

BILL WATCH 23/2019

[22nd April 2019]

Both Houses of Parliament are in Recess until Tuesday 7th May

Maintenance of Peace and Order Bill Gazetted

This Bill [\[link\]](#) was gazetted in the Government Gazette dated 19th April [released to the public on 17th April ahead of the public holidays on 18th and 19th April]. As demonstrated in Bill Watch 22/2019 of 17th April [\[link\]](#) the Bill differs only slightly from the Public Order and Security Act [POSA]. According to the Bill's supporting memorandum – but not the Bill itself – the Bill will repeal and replace POSA.

Zimbabwe Investment and Development Agency Bill

This substantial Bill [\[link\]](#) was gazetted on 5th April. It is a major component of the Government's "ease of doing business" reforms to attract both foreign and domestic investors.

If duly enacted by Parliament and assented to by the President, the Bill will become law on the day it is gazetted as an Act. There is no provision for its date of commencement to be fixed by the President by statutory instrument.

The Bill's ten parts include parts dealing with: the establishment, management and finances of the new Zimbabwe Investment and Development Agency [ZIDA] and its One Stop Investment Services Centre [OSISC]; investor guarantees and non-discriminatory treatment; investor obligations, including social responsibility; provisions common to investors in and outside Special Economic Zones; investment and other activities in Special Economic Zones [details in the Third Schedule]; Public Private Partnerships [details in Fourth Schedule]; and dispute settlement.

ZIDA will replace, and take over the functions presently entrusted to, the Zimbabwe Investment Authority and the Special Economic Zones Authority [both statutory corporations] and the Joint Venture Unit in the Ministry of Finance and Economic Development, which advises Government on Public Private Partnerships.

All this will require adjustments to existing legislation:

- repeal of the Zimbabwe Investment Authority Act, Special Economic Zones Act [\[link\]](#) and Joint Venture Act [\[link\]](#);
- amendment of the Procurement and Disposal of Public Assets Act [\[link\]](#) to align it with the new arrangements for Public Private Partnerships.

Transitional provisions are also necessary to provide for the succession of ZIDA to the bodies it will replace and to their assets and obligations. Clause

47 provides for this and will also continue in force directions or orders given, regulations made and licences issued under the Acts to be repealed [there is no corresponding provision for Gazette notices establishing Special Economic Zones, an omission that needs to be corrected]. Processes already begun under the Joint Venture Act, however, are to be completed as if that Act were still in force.

ZIDA staff Clause 48 permits ZIDA to offer employment to civil servants from the Joint Venture Unit, and to employees of the Zimbabwe Investment Authority and Special Economic Zones Authority, without imposing any obligation on the new body to do so.

ZIDA Board There is no provision obliging the responsible Minister to appoint outgoing board members of the Zimbabwe Investment Authority and Special Economic Zones Authority board members to the ZIDA Board.

Note: The Bill contains typos and minor errors betraying haste in the final stages of drafting, e.g., Zimbabwe Investment Agency instead of Zimbabwe Investment Authority in clause 47(6), frequent instances of “Authority” instead of “Agency” in the explanatory memorandum and one instance in clause 4(3).

Cabinet Approval of Principles of Bills

At its meeting on 16th April, Cabinet approved the principles of the following two Bills from the Ministry of Justice, Legal and Parliamentary Affairs, thus clearing the way for the Bills to be drafted by the legal drafters in the Attorney-General’s office.

Constitutional Court Bill

This Bill will provide for the powers, practice and procedure of the Constitutional Court; its composition as prescribed in section 166 of the Constitution; and its jurisdiction *[information from Cabinet press release]*. It is listed in the Legislative Agenda for this session.

Supreme Court Amendment Bill

This Bill will address deficiencies in the existing Act and align it with the Constitution of Zimbabwe by incorporating constitutional provisions for: the right to access justice for all persons; ensuring that every person has right of access to the courts or to some other tribunal or forum established by law for the resolution of any dispute, without any limitation; that all persons are equal before the law; the Supreme Court’s position as the final court of appeal in Zimbabwe, except in matters over which the Constitutional Court has jurisdiction; and the provision that every person has the right of access to the courts, and equal protection of the law *[information from Cabinet press release]*.

Government Gazettes 5th to 19th April

Regular Gazette of 5th April

Statutory Instruments

Audit Office [Auditor-General]

SI 85/2019 is the Audit Office Regulations [\[link\]](#), a comprehensive set of regulations for: the corporate governance of the Audit Office by the Audit Office Board; the administration of the Audit Office; the conduct of audits of entities, Ministries and funds subject to audit by the Auditor-General; and the financial affairs of the Audit Office.

Commission of Inquiry into Sale of Urban State Land

SI 86/2019 extends the Commission's term of office from the end of April until the end of October. The Commission was sworn in on 1st February 2018 and is chaired by Justice Uchena.

Local authority by-laws – Chikomba Rural District Council

81/2019 – Refuse Removal By-laws

82/2019 – Taxi By-laws

83/2019 – Hairdresser's Shops and Barber's Shops By-laws [marred by too many typos that should have been obvious to anyone checking or proof-reading the by-laws, e.g., "pause for eminent" instead of "cause for imminent"].

Public Finance Management – Receivers of Revenue and Accounting Officers

SI 84/2019 [\[link\]](#) provides new lists of *Receivers of Revenue and Accounting Officers* for the purposes of the Public Finance Management Act. Accounting officers are designated for each of the entities for which Parliament has voted funds in the Appropriation (2019) Act.

Regular Gazette of 12th April

Statutory instruments

Labour Act: Collective Bargaining Agreements

SI 87/2019 affects the *Ceramics and Associated Products Manufacturing Industry*. It sets minimum wage levels for July 2018 to June 2019 and stipulates wages shall be paid "in the currency of the US dollars". The agreement was signed in June 2018.

SI 90/2019 affects the *Printing, Packaging and Newspaper Industry*. It sets wages and allowances for 2019.

Local authority by-laws: Epworth Local Board

SI 88/2019 is the Epworth Traffic, Clamping and Tow-away By-laws.

Supreme Court Rules

SI 89/2019 [\[link\]](#) contains the first amendments to last year's new Supreme Court Rules published in SI 84/2018 [\[link\]](#). Rules 30 and 33 are amended, to clarify the procedure for the Prosecutor-General to apply for the leave of a

Supreme Court judge to appeal from a High Court decision or sentence in a criminal matter.

General Notice

Consolidated Monthly Statement of Financial Performance of the Consolidated Revenue Fund for July 2018

GN 722/2019 notifies the publication with the Government Gazette of this monthly statement. It is the second notice in the current exercise by the Ministry of Finance and Economic Development's to comply, albeit belatedly, with section 38(1) of the Public Finance Management Act. That section requires gazetting of every such statement within 30 days of the end of the month concerned. , Statements for December 2018 and January and February this year are also past their publish-by deadline. The first such catch-up notices were GNs 508 to 514/2019 of 29th March, noted in Bill Watch 21/2019 [\[link\]](#)

Regular Gazette of 19th April

Maintenance of Peace and Order Bill

The publication of this Bill is noted at the beginning of the bulletin.

Statutory Instruments

Customs and excise – duty rebate for Air Zimbabwe

SI 92/2019 extends for the whole of 2019 the existing rebate on engine spares and components for Air Zimbabwe.

Labour Act: Collective Bargaining Agreement

SI 91/2019 affects the *Motor Industry*. It fixes weekly and monthly Cost of Living Allowances for January to April 2019. It also provides for the collection from workers and employers of a levy payable to the National Employment Council for the industry.

Veritas makes every effort to ensure reliable information, but cannot take legal responsibility for information supplied.

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