

TITLE 20

Chapter 20:01

PREVIOUS CHAPTER**AGRICULTURAL LAND SETTLEMENT ACT**

Acts 59/1969, 4/1971, (s. 39), 59/1973, 29/1974, 42/1975, 42/1976 (s. 9), 22/1977, 21/1978, 8/1988, 18/1989 (s. 17), 22/1992 (s. 6), 14/1999, 2/2000, 22/2001, 13/2002; R.G.N. 217/1970; S.I. 675/1979,

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.

PART II

AGRICULTURAL LAND SETTLEMENT BOARDS

3. Establishment and constitution of Agricultural Land Settlement Board.
4. Chairman and deputy chairman of Board.
5. Terms of office and conditions of service of members.
6. Disqualification for appointment as member.
- 6A. Vacation of office by member.
- 6B. Minister may require member to vacate office or may suspend him.
- 6C. Filling of vacancies.
- 6D. Meetings and decisions of Board.
- 6E. Committees of Board.
- 6F. Minutes of proceedings of Board and committees.
- 6G. Secretary of Board.
- 6H. Remuneration and expenses of members of Board and committees.
- 6I. Members of Board and committees to disclose certain connections and

interests.

- 6J. Right of certain officers to attend meetings, etc., of Board and committees.
- 6K. Validity of decisions and acts of Board.

PART IIA

FUNCTIONS OF BOARD

- 6L. Functions of Board.
- 6M. Board may recommend schemes and other provisions.
- 6N. Board to report annually.

PART III

LAND SETTLEMENT

7. Minister may make provision for land settlement, etc.
8. Minister may issue leases.
9. Application for leases to be referred to Board.
10. Matters to be considered by Board.
11. Issue of lease.
12. President may retake for public purposes.
13. Prohibition of cession, etc.
14. Grant of title.
15. Insolvency of lessee.
16. Death or insanity of lessee.

17. Termination or cancellation of lease.
18. Rights and duties on termination or cancellation of lease.
19. Improvements.

PART IV

CONTROL AND OCCUPATION OF AGRICULTURAL LAND

20. Minister may require Board to carry out investigation.
21. Duty of Board to carry out investigations and report.
22. Minister may give order to owner or lessee.
23. Minister may give order to occupiers.
24. Minister to give notice of proposal to make order.
25. Minister may revoke or vary order.
26. Extension of time.
27. Appeal against order.
28. Entry upon land for purpose of this Part.
29.
[repealed by Act 22 of 2001, with effect from the 20th May, 2002.]

PART V

AGRICULTURAL LAND SETTLEMENT APPEAL BOARD

30. Establishment of Agricultural Land Settlement Appeal Board.
31. Composition of Appeal Board.
32. Powers of Appeal Board.
33. Minister to comply with recommendations.
34. Finality of decisions of Appeal Board.
35. Regulations relating to Appeal Board.

PART VI

GENERAL

36. Appointment of inspectors.
37. Entry upon land.
38. Offences and penalties.
39. Regulations.
40. Savings.

AN ACT to provide for the establishment of an Agricultural Land Settlement Board and to prescribe the functions and duties thereof; to provide for the settlement of persons on, and the alienation of, agricultural land; and to provide for matters incidental to and connected with the foregoing.

[Date of commencement: 1st January, 1970.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Agricultural Land Settlement Act [Chapter 20:01].

2 Interpretation

(1) In this Act—

“alienate” includes lease;

“appeal board” means the Agricultural Land Settlement Appeal Board established in terms of Part V;

“Board” means the Agricultural Land Settlement Board established by section three;

“farm” means any area of land which is not within—

(a) parks and wild life land or forest land; or

(b) a municipal area, town area or local government area as defined in the Urban Councils Act [Chapter 29:15];

(c) a town ward of a rural district council or an area that has been declared

- a specified area in terms of the Rural District Councils Act [Chapter 29:13]; or
- (d) the area of any township as defined in the Land Survey Act [Chapter 20:12]; or
 - (e) State land the layout of which has been approved in terms of—
 - (i) section 127 of the Town and Country Planning Act [Chapter 213 of 1974]; or
 - (ii) section 43 of the Regional, Town and Country Planning Act [Chapter 20:12];

“holding” means land leased in terms of this Act;

“lease” includes the tenure of a holding after the right to purchase the holding has been exercised and until title has been issued in respect thereof;

“member” means a member of the Board;

[Definition of “member” as inserted by section 2 of Act 2 of 2000]

“Minister” means the Minister of Lands and Water Resources or any other Minister to whom the President may, from time to time, assign the administration of this Act.

PART II

AGRICULTURAL LAND SETTLEMENT BOARD

3 Establishment and constitution of Agricultural Land Settlement Board

(1) There is hereby established a board, to be known as the Agricultural Land Settlement Board, which shall consist of not less than five and not more than twelve members appointed by the Minister after consultation with the President and in accordance with any directions the President may give him.

(2) The Minister shall choose the persons to be appointed as members for their ability and experience in agriculture, business or administration and their suitability otherwise for appointment as members.

[Section 3 as substituted by section 3 of Act 2 of 2000]

4 Chairman and deputy chairman of Board

(1) At their first meeting, and thereafter whenever it is necessary to do so, the members shall appoint one of their number to be chairmen and another to be deputy chairman of the Board.

(2) The chairman and deputy chairman of the Board shall hold office as such for as long as they remain members, unless they earlier resign their offices as such or the Board resolves to appoint another person in their stead.

(3) The deputy chairman of the Board shall perform the chairman’s functions whenever the chairman is unable to perform them or the office of chairman is vacant.

[Section 4 as substituted by section 3 of Act 2 of 2000]

5 Terms of office and conditions of service of members

(1) A member shall, subject to this Part, hold office for such period, not exceeding three years, as the Minister may fix on his appointment.

(2) Subject to section six H, a member shall hold office on such conditions as the Minister may in his case fix.

(3) A retiring member shall be eligible for re-appointment.

[Section 5 as substituted by section 3 of Act 2 of 2000]

6 Disqualification for appointment as member

(1) In this section—

“statutory body” means—

- (a) any commission established by the Constitution; or
- (b) any body corporate established by or under an Act for the special purposes specified in that Act, the membership of which consists wholly or mainly of persons appointed by the President, a Vice-President, a Minister or any statutory body or by a commission established by the Constitution.

(2) The Minister shall not appoint a person as a member and no person shall be qualified to hold office as a member who—

(a) has in terms of a law in force in any country—

(i) been adjudged or otherwise declared insolvent or bankrupt and has been rehabilitated or discharged; or

(ii) made an assignment to or arrangement or composition with his creditors which has not been rescinded or set aside;

or

(b) has within the period of five years immediately preceding the date of his proposed appointment, been convicted—

(i) with Zimbabwe of a criminal offence; or

(ii) outside Zimbabwe of an offence by whatever name called which if committed in Zimbabwe, would have been a criminal offence;

and sentenced by a court to imprisonment for a term of six months or more, without the option of a fine, whether or not such sentence has been suspended, and has not received a free pardon.

(3) A person who is—

(a) a member of Parliament; or

(b) a member of two or more other statutory bodies;

shall not be appointed as a member, nor shall he be qualified to hold office as a member.

(4) For the purposes of paragraph (b) of subsection (3), a person who is appointed to a council, board or other authority which is a statutory body or which is responsible for the administration of the affairs of a statutory body shall be regarded as a member of that statutory body.

[Section 6 as substituted by section 3 of Act 2 of 2000]

6A Vacation of office by member

A Member shall vacate his office and his office shall become vacant—

(a) one month after the date he gives notice in writing to the Minister of his intention to resign his office or after the expiry of such shorter period as he and the Minister may agree; or

(b) thirty days after the date he is sentenced by a court to imprisonment referred to in paragraph (b) of subsection (2) of section six after conviction of an offence referred to in that paragraph:

Provided that, if during the said period of thirty days an application for a free pardon is made or an appeal is filed, the question whether the member is to vacate his office shall not be determined until the final disposal of such application or appeal, whereupon the member shall forthwith vacate his office and his office shall become vacant unless he is granted a free pardon, his conviction is set aside, his sentence is reduced to a term of imprisonment of less than six months or a punishment other than imprisonment is substituted; or

(c) if he becomes disqualified in terms of paragraph (a) of subsection (2) of section six or in terms of subsection (3) of that section to hold office as a member; or

(d) if he is required in terms of section six B to vacate his office.

[Section 6A as inserted by section 3 of Act 2 of 2000]

6B Minister may require member to vacate office or may suspend him

(1) The Minister may require a member to vacate his office if the Minister is satisfied that the member—

(a) has been guilty of improper conduct as a member; or

(b) has failed to comply with the conditions of his office fixed by the

Minister in terms of subsection (2) of section five; or

(c) if he is absent without the permission of the Board from three consecutive meetings of the Board or of any committee of the Board of which he is a member and of which he has had notice; or

(d) is mentally or physically incapable of efficiently performing his duties as a member.

(2) The Minister may suspend from office a member against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment without the option of a fine may be imposed and, whilst that member is so suspended, he shall not carry out any duties or be entitled to any remuneration as a member.

[Section 6B as inserted by section 3 of Act 2 of 2000]

6C Filling of vacancies

On the death of, or vacation of office by, a member the Minister may appoint a person to fill the vacancy until the expiry of the period during which the member would, but for his death or the vacation of his office, have continued in office.

[Section 6C as inserted by section 3 of Act 2 of 2000]

6D Meetings and decisions of Board

(1) The Board shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and proceedings as it thinks fit.

(2) The chairman of the Board may himself at any time, and shall at the request in writing of not less than two members, convene a special meeting of the Board, which meeting in the latter case shall be convened for a date not less than seven days or more than thirty days after the receipt of such request.

(3) The chairman or, in his absence, the deputy chairman shall preside at all meetings of the Board at which he is present.

(4) If neither the chairman nor the deputy chairman of the Board are present at any meeting of the Board, the members present shall elect one of their number to preside as chairman at that meeting.

(5) Half the members shall form a quorum at any meeting of the Board.

(6) All acts, matters or things authorised or required to be done by the Board may be decided by a majority vote at a meeting of the Board at which a quorum is present.

(7) At all meetings of the Board each member present shall have one vote on a question before the Board and, in the event of an equality of votes, the chairman shall have a casting vote in addition to a deliberative vote.

(8) Any proposal circulated among all members and agreed to in writing by a majority of all members shall be of the same effect as a resolution passed at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such a proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

[Section 6D as inserted by section 3 of Act 2 of 2000]

6E Committees of Board

(1) For the better exercise of its functions the Board may establish one or more committees in which it may vest such of its functions as it thinks fit:

Provided that the vesting of any functions in a committee shall not divest the Board of the functions, and the Board may amend or rescind any decision of the committee in the exercise of its functions.

(2) The chairman of the Board or of a committee may at any time and at any place convene a meeting of that committee.

(3) The procedure of any committee shall be fixed by the Board.

- (4) On the establishment of a committee in terms of subsection (1) the Board—
- (a) shall appoint to that committee at least one member of the Board who shall be the chairman of that committee;
 - (b) may appoint to that committee persons who are not members of the Board.

[Section 6E as inserted by section 3 of Act 2 of 2000]

6F Minutes of proceedings of Board and committees

(1) The Board shall cause minutes of all proceedings of and decisions taken at every meeting of the Board or of a committee of the Board to be entered in books kept for the purpose.

(2) Any minutes referred to in subsection (1) which purport to be signed by the chairman of the meeting to which the minutes relate or by the chairman of the next following meeting of the Board or the committee concerned, as the case may be, shall be accepted for all purposes as prima facie evidence of the proceedings of and decisions taken at the meeting concerned.

(3) The Board shall cause copies of all minutes that have been signed as provided in subsection (2) to be sent without delay to the Minister for his information.

[Section 6F as inserted by section 3 of Act 2 of 2000]

6G Secretary of Board

The Board shall appoint a secretary to assist it in carrying out its functions in terms of the Act.

Provided that the Minister, with the approval of the Public Service Commission, may assign a person employed in his Ministry to act as the Board's secretary.

[Section 6G as inserted by section 3 of Act 2 of 2000]

6H Remuneration and expenses of member of Board and committees

A member of the Board or any committee of the Board shall be paid from moneys appropriated for the purpose by Act of Parliament—

- (a) such remuneration, if any, as the Minister may in his case fix; and
- (b) such allowances as the Minister may fix to meet any reasonable expenses incurred by him in connection with the business of the Board.

[Section 6H as inserted by section 3 of Act 2 of 2000]

6I Members of Board and committees to disclose certain connections and interests

(1) In this section—

“relative”, in relation to a member of the Board or a committee, means the member's spouse, child, parent, brother or sister.

(2) Subject to subsection (4)—

- (a) if a member of the Board or of a committee—
 - (i) knowingly acquires or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Board or the committee; or
 - (ii) owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the member's private interests coming or appearing to come into conflict with his functions as a member; or
 - (iii) knows or has reason to believe that a relative of his—
 - A. has acquired or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Board or the committee; or
 - B. owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the member's private interests coming or appearing to come into conflict with his functions as a member;

or

(b) if for any reason the private interests of a member of the Board or of a committee come into conflict with his functions as a member; the member shall forthwith disclose the fact to the Board or to the committee, as the case may be.

(3) A member referred to in subsection (2) shall take no part in the consideration or discussion of, or vote on, any question before the Board or the committee, as the case may be, which relates to any contract, right, immovable property or interest referred to in that subsection.

(4) Any person who contravenes subsection (2) or (3) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Section 6I inserted by section 3 of Act 2 of 2000, and amended by Act 22 of 2001, with effect from the 10th September, 2002.]

6J Right of certain officers to attend meetings, etc., of Board and committees

(1) Such officers of the Public Service as the Minister may designate shall, subject to subsection (2), be entitled—

(a) to attend meetings of the Board or of a committee of the Board; and

(b) to take part in the proceedings of the Board or of a committee of the

Board;

as if they were members.

(2) An officer referred to in subsection (1) shall not have a vote on a question before the Board or a committee of the Board.

[Section 6J as inserted by section 3 of Act 2 of 2000]

6K Validity of decisions and acts of Board

No decision or act of the Board or act done under the authority of the Board shall be invalid by reason solely because—

(a) the Board consisted of less than the minimum number of members for which provision is made in subsection (1) of section three; or

(b) a person disqualified in terms of section six acted as a member of the Board at the time the decision was taken or the act was done or authorised.

[Section 6K as inserted by section 3 of Act 2 of 2000]

PART IIA

FUNCTIONS OF BOARD

6L Functions of Board

The functions of the Board shall be—

(a) to consider and report upon all applications for leases of holdings in terms of this Act; and

(b) to select and recommend applicants for leases of holdings in terms of this Act; and

(c) to do such things, not inconsistent with this Act, as may be required by the Minister.

[Section 6L as inserted by section 3 of Act 2 of 2000]

6M Board may recommend schemes and other provisions

The Board may recommend to the Minister the establishment of a scheme or the making of other provision for any of the objects referred to in section seven.

[Section 6M as inserted by section 3 of Act 2 of 2000]

6N Board to report annually

As soon as possible after the 1st January in each year the Board shall furnish to the Minister a report on its activities during the previous year.

[Section 6N as inserted by section 3 of Act 2 of 2000]

PART III
LAND SETTLEMENT

7 Minister may make provisions for land settlement, etc.

The Minister may establish schemes or make other provision for all or any of the following objects—

- (a) the settlement of persons on and the alienation to such persons of agricultural land;
- (b) the training of persons in farming;
- (c) the development of the farming industry;
- (d) objects incidental to and connected with any object referred to in paragraph (a), (b) or (c).

8 Minister may issue leases

The Minister may, subject to this Act, issue leases to applicants in respect of holdings of land:

9 Applications for leases to be referred to Board

No lease in respect of a holding of land referred to in section eight shall be issued to an applicant therefor until the application has been referred to the Board for its consideration and report:

Provided that nothing in this section contained shall be construed as requiring the Minister to comply with a recommendation or report of the Board in relation to an application.

10 Matters to be considered by Board

(1) In the exercise of its functions referred to in paragraphs (a) and (b) of section four the Board shall have regard to—

- (a) the age of the applicant;
- (b) the character and legal competence of the applicant to hold, acquire and farm the holding;
- (c) whether the applicant possesses the qualifications and capital necessary to make proper use of the holding, having regard to the purpose for which it is proposed to be alienated;
- (d) any other facts which, in the opinion of the Board, are relevant to the individual applicant or the holding.

(2) The Board shall not recommend an applicant who is a company, unless the company—

- (a) is incorporated under the law of Zimbabwe relating to companies; and
- (b) is legally competent to acquire, hold and farm the holding; and
- (c) possesses or is able to raise share capital which is necessary to make proper use of the holding, having regard to the purpose for which it is proposed to be alienated.

11 Issue of lease

Where the Minister leases a holding to an applicant, such lease, subject to this Act—

- (a) may contain an option to purchase the holding to which it relates;
- (b) shall be on such terms and conditions as may be fixed by the Minister.

12 President may retake for public purposes

(1) The President may, at any time and in such manner and under such conditions as he may deem fit, retake possession of land alienated in terms of this Act or any portion thereof for State, local authority or public purposes on payment to the lessee or grantee, as the case may be, of such compensation as may be agreed upon or, failing such agreement, as may be determined by arbitration.

(2) Moneys required for the payment of compensation referred to in subsection (1) shall be paid out of moneys appropriated for the purpose by Act of Parliament.

13 Prohibition of cession, etc.

(1) A lessee shall not—

(a) cede, assign, hypothecate or otherwise alienate his lease or his rights thereunder or place any other person in possession of his holding;

(b) enter into a partnership for the working of his holding;

without the consent in writing of the Minister.

(2) A transaction entered into by a lessee in contravention of subsection (1) shall be of no force and effect.

14 Grant of title

(1) Where a lease contains an option to purchase and such option has accrued and has been exercised, the lessee shall be entitled to a grant of title in respect of his holding, if—

(a) the whole of the purchase price in respect of the holding has been paid or has been guaranteed to the satisfaction of the Minister; and

(b) all rates and taxes due in respect of the holding to a rural district council have been paid; and

[amended by Act 13 of 2002 with effect from 14th March, 2003.]

(c) the lessee has complied in all respects with this Act as applicable to him and with the terms and conditions of his lease; and

(d) in relation to a lease that commenced on or before the 30th September, 1975, in the case of an individual, the lessee is a citizen of Zimbabwe or, in the case of a company, the majority of the directors thereof are citizens of Zimbabwe; and

(e) in relation to a lease that commenced on or after the 1st October, 1975, in the case of an individual, the lessee is a citizen of Zimbabwe or, in the case of a company, the controlling interest therein is held by a person who is or by persons who are, citizens of Zimbabwe.

(2) The President may in special circumstances approve the grant of title to a lessee in respect of his holding notwithstanding the fact that—

(a) paragraph (c) of subsection (1) has not been complied with; or

(b) an option to purchase has not yet accrued to the lessee; or

(c) in the case of a company, the majority of the directors thereof are not citizens, or the controlling interest therein is not held by a person who is or by persons who are, citizens of Zimbabwe.

(3) A grant of title referred to in subsection (1) or (2) shall be subject to—

(a) the payment by the lessee of any title registration fee and land grant stamp duty;

(b) any servitudes which are registrable against the holding;

(c) the registration or noting against the title of a debt which in terms of any law must be so registered or noted;

(d) the right in terms of this Act of the President to retake the land or any portion thereof;

(e) any special conditions upon which the holding was leased.

(4) Until the grant of title the lessee shall, notwithstanding that all moneys due from him to the State have been paid, continue in possession of the holding under the terms and conditions of his lease, including those under which the lease may be terminated or cancelled, and subject to this Act.

(5) For the purposes of this section, no person or persons shall be regarded as having controlling interest in a company unless such person has or such persons have the power to carry resolutions binding the company in all its affairs, by reason of holding shares in the company, and the power to appoint and dismiss the majority of its directors.

15 Insolvency of lessee

(1) If the estate of a lessee is sequestrated or assigned under the laws relating to insolvency, the trustee or assignee, as the case may be, of his estate may cede the lease to a person approved by the Minister in writing and upon such terms and conditions as may be imposed by the Minister.

(2) If the trustee or assignee, as the case may be, fails within six months, or such longer period as the Minister may in writing approve, after the date of his appointment to cede the lease, the lease shall terminate.

(3) If a lessee which is a company is wound up, the provisions of this section relating to a trustee or assignee shall apply to the liquidator of such company.

16 Death or insanity of lessee

(1) If a lessee dies or is detained as a mentally disordered or defective person under the laws relating to mental disorders or is, by order of a competent court, declared incapable of managing his own affairs, the legal representative of the lessee, including any person empowered by law to administer or to give directions as to the administration of his estate, may, subject to this section, cede the lease to a person approved by the Minister or continue the lease on behalf of the estate upon such terms and conditions as may be imposed by the Minister.

(2) Until the lease is ceded or during the period the legal representative continues the lease on behalf of the estate, as the case may be, the provisions of this Act applicable thereto and the conditions of the lease shall be fulfilled by the legal representative of the estate or on his behalf by a person nominated by him and approved in writing by the Minister.

(3) If the legal representative of the estate—

(a) gives not less than three months' notice to the Minister of his intention to terminate the lease; or

(b) fails within twelve months, or such longer period as the appropriate may approve, of the date of the death of the lessee or of the date of the issue of the order of court directing that the lessee be detained as a mentally disordered or defective person or of the date of issue of the order of court declaring the lessee incapable of managing his own affairs, to notify the Minister in writing that he intends to cede or to continue the lease; or

(c) having notified the Minister of his intention to cede the lease, fails to cede it within such period as may be fixed by the Minister;
the lease shall terminate.

17 Termination or cancellation of lease

(1) A lessee may terminate his lease by giving not less than three months' written notice of his intention to do so.

(2) If a lessee fails to comply with any term or condition of his lease, the Minister may cancel the lease.

18 Rights and duties on termination or cancellation of lease

(1) Upon the termination or cancellation of a lease in terms of section fifteen, sixteen or seventeen the Minister shall have the right to retake possession of and, subject to section nineteen, occupy the holding with all improvements thereon.

(2) The termination or cancellation of a lease in terms of section fifteen, sixteen or seventeen shall not extinguish any debt due from the lessee to the State in terms of the lease.

19 Improvements

(1) Where the lease has been terminated or cancelled in terms of section fifteen, sixteen or seventeen, no compensation shall be payable to the lessee or his trustee, assignee or legal representative, as the case may be, for improvements effected on or

to the holding:

Provided that the Minister may, from moneys appropriated for the purpose by Act of Parliament, make an ex gratia payment to the lessee or his trustee, assignee or legal representative, as the case may be, in respect of such improvements.

(2) In lieu of an ex gratia payment referred to in subsection (1) the Minister may permit the lessee or his trustee, assignee or legal representative, within three months of the termination or cancellation of his lease in terms of section seventeen, to remove any improvements effected by him or on his behalf on or to the holding:

Provided that—

(i) any rent due in respect of the holding, any amount due to the State in respect of any improvement on the holding and any amount outstanding on any loan made to the lessee in respect of the holding or his farming operations on the holding by the State or the Corporation as defined in section 2 of the Agricultural Finance Act is paid or repaid, as the case may be, before such removal;

[Proviso (i) as substituted by section 29 of Act 14 of 1999]

(ii) such removal is effected without injury to the land.

PART III

CONTROL AND OCCUPATION OF AGRICULTURAL LAND

20 Minister may require Board to carry out investigation

In order to ensure that in the interests of Zimbabwe agricultural land is not being occupied adversely in regard to the land or the neighbouring community the Minister may by notice in writing, direct the Board to investigate all the farms or any farm within any area to ascertain whether or not the farms are or farm is, as the case may be, being so occupied.

21 Duty of Board to carry out investigations and report

On receipt of a notice in terms of section twenty the Board shall carry out as expeditiously as possible any investigation directed by the notice and shall report to the Minister thereon.

22 Minister may give order to owner or lessee

(1) Subject to section twenty-four, after considering any report in terms of section twenty-one, the Minister may, by order in writing, served on the owner and, if there is a lessee, on the lessee of the farm concerned direct the owner and the lessee, if any—

(a) not to permit any more than such number of persons, whether employees or otherwise, as is specified in the order; or

(b) to permit only such class of persons as is specified in the order; to occupy the farm and may in such order direct the owner or the lessee or both of them to take measures as may be specified in the order to ensure compliance therewith.

(2) Any owner or lessee of a farm who contravenes or fails to comply with an order served on him in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level nine or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[inserted by Act 22 of 2001, with effect from the 10th September, 2002.]

23 Minister may give order to occupiers

(1) Subject to section twenty-four, where the Minister makes an order in terms of section twenty-two he may, in addition, by order in the Gazette and in a newspaper circulating in the district where the farm concerned is situated, direct such persons or classes of persons as are specified or described in the order to cease to occupy the farm concerned within such period as may be specified in the order and that—

(a) no more than such number of persons; or

(b) no persons other than such class as is specified in the order;

shall occupy the farm until such time as the order is revoked or varied in terms of section twenty-five.

(2) Any person who contravenes or fails to comply with an order in terms of subsection (1) shall be guilty of an offence and liable 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.

[inserted by Act 22 of 2001, with effect from the 10th September, 2002.]

24 Minister to give notice of proposal to make order

(1) Before making an order in terms of section twenty-two or twenty-three the Minister shall give notice of his intention to make such order—

(a) to the owner of the farm concerned and, if there is a lessee, to the lessee; and

(b) to the persons or classes of persons who will be required to cease occupying the farm concerned;

and shall afford such persons the opportunity of making representations in writing in relation to the proposal.

(2) Notice to persons or classes of persons referred to in paragraph (b) of subsection (1) may be given by notice published in a newspaper circulating in the district where the farm concerned is situated.

25 Minister may revoke or vary order

The Minister may at any time—

(a) revoke; or

(b) with the consent of the owner and the lessee, if any, to whom an order was given, vary;

an order made in terms of section twenty-two or twenty-three.

26 Extension of time

If the owner, lessee or occupier of a farm to whom an order in terms of section twenty-two or twenty-three has been given feels that he will be unable to comply with the order within the time specified he may request the Minister to grant an extension of that time and if the Minister refuses to do so or grants him an extension which he considers to be inadequate he may, before the expiry of the specified time, appeal to the Appeal Board.

27 Appeal against order

If the owner, lessee or occupier of a farm to whom an order in terms of section twenty-two or twenty-three has been given is aggrieved by the order he may—

(a) in the case of an owner or lessee, within thirty days of the service of the order;

(b) in the case of an occupier, within thirty days of the giving of notice to him of the order;

appeal against it to the Appeal Board.

28 Entry upon land for purpose of this Part

(1) Any member of the Board or an inspector may at all reasonable times enter upon any farm which is the subject of an investigation or in respect of which an order has been given in terms of this Part, together with such persons, animals, vehicles and appliances as may be necessary for the purposes of conducting such investigation or for ascertaining whether or not the terms of the order are being complied with:

Provided that nothing in this subsection contained shall be construed as authorizing entry into a dwelling-house without the consent of the owner or occupier.

(2) Any person who obstructs, hinders or prevents entry upon a farm 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.

[amended by Act 22 of 2001, with effect from the 10th September, 2002.]

29

[repealed by Act 22 of 2001, with effect from the 20th May, 2002.]

PART IV

AGRICULTURAL LAND SETTLEMENT APPEAL BOARD

30 Establishment of Agricultural Land Settlement Appeal Board

- (1) There is hereby established the Agricultural Land Settlement Appeal Board.
- (2) The Appeal Board shall determine all appeals made to it in terms of this Act.

31 Composition of Appeal Board

(1) Subject to subsection (2), the President of the Appeal Board shall be appointed by the Minister responsible for justice and shall—

(a) hold office on such terms and conditions as the Minister responsible for justice may fix;

(b) be entitled to such remuneration and allowances, if any, as the Minister responsible for justice, after consultation with the Minister responsible for finance, may fix.

(2) The President of the Appeal Board shall be a person who—

(a) is a former judge of the High Court; or

(b) is a president or former president of the Administrative Court; or

(c) is qualified to practise as a legal practitioner in Zimbabwe and who has practised in Zimbabwe as a legal practitioner, whether privately or in the employment of the State, for a period of not less than ten years; or

(d) has been a magistrate in Zimbabwe for not less than ten years.

(3) For the purposes of determining any appeal made to the Appeal Board the President of the Appeal Board shall select two assessors from a panel of names submitted by the Minister responsible for justice after consultation with the Minister.

(4) An assessor who is not in the full-time employment of the State shall be paid such remuneration and allowances as the Minister responsible for justice, after consultation with the Minister responsible for finance, may fix.

32 Powers of Appeal Board

The Appeal Board may, upon any appeal being made to it—

(a) in terms of section twenty-six, grant such extension or extensions from time to time, as it deems fit;

(b) in terms of section twenty-seven—

(i) confirm or quash the order appealed against; or

(ii) recommend to the Minister whose order has been appealed against that he amends the order to such extent or in such manner as may be indicated by the Appeal Board:

Provided that before making any recommendation in terms of this paragraph the Appeal Board shall afford the Minister and the appellant concerned and, where he is not the appellant, the owner or lessee, as the case may be, of the farm concerned a reasonable opportunity of making representations to the Appeal Board relating to the recommendation.

33 Minister to comply with recommendations

The Minister shall comply with any recommendation made by the Appeal Board in terms of subparagraph (ii) of paragraph (b) of section thirty-two and shall amend the order concerned accordingly.

34 Finality of decision of Appeal Board

The decision of the Appeal Board upon an appeal and an order made by the Minister in terms of section thirty-three shall be final, subject to section twenty-five.

35 Regulations relating to Appeal Board

(1) The Minister responsible for justice may, after consultation with the Minister, make regulations providing for all matters which in his opinion are necessary or convenient for carrying out or giving effect to this Part.

(2) Regulations made in terms of subsection (1) may provide for—

(a) regulating appeals to the Appeal Board and the fees payable in connection therewith;

(b) the manner in which assessors shall perform their functions;

(c) the determination of appeals which appear to be frivolous or vexatious;

(d) penalties for contempt, hindrance, obstruction of, or failure to comply with, any order made by the Appeal Board or the President thereof.

PART V

GENERAL

36 Appointment of inspectors

(1) Subject to the laws relating to the Public Service, the Minister may appoint persons as inspectors for the purposes of this Act.

(2) A person appointed as an inspector in terms of subsection (1) shall be issued with a written authority signed by or on behalf of the Minister stating that he has been appointed as an inspector.

37 Entry upon land

(1) An inspector or a person authorized by the Minister may, at all reasonable times, enter upon a holding with such other persons, animals, vehicles and appliances as may be necessary for the purpose of examination of the holding or the farming operations being conducted thereon or ascertaining whether or not the lessee is complying with the terms and conditions of his lease:

Provided that nothing in this section contained shall be construed as authorizing entry into a dwelling-house.

(2) Any person who hinders, obstructs or prevents entry upon a holding 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.

[inserted by Act 22 of 2001, with effect from the 10th September, 2002.]

38 Offences and penalties

Any person who, in connection with an application for a holding, makes a false statement, knowing it to be false or not having reasonable grounds for believing it to be true, shall be guilty of an offence and liable 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.

[substituted by Act 22 of 2001, with effect from the 10th September, 2002.]

39 Regulations

The Minister may make regulations providing for any matter which, in his opinion, is necessary or expedient for carrying out or giving effect to this Act.

40 Savings

(1) Notwithstanding the amendment of the Rural Land Act [Chapter 20:18] by this Act and subject to subsection (2)—

(a) an agreement or transaction entered into or deemed to have been entered into under that Act, and in force immediately before the 1st January, 1970, shall continue in force and Part II and section 64 of Part VI of that Act shall, where applicable in terms of such agreement or transaction, continue to apply thereto;

(b) regulations made or deemed to have been made under that Act and in

force immediately before the 1st January, 1970, shall continue in force until amended or repealed in terms of this Act and shall be deemed to have been made in terms of this Act.

(2) An agreement, transaction or regulation referred to in subsection (1) and the provisions of the Rural Land Act [Chapter 20:18] which are applicable to such agreement or transaction in terms of subsection (1) shall be construed, mutatis mutandis—

(a) as if any reference therein to the Minister, as defined in that Act, were a reference to the Minister as defined in section two;

(b) so as to give effect to the intention that the Minister replaces the Rural Land Board which was established by that Act, is not required to consult with or refer any matter to that Board for advice, consideration, recommendation or report and may act without such consultation or reference and without the advice, recommendation or report of that Board.

(3) Where, notwithstanding subsections (1) and (2), an agreement or transaction referred to in subsection (1) or any term or condition thereof is, by virtue of the amendment of the Rural Land Act [Chapter 20:18] by this Act, rendered inoperative, the Minister may, subject to subsection (4), alter or amend such agreement or transaction or any term or condition thereof in such a manner as may appear to him to be most practicable and convenient for giving such agreement or transaction force and effect in accordance with the intention that, in so far as is possible without derogation from any rights acquired in terms of such agreement or transaction, such agreement or transaction shall be deemed to have been made in terms of this Act.

(4) A person who is aggrieved by any alteration or amendment made to an agreement or transaction in terms of subsection (3) may appeal to the President who may confirm the alteration or amendment or make such alteration or amendment to the agreement or transaction as he thinks the Minister ought to have made and the decision of the President shall be final.

[Go To Top Page](#)

[NEXT CHAPTER](#)