

General Laws Amendment Act, 2005

Act No. 6 of 2005.

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ACT

To amend section 9 of the Statute Law Compilation and Revision Act [*Chapter 1:03*], the Maintenance Act [*Chapter 5:09*], section 4 of the Judges Salaries, Allowances and Pensions Act [*Chapter 7:08*], sections 13 and 14 of the Judicial College Act [*Chapter 7:17*], the Service of Documents (Telegraph) Act [*Chapter 8:13*], section 346A of the Criminal Procedure and Evidence Act [*Chapter 9:07*], sections 6 and 7 of the Miscellaneous Offences Act [*Chapter 9:15*], section 63 of the Serious Offences (Confiscation of Profits) Act [*Chapter 9:17*], section 9 of the Stock Theft Act [*Chapter 9:18*], the First Schedule to the Criminal Law (Codification and Reform) Act [*Chapter 9:23*] (No. 23 of 2004), section 18 of the Betting and Totalizator Control Act [*Chapter 10:02*], section 5 of the Pools Control Act [*Chapter 10:19*], section 6 of the Presidential Powers (Temporary Measures) Act [*Chapter 10:20*], section 5 of the Lotteries and Gaming Act [*Chapter 10:26*] (No. 26 of 1998), the Defence Act [*Chapter 11:02*], sections 2 and 30 of the War Victims Compensation Act [*Chapter 11:16*], the Public Order and Security Act [*Chapter 11:17*] (No. 1 of 2002), sections 98 and 103 of the Postal and Telecommunications Act [*Chapter 12:05*] (No. 4 of 2000), the Electricity Act [*Chapter 13:19*] (No. 4 of 2002), section 1 of the Rural Electrification Fund Act [*Chapter 13:20*] (No. 3 of 2002), section 4 of the Copper Control Act [*Chapter 14:06*], section 3 of the Moneylending and Rates of Interest Act [*Chapter 14:14*], section 4 of the Second-hand Goods Act [*Chapter 14:16*], section 19 of the Health Service Act [*Chapter 15:16*] (No. 28 of 2004), the Acquisition of Farm Equipment and Material Act [*Chapter 18:23*] (No. 7 of 2004), sections 6, 13 and 119 of the Water Act [*Chapter 20:24*] (No. 31 of 1998), the Environmental Management Act [*Chapter 20:27*] (No. 11 of 2002), section 6 of the Exchange Control Act [*Chapter 22:05*], the Banking Act [*Chapter 24:20*], the Boxing and Wrestling Control Act [*Chapter 25:02*], the Legal Practitioners Act [*Chapter 27:07*], and sections 193 and 196 of the Urban Councils Act [*Chapter 29:15*]; and to update cross-references to the Children's Act [*Chapter 5:06*] in certain acts.

ENACTED by the President and the Parliament of Zimbabwe.

1 Short title

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

2 Amendment of section 9 of Cap. 1:03¹

Section 9 ("Appointment of Law Reviser") of the Statute Law Compilation and Revision Act [*Chapter 1:03*] is amended by the insertion after subsection (3) of the following subsection—

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

3 Amendment of Cap. 5:09

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

- (a) in section 2 ("Interpretation") by the deletion from the definition of "probation officer" of "Protection and Adoption";
- (b) in section 6 ("Making of order") (5) by the deletion from paragraph (a) of the proviso of "ten dollars per month" and the substitution of "the minimum monthly wage specified in terms of section 20 ("Minimum wage notices") of the Labour Act [*Chapter 28:01*]";
- (c) in section 7 ("Effect of direction") (1) by the deletion of "Protection and Adoption";
- (d) in section 23 ("Criminal offence for failing to comply with maintenance order") (5) by the deletion of "Protection and Adoption".

4 Amendment of section 4 of Cap. 7:08

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

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

"(2a) The Minister shall as soon as is practicable publish by notice in the *Gazette* the terms and conditions fixed by the President under subsection (1) subject to which pension benefits shall be paid."
- (b) in subsection (3) by the deletion of "Protection and Adoption".
- (c) by the insertion after subsection (4) of the following subsection—

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

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

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

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

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

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

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

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

6 Amendment of Cap. 8:13

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

“4 Repeal of Act

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

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

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

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

8 Amendment of Cap. 9:15

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

- (a) in section 6 (“Penalty for certain other offences”) by the deletion of “a fine not exceeding ten thousand dollars” and the substitution of “a fine not exceeding level seven”;

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

9 Amendment of section 63 of Cap. 9:17

Section 63 (“Money-laundering”) (4) of the Serious Offences (Confiscation of Profits) Act [*Chapter 9:17*] is amended by the deletion from—

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

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

(b) paragraph (b) of “five hundred thousand dollars” and the substitution of “level fourteen”.

10 Amendment of section 9 of Cap. 9:18

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

11 New Schedule substituted for First Schedule to Cap. 9:23³

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

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

STANDARD SCALE OF FINES

<i>Level</i>	<i>Monetary amount</i> \$
1	50 000,00
2	120 000,00
3	250 000,00
4	500 000,00
5	1 000 000,00
6	2 000 000,00
7	4 000 000,00
8	6 000 000,00
9	7 500 000,00
10	10 000 000,00
11	12 500 000,00
12	15 000 000,00
13	20 000 000,00
14	25 000 000,00".

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

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

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

12 Amendment of section 18 of Cap. 10:02

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

13 Amendment of section 5 of Cap. 10:19

Section 5 (“Licence fees and pool betting tax”) (1) and (2) of the Pools Control Act [*Chapter 10:19*] is amended by the deletion of “fixed by Act of Parliament” and the substitution of “prescribed”.

14 Amendment of section 6 of Cap. 10:20

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

15 Amendment of section 5 of Cap. 10:26

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

16 Amendment of Cap. 11:02

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

- (a) in section 78 (“Interpretation in Part VIII”) by the repeal of the definition of “judges” and the substitution of—
 - ““judges” means the Chief Justice and other judges of the Supreme Court;”;
- (b) in section 79 (“Establishment, practice and procedure of Court Martial Appeal Court”)—
 - (i) in subsections (1) and (3) by the deletion of “Judge President” and the substitution of “Chief Justice”;
 - (ii) in subsection (4) by the deletion of “and the Judge President, after consultation with a committee appointed by the Chief Justice,”;
- (c) by the repeal of section 88A (“Appeals from decisions of Appeal Court”).

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

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

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

18 Amendment of Cap. 11:17

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

- (a) in section 11 (“Harbouring, concealing or failing to report insurgent, bandit, saboteur or terrorist”) in—
 - (i) subsection (1) by the deletion of “two hundred thousand dollars” and the substitution of “level twelve”;
 - (ii) subsection (2) by the deletion of “fifty thousand dollars” and the substitution of “level seven”;
 - (iii) subsection (4) by the deletion of “one hundred thousand dollars” and the substitution of “level ten”;
- (b) in section 12 (“Causing disaffection among Police Force or Defence Forces”) by the deletion of “twenty thousand dollars” and the substitution of “level seven”;
- (c) in section 13 (“Possession of dangerous weapons”) (1) by the deletion of “two hundred thousand dollars” and the and the substitution of “level twelve”;
- (d) in section 14 (“Temporary prohibition of possession of certain weapons within particular police districts”) (1) and (2) by the deletion of “ten thousand dollars” and the and the substitution of “level five”;
- (e) in section 15 (“Publishing or communicating false statements prejudicial to the State”) (1) and (2) by the deletion of “one hundred thousand dollars” and the and the substitution of “level ten”;
- (f) in section 16 (“Undermining authority of or insulting President”) (2) by the deletion of “twenty thousand dollars” and the substitution of “level six”;
- (g) in section 17 (“Public violence”) (1) by the deletion of “one hundred thousand dollars” and the substitution of “level twelve”;
- (h) in section 18 (“Throwing articles at persons, motor vehicles, etc.”) by the deletion of “one hundred thousand dollars” and the substitution of “level twelve”;
- (i) in section 19 (“Gatherings conducing to riot, disorder or intolerance”) (1) by the deletion of “fifty thousand dollars” and the substitution of “level ten”;
- (j) in section 20 (“Assaulting or resisting peace officer”) by the deletion of “two hundred thousand dollars” and the and the substitution of “level twelve”;
- (k) in section 21 (“Undermining of police authority”) by the deletion of “twenty thousand dollars” and the and the substitution of “level seven”;
- (l) in section 22 (“Intimidation”) by the deletion of “one hundred thousand dollars” and the substitution of “level ten”;
- (m) in section 24 (“Organiser to notify regulating authority of intention to hold public gathering”) (6) by the deletion of “ten thousand dollars” and the substitution of “level five”;
- (n) in section 25 (“Regulation of public gatherings”) (9) by the deletion of “ten thousand dollars” and the substitution of “level five”;
- (o) in section 26 (“Prohibition of public gatherings to avoid public disorder”) by the deletion of “ten thousand dollars” and the substitution of “level five”;

- (p) in section 27 (“Temporary prohibition of holding of public demonstrations within particular police districts”) (5) by the deletion of “five thousand dollars” and the substitution of “level six”;
- (q) in section 30 (“Prohibition of offensive weapons at public gatherings”) (2) by the deletion “one hundred thousand dollars” and the substitution of “level ten”;
- (r) in section 31 (“Disrupting public gatherings”) by the deletion of “fifty thousand dollars” and the substitution of “level seven”;
- (s) in section 33 (“Cordon and search”) (2) by the deletion of “ten thousand dollars” and the substitution of “level five”;
- (t) in section 34 (“Powers of stopping and searching”) (3) by the deletion of “ten thousand dollars” and the substitution of “level six”;
- (u) in section 35 (“Powers of police officers in relation to aircraft, aerodromes and airstrips”) (6) by the deletion of “ten thousand dollars” and the substitution of “level six”;
- (v) in section 40 (“Special jurisdiction of magistrates”) (1) by the deletion—
 - (i) in paragraph (a) of “seventy-five thousand dollars” and the substitution of “level eight”;
 - (ii) in paragraph (b) of “two hundred thousand dollars” and the substitution of “level twelve”;
 - (iii) in paragraph (c) of “three hundred thousand dollars or imprisonment for a period not exceeding fifteen years” and the substitution of “level fourteen or imprisonment for a period not exceeding twenty years”.

19 Amendment of sections 98 and 103 of Cap. 12:05

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

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

20 Amendment of Cap. 13:19

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

- (a) in section 14 (“Commissioners to disclose certain connections and interests”) by the deletion of “two thousand dollars” and the substitution of “level four”;
- (b) in section 23 (“Penalty for witness failing to attend hearing or give evidence or produce documents”) by the deletion of “two thousand five hundred dollars or to imprisonment for a period not exceeding three months” and the substitution of “level five or to imprisonment for a period not exceeding six months”;
- (c) in section 31 (“Powers of auditors”) (2) by the deletion of “one thousand dollars” and the substitution of “level four”;
- (d) in section 40 (“Licensing requirement”) (3) by the deletion of “two hundred thousand dollars” and the substitution of “level fourteen”;

- (e) in section 60 (“False statements and declarations”) by the deletion of “ten thousand dollars or to imprisonment for a period not exceeding six months” and the substitution of “level seven or to imprisonment for a period not exceeding two years”;
- (f) in section 61 (“Other offences”) by the deletion of “ten thousand dollars or to imprisonment for a period not exceeding six months” and the substitution of “level seven or to imprisonment for a period not exceeding two years”;
- (g) in section 65 (“Regulations”) by the deletion of “five thousand dollars or, in default of payment, imprisonment for a period not exceeding six months” and the substitution of “level five or, in default of payment, imprisonment for a period not exceeding six months or to both such fine and such imprisonment”;
- (h) in section 66 (“Disclosure of confidential information and use of information acquired by inspectors, etc., for personal gain”) by the deletion of “five hundred thousand dollars or to imprisonment for a period not exceeding two years” and the substitution of “level fourteen or to imprisonment for a period not exceeding five years”.

21 Amendment of section 1 of Cap. 13:20

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

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

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

22 Amendment of Cap. 14:06

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

23 Amendment of section 3 of Cap. 14:14

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

24 Amendment of Cap. 14:16

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

25 Amendment of section 19 of Cap. 15:16⁴

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

⁴ Votes and Proceedings, 30th August, 2005, page 276

26 New section substituted for section 10 of Cap. 18:23⁵

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

"10 Use of acquired farm equipment or material

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

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

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

27 Amendment of Cap. 20:24

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

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

28 Amendment of Cap. 20:27

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

- (a) in section 7 ("Establishment of a National Environmental Council") (1)(a) by the deletion of "Permanent Secretaries" and the substitution of "Secretaries";
- (b) in section 37 ("Powers of officers and inspectors")—
 - (i) in subsection (2) by the deletion of "an inspector" and the substitution of "an officer or inspector";
 - (ii) in subsection (4) by the deletion of "An inspector may" and the substitution of "An officer or inspector may";
- (c) in section 57 ("Water pollution prohibition") (1) by the deletion of "for imprisonment for a period not exceeding five years, or to a fine not exceeding five million dollars" and the substitution of "to a fine not exceeding level fourteen or fifteen million dollars, whichever is the greater, or to imprisonment for a period not exceeding five years";
- (d) in section 63 ("Air quality standards") (2) by the deletion of "imprisonment for a period of not more than five years or to a fine of not more than fifteen million dollars"

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

and the substitution of “a fine not exceeding level fourteen or fifteen million dollars, whichever is the greater, or to imprisonment for a period not exceeding five years”;

- (e) in section 142 (“Amendments of Acts”) by the insertion of the following subsection, the existing section becoming subsection (1)—

“(2) Notwithstanding subsection (1), any statutory instruments which immediately before the fixed date were in force under the Acts referred to in subsection (1) shall remain in force as if they had been made under this Act.”;

- (f) in section 144 (“Repeals of Caps. 20:03, 15:05 and 19:07”) by the insertion of the following subsection, the existing section becoming subsection (1)—

“(2) Notwithstanding subsection (1), any statutory instruments which immediately before the fixed date were in force under the Acts referred to in subsection (1) shall remain in force as if they had been made under this Act.”;

- (g) in the Sixth Schedule by the deletion at the end of Part IX of “The Minister may serve a written order to obtain information or data for the purpose of enabling the Minister to determine what measures should be taken for the management and protection.”.

29 Amendment of section 6 of Cap. 22:05

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

30 Amendment of sections 3 and 8 of Cap. 24:20

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

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

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

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

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

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

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

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

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

31 Amendment of Cap 25:02

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

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

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

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

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

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

“10 Funds of Board

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

- (a) any moneys that may be payable to it from moneys appropriated for the purpose by Act of Parliament; and
- (b) fees received by it in pursuance of any regulation made under section *nine*; and
- (c) any funds received by way of gifts or from any other sources whatsoever.

(2) The Board shall cause full and correct accounts to be kept of all amounts received and expended by it.”.

- (d) in section 11 (“Annual report and financial statement”) (2)—

- (i) by the deletion of “the 1st July” and the substitution of “the 1st January”;
- (ii) by the deletion of “the 30th June” and the substitution of “the 31st December”.

32 Amendment of Cap. 27:07

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

- (a) in section 7 ("Exemption certificate") (1) by the deletion where it appears for the first time of "a reciprocating country" and the substitution of "but is from a reciprocating country";
- (b) in section 12 ("Prohibition against practice without practising certificate") in the proviso by the insertion after proviso (b) of the following proviso—

"or

(c) a person who is in the full-time employment of the Zimbabwe Revenue Authority, established by section 3 of the Revenue Authority Act [*Chapter 23:11*] (No. 17 of 1999), and who performs services for the Zimbabwe Revenue Authority as a legal practitioner, in relation to things done in the course of his employment.";

(c) by the repeal of section 82 and the substitution of—

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

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

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

(a) the Fiscal Appeal Court established in terms of section 3 of the Fiscal Appeal Court Act [*Chapter 23:05*]; or

(b) the Special Court for Income Tax Appeals established in terms of section 64 of the Income Tax Act [*Chapter 23:06*];

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

33 Amendment of section 193 and 196 of Cap. 29:15

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

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

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

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

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

34 Amendment of Acts

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

SCHEDULE (Section 34)

AMENDMENT OF ACTS

PART I

PARLIAMENTARY PENSIONS ACT [*Chapter 2:02*]

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

PART II

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

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

PART III

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

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

PART IV

CHILD ABDUCTION ACT [*Chapter 5:05*]

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

PART V

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

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

PART VI

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

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

PART VII

INFANTICIDE ACT [*Chapter 9:12*]

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

PART VIII

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

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

PART IX

WAR PENSIONS ACT [*Chapter 11:14*]

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

PART X

WAR VETERANS ACT [*Chapter 11:15*]

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

PART XI

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

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

PART XII

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

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

PART XIII

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

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

PART XIV

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

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

PART XV

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

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