**BILL WATCH 19/2020**

**[24th April 2020]**

**Government Gazettes Update: Part I – 1st to 24th March**

This bulletin lists, and briefly outlines the content of, Statutory Instruments and important General Notices [GNs] published in Government Gazettes, from 1st to 24th March 2020. Those that have already been commented on more fully will have links to the relevant Bill Watches.

Tender Notices not covered GNs from Government, statutory bodies, State-owned enterprises and local authorities under the Public Procurement and Disposal of Public Assets Act and regulations – are not covered. There are far too many of them – as a result of the implementation of the new Public Procurement and Disposal of Public Assets Act and its regulations. Indeed, the time may have come for the Government to think seriously about adopting the South African practice of having a separate Tender Gazette exclusively for such notices.

**Regular Gazette 15 of 6th March**

**Statutory Instruments**

SI 58/2020 *[*[*link*](http://www.veritaszim.net/node/3998)*]* – Collective Bargaining Agreement [Agricultural Industry]

New allowances effective 24th January 2020 for workers in all sub-sectors of the Agricultural Industry.

SI 59/2020 *[*[*link*](http://www.veritaszim.net/node/3999)*]*  – Insurance (Amendment) Regulations

The SI prescribes new amounts for: minimum capital to be held by insurers and insurance brokers; professional indemnity insurance to be held by insurance brokers; professional indemnity insurance and security to be held by multiple agents; fees payable to the Commissioner for registration and licensing under the Insurance Act. It also adds a new section specifying civil penalties payable by agents, and the insurers they represent, for default in taking out or renewing agents' licences.

SI 60/2020 *[*[*link*](http://www.veritaszim.net/node/4000)*]* – Control of Goods (Open General Import Licence) (Amendment)

This SI adds grain, maize meal and wheat flour to the list of goods qualifying for the Open General Import Licence as specified in SI 237A/2018.

SI 61/2020 *[*[*link*](http://www.veritaszim.net/node/4001)*]* – Permission to pay for emergency passports from free funds

This amendment to the Exchange Control regulations allows foreign exchange qualifying as "free funds" to be used in payment for emergency passports.

**Gazettes Extraordinary 16-19A of 9th to 12th March]**

**9th March**

SI 62/2020 *[*[*link*](http://www.veritaszim.net/node/4002)*]* – Land in lieu of Compensation for Land seized under Land Reform Programme

This SI provides for the return of farms seized from only some of the farmers dispossessed under the Land Reform Programme. See Bill Watch 11/2020 *[*[*link*](http://www.veritaszim.net/node/4050)*]* for Veritas' summary and critical analysis.

SI 63/2010 *[*[*link*](http://www.veritaszim.net/node/4008)*]* – Listeners licence fees

New fees – the first since 2009 – for annual listeners licence fees, which should strictly speaking have been in place at the beginning of January. The fees are stated to be "per quarter or part thereof", but legally, in terms of the governing Broadcasting (Listeners Licences) Regulations [SI 245/2003], the obligation is still to take out a licence for the remainder of the year January to December [in the case of a new licence] or the whole of a year January to December [in the case of renewal of an existing licence].

SI 64/2020 *[*[*link*](http://www.veritaszim.net/node/4009)*]* – Excise duties on fuel

New excise duties, payable in US dollars, on petrol, kerosene, and diesel imported using free funds either (1) for own use by companies or (2) by designated fuel service stations for sale in foreign currency *[see also next item for related regulations]*.

**12th March**

SI 65/2020 *[*[*link*](http://www.veritaszim.net/node/4015)*]* – Direct Fuel Imports [DFI]

New regulations under the Petroleum Act allowing the Zimbabwe Energy Regulatory Authority [ZERA] to designate a limited number of DFI retail outlets to sell fuel in foreign currency if the fuel has been obtained by the use of free funds. The regulations impose strict conditions to be observed by DFI retailers, breach of which may attract both civil and criminal penalties.

SI 65A/2020 *[*[*link*](http://www.veritaszim.net/node/4094)*]* – Interest rates on bank accounts

New regulations under the Banking Act specifying the minimum rates of interest that banking institutions must pay on call, demand, savings and fixed deposit accounts and mobile banking trust accounts.

**Regular Gazette 20 of 13th March**

SI 66/2020 *[*[*link*](http://www.veritaszim.net/node/4017)*]* – Collective bargaining agreement [Motor Industry]

New rates for the payment monthly amounts by employees and employers in the industry towards meeting the expenses of the Motor Industry Employment Council.

S 67/2020 *[*[*link*](http://www.veritaszim.net/node/4018)*]* – National Arts Council registration and other fees

An updated schedule of fees in ZWL dollars payable (1) by arts associations, arts promoters, trusts, hotels and restaurants for registration with the NAC and (2) for clearance by NAC of local shows and imported foreign artists, and clearance of production and musical equipment.

SI 68/2020 *[*[*link*](http://www.veritaszim.net/node/4019)*]* – Collective bargaining agreement [Motor Industry]

Wages and cost of living allowance payable December 2019 to February 2020.

SI 69/2020 *[*[*link*](http://www.veritaszim.net/node/4020)*]* – Insurance and Pensions Commission [IPEC] empowered to issue guidelines and standards to insurance and pensions industry

In part-implementation of the recommendations of the Smith Commission *[*[*link*](http://www.veritaszim.net/node/2403)*]*, these brief regulations made by the Minister of Finance and Economic Development under the IPEC Act, empower IPEC to issue general guidelines to the insurance and pensions industry on: the revaluation of assets and liabilities after a currency conversion; disclosures to be made; risk management and corporate governance practices to be followed; market conduct practices. Default in complying with guidelines and standards is subject to a daily administrative penalty to be set by and payable to IPEC [maximum limit level 4 [currently ZWL $1 200] of the standard levels of fines –and if default continues for more than sixty days, prosecution for an offence and a level 5 fine [not exceeding ZWL $2 400] or six months' imprisonment or both.

**Gazettes Extraordinary 21 and 22 of 15th and 17th March**

**15th March**

GN 583/2020 *[*[*link*](http://www.veritaszim.net/node/4021)*]* – 12 month Suspension of fungiblity of dual-listed shares

There were no SIs in this Gazette. But this GN by the Minister of Finance and Economic Development, in his capacity as overall Exchange Control authority, suspended until 12th March 2021 the fungibility of shares in Old Mutual Ltd, PPC Ltd and SeedCo International Ltd, companies that have Exchange Control permission to list their shares on stock exchanges outside Zimbabwe. This closed an avenue for legitimate externalisation of funds.

**17th March**

SI 70/2020 – Appointment of Tribunal to Inquire into allegations against Justice Bere

This SI *[*[*link*](http://www.veritaszim.net/node/4027)*]* was a proclamation by President Mnangagwa, acting on the advice of the Judicial Service Commission, appointing a three-member tribunal chaired by retired Justice Mubako to inquire into allegations of conflict of interest against Justice Bere of the Supreme Court and to recommend whether or not he should be removed from office in terms of section 187 of the Constitution.

**Regular Gazette 23 of 20th March**

SIs 71 and 72/2020 – Wild dogs declared specially protected animals

SI 71/2020 *[*[*link*](http://www.veritaszim.net/node/4031)*]* (1)cancels the declaration of wild dogs as problem animals in the Eighth Schedule to the Parks and Wild Life Act, and also repeals SI 80/2004 allowing the hunting and removal of wild dogs, and (2) adds wild dogs to, and otherwise repeats, the existing list of specially protected animals for the purposes of section 128 of the Act. SI 72 *[*[*link*](http://www.veritaszim.net/node/4032)*]* makes a consequential amendment to the Sixth Schedule to the Act, which lists specially protected animals.

SI 73/2020 *[*[*link*](http://www.veritaszim.net/node/4033)*]* – By-laws on Cultivation of crops in Ruwa Local Board council area

Section 2(1) prohibits cultivation of "crops" [not defined] on "any land" in the council area without a permit from the Town Secretary there is no 2(2) specifying a criminal penalty, although a later section penalises a permit-holder who erects any structure on "council land". These carelessly framed by-laws are almost certainly void for lack of clarity.

SIs 74/2020 *[*[*link*](http://www.veritaszim.net/node/4034)*]* – customs duty suspension for development of a mining claim

This SI provides for a 3-year suspension of customs duty on imports for capital development of a mine on mining locations 40245-40252 by Timsite Enterprises (Pvt) Ltd. The mineral mined is not stated.

SI 75/2020 *[*[*link*](http://www.veritaszim.net/node/4035)*]* – customs duty rebate for National Railways of Zimbabwe [NRZ]

This SI extends the rebate of duty on engine spares and special purpose motor vehicles imported by NRZ for another two years, until the end of 2021.

**Gazette Extraordinary 24 of 23rd March**

SI 76/2020 *[*[*link*](http://www.veritaszim.net/node/4036)*]* – Declaration of State of Disaster - COVID-19

By this SI the President confirmed his earlier oral declaration, in terms of the Civil Protection Act, of a state of disaster in Zimbabwe as a result of the global COVID-19 pandemic. The limited effect of the declaration is discussed in Bill Watch 14/2020 *[*[*link*](http://www.veritaszim.net/node/4074)*]*.

SI 77/2020 *[[link](http://www.veritaszim.net/node/4037)]* – COVID-19 Prevention, Containment and Treatment Regulations

These regulations [hereafter "the COVID-19 regulations"] were made by the Minister of Health and Child Care under the new Public Health Act *[*[*link*](http://www.veritaszim.net/node/3190)*]* ["new" because it is an Act of 2017]. Section 3 of the SI declared COVID-19 to be a "formidable epidemic disease" [FED] for the purposes of the Act. This declaration cleared the way for the Minister to use the extraordinary powers conferred on him by the Act to make statutory instruments, to be listed in Part 2, and take other measures to deal with COVID-19 in Zimbabwe as a FED. See also Bill Watch 14 *[*[*link*](http://www.veritaszim.net/node/4074)*]* and 15 *[*[*link*](http://www.veritaszim.net/node/4075)*]*.

**Regular Gazette 25 of 24th March**

*This was the last regular Friday Gazette published after the President's declaration of a state of disaster to deal with the COVID-19 pandemic. Since 24th March all Gazettes have been Gazettes Extraordinary published at irregular intervals, with an emphasis on measures against the pandemic.*

SI 78/2020 *[*[*link*](http://www.veritaszim.net/node/4041)*]* – Establishment of Management Training Bureau

By this SI the Minister of Higher and Tertiary Education, Science, Innovation and Technology Development seeks to transform the existing Management Training Bureau [MTB] into an institute with corporate personality, and to lay down the rules for the management of the MTB by a Board to be appointed by the Minister. The enabling authority cited is the Manpower Development and Training Act.

This is the latest example of the Minister's use of the Act to create what is essentially a mini-parastatal, with its own corporate personality, employees and finances. Another example is SI 168/2019 *[*[*link*](http://www.veritaszim.net/node/3636)*]* on the Zimbabwe Centre for High Performance Computing, which has obviously served as a model for the present SI.

SI 79/2020 *[*[*link*](http://www.veritaszim.net/node/4042)*]* – New registration fees under AIPPA

This SI enacted new – and in the case of journalists, increased – fees for registration of mass media organisations and journalists. The timing was unfortunate for the Government's reformist image – it was gazetted shortly after Parliament finally approved the Freedom of Information Bill, an important effect of which – when it eventually becomes law – will be to repeal all provisions requiring such registration [see note in Bill Watch 13/2020 *[*[*link*](http://www.veritaszim.net/node/4068)*]*]. Registration for 2020 had in any event been officially suspended pending a decision on new fees, and the Permanent Secretary in the responsible Ministry has confirmed that media organisations and journalists may continue to function without registration during the National Lockdown.

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