

H.B. 15, 2019.]

VETERANS OF THE LIBERATION STRUGGLE BILL, 2019

MEMORANDUM

The purpose of this Bill is to provide for rights and benefits of veterans of the liberation struggle and their dependants; to provide for the establishment of the Veterans of the Liberation Struggle Fund; to provide for the establishment of a Veterans of the Liberation Struggle Board, its composition and functions; to repeal the War Veterans Act [*Chapter 11:15*]; to repeal the Ex-Political Prisoners, Detainees and Restricttees Act [*Chapter 17:10*] and to provide for matters incidental to or connected with the foregoing.

The main provisions of the Bill are explained below:

Part I

Clause 1 sets out the short title. **Clause 2** provides for the definition of terms used in the Bill.

Part II

Clauses 3, 4 and 5 provides for the establishment of the Veterans of the Liberation Struggle Board and the functions and powers of the Board.

Clause 6 provides for the reports dealing with the proceedings and activities of the Board.

Clause 7 provides for the establishment of a Vetting Section in the Ministry which shall be headed by a Chief Director and the functions of the Chief Director thereof.

Clause 8 provides for powers of the vetting officers and the procedure which they should observe when ascertaining the credentials of any person claiming to be a veteran of the liberation struggle.

Clause 9 provides for appeal procedure for the decisions made by the Vetting Section. The Board, in terms of this clause, minus Chief Director can sit as the appeal board determining appeals lodged against the decisions of the Vetting Section. The Board has got powers to refer back some of the appeals to the Vetting Section for the section to conduct a new inquiry if the circumstances of the case so demand.

Clause 10 provides for the appeal procedure against decisions of the Board. Appeals against the decisions of the Board are lodged with the Minister.

Clause 11 provides that the Minister may give written policy directions to the Board which in turn shall take all necessary steps to comply with such directions.

Part III

Clause 12 provides for benefits and establishment of schemes for veterans of the liberation struggle.

Clauses 13, 14, 15, 16 and 17 provides for veterans of the liberation struggle Fund, its income, object, application and holding of Fund.

Clauses 18 and 19 provides for payments out of Fund and accounts and audit of Fund.

Clause 20 provides for the appointment of an internal auditor to the Fund and his or her functions.

Part IV

Clause 21 provides for the resettlement benefit relating to veterans of the liberation struggle. Where the State has acquired resettlement land from the veteran of the liberation struggle, the veteran of the liberation struggle shall be entitled to resettlement on another piece of land which is of equivalent size.

Clause 22 provides that beneficiaries shall report receipt of assistance from any other source.

Clause 23 provides for repayment of sums overpaid.

Clause 24 provides for the Minister's power to enter into bilateral or multilateral agreements with other countries on behalf of the Government of Zimbabwe for purposes of exchanging information and rendering of reciprocal assistance to veterans who had been engaged in combating colonialism.

Clause 25 provides for the Minister's powers to make regulations.

Clause 26 provides for the offences and penalties.

Clause 27 provides for repeal of the War Veterans Act [*Chapter 11:15*] and the Ex-Political Prisoners, Detainees and Restrictes Act [*Chapter 17:10*] and transitional provisions.

The Schedule provides for the meetings and procedure of the Board and Committees, including terms of Office and conditions of service of members, and validity of decisions and acts of the Authority in certain circumstances.

VETERANS OF THE LIBERATION STRUGGLE BILL, 2019

ARRANGEMENT OF SECTIONS

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BILL

AN ACT to provide for rights and benefits of veterans of the liberation struggle and their dependants; to provide for the establishment of a Veterans of the Liberation Struggle Board and its functions; to provide
5 for the establishment of the Veterans of the Liberation Struggle Fund; to repeal the War Veterans Act [*Chapter 11:15*]; to repeal the Ex-Political Prisoners, Detainees and Restricttees Act [*Chapter 17:10*] and to provide for matters incidental to or connected with the foregoing.

10 WHEREAS *sections 3(1)(i), 3(2)(i)(iv), 23 and 84 of the Constitution provide as follows—*

3. (1) *Zimbabwe is founded on respect for the following values and principles—*
(i) *recognition of and respect of the liberation struggle.*

3. (2) *the principles of good governance, which bind the state and all institutions and agencies of government at every level, include—*

15 (i) *recognition of the rights of—*
(iv) *veterans of the liberation struggle;*

23. (1) *the State and all institutions and agencies of government at every level must accord due respect, honour and recognition to veterans of the liberation struggle, that is to say—*

20 (a) *those who fought in the War of Liberation;*
(b) *those who assisted the fighters in the War of Liberation; and*
(c) *those who were imprisoned, detained or restricted for political reasons during the liberation struggle.*

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(2) *The State must take reasonable measures, including legislative measures, for the welfare and economic empowerment of veterans of the liberation struggle.*

84. (1) *Veterans of the liberation struggle, that is to say—*

- (a) *those who fought in the War of Liberation;*
- (b) *those who assisted the fighters in the War of Liberation; and* 5
- (c) *those who were imprisoned, detained or restricted for political reasons during the liberation struggle;*

are entitled to due recognition for their contribution to the liberation of Zimbabwe, and to suitable welfare such as pensions and access to basic health care.

(2) *An Act of Parliament must confer on veterans of the liberation struggle the entitlements due to them under subsection (1);* 10

AND WHEREAS it is desirable to make further provision for veterans of the liberation struggle:

NOW, THEREFORE, be it enacted by the Parliament and President of Zimbabwe as follows— 15

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Veterans of the Liberation Struggle Act [*Chapter 17:12*]. 20

2 Interpretation

In this Act—

“benefit” means any benefit in terms of this Act enjoyed by a veteran of the liberation struggle or a dependant of a living or deceased veteran of the liberation struggle; 25

“Board” means the Veterans of the Liberation Struggle Board established in terms of section 3;

“Chief Director” means the Chief Director for Veterans of the Liberation Struggle responsible for administration of matters relating to veterans of the liberation struggle; 30

“dependant”, means—

- (a) a child, including a step-child, legally adopted child or child born posthumously, who has not attained the age of eighteen years and is or was at the date of death of the veteran of the liberation struggle concerned dependent upon him or her for support; or 35

- (b) a widow or widower of a veteran of the liberation struggle;

as the case may be;

“ex political prisoner, detainee or restrictee” means any person who after the 1st January, 1959, was imprisoned, detained, or restricted in Zimbabwe for a period of at least six months, or for two or more periods amounting to not less than six months, for political activity in connection with the bringing about of Zimbabwe’s independence on the 18th April, 1980; 40

- “Fund” means the Veterans of the Liberation Struggle Fund established in terms of section 13;
- 5 “Gazetted land” means agricultural land acquired pursuant to the land reform programme under section 72(2) of the Constitution or referred to in section 72(4) of the Constitution;
- 10 “liberation war fighter” means any person who underwent military training and participated, consistently and persistently, as a member of either the Zimbabwe African National Liberation Army (ZANLA) of ZANU or Zimbabwe People’s Revolutionary Army (ZIPRA) of ZAPU, in the liberation struggle which occurred in Zimbabwe and in neighbouring countries between the 1st January, 1962, and the 29th February, 1980, in connection with the bringing about of Zimbabwe’s independence on the 18th April, 1980;
- 15 “Minister” means the Minister of Defence and War Veterans Affairs or any other Minister to whom the President may, from time to time, assign the administration of this Act;
- 20 “non-combatant cadre” means any person accredited as such in terms of this Act who, having crossed any of Zimbabwe’s borders for purposes of participating in the liberation struggle as a member of ZANLA or ZIPRA forces but due to circumstances beyond his or her control did not get military training and remained in the temporary refugee camps in Mozambique and Zambia until 29th November, 1979;
- “person who assisted the fighters in the War of Liberation” means a war collaborator or a non-combatant cadre;
- 25 “scheme” means a scheme established in terms of section 12;
- “temporary refugee camp” for the purposes of this Act means any camp for the temporary accommodation of any persons who crossed Zimbabwe’s borders whether or not for purposes of participating in the liberation struggle as a member of the ZANLA or ZIPRA forces;
- 30 “vet” means to ascertain the credentials of any person claiming to be a veteran of the liberation struggle whether as a liberation war fighter, ex political prisoner, detainee or restrictee, non-combatant cadre or war collaborator;
- “veteran of the liberation struggle” means —
- 35 (a) a liberation war fighter; or
- (b) an ex-political prisoner, detainee or restrictee; or
- (c) a person who assisted the fighters in the war of liberation, that is to say a war collaborator or a non-combatant cadre;
- 40 “vocational training” includes any form of education or training which, in the opinion of the Minister, will permit a veteran of the liberation struggle to support himself or herself and his or her dependants or will increase his or her capacity to do so;
- 45 “war collaborator” means any person who had at least attained the age of 16 years by the 31st December, 1979, and who in the period between 1975 until the 29th February, 1980, who consistently and persistently was closely linked with the operations of the liberation war fighters through any one or more of the following actions—

- (a) carrying out reconnaissance activities and providing information for the benefits of the liberation war fighters;
- (b) delivering food, medication and clothing to the liberation war fighters;
- (c) carrying liberation war fighters' equipment from one point to another; 5
- (d) fighting as, though not having been trained as a liberation war fighter;
- (e) tending or giving sanctuary to wounded liberation war fighters.

PART II

VETERANS OF THE LIBERATION STRUGGLE BOARD

3 Establishment of Veterans of the Liberation Struggle Board 10

(1) There is hereby established a board to be known as the Veterans of the Liberation Struggle Board.

(2) The Board shall consist of not less than ten and not more than thirteen members appointed by the Minister consisting of the following—

- (a) the Chief Director who shall be an *ex officio* member of the Board; 15
- (b) the Commander of Zimbabwe Defence Forces or his or her alternate;
- (c) eight persons nominated by their respective organisations which, in the Minister's opinion, represent the interests of each of the following—
 - (i) liberation war fighters;
 - (ii) ex political prisoners, detainees and restrictees; 20
 - (iii) non-combatant cadres;
 - (iv) war collaborators;
- (d) one representative from the Ministry;
- (e) a registered legal practitioner; and
- (f) the secretary of the Board. 25

(3) In appointing members of the Board in terms of subsection (2), the Minister shall observe the provisions of sections 17 and 18 of the Constitution.

(4) If any organisation referred to in subsection (2)(c) fails to make any nomination within a period of thirty days after having been invited to do so by the Minister, the Minister may appoint any member of that association as a member of the Board. 30

(5) The Minister shall designate one of the appointed members to be the Chairperson of the Board, who shall have a casting as well as a deliberative vote.

(6) The Vice-Chairperson of the Board shall be elected by the whole Board at its first sitting. 35

(7) An appointed member of the Board shall hold office for such period, not exceeding five years, and on such terms and conditions, as may be fixed by the Minister at the time of his or her appointment.

(8) Subject to this Act, a person ceasing to be a member of the Board shall be eligible for reappointment to the Board. 40

(9) A member of the Board shall be paid out of the Fund such remuneration and allowances as the Minister, with the approval of the Minister responsible for finance, may fix for members of the Board generally.

4 Functions of Board

The functions of the Board shall be—

- (a) to advise the Minister on the establishment of any scheme in terms of this Act or on any matter relating to any scheme;
- 5 (b) to address issues relating to rights, benefits and the general welfare of veterans of the liberation struggle;
- (c) to examine and determine any representations by any person claiming entitlement to be accredited or registered as a veteran of the liberation struggle or dependant where such accreditation or registration has been refused by the Ministry;
- 10 (d) subject to this Act, to hear and determine any representations or complaints made by any veteran of the liberation struggle or dependant of such veteran relating to the grant, payment or delivery of any benefit to him or her;
- 15 (e) to perform any other function which the Minister may confer on the Board for the purposes of this Act.

5 Powers of Board

For the purpose of carrying out its functions in terms of this Act, the Board shall, through the Chairperson, have the power itself or through any member—

- 20 (a) to summon witnesses to give evidence before it or to produce any document;
- (b) to administer oaths and take evidence on oath and make such investigation as the Board considers necessary;
- (c) to examine or cause to be examined by such person as the Board may authorise in that behalf any records or documents kept by any person making any claim in terms of this Act;
- 25 (d) to administer the Fund;
- (e) to do or cause to be done all other things that are necessary or expedient for the exercise of its functions.

6 Reports of Board

- 30 (1) The Board—
 - (a) shall, within three months after the end of each financial year, submit to the Minister a report dealing generally with the proceedings and activities of the Board during that financial year; and
 - 35 (b) shall, where required by the Minister to do so, submit to the Minister such reports as the Minister may specify in regard to the proceedings and activities of the Board; and
 - (c) may submit such other reports as the Board considers necessary.
- (2) The Minister shall submit a report of the Board referred to in subsection (1)
 - 40 (a) to Parliament within the first fourteen sitting days of the National Assembly after the date when the Minister receives it.

7 Office of Veterans of the Liberation Struggle, Chief Director thereof and staff

(1) There shall be an Office of Veterans of the Liberation Struggle which shall be a department in the Ministry and shall consist of the Vetting Section and such other sections as the Chief Director in consultation with the Board and with the leave of the Head of the Ministry may from time to time establish. 5

(2) The Office shall be headed by the Chief Director of Veterans of the Liberation Struggle and shall consist of such other officers as are necessary for the proper administration of this Act, whose offices such be public offices and form part of the Civil Service. 10

(3) The functions of the Chief Director shall be—

- (a) to keep registers of the veterans of the liberation struggle; and
- (b) to head the secretariat of the Board; and
- (c) to supervise the vetting processes of the veterans of the liberation struggle; and 15
- (d) to administer any scheme established in terms of this Act; and
- (e) to perform any other duty in relation to this Act as may be assigned to him or her by the Minister or the Board.

(4) Whenever it is necessary or expedient to do so, the Chief Director may from time to time delegate any of his or her functions to any officer referred to in subsection (2). 20

8 Powers of vetting officers

(1) For the purpose of ascertaining the credentials of any person claiming to be a veteran of the liberation struggle, whether as a liberation war fighter, ex political prisoner, detainee or restrictee, non-combatant cadre or war collaborator, every vetting officer together with at least four other vetting officers, has the power to hold an inquiry at which or for the purpose of which the vetting officer may — 25

- (a) summon witnesses to give evidence before him or her or to produce any document;
- (b) administer oaths and take evidence on oath and make such investigation as he or she with the leave of the Chief Director thinks appropriate; 30
- (c) examine any records or documents kept by any person making any claim in terms of this Act;
- (d) have access and examine any archival, library and other records in the custody of the State or any organ of the State; 35
- (f) do or cause to be done all other things that are necessary or expedient for the exercise of his or her inquiry.

(2) For the purposes of an inquiry held in terms of subsection (1), a vetting officer shall have all of the powers, rights, privileges and duties conferred or imposed upon a commissioner by the Commissions of Inquiry Act [*Chapter 10:07*], other than the power to order a person to be detained in custody, and sections 9 to 13 and 15 to 18 of that Act shall apply, *mutatis mutandis*, in relation to any hearing conducted on behalf of the Office for the purpose of vetting, and to any person summoned to give or giving evidence for the purpose of the hearing. 40

(3) A vetting officer shall not in the course of an inquiry under this section be bound by the hearsay rule or other strict rules of evidence, and the vetting officer may ascertain any relevant fact by any means which he or she thinks fit and which is not unfair or unjust.

5 (4) Evidence may be adduced orally or in writing at an inquiry, at the discretion of the vetting officer.

(5) Every vetting officer shall be furnished by the Chief Director with a portable certificate identifying him or her as such, and shall produce such certificate at the request of any interested person.

10 (6) For purposes of ascertaining the credentials of any person claiming to be a veteran of the liberation struggle, the vetting officer shall admit and give due weight to any of the following kinds of evidence—

- (a) the sworn living testimonies of the claimants backed by accredited veterans of the liberation struggle;
- 15 (b) the sworn living testimonies of persons who know or are related to or were associated with the claimant;
- (c) the sworn testimony of any person that was recorded before he or she died;
- 20 (d) other independent documentary evidence not limited to written evidence but including audio-visual or other kinds of acceptable evidence.

(7) The powers of a vetting officer under subsections (1) to (6) may be exercised jointly with all the other vetting officers acting as a team for the purposes of subsection (1) or, by agreement of the other vetting officers, may be exercised singly, in pairs or in any combination of up to four vetting officers.

25 (8) On the conclusion of any vetting exercise and in any case not less frequently than twice a year, the names of persons who have been identified as veterans of the liberation struggle shall be listed and published in the *Gazette* and be deemed to be provisionally accredited for a period of thirty days after such publication, at the end of which period (subject to any appeal in terms of section 9) the person so listed shall be deemed to be finally accredited as veteran of the liberation struggle in the appropriate category:

30 Provided that this subsection shall not apply so as to require any person who before the date of commencement of this Act was registered under the repealed Acts to be re-vetted or re-registered.

35 (9) Any person who on his or her own behalf or on behalf of any other person intentionally and knowingly makes a false claim or falsifies any document with the object of securing the accreditation of himself or herself or another person as a veteran of the liberation struggle shall be guilty of an offence and liable to a fine not exceeding level ten or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

9 Appeals to Board

(1) The Board consisting of all (or at least a quorum of) members except for the Chief Director shall be responsible for hearing and determining appeals by any interested person aggrieved at the outcome of the vetting process.

45 (2) Any person who is aggrieved as mentioned in subsection (1) must no later than thirty days, appeal to the Board in the prescribed form and manner within thirty days of receiving any notice in connection with the vetting process.

(3) If in the opinion of the Board the number of appeals is too numerous at any time for them to be dealt with on an individual basis, the Board may direct that the appeals be determined in such batches and at such times as it may decide:

Provided that the Board shall endeavour to determine every appeal no later than six months after it has been lodged. 5

(4) For the purpose of determining an appeal the Board may require in writing more information to be furnished to it within a specified time by the appellant or the vetting officer concerned and may, in the case of an appellant, refuse to consider the appeal unless such information is furnished.

(5) If despite any additional information furnished the Board, it is unable to make a determination on an appeal, it may refer the matter back for a new inquiry to be made under section 8, whether before the same vetting officer or team of vetting officers or a different vetting officer or different team of vetting officers, as it may direct. 10

(6) In referring any matter of an appeal back under subsection (5), the Board may give such directions as to the conduct of the inquiry as seems to it best suited to achieve a just outcome in the matter. 15

(7) For the avoidance of doubt it is declared that any person aggrieved at the outcome of an inquiry held under subsection (5) may appeal to the Board against such outcome and the provisions of this section shall apply to such appeal. 20

10 Appeals from decisions of Board

(1) Any person who is aggrieved by any decision of the Board—

- (a) refusing to register him or her as a veteran of the liberation struggle or dependant in terms of this Act; or
- (b) in regard to the determination of any assistance to be granted to him or her in terms of any scheme; 25

may within thirty days of receiving notice of the decision, by notice setting out his or her reasons, appeal to the Minister against the decision of the Board.

(2) In any appeal in terms of subsection (1), the Minister may—

- (a) refer the matter to the Board for re-consideration if the Minister is of the opinion that there was any bias, malice, corruption or conflict of interest on the part of any member of the Board or there was any irregularity in the manner in which the Board reached its decision, in either of which events the Minister may give such directions as to the re-hearing of the appeal as the circumstances require; or 30 35
- (b) substitute his or her own decision for that of the Board where in the Minister's opinion the Board has violated any policy direction given under section 11:

Provided that before substituting his or her decision under this paragraph the Minister shall afford the Board a reasonable opportunity to make representations on the issue of policy at stake. 40

(3) The decision of the Minister on an appeal under this section shall be final, without prejudice to the right of the aggrieved party to seek to have that decision reviewed by the High Court in terms of section 27 of the High Court Act [*Chapter 7:06*].

11 Minister may give policy directions to Board

(1) Subject to this Act, the Minister may, from time to time, give the Board written policy directions on matters concerning the implementation of this Act, including but not limited to the following—

- 5
- (a) the maximum or minimum amount of assistance to be granted to any registered dependant under any scheme; and
 - (b) the period during which any assistance may be paid; and
 - (c) any matter to be taken into account in the granting of any assistance; and
 - (d) any matter relating to the functions of the Board:

10 Provided that before giving any direction regarding any matter referred to in paragraph (b) or (c), the Minister shall consult the Board.

(2) The Board shall, with all due expedition, comply with any direction given to it in terms of subsection (1).

15 (3) Where any direction has been given to it in terms of subsection (1), the Board shall ensure that the direction and any views that it expressed thereon when consulted by the Minister are set out in its annual report.

PART III

SCHEMES AND FUND FOR VETERANS OF THE LIBERATION STRUGGLE

12 Benefits and establishment of schemes

20 (1) Veterans of the liberation struggle are entitled to such pensions, such access to basic health care, education and such other benefits as are prescribed by this Act.

(2) The Minister shall, in consultation with the Minister responsible for finance, by statutory instrument, prescribe—

- 25
- (a) the following benefits payable to a veteran of the liberation struggle, his or her spouse, and his or her dependants—
 - (i) a basic pension; and
 - (ii) educational benefits, which shall consist of education assistance at a government primary, secondary and higher and tertiary educational institution; and
 - 30 (iii) medical and dental benefits which shall consist of medical and dental treatment at a government health institution;
- and
- (b) a funeral assistance benefit payable in respect of a deceased veteran of the liberation struggle.

35 (3) The Minister may, within the resources available, prescribe a gratuity, payable once only, to a veteran of the liberation struggle.

(4) Subject to subsections (5) and (6), the Minister may, by statutory instrument, establish one or more schemes for the provision of benefits or assistance to or in respect of any veteran of the liberation struggle and his or her dependants or any class of a veteran of the liberation struggle and their dependants, and may in like manner amend or abolish any such scheme.

40

(5) Statutory instruments referred to in subsections (2) to (4) may provide for—

- (a) the registration of a veteran of the liberation struggle generally or the registration of a veteran of the liberation struggle entitled to benefit under any scheme;
- (b) the registration of dependants of a veteran of the liberation struggle entitled to benefit under any scheme; 5
- (c) in the case of a scheme under subsection (4) where the health of the beneficiary is relevant, the compulsory submission by any veteran of the liberation struggle to any medical or dental examination required for the purpose of benefiting under any scheme;
- (d) the circumstances and manner in which any benefit paid to a veteran of the liberation struggle shall or may be refunded; 10
- (e) the conditions for eligibility of a veteran of the liberation struggle for any assistance;
- (f) the conditions upon which the dependants of a veteran of the liberation struggle or of a deceased veteran of the liberation struggle may qualify for assistance; 15
- (g) the nature and amount of the benefits to be granted or paid under any scheme and the circumstances in which and the persons to whom such benefits shall or may be granted or paid and the manner in which they shall be granted or paid; 20
- (h) the provision of technical or vocational training or of any other training necessary for assisting a veteran of the liberation struggle in acquiring such skills as the Minister considers appropriate;
- (i) the reduction, suspension or withdrawal of any benefit granted or paid under any scheme; 25
- (j) the maintenance of records in respect of any benefits granted or paid to a veteran of the liberation struggle under any scheme;
- (k) any other matter whatsoever for which, in the opinion of the Minister, it is necessary or desirable to make provision in order to give effect to this Act or any scheme. 30

(6) Without derogation from sections 86 of the Constitution and 21 of the Interpretation Act [*Chapter 1:01*], statutory instruments in terms of subsections (2) to (4) may provide for different benefits to be granted or paid to different categories of veterans of the liberation struggle:

Provided that no statutory instrument shall discriminate among veterans of the liberation struggle on the grounds of race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, pregnancy, disability or economic or social status. 35

(7) Before establishing, amending or abolishing any scheme in terms of this section, the Minister shall consult the Minister responsible for finance. 40

13 Veterans of the Liberation Struggle Fund

(1) There is hereby established a Fund to be known as the Veterans of the Liberation Struggle Fund.

(2) The Board through the Chief Director shall be the administrator of the Fund.

14 Income of Fund

The Fund shall consist of—

- (a) moneys appropriated for the purpose of the Fund by Parliament; or
- 5 (b) any gifts or grants made to the Fund by any person or authority or by the government of any country; or
- (c) any interest derived from or increase in any assets of the Fund in any form whatsoever; or
- (d) any other moneys to which the Fund may be lawfully entitled.

15 Object of Fund

10 Subject to this Act, the object to which the Fund is to be applied shall be the rendering of such assistance and the disbursement of such benefits as in terms of this Act are specified to be rendered by or disbursed from the Fund to veterans of the liberation struggle and their dependants.

16 Application of Fund

15 In order to give effect to the object of the Fund, the Fund may be applied to any one or more of the following in accordance with any scheme established by or under this Act —

- (a) grants for the physical, mental or social rehabilitation of veterans of the liberation struggle;
- 20 (b) grants for manpower development with a view to providing veterans of the liberation struggle with academic, technical, vocational or other skills or any other training necessary to equip them for employment or gainful occupation;
- 25 (c) the provision of loans, whether with or without interest, and financial, technical, managerial or any other form of assistance to veterans of the liberation struggle involved in income-generating projects, whether as individuals or as members of groups, associations or co-operative societies; or
- (d) grants for funeral expenses in respect of veterans of the liberation struggle.

30 17 Holding of Fund

(1) All moneys received on behalf of the Fund shall be paid into a banking account and no moneys shall be withdrawn therefrom except by means of cheques or transfer instruments signed by such persons as are authorised in that behalf by the Minister.

35 (2) Moneys of the Fund not immediately required for the object of the Fund may be invested in such manner as the Board, in consultation with the Minister, may determine.

18 Payments out of Fund

The Minister may authorise payments from the Fund for—

- 40 (a) the remuneration and allowances of members of the Board; and
- (b) the costs of establishing and maintaining the Fund.

19 Accounts and audit of Fund

(1) Proper books of accounts and other books and records in relation thereto shall be kept in which shall be recorded all the financial transactions of the Fund.

(2) The financial year of the Fund shall be the period of twelve months ending on the 31st December in each year. 5

(3) Not more than three months after the end of any financial year, an income and expenditure account and balance sheet of the Fund shall be submitted to the Auditor-General for audit, and, in relation to the Fund, the Auditor-General shall have all the powers conferred upon him or her by the Public Finance and Management Act [*Chapter 22:19*] in relation to the auditing of public moneys. 10

20 Internal auditor

(1) Section 80 of the Public Finance Management Act [*Chapter 22:19*] (Act No. 11 of 2009) shall apply, with any necessary changes, to the appointment of an internal auditor to the Fund in all respects as if the Fund were a Ministry or department of a Ministry. 15

(2) The functions of the internal auditor shall be—

(a) to monitor the financial administration and procedures of the Fund to ensure that—

(i) proper accounting and bookkeeping transactions and procedures are carried out; and 20

(ii) proper accounting records are maintained; and

(iii) adequate internal checks and controls are maintained; and

(iv) the assets of the Fund are properly accounted for; and

(v) all instructions and directives issued in terms of section 6 of the Public Finance Management Act [*Chapter 22:19*] (Act No. 11 of 2009) are complied with; 25

and

(b) to assess the effectiveness of any projects undertaken by the Fund; and

(c) to perform any other function that may be assigned to him or her by the Chief Director. 30

(3) In the performance of his or her functions, the internal auditor—

(a) shall have free access at all reasonable times to any records, books, vouchers, documents and resources under the control of the Fund; and

(b) shall have direct access to the Chief Director; and

(c) may cause search to be made in and extracts to be taken from any record, book, voucher or documents of the Fund; and 35

(d) may call upon any member of the staff of the Office to give, and shall be entitled to receive without undue delay from that member, any explanations and information the internal auditor may reasonably require to enable him or her to perform his or her functions. 40

(4) If at any time it appears to the internal auditor that an offence has been committed in relation to—

- (a) the collection, receipt, custody, control or payment of any moneys of the Fund; or
 - (b) the receipt, custody, control, issue, sale, transfer or delivery of any Fund property or State property assigned to the Office;
- 5 he or she shall immediately bring the matter to the notice of the Board, the Chief Director and the Auditor-General.

(5) Whenever the internal auditor has completed any internal audit programme, he or she shall prepare a report on the financial administration and accounting system of the Fund, and may include in such report any instances of hindrance or obstruction
10 he or she has encountered in the discharge of his or her duties, and shall transmit copies of such reports to the Board, the Chief Director and the Auditor-General.

PART IV

BENEFITS OF VETERANS OF THE LIBERATION STRUGGLE

21 Resettlement benefit for veterans of the liberation struggle

15 (1) Veterans of the liberation struggle are entitled to be resettled on and receive holdings of land within allocation made for the benefit of such veterans of twenty *per centum* of gazetted land, and to receive in relation to such land the same rights of tenure as other resettled persons have.

20 (2) The Minister, in consultation with the Minister responsible for Lands and Rural Resettlement, shall take all necessary steps to ensure that the veterans of the liberation struggle enjoy the specified percentage of gazetted land referred to in subsection (1).

25 (3) If for any reason an offer letter or other tenure right is lawfully withdrawn from a veteran of the liberation struggle who wishes to continue engaging in agricultural or other economic activities on the land, such veteran shall be entitled within a reasonable time to be resettled on another piece of gazetted land of equivalent size.

22 Beneficiary to report receipt of assistance from any other source

30 (1) If, at any time while receiving assistance, a veteran of the liberation struggle or a dependant receives assistance from any other source, similar to that being received from the Fund, or if the circumstances of the veteran of the liberation struggle or a dependant change in any manner affecting his or her entitlement to receive assistance, such veteran of the liberation struggle or dependant shall immediately inform the Board of the receipt of such other assistance or such change of his or her circumstances.

35 (2) On the basis of information received in terms of subsection (1), the Board shall terminate any payments or benefits to the extent of those that the veteran of the liberation struggle or dependant is enjoying from the other sources or on account of the change of circumstances.

23 Repayment of sums overpaid

40 (1) If any person has received by way of assistance any sum to which he or she was not entitled, he or she or, in the case of his or her death, his or her estate, shall be liable to repay such sum to the Fund.

(2) A sum referred to in subsection (1) may be recovered, without prejudice to any other remedy, by means of deductions from any financial assistance granted by the Fund and due to the person liable to make such repayment.

45 (3) This section shall apply, with necessary changes, to the case of a person to whom financial assistance is paid under this Act for the benefit of any other person.

PART V

GENERAL

24 Bilateral and multilateral co-operation

For the purpose of the mutual exchange of information and the rendering of reciprocal assistance to veterans who had been engaged in combating colonialism, the Minister may on behalf of the Government of Zimbabwe enter into binding agreements with the government of any other country, or with any agency or organ of the government of that country that is concerned with the accreditation or welfare of veterans who had been engaged in combating colonialism. 5

25 Regulations

(1) The Minister may make regulations providing for all matters which by this Act are required or permitted to be prescribed or which, in his or her opinion, are necessary or convenient to be prescribed for carrying out or giving effect to this Act. 10

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

- (a) the registration of veterans of the liberation struggle; 15
- (b) the promotion of employment for the veterans of the liberation struggle;
- (c) the availing of benefits for veterans of the liberation struggle.

(3) Penalties for offences committed against regulations in terms of subsection (1), may not exceed a fine of level 5 or one year's imprisonment or both such fine and such imprisonment. 20

26 Offences and penalties

Any person who—

- (a) fails to report to the Board any matter required to be reported in terms of section 22; or
- (b) unlawfully and knowingly obtains or attempts to obtain a benefit which he or she is not entitled to; or 25
- (c) in connection with any application for registration as a veteran of the liberation struggle or as a dependant, makes a false statement which he or she knows to be false or does not believe on reasonable grounds to be true; or 30
- (d) fails to apply the benefit granted to him or her in terms of this Act for the purposes for which it was granted or to comply with any conditions subject to which any benefit was granted; or
- (e) in response to a request by the Board or a committee of the Board made in connection with any proceedings under this Act, fails or refuses to provide any information or to produce any document in his or her possession or under his or her control; or 35
- (f) having been summoned by the Board or any committee of the Board, fails without sufficient cause to attend at the time and place specified in the summons served on him or her or, having attended, leaves without the permission of the Board or the committee; or 40
- (g) having appeared before the Board or any committee of the Board—
 - (i) refuses to be sworn; or

- (ii) after being sworn, refuses without sufficient cause to answer or to answer fully and satisfactorily to the best of his or her knowledge and belief all questions put to him or her by the Board or any person authorised by the Board to question him or her; or
- 5 (iii) insults the Board or any committee of the Board or wilfully interrupts the proceedings before the Board or committee or otherwise wilfully disturbs the peace and order of such proceedings;

shall be guilty of an offence and liable to a fine not exceeding level 5 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

10 **27 Repeals, savings and transitional provisions**

(1) In this section—

“repealed law” means the War Veterans Act [*Chapter 11:15*] and the Ex-Political Prisoners, Detainees and Restricttees Act [*Chapter 17:10*].

15 (2) The War Veterans Act [*Chapter 11:15*] and the Ex-Political Prisoners, Detainees and Restricttees Act [*Chapter 17:10*] are repealed.

(3) Any vetting of the veterans of the liberation struggle which was done under a repealed law, shall continue to be valid as if it was done in terms of this Act.

(4) Regulations made under the repealed law shall continue to be valid until repealed or replaced.

20 (5) Any act having legal force which was done under a repealed law were being paid shall continue to be valid as if they are being paid in terms of this Act.

(6) Any benefits which at the date of repeal of a repealed law shall continue to be paid as if it was done in terms of this Act.

25 (7) Legal proceedings which have been instituted in terms of the repealed law and not finalised, shall continue to be conducted in terms of the repealed law until they have been finalised.

SCHEDULE (Section 3)

PROVISIONS APPLICABLE TO THE BOARD

Paragraph

- 30 1. Terms and conditions of office of members.
2. Disqualifications for appointment as member.
3. Vacation of office by members.
4. Dismissal of Board.
5. Filling of vacancies on Board.
- 35 6. Meetings and procedure of Board.
7. Committees of Board.
8. Remuneration and allowances of members of Board and committees.
9. Members of Board and committees to disclose certain connections and interests.
10. Minutes of proceedings of Board and committees.
- 40 11. Validity of decisions and acts of Board and committees.

Terms and conditions of office of members

1. (1) A member shall hold office for a period not exceeding five years as the Minister may fix at the time of his or her appointment.

(2) On the expiry of the period for which a member has been appointed the member shall cease to hold office until he or she has been reappointed or the member's successor has been appointed. 5

(3) A retiring member shall be eligible for reappointment as a member, unless he or she has served terms that amount to ten years.

(4) Members shall hold office on such terms and conditions as the Minister may fix. 10

Disqualifications for appointment as member

2. (1) Subject to this Act, a person shall not be qualified for appointment as a member if—

(a) he or she is not a citizen of Zimbabwe or ordinarily resident in Zimbabwe; or 15

(b) he or she has, in terms of a law in force in any country—
(i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated; or

(ii) made an assignment to or composition with his or her creditors which has not been rescinded or set aside; 20
or

(c) he or she has been convicted in Zimbabwe or in any other country—
(i) of any offence involving dishonesty; or
(ii) of any other offence;

in the period of five years before his or her appointment, for which a term of imprisonment without the option of a fine has been imposed, whether or not any portion of that sentence has been suspended. 25

(2) A person shall not be qualified for appointment as a member, nor shall the person hold office as a member, if—

(a) he or she is a member of two or more other statutory bodies; or 30

(b) he or she is a member of Parliament.

(3) For the purposes of subparagraph (2)(a)—

(a) 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; 35

(b) “statutory body” means—

(i) any commission established by the Constitution; or

(ii) any, body corporate established directly by or under an Act for 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, a Deputy Minister, another statutory body or by a Commission established by the Constitution. 40

Vacation of office by members

3. (1) A member shall vacate his or her office and the member's office shall become vacant—

- 5 (a) one month after the date he or she gives notice in writing to the Minister of his or her intention to resign his or her office or after the expiry of such other period of notice as the member and the Minister may agree; or
- (b) on the date he or she begins to serve a sentence of imprisonment, whether or not any portion has been suspended, imposed without the option of a fine—
 - 10 (i) in Zimbabwe, in respect of an offence; or
 - (ii) outside Zimbabwe, in respect of conduct which, if committed in Zimbabwe, would have constituted an offence;
 or
- 15 (c) if he or she becomes disqualified in terms of paragraph 2 to hold office as a member; or
- (d) if he or she is required in terms of subparagraph (2) to vacate his or her office as a member.

(2) The Minister may require a member of the Board to vacate his or her office if the member—

- 20 (a) has been guilty of conduct which renders him or her unsuitable to continue to hold office as a member; or
- (b) has failed to comply with any condition of his or her office fixed in terms of paragraph 1; or
- 25 (c) is mentally or physically incapable of efficiently executing his or her functions as a member; or
- (d) has ceased to possess any qualification by reason of which he or she was appointed; or
- (e) contravenes paragraph 9; or
- 30 (f) or his or her spouse engages in any occupation, service or employment, or holds any asset, which in the Minister's opinion is inconsistent with the duties of a member.

(3) The Minister, on the recommendation of the Board, may require a member to vacate his or her office if the Minister is satisfied that the member has been absent without the consent of the Chairperson of the Board from two consecutive meetings, of which the member has been given at least seven days' notice, and that there was no just cause for the member's absence.

Dismissal of Board

4. (1) Subject to subparagraph (2), if the Minister is satisfied on reasonable grounds that—

- 40 (a) the Board has contravened this Act or any other law and has failed to rectify the contravention within a reasonable time after being required to do so by the Minister; or
- (b) the Board has failed to comply with a direction in terms of section 11; or
- 45 (c) whether through disagreements amongst its members or otherwise, the Board is unable to carry out any of its functions in terms of this Act;

and that it is in the national interest to do so, the Minister may, by written notice to the Chairperson, dismiss all members, and their offices shall become vacant as soon as the Chairperson receives the notice.

(2) Before dismissing all the members in terms of subparagraph (1), the Minister shall consult the President and act in accordance with any directions the President may give him or her. 5

Filling of vacancies on Board

5. (1) Subject to this Schedule, within three months after a member's death or his or her vacation of office in terms of paragraph 3, the Minister shall appoint a person to fill the vacancy. 10

(2) Within one month after dismissing all the members in terms of paragraph 4, the Minister shall appoint persons to fill the vacancies.

Meetings and procedure of Board

6. (1) The Board shall hold its first meeting on such date and at such place as the Minister may fix, being not more than three months after the fixed date, and thereafter the Board shall meet for the dispatch of business as often as is necessary or expedient and, subject to this section, may adjourn, close and otherwise regulate its meetings and procedure as it thinks fit: 15

Provided that the Board shall meet not less than four times in each financial year. 20

(2) The Chairperson may himself or herself at any time and shall, at the request in writing of not fewer than five members, convene a special meeting of the Board, which meeting shall be convened for a date not sooner than seven days or later than thirty days after receipt of such request.

(3) The Chairperson or, in his or her absence, the Vice-Chairperson, shall preside at meetings of the Board. 25

(4) A majority of appointed members shall form a quorum at any meeting of the Board.

(5) 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. 30

(6) Subject to paragraph 9, at all meetings of the Board each member present shall have one vote on each question before the Board:

Provided that—

(i) in the event of an equality of votes, the Chairperson or person presiding shall have a casting vote in addition to his or her deliberative vote; 35

(ii) no member shall take part in the consideration or discussion of, or vote on, any question before the Board which relates to his or her vacation of office as a member. 40

(7) Any proposal circulated among all members of the Board and agreed to by a majority of them shall have 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 any such proposal be placed before the Board, this subsection shall not apply to the proposal.

5 (8) With approval of the Minister, the Board may call any person to attend a meeting of the Board and participate, but such person shall have no vote in any decision by the Board.

Other committees of Board

7. (1) For the better exercise of its functions, the Board may establish committees in which the Board may vest such of its functions as it considers appropriate:

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

(2) On the establishment of a committee in terms of subparagraph (1), the Board—

15 (a) shall appoint at least one member of the Board as a member of the committee, and that member or one of those members, as the case may be, shall be chairperson of the committee; and

(b) may appoint as members of the committee, on such terms and conditions as the Board may fix, persons who are not members of the Board.

20 (3) Meetings of a committee may be convened at any time and at any place by the chairperson of the committee.

(4) Subject to subparagraph (3) and to paragraphs 9 and 10, the procedure to be followed at any meeting of a committee and the quorum at any such meeting shall be as fixed by the Board.

Remuneration and allowances of members of Board and committees

25 8. (1) Members of the Board and of committees of the Board shall be paid—

(a) such remuneration, if any, as the Minister may fix; and

(b) such allowances to meet reasonable expenses incurred by them in connection with the business of the Board or committee, as the case may be.

30 (2) Remuneration payable to a member of the Board shall not be reduced during his or her tenure of office.

Members of Board and committees to disclose certain connections and interests

9. (1) In this paragraph—

35 “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 subparagraph (4)—

(a) if a member of the Board or of a committee—

40 (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 or her functions as a member; or

- (iii) knows or has reason to believe that his or her relative—
 - 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 or her functions as a member;

or

- (c) if for any reason the private interests of a member of the Board or of a committee come into conflict with his or her functions as a member;

the member shall forthwith disclose the fact to the Board or the committee, as the case may be.

(3) A member referred to in subparagraph (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 property, right or interest referred to in that subparagraph.

(4) Nothing in this section shall be taken to prevent members of the Board or of a committee of the Board from taking part in the consideration of, or voting on, any matter that affects members generally in their capacity as persons liable to pay revenue.

(5) Any person who contravenes subparagraph (2) or (3) 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.

Minutes of proceedings of Board and committees 25

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

(2) Any minutes referred to in subparagraph (1) which purport to be signed by the person presiding at the meeting to which the minutes relate or by the person presiding at 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 and decisions taken at the meeting concerned.

Validity of decisions and acts of Board and committees

11. No decision or act of the Board or a committee or act that is authorised by the Board or a committee shall be invalid solely because there was a vacancy in the membership of the Board or the committee or because a disqualified person purported to act as a member of the Board or the committee, as the case may be, at the time the decision was taken or the act was done or authorised:

Provided that the Board shall ratify any such decision or action within a month after it becomes aware that the decision or action was taken in the given circumstances.