

BILL WATCH 52/2019

[16th October 2019]

Update on Government Gazettes and Statutory Instruments Part 1

The purpose of this bulletin and another to follow soon is to provide, in two Parts, an update on Government Gazettes and statutory instruments from 1st August to date which have not been noted previously in our bulletins. Please note that a searchable numerical list of all statutory instruments of 2019 from 1st January up to and including 30th September is available on the Veritas website [\[link to list\]](#).

Statutory Instruments to Implement Supplementary Budget

We start with a group of statutory instruments implementing measures in the Supplementary Budget of 1st August which the Minister of Finance decided could be enacted into law by statutory instrument rather than having to wait for the Finance (No. 2) Bill to be approved by Parliament and gazetted as the Finance (No. 2) Act on 21st August.

Excise tax on liquor and fuels *SIs 160 and 161 below were published in a Government Gazette Extraordinary dated 1st August, released by the Government Printer as the Minister ended his Supplementary Budget presentation to the National Assembly.*

SI 160/2019 [\[link\]](#) sets out the new rates of excise duty on liquor, effective on and after 2nd August 2019.

SI 161/2019 [\[link\]](#) sets out the new rates of excise duty on petrol, diesel and kerosene. The SI also contains provision allowing companies with free funds to import these fuel entirely for use in their production process and pay the duty in foreign funds; the same facility will be open to designated fuel stations authorised to sell fuel in foreign currency.

Customs duty rebate for Electrical Manufacturers

SI 167/2019 [\[link\]](#), gazetted on 9th August, is the eighth amendment to SI 378/2019, which is the basis for this rebate. It expands Part D of the list of items qualifying for the rebate [items for the manufacture of sound amplifiers and speaker systems].

It also obliges manufacturers benefiting from the rebate to submit an annual report to the Minister showing incremental employment levels achieved, capacity utilisation levels, value of new investments, growth in output, R & D initiatives; the report on 2019 must be submitted by end of January 2020, and so on for subsequent years. Failure to report will be penalised by withdrawal of the rebate and liability to pay the rebated duty for the year in question. The new fees were effective from 9th August.

Foreign currency dutiable goods: relief for specified manufacturers

SI 170/2019 [\[link\]](#) gazetted on 9th August – with effect from 9th August – provides for an exemption from the obligation to pay duty in foreign currency, to

a list of named manufacturers and in respect of ring-fenced quantities of specified goods.

Vehicle registration and licensing – fees in ZWL\$

SI 171/2019 [[link](#)] gazetted on 9th August lists in ZWL\$ new fees for registration and licensing of vehicles: for example, ZWL\$ 300,00 for licensing a light motor vehicle weighing up to 1, 500 kg for twelve months.

Licensing of drivers – fees in ZWL\$

SI 173/2019 [[link](#)], gazetted on 9th August, lists in ZWL\$ new fees payable for all aspects of licensing of drivers, including applications for learner's licences, certificates of competency, driver's licences of all classes and duplicate licences and certificates. The new fees were effective from 9th August.

Toll fees for National Road Network and Limpopo Bridge at Beitbridge border

SI 172/2019 [[link](#)], gazetted on 9th August, lists in ZWL\$ the new fees payable at tolling points on the national road network. The new fees are effective from 9th August.

SI 174/2019 [[link](#)], gazetted on 9th August, lists in US\$ and SA Rand the fees payable for use, whether inward or outward bound, of the new Limpopo Bridge at the Beitbridge Border Post. The fees were previously stated in US\$ only, and these figures remain unchanged.

Courts, Master's Office and Deputy Sheriffs: New Fees Denominated in ZWL Dollars

Gazette of 9th September

High Court

SI 187/2019 [[link](#)] – High Court (Civil Cases) (Amendment) Rules, 2019 (No. 10)

Note: An error in the Schedule, item 2 ["Original summons sounding in money"], was corrected by SI 207/2019 of 20th September [[link](#)].

Magistrates Court

SI 188/2019 [[link](#)] – Magistrates Court (Civil) (Amendment) Rules, 2019 (No. 1).

Gazette of 13th September

Master's Office

SI 192/2019 [[link](#)] – Administration of Estates (Master's Office) (Fees) (Amendment) Regulations, 2019 (No. 8)

Constitutional Court

SI 193/2019 [[link](#)] – Constitutional Court (Amendment) Rules, 2019 (No. 1)

Customary Courts

SI 194/2019 [[link](#)] – Customary Law and Local Courts (Amendment) Rules, 2019 (No. 9)

Labour Court

SI 195/2019 [[link](#)] – Labour Court (Fees) Regulations, 2019

Small Claims Courts

SI 196/2019 [[link](#)] – Small Claims Courts (General) (Amendment) Rules, 2019 (No. 6)

Supreme Court

SI 197/2019 [[link](#)] – Supreme Court (Fees) (Civil Cases) (Amendment) Rules, 2019 (No. 7)

Deputy Sheriffs' Fees and Allowances

SI 198/2019 [[link](#)] – High Court (Fees and Allowances) (Amendment) Rules, 2019 (No. 22) , amending SI 82/2000, and repealing SIs 109/2012 and 58/2016.

Collective Bargaining Agreements in ZWL Dollars

Insurance Industry

SI 165/2019 [[link](#)], gazetted 9th August, sets out wages and allowances for the period January to June 2019 following an arbitral award issued on 17th April 2019, to be reviewed for the period July to December.

Mining Industry

SI 175/2019 [[link](#)], gazetted 23rd August, sets out the minimum earnings for 2019 for workers in the Mining Industry. The agreement is stated to be subject to review on a quarterly basis, based on the prevailing economic situation in the industry.

Agricultural Industry (General Agriculture)

SI 177/2019 [[link](#)], gazetted 23rd August, sets out new minimum wages for the effective from 15th May.

Tobacco Industry – Tobacco (Miscellaneous) Sector

SI 178/2019 [[link](#)], gazetted 23rd August, sets out an agreement applicable to the fixing minimum wages and allowances for the three months July, August and September.

Tobacco Industry [Cigarette and Tobacco Manufacturing sector]

SI 179/2019 [[link](#)] and SI 180/2019 [[link](#)], gazetted 23rd August, cover wages and night shift allowance for the for the periods January 2018 to June 2019 and July to December 2019, respectively.

Civil aviation: New Personnel Licensing Regulations

SI 176/2019 [[link](#)], gazetted on 16th August, was the latest in a series of statutory instruments updating regulations under the Civil Aviation Act. It sets out the new regulations on licensing of pilots, engineering and other personnel in a substantial A4 book.

Dams Declared "Inland Waters"

SI 166/2019 [[link](#)], gazetted on 9th August, declares six dams to be inland waters for the purposes of the Inland Waters Shipping Act: Tugwi-Mukosi; Mazowe; Acadia; Zhove; White Waters; and Mtshabezi dams. The effect of the declaration that the Act, and the regulations made under it, will now apply to these dams. The Act and regulations provide for such matters as registration and survey of some classes of vessels used on inland waters and standards of competency for those commanding them and their crews.

Zimbabwe Centre for High Performance Computing

SI 168/2019 [\[link\]](#) gazetted on 9th August is the Manpower Planning and Development (Zimbabwe Centre for High Performance Computing) Regulations, 2019. The regulations provide for the establishment of a new body corporate – a new parastatal – in the form of a Government institute to be known as the Zimbabwe Centre for High Performance Computing [ZCHPC]. The Centre will be the custodian of the national supercomputer and its system and provide supercomputing services not Government and to individuals and organisations requiring such services. As the ZCHPC has been in existence at the University of Zimbabwe since 2015, the SI appears to something of an afterthought.

Does all this really fall within the scope of the Manpower Planning and Development Act as a whole, let alone the provisions of the Act cited as enabling the regulations? These are questions for the Parliamentary Legal Committee. Our initial reaction is that this SI may be ultra vires and not fit for purpose.

Gazette of 20th September 2019

Zambezi River Authority – Employees' Conditions of Service amended

SI 201/2019 [\[link\]](#) gazettes comprehensive changes to the terms and conditions of service of employees of the Zambezi River Authority [ZRA], as approved by the Governments of Zambia and Zimbabwe.

Note: The ZRA is a corporation jointly and equally owned by the governments of Zambia and Zimbabwe. It is governed by a four-person council consisting of the Ministers of Energy and Finance of each country. Its primary function is to operate and maintain the Kariba Dam on the Zambezi River. Its headquarters are in Lusaka.

Wages and allowances for Chemicals, Fertilisers, Battery and Plastics Manufacturing Industry

SI 202/2019 [\[link\]](#) sets the 2019 wages and allowances for the various sectors of the industry.

Customs duty rebate for electrical manufacturers

SI 203/2019 [\[link\]](#) amends the principal regulations by adding more goods to the list qualifying for the rebate in addition to those already added following the Supplementary Budget in August *[see below]*.

Customs and Excise Tariff Amendment

SI 204/2019 [\[link\]](#) reduces customs duty on certain goods [including to zero on lithium solar batteries] and states excise duty on specified liquor and tobacco items in ZWL.

Statutory Instruments 205/2019 onwards will be covered in Part 2

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