion of “Registrar-General of Voters or constituency registrar” and the substitution of “Commission or voter registration officer”.
Sections 46(16)(a) and (b)	By the deletion of “House of Assembly” and the substitution of “National Assembly”.
Sections 51(16)(a) and (b)	By the deletion of “House of Assembly” and the substitution of “National Assembly”.
Section 52A(c)	By the deletion of ““and special polling stations”.
Section 190(2)	By the deletion of “Registrar-General of Voters or constituency registrar” wherever it occurs and the substitution of “Commission or voter registration officer”.