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BILL

To amend the Guardianship of Minors Act [*Chapter 5:08*] and to provide for matters connected therewith or incidental thereto.

ENACTED by the Parliament and the President of Zimbabwe.

5 **1 Short title**

This Act may be cited as the Guardianship of Minors Act, 2021.

2 Amendment of section 2 of Cap. 5:08

Section 2 (“Interpretation”) is amended by the insertion of the following definitions—

10 “custody”, in relation to a minor, means—

 (a) legal custody arising by virtue of the parents being married to each other or by virtue of an order of separation or divorce; or

 (b) actual custody, where the parents are not married to each other (without derogating from the common law position that minors born out of wedlock are in the custody of the mother);

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 “guardianship” means a legal right allowing either parent to manage the minor’s affairs including health, education needs, financial security or any welfare needs.

H.B. 7, 2021.]

3 Amendment of section 3 of Cap. 5:08

Section 3 is repealed and substituted by—

“3 Exercise of joint guardianship and custody by parents

(1) The parents of a minor, whether married or otherwise, shall exercise their rights of guardianship and custody in consultation with each other: 5

Provided that where the parents are not living together as man and wife, the custodial parent shall exercise all guardianship rights in relation to the child in his or her custody, unless the non-custodial parent by virtue of a court order (whether a maintenance order, order of divorce or otherwise) is required to be consulted on any issue in connection with the guardianship of the child. 10

(2) In connection with an order of maintenance of a minor (whether or not as part of an order for divorce or separation), the court may expressly give any direction as to the manner in which the joint guardianship is to be shared or exercised.”. 15

4 Amendment of section 4 of Cap. 5:08

Section 4 (“Guardianship and custody of minors”)(1)(b) is amended by the deletion of “consent to a marriage”.

5 Amendment of section 5 of Cap. 5:08

Section 5 (“Special provisions relating to custody of minors”)(1) is amended by the repeal of “the mother” and substitution of “either of the parents”. 20