



**ANIMAL LAW**

**STATUTE BOOK**

**PREFACE**

This Animal Law Code is a consolidated source that encompasses all laws and statutory instruments that relate to animal welfare, protection, the offences and penalties involved in relation to contravention of such laws. This is a handy tool that makes life easier for all the stakeholders particularly those in law enforcement and others who are interested in animal law, the protection of the animals and preservation through the law.

Due to economic doldrums leading to law enforcement agents and the general populace failing to easily access animal law literature I found it prudent to compile this resource and make it easily available to all interested parties.

I hope this Animal Law Statute Book will make the work of any person interested in preserving animals more effective and efficient.

Animals rely on you, and so do I.

Animal Advocate

Advocate E.V. Chinoda

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ANIMAL HEALTH ACT

**CHAPTER 19:01**

*Acts 5/1960 (Federal), l5/1962 (Federal), 32/1963 (Federal), 41/1978 (s. 10), 20/1982, 8/1983, 8/1988, 16/1990, 22/2001 (s. 4); R.G.Ns 638/1963, 95/1964, 745/1964 216/1970, 217/1970, 452/1970.*

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SCHEDULE Powers of Minister.

**AN ACT to provide for the eradication and prevention of the spread of animal pests and diseases in Zimbabwe, for the prevention of the introduction into Zimbabwe of animal pests and diseases and for incidental matters**

**1 Short title**

This Act may be cited as the Animal Health Act [*Chapter 19:01*].

**2 This Act binds the State**

This Act shall bind the State.

**3 Animals, diseases and pests subjected to Act to be specified by Minister**

(1) This Act shall, unless the Minister, in terms of subsection (2) or in the exercise of the power conferred upon

him by section *five*, otherwise provides or the context otherwise requires, apply to— (*a*) a member of a class or a class of vertebrate animal, domestic or otherwise; and

(*b*) a disease of a member of a class or a class of animal referred to in paragraph (*a*); and (*c*) a pest, being a non-vertebrate organism, including a virus, in the opinion of the Minister— (i) injurious to a member of a class or a class of animal referred to in paragraph (*a*); or (ii) capable of introducing into or spreading within Zimbabwe a disease referred to in paragraph (*b*);

which is specified by the Minister in a statutory instrument*,* and in this Act “animal”, “disease” and “pest” shall be construed accordingly.

(2) The Minister may, in a notice referred to in subsection (1), specify—

(*a*) a member of a class or a class of vertebrate animal referred to in paragraph (*a*) of that subsection as an

animal for the purposes of this Act; and

(*b*) a disease referred to in paragraph (*b*) of that subsection as a disease of a particular member of a class or

particular class of animal; and

(*c*) a pest referred to in paragraph (*c*) of that subsection as a pest in relation to a particular member of a class or particular class of animal or to a particular disease or class of disease.

**4 Interpretation**

In this Act—

“authorized person” means a person authorized in terms of paragraph (*b*) of subsection (1) of section *twenty* to do anything or perform any act which may be done or performed in terms of this Act;

“child” means a person under the age of sixteen years;

“Director” means the officer in charge of the Department of Veterinary Services of the Ministry;

“import” means import into Zimbabwe;

“infectious thing” means anything declared to be an infectious thing in a regulation; “land” includes any building, structure, enclosure, premises, harbour, jetty, wharf or water; “land under the control of a local authority” means—

(*a*) an open space; or (*b*) a road or street;

within the limits of a municipality, town or village to which the public has a right of access and includes a

commonage and land vested in a local authority; “legal representative”, in relation to a person under a legal disability, means—

1. in the case of a company, the judicial manager or liquidator, as the case may be; and (*b*) in the case of an individual, the person authorized by law to administer his estate;

“Minister” means the Minister of Agriculture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“Ministry” means the Ministry for which the Minister is responsible;

“occupier”, in relation to land, means—

(*a*) in the case of land used by the State, the person having charge, control or management of the land;

and

(*b*) in the case of Communal Land, the person having the use of the land or, if no person has the use of

the land, the rural district council within the area of which the land is situated; and

(*c*) in the case of land under the control of a local authority, the local authority; and

(*d*) in the case of land not referred to in paragraphs (*a*) to (*c*), a person resident on the land or, if there is

no person resident on the land, the person ordinarily present on the land during the hours of the business for which the land is used who has the charge, control or management of the land or business

or, if there is no such person, the person designated as occupier in terms of section *seventeen*; “owner”—

(*a*) in relation to land, means—

(i) in the case of State land held in accordance with any enactment or an agreement which entitles a person to obtain title thereto on the fulfilment by him of the conditions specified in the enactment or agreement, that person or, if he is under a legal disability, his legal representative;

and

(ii) in the case of State land held under an agreement of sale, the purchaser under the agreement or, if he is under a legal disability, his legal representative; and

(iii) in the case of State land held under a lease, licence or similar agreement, the lessee or licensee

or, if he is under a legal disability, his legal representative; and

(iv) in the case of State land, other than State land referred to in subparagraph (i) or (iii), over which grazing or any other rights whatsoever have been granted, the holder of those rights or, if he is under a legal disability, his legal representative; and

(v) in the case of State land which is not land referred to in subparagraphs (i) to (iv), the Minister

responsible for lands, natural resources or, local government, as the case may be; and

(vi) in the case of Communal Land, the Minister responsible for the administration of the Communal

Land Act [*Chapter 20:04*]; and

(vii) in the case of land under the control of a local authority, the local authority; and

(viii) in the case of land which is not land described in subparagraphs (i) to (vii), the person registered

in the office of the Registrar of Deeds as the owner of the land or, if he is under a legal disability, his legal representative; and

(*b*) in relation to an animal or infectious or other thing or vehicle, includes the person having for the

time being the management, custody or control of the animal or infectious or other thing or vehicle

or, if that person is a child, the person having for the time being the care, custody or control of the child

“permit” means a permit issued in terms of this Act; “person under a legal disability” means—

(*a*) in the case of a company, a company which is being wound up or is under judicial management; and

(*b*) in the case of an individual, a minor, a person of unsound mind, a deceased person, an insolvent, a

person who has made an assignment with creditors or a person who is otherwise under a legal disability;

“prescribed area” means such area as the Minister may prescribe for the purposes of a regulation;

“quarantine area” means land to which an order made in terms of subsection (4) of section *twenty-one* relates;

“regulation” means a regulation, order or notice made by the Minister in the exercise of the power conferred

upon him by section *five*;

“this Act” includes a regulation and an order or direction made or given in terms of this Act or a regulation;

“vehicle” includes an aircraft, ship, railway train and tractor and any machine capable of being drawn or driven along a road which is used or intended to be used in connection with the construction of dams, roads or

buildings, the installation of cables, pipelines or power lines or the sinking of boreholes or the like or for agricultural, mining or other prescribed purposes;

“veterinary fixture” means a cleansing chamber, dipping tank, spray race, crush pen, pen, race, stockade or other structure or thing for use in doing to animals, persons, vehicles or other things of anything required to be done in terms of this Act, together with any necessary accessories and appurtenances.

**5 Regulatory powers of Minister**

(1) For the better eradication and prevention of the occurrence or spread within Zimbabwe and for the prevention of the introduction into Zimbabwe of diseases and pests the Minister may, by regulation, order or notice in a statutory instrument, do any or all of the matters or things specified in the Schedule.

(2) Nothing in this Act shall be construed as precluding the Minister, in the exercise of the power conferred

upon him by subsection (1), from making provision for the eradication and prevention of the occurrence or spread amongst human beings of—

(*a*) a disease common to human beings and animals; or

(*b*) a pest injurious to both human beings and animals or capable of introducing or spreading amongst both

human beings and animals a disease referred to in paragraph (*a*).

**6 Duties of owners of vehicles entering Zimbabwe**

Upon the arrival of a vehicle in Zimbabwe from a place outside Zimbabwe the owner of the vehicle shall, if required

by an authorized person—

(*a*) forthwith report in writing to the authorized person particulars of the animals, if any, used for drawing the

vehicle and of the animals or infectious things, if any, which are in or upon the vehicle, whether or not the

animals and infectious things or any of them—

(i) form part of the cargo, load, equipment or stores of the vehicle; or

(ii) are the property or in the custody of a passenger on or in or a member of the crew or staff of the

vehicle; or

(iii) are consigned to a place in Zimbabwe or are to be landed in Zimbabwe; and

(*b*) specify in the report referred to in paragraph (*a*)—

(i) the names of the places visited by the vehicle in the course of its journey to Zimbabwe; and (ii) the animals and infectious things carried by the vehicle between the places referred to in subparagraph

(i) and the contact which the animals and infectious things brought into Zimbabwe had with them; and

(iii) the temporary haltings or landings on the way of the animals and infectious things brought by the

vehicle into Zimbabwe; and

(iv) the cases of sickness and death among the animals used for drawing the vehicle or in or upon the

vehicle during the journey to Zimbabwe; and

(v) the measures taken during the journey for the disinfection of the vehicle and of the animals and

infectious things in or upon or carried by the vehicle; and

(vi) such other particulars as the Minister may prescribe; and

(*c*) confine and keep in secure confinement in or upon or about the vehicle the animals referred to in paragraph

(*a*) and prevent their escape or removal until the authorized person has authorized their removal, release or

disposal; and

(*d*) forthwith report in writing to the authorized person the death of an animal whilst confined in terms of

paragraph (*c*) and the unauthorized disappearance of an animal from confinement; and (*e*) retain an infectious thing which is in or upon the vehicle and prevent its removal therefrom until the authorized person has authorized its removal, release or disposal.

**7 Disposal of animals and things infected, contaminated or infested with disease or pest**

(1) If, at the time an animal or thing is imported or is exported from Zimbabwe, it appears to an authorized person that—

(*a*) the animal or thing is or may be infected, contaminated or infested with a disease or pest; and

(*b*) the animal or thing is likely to spread the disease or pest;

he may either exercise the powers conferred upon him by paragraph (*f*) of subsection (1) of section *twenty-one* or, pending orders given by the Director in terms of subsection (3), seize and detain the animal or thing in isolation, together with any other animal or thing which by reason of its close association therewith in time and place is in his opinion also likely to spread the disease or pest.

(2) If, at any time and place within Zimbabwe, it appears to an authorized person that— (*a*) an animal or thing is or may be infected, contaminated or infested with a disease or pest; and

(*b*) the animal or thing is likely to spread the disease or pest within Zimbabwe;

he may either exercise the powers conferred upon him by paragraph (*f*) of subsection (1) of section *twenty-one* or, pending orders given by the Director in terms of subsection (3), seize and detain the animal or thing in isolation, together with any other animal or thing which by reason of its close association therewith in time and place is in his opinion also likely to spread the disease or pest.

(3) The Director may, in respect of an animal or thing seized and detained in terms of subsection (1) or (2)—

(*a*) order it to be destroyed; or

(*b*) in the case of an animal or thing seized at the time of its import—

(i) order its removal from Zimbabwe within such time and in such manner and by such route as he may

specify; or

(ii) if the animal or thing is seized in Zimbabwe, grant permission for it to be kept in Zimbabwe subject

to such conditions as he may specify; or

(*c*) in the case of an animal or thing seized at the time of its export from Zimbabwe, order it to be exported or removed from Zimbabwe, subject to such conditions as he may specify; or (*d*) give such orders for the cleansing, disinfection, treatment and further isolation of the animal or thing as he may deem necessary; or

(*e*) give such other order as may be appropriate in the circumstances.

(4) The powers in connexion with an animal or thing conferred upon an authorized person and the Director by this section may be exercised notwithstanding that—

(*a*) the animal is not a member of a class of vertebrate animal specified in terms of section *three*; or

(*b*) the thing is not an infectious thing: or

(*c*) the disease or pest with which the animal or thing is infected, contaminated or infested or suspected to be infected, contaminated or infested is not a disease or pest specified in terms of section *three*; or

(*d*) no regulation is in force which—

(i) provides for the seizure, detention, cleansing, disinfection, treatment, isolation or disposal of the

animal or thing; or

(ii) prohibits, restricts or controls the import or the export from Zimbabwe or the movement within

Zimbabwe or any area of Zimbabwe of the animal or thing.

**8 Disposal of animals and infectious things unlawfully imported**

(1) If an authorized person knows or suspects on reasonable grounds that an animal or infectious thing was imported otherwise than in accordance with this Act or the conditions of a permit, he may seize and detain the animal or infectious thing, pending orders for its disposal given by the Director in terms of subsection (2).

(2) If an animal or infectious thing seized and detained in terms of subsection (1) was imported otherwise than in accordance with this Act or the conditions of a permit, the Director may give an order for its disposal such as he is authorized in terms of paragraph (*a*) or (*e*) of subsection

(3) of section *seven* to give in respect of an animal or thing referred to in that section or for its confiscation.

**9 Disposal of animals straying into Zimbabwe**

(1) An occupier or owner of land who finds on his land or an owner of animals who finds with his animals an animal which he knows or suspects on reasonable grounds has strayed from a place outside Zimbabwe shall, notwithstanding anything to the contrary contained in any enactment relating to pounds, immediately—

(a) seize and detain the animal in isolation, pending orders for its disposal given by the Director in terms of

subsection (3); and

(*b*) report the finding of the animal in the manner prescribed,

(2) Notwithstanding anything to the contrary contained in any enactment relating to pounds, an authorized person who knows or suspects on reasonable grounds that an animal has strayed into Zimbabwe from a place outside

Zimbabwe— (*a*) may—

(i) seize and detain the animal in isolation; or

(ii) require the occupier of the land on to which the animal has strayed to seize and detain the animal in

isolation; or

(iii) if the animal has strayed on to a public road or place, require an occupier of land in the vicinity to

seize and detain the animal in isolation; pending orders for its disposal given by the Director in terms of subsection (3); and

(*b*) shall report the finding of the animal in the manner prescribed.

(3) The Director, with the approval of the Minister, may order an animal seized and detained in terms of subsection

(1) or (2) to be destroyed or confiscated or make such other order for its disposal as may be appropriate in the circumstances.

**10 Impounding of animals infected with disease**

(1) No person shall impound an animal which he knows or suspects on reasonable grounds to be infected with a disease.

(2) An occupier of land may destroy an animal found trespassing on the land without payment of compensation if authorized to do so by an authorized person or, in the absence of an authorized person, if two independent persons who have examined the animal decide that the animal is infected with a disease prescribed for the purposes of this subsection.

**11 Disposal of animals and things confiscated and of carcasses of animals destroyed in terms of this Act**

(1) An animal or thing confiscated in terms of this Act and the carcass of an animal destroyed in terms of this Act shall be the property of the State and may be disposed of as the Director, with the approval of the Minister, may direct.

(2) Subject to subsection (3), the Minister shall, out of moneys appropriated for the purpose by Act of Parliament, reimburse a person expenses necessarily incurred by him in carrying out a duty imposed upon him by or in terms of this Act in connection with an animal or thing.

(3) The owner of an animal or thing referred to in subsection (2) shall not be entitled to expenses necessarily incurred in carrying out a duty referred to in that subsection in connection with the animal or thing, and the Minister may recover from the owner expenses reimbursed in terms of subsection (2) or necessarily incurred in terms of this Act by the State in connection with the animal or thing.

**12 Construction of veterinary fixtures**

(1) The Minister may cause a veterinary fixture to be constructed on any land and, subject to subsection (2), the cost of its construction to be defrayed from moneys appropriated for the purpose by Act of Parliament:

Provided that the Minister shall not cause a veterinary fixture to be constructed on State land on which no person is resident without consulting the owner.

(2) The Minister may order the owner of land on which a veterinary fixture is constructed in terms of subsection

(1) to contribute an amount fixed by the Minister towards the cost of its construction.

(3) The Minister may either generally or specially order an owner of land on which there are animals to which anything entailing the use of a veterinary fixture is required to be done in terms of this Act to construct, maintain, repair or improve a veterinary fixture on the land at the owner’s expense within a time fixed and in accordance with plans and specifications approved by the Minister

(4) The Minister may in an order to an owner of land to construct a veterinary fixture in terms of this section direct the owner to construct the veterinary fixture upon a site specified in the order or upon a site selected by an authorized person named in the order.

(5) No person shall, without the written consent of the Minister, demolish, dismantle, remove or impair the efficacy of a veterinary fixture constructed in terms of this section.

**13 Veterinary fixtures constructed on land leased or subject to usufruct or servitude**

(1) If—

(*a*) an owner of land has—

(i) in pursuance of an order made in terms of subsection (2) of section *twelve*, contributed towards the

cost of the construction of a veterinary fixture on his land; or

(ii) in pursuance of an order made in terms of subsection (3) of section *twelve*, constructed or improved

a veterinary fixture on his land; and (*b*) the land is—

(i) leased to another person; or

(ii) subject to a usufruct or servitude; the owner thereby being divested, on the date he was ordered to contribute towards the cost of the construction of the veterinary fixture or, as the case may be, to construct or improve the veterinary fixture, of his right to occupy the land; the owner of the land may, subject to such terms as to payment as the Minister may specify, charge the lessee or, as the case may be, the usufructuary or person having the servitude such an amount in respect of the veterinary fixture as the Minister may fix.

(2) An owner of land referred to in this section shall, for the purposes of this section, be treated as having been divested, on the date referred to in paragraph (*b*) of subsection (1), of his right to occupy his land if on that date he had agreed to lease the land to another person and the land is subsequently occupied by that other person in terms of the agreement.

(3) This section shall apply, *mutatis mutandis*, in relation to land which, on the date referred to in paragraph (*b*) of subsection (1), was the subject of an agreement of sale.

**14 Minister may order use of veterinary fixtures**

(1) Subject to subsection (5), the Minister may order an occupier of land on which there is a veterinary. fixture to use the veterinary fixture or allow it to be used for the doing to an animal kept or depastured on the land of anything required in terms of this Act to be done to the animal and to furnish the materials and facilities necessary for the purpose.

(2) Subject to subsection (5), the Minister may, with the consent of an occupier of land on which there is a veterinary fixture, order the owner of an animal kept or depastured on land on which there is no veterinary fixture of the same type to make use of the veterinary fixture for the doing to the animal of anything required in terms of this Act to be done to the animal.

(3) If a veterinary fixture is used as in subsection (1) or (2) is provided in connection with an animal of which the occupier of the land is not the owner, the occupier may, subject to subsection (4), charge the owner of the animal such fee for the use of the veterinary fixture as the Minister may either generally or specially fix.

(4) If a veterinary fixture referred to in subsection (3) was constructed in terms of subsection (1) of section

*twelve* and the cost of its construction was wholly defrayed from moneys appropriated for the purpose by Act of Parliament, the Minister may order the owner of the animal referred to in subsection (3) to pay to the State or the occupier or both the State and the occupier such fee or fees for the use of the veterinary fixture as the Minister may either generally or specially fix. (5) This section shall not, except in so far as they authorize the Minister to order occupiers of land on which

there are veterinary fixtures to use the veterinary fixtures for the doing to animals kept or depastured on the land of anything required in terms of this Act to be done to the animals, apply to occupiers of Communal Land.

**15 Minister may order destruction of wild animals**

If, in the opinion of the Minister, it is necessary for the control of a disease or pest in any area, he may, after consulting the Minister responsible for wildlife, order the destruction in the area by authorized persons of wild animals by which the disease or pest may be spread.

**16 Construction of fences**

(1) If, in the opinion of the Minister, it is necessary for the control of a disease or pest at any place in Zimbabwe or for preventing the introduction into or the spread within Zimbabwe of a disease or pest, he may—

(*a*) cause a fence, together with gates and grids, to be erected and maintained along or across any road, whether public or private, or upon or across or along the boundary of any land; or (*b*) order an owner of land to erect, maintain, repair or improve a fence, together with gates and grids, upon or across or along the boundary of his land within a time fixed by the Minister and

in accordance with plans and specifications approved by the Minister.

(2) The cost of the erection, maintenance, repair or improvement of a fence, gates and grids referred to in subsection

(1) shall be defrayed from moneys appropriated for the purpose by Act of Parliament: Provided that if the Minister is of the opinion that the erection, maintenance, repair or improvement of a fence, gate or grid in terms of subsection (1) will benefit the owner of the land upon or across which or the owners of the

land on the boundary of which the fence, gate or grid is erected, the Minister may order the owner or, as the case may be, the owners of the land to make, on such conditions as the Minister may fix, such contribution, not exceeding onehalf, in labour, money or materials towards the erection, maintenance, repair or improvement of the whole or any part of the fence, gate or grid specified by the Minister, as the Minister and the owner or the owners of the land may agree or, failing agreement, as may be determined by arbitration in terms of the Arbitration Act [*Chapter 7:02*].

(3) If, in the opinion of the Minister, a fence, gate or grid erected in terms of subsection (1) is no longer required for the purpose for which it was erected, the Minister may cause it or any part of it to be removed or to be sold or to be disposed of in such other manner as he may determine: Provided that if the Minister does not sell or dispose of a fence, gate or grid erected upon or across or along a boundary of land the owner or owners of which have made a contribution referred to in the proviso to subsection (2) to the owner or owners, the Minister shall, at the time the fence, gate or grid is removed, sold or disposed of, refund the money or, as the case may be, pay to the owner or owners an amount equal to the cost of the labour or materials contributed by the owner or owners towards the erection, maintenance, repair or improvement of the fence, gate or grid.

(4) Section *thirteen* shall apply, *mutatis mutandis*, in relation to a fence erected, maintained, repaired or improved in terms of subsection (1).

(5) No person shall, without the written consent of the Minister, remove or impair the efficacy of a fence, gate or grid erected, maintained, repaired or improved in terms of subsection (1).

(6) For the purposes of this section—

“boundary”, in relation to an owner of land, includes a stream or river which lies immediately between or constitutes the boundary of his land and the land of some other owner.

**17 Designation of occupiers of land**

(1) The Minister may in a notice to an owner of land of which there is no occupier require the owner to—

(*a*) designate, within sixty days of the date of the notice, a person approved by the Minister to be the occupier

of the land for the purposes of this Act; and

(*b*) furnish for the approval of the Minister, within the period referred to in paragraph (*a*), an agreement in

writing between the owner and the person designated in terms of that paragraph stating in detail the terms

upon which the person has been designated as occupier of the land.

(2) The parties to an agreement referred to in paragraph (*b*) of subsection (1) the terms of which have been approved by the Minister shall not cancel or alter the agreement without the written consent of the Minister.

(3) If an owner of land referred to in subsection (1) to whom notice has been given in terms of that subsection—

(*a*) fails to designate a person as occupier of the land as in paragraph (*a*) of that subsection is provided; or

(*b*) fails to furnish for the approval of the Minister an agreement in terms of paragraph (*b*) of that subsection; or

(*c*) furnishes an agreement in terms of paragraph (*b*) of that subsection the terms of which are not approved by the Minister; the Minister may designate as occupier of the land, for the purposes of this Act, any person who is willing to be designated upon terms agreed to by him and the Minister.

(4) A person designated as an occupier of land in terms of this section may enter upon the land and do there anything which the occupier is, in terms of this Act, authorized or required to do. (5) The Minister may recover in a competent court from an owner of land referred to in subsection (3) any expenditure incurred by the State in pursuance of an agreement entered into by virtue of that subsection.

**18 Powers of Minister if owner or occupier in default or matter urgent**

(1) If—

(*a*) an owner or occupier of land or an owner of an animal, vehicle or thing fails or refuses to do anything

which he is required in terms of this Act to do; or

(*b*) in any case in which notice is required to be given in terms of this Act for the doing of anything, the Minister is satisfied that the thing must be done without delay;

the Minister may, without further notice or, as the case may be, any notice, cause the thing to be done.

(2) The cost to the State of anything which the Minister has caused to be done in terms of subsection (1) shall, on completion of the thing done, be due and payable on demand and shall be recoverable by the Minister in a competent court from the owner of the land or from the occupier of the land or from the owner of the animal, vehicle or thing, as the case may be.

**19 Payment for work done by Minister in connection with veterinary fixtures and fences**

(1) If anything caused to be done by the Minister in terms of subsection (1) of section *eighteen* is a thing for the doing of which provision is made in subsection (3) of section *twelve* or paragraph (*b*) of subsection (1) of section *sixteen*, nothing in subsection (2) of section *eighteen* contained shall preclude the Minister from permitting an owner of land to pay the cost of the thing done in such instalments and subject to such conditions as the Minister may fix.

(2) An owner of land may at any time pay the balance of the debt still unpaid together with the interest then due.

**20 Powers of Director**

(1) The Director may—

(*a*) with the approval of the Minister, delegate to a person any power conferred upon him by this Act in relation to a particular matter or class of matters or otherwise; and

(*b*) with the approval of the Minister, authorize a person or class of persons to do anything or perform any act which may be done or performed in terms of this Act; and

(*c*) with the approval of the Minister, establish or cause to be established at any place quarantine stations for

animals liable to be detained or isolated in terms of this Act or the conditions of a permit; and (*d*) reserve for observation or treatment an animal liable to be destroyed in terms of this Act: and

(*e*) establish and maintain a cordon on any land or along a boundary of any land whenever it is, in his opinion,

necessary for the purposes of this Act; and  subsection (1) or

subsection (4) of section *twenty-one*; and

(*g*) temporarily relieve an owner of animals of his obligations to do to his animals anything required to be done to them in terms of this Act.

(2) A person to whom a power has been delegated in terms of paragraph (*a*) of subsection (1) shall exercise the power subject to the orders of the Director.

(3) The delegation of a power in terms of paragraph (*a*) of subsection (1) shall not preclude the exercise of the power by the Director himself.

(4) The Director may, at any time, revoke a delegation or authority made or given in terms of this section.

(5) If an authorized person is not a member of the Public Service, the Minister may, out of moneys appropriated for the purpose by Act of Parliament, pay for the services of the person such amount as may be agreed with him or, as the case may be, his employer.

**21 Powers of authorized persons**

(1) An authorized person may, in the performance of his duties under this Act, enter any land or vehicle and take with him such persons, animals, vehicles, appliances, instruments, tools, drugs and other things as he may consider necessary for the performance of his duties and there—

(*a*) do anything which he is authorized or required to do in terms of this Act; and (*b*) supervise and inspect the doing of anything which any other person is required to do in terms of this Act;

and

*(c)* search for and require the owner, occupier or any other person for the time being in charge to produce to

him on reasonable notice any animal or infectious or other thing which may be there and to which a provision

of this Act applies; and

(*d*) check, count, inspect and establish the identity of any animals or infectious or other things; and

(*e*) ascertain whether any animal or infectious or other thing is infected, contaminated or infested with a disease or pest; and  disinfect and treat in the manner ordered by the authorized person and isolate for such period as the authorized person may require any animal which the authorized person knows or suspects on reasonable grounds to be infected with

a disease or any animal or infectious or other thing which the authorized person knows or suspects on reasonable grounds to be infested with a pest and any animal or thing with which it has been in contact or himself cause such animal or infectious or other thing to be cleansed, disinfected, treated and isolated; and

(*g*) ascertain whether anything required to be done in terms of this Act has been or is being done; and

(*h*) seize and detain, pending orders given by the Director, an animal or infectious or other thing in respect of which he knows or suspects on reasonable grounds that a provision of this Act has been contravened; and

(*i*) occupy so much of the land as he may consider necessary for the performance of his duties and do thereon

any or all of the following things—

(i) establish a camp; and

(ii) construct roads; and

(iii) remove vegetation; and

(iv) erect, alter or remove any fence, gate or grid; and

(v) make use of grazing, fuel and water.

(2) For the purposes of paragraph (*e*) of subsection (1), an authorized person may—

(*a*) call upon a person concerned in or having a part in the care, control or management of an animal or infectious or other thing to furnish him with such information relating to the animal or infectious or other thing as is within his knowledge and is, in the opinion of the authorized person, necessary for a correct diagnosis or for deciding on the measures which should be taken to control and prevent the spread of a disease or pest; and

(*b*) examine or test an animal or infectious or other thing in such manner as he may consider necessary; and

(*c*) make an examination of a dead animal and, with the approval of the Director, slaughter any other animal,

the post-mortem examination of which would, in his opinion, assist in reaching a correct diagnosis; and

(*d*) remove the whole or any part of a dead or slaughtered animal for further examination; and (*e*) generally, make or cause to be made such investigation as he may consider necessary in the circumstances.

(3) An authorized person may require the reasonable assistance of—

(*a*) an owner of an animal, vehicle or thing in the doing of anything which the authorized person is authorized

or required to do in terms of this Act in relation to the animal, vehicle or thing; and

*(b)* an occupier of land in the doing of anything which the authorized person is authorized or required to do in terms of this Act in relation to a matter within the control of the occupier by virtue of his occupation of the land; and

(*c*) an owner of land in the doing of anything which the authorized person is authorized or required to do in

terms of this Act in relation to a matter within the control of the owner by virtue of his ownership of the

land.

(4) An authorized person may— (*a*) place in quarantine— (i) any land where there are—

A. animals which are or have been or which the authorized person suspects to be or to have been

infected with a disease; or

B. animals or infectious or other things which are or have been or which the authorized person suspects to be or to have been infested with a pest; and

(ii) any land where there have been animals or infectious or other things referred to in subparagraph

(i)—

A. which is contaminated or which the authorized person suspects to be contaminated with a disease; or

B. which is infested or which the authorized person suspects to be infested with a pest; and (iii) any land around or adjacent to land referred to in subparagraph (i) or (ii); and

(*b*) by order prohibit, restrict or control for a period not exceeding twenty-eight days the movement of persons, animals, vehicles or infectious or other things into, within or from land referred to in paragraph (*a*).

(5) Information furnished by a person in terms of paragraph (*a*) of subsection (2) shall not be available as evidence in any prosecution against the person furnishing the information unless the offence with which he is charged is a contravention of paragraph (*e*) of subsection (2) of section *twenty-eight*.

**22 Issue and production of permits**

(1) Subject to subsection (2), a person authorized to issue permits may issue or refuse to issue a permit and the Director may cancel or instruct an authorized person to cancel a permit.

(2) If a person authorized to issue a permit refuses to issue a permit or if the Director cancels or causes to be

cancelled a permit, an appeal against the refusal or cancellation shall lie to the Minister whose decision shall be final.

(3) The person in charge of an animal or thing which is being imported or brought into or moved within Zimbabwe under the authority of a permit shall produce the permit for inspection on demand by an authorized person.

**23 Limitations of actions in respect of things done in good faith and without negligence**

Save as is otherwise provided in this Act, no action shall lie against the State, the Minister, the Director or an authorized person for anything done in good faith and without negligence in terms of this Act.

**24 Compensation**

(1) If an animal or infectious or other thing is destroyed in terms of this Act, the Minister shall, subject to the provisions of this section, pay, out of moneys appropriated for the purpose by Act of Parliament, compensation to the owner of the animal or infectious or other thing

(2) Compensation shall not, unless the Minister otherwise directs, be payable to the owner of an animal or infectious

or other thing which is—

(*a*) referred to in section *eight* or *nine*; or (*b*) confiscated in terms of this Act.

(3) The Minister shall deduct from compensation payable in terms of this section any expenses incurred, payable or reimbursed in terms of this Act by the State in connection with the animal or infectious or other thing in respect of which compensation is payable.

(4) If—

(*a*) an animal has been destroyed in terms of this Act; and

(*b*) the whole or a part of the carcass of the animal has been sold; and (*c*) compensation is payable in terms of this section in respect of the animal; and

(*d*) the proceeds of the sale of the carcass or the part of the carcass exceed the amount of the compensation

payable; the Minister shall, after deducting any expenses incidental to the sale, pay to the owner the amount by which the proceeds of the sale exceed the amount of the compensation payable.

(5) If—

(*a*) an animal is destroyed in terms of this Act; and

(*b*) compensation is payable in terms of this section in respect of the animal; and

(*c*) the whole or a part of the carcass of the animal has a commercial value and can, in the opinion of the Director, be returned to the owner without danger of spreading a disease or pest; the Director may order that the carcass or the part of the carcass be returned to the owner if the owner is willing to accept it, and the value as assessed by the Director shall be deducted from the amount of the compensation payable.

(6) If compensation is payable in terms of this section in respect of an animal or infectious or other thing which was insured, the Minister may deduct from the compensation payable in terms of this section a sum equal to the amount, if any, payable by the insurer to the owner of the animal or infectious or other thing on the occurrence of the event by reason of which compensation is payable.

(7) The Minister may withhold, either wholly or in part, compensation payable in terms of this section in respect

of an animal or infectious or other thing if—

(*a*) the owner or person in charge of the animal or infectious or other thing committed an offence in terms of this Act in respect of the animal or infectious or other thing; or

(*b*) in the case of an animal or infectious or other thing which was imported, the animal or infectious or other

thing was, in his opinion, infected, contaminated or infested with a disease or pest at the time it was brought

into Zimbabwe; or

(*c*) in the case if an animal infected with a disease, there was, in his opinion, no reasonable prospect of the

animal recovering from the disease.

(8) Compensation payable in terms of this section shall, subject to this section, be paid in accordance with the provisions of regulations.

**25 Destruction of buildings, etc.**

(1) Whenever an order is made in terms of this Act for the cleansing or disinfection of a building, village or

enclosure where there is or has been kept an animal or thing infected, contaminated or infested with a disease or pest or suspected to be infected, contaminated or infested with a disease or pest the Director may, if he is of the opinion that the cleansing or disinfection cannot properly be carried out in the required manner, order the destruction of the building, village or enclosure and all its fittings and furniture.

(2) Subsections (1), (3), (5), (6) and (8) of section *twenty-four* shall apply, *mutatis mutandis*, in relation to a

building, village, enclosure, fittings or furniture destroyed in terms of subsection (1).

**26 Use of land for destruction and disposal of animals**

The Minister may direct that—

(*a*) any land which, in his opinion, is suitable for the purpose be used for the destruction of any animal liable to be destroyed in terms of this Act and for the disposal of its carcass, whether or not that land is owned or occupied by the owner of the animal; and

(*b*) any abattoir, whether public or private, be used for the destruction of any animal liable to be destroyed in terms of this Act on payment, out of moneys appropriated for the purpose by

Act of Parliament, of such fees as the Minister may fix.

**27 Change of occupation of land when movement of animals is restricted**

(1) If, on the termination of his right of occupation of any land, the owner of an animal on the land is unable to remove the animal by reason of a restriction imposed on the movement of animals by the provisions of a regulation, the person entitled to the occupation of the land on the termination of the right of occupation of the owner of the animal shall—

(*a*) afford the owner of the animal and any person authorized by the owner of the animal such facilities for the feeding, tending and management of the animal or for the sale of the animal as the owner may reasonably

require; or

(*b*) if the owner of the animal is unable or unwilling to avail himself of the facilities referred to in paragraph

(*a*), take such steps as are reasonably necessary for the proper feeding, tending or management of the animal.

(2) Subsection (1) shall apply until the end of a period of seven days beginning on the date the restriction on the movement of animals referred to in that subsection ceases to have effect. (3) The owner of an animal referred to in subsection (1) shall be liable to pay to the person who affords facilities or renders services in accordance with the provisions of that subsection such an amount by way of remuneration or recoupment of expenses as the parties may agree or, failing agreement, as may be determined by arbitration in terms of the Arbitration Act [*Chapter 7:02*].

**28 Offences and penalties**

(1) Subject to section *thirty-three*, a. person who, with intent to spread a disease— (*a*) introduces into Zimbabwe the virus or micro-organism of the disease or a pest or any other thing whatsoever capable of producing or transmitting the disease; or

(*b*) collects pests or any other things, whether animate or inanimate, which are capable of producing or transmitting the disease; or

(*c*) moves or uses an animal or infectious or other thing infected or contaminated with the disease or an infectious or other thing infested with a pest capable of producing or transmitting the disease; or

(*d*) possesses a pest or any other thing whatsoever capable of producing or transmitting the disease;

shall be guilty of an offence and liable to a fine no exceeding level ten or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2) Subject to section *thirty-three,* any person who wilfully—

*(a)* spreads a disease; or

(*b*) infects with a disease an animal belonging to another person; shall be guilty of an offence and liable to a fine not exceeding level ten or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(3) Subject to section *thirty-three*, any person who, except in terms of this Act or in accordance with the terms and conditions of a permit, dispatches by vehicle from the place where it is kept or moves or uses on a public road or other place which is not the place where it is kept— (*a*) an animal which he knows is infected with a disease or which he has reasonable grounds for suspecting is infected with a disease; or

(*b*) an infectious or other thing which he knows will spread or which he has reasonable grounds for suspecting

will spread a disease; 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.

(4) A person who—

(*a*) is found in possession of an animal or infectious thing which was imported otherwise than in terms of this Act or in accordance with the conditions of a permit; or

(*b*) for the purpose of obtaining whether for himself or any other person the issue of a permit, makes a declaration or statement which he knows to be false in any particular or does not know or believe to be true or knowingly makes use of a declaration, statement or document containing the same; or

(*c*) uses any altered or forged permit or certificate with intent to evade this Act; or

(*d*) having obtained a permit, does any act contrary to the conditions of the permit; or (*e*) being concerned in or having a part in the care, control or management of an animal or infectious or other

thing, refuses to give information such as is referred to in paragraph (*a*) of subsection (2) of section *twenty one* or knowingly gives false information when called upon by an authorized person in terms of that paragraph to furnish him with information such as is referred to in that paragraph; or  a requirement

made by an authorized person in terms of subparagraph (ii) or (iii) of paragraph (*a*) of subsection (2) of section *nine* or paragraph (*c*) of subsection (1) or subsection (3) of section *twenty-one*; or

(*g*) fails or refuses to furnish a report in the manner and in the time required in terms of this Act or furnishes a false or incomplete report or supplies false or incomplete information; or (*h*) being the owner of an animal, leaves or causes the carcass of the animal to be left on or near any road or

public place; or

(*i*) sells or offers or exposes for sale or barter an animal which is infected with a disease or which he suspects

is infected with a disease; or  section *seventeen* in the exercise of his powers or the performance of his duties in terms of this Act; or

(*k*) injures, damages, impedes the efficacy of or removes without authority an animal, vehicle, appliance,

instrument, tool, drug, veterinary fixture or other thing which is in the custody or control or is used under the supervision of an authorized person for the purposes of this Act; or

(*l*) destroys, damages or removes without authority any record or register kept under this Act; or

(*m*) obtains, by means of fraud, a false representation or the concealment of a material fact, compensation

payable in terms of this Act; or

(*n*) contravenes or fails to comply with a provision of this Act with which it is his duty to comply;

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.

(5) It shall be a sufficient defence to a charge in a prosecution for an offence in terms of paragraph (*a*) of subsection

(2) if the accused proves to the satisfaction of the court that—

(*a*) he was lawfully detaining the animal to which the charge relates in terms of section *nine*; or

(b) having acquired possession of the animal or infectious thing to which the charge relates outside Zimbabwe, he imported it lawfully into Zimbabwe; or

(c) he acquired possession of the animal or infectious thing to which the charge relates within Zimbabwe—

(i) by purchase at a public sale; or

(ii) in circumstances disclosing no reasonable grounds for suspecting that the animal or infectious thing

was imported or, as the case may be, was brought into Zimbabwe otherwise than in terms of this Act or the conditions of a permit; or

(iii) at a time after the Minister had decided not to confiscate or destroy the animal or infectious thing.

**29 Presumptions**

If in a prosecution for an offence in terms of this Act it is necessary, in order to establish the charge, to prove

that—(

*a*) the accused is the owner of an animal which is branded in pursuance of any enactment in force in Zimbabwe relating to brands, it shall be presumed, if he is the proprietor of the brand with which the animal is branded, that he is the owner of the animal unless he proves the contrary to the satisfaction of the court; or

(*b*) the accused had knowledge of a fact, matter or thing or had a particular intent, it shall be presumed that he had knowledge of the fact, matter or thing or, as the case may be, the particular intent unless he proves to

the satisfaction of the court that he had no knowledge of the fact, matter or thing or that he did not have that

particular intent; or

(*c*) the accused suspected or had reasonable grounds to suspect the existence of a fact, it shall be presumed that he did so suspect or, as the case may be, had reasonable grounds so to suspect unless he proves the contrary to the satisfaction of the court; or

(*d*) the accused was not at the time of the commission of the alleged offence the holder of a permit, written

consent or other authority empowering him to do the act which he is alleged to have done, it shall be presumed that at the time he was not the holder of the permit, consent or authority unless he proves the contrary to the satisfaction of the court; or

*(e)* the accused moved or permitted to be moved certain animals to or from any land and it is proved that at a time relevant to the charge he had upon the land a certain number of animals of the kind alleged to have

been moved and that subsequently, at a time relevant to the charge, he had a greater or, as the case may be,

a smaller number of animals of the kind alleged upon the land, it shall—

(i) not be necessary to prove that he moved or permitted to be moved any particular animal; and

(ii) be presumed that he moved or permitted to be moved during the period in question to or, as the case

may be, from the land a number of animals of the kind alleged equal to thedifference between the numbers upon the land at the beginning and at the end of that period unless he proves to the satisfaction of the court that he did not move the animals or any of them and that he took reasonable measures to prevent them from straying or being moved; or  thing occurred,

it shall be presumed that he allowed or, as the case may be, failed to prevent its occurrence unless he proves

to the satisfaction of the court that he used reasonable diligence and took reasonable precautions but could

not prevent its occurrence; or

(*g*) an animal strayed and it is proved that the animal was found on land where, in terms of this Act, it should

not have been and, when so found, was untended by any person or was being driven off by or on behalf of

its owner, it shall be presumed that the animal strayed on to the land unless the accused proves the contrary

to the satisfaction of the court; or

(*h*) a notice fixing the time or interval of doing anything required to be done regularly at a fixed time or interval in terms of this Act was served upon a person and it is proved that he did the thing on three consecutive occasions at the time or interval, it shall be presumed that the notice was duly served upon him unless he proves the contrary to the satisfaction of the court.

**30 Records to be evidence**

(1) In a prosecution for an offence in terms of this Act, a record kept by an authorized person in the course of his duty shall be *prima facie* proof of the facts therein recorded upon its production by the authorized person or by the person in whose custody it is.

(2) No person, other than an authorized person, shall, without the Minister’s consent, be given access to a record kept in terms of and for the purposes of this Act, and no such record shall be used without the Minister’s consent in connection with civil proceedings.

**31 Service of notices generally**

(1) Service of a notice or order or other document referred to in this Act may be effected on a person—

(*a*) by delivering a copy personally; or

(*b*) by leaving a copy at his usual or last known place of residence or business; or

(*c*) by sending a copy by registered post to his usual or last known place of residence or business; or

(*d*) in the case of a notice or order for the doing of anything in terms of this Act to an owner of land whose

whereabouts are unknown, by the publication of the notice or order in the *Gazette*; or

*(e)* in such other manner, verbally or otherwise, as the Minister may specially or generally direct.

(2) If land is owned jointly by two or more persons, a notice or order or other document which is in terms of this Act served upon any one of them as owner of the land shall be deemed to have been served upon them all.

(3) In a prosecution for an offence in terms of this Act a document purporting to be an affidavit made by a person who therein alleges that, acting upon authority conferred upon him in terms of this Act, he effected service of a notice, order or other document upon the accused in accordance with subsection (1) shall, if it sets forth the particulars of the notice, order or other document and the time, place and manner of service, upon its mere production be *prima facie* proof that the notice, order or other document was duly served upon the accused and received by him.

(4) In a prosecution for an offence in terms of this Act it shall be no defence that the accused did not, in fact, receive a notice, order or other document, if it is proved that he refused to accept the notice, order or other document when it was tendered to him either personally or by registered post or that he refused or failed to do any act required of him by a manner of service directed by the Minister in terms of paragraph (*e*) of subsection (1), unless he proves to the satisfaction of the court that his failure was not due to any lack of diligence on his part.

**32 Service of notices in special circumstances**

(1) If, in the opinion of the Director, it is not practicable to serve in any area a notice, order or other document

referred to in this Act in accordance with subsection (1) of section *thirty-one* on every owner of animals or occupier or owner of land in the area by reason of the number of such owners or occupiers in the area or the lack of postal or other facilities or other sufficient cause, service of the notice, order or other document may be effected by an authorized person delivering a copy personally or in such other manner, verbally or otherwise, as the Minister may specially or generally direct to a member of a class of persons who, in the opinion of the Director, are recognized as heads of communities in the area.

(2) A member of a class of persons referred to in subsection (1) shall forthwith take all reasonable steps to

communicate the contents of the notice, order or other document referred to in this Act to every owner of animals or occupier or, as the case may be, owner of land belonging to the community of which he is the head.

(3) Every owner of animals or occupier or owner of land belonging to a community to whose head the contents of a notice order or other document referred to in this Act have been notified in terms of subsection (1) shall be treated as having been served with the notice, order or other document unless he proves that the contents of the notice, order or other document were not communicated to him.

(4) Subsections (3) and (4) of section *thirty-one* shall apply, *mutatis mutandis*, in relation to the service of a notice, order or other document in terms of this section.

**33 Exemption for research**

Nothing in this Act contained shall be construed as prohibiting any act or omission of an authorized person

which—

(*a*) is done or made in conducting, with the approval of the Minister, an investigation, experiment or research

in connection with a disease or pest in so far as it is in furtherance of the investigation, experiment or research; or

*(b)* has the effect of spreading a disease, if the act or omission is done or made in accordance with the directions of the Director, for the better control of the disease.

**34 Limitation of actions against common carriers**

No action shall lie against a common carrier because of— (*a*) his refusal to transport an animal or thing for the reason that—

(i) the removal of the animal or thing was prohibited in terms of this Act; or

(ii) for the removal of the animal or thing a permit was required in terms of this Act and the consignor

failed to produce the permit; or

(*b*) his detention or disposal of an animal or thing in accordance with an order issued by the Director or authorized person in terms of this Act.

**SCHEDULE (Section 5)**

POWERS OF MINISTER 1. To declare that—

(*a*) any or all of the provisions of this Act shall not apply; or

(*b*) the operation in Zimbabwe or any area of Zimbabwe of any provision of this Act shall be suspended, either in whole or in part; indefinitely or for stipulated periods in respect of such animals, diseases, pests, infectious things, land or persons as the Minister may determine.

2. To declare anything whatsoever likely to introduce into or spread within Zimbabwe a disease or pest to be an infectious thing.

3. To provide for the designation, control, regulation and use of quarantine stations and other places for the detention and isolation of animals and infectious and other things which are imported or are to be exported from Zimbabwe or which are seized and detained in terms of this Act and for the management of animals and infectious and other things detained there.

4. To prohibit or to restrict or control under permit or otherwise—

(*a*) the import of animals, pests or infectious things; and

(*b*) the export from Zimbabwe of animals, pests or infectious things.

5. To order or prohibit or to restrict or control under permit or otherwise the movement of persons, animals,

vehicles or infectious things into, within or from a prescribed area or a quarantine station or other place referred to in paragraph 3.

6. To order and prescribe measures to be taken in connection with—

(*a*) the mustering, checking. counting, securing, branding, marking, muzzling, clipping, shearing, testing,

cleansing, examination, inspection, inoculation, immunization, isolation, destruction, seizure, disposal, confinement, control, disinfection and treatment of animals which are kept on or are brought on to or are removed from or which stray on to or from land in a prescribed area, quarantine area, quarantine station or

other place referred to in paragraph 3 or which are suffering or are suspected to be suffering from a disease

or which are infested or are suspected to be infested with a pest; and

(*b*) the checking, counting, marking, testing, cleansing, examination, inspection, isolation, destruction, seizure, disposal, control, disinfection and treatment of infectious things which are kept on or are brought on to or are removed from land in a prescribed area, quarantine area, quarantine station or other place referred to in paragraph 3 or which are contaminated or infested or are suspected to be contaminated or infested with a disease or pest; and

(*c*) the burial or exhumation of an animal referred to in subparagraph (*a*) which dies or is destroyed and the disposal of its carcass or a portion thereof otherwise than by burial; and

(*d*) the production to an authorized person of an animal referred to in subparagraph (*a*) or of a carcass or portion of a carcass of an animal referred to in that subparagraph which has died or has been destroyed; and

(*e*) the inspection, cleansing and disinfection, including the clearing and burning of vegetation, of land—

(i) in a prescribed area, quarantine area, quarantine station or other place referred to in paragraph 3; or

(ii) on which—

A. animals or infectious things which are imported or removed from a prescribed area, quarantine

area, quarantine station or other place referred to in paragraph 3, whether in accordance

with the conditions of a permit or otherwise; or

B. animals suffering or suspected to be suffering from a disease or infested or suspected to be infested with a pest; or

C. infectious things contaminated or infested or suspected to be contaminated or infested with a

disease or pest; are kept or are brought or are found; and 

(i) vehicles in which animals or infectious things are carried or whereby a disease or pest may be introduced into or spread within Zimbabwe; and

(ii) the clothing, baggage, equipment and bodies of persons leaving or moving within a prescribed area,

quarantine area, quarantine station or other place referred to in paragraph 3.

7. To require and regulate—

(*a*) the reporting of a disease or suspected disease and the death of any animal from any cause whatsoever,

including slaughter; and

(*b*) the furnishing of smears, specimens and the whole or any part of an animal which is infected or suspected

to be infected with a disease or which is infested or suspected to be infested with a pest or which dies from

any cause whatsoever, including slaughter.

8. To prohibit, after consulting the Minister responsible for wildlife, the hunting in a prescribed area of wild

animals by which a disease or pest may be spread.

9. To prescribe the circumstances in which an animal or infectious thing or a group of animals or infectious things shall be treated as infested with a pest and in which an animal or infectious thing or group of animals or infectious things on which there are pests shall be treated as free of pests.

10. To prescribe penalties for the owners of animals and infectious things which are infested with a pest or which are not free of pests. Provided that no such penalty shall exceed a fine of level five or imprisonment for a period of six months or both such fine and such imprisonment.

11. To prescribe—

(*a*) the rates at which compensation shall be payable in respect of an animal or infectious or other thing destroyed in terms of this Act; and

(*b*) the manner and form in which an application for compensation shall be made; and (*c*) the particulars to be furnished in a form referred to in subparagraph (*b*).

12. To prescribe—

(*a*) the forms of certificates, permits and other documents referred to in this Act; and

(*b*) the persons by whom certificates, permits and other documents referred to in this Act may be issued; and

(*c*) the particulars to be furnished in an application for or in connection with a certificate, permit or other

document referred to in this Act.

13. To provide for—

(*a*) the registration of—

(i) artificial insemination centres; and

(ii) sale-yards, show grounds, circuses, menageries, zoological gardens, pet shops, kennels, animal

hospitals, animal clinics, animal homes, race courses and abattoirs; and

(iii) places other than those referred to in subparagraphs (i) and (ii) to which animals are brought or at

which animals are assembled for sale, exhibition, sport, performance, lodging, cleansing, treatment

or slaughter; and

(*b*) the reports to be submitted to the Director by persons in charge of places referred to in subparagraph (*a*);

and

(*c*) the precautions to be taken at places referred to in subparagraph (*a*) against the spread of disease.

14. To prohibit or to restrict or control under permit or otherwise the bringing to and assembling at places referred to in subparagraph (*a*) of paragraph 13 of animals and infectious things.

15. To prohibit or to restrict or control under permit or otherwise the sale, either privately or by public auction, of any animal or infectious thing in a prescribed area.

16. To prescribe—

(*a*) the records and registers to be kept by persons and the information to be furnished by persons to the Director and authorized persons concerning any matter to which this Act applies; and

(*b*) the circumstances in which persons may be exempted from keeping records and registers or furnishing

information referred to in subparagraph (*a*); and

(*c*) the officers by whom persons referred to in subparagraph (*b*) may be exempted; and (*d*) the circumstances in which and the persons by whom records and registers kept in terms of this Act may be examined, seized. destroyed or disposed of and extracts from records and registers kept in terms of this Act taken.

17. Without derogation from the provisions of the Fertilizers, Farm Feeds and Remedies Act [*Chapter 18:12*]—

(*a*) to prohibit or to restrict or control under permit or otherwise the import, manufacture, advertising, sale,

issue, distribution, use and disposal in Zimbabwe of—

(i) any vaccine, serum, toxin, anti-toxin, antigen or other product whatsoever which is used or is intended

to be used in or for the testing, treatment or immunization of an animal for or against a disease; or

(ii) animal semen; or

(iii) bone-meal, swill or other substance wholly or partly of animal origin intended or offered for the

feeding of animals; and

(*b*) to provide for, control and regulate the unit of standardization, standard of potency, purity, quality, packing, labelling, storing, inspection, detention, testing, seizure, confiscation and destruction of any vaccine, serum, toxin, anti-toxin, antigen or other product referred to in subparagraph (i) of subparagraph (*a*) or of any animal semen or bone-meal, swill or other substance referred to in subparagraph (iii) of that subparagraph; and

(*c*) to provide for the taking and analysis of samples of any vaccine, serum, toxin, anti-toxin, antigen or other

product referred to in subparagraph (i) of subparagraph (*a*) or of any animal semen or bone- meal, swill or

other substance referred to in subparagraph (iii) of that subparagraph.

18. Without derogation from the provisions of the Fertilizers, Farm Feeds and Remedies Act [*Chapter 18:12*]—

(*a*) to prohibit or to restrict or control under permit or otherwise the import, manufacture, advertising, sale,

issue, distribution, use and disposal of any pest-destroying agent, disinfectant or other substance which is

used or is intended to be used in connection or in conjunction with a veterinary fixture; and (*b*) to provide for, control and regulate the unit of standardization, purity, quality, packing, labelling, storing,

inspection, detention, testing, seizure, confiscation, destruction and standard of potency, including the standard of potency when mixed or prepared ready for use or used in connection with a veterinary fixture of any pest-destroying agent, disinfectant or other substance referred to in subparagraph (*a*); and

(*c*) to provide for the taking and analysis of samples of any pest-destroying agent, disinfectant or other substance referred to in subparagraph (*a*), whether mixed or prepared ready for use or in use in connection with a veterinary fixture, and of anything sold or supplied for use in testing the purity, quality or potency of any pest-destroying agent, disinfectant or other substance referred to in subparagraph (*a*).

19. To prescribe, after consulting the Minister responsible for finance, the fees and charges to be paid for anything done by or on behalf of the State in terms of this Act.

20. To prescribe anything which in terms of this Act may or is to be prescribed.

21. To provide for any matter, whether referred to in paragraphs 1 to 20 or not, for which the Minister considers it necessary or expedient to provide for the purpose of giving force or effect to the provisions of this Act or for eradicating or preventing the occurrence or spread within Zimbabwe or the introduction into Zimbabwe of a disease or pest

BEES ACT

**CHAPTER 19:02**

*Acts 54/1973, 19/1978 (s. 23), 45/1981, 20/1982, 8/1988, 22/2001 (s. 4); S.I 675/1979.*

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**AN ACT to provide for the control of disease in bees and the conservation of bees found in the wild; to regulate bee-keeping; and to provide for matters incidental to or connected with the foregoing.**

[Date of commencement: 1st March, 1974.]

**PART I**

**PRELIMINARY**

**1 Short title**

This Act may be cited as the Bees Act [Chapter 19:02].

**2 Interpretation**

In this Act—

“alienated land” means land which is not forest land, parks and wild life land or Communal Land, and which is—

(a) private land; or

(b) land vested in a local authority; or

(c) State land held under an agreement of purchase or lease;

“apiary” means a hive or the aggregate number of hives in use by a bee-keeper;

“apiculturist” means a person employed in the Public Service as an apiculturist;

“appliance’’ means any fitting, utensil, container, apparatus or implement, other than a hive, that is or has been

used in bee-keeping or in handling or storing bees, honeycomb, bees-wax or honey or other products of a

hive;

“appropriate authority”, in relation to any land, means— (a)

in the case of alienated land—

(i) the owner thereof; or

(ii) where the land is held under an agreement of purchase or lease, the purchaser or lessee unless

the agreement otherwise provides;

and includes any person appointed to be an appropriate authority for the land by such owner, purchaser or

lessee, as the case may be;

(b) in the case of unalienated land—

(i) which is parks and wild life land or other land not referred to in subparagraphs (ii) and (iii),

the Director;

(ii) which is forest land, the Forestry Commission;

(iii) which is an area of Communal Land in respect of which the Minister has in terms of section

nineteen appointed a rural district council to be the appropriate authority, that rural district

council;

(iv) which is an area of Communal Land not referred to in subparagraph (iii), the Minister;

“bee” means any honey-bee of the species Apis mellifera;

“bee-keeper” means any person who keeps bees;

“bees-wax” means raw bees-wax produced from bees by a bee-keeper but not bees-wax which has been

commercially processed;

“conservation committee” means—

(a) a conservation committee appointed for an intensive conservation area in terms of the Natural

Resources Act [Chapter 20:13]; or

(b) a rural district council declared to be a conservation committee in terms of the Rural District Councils

Act [Chapter 29:13];

“declared disease area” means an area of land declared to be a declared disease area in terms of section three;

“Director” means the Director of National Parks and Wild Life Management;

“disease” means—

(a) any disease affecting bees, honeycomb, bees-wax or honey which is caused by or consists of the

presence of any insect, fungus, bacteria or virus;

(b) any disease or symptom affecting bees, honeycomb, bees-wax or honey which is declared to be a

disease in terms of section eighteen;

“herbicide” means any substance which is manufactured for the purpose of killing non-woody plants and is to be

applied, either dry or wet, mechanically under pressure;

“honorary officer” means a person appointed as an honorary officer in terms of section twenty-five;

“hive” means any receptacle housing bees or which has housed bees;

“insecticide” means any substance which is manufactured for the purpose of killing insects and is to be applied,

either dry or wet, mechanically under pressure;

“inspector” means any person designated as an inspector in terms of section twenty;

“local authority” means a municipal council, town council, local board or rural district council;

“Minister” means the Minister of Environment and Tourism or any other Minister to whom the President may,

from time to time, assign the administration of this Act;

“natural hive” means a hive occurring naturally in the wild which is occupied by bees;

“occupier”, in relation to land, means the person in lawful occupation of the land who has the right to exercise

general control over such land and resides thereon;

“sell” includes barter, exchange, hawk, offer or expose for sale;

“State land” means land vested in the President other than Communal Land;

“unalienated land” means—

(a) forest land; or

(b) parks and wild life land; or

(c) Communal Land; or

(d) other land which is not referred to in paragraphs (a), (b) or (c) and which is not — (i) private land;

or

(ii) land vested in a local authority; or

(iii) State land held under an agreement of purchase or lease.

**PART II**

**CONTROL OFDISEASE**

**3 Declared disease area**

(1) The Minister may, by statutory instrument —

(a) declare any area in which any disease exists to be a declared disease area;

(b) prohibit, either absolutely or subject to conditions, the sending or bringing of bees or appliances into any

declared disease area, or the sending or removal from a declared disease area into any other area of bees,

hives, honeycomb, bees-wax, honey or appliances;

(c) require bee-keepers within a declared disease area to register in the prescribed form and manner.

(2) The Minister may, by statutory instrument, amend or revoke any notice made in terms of subsection (1).

(3) Any person who contravenes any provision of a notice made in terms of subsection (1) shall be guilty of an

offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both

such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

**4 Power to destroy diseased bees**

(1) If an apiculturist certifies to the Minister in writing that any bees are diseased and, in his opinion, are a source

of danger to other bees and ought to be destroyed, the Minister may, by order in writing, direct the bee-keeper of those

bees to destroy them in such manner and within such period as may be specified in the order.

(2) If a person to whom an order in terms of subsection (1) has been given fails to destroy the bees concerned in

compliance with such order, an inspector may destroy the bees on behalf of and at the expense of the bee-keeper of the

bees.

(3) Any person who fails to comply with an order given to him in terms of subsection (1) 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.

[Subsection amended by section 4 of Act 22 of 2001]

**5 Hives, etc., liable to spread disease to be disinfected**

(1) Where an inspector is of the opinion that any hive, honeycomb, bees-wax, honey or appliance or any other

article or vehicle which is or has been used in connection with bee-keeping is liable to spread disease, he may, by order

in writing, direct the person in charge thereof to clean and disinfect the thing concerned in such manner and within such

period as may be specified in the order.

(2) If an apiculturist certifies to the Minister in writing that any thing, other than a vehicle, mentioned in subsection

(1) is, in his opinion, a source of danger to other bees and ought to be destroyed, the Minister may, by order in writing,

direct the person in charge of such thing to destroy it in such manner and within such period as may be specified in the

order.

(3) If a person to whom an order in terms of subsection (1) or (2) has been given fails to comply with such order,

an inspector may disinfect or destroy the thing concerned in accordance with the order on behalf of and at the expense

of the person in charge of the thing.

(4) Any person who fails to comply with an order given to him in terms of subsection (1) or (2) 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.

[Subsection amended by section 4 of Act 22 of 2001]

**6 Notice to be given where bees diseased, etc.**

(1) Where, in any place where bees are kept, any bees are diseased or any hive in such place is infected with

disease, the bee-keeper of the bees or person in charge of the bees or hive shall give notice of the fact in the prescribed

form and manner to an apiculturist forthwith upon discovering such fact

(2) No bee-keeper of any bees or person in charge of any bees, hive, honeycomb, bees-wax or appliance shall

remove, sell, give away or otherwise deal with the bees, hive, honeycomb, bees-wax, honey or appliance from any

place which is affected by or liable to spread a disease except to dispose of the bees, hive, honeycomb, bees-wax or

appliance in a manner approved of by an inspector.

(3) Any person who contravenes subsection (1) or (2) 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.

[Subsection amended by section 4 of Act 22 of 2001]

**7 Infected hives, appliances, honey, etc., not to be exposed to bees**

(1) Any person who exposes in such manner as will allow access thereto by bees— (a)

any hive infected with disease; or

(b) any beeswax, appliance or other article which is infected with disease or has been taken from or used in

connection with any hive infected with disease; until after the same has been sterilized so as to remove any infection

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding

six months or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

(2) Any person who exposes in such manner as will allow access thereto by bees any honey which— (a)

is infected with disease; or

(b) has been exposed to infection with disease; or

(c) is the produce of a hive which, within the period of six months preceding the extraction of the honey,

has been kept within three kilometres of a hive infected with disease; shall be guilty of an offence and liable to a fine

not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such

imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

**8 Power of inspector to prohibit removal of bees, etc., from place where diseased bees, etc., are to**

**be kept**

(1) Where an inspector is of the opinion that in any place where bees are kept any bees are diseased or any hive,

honeycomb, bees-wax, honey or appliance is infected with disease, he may, by order in writing, prohibit the beekeeper

of the bees or person in charge of the bees, hive, honeycomb, bees-wax, honey or appliance from removing or allowing

the removal of such bees, hive, honeycomb, bees-wax, honey or appliance from such place to any other place until such

disease has been shown, to the satisfaction of an inspector, to have been eradicated.

(2) Any person to whom an order in terms of subsection (1) has been given who removes or allows to be removed

any thing in contravention of such order 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.

[Subsection amended by section 4 of Act 22 of 2001]

**PART III**

**CONSERVATION OF BEES FOUND IN THE WILD**

**9 Restriction on removal of bees, etc., found in natural hives**

(1) Any person who, without reasonable excuse, the proof whereof lies on him—

(a) removes, disturbs or destroys any bees, honeycomb, bees-wax or honey found in any natural hive on any land

shall be guilty of an offence unless it is shown that he had the permission of the appropriate authority for the

land; or

(b) fails to comply with the conditions of any permission granted to him by the appropriate authority for the land

to remove, disturb or destroy any bees, honeycomb, bees-wax or honey found in any natural hive on such

land, shall be guilty of an offence.

(1a) Any person who is guilty of an offence in terms of paragraph (a) or (b) of subsection (1) shall be liable to a

fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such

imprisonment.

[Subsection inserted by section 4 of Act 22 of 2001]

(2) Subject to this Act, an appropriate authority for any land may—

(a) remove, disturb or destroy any bees, honeycomb, bees-wax or honey found in any natural hive on the land;

(b) grant any person permission, subject to such conditions as the appropriate authority may consider fit to

impose, allowing that person or any other person or any class of persons to remove or destroy any bees,

honeycomb, bees-wax or honey found in any natural hive on the land or any part of the land:

Provided that where any conditions are imposed they shall be in writing; (c)

cancel or amend any permission granted in terms of paragraph (b).

**10 Sale of honeycomb, etc., from natural hive controlled**

(1) Any person who sells any honeycomb, bees-wax or honey removed from any natural hive found on any land

shall be guilty of an offence unless it has been lawfully removed, the proof whereof lies on such person.

(2) Any person who is guilty of an offence in terms of subsection (1) shall be liable to a fine not exceeding level

four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection inserted by section 4 of Act 22 of 2001]

**PART IV**

**BEE-KEEPING**

**11 Interpretation of terms in Part II**

“application of insecticides to land” does not include the use of insecticides in any dwelling, dairy, shed, barn or

similar building or structure on the land;

“specified area” means an area declared to be a specified area in terms of section fourteen.

**12 Prohibited apiary sites**

(1) If an apiculturist certifies in writing to the Minister that in his opinion— (a)

any site is or has become unsuitable for bee-keeping; or

(b) the keeping of bees on any site is detrimental to the public interest; the

Minister may, by statutory instrument —

(i) prohibit the establishment of any apiaries on the site;

(ii) specify the periods within which any bee-keeper, who on or before the date of publication of the notice has

established any apiary on the site, shall remove such apiary.

(2) If any person establishes or fails to remove any apiary in contravention of any notice made in terms of

subsection (1), an inspector may, on behalf of and at the expense of the bee-keeper concerned, remove the apiary

concerned to any other site indicated by the bee-keeper or, if none is so indicated, dispose of the apiary.

(3) The Minister may, by statutory instrument, amend or revoke any notice made in terms of subsection (1).

(4) Any person who contravenes a notice made in terms of subsection (1) shall be guilty of an offence and liable

to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and

such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

**13 Abandoned bees and hives**

If an inspector is satisfied that any bees, hives or appliances have been abandoned or are neglected, he may take

possession of them and shall dispose of them in the manner prescribed.

**14 Declaration of specified areas**

(1) If a conservation committee considers that on any alienated land within its area insecticides or herbicides are

being used on a scale which is likely to be injurious to bees in the area or, through injury to bees, prejudicial to crop

production in the area, it may recommend to the Natural Resources Board that its area or any part thereof be declared

a specified area.

(2) On receipt of a recommendation in terms of subsection (1) the Natural Resources Board may, after

consideration thereof—

(a) remit the matter to the conservation committee concerned for further consideration; or

(b) reject the recommendation and inform the conservation committee concerned of such rejection; or (c)

approve the recommendation and submit it to the Minister.

(3) On receipt of a recommendation submitted to him in terms of paragraph (c) of subsection (2) the Minister

may—

(a) remit the matter to the Natural Resources Board for further consideration; or

(b) reject the recommendation and inform the Natural Resources Board accordingly; or

(c) by statutory instrument, declare the area concerned to be a specified area and cause notice thereof to be given

in a newspaper circulating in that area.

(4) The Minister may, by statutory instrument, amend or revoke any notice made in terms of paragraph (c) of

subsection (3) and shall cause notice thereof to be given in a newspaper circulating in the area concerned.

**15 Bee-keeper may require occupiers to give notice of intention to use insecticides or herbicides**

(1) A bee-keeper whose apiary is situated in any specified area may, by notice in writing, inform the occupier of

any situated in such specified area and within a distance of five kilometres of the site on which his apiary is established

that—

(a) he is a bee-keeper; and

(b) he requires to be given at least forty-eight hours’ notice of intended applications of any insecticide or

herbicide to such occupier’s land, a description of the insecticide or herbicide and the means by which it is

likely to be applied.

(2) A notice referred to in subsection (1) shall be delivered to the occupier personally or be sent by registered post

to his last known address.

(3) A bee-keeper who gives notice in terms of subsection (1) shall submit a copy of such notice to the conservation

committee for the area in which his apiary and the specified area concerned are situated.

(4) Any person who contravenes subsection (3) shall be guilty of an offence and liable to a fine not exceeding

level three or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

**16 Occupiers to give notice of use of insecticides or herbicides**

(1) An occupier of land who receives notice in terms of section fifteen shall give at least forty-eight hours’ notice

to the bee-keeper concerned of any intended application of insecticides or herbicides to his land, a description of the

insecticide or herbicide and the means by which the insecticide or herbicide will be applied.

(2) Notice by an occupier of land of any programme of intended applications of insecticides or herbicides to his

land during the period of twelve months following the date of the giving of the notice shall be regarded as notice in

terms of subsection (1) of any such applications made in accordance with such programme.

(3) A notice referred to in subsection (1) shall be given to the bee-keeper personally or be sent by registered post

to his last known address.

(4) An occupier of land who gives notice in terms of subsection (1) shall keep a record of the date and means by

which he gave the notice and shall, within forty-eight hours of giving such notice, advise the conservation committee

for the area concerned, in writing, that he has given such notice and the means by which he gave it.

(5) Any person who contravenes subsection (1) or (4) shall be guilty of an offence and liable to a fine not

exceeding level three or to imprisonment for a period not exceeding one month or to both such fine and such

imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

**17 Unauthorized removal of bees, etc., from apiaries**

(1) Any person who, without reasonable excuse, the proof whereof lies on him—

(a) removes any bees, honey, honeycomb, bees-wax, honey or appliance from any apiary; or

(b) wilfully disturbs any bees in any apiary; or

(c) destroys any bees in an apiary; shall be guilty of an offence unless it is shown that he had the

permission of the bee-keeper in charge of such apiary.

(2) Any person who is guilty of an offence in terms of subsection (1) shall be liable to a fine not exceeding level

five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection inserted by section 4 of Act 22 of 2001]

**PART V**

**GENERAL**

**18 Declaration of diseases**

(1) The Minister may, by statutory instrument, declare any disease or symptom affecting bees, honeycomb,

beeswax or honey to be a disease for the purposes of this Act, whether or not caused by or consisting of the presence of

any insect, fungus, bacteria or virus.

(2) The Minister may, by statutory instrument, amend or revoke any notice made in terms of subsection (1).

**19 Appointment of appropriate authority**

(1) The Minister may, by statutory instrument, appoint a rural district council to be the appropriate authority for

such area of Communal Land as may be specified in such notice and may in like manner amend or revoke such notice.

(2) Where, by virtue of a notice made in terms of subsection (1), the appropriate authority for any area of

Communal Land is changed, any permission granted by the previous appropriate authority which was of force and

effect immediately before the date of commencement of the notice shall remain of force and effect and be subject to

amendment or cancellation as if it had been granted by the new appropriate authority.

**20 Appointment of inspectors**

(1) The Minister may designate the persons or classes of persons employed in the Public Service who shall be

inspectors for the purpose of exercising the powers and performing the duties conferred and imposed on inspectors in

terms of this Act:

Provided that the Minister shall not designate persons employed in any Ministry the administration of which has

not been assigned to him without the consent of the Minister to whom the administration of that Ministry has been

assigned.

(2) An inspector shall be furnished with a certificate signed by or on behalf of the Minister which shall state that

the holder has been designated as an inspector for the purposes of this Act.

(3) An inspector exercising any power or performing any duty conferred or imposed upon him by this Act or

about to do so shall, on demand by any person concerned, produce the certificate issued to him in terms of subsection

(2).

**21 Powers of entry and inspection by inspectors**

(1) Subject to subsection (2) an inspector may at any reasonable time—

(a) enter and inspect any premises or place upon or on which bees, hives, honeycomb, bees-wax, honey or

appliances are or are suspected by him to be and may inspect any bees, hives, honeycomb, bees-wax, honey

or appliances or any articles used in connection therewith;

(b) inspect any vehicle used or suspected by him to have been used for the transportation of bees, hives,

honeycomb, bees-wax, honey or any articles used in connection with bee-keeping:

Provided that nothing in this paragraph contained shall be construed as authorizing an inspector to stop

any vehicle travelling on any road for the purpose of carrying out an inspection; (c) require any person in charge

of bees to answer any question relating to those bees:

Provided that no person shall be required to answer any question put to him in terms of this paragraph

if he would be entitled to decline to answer that question were he a witness giving evidence in a court of law.

(2) No dwelling-house shall be entered in terms of subsection (1) unless the inspector concerned has reasonable

grounds for believing that evidence relating to an offence in terms of this Act may be found therein and informs the

occupant of his reasons for entry.

(3) An inspector may, for the purposes of any inspection made in terms of subsection (1), remove for examination

or analysis any bees, hives, honeycomb, bees-wax, honey or appliances or portions or samples thereof: Provided that—

(i) the inspector shall issue a receipt for anything so removed to the person in charge of the thing so removed

or, if he cannot be ascertained, to any occupant of the premises from which it is removed;

(ii) where the method of any such removal is prescribed, such removal shall be effected in accordance with the

prescribed method.

**22 Evidence**

In any prosecution in respect of an offence in terms of this Act any prescribed record, book or document kept in

terms of this Act or a copy of any order purporting to be made by the Minister or an inspector in terms of this Act shall

be prima facie evidence of the facts recorded therein or of the fact that such order was made upon its production by the

person in whose custody it is.

**23 Recovery of expense incurred by inspectors**

(1) Any expense incurred in connection with the exercise by an inspector of his powers and duties in terms of this

Act on behalf of any other person shall be a debt due to the State and may be recovered from that person by the Minister

in any court of competent jurisdiction:

Provided that the Minister may, if in his opinion there is reasonable cause, waive all or part of such debt.

(2) A certificate purporting to be signed by the Secretary of the Ministry for which the Minister is responsible, as

to the amount of the expense incurred in connection with the exercise by an inspector of his powers and duties in terms

of this Act shall be prima facie evidence that that amount was incurred pursuant to this Act.

**24 Court may order payment of compensation**

(1) When a person is convicted of an offence specified in section seventeen or of any attempt, conspiracy or

incitement to commit such an offence, the court may, in addition to any penalty which it may impose on the person

convicted, order him to pay as compensation to the bee-keeper concerned such amount as may, subject to subsection

(2), be specified by the court if—

(a) the court is satisfied that the bee-keeper has suffered a loss by virtue of the offence; and

(b) application has not been made in terms of the Criminal Procedure and Evidence Act [Chapter 9:07] for

compensation in respect of the offence.

(2) The amount specified in an order made in terms of subsection (1) shall not exceed—

(a) in the case where the bees, honeycomb, bees-wax, honey or appliances have not been recovered, an amount

equal to their market value at the time of their removal;

(b) in the case where the bees, honeycomb, bees-wax, honey or appliances have been recovered, an amount equal

to the difference between the market value thereof at the time of the offence and the value thereof when they

were recovered;

(c) in the case where the bees, honeycomb, bees-wax, honey or appliances were not removed, an amount equal

to the difference between the market value thereof at the time of the offence and the value thereof immediately

after the offence;

less in each case the amount of any compensation which may have been paid to the bee-keeper by or on behalf of the

person convicted.

(3) The amount specified in an order made in terms of this section may be recovered in the manner provided by

section 348 of the Criminal Procedure and Evidence Act [Chapter 9:07] and any amount so recovered shall be paid to

the bee-keeper concerned subject to the said bee-keeper concerned giving security de restituendo in case the judgment

of the court which made the order is reversed on appeal or review.

(4) Where an order is made in terms of this section upon two or more persons the liability thereunder shall be joint

and several.

(5) If a court makes an order in terms of this section it shall, at the same time, sentence the person convicted to a

term of imprisonment not exceeding six months in default of payment of the amount thereof or recovery of the amount

thereof in terms of subsection (3) and a sentence of imprisonment imposed in terms of this subsection shall be served

after any sentence of imprisonment which may have been imposed in respect of the offence.

**25 Honorary officers**

(1) The Minister may appoint fit and proper persons to be honorary officers to assist him in the carrying out of

this Act.

(2) An honorary officer shall have such powers and duties as may be prescribed:

Provided that such powers shall not be greater than the powers conferred upon an inspector by this Act.

(3) An honorary officer shall hold office at the pleasure of the Minister.

(4) An honorary officer shall be furnished with a certificate signed by or on behalf of the Minister which shall

state that the holder has been appointed as an honorary officer for the purposes of this Act.

(5) An honorary officer exercising any power or performing any duty conferred or imposed upon him by this Act

or about to do so shall, on demand by any person concerned, produce the certificate issued to him in terms of subsection

(4).

**26 Personation** Any

person who—

(a) falsely represents himself to be an inspector or honorary officer; or

(b) without lawful excuse, the proof whereof lies on him, displays any certificate or other document of

appointment authorized or required in terms of this Act or so nearly resembling such certificate or document as to

be likely to deceive; shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for

a period not exceeding six months or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

**27 Obstruction**

Any person who—

(a) hinders or obstructs an inspector or honorary officer in the exercise or performance of his powers or duties

in terms of this Act; or

(b) fails to answer or to answer fully and satisfactorily or gives any answer which is false or which he does not

reasonably believe to be true to any question which he may lawfully be required to answer in terms of this

Act; shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period

not exceeding six months or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

**28 …**.

[Subsection repealed by section 4 of Act 22 of 2001]

**29 Regulations**

(1) The Minister may prescribe by regulation all matters which by this Act are required or permitted to

be prescribed or which, in his opinion, are necessary or convenient to be prescribed for carrying out or giving effect

to this Act.

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

(a) forms of application, registration, permits and returns and other forms that may be required for the purposes

of this Act;

(b) the general management and administration of declared disease areas, the duties, obligations and measures

to be discharged or taken by bee-keepers, including registration, within a declared disease area, the powers

and duties of an inspector in a declared disease area and generally any matter or thing necessary, expedient

or convenient for the control and eradication of disease in a declared disease area and the prevention of the

spread of disease from any such area;

(c) the declaration of quarantine areas and the general management and administration thereof, the duties,

obligations and measures to be taken by bee-keepers within a quarantine area, the powers and duties of an

inspector for the purpose of quarantine and generally any matter or thing necessary, expedient or convenient

to give full effect to quarantine;

(d) the powers and duties of inspectors in relation to bee-keeping;

(e) the classification of apiaries and the inspection thereof;

(f) the regulation, control, restriction or prohibition of the establishment or sitting of apiaries;

(g) the attendance of bee-keepers at hives for the purpose of inspection;

(h) the regulation, control, restriction or prohibition of the exposure to bees of any honeycomb, honey, appliance,

receptacle or article on or in which honey is deposited;

(i) the keeping of registers by bee-keepers, the information to be recorded therein and the provision by

beekeepers of information on request;

(j) the regulation, control, restriction or prohibition of the sale or disposal of queen bees, nuclei and royal jelly

from apiaries in which queen bees are specially bred for sale;

(k) the keeping of records of costs, charges and expenses incurred or caused to be incurred by an inspector which

are, or are likely to be, recoverable as a debt. and the manner in which such records shall be kept.

(3) Regulations made in terms of subsection (1) may provide penalties for any breach thereof, but no such penalty

shall exceed a fine of level three or imprisonment for a period of one month or both such fine and such imprisonment.

[Subsection substituted by section 4 of Act 22 of 2001]

**BRANDS ACT**

**Chapter 19:03**

Commenced on 23 November 1900

[This is the version of this document at 31 December 2016 and includes any amendments published up to 31 December 2017.]

[Note: This version of the Act was revised and consolidated by the Law Development Commission of Zimbabwe]

**AN ACT to amend the law with reference to the branding of stock.**

**1. Short title**

This Act may be cited as the Brands Act [Chapter 19:03].

**2. Interpretation**

In this Act—

“brand” means any mark made or placed on any horse, cattle, sheep or goat for any purpose whatsoever and includes any representation of a mark intended so to be made or placed on any such animal as the circumstances may require but does not include—

(a) any mark made or placed on the horn or hoof;

(b) any mark made with paint on any horse, cattle, sheep or goat;

(c) any earmark;

(d) any clasp, rivet or tag attached to the ear or any mark made on such clasp, rivet or tag;

(e) any tattoo on any horse, cattle, sheep or goat;

(f) any trade mark registered in terms of the Trade Marks Act [Chapter 26:04];

(g) any other mark which the Minister may, by statutory instrument, declare not to be a brand for the purposes of this Act;

“Brand Directory” means the list of the brands compiled by the Registrar and published by authority;

“cattle” means a bull, cow, ox, heifer, steer or calf;

“fees” means any fees, rates or charges which any person may be liable to pay under this Act;

“horse” means any horse, mare, gelding, colt, filly, ass or mule;

“Minister” means the Minister of Home Affairs or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“proprietor” means the registered proprietor of any brand;

“register” means a book containing a list of the brands registered with the Registrar;

“Registrar” means the Registrar of Brands appointed for the purposes of this Act.

**3. Appointment of officers**

The Minister may appoint an officer or officers to exercise under this Act the functions of—

(a) the Registrar;

(b) deputy registrars for certain districts or groups of districts who shall be subordinate to the Registrar for the purposes of this Act;

and may also by notice in the Gazette determine the place or places at which shall be situate the offices of the Registrar or deputy registrars.

**4. Registers**

The Registrar shall keep separate registers for the registration of brands of—

(a) horses;

(b) cattle;

(c) sheep and goats.

**5. Application for registration of brands**

An owner of any such animals as are referred to in section four may deposit the prescribed fee and make application in writing to the Registrar, or the deputy registrar of the district in which he resides, to be registered as the proprietor of a brand; such brand may be separate in respect of any one or more of such classes of animals.

**6. Certificate of receipt of application and fees**

The Registrar or deputy registrar, upon receiving any such application and payment of the prescribed fees, shall send to the applicant a certificate of such receipt.

**7. Brands to be allotted by Registrar**

No person shall have the right of claiming to have any special form or design of brand allotted to him but any person requiring a brand shall, on application and on payment of the prescribed fee, have a brand allotted to him by the Registrar.

**8. When registration completed, certificate to be forwarded to applicant**

The Registrar shall forward to every applicant a certificate of registration so soon as the registration is completed.

**9. Brand Directory**

As soon as may be after the 31st December in each year the Registrar or such other officer as the Minister may appoint shall compile a Brand Directory containing a correct and complete list of all registered brands and of the names and residences of all proprietors registered up to that date.

**10. Transfer of brand**

Any proprietor may cede and transfer his right to any registered brand to any other person, in such form as may be prescribed. Such transfer shall only have validity when registered by the Registrar upon payment of such fee as may be prescribed. Every person receiving such cession and transfer shall, after the due registration thereof, be entitled to a certificate thereof under the hand of the Registrar.

**11. Penalty for imposing registered brand on animals without authority**

Any person, not being the proprietor of any brand in any district and not acting with the authority of such proprietor, who imposes or causes to be imposed upon any horse, cattle, sheep or goat, as the case may be, any such registered brand, 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.

[section as amended by section 4 of Act No. 22 of 2001]

**12. Penalty for altering or obliterating registered brand**

Any person, not being the owner of any livestock and not acting with the authority of such owner, who in any way alters or obliterates any registered brand lawfully made or placed on such livestock shall be guilty of an offence and liable to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

**13. Certificate of Registrar may be accepted at trial of stock thefts**

On the trial of any person for the theft of any horse, cattle, sheep or goat or for receiving such horse, cattle, sheep or goat or any part or portion thereof, knowing the same to have been stolen, it shall be competent for the prosecution to adduce evidence that the brand upon the animal alleged to have been stolen is the registered brand of the person alleged to be the owner of such animal or of some person through or from whom such owner derived his right to such animal, and a certificate under the hand of the Registrar shall constitute prima facie proof of the facts therein alleged.

**14. Onus of proof to rest upon accused**

On the trial of any such person as aforesaid who has been apprehended in possession of any animal branded with any registered brand, upon proof being given of the ownership of such animal and that a theft has been committed, the onus of proof that such animal was fully or innocently in his possession shall rest upon the accused person.

**15. Suspension of Act**

The President may, by statutory instrument, suspend the operation of this Act in one or more districts or in any area comprising a portion of a district or portions of more districts than one; and may put this Act into operation thereafter in any area wherein it may have been so suspended or in any portion of such area.

**16. Penalty for marking with unregistered brand**

Any owner of an animal of a class in respect to which a brand may be registered who marks any such animal with any brand not duly registered as his brand under this Act shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[section as amended by section 4 of Act No. 22 of 2001]

**17. Re-registration of brands**

(1) The Minister may from time to time, by notice in the Gazette, direct the re-registration of all brands registered in terms of this Act within such period as may be specified in the notice.

(2) Where the Minister has made a direction in terms of subsection (1), every person who is the owner of a registered brand shall cause the re-registration of that brand within the period specified in the notice and in such manner and on payment of such fees as may be prescribed.

(3) Upon the expiry of the period specified for the re-registration of brands in a notice referred to in subsection (1), the Registrar shall cancel the registration of every registered brand that has not been re-registered within that period.

(4) After the cancellation of any registered brand in terms of subsection (3) for the period of ten years next following the date of such cancellation the brand shall not be registered or re-registered.

**18. Regulations**

(1) The Minister may, by regulation, provide for all matters which by this Act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be provided for in order to carry out or give effect to the provisions of this Act.

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

(a) the forms in which applications for and certificates of registration shall be made;

(b) the form and manner of giving any notice required but not specially provided for by this Act;

(c) the fees to be paid under this Act;

(d) the form in which any cession or transfer of the right to any registered brand shall be effected;

(e) the size of any brands entitled to registration, the portions of the body on which animals of the several classes shall respectively be branded and the order in which different brands shall be imposed;

(f) the system and procedure to be observed by the Registrar in allotting brands;

(g) the periodical re-registration of brands;

(h) the compilation of a new brands register of re-registered brands.

(3) Regulations made in terms of subsection (1) may provide penalties for any breach thereof, but no such penalty shall exceed a fine of level five or imprisonment for a period of six months or both such fine and such imprisonment.

[subsection substituted by section 4 of Act No. 22 of 2001]

**19. Savings**

Any brand registered under any law in force on the 22nd November, 1900, shall be deemed to have been registered under this Act.

ENVIRONMENTAL MANAGEMENT (CONTROL OF HAZARDOUS SUBSTANCES) (GENERAL) REGULATIONS STATUTORY INSTRUMENT 268 of 2018.

EXTRACTS ON MANUFACTURE, STORE, SELL, USE, IMPORT,

EXPORT, TRANSPORT OR DISTRIBUTION OF HAZARDAOUS

SUBSTANCES

**General handling of Hazardous substances**

**4 (1)** No person shall manufacture, store, sell, use, import, export, transport or distribute any hazardous substance in a manner which-

(a). access thereto world present a direct hazard to the public; or (b). present a hazard to the environment; or

(c). could cause contamination to any food, as defined in the Food and Food Standards Act [Chapter 15:04], or any other article; substance or mixture or substances which may endanger the health of the environment.

**(2).** Any person who violates subsection (1) shall be guilty of an offence and liable to a fine not exceeding Level 14 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

**Offences and Penalties**

**30 (1)** The Agency through its authorised officers, may issue to any offender who contravenes any part of these regulations with a penalty fine: provided that such penalty fine shall not exceed Level 14.

**(2).** After the lapse of the deadline for the payment of the default, the Agency will not accept payment, but refer the offender to Court for enforcement of the fine and the default penalty.

**(3).** Any Person who-

(a) causes a hazard to the health of any human being or any animal, flora or fauna by failing to exercise all care in the manufacture, handling, conveyance, storage, display, use or disposal of any hazardous substance; or

(b) provides the agency with information which is false or which the Agency believes to be deliberately false or which the Agency believes to be false;

Shall be guilty of an offence and liable to a fine not exceeding Level 14 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

**(4)** A court convicting a person of the offence under these regulations may order the person to do any one of the following-

(a). to take such remedial action, specified by the court on the advice of the Agency, as it may be

necessary to restore the environment or works affected by the offence; or (b). to reimburse the Agency for any remedial action taken by it

CRIMINAL LAW (CODIFICATION AND REFORM) ACT

**Chapter 9:23**

**Extract of Section 114 of the Criminal Law (Codification and Reform) Act (Stock Theft)**

**114. Stock theft**

(1) In this section— “livestock” means—

(a) any sheep, goat, pig, poultry, ostrich, pigeon, rabbit, or bovine or equine animal; or

(b) any domesticated game; or

(c) the carcass or any portion of a carcass of any slaughtered livestock as defined in paragraph (a) or (b);

“produce” includes the whole or any part of any skin, hide, horn or egg of livestock or any wool or mohair.

(2) Any person who—

(a) takes livestock or its produce—

(i) knowing that another person is entitled to own, possess or control the livestock or its produce or realising that there is a real risk or possibility that another person may be so entitled; and

(ii) intending to deprive the other person permanently of his or her ownership, possession or control, or realising that there is a real risk or possibility that he or she may so deprive the other person of his or her ownership, possession or control;

or

(b) takes possession of stolen livestock or its produce—

(i) knowing that it has been stolen; or

(ii) realising that there is a real risk or possibility that it has been stolen;

Or

(c) is found in possession of, or has been in possession of, livestock or its produce in circumstances which give rise, either at the time of the possession or at any time thereafter, to a reasonable suspicion that at the time of such possession the livestock or its produce was stolen, and who is unable at any time to give a satisfactory explanation of his or her possession; or

(d) acquires or receives into his or her possession from any other person any stolen livestock or produce without reasonable cause (the proof whereof lies on him or her) for believing at the time of acquiring or receiving such livestock or produce that it was the property of the person from whom he or she acquired or received it or that such person was duly authorised by the owner thereof to deal with it or dispose of it;

shall be guilty of stock theft and liable—

(e) if the stock theft involved any bovine or equine animal stolen in the circumstances described in paragraph (a) or (b), and there are no special circumstances in the particular case as provided in subsection (3), to imprisonment for a period of not less than nine years or more than twenty-five years; or

(f) if the stock theft was committed in the circumstances described in paragraph (a) or (b) but did not involve any bovine or equine animal, or was committed in the circumstances described in paragraph (c) or (d)—

(i) to a fine not exceeding level fourteen or twice the value of the stolen property, whichever is the greater; or

(ii) to imprisonment for a period not exceeding twenty-five years;

or both.

(3) If a person convicted of stock theft involving any bovine or equine animal stolen in the circumstances described in paragraph (a) or (b) of subsection (2) satisfies the court that there are special circumstances peculiar to the case, which circumstances shall be recorded by the court, why the penalty provided under paragraph (e) of subsection (2) should not be imposed, the convicted person shall be liable to the penalty provided under paragraph (f) of subsection (2).

(4) A court sentencing a person under paragraph (e) of subsection (2)—

(a) to the minimum sentence of imprisonment of nine years, shall not order that the operation of the whole or any part of the sentence be suspended;

(b) to imprisonment in excess of the minimum sentence of imprisonment of nine years, may order that the operation of the whole or any part of the sentence exceeding nine years be suspended.

(5) Any person who enters any cattle kraal, stable, byre, fold, pen, sty, loft, coop, run, building or other enclosure with intent to steal any livestock or its produce therefrom shall be guilty of attempted stock theft and liable to a fine not exceeding level twelve or imprisonment for a period not exceeding two years or both.

(6) When any person is accused of a contravention of subsection (5), the onus shall be on such person to prove that he or she had no intention of stealing any livestock or its produce.

(7) A person accused of contravening—

(a) paragraph (a) or (b) of subsection (2) may be found guilty of theft or receiving stolen property knowing it to have been stolen, if such a conviction is the more appropriate on the evidence;

(b) paragraph (c) or (d) of subsection (2) may be found guilty of theft, receiving stolen property knowing it to have been stolen or possessing property reasonably suspected of being stolen, if such conviction is the more appropriate on the evidence;

(c) paragraph (c) or (d) of subsection (2) may be charged alternatively with theft, receiving stolen property knowing it to have been stolen or possessing property reasonably suspected of being stolen.

[paragraph amended by section 31 of Act 9 of 2006]

(8) Any person charged with the stock theft involving livestock or its produce belonging to a particular person may be found guilty of stock theft, theft or any other crime of which he or she may be found guilty in terms of Chapter XV notwithstanding the fact that the prosecution has failed to prove that such livestock or produce actually did belong to such particular person.

PARKS AND WILDLIFE ACT

**CHAPTER 20:14**

*Acts 14/1975, 42/1976 (s. 39), 48/1976 (s. 82), 4/1977, 22/1977, 19/1978, 5/1979, 4/1981 (s. 19), 46/1981,*

*20/1982 (s.19 and Part XXVI), 31/1983, 11/1984, 35/1985, 8/1988 (s. 164), 1/1990, 11/1991 (s. 24), 22/1992 (s.*

*14); 19/2001; 22/2001; R.G.Ns 1135/1975, 52/1977, 126/1979, 294/1979, 265/1979, 294/1979, 748/1979,*

*5/2011 (s. 11);*

*SIs 675/1979, 632/1980, 640/1980, 704/1980, 773/1980, 781/1980, 786/1980, 139/1981, 140/1981, 181/1981,*

*183/1981, 639/1981, 860/1981, 139/1982, 140/1982, 337/1983, 454/1983, 123/1991*

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**AN ACT to establish a Parks and Wild Life Board; to confer functions and impose duties on the Board; to provide for the establishment of national parks, botanical reserves, botanical gardens, sanctuaries, safari areas and recreational parks; to make provision for the preservation, conservation, propagation or control of the wild life, fish and plants of Zimbabwe and the protection of her natural landscape and scenery; to confer privileges on owners or occupiers of alienated land as custodians of wild life, fish and plants; to give certain powers to intensive conservation area committees; and to provide for matters incidental to or connected with the foregoing.**

[Date of commencement: 1st November, 1975.]

**PART I**

PRELIMINARY

1 Short title

This Act may be cited as the Parks and Wild Life Act [*Chapter 20:14*].

2 Interpretation

In this Act—

“alienated land” means— (*a*) private land; or

(*b*) State land held in terms of an agreement of purchase or lease; or (*c*) trust land held in terms of an agreement of lease;

“animal” means any kind of vertebrate animal and the eggs and young thereof, whether live or dead, other than domestic animals and fish;

“appointed day” means the 2nd February, 1979; “appropriate authority

(*a*) in relation to any land, means— (i) in the case of alienated land— A. the owner thereof; or

B. where the land is held under an agreement of purchase or lease, the purchaser or lessee unless the agreement otherwise provides;

and includes any person appointed to be an appropriate authority for the land by such owner, purchaser or lessee, as the case may be;

(ii) the case of unalienated land which is— A. forest land, the Forestry Commission;

B. parks and wild life land or State land other than forest land, the Authority; [Definition amended by Act 19 of 2001]

C. an area of Communal Land for which the Minister has, in terms of section *one hundred and eight*, appointed a rural district council to be the appropriate authority, that rural district council;

D. an area of Communal Land not referred to in subparagraph C, the Minister; (*b*) in relation to any waters, means—

(i) the person specified in a notice made in terms of section *eighty-three* as the appropriate authority for such waters; or

(ii) if no person has been specified in a notice made in terms of section *eighty-three* as the appropriate authority for such waters, the appropriate authority for the land riparian to such waters;

“Authority” means the Parks and Wild Life Management Authority established by section

*three;*

[Definition inserted by Act 19 of 2001

“authority in terms of this Act” means an authority, permit or licence in terms of this Act; “Board” means the Parks and Wild Life Management Authority Board referred to in section *five*;

[Definition amended by Act 19 of 2001]

“botanical garden” means a botanical garden constituted in terms of Part V; “botanical reserve” means a botanical reserve constituted in terms of Part V; “by-laws” means by-laws made in terms of section *one hundred and twenty-nine*;

[Definition inserted by Act 19 of 2001] “Committee” …..

[Definition repealed by Act 19 of 2001] “conservation committee” means—

(*a*) a conservation committee appointed for an intensive conservation area in terms of the Natural

Resources Act [*Chapter 20:13*]; or

(*b*) a rural district council declared to be a conservation committee for a council area in terms of the

Rural District Councils Act [*Chapter 29:13*];

“dangerous animal” means an animal declared to be a dangerous animal in terms of section

*one hundred and twenty-one*;

“dealer in specially protected indigenous plants” means any person who sells specially protected indigenous

plants in the ordinary course of his business in a shop, stall or other fixed place of business; “Department” . . . . . .

[Definition repealed by Act 19 of 2001]

designated animal” means an animal declared in terms of section *thirty-one* to be a designated animal in a

sanctuary;

“Director General” and ”Director” means the Director-General or any Director of the Authority appointed in

terms of section *ten*;

[Definition amended by Act 19 of 2001]

“employee” means an employee of the Authority designated as an officer in terms of section *eleven*;

[Definition amended by Act 19 of 2001]

“fish” includes vertebrate fish, and aquatic molluscs and crustaceans, both indigenous and non-indigenous, but does not include the bilharzia snail (*Biomphalaria pfeifferi* and *Bulinus Physopsis globusus*) and the liver fluke snail (*Lymnea natalensis*);

“fishing-net” means any gill-net, seine-net, draw-net or ring-net, including the open-work material knotted or otherwise formed into meshes which is used to manufacture such nets or any other nets designed or adapted for catching fish, but does not include a throw-net, landing-net or keep-net normally used by fishermen;

“honorary officer” . . . . . .

[Definition repealed by Act 19 of 2001]

“horn” includes rhinoceros horn;

“hotel” includes a motel or a boatel;

“hunt” means—

(*a*) to kill, injure, shoot at or capture; or

(*b*) with intent to kill, injure, shoot at or capture, to wilfully disturb or molest by any method; or

(*c*) with intent to kill, injure, shoot at or capture, to lie in wait for, follow or search for; “indigenous plant” means any plant indigenous to Zimbabwe whether or not it is or has been cultivated or whether it is or is no longer growing in the wild state or has from time to time not been growing in the wild state, and includes any part of such plant but does not include any weed;

“inspector” means an employee of the Authority designated as an inspector in terms of section *eleven;*

[Definition amended by Act 19 of 2001]

“Inyanga Estates” . . . . . .

[Definition repealed by Act 19 of 2001]

“Inyanga Fund” . . . . . .

[Definition repealed by Act 19 of 2001]

“ivory” means elephant ivory which is a trophy;

“jig” means any contrivance, other than a conventional line, to which more than two hooks are attached and which is used for jigging;

“jigging” means capturing or attempting to capture fish by dragging or jerking in water, in a manner designed to foul-hook the fish, one or more unbaited hooks attached to a line or other fishing device;

“learner professional hunter’s licence” means a learner professional hunter’s licence issued in terms of section *sixty-nine*;

“local authority” means a municipal council, town council, local board or rural district council;

“Matopos Estates” . . . . . .

[Definition repealed by Act 19 of 2001]

Matopos Fund” . . . . . .

[Definition repealed by Act 19 of 2001]

“meat” means the flesh, including the fat, of any animal, whether fresh, dried or tinned or otherwise preserved;

“member” means a member of the Board;

“Minister” means the Minister of Environment and Tourism or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“national park” means a national park constituted in terms of Part IV;

“night” means the space of time between half-an-hour after sunset and half-an-hour before sunrise;

“occupier”, in relation to land, means the person in lawful occupation of the land who has the right to exercise general control over the land and resides thereon;

“officer” means an employee of the Authority designated as an officer in terms of section *eleven*;

[Definition amended by Act 19 of 2001]

“park area” means any botanical garden, botanical reserve, national park, recreational park, safari area or sanctuary;

“Parks and Wild Life Estate” means the Parks and Wild Life Estate specified in section *seventeen*;

“parks and wild life land” means parks and wild life land specified in section *eighteen* “pick” includes cut, take, gather, pluck, uproot, break, remove, damage or destroy;

“plant” means any vegetation;

“prescribed road” means a road declared to be a prescribed road in terms of section *one hundred and twenty-two*;

“private land” means land the ownership of which is vested in any person other than the President;

“problem animal” means an animal declared to be a problem animal in terms of section

*eighty;*

“professional guide’s licence” means a professional guide’s licence issued in terms of section *sixty-nine*;

“professional hunter’s licence” means a professional hunter’s licence issued in terms of section *sixty-nine*;

“protected animal” means an animal declared to be a protected animal on land in terms of subparagraph (i) of paragraph (*a*) of subsection (1) of section *seventy-seven*;

“protected indigenous plant” means an indigenous plant declared to be a protected indigenous plant on land in terms of subparagraph (i) of paragraph (*a*) of subsection (1) of section *seventy-seven*;

“purchase” includes barter or exchange;

“recreational park” means a recreational park constituted in terms of Part VIII; “registered dealer in or manufacturer of fishing nets” means a person who is registered as a dealer in or manufacturer of fishing nets in terms of section *ninety-two*;

“regulations” means regulations made in terms of section *one hundred and twenty-nine*;

[Definition inserted by Act 19 of 2001] “remove” includes drive or entice; “Rhodes Estates”…..

[Definition repealed by Act 19 of 2001]

“safari area” means a safari area constituted in terms of Part VII; “sanctuary” means a sanctuary constituted in terms of Part VI; “sell” includes

*a*) barter, exchange or hawk; or

(*b*) offer, keep, possess or expose for sale;

“specially protected animal” means any animal declared in terms of Part IX to be a specially protected animal;

“specially protected indigenous plant” means any indigenous plant declared to be a specially protected indigenous plant in terms of Part X;

“State land” means land vested in the President other than Communal Land or trust land vested in the President;

“State trophy” means anything which in terms of this Act is deemed or declared to be a State trophy;

“trophy” means—

(*a*) any horn, ivory, tooth, tusk, bone, claw, hoof, hide, skin, hair or other durable portion whatsoever of any animal, whether processed or not, which is recognizable as the durable portion of any animal; and

(*b*) the egg of any animal; and

(*c*) anything of which the durable portion of any animal forms a part, which is declared to be a trophy in terms of section *seventy-six*;

“trust land” means any land, other than Communal Land held in trust by the President or a statutory body or by a person, whether solely or jointly with others, by virtue of his being the holder of some office in a statutory body;

“unalienated land” means—

(*a*) forest land; or

(*b*) State land which is not forest land and which is not held under an agreement of purchase or lease;

(*c*) Communal Land;

“water installation” means a canal, channel, reservoir, embankment, weir, dam, borehole, well, pipeline, pumping plant, filter bed, filter, purification plant, machinery, appliance, apparatus, fitting or accessory or anything constructed, erected or used for or in connection with the impounding, storage, passage, drainage, control or abstraction of water, the development of water power, the filtration or purification of water, the use of water or the conservation of rainfall;

“waters” means any river, stream, watercourse, lake, swamp, pond, dam, reservoir, pan, furrow or other collection of water, whether natural or artificial, together with the foreshores or banks thereof, but does not include—

(*a*) water in aquaria or ornamental ponds unconnected with any natural water; or

(*b*) water the sole and exclusive use of which under any law belongs to any person;

“weed” means any plant defined as a noxious weed in terms of section 2 of the Noxious Weed Act [*Chapter19:07*]

“wild life” means all forms of animal life, vertebrate and invertebrate, which are indigenous to Zimbabwe, and the eggs or young thereof other than fish.

**PART II**

PARKS AND WILD LIFE MANAGEMENT AUTHORITY (Part II sections 3 – 11 substituted by Act 19 of 2001]

**3 Establishment of Parks and Wild Life Management Authority**

There is hereby established a body corporate, to be known as the Parks and Wild Life Management Authority, which shall be a body corporate capable of suing and being sued in its corporate name and, subject to this Act, of performing all acts that bodies corporate may by law perform.

**4 Functions of Parks and Wild Life Management Authority**

|  |  |
| --- | --- |
| (1) | Subject to this Act, the functions of the Authority shall be— |
| (*a*) to control, manage and maintain national parks, botanical reserves and botanical gardens, sanctuaries, |  |
| safari areas and recreational parks for the purposes set out in subsection (1) of section *twenty-one*, |  |
| subsection (1) of section *twenty-five*, subsection (1) of section *thirty*, subsection (1) of section *thirty-five* |  |
| and subsection (1) of section *forty*, respectively, and, so far as is reasonable, practicable and compatible |  |
| with such purposes, to provide facilities for visitors thereto; |  |
| (*b*) to examine and report to the Minister from time to time upon— |  |

(i) the policy which should be adopted to give effect to the objects and purposes of this Act; and

(ii) the conservation and utilisation of the wild life resource of Zimbabwe; and

(iii) the conservation and utilisation of the fish resource of Zimbabwe; and

(iv) the preservation and protection of natural landscapes, wild life and plants and the natural ecological stability of wild life and plant communities in national parks; and

(v) the preservation and protection of rare or endangered plant communities growing naturally in the wild in botanical reserves; and

(vi) the propagation and cultivation of exotic and indigenous plants in botanical gardens; and (vii) the protection of animals or particular species of animals in sanctuaries; and

(viii) the preservation and protection of the natural habitat and wild life in safari areas and the facilities and opportunities given to the public for camping, hunting, fishing, photography, viewing of animals, bird watching and such other pursuits that may be permitted therein in terms of this Act; and

(ix) the preservation and protection of the natural features of recreational parks; and (x) plans for the development of national parks, botanical reserves, botanical gardens, sanctuaries, safari areas and recreational parks; taking into account in particular the geography and geology of each area reported upon, research and management

therein, the enjoyment, education, inspiration, benefit and recreation afforded to the public thereby, progress in implementation of land use in surrounding areas;

(*c*) to determine whether the President should exercise any of his powers in terms of su bsection (2) of section *twenty-two*, subsection (2) of section *twenty-six*, subsection (2) of section *thirty-one*, subsection (2) of section *thirty-six* or subsection (2) of section *forty-one*; (*d*) to investigate any matter relating to the use or occupation of the Parks and Wild Life Estate and to make a recommendation thereon to the President where it considers such use or occupation is inconsistent with this Act; and

(*e*) to do such other things, not inconsistent with this Act, as may be required by the Minister;  enactment.

(2) In the exercise of its functions referred to in subsection (1) the Authority shall, when examining and reporting upon any particular national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park, have regard to the policy determined by the Minister in respect thereof.

(3) The Authority shall not recommend to the President that he exercise his powers to constitute any land a park area or a part thereof where the recommendation relates to land which is—

(*a*) forest land, unless the Minister responsible for the administration of the Forest Act [*Chapter 19:05*] has been consulted;

(*b*) Communal Land, unless the Minister responsible for the administration of the Communal Land Act [*Chapter 20:04*] has been consulted;

(*c*) within the area under the jurisdiction of a local authority, unless the local authority has been consulted.

(4) Where any recommendation has been made to him in terms of paragraph (*d*) of subsection (1) the President may—

(*a*) direct any Minister to take such action as may be necessary to comply with the recommendation of the Authority; or

(*b*) reject the recommendation and, in such event, the reasons therefor shall be communicated in writing to that Authority.

(5) Subject to this Act, for the better exercise of its functions the Authority shall have power to do or cause to be done, either by itself or through its agents, all or any of the things specified in the Eleventh Schedule, either absolutely or conditionally and either solely or jointly with others.

**5 Establishment and composition of Parks and Wild Life Management Authority Board**

(1) The operations of the Authority shall, subject to this Act, be controlled and managed by a board to be known as the Parks and Wild Life Management Authority Board.

(2) The Board shall consist of not fewer than six members and not more than twelve members appointed by the Minister, after consultation with the President and subject to such directions as the President may give, for their ability and experience in matters relating to wild life conservation or for their suitability otherwise for appointment.

(3) Of the members appointed in terms of subsection (2)—

(*a*) five shall be chosen for their experience or professional qualifications in the following fields or areas of competence —

(i) wild life conservation; and (ii) environmental conservation; and (iii) tourism; and

(iv) financial and business management; and (v) human resources management and

(*b*) one shall be a legal practitioner registered in terms of the Legal Practitioners Act [*Chapter 27:07*]

(4) The Twelfth Schedule shall apply to the qualifications of members of the Board, their terms and conditions of office, vacation of office, suspension and dismissal, and to the procedure to be followed by the Board at its meetings.

**6 Minister may give Board policy directions**

(1) Subject to subsections (2) and (3), the Minister may give the Board such directions of a general character relating to the policy which the Authority is to observe in the exercise of its functions, as the Minister considers to be requisite in the national interest.

(2) Before giving the Board a direction in terms of subsection (1), the Minister shall inform the Board, in writing, of the proposed direction and the Board shall, within thirty days or such further period as the Minister may allow, submit to the Minister, in writing, its views on the proposal and the possible effects which the proposal may have on the finances and other resources of the Authority.

(3) Where the Board maintains, in its views submitted to the Minister in terms of subsection

(2), that the proposed direction will have a material effect on the finances of the Authority, the Minister shall not proceed to give the direction until he has consulted the Minister responsible for finance.

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

(5) When any direction has been given to the Board in terms of subsection (1), the Board shall ensure that any direction and any views it has expressed thereon in terms of subsection

(2), are set out in the Authority’s annual report.

**7 Minister may direct Board to reverse, suspend or rescind its decisions or actions**

(1) Subject to subsection (2), where the Minister, after consultation with the President, is of the view on reasonable grounds that any decision or action of the Board is not in the national or public interest, the Minister may direct the Board in writing to reverse, suspend or rescind such decision or to reverse, suspend or rescind such action.

(2) Before making any direction in terms of subsection (1), the Minister shall inform the Board in writing of his intention to do so, setting out the purport of the proposed direction and his grounds for making it, and the Board may, within fourteen days of being so informed, make written representations to the Minister on the matter.

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

**8 Execution of contracts and instruments by Authority**

Any agreement, contract or instrument approved by the Board may be entered into or executed on behalf of the Authority by any persons generally or specially authorised by the Board for that purpose.

**9 Reports of Authority**

(1) In addition to the annual report which the Authority is required to submit to the Minister in terms of paragraph 18 of the Twelfth Schedule of the Audit and Exchequer Act [*Chapter 22:03*], the Authority—

(*a*) shall submit to the Minister such other reports as the Minister may require; and (*b*) may submit to the Minister such other reports as the Authority considers advisable; in regard to the operations and property of the Authority.

(2) The Minister shall, within six months of the end of the Authority’s financial year, lay before Parliament the annual report of the Authority and any report submitted to him in terms of subsection (1), together with the statement of accounts and auditor’s report for the preceding financial year of the Authority referred to in sections *sixteen* and *sixteen A.*

**10 Appointment and functions of Director-General and Directors of Authority**

(1) For the better exercise of the functions of the Authority, the Board shall appoint for a fixed term of office, and on such other terms and conditions as the Board may fix, a person to be the Director-General of the Authority and such number of persons to be Directors of the Authority as may be necessary to assist the Director General in the performance of his functions.

(2) Without the authority of the Minister, no person shall be appointed as Director-General or as Director and no person shall be qualified to hold office if

(*a*) he is not a citizen of Zimbabwe; or

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

(*c*) he has made an assignment to or arrangement or composition with his creditors in terms of a law in force in any country, and the assignment, the arrangement or composition has not been rescinded or set aside; or

(*d*) within the period of five years immediately preceding his proposed appointment, he has been sentenced

(i) in Zimbabwe, in respect of an offence involving dishonesty; or

(ii) outside Zimbabwe, in respect of conduct which, if committed in Zimbabwe, would have constituted an offence involving dishonesty.

(3) A Director-General or Director shall vacate his office and his office shall become vacant (*a*) one month after the date he gives notice in writing to the Board of his intention to resign his office or after the expiry of such other period of notice as he and the Minister may agree; or

(*b*) on the date he begins to serve a sentence of imprisonment in Zimbabwe or in any other country.

(4) The Board may require a Director-General or Director to vacate his office if he— (*a*) has been guilty of conduct which renders him unsuitable to continue to hold office; (*b*) has failed to comply with any condition of office;

(*c*) has ceased to possess any qualification by reason of which he was appointed;

(*d*) is mentally or physically incapable of efficiently performing his duties;

(*e*) or his spouse engages in any occupation, service or employment, or holds any asset, which in the Board's opinion is inconsistent with his duties.

(5) The Director-General shall, subject to the direction of the Board, be responsible for— (*a*) supervising, managing and controlling the operations of the Authority;

(*b*) carrying out any directions given to him by the Board; and

(*c*) performing such other functions as the Board may assign to him or as may be conferred or imposed upon him by or under this Act or any other enactment.

(6) An assignment of functions in terms of paragraph (*c*) of subsection (5)—

(*a*) may be made generally or specially and subject to such conditions, restrictions, reservations and exceptions as the Board may determine;

(*b*) may be revoked by the Board at any time;

(*c*) shall not preclude the Board itself from exercising the functions.

(7) The Director-General may, with the consent of the Board, delegate to Directors such of the powers and duties conferred upon or delegated to him in terms of this Act as he thinks fit.

(8) All powers and duties delegated to Director by the Director-General shall be exercised subject to the directions of the Director-General.

(9) The Board may engage persons otherwise than as employees, to perform services of a specialised, technical or professional nature for the Authority.

(10) The Director-General shall be an ex officio member of the Board and shall act as its secretary but he shall not have a vote on any question before the Board.

(11) Any remuneration, allowances, pensions and other benefits to which the Director- General and any Director is entitled shall be chargeable to the funds of the Authority.

**11 Appointment of other staff of Authority**

(1) The Director-General may, on behalf of and with the concurrence of the Authority, employ, on such terms and conditions as he may determine, such officers, inspectors or other employees as may be necessary for the purpose of exercising the powers and performing the duties conferred and imposed upon officers, inspectors and employees in terms of this Act,

and generally for the conduct of the affairs of the Authority, and may suspend, discipline or discharge any such persons.

(2) An officer, inspector or employee shall be furnished with a certificate signed by or on behalf of the chairman of the Board which shall state that the holder has been designated as an officer, inspector or employee for the purposes of this Act.

(3) An officer, inspector or employee exercising any power or performing any duty conferred or imposed upon him in terms of this Act or about to do so shall, on demand by any person concerned, produce the certificate issued to him in terms of subsection (2).

(4) The Director-General may delegate to officers, inspectors and employees such of the powers conferred upon him in terms of this Act as it thinks fit.

(5) Any remuneration, allowances, pensions and other benefits to which officers, inspectors or other employees of the Authority are entitled shall be chargeable to the funds of the Authority.

[Sections 3 – 11 substituted by Act 19 of 2001]

**PART IIA**

FINANCIAL PROVISIONS

**12 Funds of Authority**

The funds of the Authority shall consist of—

(*a*) all fees payable in terms of this Act and the proceeds from the sale of any State trophies; and

(*b*) fines and amounts payable in terms of sections *one hundred and three* and *one hundred and four*; and

(*c*) such moneys as may be payable to the Authority from moneys appropriated for the purpose by Act of Parliament; and

(*d*) such other moneys as may vest in or accrue to the Authority, whether in the course of its operations or otherwise.

**13 Financial year of Authority**

The financial year of the Authority shall be the period of twelve months ending on the 31st December in each year.

**14 Annual programmes and budgets of Authority**

(1) On or before such date before the beginning of every financial year as the Minister may direct, the Board shall prepare and submit to the Minister for his approval

(*a*) a programme of the projects and activities which the Board intends the Authority to undertake during that financial year; and

(*b*) a budget showing the expenditure which the Board proposes that the Authority will incur in respect of that financial year.

(2) During any financial year the Board may submit to the Minister for his approval a supplementary budget relating to expenditure which

(*a*) was not, for good reason, provided for in the annual budget; or

(*b*) was inadequately provided for in the annual budget due to unforeseen circumstances. (3) A supplementary budget approved by the Minister shall be deemed to form part of the annual budget of the Authority for the financial year to which it relates.

(4) The Board shall furnish the Minister with such additional information in regard to any budget submitted under subsection (1) or (2) as the Minister may require.

(5) In approving any budget under this section the Minister may impose such terms and conditions as he considers to be necessary or desirable.

(6) With the approval of the Minister, the Board may vary a budget approved under this section: Provided that no variation may be made which has the effect of increasing the total amount of expenditure provided for in the budget.

(7) The Minister may withdraw, vary or modify his approval of any budget under this section or any of the terms and conditions of such approval.

**15 Investment of moneys not immediately required by Authority**

Moneys not immediately required by the Authority may be invested in such manner as the Board, in consultation with the Minister, may approve.

**16 Accounts of Authority**

(1) The Board shall ensure that proper accounts and other records relating to such accounts are kept in respect of all the Authority’s activities, funds and property, including such particular accounts and records as the Minister may direct.

(2) Not later than three months after the end of each financial year of the Authority, the Authority shall prepare and submit to the Minister a statement of accounts in respect of that financial year or such other period as the Minister may direct.

[Sections 12 – 16 substituted by Act 19 of 2001]

**16A Audit of Authori**ty’**s accounts**

(1) Subject to the Audit and Exchequer Act [*Chapter 22:03*], the Authority shall appoint as auditors one or more persons approved by the Minister who are registered as public auditors in terms of the Public Accountants and Auditors Act [*Chapter 27:12*].

(2) The accounts kept by the Authority in terms of subsection (1) of section *sixteen* shall be examined by the auditors appointed in terms of subsection (1).

(3) The auditors appointed in terms of subsection (1) shall make a report to the Board and the Minister on the statement of accounts prepared in terms of subsection (2) of section *sixteen* and such report shall state whether or not in their opinion the statement of accounts gives a true and fair view of the Authority’s affairs.

(4) In addition to the report referred to in subsection (3), the Minister may require the Board to obtain from its auditors appointed in terms of subsection (1) such other reports, statements or explanations in connection with the Authority’s operations, funds and property as the Minister may consider expedient, and the Board shall forthwith comply with any such requirement.

**16B Powers of auditors**

(1) An auditor referred to in section *sixteen A* shall be entitled at all reasonable times to require to be produced to him all accounts and other records relating to such accounts which are kept by the Authority or its agents and to require from any member of the Board or employee or agent of the Authority such information and explanations as in the auditor’s opinion are necessary for the purposes of his audit.

(2) Any member of the Board or employee or agent of the Authority who fails without just cause to comply with a requirement of an auditor in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

**16C Internal auditor**

Section 19 of the Audit and Exchequer Act [*Chapter 22:03*] shall apply, *mutatis mutandis*, to the appointment of an internal auditor to the Authority in all respects as if the Authority were a department of the Ministry for which the Minister is responsible.

[Sections 16A – 16C inserted by Act 19 of 2001]

**PART III**

PARKS AND WILD LIFE ESTATE AND PARKS AND WILD LIFE LAND

**17 Parks and Wild Life Estate**

(1) The Parks and Wild Life Estate shall consist of all land which is a park area.

(2) The Parks and Wild Life Estate shall be used for the purposes described in this Act.

**18 Parks and wild life land**

(1) Parks and wild life land shall consist of State land which is a park area and private land within an area which has been designated in terms of section *forty-two*.

(2) The total extent of parks and wild life land shall not be reduced by more than one per centum of the total extent of parks and wild life land on the appointed day.

**19 Amendment of First, Second, Third, Fourth and Fifth Schedules**

(1) The Minister may, on the recommendation of, or after consultation with, the Authority by notice in a statutory instrument, amend the First, Second, Third, Fourth or Fifth Schedules in order to— [Subsection amended by Act 19 of 2001]

(*a*) more clearly describe such land; or

(*b*) correct any error in the description of or statement of extent of such land.

(2) No notice made in terms of subsection (1) shall have the effect of transferring any land to or from the Parks and Wild Life Estate.

**20 Minister may fix full supply level of lakes**

(1) Where the land inundated by any lake or part of a lake has been declared to be part of the Parks and Wild Life Estate, the Minister may, on the recommendation of, or after consultation with, the Authority by notice in a statutory instrument, fix the height above mean sea level of the full supp1y level of such lake and may, in like manner, amend such height. [Subsection amended by Act 19 of 2001]

(2) Any land surface which is exposed at any time between a height fixed in terms of subsection (1) and the edge of the water of the lake concerned shall, for so long as it is exposed, be deemed to be part of the land abutting on to the lake and shall be subject to any enactment relating to such land.

**PART IV**

NATIONAL PARKS

**21 Purposes of national parks and duties of Minister in relation thereto**

(1) The purposes for which national parks are or may be constituted under this Act shall be— (*a*) to preserve and protect the natural landscape and scenery therein; and

(*b*) to preserve and protect wild life and plants and the natural ecological stability of wild life and plant communities therein; for the enjoyment, education and inspiration of the public.

(2) ……. [Subsection repealed by Act 19 of 2001]

**22 National parks**

(1) Each of the areas described in the First Schedule is hereby constituted a national park which shall be known by the name specified in the First Schedule.

(2) Subject to this Act the President may, on the recommendation of the Authority, by notice

in a statutory instrument, amend the First Schedule for the purpose of— (*a*) constituting a new national park and specifying the name thereof; (*b*) changing the name of any national park;

(*c*) adding any area to a national park; (*d*) subtracting any area from a national park; (*e*) abolishing any national park. [Subsection amended by Act 19 of 2001]

(3) No land shall be constituted as a national park or part of a national park in terms of subsection (2) unless it is—

(*a*) State land; or

(*b*) trust land and the trustees thereof have consented thereto.

(4) Any notice made in terms of paragraph (*a*), (*b*) or (*c*) of subsection (2) shall be laid before Parliament as soon as may be after it has been published in a statutory instrument and, if a resolution is passed within the next twenty-eight days on which Parliament has sat next after the notice is laid before it requesting the President to rescind or vary the notice, it shall forthwith be rescinded or varied, as the case may be, by further notice in a statutory instrument but without prejudice to the validity of anything previously done thereunder.

(5) No notice may be made in terms of paragraph (*d*) or (*e*) of subsection (2) unless the proposal to make such notice has been approved by Parliament.

**23 Powers of Minister in relation to national parks**

(1) For the purpose of giving effect to the provisions section *twenty-one* the Authority shall, with the concurrence of the Minister and subject to this Act, have power—

(*a*) to undertake scientific investigations within a national park; and

(*b*) to take or collect and remove for export or otherwise any specimen of wild life, fish or plant from a national park; and

(*c*) to authorize any person—

(i) to undertake any scientific investigations within a national park; and

(ii) for the purposes of scientific investigations, to take or collect and remove any specimen of wild life, fish or plant from a national park; and

(*d*) to set aside any area of a national park for special purposes; and

(*e*) to sell, donate or otherwise dispose of, any specimen of wild life, fish or plant taken from a national park; and 

Provided that the Authority shall not introduce into a national park any wild life or plant which is not indigenous to the area in which the park is situated except into a development area set aside in terms of paragraph (*k*); and

(*g*) to do all such things and to take all such steps as it may consider necessary or desirable, including management of the soil and plants, the construction of fireguards and the controlled reduction of wild life and fish populations, to ensure the security of the wild life, fish and plants within a national park and the maintenance of the wild life, fish and plants therein in a natural state; and

(*h*) to authorize the removal of any wild life, fish or plants which may be captured, killed or picked, as the case may be, as the result of any steps taken in terms of paragraph (*g*); and

(*i*) if satisfied that it will not endanger the security of the wild life, fish or plants in a national park or the maintenance of the wild life, fish or plants therein in their natural state, and that it is in the interests of management of facilities for visitors within the park—

(i) to construct air strips, roads, bridges, soil conservation works and water installations, buildings, viewing platforms, harbours and fences and to carry out such other works as it may consider necessary or desirable;

(ii) to pick plants for use within the park; and

(j) to authorize -

(i) such measures as it may consider necessary or desirable for—

A. the prevention and control of human and animal, including domestic animal diseases; or B. the control and limitation of quelea birds and locusts; or

C. the eradication of weeds; within a national park;

(ii) the killing or capture of any animal within a national park which is—

A. injured or sick; or

B. causing damage to property; or

C. considered to be a danger to humans; and the disposal of such animal in such manner as he may in any particular case approve; and

(*k*) to set aside areas within a national park as development areas for—

(i) the housing of officers, employees and other persons lawfully residing in the park; (ii) gardening, recreation and other like requirements and facilities;

(iii) the construction of offices, workshops, stables, pens, schools, clinics, churches and other buildings or installations that may be required in connection with the administration or maintenance of the park;

(iv) the construction of hotels, restaurants, rest camps, caravan parks, camping grounds, shops, service stations and other buildings and facilities for the accommodation, benefit or enjoyment of visitors; and to restrict such housing, structures, buildings, installations or facilities in the park to such development area; and

(*l*) to authorize officers, employees or other persons lawfully residing in a national park— (i) to keep domestic or domesticated animals of such classes as it may authorize in a development area referred to in paragraph (*k*); and

(ii) to use domestic animals of such classes as he may authorize for the purpose of travel or transport within the park or for such other purposes as it may specify;

and

(*m*) to regulate or restrict the construction and design of any building that may be constructed within a national park; and

(*n*) to restrict the use of vehicles and the speed at which vehicles may travel within a national park.

(2) For the purpose of providing facilities in a park for visitors the Authority may— (*a*) within a development area set aside in terms of paragraph (*k*) of subsection (1)— (i) construct, maintain and operate hotels, restaurants, rest camps, caravan parks, camping grounds,

shops, service stations and other buildings and facilities and let accommodation therein; and (ii) let hotels, restaurants, shops, service stations and other buildings and facilities and control the charges which may be made by the lessee thereof; and

(*b*) provide interpretative services; and

(*c*) do all such other things and take all such other steps as it may consider necessary or desirable to provide facilities for visitors thereto.

(3) Where the Authority considers it necessary or desirable in order to preserve the security of the plants or wild life in a national park or the maintenance in the natural state of the plants or wild life therein or to ensure the enjoyment, education and inspiration of visitors to the park or any part thereof, it may, with the concurrence of the

Minister—

(*a*) direct that no further facilities shall be provided;

(*b*) restrict or limit the number of persons or vehicles or types of vehicles which may be permitted entry at any one time and may, in by-laws, impose such restrictions or fix such limits. [Section substituted by Act 19 of 2001]

**24 Prohibition and regulation of certain acts in national parks**

(1) Unless authorized thereto in terms of section *twenty-three*, no person shall— (*a*) pick any plant in a national park; or

(*b*) hunt any wild life or take or destroy the nest thereof in a national park; or (*c*) sell—

(i) any animal or any part of an animal which has been hunted in or has died in or has been removed

from a national park; or

(ii) any fish caught in a national park; or (iii) any plant picked in a national park; or

(*d*) except in terms of such regulations as may be prescribed—

(i) introduce into or convey in a national park any weapon or explosive or any prescribed article; or

(ii) introduce into or convey or allow in a national park any animal, including a domestic or domesticated animal; or

(iii) remove from a national park any animal or any part of an animal; or

(iv) fish in any waters in a national park or remove from the park any fish caught in the waters of the park.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**PART V**

BOTANICAL RESERVES AND BOTANICAL GARDENS

**25 Purposes of botanical reserves and botanical gardens and powers and duties of Minister in relation thereto**

(1) The purposes for which botanical reserves are or may be constituted in terms of this Act shall be to preserve and protect rare or endangered indigenous plants or representative plant communities growing naturally in the wild for the enjoyment, education and benefit of the public.

(2) The purposes for which botanical gardens are or may be constituted in terms of this Act shall be to propagate and cultivate exotic and indigenous plants for the enjoyment, education and benefit of the public.

(3) . ……

[Subsection repealed by Act 19 of 2001]

(4) The Authority shall, with the concurrence of the Minister and subject to this Act, have power in respect of botanical reserves and botanical gardens to take such measures and to do such things which he considers necessary or desirable to give effect to subsections (1), (2) and (3).

[Subsection amended by Act 19 of 2001]

(5) Where he considers it necessary or desirable in the circumstances of a particular botanical reserve or botanical garden the Minister may, on the recommendation of, or after consultation with, the Authority, and after consultation with any other Minister, by notice in a statutory instrument, cede the Authority’s powers, functions and duties in relation to that botanical reserve or botanical garden to any other Minister who shall thereafter have in relation to the botanical reserve or botanical garden concerned all the powers, functions and duties which are conferred or imposed upon the Authority in terms of this Act.

[Subsection substituted by Act 19 of 2001]

(6) The Minister may, with the consent of the Minister to whom a cession in terms of subsection (5) has been made, at any time, by notice in a statutory instrument, revoke the cession.

(7) Where any cession has been revoked in terms of subsection (6)—

(*a*) the powers, functions and duties which were ceded shall revert to the Authority; and (*b*) the revocation shall not affect anything done in terms of the cession and any such thing shall be deemed to have been done by the Authority.

[Subsection amended by Act 19 of 2001]

**26 Botanical reserves and botanical gardens**

(1) Each of the areas described in—

(*a*) Part I of the Second Schedule is hereby constituted a botanical reserve; (*b*) Part I of the Second Schedule is hereby constituted a botanical garden; which shall be known by the name specified in the Second Schedule.

(2) Subject to this Act the President may, on the recommendation of the Authority, by notice

in a statutory instrument, amend the Second Schedule for the purpose of— (*a*) constituting a new botanical reserve or a new botanical garden and specifying the name thereof;

(*b*) changing the name of any botanical reserve or botanical garden; (*c*) adding any area to a botanical reserve or botanical garden; (*d*) subtracting any area from a botanical reserve or botanical garden; (*e*) abolishing any botanical reserve or botanical garden. [Subsection amended by Act 19 of 2001]

(3) No land shall be constituted as a botanical reserve or botanical garden or as part of a botanical reserve or botanical garden in terms of subsection (2) unless it is—

(*a*) State land; or

(*b*) trust land and the trustees thereof have consented thereto.

(4) Any notice made in terms of subsection (2) shall be laid before Parliament as soon as may be after it has been published in a statutory instrument and, if a resolution is passed within the next twenty-eight days on which Parliament has sat next after the notice is laid before it requesting the President to rescind or vary the notice, it shall forthwith be rescinded or varied, as the case may be, by further notice in a statutory instrument, but without prejudice to the validity of anything previously done thereunder.

**27 Buildings may be let in botanical reserves or botanical gardens**

The trustees of any trust land with the consent of the Authority may let any buildings in a botanical reserve or botanical garden.

[Section insertion by Act 19 of 2001]

**28 Control of, introduction into or removal of plants from a botanical reserve or botanical garden**

(1) No person shall—

(*a*) introduce any plant into a botanical reserve or a botanical garden; or

(*b*) pick any plant in a botanical reserve or a botanical garden; except in terms of a permit issued in terms of section *twenty-nine*:

Provided that any person working on a road in a botanical reserve or a botanical garden may pick any plant on such road if it is necessary in the lawful performance of his duties.

(2) Any person who contravenes subsection (1) 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

[Subsection amended by section 4 of Act 22 of 2001]

**29 Permit to introduce plants into or pick plants in a botanical reserve or botanical garden**

The Authority, with the concurrence of the Minister, may issue a permit authorizing the holder thereof—

(*a*) to introduce any plant into or pick any plant in a botanical reserve:

Provided that no such permit shall authorize—

(*a*) the introduction of any plant of a species not native to such reserve;

(*b*) the picking of a plant unless such picking is necessary, whether for export or otherwise, for—

(i) scientific purposes; or

(ii) providing specimens for a museum, herbarium or similar institution; or

(iii) introduction into another botanical reserve, botanical garden or similar such place or into horticulture; or

(iv) purposes connected with the management and control of such reserve;

(*b*) to introduce any plant into or pick any plant in a botanical garden for any purpose specified in the permit.

[Subsection amended by Act 19 of 2001]

**PART VI**

SANCTUARIES

**30 Purposes of sanctuaries and duties of Minister in relation thereto**

(1) The purposes for which sanctuaries are or may be constituted under this Act shall be to afford special protection to all animals or particular species of animals in the sanctuary

concerned for the enjoyment and benefit of the public.

(2) . . . . . . [Subsection repealed by Act 19 of 2001]

**31 Sanctuaries and designated animals**

(1) Each of the areas described in the Third Schedule is hereby constituted a sanctuary which shall be known by the name specified in the Third Schedule and in which the animals specified in the second column opposite the sanctuary shall be designated animals.

(2) Subject to this Act the President may, on the recommendation of the Authority, by notice

in a statutory instrument, amend the Third Schedule for the purpose of— (*a*) constituting a new sanctuary and specifying the name thereof; (*b*) changing the name of any sanctuary;

(*c*) adding any area to a sanctuary; (*d*) subtracting any area from a sanctuary; (*e*) abolishing any sanctuary;

 removing any animal from the list of animals specially protected in a particular sanctuary. [Subsection amended by Act 19 of 2001]

(3) No land shall be constituted as a sanctuary or as part of a sanctuary in terms of subsection

(2) unless it is— (*a*) State land; or

(*b*) trust land and the trustees thereof have consented thereto.

**32 Powers of Minister in relation to sanctuaries**

(1) The Authority shall, with the concurrence of the Minister and subject to this Act, have power in respect of sanctuaries to take such measures and to do such things which he considers necessary or desirable to give effect to section *thirty*.

[Subsection amended by Act 19 of 2001]

(2) For the purposes of providing facilities for visitors the Authority, with the concurrence of the Minister, may, within an area set aside for the purpose in a sanctuary—

(*a*) construct, maintain and administer hotels, restaurants, rest camps, caravan parks, camping grounds, shops, service stations and other buildings and facilities and let accommodation therein; and

(*b*) let hotels, restaurants, shops, service stations and other buildings and facilities and control the charges which may be made by the lessees thereof.

[Subsection amended by Act 19 of 2001]

(3) Where the Authority considers it necessary or desirable, it may— (*a*) direct that no further facilities shall be provided in a sanctuary;

(*b*) restrict or limit the number of persons which may be permitted entry into a sanctuary at any one time and may, in by-laws, impose such restriction or such limits.

[Subsection amended by Act 19 of 2001]

**33 Control of hunting in and removal of animals or animal products from a sanctuary and sale of animals or animal products**

(1) No person shall—

(*a*) hunt any animal in a sanctuary; or

(*b*) remove any animal or any part of an animal from a sanctuary; or

(*c*) sell any animal or any part of an animal which has been hunted in or has died in or has been removed from a sanctuary; except in terms of a permit issued in terms of section *thirty- four*.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**34 Permit to hunt in or remove animals or animal products from a sanctuary and to sell animals or animal products**

Subject to this Act, the Authority, with the concurrence of the Minister, may issue a permit to any person

to— [Subsection substituted by Act 19 of 2001] (*a*) hunt any animal in a sanctuary; or

(*b*) remove any animal or any part of an animal from a sanctuary; or

(*c*) sell any animal or any part of an animal which has been hunted in or has died in or has been removed from a sanctuary: Provided that the Authority shall not issue any such permit—

(*a*) to hunt or remove any designated animal or any part of such animal unless it is satisfied that the hunting or removal is necessary for—

(i) scientific purposes; or

(ii) the protection of human life or property;

(*b*) to hunt or remove any animal or any part of an animal other than a designated animal unless it is satisfied that the hunting or removal is necessary for

(i) scientific purposes; or (ii) educational purposes; or

(iii) providing specimens for a museum, zoological garden or similar institution; or (iv) the taking of animals live for the purpose of export or restocking; or

(v) the management and control of animal populations; or (vi) the protection of human life or property; or

(vii) any other purpose which, in the opinion of the Authority, is in the interests of the conservation of animals.

[Subsection amended by Act 19 of 2001]

**PART VII**

SAFARI AREAS

**35 Purposes of safari areas and powers and duties of Minister in relation thereto**

(1) The purposes for which safari areas are or may be constituted under this Act shall be to preserve and protect the natural habitat and the wild life therein in order that facilities and opportunities may be afforded to the public for camping, hunting, fishing, photography, viewing of animals, bird-watching or such other pursuits that may be permitted therein in terms of this Act.

(2) . . . . . . [Subsection repealed by Act 19 of 2001]

(3) The Authority shall, with the concurrence of the Minister and subject to this Act, have power in respect of safari areas to take such measures and to do such things which he considers necessary or desirable to give effect to subsections (1) and (2).

[Subsection amended by Act 19 of 2001]

**36 Safari areas**

(1) Each of the areas described in the Fourth Schedule is hereby constituted a safari area which shall be known by the name specified in the Fourth Schedule.

(2) Subject to this Act the President may, on the recommendation of the Authority, by notice

in a statutory instrument, amend the Fourth Schedule for the purpose of— (*a*) constituting a new safari area and specifying the name thereof; (*b*) changing the name of any safari area;

(*c*) adding any area to a safari area; (*d*) subtracting any area from a safari area; (*e*) abolishing any safari area. [Subsection amended by Act 19 of 2001]

(3) No land shall be constituted as a safari area or as part of a safari area in terms of subsection (2) unless it

is—

(*a*) State land; or

(*b*) trust land and the trustees thereof have consented thereto.

**37 Lease of sites and grant of hunting rights in safari areas**

The Authority, with the concurrence of the Minister, may—

(*a*) lease sites in a safari area to such persons and for such purposes as it deems fit; (*b*) grant hunting or other rights over or in a safari area to such persons as he deems fit; subject to such terms and conditions as he may impose:

Provided that—

(*a*) the period of a lease in terms of paragraph (*a*) shall not exceed twenty-five years;

(*b*) the period of hunting or other rights in terms of paragraph (*b*) shall not exceed ten years; (*c*) a grant of hunting or other rights in terms of paragraph (*b*) shall not prohibit persons from entering into the safari area concerned for purposes other than those for which the rights have been granted.

[Subsection amended by Act 19 of 2001]

**38 Control of hunting in and removal of animals or animal products from a safari area and sale of animals or animal products**

(1) No person shall—

(*a*) hunt any animal in a safari area; or

(*b*) remove any animal or any part of an animal from a safari area; or

(*c*) sell any animal or any part of an animal which has been hunted in or which has died in or which has been removed from a safari area; except in terms of—

(i) such regulations as may be prescribed for such safari area; or (ii) a permit issued in terms of section *thirty-nine*.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**39 Permit to hunt in or remove animals or animal products from a safari area and to sell animals or animal products**

(1) Subject to this Act, the Authority, with the concurrence of the Minister, may issue a permit—

(*a*) to any person to—

(i) hunt any animal in a safari area; or

(ii) remove any animal or any part of an animal from a safari area; or

(iii) sell any animal or any part of an animal which has been hunted in or which has died in or which has been removed from a safari area:

Provided that the Authority shall not issue any such permit to hunt or remove any animal or any part of an animal unless it is satisfied that the hunting or removal is necessary for— (*a*) scientific purposes; or

(*b*) educational purposes; or

(*c*) providing specimens for a museum, zoological garden or similar institution; or (*d*) the taking of animals live for the purpose of export or restocking; or

(*e*) the management and control of animal populations; or 

(*g*) any other purpose which, in the opinion of the Authority, is in the interests of the conservation of animals.

(*b*) to any person as the guest of the State to— (i) hunt any animal in a safari area; or

(ii) remove any animal or any part of an animal from a safari area; or

(iii) sell any animal or any part of an animal which has been hunted in or which has died in or which has been removed from a safari area.

(2) A permit issued in terms of subsection (1) may authorize the holder thereof to allow any person nominated by him to do in his stead, but subject to his direction or the direction of his deputy, anything which the holder may do in terms of the permit.

**PART VIII**

RECREATIONAL PARKS

**40 Purposes of recreational parks and powers and duties of Minister in relation thereto**

(1) The purposes for which recreational parks are or may be constituted under this Act shall be to preserve

and protect the natural features therein for the enjoyment, benefit and recreation of the public

(2) . . . . . . [Subsection repealed by Act 19 of 2001]

(3) The Authority shall, with the concurrence of the Minister and subject to this Act, have power in respect of recreational parks to take such measures and to do such things which he considers necessary or desirable to give effect to subsections (1) and (2).

[Subsection amended by Act 19 of 2001]

**41 Recreational parks**

(1) Each of the areas described in the Fifth Schedule is hereby constituted a recreational park which shall beknown by the name specified in the Fifth Schedule.

(2) Subject to this Act the President may, on the recommendation of the Authority, by notice

in a statutory instrument, amend the Fifth Schedule for the purpose of— (*a*) constituting any new recreational park and specifying the name thereof; (*b*) changing the name of any recreational park;

(*c*) adding any area to a recreational park; (*d*) subtracting any area from a recreational park; (*e*) abolishing any recreational park.

(3) No land shall be constituted as a recreational park or as part of a recreational park in terms of subsection

(2) unless it is— (*a*) State land; or

(*b*) trust land and the trustees thereof have consented thereto. [Subsection amended by Act 19 of 2001]

(4) Any notice made in terms of subsection (2) shall be laid before Parliament as soon as may be after it has been published in a statutory instrument and, if a resolution is passed within the next twenty-eight days on which Parliament has sat next after the notice is laid before it requesting the Minister to rescind or vary the notice, it shall forthwith be rescinded or varied, as the case may be, by further notice in a statutory instrument, but without prejudice to the validity of anything previously done thereunder.

**42 Designation of land within recreational park which may be alienated or leased**

(1) Subject to subsections (2) and (3), the Minister, on the recommendation of the Authority may, by notice in a statutory instrument, designate within a recreational park any area or areas of land which may be alienated or leased for the erection of hotels, restaurants, rest camps, caravan parks, camping grounds, shops, service stations and other buildings and facilities for the accommodation, recreation, enjoyment or convenience of visitors or for such other purpose as he deems fit and may in like manner revoke such designation. [Subsection amended by Act 19 of 2001]

(2) The layout of any development within a designated area referred to in subsection (1) shall be approved in terms of the Regional, Town and Country Planning Act [*Chapter 29:12*].

(3) No notice revoking any designated area referred to in subsection (1) shall affect the right of any person who, before the date of such revocation, acquired title to or a lease over any land therein.

(4) Notwithstanding the alienation or lease of any land within a designated area referred to in subsection (1)such land shall continue to form part of the recreational park concerned.

**PART IX**

SPECIALLY PROTECTED ANIMALS

**43 Specially protected animals**

The animals specified in the Sixth Schedule are hereby declared to be specially protected animals.

**44 Minister may amend Sixth Schedule by notice in statutory instrument**

The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, amend the Sixth Schedule by adding thereto or removing therefrom the name of any animal. [Subsection amended by Act 19 of 2001]

**45 Control of hunting of specially protected animals and possession or sale of specially protected animals and products thereof**

(1) No person shall—

(*a*) hunt any specially protected animal; or

(*b*) keep, have in his possession or sell or otherwise dispose of any live specially protected animal or the meat or trophy of any such animal; except in terms of a permit issued in terms of section *forty-six*.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level eight or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**46 Permit to hunt and to sell live specially protected animals and products thereof**

Subject to this Act, the Authority, with the concurrence of the Minister, may issue a permit to any person—

(*a*) to hunt any specially protected animal on any land other than in a national park; or (*b*) to keep, have in his possession or sell any live specially protected animal or the meat or trophy of any such animal:

Provided that the Authority shall not issue a permit in terms of paragraph (*a*) unless it is satisfied that the hunting is necessary for—

(*a*) scientific purposes; or (*b*) educational purposes; or

(*c*) providing specimens for a museum, zoological garden or similar institution; or (*d*) the taking of animals live for the purpose of falconry, captive breeding, export or restocking; or

(*e*) the management and control of animal populations; or 

(*g*) any other purpose which, in the opinion of the Authority, is in the interests of the conservation of animals.

[Section amended by Act 19 of 2001]

**47 Trophies of specially protected animals which are State trophies**

(1) Subject to subsection (2), the trophy of any specially protected animal killed or found dead shall be deemed to be a State trophy.

(2) Subsection (1) shall not apply in respect of the trophy of any specially protected animal which—

(*a*) has been killed in terms of a permit issued in terms of section *forty-six*; or (*b*) was in lawful captivity immediately before its death.

(3) Subject to the proviso to subsection (1) of section *sixty-three*, any person who takes possession of any trophy which is a State trophy in terms of subsection (1) shall, as soon as possible and in any event within seven days, surrender such trophy to the appropriate authority for the land on which it was found or to the nearest convenient office of the Authority or police station or to the local authority for the area concerned.

[Subsection amended by Act 19 of 2001]

(4) Any person who contravenes subsection (3) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

(5) The burden of proof of any matter referred to in subsection (2) which would make lawful the failure to surrender any trophy in terms of subsection (3) shall, in any prosecution relating to such failure, lie upon the person charged.

**PART X**

SPECIALLY PROTECTED INDIGENOUS PLANTS

**48 Specially protected indigenous plants**

The plants specified in the first column of the Seventh Schedule are hereby declared to be specially protected indigenous indigenous plants.

**49 Minister may amend Seventh Schedule by notice a statutory instrument**

The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, amend the Seventh Schedule—

[Subsection amended by Act 19 of 2001]

(*a*) in the first column, by adding thereto or by removing therefrom the name of any indigenous plant;

(*b*) in the second column, by adding thereto, opposite the name of any indigenous plant specified in the first column, any area, or by removing therefrom any area.

**50 Control of picking of specially protected indigenous plants**

(1) Subject to subsections (2), (3) and (4), no person shall pick any specially protected indigenous plant except in terms of a permit issued in terms of section *fifty-one*.

(2) Subsection (1) shall not apply to the picking of any specially protected indigenous plant in any area which may be specified opposite the name of such plant in the second column of the Seventh Schedule.

(3) An owner or occupier of land or a person acting under his authority may cut or gather the flower of a specially protected indigenous plant on the land for use in the home of such owner or occupier.

(4) An owner or occupier of land or a person acting under his authority may pick a specially protected indigenous plant on the land which is—

(*a*) needed for cultivation, forestry operations, the erection of a building or structure, the construction of a fireguard, road or airport or other development, or the extraction of sand, stone, gravel or other materials; or

(*b*) used for the cultivation of such specially protected indigenous plants.

(5) Any person , who contravenes subsection (1) 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

[Subsection amended by section 4 of Act 22 of 2001]

**51 Permit to pick specially protected indigenous plants**

Subject to this Act, the Authority with the concurrence of the Minister, may issue a permit authorizing the holder thereof to pick a specially protected indigenous plant for— (*a*) export;

(*b*) cultivation and propagation; (*c*) scientific purposes;

(*d*) providing specimens for a museum, herbarium, botanical garden or similar institution; (*e*) such other purpose as the Authority deems fit.

[Subsection amended by Act 19 of 2001]

**52 Sale of specially protected indigenous plants controlled**

(1) No person shall sell any specially protected indigenous plant—

(*a*) except in terms of a permit issued to him in terms of section *fifty-three*; or

(*b*) unless he is a dealer in specially protected indigenous plants; or

(*c*) unless he is a member of a recognized horticultural society and the sale is to a member of the same or any other recognized horticultural society.

(2) No person shall purchase a specially protected indigenous plant—

(*a*) except from a person who is the holder of a permit issued in terms of section *fifty-three*; or (*b*) except from a dealer in specially protected indigenous plants; or

(*c*) except from a stall at any fete, bazaar or other like function open to the public; or (*d*) unless he is a member of a recognized horticultural society and the purchase is from a member of the same or any other recognized horticultural society.

(3) Any person who contravenes subsection (1) or (2) 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

[Subsection amended by section 4 of Act 22 of 2001] (4) In this section—

“recognized horticultural society” means a society, club, association or body of persons which is formed for the purpose of propagation of plants and which is recognized for the purposes of this section by the Authority.

[Subsection mended by Act 19 of 2001.]

**53 Permit to sell specially protected indigenous plants**

The Authority, with the concurrence of the Minister, may issue—

(*a*) a permit to a cultivator of specially protected indigenous plants to sell specially protected indigenous plants;

(*b*) a temporary permit, free of charge—

(i) to an owner or occupier of any land or a person nominated by such owner or occupier to sell to a person who is the holder of a permit issued in terms of paragraph (*a*) a specially protected indigenous plant which has been picked on the land in terms of paragraph (*a*) of subsection (4) of section *fifty*; or

(ii) to any other person to sell specially protected indigenous plants in such other cases and for such other purposes as may be specified in the permit.

[Section amended by Act 19 of 2001]

**PART XI**

INDIGENOUS PLANTS

**54 Application of this Part**

This Part shall not apply to national parks or botanical reserves or botanical gardens,

**55 Control of picking of indigenous plants**

(1) Subject to section *fifty-six*, no person shall—

(*a*) without reasonable excuse, the proof whereof lies on him, pick any indigenous plant on any land; or

(*b*) sell any indigenous plant picked on any land;

except in terms of a permit issued in terms of paragraph (*c*) of section *fifty-six*.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**56 Permission to pick indigenous plants**

Subject to this Act and Part VI of the Forest Act [*Chapter 19:05*] the appropriate authority for any land may—

(*a*) pick any indigenous plant on the land; or

(*b*) sell any indigenous plant picked on the land; or

(*c*) issue a permit to any person—

(i) to pick any indigenous plant on the land; and

(ii) to sell any indigenous plant picked in terms of the permit.

**57 Minister may prohibit persons from picking indigenous plants**

(1) If the Authority considers it necessary or desirable to do so in the interests of the preservation, conservation, propagation or control of any indigenous plants within Zimbabwe or any area of Zimbabwe, it may, by notice in writing served on any person, specifying such indigenous plants, prohibit that person, either absolutely or subject to specified conditions, and either indefinitely or for a specified period, from doing any or all of the following—

(*a*) picking such indigenous plants; (*b*) selling such indigenous plants;

(*c*) authorizing any person to do anything referred to in paragraph (*a*) or (*b*); whether on alienated or unalienated land, within the area specified in the notice.

[Subsection amended by Act 19 of 2001]

(2) The Authority may at any time, by further notice in writing served on the person concerned, amend or revoke any notice issued in terms of subsection (1). [Subsection amended by section 4 of Act 22 of 2001]

(3) The Authority shall not be obliged to give any reason for issuing a notice in terms of subsection (1) or (2).

[Subsection amended by Act 19 of 2001]

(4) Any person who contravenes a notice issued in terms of subsection (1) or (2) 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 [Subsection amended by section 4 of Act 22 of 2001]

**58 Appointment of commissioner**

(1) If a person upon whom a notice has been served in terms of subsection (1) or (2) of section *fifty-seven* requests an inquiry within thirty days after such notice, the Authority shall, within twenty-one days of such request, refer the matter for inquiry to a commissioner appointed by the Authority for the purpose.

[Subsection amended by Act 19 of 2001]

(2) For the purposes of an inquiry held in terms of subsection (1), the Authority may appoint as a commissioner any person who—

(*a*) is or is qualified to be a registered legal practitioner; or

(*b*) in the opinion of the Authority has knowledge and experience in the preservation, conservation, propagation or control of indigenous plants.

[Subsection amended by Act 19 of 2001]

(3) A commissioner appointed in terms of subsection (1) shall—

(*a*) subject to any regulations made in terms of section *one hundred and twenty-nine*, conduct due inquiry into the matter; and

(*b*) report to the Authority on the existence of grounds that might justify the retention, revocation or amendment of the notice that is the subject of the inquiry.

[Subsection amended by Act 19 of 2001]

(4) The powers, rights and privileges of a commissioner appointed in terms of subsection (1) shall be the same as those conferred 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 an inquiry in terms of this section and to a person summoned to give evidence at the inquiry.

(5) The identity of any police officer or any officer, inspector, employee or honorary officer by whom a report is made concerning a person upon whom a notice has been served in terms of subsection (1) or (2) of section *fifty-seven* shall not be disclosed at an inquiry held in terms of this section to any person other than the commissioner, if the Authority certifies that its disclosure would not be in the public interest.

[Subsection amended by Act 19 of 2001]

(6) Upon receiving the report of a commissioner appointed in terms of subsection (1), the Authority may, after giving due consideration to the recommendations contained therein— (*a*) confirm the notice that was the subject of the inquiry; or

(*b*) amend or revoke the notice; or

(*c*) give such other direction in the matter as it thinks appropriate; and the decision of the Authority shall be final.

[Subsection amended by section 4 of Act 22 of 2001] (7) Where a person who is—

(*a*) the appropriate authority for any land; or

(*b*) the holder of an authority in terms of this Act; is served with a notice in terms of subsection (1) or (2) of section *fifty-seven*, his rights as such appropriate authority or holder shall be suspended, to the extent that they are inconsistent with the notice, while the notice remains in force.

**PART XII**

HUNTING, REMOVAL, VIEWING AND SALE OF ANIMALS AND ANIMAL PRODUCTS

**59 Control of hunting, removal and sale of live animals and animal products**

(1) This section shall not apply to national parks, sanctuaries or safari areas.

(2) Subject to subsection (4), no person shall— (*a*) hunt any animal on any land; or

(*b*) remove any animal or any part of an animal from any land or from one place to another on any land; except in terms of a permit issued in terms of paragraph (*c*) of subsection (4). (3) Subject to this Act, no person shall sell any live animal or the trophy of any animal except in terms of a permit issued in terms of section *seventy-five*.

(4) Subject to this Act, the appropriate authority for any land may— (*a*) hunt any animal on the land; or

(*b*) remove any animal or any part of an animal from the land or from one place to another on the land; or

(*c*) issue a permit to any person allowing him or any other person or any class of persons to hunt any animal on the land or to remove any animal or any part of an animal from the land or from one place to another on the land.

(5) Any person who contravenes subsection (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

[Subsection amended by section 4 of Act 22 of 2001]

**60 Minister may prohibit or restrict hunting and removal of animals in defined areas**

(1) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, prohibit or restrict either indefinitely or for such period as may be specified in the notice the hunting or removal of any animal or any specimen or sex of any animal or any part thereof in or from any area or areas which are defined in the notice

where it deems it necessary to do so for all or any of the following purposes— (*a*) the control of the spread of disease;

(*b*) the protection of human life and property;

(*c*) conservation or management of animal populations

(*d*) administrative purposes. [Subsection amended by Act 19 of 2001]

(2) Where the area or any part thereof to which a notice referred to in subsection (1) relates is alienated land, the Minister shall, in addition to the publication of such notice in a statutory instrument, publish such notice in three consecutive issues of a newspaper circulating in the area in which such land is situated.

(3) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, amend or revoke any notice referred to in subsection (1) and if such notice relates in whole or in part to any area of alienated land, subsection (2) shall apply, *mutatis mutandis*.

[Subsection amended by Act 19 of 2001]

(4) If the Authority considers it necessary or desirable to do so in the interests of the preservation, conservation, propagation or control of any wild life within Zimbabwe or any

area of Zimbabwe, it may, by notice in writing served on any person, specifying such wild life, prohibit that person, either absolutely or subject to specified conditions, and either indefinitely or for a specified period, from doing any or all of the following— (*a*) hunting such wild life;

(*b*) conducting or taking part in any hunting, photographic or viewing safari;

(*c*) being in possession of or using any weapon ordinarily used for hunting, save for the defence of himself or any other person or for the protection of any livestock, crop or property on land owned, leased or occupied by him;

(*d*) authorizing any other person to do anything referred to in paragraph (*a*), (*b*) or (*c*); whether on alienated or unalienated land, within the area specified in the notice. [Subsection amended by Act 19 of 2001]

(5) The Authority may at any time, by further notice in writing served on the person concerned, amend or revoke any notice issued in terms of subsection (4). [Subsection amended by Act 19 of 2001]

(6) The Authority shall not be obliged to give any reason for issuing a notice in terms of subsection (4) or (5).

[Subsection amended by section 4 of Act 22 of 2001]

(7) Section *fifty-eight* shall apply, *mutatis mutandis*, in relation to a notice issued in terms of subsection (4) or (5) and the person affected thereby.

(8) Any person who contravenes a notice issued in terms of subsection (1), (3), (4) or (5) 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 [Subsection amended by section 4 of Act 22 of 2001]

**61 Killing or injury of animals in self-defence**

(1) Notwithstanding this Act, it shall be lawful for any person to kill or injure any animal on any land in defence of himself or any other person if immediately and absolutely necessary. (2) The burden of proving that any animal has been killed or injured in accordance with subsection (1) shall lie on the person who killed or injured such animal.

**62 Destruction of dogs**

(1) Subject to subsection (3), it shall be lawful for the appropriate authority for alienated land on which there are any animals to kill any dog found on such land if such dog is not in the keeping of or accompanied by a person who is lawfully upon such land.

(2) Subject to subsection (3), it shall be lawful for an officer to kill any dog found hunting any animal on unalienated land if such dog is not in the keeping of or accompanied by a person who is lawfully upon such land.

(3) Subsections (1) and (2) shall not apply in respect of land within

(*a*) the area of a municipality or town or local government area in terms of the Urban Councils Act [*Chapter 29:15*]; or

(*b*) the town ward of a rural district council or an area that has been declared in terms of the Rural District Councils Act [*Chapter 29:13*] to be a specified area;

(*c*) the area of any township, village or business centre established in terms of any enactment. (4) Nothing in this section contained shall be construed as in any way affecting or derogating from the right of any person to kill a dog in terms of any other law.

**63 Report of killing of animals or injury of animals other than dangerous animals**

(1) Where—

(*a*) any animal, other than specially protected animals, is killed or any animal, other than a dangerous animal or specially protected animals, is injured by any person—

(i) in the circumstances specified in section *sixty-one;* or

(ii) by accident or in error whilst he is hunting and he has no authority in terms of this Act to hunt such animal; or

(*b*) any specially protected animal is killed or injured by any person and he has no authority in terms of this Act to hunt or kill such animal;

that person shall as soon as possible and in any event within seven days make a report in person—

(i) to the appropriate authority for the land on which the animal was last sighted; or

(ii) at the nearest convenient office of the Authority or police station or at the office of the local authority for the area concerned;

that an animal has been killed or injured, as the case may be, on the land and where it was last sighted and shall, if so requested by the appropriate authority to which any such report is made, personally deliver to the appropriate authority so much of the meat or trophy of the animal concerned as is in his possession and as the appropriate authority may require: Provided that, in the case of a specially protected animal, any meat or trophy thereof which is in such person’s possession shall be delivered to the appropriate authority or the person in charge of the office or police station to which or at which, as the case may be, the report is made.

[Subsection amended by Act 19 of 2001]

(2) Where a report relating to a specially protected animal has been made in terms of subsection (1) to an appropriate authority other than the Director, the appropriate authority shall report the occurrence at the nearest office of the Department, police station or museum or at the office of the local authority for the area concerned and, if so requested by the person in charge of the office or place at which the report is made—

(*a*) accompany him or his representative to, and indicate there, the place of the occurrence and render such assistance in recovering the meat or trophy of the animal killed as may be required by that person or his representative;

(*b*) deliver to him so much of the meat or trophy of the animal as is in his possession and as may be required by the latter.

(3) Where any animal is killed by accident or in error by any person while he is hunting and that person has been authorized in terms of this Act to hunt such animal, the animal shall be counted as an animal killed in accordance with such authority.

(4) Where any animal is killed by accident or in error by any person while he is driving a vehicle on any road, that person shall, if he retrieves the animal or any part thereof, in person report the killing at the nearest office of the Authority, police station or museum or at the office of the local authority for the area concerned and shall, if so requested by the person in charge of the office or place at which the report is made, surrender to him the animal or such part thereof retrieved by him

[Subsection amended by Act 19 of 2001]

(5) The meat or trophy of any animal which has been delivered to any office, station or museum in terms of subsection (1), (2) or (4) or which has been recovered by the person in charge of any such office, station or museum or by his representative following upon a report made in terms of this section shall be a State trophy and shall be disposed of in the prescribed manner.

(6) Any person who contravenes subsection (1), (2) or (4) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment

[Subsection amended by Act 19 of 2001]

**64 Report of injury of dangerous animals**

(1) Where a dangerous animal has been injured on any land by any person, that person shall, as soon as possible and in any case within twenty-four hours, make a report in person— (*a*) to the appropriate authority for the land on which it was last sighted; or

(*b*) at the nearest convenient office of the Authority, or police station or at the office of the local authority for the area concerned; that there is an injured dangerous animal on the land and where the animal was last sighted.

[Subsection amended by Act 19 of 2001]

(2) Where a report has been made in terms of subsection (1) to an appropriate authority, the appropriate authority shall, as soon as possible and in any case within twenty-four hours, report the occurrence at the nearest office of the Authority, or police station or at the office of the local authority for the area concerned.

[Subsection amended by Act 19 of 2001]

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such

imprisonment

[Subsection amended by Act 19 of 2001]

**65 Control of safaris**

(1) Subject to subsection (2), no person shall— (*a*) conduct for reward—

(i) any hunting safari on any land; or

(ii) any photographic or viewing safari, either on foot or on horse-back, within any national park, sanctuary or safari area or on forest land or within any Communal Land for which the Authority is the appropriate authority; unless he is the holder of a professional hunter’s licence, learner professional hunter’s licence or professional guide’s licence authorizing such conduct; or

(*b*) offer to conduct for reward any safari referred to in paragraph (*a*) unless he is the holder of an appropriate licence authorizing such conduct; or

(*c*) publish or cause to be published in any ,way whatsoever any false or misleading statement relating to any hunting, photographic or viewing safari conducted or to be conducted in Zimbabwe.

[Subsection amended by Act 19 of 2001]

(2) Paragraphs (*a*) and (*b*) of subsection (1) shall not apply in respect of such area or areas as the Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, specify for the purposes of this subsection.

[Subsection amended by Act 19 of 2001]

(3) It shall be sufficient defence to a charge of contravening paragraph (*c*) of subsection (1) for the person charged to prove that he published or caused to be published the statement concerned in good faith and without having any reason to believe it was false or misleading.

(4) Paragraph (*b*) and (*c*) of subsection (1) shall extend to— (*a*) acts, omissions, matters or things outside Zimbabwe; (*b*) all persons irrespective of their nationality or citizenship.

(5) Notwithstanding anything to the contrary contained in any law relating to magistrates courts, any magistrates court shall have jurisdiction in respect of any contravention of paragraph (*b*) or (*c*) of subsection (1) or any act, omission, matter or thing forming part of or connected with such contravention wherever committed, whether in or outside Zimbabwe.

(6) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**66 Professional hunter**’**s licence**

(1) A professional hunter’s licence shall authorize the holder thereof, subject to this Act— (*a*) to conduct for reward—

(i) in such national park, sanctuary or safari area or on such forest land or in such area of Communal Land for which the Authority is the appropriate authority if any, as may be specified in the licence, a photographic or viewing safari on foot or on horseback; (ii) on such land as may be specified in the licence, a hunting safari;

(*b*) to offer to conduct for reward any safari referred to in paragraph (*a*). [Subsection amended by Act 19 of 2001]

(2) The holder of a professional hunter’s licence shall—

(*a*) supervise and control the hunting by every person who hunts during safaris conducted by him in terms of his licence; and

(*b*) take all reasonable steps—

(i) to ensure that every person who hunts during hunting safaris conducted by him clearly understands the terms and conditions of any permit or right which entitles him to hunt; and (ii) to prevent any unlawful hunting by any person who hunts during safaris conducted by him.

(3) Any person who contravenes subsection (2) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

[Subsection amended by Act 19 of 2001]

(4) Where in any prosecution for an offence in terms of this section it is proved that a person hunted any animal in contravention of this Act during a safari conducted by the holder of a professional hunter’s licence, the holder of the professional hunter’s licence shall be presumed to have failed to take all reasonable steps to prevent the unlawful hunting of the animal unless the contrary is proved.

**67 Learner professional hunter**’**s licence**

A learner professional hunter’s licence shall authorize the holder thereof, subject to this Act—

(*a*) to conduct for reward under the instructions of the holder of a professional hunter’s licence—

(i) in such national park, sanctuary or safari area or on such forest land or in such area of Communal Land for which the Authority is the appropriate authority, if any, as may be specified in the licence, a photographic or viewing safari on foot or on horseback; [Paragraph amended by Act 19 of 2001.]

(ii) on such land as may be specified in the licence, a hunting safari; (*b*) to offer to conduct for reward any safari referred to in paragraph (*a*).

**68 Professional guide’s licence**

A professional guide’s licence shall authorize the holder thereof, subject to this Act— (*a*) to conduct for reward, in such national park, sanctuary or safari area or in such area of Communal Land for which the Authority is the appropriate authority if any, as may be specified in the licence, a photographic or viewing safari on foot or on horseback; [Paragraph amended by Act 19 of 2001.]

(*b*) to offer to conduct for reward any safari referred to in paragraph (*a*).

**69 Minister may issue professional hunter**’**s, learner professional hunter**’**s and professional guide**’**s licence**

Subject to this Act, the Authority, with the concurrence of the Minister, may issue a professional hunter’s licence, learner professional hunter’s licence or professional guide’s licence to any person whom it deems fit.

[Section substituted by Act 19 of 2001.]

**70 Lawful hunter may ask other hunter to produce authority**

(1) Any person ,who is lawfully hunting on any land may require any other person found by him apparently hunting on such land either to produce evidence of his authority in terms of this Act to hunt on such land or to furnish him with his full name and address.

(2) Any person who—

(*a*) fails to comply with a request made in terms of subsection (1); or

(*b*) in response to a request made in terms of subsection (1) furnishes a false or incomplete name or address;

shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment [Subsection amended by section 4 of Act 22 of 2001]

**71 Prohibition of sale of meat of animal unlawfully hunted**

(1) Subject to this Act, no person shall sell the meat of any animal which— (*a*) he has hunted; or

(*b*) he knows or has reason to believe has been hunted; in contravention of this Act.

(2) Any person who contravenes subsection (1) 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

[Subsection amended by section 4 of Act 22 of 2001]

**72 Sale of animal born or hatched and held in captivity**

(1) Subject to this Act, any person may— (*a*) kill any animal;

(*b*) sell any live animal, or the meat or trophy of any animal; which was born or hatched and has remained in captivity.

(2) The burden of proof of the matters referred to in subsection (1) which would make lawful a killing or sale referred to in that subsection shall, in any prosecution relating to such killing or sale, lie upon the person charged.

**73 Sale and manufacture of articles from trophies**

(1) No person shall—

(*a*) manufacture any article from a trophy or process any trophy; or

(*b*) sell, donate or otherwise dispose of any trophy or any article manufactured from a trophy; which has been obtained from an animal which has been hunted in contravention of this Act: Provided that this subsection shall not apply in respect of trophies lawfully acquired from the State.

(2) Any person who contravenes subsection (1) 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

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[Subsection amended by section 4 of Act 22 of 2001]

**74 Purchase of live animals and trophies**

(1) Subject to subsection (2), no person shall purchase any live animal or trophy unless he is satisfied that—

(*a*) the seller has authority in terms of this Act authorizing him to make the sale; or

(*b*) in the case of a live animal, the animal was born or hatched and has remained in captivity; or

(*c*) in the case of a trophy, the trophy has been obtained from an animal which was born or hatched and has remained in captivity.

(2) Subsection (1) shall not apply to the purchase of a trophy—

(*a*) from a stall at a fete, bazaar or other like function open to the public; or

(*b*) in the ordinary course of business from a person who carries on business in a shop, store or other fixed place of business other than domestic premises.

(3) Any person who contravenes subsection (1) 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

[Subsection amended by section 4 of Act 22 of 2001]

**75 General permit to sell live animal or trophy**

Subject to this Act, the Authority, with the concurrence of the Minister, may issue a permit to any person to sell any live animal or the trophy of any animal.

[Section substituted by Act 19 of 2001.]

**76 Declaration of trophy**

The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, declare anything of which the durable portion of any animal forms a part to be a trophy. [Section substituted by Act 19 of 2001.]

**PART XIII**

PROTECTION OF ANIMALS AND INDIGENOUS PLANTS ON ALIENATED LAND

**77 Minister may declare protected animals or plants or cessation of hunting of animals and picking of plants, authorize reduction of animals and specify hunting periods**

(1) Subject to subsection (2), the Minister may, after consultation with the Natural Resources Board and the conservation committee concerned, by notice in a statutory instrument— (*a*) declare—

(i) any animal, other than a specially protected animal which, in his opinion by reason of its scarcity or value deserves to be further protected, to be a protected animal;

or

(ii) any indigenous plant which, in his opinion by reason of its scarcity, over-utilization, utility or value deserves to be further protected, to be a protected indigenous plant; within the area of a conservation committee;

(*b*) order that the hunting of animals or the picking of indigenous plants which, in his opinion, are being hunted or picked, as the case may be, on any alienated land within the area of a conservation committee on a scale which, in his opinion, is likely to be injurious to animal or indigenous plant populations in the area of the conservation committee, shall be restricted to the extent specified in such notice on the whole or part of the land concerned;

(*c*) authorize a conservation committee, notwithstanding subsection (2) of section *fifty-nine*, to reduce on any alienated land within its area to such extent as may be specified in the notice any problem animal where, in his opinion, the number of such animals on the land is such as to cause excessive damage or nuisance

(*d*) specify periods during which any animal specified in such notice may not be hunted in the area of a conservation committee.

(2) No notice referred to in paragraph (*b*) or (*c*) of subsection (1) shall be made in terms of that subsection unless prior to the making of the notice the appropriate authority for the land concerned has been notified of the proposal to make the notice and afforded a reasonable opportunity of making representation in relation thereto.

(3) The Minister may, by notice in a statutory instrument, amend or revoke any notice made in terms of subsection (1).

(4) The Minister shall cause a copy of any notice which is made—

(*a*) in terms of subsection (1) or (3) to be published in three consecutive issues of a newspaper circulating in the area where any land to which the notice applies is situated; (*b*) in terms of paragraph (*b*) or (*c*) of subsection (1) to be served on the appropriate authority for any land affected by the notice; and any amendment or revocation of such a notice shall be published or served accordingly.

(5) Subject to subsections (6) and (7), no person shall—

(*a*) hunt a protected animal or pick a protected indigenous plant or permit any other person to do so on any land on which it has been declared a protected animal or protected indigenous plant, as the case may be, except in terms of a licence issued in terms of subsection (9); or (*b*) hunt any animal or pick any plant or permit any other person to do so in contravention of a notice made in terms of paragraph (*b*) or (*d*) of subsection (1).

(6) An owner or occupier of land or a person acting under his authority may cut or gather the flower of a protected indigenous plant on the land for use in the home of such owner or occupier.

(7) An owner or occupier of land or a person acting under his authority may pick a protected indigenous plant on the land which is—

(*a*) needed for cultivation, forestry operations, the erection of a building or structure, the construction of a fireguard, road or airport or other development, or the extraction of sand, stone, gravel or other materials; or

(*b*) used for the cultivation of such protected indigenous plants.

(8) An owner or occupier of land who wishes to obtain a licence to hunt a protected animal or pick a protected indigenous plant on his land may apply therefor in writing to the conservation committee for the area within which his land is situated specifying the land on which he wishes to hunt such animal or pick such plant, his reasons therefor and by whom the hunting or picking will be done.

(9) A conservation committee to which an application in terms of subsection (8) has been made may issue the applicant with an appropriate licence.

(10) Any person who is aggrieved by the refusal of a conservation committee to issue a licence in terms of subsection (9) or by the imposition of any terms or conditions upon such licence may appeal to the Natural Resources Board which may—

(*a*) confirm the decision of the conservation committee; or

(*b*) direct the conservation committee to issue a licence on such terms and conditions as the Natural Resources Board may specify; and the decision of the Natural Resources Board shall be final.

(11) A conservation committee shall forthwith comply with any direction given to it in terms of paragraph (*b*) of subsection (10).

(12) A conservation committee shall appoint a person as its agent for the purpose of exercising any powers conferred on the committee in terms of paragraph (*c*) of subsection (1) and such person may for that purpose enter upon the land concerned with such assistants, vehicles, materials and apparatus as he may require

(13) A conservation committee shall provide an agent appointed in terms of subsection (12) with a certificate of appointment.

(14) Any person who contravenes subsection (5) 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

[Subsection amended by section 4 of Act 22 of 2001]

**78 Powers of conservation committees and Natural Resources Board**

(1) Any member of a conservation committee or any other person appointed by such committee for the purpose may—

(*a*) on giving notice to the occupier of alienated land within the area of the conservation committee, or if there is no such occupier, to the owner thereof, enter upon such land for the purpose of investigating and reporting upon animals and indigenous plants on that land: Provided that this paragraph shall not authorize the entry of any dwelling-house without the consent of the occupier thereof;

(*b*) require the occupier of alienated land within the area of the conservation committee or, if there is no such occupier, the owner thereof, to answer any question relating to animals or indigenous plants on his land:

Provided that no person shall be required to answer any question put to him in terms of this paragraph if he would be entitled to decline to answer that question were he a witness giving evidence in a court of law

(2) Any member of the Natural Resources Board or any other person appointed by the Natural Resources Board for the purpose may exercise the powers conferred upon a conservation committee in terms of subsection (1) in respect of any alienated land.

**79 Conservation committee may order cessation of hunting**

(1) Where a conservation committee is of the opinion that on any alienated land within its area the hunting of animals is taking place on a scale which is, in its opinion, likely to be injurious to animal populations in the area, it may serve notice in writing on the appropriate authority for the land that—

(*a*) it proposes to recommend to the Natural Resources Board that measures be taken in terms of paragraph

(*b*) of subsection (1) of section *seventy-seven* to restrict hunting on such land of animals generally or of the animals specified in the notice; and

(*b*) it prohibits, for a period not exceeding fourteen days from the date when the notice is served, the hunting of animals generally or of the animals specified in the notice, as the case may be, on the land concerned.

(2) If so directed by the Natural Resources Board, a conservation committee shall, by notice in writing served on the appropriate authority for the land concerned, extend the period of any prohibition on the hunting of animals on the land concerned in terms of paragraph (*b*) of subsection (1) for a further period not exceeding fourteen days.

(3) Any person who hunts any animal on any land in contravention of any notice served on him in terms of subsection (1) or (2) 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

[Subsection amended by section 4 of Act 22 of 2001]

**80 Problem animals**

(1) The animals specified in the Eighth Schedule are hereby declared to be problem animals.

(2) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, amend the Eighth Schedule by—

(*a*) removing the name of any animal therefrom; or

(*b*) adding the name of any animal thereto. [Subsection substituted by Act 19 of 2001.]

**81 Obstruction, etc., of conservation committee and Natural Resources Board**

Any person who—

(*a*) hinders or obstructs a member of a conservation committee, the Natural Resources Board or any person appointed by a conservation committee or the Board in the exercise of the powers conferred upon it or him, as the case may be, by or in terms of this Part; or

(*b*) fails to answer or gives any answer which he knows to be false or which he does not reasonably believe to be true to any question which he may be required to answer in terms of section *seventy-eight*; shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Section amended by section 4 of Act 22 of 2001]

**PART XIV**

FISH CONSERVATION

**82 Interpretation in Part XIV**

In this Part—

“controlled fishing waters” means waters which have been declared in terms of section *eighty-four* to be controlled fishing waters.

**83 Appropriate authority for waters**

(1) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, declare any person to be the appropriate authority for any waters and may in like manner amend or revoke any such notice:

Provided that before making any notice in terms of this section the Minister shall— (*a*) cause notice of his intention to do so to be published in a statutory instrument and shall in such notice invite any person who wishes to make representations in regard to the matter to do so to him, in writing, on or before a date to be specified in the notice; and

(*b*) consider every representation made in terms of paragraph (*a*). [Subsection amended by Act 19 of 2001.]

(2) Where, by virtue of a notice made in terms of subsection (1), the appropriate authority for any waters is changed, any permit issued by the previous appropriate authority which was of force and effect immediately before the date of commencement of the notice shall remain in force and effect and be subject to amendment or cancellation as if it had been issued by the new appropriate authority for the waters.

**84 Controlled fishing waters and powers of Minister in relation thereto**

(1) If the Minister is of the opinion that such action is necessary or desirable in the interests of fish conservation he may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, declare any waters to be controlled fishing waters and may in like manner amend or revoke any such notice:

Provided that before making any notice in terms of this subsection, the Minister shall— (*a*) cause notice of his intention to do so to be published in a statutory instrument and shall in such notice invite any person who wishes to make representations in regard to the matter to do so to him, in writing, on or before a date to be specified in the notice; and

(*b*) consider every representation made in terms of paragraph (*a*). [Subsection amended by Act 19 of 2001.]

(2) For the purposes of fish conservation within any controlled fishing waters the Minister may—

(*a*) make regulations in terms of section *one hundred and twenty-nine* regulating, controlling, restricting or prohibiting fishing in such waters;

(*b*) take such measures as he may deem necessary or desirable to— (i) reduce or increase fish populations in such waters;

(ii) eradicate or encourage plant growth within such waters or on the banks thereof.

**85 Control of fishing**

(1) Subject to section *eighty-six*, no person shall fish in any waters, other than those specified in a notice made in terms of subsection (2), except in terms of a permit issued in terms of section *eighty-six* by the appropriate authority for the waters.

(2) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, specify any waters for which a permit to fish, issued in terms of section *eighty-six*, shall not be required and may in like manner amend or revoke any such notice.

[Subsection amended by Act 19 of 2001]

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**86 Permission to fish**

Subject to this Act, the appropriate authority for any waters may— (*a*) fish at any time in the waters; or

(*b*) issue a permit to any person allowing him or any other person or any class of persons to fish in the waters.

**87 Use of explosives, etc., for fishing prohibited**

(1) Subject to subsection (2), no person shall in any waters—

(*a*) without reasonable excuse, the proof whereof lies on him, kill any fish by means of an explosive charge, the discharge of a firearm or the introduction into the waters of any chemical, poison or intoxicating substance; or

(*b*) fish by jigging or by means of any jig or an electrical device; or

(*c*) wilfully injure or disturb the spawn of any fish or any spawning bed, bank or shallow whereon or wherein such spawn is deposited;

except in terms of a permit issued in terms of section *ninety-four*.

(2) Subject to this Act, the appropriate authority for any waters may introduce any chemical into such waters for the purpose of—

(*a*) rendering the water fit for human or animal consumption; or (*b*) preventing and controlling human and animal diseases; or (*c*) destroying aquatic growth.

(3) Any person who contravenes subsection (1) 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

[Subsection amended by section 4 of Act 22 of 2001]

**88 Control of introduction to waters of fish and aquatic growth and importation of live fish and fish ova**

(1) No person shall—

(*a*) without reasonable excuse, the proof whereof lies on him, introduce into any waters any species of fish or any aquatic plant which is not native to such waters;

or

(*b*) import any live fish or the ova of any fish; except in terms of a permit issued in terms of section *ninetyfour*.

(2) Paragraph (*a*) of subsection (1) shall not apply to the return to any waters of any fish immediately after it has been caught.

(3) Any person who contravenes subsection (1) 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

[Subsection amended by section 4 of Act 22 of 2001]

**89 Control of fish and aquatic growth**

(1) Whenever the Authority is of the opinion that any fish or aquatic plant in any waters is injurious to fish populations in such waters, it may—

(*a*) by order in writing require the appropriate authority for such waters to take such steps as it may specify to kill such fish or such aquatic plant; or

(*b*) render to the appropriate authority for such waters such assistance as it may deem necessary to kill such fish or such aquatic plant; or

(*c*) take such steps as it may deem necessary to kill such fish or such aquatic plant. [Subsection amended by Act 19 of 2001]

(2) Where the appropriate authority for any waters fails to comply with any order issued in terms of paragraph (*a*) of subsection (1), the Minister, after serving seven days’ notice on such appropriate authority of its intention to do so, may at any time thereafter authorize an officer or inspector to enter upon such waters and the land riparian thereto with such assistants, vehicles and apparatus as he may require and carry out the steps specified in the order on behalf of and at the expense of such appropriate authority.

[Subsection amended by Act 19 of 2001]

(3) The Authority may, for the purposes of paragraph (*c*) of subsection (1) authorize an officer or inspector to enter upon any waters and the land riparian thereto with such assistants, vehicles and apparatus as he may require.

[Subsection amended by Act 19 of 2001]

(4) Any person who contravenes any order made in terms of paragraph (*a*) of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment [Subsection Amended by section 4 of Act 22 of 2001]

**90 Control of business of catching and selling fish**

(1) No person shall carry on the business of catching fish in any waters and selling such fish except in terms of a permit issued in terms of section *ninety-four*:

Provided that the appropriate authority for any waters that are wholly surrounded by the land of that authority shall not be required to hold a permit in respect of the business of catching fish in such waters and selling such fish.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**91 Control of fishing nets**

(1) No person shall possess a fishing net—

(*a*) unless he is a registered dealer in or manufacturer of fishing nets; or

(*b*) except in terms of a permit issued in terms of paragraph (*a*) or (*e*) of section *ninety-four*; or

(*c*) unless such person is an appropriate authority for any waters.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**92 Registration as dealer in or manufacturer of fishing nets**

(1) The Authority, with the concurrence of the Minister, may register as a dealer in or a manufacturer of fishing nets any person whom he deems fit.

[Subsection amended by Act 19 of 2001]

(2) The Authority may refuse to register or cancel the registration of any person as a dealer in

or manufacturer of fishing nets. [Subsection amended by Act 19 of 2001]

**93 Authorized fishing gear**

(1) No person shall, in any waters, use any fishing gear other than— (*a*) a rod and line or hand line to which—

(i) not more than three single hooks are attached; or

(ii) not more than one conventional lure, having not more than three single, double or treble hooks, is attached; or

(*b*) a spear; or (*c*) a spear gun; or

(*d*) a basket trap; except in terms of a permit issued in terms of section *ninety-four*: Provided that an appropriate authority for any waters may use a fishing net in the waters for which it is the appropriate authority.

(2) The appropriate authority for any waters may, when issuing a permit to any person to fish, restrict the gear by which such fishing may be undertaken to one or more of the gear specified in subsection (1).

(3) Nothing in this section contained shall be deemed to prohibit the use of— (*a*) any gaff or landing net to remove from the water any fish lawfully taken; or

(*b*) any form of keep-net to retain any fish lawfully taken; or (*c*) any throw-net or trap designed to catch bait.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**94 Permits to carry on business of catching and selling fish, etc.**

Subject to this Act, the Authority, with the concurrence of the Minister, may issue a permit to any person to—

(*a*) carry on the business of catching fish by means of a fishing-net or by other means in any waters and selling such fish;

(*b*) use an explosive charge, firearm, chemical, poison, intoxicating substance, jig or electrical device for the killing of fish:

Provided that such permit shall not be issued unless the Authority is satisfied that— (*a*) the killing of the fish cannot effectively be achieved by any means other than by the means for which the permit is required; or

(*b*) is necessary for research purposes or scientific management of fish populations; (*c*) introduce into any waters any fish or aquatic plant of a species which is not native to such waters or to water naturally connected thereto:

Provided that no such permit shall be issued in respect of any aquatic plant which is a weed; (*d*) import live fish or the ova of any fish;

(*e*) catch fish in any waters by means of a fishing-net or by other means for scientific or other purposes.

[Subsection amended by Act 19 of 2001]

**95 Possession of fish caught in contravention of this Act**

Any person who –

(*a*) is found in possession of fish in circumstances which give rise, either at the time of possession or at any time thereafter, to a reasonable suspicion that such fish— (i) were caught in contravention of this Act; and

(ii) are intended to be sold; and

(*b*) is unable at any time to establish that—

(i) such fish were not caught in contravention of this Act; or

(ii) he had reasonable grounds for believing that such fish were not caught in contravention of this Act; shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**96 Minister may prohibit persons from fishing**

(1) If the Authority considers it necessary or desirable to do so in the interests of the preservation, conservation, propagation or control of any fish within Zimbabwe or any area

of Zimbabwe, it may, by notice in writing served on any person, specifying such fish, prohibit that person, either absolutely or subject to specified conditions, and either indefinitely or for a specified period, from doing any or all of the following— (*a*) fishing in any waters for such fish;

(*b*) being in possession of any equipment ordinarily used for fishing such fish on, in or near any waters;

(*c*) authorizing any person to do anything referred to in paragraph (*a*) or (*b*); within the area specified in the notice.

(2) The Authority may at any time, by further notice in writing served on the person concerned, amend or revoke any notice issued in terms of subsection (1). [Subsection amended by Act 19 of 2001]

(3) The Authority shall not be obliged to give any reason for issuing a notice in terms of subsection (1) or (2).

[Subsection amended by Act 19 of 2001]

(4) The provisions of section *fifty-eight* shall apply, *mutatis mutandis*, in relation to a notice issued in terms of subsection (1) or (2) and the person affected thereby.

(5) Any person who contravenes a notice issued in terms of subsection (1) or (2) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by Act 22 of 2001.]

**PART XV**

EVIDENCE, PREVENTION AND DETECTION OF OFFENCES AND ADDITIONAL PENALTIES AND FORFEITURES

**97 Evidence and presumptions**

(1) The possession of any animal or fish or the meat or trophy of a freshly killed animal shall be prima facie evidence against a person accused of contravening any provision of this Act that he has hunted such animal or caught such fish.

(2) The possession by any person of any ivory or rhinoceros horn shall, unless the contrary is proved, be evidence against such person that such ivory or rhinoceros horn was not registered under any regulations made in terms of paragraph (*t*) of subsection (2) of section *one hundred and twenty-nine*.

(3) If any person who has authority to hunt or fish in terms of this Act is found in possession of animals or fish in excess of the numbers so authorized or of any species or sex not so authorized, he shall be presumed, unless the contrary is proved, to have hunted such animals or caught such fish in contravention of this Act.

(4) If, within a botanical reserve or botanical garden, a person is found in possession of any plant or part of a plant it shall be presumed, unless the contrary is proved, that he picked such plant or part thereof in such reserve or garden.

(5) If, outside a botanical reserve or botanical garden, a person is found in possession of any freshly picked specially protected indigenous plant or is proved to have been in possession thereof, he shall, unless the contrary is proved, be deemed to have acquired such plant in contravention of this Act.

(6) Where any animal, fish or plant is found upon or in any vehicle, boat or aircraft or at any camping place, every person who is upon or in any way associated with such vehicle, boat or aircraft or who is at or in any way associated with such camping place, shall be presumed, unless the contrary is proved, to be in possession of such animal, fish or plant.

(7) Any person charged with doing any act which is an offence if done without authority in terms of this Act shall be presumed to have done such act without such authority unless it is proved that he had such authority when he performed the act in question.

(8) The burden of proving any fact which would be a defence to a charge of committing an offence in terms of this Act shall lie upon the person charged.

(9) Whenever in any prosecution in respect of an offence in terms of this Act—

(*a*) the question whether any flesh, whether fresh, dried, unprocessed or partly processed, is or was the flesh of any particular species of animal or fish, is relevant to the issue, such flesh shall be presumed to be or to have been the flesh of the species of animal or fish stated in the indictment or charge, unless the contrary is proved;

(*b*) the question whether any unprocessed or partly processed hide or skin which has been rendered unidentifiable is or was the hide or skin of any particular species of animal, is relevant to the issue, such hide or skin shall be presumed to be or to have been the hide or skin of the species of animal stated in the indictment or charge, unless the contrary is proved.

(10) Any live animal, fish or trophy found in any shop, store or other fixed place of business shall be deemed to have been acquired for the purpose of sale and the person in whose possession such animal, fish or trophy is found shall be presumed unlawfully to have dealt therein unless the contrary is proved.

(11) Whenever in any proceedings against any person upon a charge alleging that he committed upon any particular piece of land or within any particular area any offence in terms of this Act, it is proved that any act constituting or forming an element of such offence was committed in or near the locality wherein such piece of land or area, as the case may be, is situated, such act shall be presumed, unless the contrary is proved, to have been committed upon such piece of land or area.

(12) Whenever the hunting of one or other sex or of any particular class of any species of animal is unlawful and the hunting of the other sex or of any other class of such animal is lawful, any carcass of such animal from which the distinguishing features of sex or of such particular class have been removed shall be presumed, unless the contrary is proved, to be the carcass of an animal of the sex or of a class which it is unlawful to hunt.

(13) Whenever in any prosecution in respect of an offence in terms of this Act it is alleged in any indictment or charge that the offence was committed in connection with or in respect of any species of animal, fish or plant stated in such indictment or charge, it shall be presumed that the offence was committed in connection with or in respect of such species of animal, fish or plant unless the contrary is proved.

(14) Whenever in any prosecution in respect of an offence in terms of this Act it is alleged in any indictment or charge that the offence was committed in, at or upon any place or area stated in the indictment or charge, it shall be presumed that the offence was committed in, at or upon such place or area unless the contrary is proved.

(15) Whenever in any prosecution in respect of an offence in terms of this Act it is alleged in any indictment or charge that the person charged has failed to report any matter or to deliver any article or thing at the nearest office of the Authority, police station, or museum or at the office of the local authority for the area concerned or to an appropriate authority for any land, it shall be presumed, unless the contrary is proved, that such person has so failed to report such matter or to deliver such article or thing, as the case may be.

[substituted by Act 19 of 2001 with effect from the 1st June, 2002.] (16) If any person is seen or found—

(*a*) on any land, on which there are animals, in possession of any weapon capable of killing any animal by the discharge of any missile or with a free ranging dog; or

(*b*) within one hundred metres of any waters in possession of any gear, device or appliance capable of being used for fishing; he shall be deemed to have entered upon such land for the purpose of hunting or fishing, as the case may be, without authority in terms of this Act unless it is proved that he—

(i) had such authority to enter upon such land for the purpose of hunting or fishing; or (ii) was not upon such land for that purpose.

(17) In any prosecution in respect of an offence in terms of this Act, any prescribed record, book or document kept by any person authorized by this Act in the course of his duty shall be prima facie evidence of the facts recorded therein upon its production by the person in whose custody it is.

(18) If the driver of any vehicle fails to stop when required to do so by any person authorized by this Act, it shall be presumed, unless the contrary is proved, that the person in whose name such vehicle is registered was the driver thereof at the time.

**98 Powers of police officers, officers, inspectors and employees**

(1) A police officer, officer or inspector or an employee authorized thereto by the Authority may—[amended by Act 19 of 2001 with effect from the 1st June, 2002.]

(*a*) at all reasonable times enter upon and search any land, premises or place on or in which there is or is on reasonable grounds suspected to be any animal, fish, plant, meat, trophy, weapon, fishing net, article or thing which may afford evidence of the commission of an offence in terms of this Act;

(*b*) require any person found to be in possession of or using any animal, fish, plant, meat, trophy, weapon or fishing net to produce to him any authority required in terms of this Act in respect of the possession or use of such animal, fish, plant, meat, trophy, weapon or fishing net;

(*c*) subject to subsection (2), seize any animal, fish, plant, meat, trophy, weapon, fishing net or other thing of any nature whatsoever which appears on reasonable grounds to afford evidence of the commission of an offence in terms of this Act:

Provided that the police officer, officer, inspector or authorized employee shall issue a receipt for anything seized in terms of this paragraph to the person from whom such thing was seized;

(*d*) undertake any other inspection which he may deem necessary to determine whether this Act are being complied with;

(*e*) subject to subsection (2), arrest and detain any person who is suspected on reasonable grounds of having committed any offence in terms of this Act unless he is satisfied that such person will appear and answer any charge which may be preferred against him.

(2) Every person who is detained and everything which is seized in terms of subsection (1) shall, subject to section *one hundred and twenty-five*, be taken as soon as possible before a court of competent jurisdiction to be dealt with according to law.

(3) Every police officer, officer, inspector or authorized employee shall exercise his powers in terms of this section in such manner as is likely to cause as little interference with the rights of the public and to cause as little inconvenience to the public as is reasonably possible in the circumstances.

(4) Any search undertaken in terms of this section shall be conducted with strict regard to decency and order.

**99 Powers of search of appropriate authority for alienated land**

(1) The appropriate authority for alienated land or any person authorized thereto by it may, without warrant, search any premises, hut, tent, camping place, vehicle, boat, aircraft or receptacle whatsoever on such land if such appropriate authority or authorized person has reasonable grounds to suspect that there is contained therein any animal, fish, plant, meat, trophy or article or thing which may afford evidence of the commission of an offence in terms of this Act and may seize any such animal, fish, plant, meat, trophy, article or thing found by him.

(2) Any person who hinders, obstructs or resists any person in the exercise of his powers in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001] (3) For the purposes of this section—

“land” includes any road, other than a prescribed road, crossing the land of the appropriate authority.

**100 Special jurisdiction of magistrates courts**

Notwithstanding anything to the contrary in the Magistrates Court Act [*Chapter 7:10*], for an offence in terms of this Act—

(*a*) a regional magistrate shall have jurisdiction to impose any penalty that may be imposed for that offence in terms of this Act or any other law;

(*b*) a provincial magistrate or a senior magistrate shall have jurisdiction to impose a fine of level twelve or imprisonment for a period of ten years or both such fine and such imprisonment;

(*c*) a magistrate other than a regional, provincial or senior magistrate shall have jurisdiction to impose a fine of level eight or imprisonment for a period of three years or both such fine and such imprisonment:

Provided that nothing in paragraph (*b*) or (*c*) shall be construed as authorising a court to impose a punishment for an offence which is greater than the maximum punishment that may be imposed for that offence in terms of this Act or any other law.

[Subsection substituted by section 4 of Act 22 of 2001]

**101 Powers to stop persons and vehicles**

(1) An officer, inspector or employee may—

(*a*) stop any person whom he sees doing or believes on reasonable grounds to have done any act for which authority in terms of this Act is required and require such person to produce evidence of such authority;

(*b*) stop any boat or, except on a prescribed road, any vehicle for the purpose of searching such boat or vehicle;

(*c*) require any person in a boat or vehicle stopped in terms of paragraph (*b*) to furnish his full name and address.

(2) An appropriate authority may, in respect of its land or waters, as the case may be, exercise the powers conferred upon an officer in terms of subsection (1).

(3) An officer or inspector may direct any person found entering, travelling through or present in a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park, or using any facility therein, in contravention of this Act not to enter, to depart from or to cease using the facility in such national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park, as the case may be, and may eject any such person therefrom if he fails to comply with such direction.

(4) Any person who fails to comply with any request or direction made or given in terms of subsection (1), (2) or (3) or who obstructs any officer, inspector, employee or appropriate authority in the exercise of the powers conferred upon him or it in terms of subsection (1), (2) or (3) or knowingly gives false information to an officer, inspector, employee or appropriate authority who is exercising those powers shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**102 Erection of barriers on roads**

(1) For the effective carrying out of this Act and notwithstanding any other law, an officer or inspector may, subject to subsection (2), erect a temporary barrier across any road other than a prescribed road.

(2) Where a barrier is erected in terms of subsection (1), the officer or inspector concerned shall erect or cause to be erected signs or notices in the prescribed form and manner and shall take all such other steps as may be reasonably necessary to protect the users of the road from injury to themselves or their property.

(3) For the purposes of this section, an officer, inspector or employee may— (*a*) signal any person or vehicle to stop;

(*b*) give any other direction that he considers necessary to any person or vehicle.

(4) Any person who fails to comply with any signal or direction given by an officer, inspector or employee in terms of subsection (3) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**103 Payment of fine without appearing in court**

(1) Where, in respect of an offence in terms of this Act— (*a*) any person has been—

(i) warned by an officer or inspector to appear in a magistrates court; or (ii) arrested by an officer or inspector; or

(iii) informed by an officer or inspector that it is intended to institute criminal proceedings against him for such offence;

and

(*b*) an officer or inspector has reasonable grounds for believing that the magistrates court which will try the person referred to in paragraph (*a*) for such offence will, on convicting that person of such offence, not impose a sentence of imprisonment or a fine exceeding level three; the person referred to in paragraph (*a*) may sign and deliver to the officer or inspector referred to in paragraph (*b*) a document admitting that he is guilty of the said offence and deposit with such officer or inspector such sum of money as the latter may fix, not exceeding level three, and such person shall thereupon, subject to subsection (5), not be required to appear in court to answer the charge of having committed the said offence.

[Subsection amended by section 4 of Act 22 of 2001]

(2) The document referred to in subsection (1), when signed and delivered in terms of subsection (1), shall forthwith be transmitted to the clerk of the magistrates court before which such person would otherwise have appeared and shall be entered by him in the records of the court.

(3) As soon as the document referred to in subsection (1) has been recorded in terms of subsection (2) it shall be laid before the magistrates court and the court shall thereupon— (*a*) proceed to convict the person concerned of the offence charged and forthwith sentence him to a fine not exceeding level three in accordance with law; or

(*b*) by endorsement on the document, signify its refusal to convict such person.

(4) If the sum deposited in terms of subsection (1)—

(*a*) is not sufficient to pay the fine imposed by the court, the balance remaining due shall be recovered from the offender in the manner provided by section 348 of the Criminal Procedure and Evidence Act [*Chapter 9:07*]; or

(*b*) is greater than the fine imposed by the court, the difference shall be refunded to the offender.

[Subsection amended by Act 19 of 2001]

(5) Where the court has refused to convict the person concerned, as in paragraph (*b*) of subsection (3) provided, the person concerned may be prosecuted in the ordinary course and, in that case, if he has already been summoned or warned, he shall be summoned afresh to answer such charge as the public prosecutor may prefer against him.

(6) Any magistrate of the court which will try a person for an offence referred to in this section may advise such officer or inspector as the Authority may designate for the purpose as to the sum of money which the court is likely to consider an appropriate fine in any case and in fixing the sum of money to be deposited in terms of subsection (1), an officer or inspector shall have regard to such advice.

[Subsection amended by Act 19 of 2001]

(7) For the purpose of deciding whether to convict the person concerned in accordance with subsection (3) or determining the amount of the fine to be imposed, the court may have regard to any statements relevant to the offence and charge which have been given to a police officer, officer or inspector by any person having knowledge thereof.

(8) A court which has convicted a person in terms of paragraph (*a*) of subsection (3) may, notwithstanding anything contained in any law, set aside such conviction and order the refund to the person concerned of the fine paid by him in respect thereof in any case in which the court is satisfied that such person should not have been convicted.

(9) Any sum deposited in terms of subsection (1) shall form part of the funds of the Authority:

Provided that any balance in excess of a sum so deposited which is recovered in terms of paragraph (*a*) of subsection (4) shall not form part of the funds of the Authority.

[Subsection amended by Act 19 of 2001]

**104 Court may order payment for hunting of animal**

(1) Where a person is convicted of an offence in terms of this Act involving the hunting of any animal, the picking of any plant or the catching of any fish and—

(*a*) the person convicted has appropriated or disposed of any animal, plant or fish which forms the subject of the charge and which has not been restored to the land on which it was hunted or picked or the water in which it was caught, as the case may be; or

(*b*) the commission of the offence has caused the death of an animal or fish or the destruction of a plant or has made it necessary or expedient for an animal or fish to be killed or a plant to be destroyed; the court shall, in addition to any penalty which it may impose on the person convicted, order him to pay—

(i) in the case of an animal, plant or fish which was hunted, picked or caught in a national park, botanical reserve, botanical garden. sanctuary, safari area or recreational park, or of any specially protected animal, to the Authority

(ii) in any other case, to the appropriate authority for the land on which the animal was hunted or the plant was picked, or for the water in which the fish was caught;

such amount as may be specified in respect of the animal, plant or fish concerned in terms of subsection (2).

[Subsection amended by Act 19 of 2001]

(2) The Minister may on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, specify, in respect of different species of animals or plants and in respect of fish, the amount to be imposed in terms of an order made in terms of subsection (1) and may in like manner amend or revoke any such notice.

[Subsection amended by Act 19 of 2001]

(3) The provisions of sections 348 and 349 of the Criminal Procedure and Evidence Act [*Chapter 9:07*] shall apply, *mutatis mutandis*, in relation to the amount specified in an order made in terms of subsection (1) as if such amount were a fine referred to in those sections and any amount so recovered shall, in accordance with the order, be paid to the Authority or to the appropriate authority for the land on which the animal was hunted or the plant was picked or for the water in which the fist was caught, as the case may be:

Provided that, except in the case of the Authority, the appropriate authority shall give security de restituendo in case the judgment of the court which made the order is reversed on appeal or review.

[Subsection amended by Act 19 of 2001]

(4) Where an order is made in terms of subsection (1) on two or more persons, the liability thereunder shall be joint and several unless the court, in its order, apportions the amount which each such person shall be required to pay.

(5) Any amount specified in an order made in terms of subsection (1) which is received by the Authority, shall form part of the funds of the Authority.

[Subsection amended by Act 19 of 2001]

**105 Court may order payment of compensation for killing, etc., of domestic animal**

(1) Where a person is convicted of an offence in terms of this Act involving hunting and the commission of the offence has caused the death of a domestic animal or has made it necessary or expedient for a domestic animal to be killed or has caused injury to or deterioration in the condition of a domestic animal, the court shall, in addition to any penalty which it may impose on the person convicted, order him to pay as compensation to the owner of the animal concerned such amount as may, subject to subsection (2), be specified by the court if—

(*a*) the court is satisfied that the animal concerned is the property of some other person; and (*b*) the owner of the animal concerned has suffered loss as a result of such death or deterioration in condition of or injury to the animal concerned; and

(*c*) application has not been made in terms of the Criminal Procedure and Evidence Act [*Chapter 9:07*] for compensation in respect of any loss suffered.

(2) The amount specified in an order made in terms of subsection (1) shall not exceed— (*a*) where the animal has not been restored to or recovered by its owner, an amount equal to the market value of the animal at the time of the offence;

(*b*) where the animal has been injured or has suffered a deterioration in condition, an amount equal to the difference between the market value of the animal at the time of the offence and the value of such injured or deteriorated animal; less in either case the amount of any compensation which may have been paid to the owner by or on behalf of the person convicted.

(3) Sections 348 and 349 of the Criminal Procedure and Evidence Act [*Chapter 9:07*] shall apply, *mutatis mutandis*, in relation to the amount specified in an order made in terms of subsection (1) as if such amount were a fine referred to in those sections and any amount so recovered shall be paid to the owner of the animal concerned:

Provided that the owner shall give security *de restituendo* in case the judgment of the court which made the order is reversed on appeal or review.

(4) Where an order is made in terms of subsection (1) upon two or more persons, the liability therefor shall be joint and several unless the court, in its order, apportions the amount which each such person shall be required to pay.

**106 Forfeiture and cancellation of authority in terms of this Act**

(1) Where any person is convicted of—

(*a*) a contravention of paragraph (*b*) of subsection (1) of section *fifteen*, paragraph (*a*) of subsection (1) of section *twenty-four* or subsection (1) of section *thirty-six*; or

(*b*) an offence in terms of this Act involving hunting or fishing and such hunting or fishing took place at night; the court—

(i) shall, unless good cause to the contrary is shown, order that any weapon, explosive, fishing net or dazzling light; and

(ii) may order that any tent, vehicle, aircraft or boat; used for the purpose of or in connection with the commission of the offence shall be forfeited to the State.

(2) Where any person is convicted of an offence in terms of this Act involving hunting or fishing and the offence is not an offence mentioned in paragraph (*a*) or (*b*) of subsection (1), the court may order that any weapon, explosive, fishing net, tent, vehicle, aircraft or boat used for the purpose of or in connection with the commission of the offence shall be forfeited to the State.

(3) Where any person is convicted of an offence in terms of this Act, the court may order that any animal, other than a specially protected animal, or the meat or trophy of any such animal or any fish in respect of which the offence was committed shall be forfeited to the appropriate authority for the land on which or the appropriate authority for the waters in which, as the case may be, the offence was committed;

(4) Anything ordered to be forfeited to the State in terms of subsection (1), (2) or (3) shall be deemed to be a State trophy.

(5) The conviction of a person who has any authority in terms of this Act of an offence in terms of this Act shall, if he is sentenced therefore to pay a fine of level four or more or to imprisonment for a period of three months or more and whether or not such imprisonment is suspended or is an alternative to a fine, have the effect of cancelling any such authority with effect from the date of such conviction unless in a particular case the Authority otherwise directs.

[Subsection amended by Act 19 of 2001 and by section 4 of Act 22 of 2001]

**PART XVI**

INSPECTORS, OFFICERS, EMPLOYEES AND ADVISORY COMMITTEES

**107 . . . . . .**

[Repealed by Act 19 of 2001 with effect from the 1st June, 2002.]

**108 Appointment of appropriate authority**

(1) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, appoint a rural district council to be the appropriate authority for such area of Communal Land as may be specified in such notice and may in like manner amend or revoke such notice. [insertion by Act 19 of 2001 with effect from the 1st June, 2002.]

(2) Where, by virtue of a notice made in terms of subsection (1), the appropriate authority for any area of Communal Land is changed, any permit issued by the previous appropriate authority which was of force and effect immediately before the date of commencement of the notice shall remain in force and effect and be subject to amendment or cancellation as if it had been issued by the new appropriate authority.

**109 . . . . . .**

[Repealed by Act 19 of 2001 with effect from the 1st June, 2002.]

**110 Powers of officers and employees to hunt animals on alienated land**

An officer or employee may hunt on any land an animal which is injured and is a source of danger to human life, notwithstanding that the permission of the appropriate authority for such land has not been obtained, and such officer or employee shall, as soon as possible, inform the appropriate authority for such land that he hunted such animal on such land and whether he was successful in killing such animal or whether it is still at large.

**111 . . . . . .**

[Repealed by Act 19 of 2001 with effect from the 1st June, 2002.]

**112 Personation**

Any person who—

(*a*) falsely represents himself to be the Director-General, Director, or an officer, inspector or employee; or

[substituted by Act 19 of 2001 with effect from the 1st June, 2002.]

(*b*) without lawful excuse, the proof whereof lies on him, wears any uniform or carries or displays any badge or certificate or other document of appointment authorized or required in terms of this Act or by the Director-General to be worn or carried by an officer, inspector or employee or by an honorary officer or so nearly resembling such uniform, badge, certificate or document as to be likely to deceive; shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**113 Obstruction**

Any person who—

(*a*) hinders, obstructs or resists; or

(*b*) fails or refuses, without reasonable excuse, the proof whereof lies on him, to answer fully and satisfactorily to the best of his knowledge and belief any question put to him by; or (*c*) uses foul, abusive or insulting language at or towards; or

(*d*) makes any foul, abusive or insulting sign or gesture at or towards;

a Director, or an officer, inspector or employee in the exercise or performance of his powers or duties in terms of this Act shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**114 Limitation of liability**

Without prejudice to any defence or limitation which might be available in terms of any law, no claim shall lie and no set-off shall operate against—

(*a*) the State; (*b*) any Minister;

(*c*) any person upon whom any power or duty has been conferred or imposed by or in terms of this Act;

(*c*1) the Authority; in respect of any loss, injury, arrest, detention or seizure caused by or in, as the case may be—

(i) the exercise or performance or purported exercise or performance of any power or duty conferred or imposed by or in terms of this Act; or

(ii) the omission to exercise or perform any power or duty conferred or imposed by or in terms of this Act; unless the act or omission to act in question was unreasonable or in bad faith or culpably ignorant or negligent.

**115 . . . . . .**

[Repealed by Act 19 of 2001 with effect from the 1st June, 2002.]

**116 . . . . . .**

[Repealed by Act 19 of 2001 with effect from the 1st June, 2002.]

**PART XVII**

GENERAL

**117 Compulsory acquisition of land, etc., in national parks, etc.**

(1) Where any person who is authorized in terms of any law to acquire compulsorily any land, interest in land or materials from any land intends to exercise such rights in respect of land within a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park, he shall give the Minister not less than thirty days’ notice of the intention to exercise those rights and shall specify the date on which he proposes to exercise those rights. (2) If the Minister is of the opinion that the proposed exercise of the rights concerned will unduly interfere with the purposes for which the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park concerned is constituted, he shall on or before the date on which it is proposed to exercise the rights concerned—

(*a*) refer the matter to the President for determination; and

(*b*) advise the person concerned that he has so referred the matter to the President.

(3) Where the Minister has referred any matter to the President for determination in terms of subsection (2), the person concerned shall not exercise the rights concerned unless the President has assented thereto in terms of subsection (4) and shall comply with any terms and conditions fixed in terms of subsection (4).

(4) Where the President considers that it is in the public interest to do so, he may assent to the proposed exercise of any rights referred to in subsection (1) notwithstanding that the exercise will unduly interfere with the purposes for which the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park concerned was constituted and may fix such terms and conditions as he considers to be necessary or desirable.

**118 Servitudes in respect of national parks, etc.**

(1) No servitude in, over, under or through a national park, botanical reserve or botanical garden, sanctuary, safari area or recreational park shall be granted unless—

(*a*) the Minister has approved of the grant in terms of paragraph (*a*) of subsection (2); or (*b*) the President has assented to the grant in terms of paragraph (*b*) of subsection (2); and any other enactment that are applicable have been complied with.

(2) If the Minister is of the opinion that the servitude in respect of which his approval is sought—

(*a*) will not unduly interfere with the purposes for which the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park is constituted, he may approve of the grant of a

servitude in, over, under or through any such place; or

(*b*) will unduly interfere with the purposes for which the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park is constituted but that the servitude concerned will be in the public interest, he shall refer the matter to the President who may assent to the grant of the servitude.

**119 Prospecting and mining**

(1) No person shall prospect in terms of the Mines and Minerals Act [*Chapter 21:05*] within a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park except—

(*a*) in terms of a permit issued by the Minister with the consent of the Minister of Mines; or (*b*) in accordance with any prospecting rights lawfully acquired in respect of the area of the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park before the date when such area became a national park, botanical reserve, botanical garden, sanctuary or recreational park.

[Subsection amended by Act 19 of 2001]

(2) No person shall acquire or work any mining location in terms of the Mines and Minerals Act [*Chapter21:05*] within a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park except—

(*a*) in terms of a written agreement between the Minister and the person concerned which has been approved by the President; or

(*b*) in accordance with any mining rights lawfully acquired in respect of the area of the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park before the date when such area became a national park, botanical reserve, botanical garden, sanctuary or recreational park.

[Subsection amended by Act 19 of 2001]

(3) Notwithstanding this Act, a person prospecting or working any mining location in terms of subsection

(1) or (2) may do anything necessary for those purposes within the national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park concerned, subject to the terms and conditions of the relevant permit or agreement or in accordance with the mining rights, as the case may be.

[Subsection amended by Act 19 of 2001]

(4) Notwithstanding this Act, a person may pick any specially protected indigenous plant or indigenous plant where the picking is necessary for the working of any mining location and in accordance with the exercise of mining rights lawfully acquired in terms of the Mines and Minerals Act [*Chapter 21:05*].

(5) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**120 Expropriation of land for national parks, etc.**

(1) Whenever it appears to the President that any land or an interest in or right over land is required for the purpose of protecting, establishing or extending a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park, it shall be lawful for the Minister, on the authority of the President, to acquire such land, interest or right:

Provided that the powers conferred by this subsection shall not include the power to acquire, whether compulsorily or by agreement, any Communal Land or any interest in or right over Communal Land, otherwise than in accordance with the Communal Land Act [*Chapter 20:04*].

(2) Parts III, V and VIII of the Land Acquisition Act [*Chapter 20:10*] shall apply, *mutatis mutandis*, to the exercise by the Minister of his rights in terms of subsection (1).

**121 Dangerous animals**

(1) The animals specified in the Ninth Schedule are hereby declared to be dangerous animals.

(2) The Minister may, on the recommendation of, or after consultation with, the Authority, by

notice in a statutory instrument, amend the Ninth Schedule by—

(*a*) adding the name of any animal thereto;

(b) removing the name of any animal therefrom. [Subsection amended by Act 19 of 2001]

**122 Prescribed roads**

(1) The roads specified in the Tenth Schedule are hereby declared to be prescribed roads.

(2) The Minister may, on the recommendation of, or after consultation with, the Authority, by notice in a statutory instrument, amend the Tenth Schedule by—

(*a*) adding any road thereto; (*b*) removing any road therefrom. [Subsection amended by Act 19 of 2001]

**123 Authorities, permits and licences**

(1) Any authority, permit or licence granted or issued by the Authority, a conservation committee or an appropriate authority in terms of this Act may be subject to such terms and conditions as the Authority, conservation committee or appropriate authority, as the case may be, may deem fit to impose.

[Subsection amended by Act 19 of 2001]

(2) Every permit or licence issued in terms of this Act, other than—

(*a*) a permit to pick or sell any indigenous plant issued in terms of section *fifty-six*; or

(*b*) a permit to fish issued in terms of section *eighty-six*; shall be in writing.

(3) No authority, permit or licence granted or issued in terms of this Act may be transferred to any other person.

(4) The Authority, a conservation committee or an appropriate authority may at any time without assigning any reason therefor—

[Subsection amended by Act 19 of 2001]

(*a*) refuse to grant or issue any authority, permit or licence in terms of this Act; or

(*b*) cancel or amend any authority, permit or licence granted or issued by him or it, as the case may be, in terms of this Act.

(5) If the Authority, a conservation committee or an appropriate authority cancels or amends any authority, permit or licence in terms of paragraph (*b*) of subsection (3), he or it, as the case may be, shall forthwith give notice thereof to the person to whom the authority, permit or licence was granted or issued.

[Subsection amended by Act 19 of 2001]

(6) A person to whom any written authority has been granted or to whom any permit or licence has been issued in terms of this Act shall, upon receipt of any notice in terms of subsection (4), return such authority, permit or licence to the authority by whom it was issued for amendment or cancellation, as the case may be.

(7) Any person who contravenes subsection (5) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

(8) Any person who, without lawful authority, makes a material alteration to any authority, permit or licence granted or issued in terms of this Act shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

(9) Any person who contravenes any term or condition of any authority, permit or licence granted or issued in terms of this Act shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment

[Subsection amended by section 4 of Act 22 of 2001]

**124 Appeal against decision of appropriate authority for unalienated land**

(1) Any person who is aggrieved by any decision of an appropriate authority, for unalienated land or for any waters in refusing to issue or cancelling or imposing any condition in respect of a permit referred to in subsection (4) of section *fifty-nine* or section *eighty-six* may appeal against the decision to the Minister.

(2) Upon an appeal being made to him in terms of subsection (1) the Minister may uphold the decision of the appropriate authority or may direct the appropriate authority to issue a permit in terms of subsection (4) of section *fifty-nine* or *eighty-six* or to delete all or any of the conditions imposed in respect of such permit and the appropriate authority shall comply with such direction.

**125 Director may order detention of live animal or specially protected indigenous plant which has been seized**

(1) Pending its disposal in accordance with this section, the Director-General may give such orders for the detention of any live animal or specially protected indigenous plant seized in terms of subsection (1) of section ninety-four as he considers necessary or desirable for its preservation and safety.

[Subsection amended by Act 19 of 2001]

(2) Where the Director-General has given an order for the detention of any live animal or specially protected indigenous plant in terms of subsection (1) and no person has within two months of the date of its seizure been charged with an offence in connection with such live animal or specially protected indigenous plant, the person entitled thereto shall be entitled to obtain its release to him.

[Subsection amended by Act 19 of 2001]

(3) If at the conclusion of any proceedings for an offence in respect of a live animal or specially protected indigenous plant which is being detained in accordance with any order given by the Director-General in terms of subsection (1) the court does not order its disposal or forfeiture in terms of any enactment, the person entitle thereto shall be entitled to obtain its release to him if he tenders payment of the expenses incurred in connection with its detention since the conclusion of those proceedings.

[substituted by Act 19 of 2001 with effect from the 1st June, 2002.]

(4) If no person obtains the release to him in terms of subsection (2) or (3) of any live animal or specially protected indigenous plant which is being detained in accordance with any order given by the Director-General in terms of subsection (1) within two months of the first date on which he is entitled to claim it in terms of subsection (2) or (3), the Director-General may publish a notice in the Gazette stating that, unless the live animal or specially protected indigenous plant is claimed within two months of the date of publication of the notice, it will be disposed of in terms of subsection (5).

[substituted by Act 19 of 2001 with effect from the 1st June, 2002.]

(5) If on the expiry of the period of two months following the date of publication of a notice referred to in subsection (4) the live animal or specially protected indigenous plant concerned has not been claimed by a person entitled thereto in terms of subsection (2) or (3) or if payment of the expenses referred to in subsection (3) has not been tendered, it shall be deemed to have been abandoned and may be disposed of in such manner as the

Authority may direct.

[Subsection amended by Act 19 of 2001]

**126 General provisions relating to national parks, etc.**

In the case of a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park—

(*a*) the Authority shall have power to do all such things as are incidental to, or conducive in order to give effect to, the powers and duties conferred upon it in terms of this Act; (*b*) save as is otherwise specially provided in this Act, land therein shall not be sold, leased, donated or otherwise disposed of to any person;

(*c*) the cost of giving effect to any powers or duties conferred or imposed upon the Authority in terms of this Act shall be met from the funds of the Authority.

[Subsection amended by Act 19 of 2001]

**127 . . . . . .**

[Section repealed by Act 19 of 2001]

**128 Special penalty for certain offences**

(1) Notwithstanding any other provision of this Act, any person who is guilty of an offence under this Act involving—

(*a*) the unlawful killing or hunting of rhinoceros, or any other specially protected animal specified by the Minister by statutory instrument; or

(*b*) the unlawful possession of, or trading in, ivory or any trophy of rhinoceros or of any other specially protected animal that may be specified by the Minister by statutory instrument; shall be liable—

(i) on a first conviction, to imprisonment for a period of not less than nine years; (ii) on a second or subsequent conviction, to imprisonment for a period of not less than eleven years:

Provided that where on conviction the convicted person satisfies the court that there are special circumstances in the particular case justifying the imposition of a lesser penalty, the facts of which shall be recorded by the court, the convicted person shall be liable to a fine four times the value of the ivory or any trophy or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2) Where no special circumstances are found by a court as mentioned in the proviso to subsection (1), no portion of a sentence imposed in terms of subsection (1) shall be suspended by the court if the effect of such suspension is that the convicted person will serve—

(*a*) in the case of a first conviction, less than nine years imprisonment; (*b*) in the case of a second or subsequent conviction, less than eleven years. [Section substituted by section 11 of Act 5 of 2011]

**129 Regulations**

(1) The Minister may on the recommendation of, or after consultation with, the Authority, make regulations providing for all matters which by this Act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

[Subsection amended by Act 19 of 2001.]

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

(*a*) forms of application, permits, licences, returns and other forms that may be required for the purposes of this Act;

(*b*) the powers and duties of officers, inspectors, employees and honorary officers;

(*c*) in respect of national parks, botanical reserves, botanical gardens, sanctuaries, safari areas and recreational parks—

(i) the general management and administration of the whole or part thereof;

(ii) the fees, if any, to be paid by persons entering therein or to be paid in respect of the doing of any specified thing therein or the use of any article or facility provided therein;

(iii) the fixing of speed limits on vehicles travelling therein other than on a road which is the responsibility of a road authority in terms of the Roads Act [*Chapter 13:12*];

(iv) the regulation, control, restriction or prohibition of— A. entry into, travel through and presence in such places and the use of facilities provided therein including the use of such facilities otherwise than on the basis, terms or conditions on which they are provided;

B. the introduction of wild life, fish and plants into such places;

C. the collection, removal, destruction and taking of wild life and plants from such places;

D. the introduction into, conveyance through and removal from such places of any domestic or domesticated animals and for the destruction of such animals therein when not under complete control;

E. the use of vehicles and roads therein, including roads as defined in the Road Traffic Act [*Chapter 13:11*];

F. the destruction of or damage to any object of geological, ethnological, historic or other scientific interest in such places;

G. the conveyance into or possession of weapons, explosives or other articles in such places;

H. the use and hiring of vehicles, aircraft, boats and domestic animals in such places;

I. fishing in such places;

J. fires in such places;

K. the disposal of litter in such places;

L. the use of airstrips in such places;

M. the design of buildings in such places;

(v) matters relating to public health and the enjoyment, education, inspiration, comfort or convenience of persons visiting such places;

(vi) the conferring on an officer or any other person of a discretion to order any person to depart from such places who, in the opinion of the officer or such first-mentioned person, behaves in a manner which disturbs or interferes with or is likely to disturb or interfere with the peace, order or good management or administration of such places or the rights of other persons therein;

(*d*) in respect of national parks, the security of the wild life and plants indigenous thereto; (*e*) in respect of botanical reserves and botanical gardens, the sale of plants picked therein, the class or classes of persons to whom such sales may be made, the terms and conditions, if any, to be attached to such sales and the fees to be paid for any plants sold;  control, restriction or prohibition of the hunting of any animal;

(*g*) in respect of sanctuaries and safari areas—

(i) the removal therefrom of any animals, other than animals lawfully introduced thereto; (ii) the burning of vegetation or the felling, cutting and removal of timber therein or therefrom;

(iii) the searching for and removal therefrom of honey;

(*h*) in respect of safari areas—

(i) the setting aside of land therein for hunting camps, fishing camps or other purposes and the reservation of land for hunting, fishing or other use;

(ii) the regulation, control or restriction of hunting and fishing therein and the terms and conditions under which animals may be hunted or fish may be caught therein, including— A. the amount to be paid as a deposit against the killing or injuring of specified animals and for the refund of deposits in respect of such animals not killed or injured;

B. the amount to be paid as a royalty for the killing of elephants with a tusk or tusks over a specified mass;

(iii) the regulation, control or restriction of camping or the viewing of animals on foot or on horseback therein and the terms and conditions under which persons may camp or view animals on foot or on horseback therein;

(*i*) in respect of unalienated land which is State land— (i) the fees to be paid for the right to hunt or fish therein,

(ii) the fees to be paid for the hunting of specified animals therein;

(iii) the amount to be paid as a deposit against the killing or injuring of other specified animals therein and for the refund of deposits in respect of such animals not killed or injured; (iv) the amount to be paid as a royalty for the killing therein of elephants with a tusk or tusks over a specified mass;  (*k*) the regulation, control, restriction or prohibition of hunting or fishing by night on any unalienated land;

(*l*) the regulation and control of fish hatcheries and producers of fish;

(*m*) the prohibition, regulation and control of the sale and use of fishing nets;

(*n*) the regulation and control of the breeding and production of reptiles and amphibia; (*o*) the methods by which it shall be unlawful to hunt any animal on any unalienated land;  disposal, transfer and distribution of animals, fish and specially protected indigenous plants; (*q*) the regulation, control or prohibition of the possession, advertising, sale, disposal, transfer and distribution of—

(i) trophies; and

(ii) the meat and offal of any animal;

(*r*) the regulation, control or prohibition of the import or export of animals, fishes, plants and other organisms and trophies thereof, in order to preserve, conserve, propagate or control the wild life, fish and plants of Zimbabwe or to comply with the obligations of Zimbabwe in terms of any treaty, convention or other international agreement;

(*s*) the regulation and control of—

(i) holders of professional hunters’ licences, learner professional hunters’ licences and professional guides’ licences; and

(ii) any other persons who for reward conduct hunting, viewing or photographic safaris or offer to do so; including the manner in which such persons receive payment for their services; or

(*t*) the regulation and control of persons who manufacture or deal in trophies;

(*u*) . . . . . .

[Paragraph repealed by Act 19 of 2001]

(*v*) the surrender of specified trophies which are found and for the payment of rewards to persons finding and surrendering such trophies, the amounts of such rewards and the conditions subject to which such rewards shall be paid;

(*w*) the payment of the costs of transport of particular trophies surrendered or delivered to the nearest office of the State and the manner by which the amounts to be paid shall be calculated:

Provided that no regulation shall be made in terms of this paragraph unless the Minister responsible for finance has consented thereto;

(*x*) the regulation, control or prohibition of the acquisition, possession, advertising, sale, disposal, transfer and distribution of ivory and rhinoceros horn, and in particular—

(i) the production of ivory or rhinoceros horn to specified officers for the registration of such ivory or rhinoceros horn;

(ii) the manner in which ivory or rhinoceros horn shall be registered and marked;

(iii) the issue of certificates of ownership in respect of registered ivory and rhinoceros horn; (iv) the retention of ivory or rhinoceros horn pending the making of investigations and the registration of ivory or rhinoceros horn so retained if no criminal proceedings are instituted in connection therewith;

(*y*) the disposal of State trophies;

(*z*) in respect of officers and employees and honorary officers—

(i) the wearing of uniforms or badges by such persons and the type or description of such uniforms or badges;

(ii) the manner in which such officers and employees shall conduct themselves when in uniform;

(*aa*) the design, specification and manner of erection of road signs or notices;

(*bb*) the conduct of inquiries by commissioners appointed in terms of section *fifty-eight*, *sixty* or *ninety-six* and the nature of evidence that may be led thereat;

(*cc*) the prohibition, regulation and control of the keeping, breeding, confinement, exhibition, consignment or transportation of any problem or dangerous animal in any built-up area.

(3) Regulations made in terms of subsection (1) may provide penalties for breaches thereof, but no such penalty shall exceed—

(*a*) a fine of level five or imprisonment for a period of six months or both such fine and such imprisonment; or

(*b*) in the case of an offence involving ivory or rhinoceros horn, a fine of— (i) level six; or

(ii) three times the value of the ivory or rhinoceros horn concerned;

whichever is the greater, or imprisonment for a period of one year or both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

**129A Regulatory powers of Authority**

(1) Subject to subsections (4) and (5), the Authority may, on the recommendation of, or after consultation with, the Director-General, make by-laws—

(*a*) fixing the appropriate fees to be paid for— (i) entering any area or part of the park area; (ii) doing anything within the park area or part of it;

(iii) using any article or facility provided within the park area or any part of it;

(iv) any authority, permit, licence, register or return granted, issued or supplied in terms of this Act or any regulations made thereunder;

(*b*) fixing, subject to subsection (5), a tariff of fees payable by persons prospecting, or working any mining location, within the park area under a permit or agreement referred to in section one *hundred and nineteen*, in respect of—

(i) the clearing of land in connection with such activity, per hectare of land cleared; (ii) the backfilling, on abandonment, forfeiture or cancellation of the mining location, of shafts, open surface workings and excavations posing a danger to the safety of persons and wild life;

(iii) the removal of rock from any quarry within the park area;

(*c*) providing for all matters that by this Act are required or permitted to be provided for in by-laws.

(2) The Authority may, in terms of paragraph (*a*) of subsection (1), fix—

(*a*) different appropriate fees to be paid by persons resident in Zimbabwe and persons not so resident;

` (*b*) different levels of appropriate fees;

(*c*) different appropriate fees for breeding different species of wild life or fish.

(3) By-laws made in terms of paragraph (*b*) of subsection (1) may provide for the payment of the fees there referred to or any portion of them as the Authority may fix by way of a deposit to be refunded by the Authority to the person concerned on abandonment, forfeiture or cancellation of the mining location if the land concerned is reclaimed or, in relation to shafts, open surface workings and excavations on such land, backfilled, to the satisfaction of the Authority.

(4) Subject to subsection (6), by-laws made in terms of subsection (1) shall not have effect until they have been approved by the Minister and published in a statutory instrument. Provided that such statutory instrument may, in relation to by-laws that fix any fees, provide for an effective date not exceeding thirty days before the date of publication of the statutory instrument.

(5) The Minister shall not approve any by-laws made in terms of paragraph (*b*) of subsection

(1) without reaching an agreement with the Minister responsible for mining.

(6) Where the Authority proposes to the Minister to increase or reduce any fees in terms of this section, and the Minister gives no written indication to the Authority of his intention to implement a specified alternative to the proposed increase or reduction within thirty days after the Authority first notified him in writing of the proposal, such increase or reduction shall be deemed to have been approved and shall take effect not earlier than the date on which the Authority publishes a notice of the increase in the Gazette.

[Subsection amended by Act 19 of 2001.]

**130 Savings**

Where any area is constituted in terms of this Act a national park, botanical reserve, botanical garden, sanctuary, safari area or recreational park, any right relating to the use or occupation of land within such area which, immediately before such area was so constituted, was exercisable in respect of the land may, on and after that date, continue, subject to this Act, to be exercised in respect of the land concerned

**FIRST SCHEDULE (Section 22)**

**NATIONAL PARKS**

**Part I – National parks on parks and wild life land**

**Binga district**

Item 1: Chizarira

Area: 191 000 hectares

The area of land bounded by a line drawn from a point on the Sengwa River at its confluence with an unnamed tributary at map reference 35KPL283615 on the 1: 50 000 map Tundazi 1728C1, Edition 1, southwards up that river to its confluence with an unnamed tributary at map reference PL291564 on that map: thence proceeding southwards up that tributary to the edge of an escarpment at map reference PL267499 on that map; thence generally south-westwards for 27 kilometres along the edge of that escarpment to its intersection by a cleared track at map reference 35KPL133330 on the 1: 50 000 map Domwe 1728C3, Edition 1; thence generally southeastwards along that cleared track to its intersection by a cut line at map reference PL155274 on that map; thence south-westwards along a cleared track, which forms the western boundary of Chirisa Safari Area for 18 kilometres to its intersection by another cleared track at map reference 35KPLO72096 on the 1: 50 000 map Tivuli Spring 1828A1, Edition 1; thence generally westwards along that cleared track for 10 kilometres to the

Busi River at map reference 35KNL986083 on the 1: 50 000 map Lusulu 1827B2, Edition 1; thence generally north-westwards along a cleared track for 45 kilometres to the northern Sebungwe game-fence at map reference 35KNL669238 on the 1: 50 000 map Kariyangwe 1727D3, Edition 1; thence northwards along that gamefence to a point at map reference NL676294 on that map; thence north-westwards direct to beacon Chizarira (Trigonometrical Station 240/P); thence north-eastwards along the crest of the Chizarira Range to beacon Siganda at map reference 35KNL688416 on the 1: 50 000 map Siganda 1727D1, Edition 1; thence north-eastwards direct to beacon Tundazi (Trigonometrical Station 231/P); thence north-eastwards along the Tundazi Escarpment Range to a point at map reference 35KPL179616 on the 1: 50 000 map Tundazi 1728C1, Edition 1; thence due east to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Chiredzi district**

Item 2: Gonarezhou

Area: 505 300 hectares

The area of land bounded by a line drawn from a point where the Sabi River is met by the southern boundary of Sangwe Tribal Trust Land, down the Sabi River to the Rhodesia-Moçambique international boundary; thence proceeding south-westwards along that boundary to beacon B2L of Vila Salazar (as shown on plan RN59, filed in the office of the Surveyor-General, Salisbury) and generally northwards, westwards and southwards along the boundaries of Vila Salazar, so as to exclude it, through beacons BD3, BD2, BD1, R5, R4 and TN1 to beacon C1A on that international boundary; thence south-westwards along that boundary to the Bannockburn-Maputo railway line and north-westwards along that railway line to its intersection by the prolongation north-eastwards of a game-fence at map reference 36KUL612657 on the 1: 50 000 map Malvernia 2231B1/B3, Edition 2; thence south-westwards along that prolongation and the game-fence to the eastern boundary of Sengwe Tribal Trust Land between beacons SNG3 and SNG2 (as shown on plan CG2101, filed in the office of the Surveyor-General, Salisbury) and northwards along the eastern boundaries of Sengwe Tribal Trust Land and Malapati Safari Area to the Nuanetsi River; thence up that river to the southern boundary of the former Gonakudzingwa Purchase Land and eastwards and north-eastwards along its southern boundaries and the south-eastern boundaries of Matibi No. 2 Tribal Trust Land, so as to exclude them to the Lundi River; thence up that river to the south-eastern boundary of Lone Star Ranch and north-eastwards along its south-eastern boundary, so as to exclude it, to a point where it is met by a cattle-fence at map reference 36KUM885579 on the 1: 50 000 Makamandima 2131B2, Edition 1; thence north-eastwards along that cattle-fence to map reference 36KVM002641 on the 1: 50 000 map Mutandahwe 2132A1, Edition 2; thence generally eastwards along that cattle-fence to the south-western boundary of Sangwe Tribal Trust Land, at map reference VM076662 on that map; thence south-eastwards along the south-western boundary of Sangwe Tribal Trust Land; thence south-eastwards direct to the confluence of the Murondozi River and an unnamed tributary (as shown on plan RN10, filed in the office of the Surveyor-General, Salisbury) and generally north-eastwards along the southern boundaries of Sangwe Tribal Trust Land to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Nyaminyami district**

Item 3: Matusadona

Area: 140 700 hectares

The area of land and inundated land bounded by a line drawn from the westernmost point of the western boundary of Gatshe Gatshe Tribal Trust Land at map reference 35KPM876401 on the 1: 50 000 map Sanyati Gorge 1628D4, Edition 2; generally southwards along the western boundaries of Gatshe Gatshe and Kanyati Tribal Trust Lands to the northern boundary of Omay Tribal Trust Land; thence proceeding south-westwards and north-westwards along the northern boundaries of Omay Tribal Trust Land to the Ume River; thence generally northwards down that river and its former course to a point at map reference 35KPM512389 on the 1: 50 000 map Bumi Hills 1628C4, Edition 2; thence north-eastwards direct to a point on the full-supply level of Lake Kariba at map reference PM516399 on that map; thence generally north-eastwards along its full-supply level to a point at map reference 35KPM641486 on the 1: 50 000 map Sanyati West 1628D1, Edition 2; thence direct to a point on its full-supply level at map reference PM644490 on that map; thence generally eastwards along its full-supply level to a point at map reference 35KPM784471 on the 1: 50 000 map Matusadona 1628D3, Edition 1; thence south-eastwards direct to a point on the full-supply level of Lake Kariba at map reference PM800443 on that map; thence south-eastwards direct to a point on its full-supply level at map reference PM841406 on that map; thence generally eastwards along its full-supply level to a point at map reference 35KPM871399 on the 1: 50 000 map Sanyati Gorge 1628D4, Edition 2; thence north-eastwards direct to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Chimanimani district**

Item 4: Chimanimani

Area: 17 110 hectares

The area of land bounded by a line drawn generally southwards along the Rhodesia-Moçambique international boundary from boundary-pillar 6034 to the Haroni River; thence proceeding up that river to its intersection by the eastern prolongation of the southern boundary of Hayfield B and westwards along that prolongation to the south-eastern beacon of Hayfield B; thence northwards along the eastern boundaries of the following properties, so as to exclude them: Hayfield B, Rumble Rills, Tilbury, Dunstan, Welgelegen and Vooruitzicht to the northeastern beacon of the last-named property and westwards along the southern boundary of Rocklands to a point on that boundary approximately 2,55 kilometres from its south-western beacon; thence generally northwards along an undefined boundary (as shown on plan RN58, filed in the office of the Surveyor-General, Salisbury) to its intersection by the Rhodesia-Moçambique international boundary and north-eastwards along that boundary to the starting-point.

**Hurungwe district**

Item 5: Mana Pools

Area: 219 600 hectares

The area of land bounded by a line drawn from a point on the mouth of the Sapi River at map reference 35LQN763665 on the 1: 50 000 map Mana Pools 1529C2, and Chikwenya Island 1529D1, Edition 1, up the Sapi River to its intersection by a road at map reference 35LQN793524 on the 1: 50 000 map Sapi 1529D3, published 1968, and generally southwards along that road to its intersection by another road at map reference QN723256 on the 1: 50 000 map Manganyai 1629B1, Edition 1; thence generally eastwards along that road to a point on the Chiwore River at map reference 35KQN934223; thence up that river to a point on the north-eastern boundary of Mukwichi Tribal Trust Land at map reference 35KQM907972 on the 1: 50 000 map Manyangau 1629B3, Edition 2; thence north westwards along the north-eastern boundary of Mukwichi Tribal Trust Land to the highest point

on hill Chitanga and westwards direct to the highest point on an unnamed hill 3,2 kilometres due east of the confluence of the Rukomechi and Fundundi rivers; thence westwards direct to the confluence of those rivers and down the Rukomechi River to its confluence with the Nyacharara River; thence up the Nyacharara River to its confluence with an unnamed river at map reference 35KQN561083 on the 1:50000 map Rekometje Research Station 1629A2, Edition 1, and up that unnamed river to a point on that river at map reference QN533079 on that map; thence westwards direct to a point on another unnamed river at map reference QN526080 on that map and down that unnamed rived to its confluence with the Mashayani River at map reference QN480105 on that map; thence northwards direct to a point on a gravel road at map reference QN479146 on that map and north eastwards direct to a point at map reference QN495189 on that map; thence north-eastwards direct to a point on the Matupa River at map reference QN519219 on that map and north-eastwards direct to a point 365 metres west of the course of the Rukomechi River at map reference QN553247 on that map; thence generally northwestwards along the western edge of the riverine vegetation of the Rukomechi River; but not closer to the river than a line parallel to and 365 metres west of the course of the Rukomechi River to a point at map reference 35KQN301474 on the 1: 50 000 map Nyakasanga 1529C3, published 1959, and north-westwards to a point on the Rhodesia-Zambia international boundary on the Zambezi River, approximately 4,8 kilometres downstream from the intersection of that international boundary by the Deeds Registry district boundary-line of Kariba; thence north-eastwards downstream along that international boundary to a point approximately 1,6 kilometres from the mouth of the Sapi River on an approximate bearing of 196°, (measured in a clockwise direction from true north at that point) and southwards direct to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Hwange district**

Item 6: Kazuma Pan

Area: 31 300 hectares

The area of land bounded by a line drawn from boundary-pillar 730 on the Rhodesia-Botswana international boundary, north-eastwards direct to a point at map reference 35KLK380861 on the 1: 50 000 map Stoffels Pan 1825A2, Edition 1; thence proceeding south-eastwards and eastwards along the south-western and southern boundaries of Panda-Masuie Forest Land to a point at map reference 35KLK603870 on the 1: 50 000 map Myila 1825Bl, Edition 1; thence south-eastwards along the western boundary of Riviera to the Kasetsheti River, at map reference 35KLK644788 on the 1: 50 000 map Kazuma Depression 1825B3/ A4, Edition 1; thence down that river to the northern boundary of Kazuma Forest Land; thence generally south-westwards along the northern and north-western boundaries of Kazuma Forest Land to boundary-pillar 708 on the Rhodesia-Botswana international boundary; thence generally north-westwards along that boundary to the starting point.

Map references quoted in this description are given to the nearest hundred metres.

Item 7: Hwange

Area: 1 465 100 hectares

The area of land bounded by a line drawn from a point on the Rhodesia-Botswana international boundary on the westward prolongation of the northern boundary of the former property Deka, eastwards along that prolongation and boundary to its northernmost beacon; thence proceeding generally north-eastwards along the north-western boundaries of the former properties Prestwich, Nantwich, Nantwich North and Nantwich East to the northeastern beacon of the last named; thence north-eastwards direct to the northernmost beacon of the former property Bumboosie; thence south-eastwards along a straight line towards the westernmost beacon (beacon Y, as shown on plan BT486, filed in the office of the Surveyor-General, Bulawayo) of the southern section of Wankie Coal Concession to its intersection by the north-western boundary (L-K) of Wankie Coal Concession;

thence south-westwards, south-eastwards and north-eastwards along the north-western, south-western and south-eastern boundaries of Wankie Coal Concession to the aforementioned line; thence south-eastwards along that line to beacon Y; thence south-eastwards along the south-western boundary of Wankie Coal Concession to its intersection by the prolongation south-westwards of a straight line drawn from the intersection of the south-eastern boundary of Wankie Coal Concession by the southern boundary of Railway Strip 229 Lukosi to Trigonometrical Station 514/S (Karundu); thence north-eastwards along that prolongation and that line to the south-western boundary of that railway strip; thence generally eastwards along the southern boundaries of Railway Strips 229 Lukosi, 228 Pongoro, 227 Tshontanda, 226 Inyantue, 225 Nchokomela and 224 Mambanje, Railway Strip 196 of Railway Farm 43, Railway Strip 223 of Hope of Railway Farm 43 and Railway Strip 222 Dett to the north-western boundary of Dett Annex; thence along the northern, western and south-western boundaries

of Stand 17 Dett Township, and the north-western, south-western and south-eastern boundaries of Dett Annex to the southern boundary of Railway Strip 233 Dett; thence south-eastwards along the southern boundaries of Railway Strip 233 Dett, Railway Strip 234 Impofu, Railway Reserve at Malindi Station, Railway Strip 235 Malindi and Railway Strip 232 Isilwana to the north-western boundary of Kennedy Annex; thence along the northwestern, south-western and south-eastern boundaries of Kennedy Annex to the north-western beacon of Railway Strip 231 Kennedy; thence south-eastwards along the southern boundaries of Railway Strip 231 Kennedy, Railway Strip 230 Mukwa, Railway Strip 248 Intundhla North, Intundhla Siding Reserve, Railway Strip 249 Intundhla South and Railway Strip 250 Ingwe to the northern boundary of Tjolotjo Tribal Trust Land; thence generally south-westwards along the northern and western boundaries of Tjolotjo Tribal Trust Land to the RhodesiaBotswana international boundary; thence generally north-westwards along that boundary to the starting-point.

Item 8: Victoria Falls “A”

Area: 1 904 hectares

The area of land bounded by a line drawn from a point on the Zambezi River at map reference 35KLL842115 on the 1: 50 000 map Victoria Falls 1725D4 and on a straight line drawn between beacons M44 and M43 of Victoria Falls Reserve (as shown on General Plan CG152, filed in the office of the Surveyor-General, Bulawayo) and generally westwards along the boundaries of that Reserve, through beacons M43, M17 and towards M23 to the Bulawayo-Victoria Falls road; thence proceeding generally north-westwards along that road to DekaFalls Railway Strip 4; thence north-eastwards and northwards along the eastern boundary of that railway strip to the southern boundary of Railway Reserve Victoria Falls A; thence eastwards and generally northwards along its southern, south-eastern and eastern boundaries to a point 29 metres south of beacon NO2; thence north-westwards direct to a point 20 metres north of beacon NO2 on that boundary and northwards along that boundary to beacon NP (as shown on Diagram S.G. No. 3333/58, filed in the office of the Surveyor-General, Bulawayo); thence north-eastwards direct to beacon BR55 on the southern boundary of Deka-Falls Railway Strip

6 (as shown on Diagram S.G. No. 358/35, filed in the office of the Surveyor-General, Bulawayo); thence eastwards along the southern boundaries of that property to the Zimbabwe-Zambia international boundary and down the Zambezi River, following that international boundary, to the starting-point.

Victoria Falls “B”

Area: 436 hectares

The area of land bounded by a line drawn from the easternmost point of Deka-Falls Railway Strip 6, on the Zimbabwe-Zambia international boundary, generally westwards along the north-eastern and northern boundaries of that property to the north-eastern boundary of Victoria Falls Customs Post Reservation; thence proceeding north-westwards along the north-eastern and northern boundaries of that reservation and the northern boundaries of the Road Reservation, so as to exclude them, to the Zambezi Drive; thence northeastwards and north-westwards along that drive, so as to exclude it, to a point at map reference 77671824 on the 1: 5 000 map Victoria Falls LL7618; thence north-westwards direct to a point on the eastern boundary of Deka-Falls Railway Strip 5B at map reference 77591840 on that map and generally north-westwards along that boundary to a point at map reference 77271880 on that map; thence north-westwards to a point on the Zambezi Drive at map reference 77111891 on that map; thence generally north-eastwards along that drive, so as to exclude it, to a point at map reference 77271941 on that map; thence north-eastwards direct to beacon R9 (as shown on plan BM49, filed in the office of the Surveyor-General, Bulawayo); thence generally north-westwards along a series of straight lines through beacons R8, R7, R6, R5, R4, R3 and R2 to R1; thence north-westwards towards beacon BL7 to a stream at map reference 75922066 on the 1: 5 000 map Victoria Falls LL7220; thence generally northwards down that stream to the south bank of the Zambezi River; thence generally westwards along that south bank to the prolongation of a straight line drawn from beacon BL1 through beacon BL2 (as shown on plan BM, filed in the office of the Surveyor-General, Bulawayo) to that south bank; thence continuing north-eastwards along that prolongation to its intersection by the Zimbabwe-Zambia international boundary and generally eastwards and south-eastwards along that international boundary to the starting-point. Map references quoted in these descriptions are given to the nearest hundred metres on the 1: 50 000 map and to the nearest ten metres on the 1: 5 000 maps.

Item 9: Zambezi

Area: 56 010 hectares

The area of land bounded by a line drawn from the point where the prolongation of a straight line drawn from beacon BL1 through beacon BL2 meets the Zimbabwe-Zambia international boundary and southwards along that prolongation to beacon BL2; thence proceeding generally southwards along a series of straight lines through beacons BL1, W1 and W3 (as shown on plan BM49, filed in the office of the Surveyor-General, Bulawayo); thence southwards direct to the intersection of the north-western boundary of Deka-Falls Railway Strip 4 by the Chamabonda River and south-westwards along the north-western boundary of Deka-Falls Railway Strip 4 to its intersection by a game-fence at map reference 35KLL711093 on the 1: 50 000 map Victoria Falls Airport 1825B2; thence south-westwards along that game-fence to a point at map reference LL697086 on that map; thence southwards along that game-fence to its intersection by the north-western boundary of Deka-Falls Railway Strip 3 at map reference LL697078 on that map; thence south-westwards along the north-western boundary of DekaFalls Railway Strip 3 to a point on that railway strip at map reference 35KLL676051 on the 1: 50 000 map Myila 1825B1; thence westwards along a cut line to a point at map reference LL544049 on that map; thence northwestwards along that cut line direct to the .eastern beacon of the former property Westwood Ranch; thence north-westwards along its north-eastern boundary and its prolongation north-westwards to its intersection by the Zimbabwe-Zambia international boundary and generally eastwards and south-eastwards along that international boundary to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Total extent: 2 628 460 hectares

**Nyanga district**

Part II – National parks on Rhodes Estates

Item 1: Rhodes Nyanga

Area: 47 150 hectares

The area of land in the administrative district of Nyanga, bounded by a line drawn from the northernmost beacon of Inyanga slopes, generally eastwards along the boundaries of the following properties, so as to include them: the north-eastern boundaries of Inyanga slopes and Inyangombie and the south-western, north-western and north-eastern boundaries of the proposed Lot 5 of Kwaraguza of Inyanga Downs of Inyanga Block (as shown on plan RN255 filed in the Surveyor-General’s Department, Harare) to its easternmost beacon; thence eastwards direct to the north-western beacon of Gleneagles Estate and generally south-westwards along the boundaries of the following properties, so as to exclude them: the north-western and south-western boundaries of Gleneagles Estate, the north-western boundary of Lot 1 of Inyanga Block and the north-eastern, north-western and southwestern boundaries of Aberfoyle Plantations of Inyanga Block to its southernmost beacon; thence southwestwards direct to the south-eastern beacon of Inyanga Block A and generally south-westwards along the southern boundary of Inyanga Block A and the eastern boundaries of Holdenby A, so as to include them, to the southernmost beacon of the last-named property; thence generally north-westwards along the boundaries of the following properties, so as to include them: the southern, north-western and western boundaries of Holdenby A, the south-western boundary of Pungwe Falls B, the south-eastern and south-western boundaries of Subdivision A of Pungwe Falls and the southern boundary of Pungwe source to the south-western beacon of the last-named property; thence northwards along the eastern boundary of Erin Forest Land, so as to exclude it, to its north-eastern beacon and northwards, through a point at map reference 36KVO753715 on the 1: 50 000 map Inyangani 1832B4/1833A3 to the easternmost beacon of Bideford and northwards along its eastern

boundary, so as to exclude it, to a point at map reference VQ761757 on that map; thence north-westwards direct to a point on the north-western boundary of that property at map reference VQ742762 on that map and generally north-westwards and north-eastwards along the boundaries of the following properties, so as to include them: the south-eastern boundary of Fruitfield, the south-western boundaries of Fruitfield and Wicklow, the southeastern, south-western, north-western and northern boundaries of Werrendale and the north-western boundary of the Remainder of Inyanga Valley to the north-western beacon of Lot 4 of Inyanga Valley; thence generally south-eastwards, eastwards, northwards and westwards along the boundaries of the following properties, so as to exclude them: the western and southern boundaries of Lot 4 of Inyanga Valley, the western boundary of Lot 3 of Inyanga Valley, the southern and eastern boundaries of Lot 1 of Inyanga, the eastern boundary of State Land (formerly Lot 1 of Inyanga Valley, as shown on S.G. Diagram No. 770/1955 filed in the Surveyor-General’s Department, Harare) and the eastern and northern boundaries of Lot 2 of Inyanga Valley to its north-western beacon; thence north-eastwards along the north-western boundary of the Remainder of Inyanga Valley, so as to include it, to the starting point.

This description excludes—

1. subdivisions C, D, E, F and G and Nyazengu of Inyanga Block; and
2. an area of Fruitfield, approximately 180 hectares in extent, which is leased to the State.

Map references quoted in this description are given to the nearest hundred metres.

**Matobo district**

Item 2: Rhodes Matopos

Area: 42 400 hectares

The area of land bounded by a line drawn from a point on the Matopos Circular Drive where it is intersected by a road at map reference 35KPH587406 on the 1: 50 000 map The World’s View 2028B3 generally southwards along that drive to a point where it crosses an unnamed stream at map reference PH589356 on that map; thence proceeding generally south-eastwards direct to a point on an unnamed stream at map reference PH595352 on that map; thence down that stream to its confluence with the Mtsheleli River and up that river to its confluence with an unnamed stream at map reference PH597365 on that map; thence up that stream to its intersection by the northern boundary of Rhodes Matopos National Park Extension at map reference PH614363; thence generally eastwards, southwards, westwards and northwards along the northern, eastern, southern and western boundaries of Rhodes Matopos National Park Extension, so as to include it, to the south-eastern boundary of Ravenswood; thence north-eastwards, south-eastwards, eastwards, south-eastwards and eastwards along the boundaries of the following properties, so as to exclude them: the south-eastern boundaries of Ravenswood and Forwords Block, the south-western and southern boundaries of Mineral King and the western and southern boundaries of Manzana to its south-eastern beacon; thence generally northwards along the western boundaries of The World’s View and Hazelside, so as to include them, to an unnamed stream at map reference 35KPH551392 on the 1: 50 000 map Figtree 2028A4; thence eastwards up that stream to a point at map reference 35KPH568398 on the 1: 50 000 map The World’s View 2028B3; thence eastwards direct to a point on the Matopos Circular Drive where it is intersected by a road at map reference PH572399 on that map and generally north-eastwards along that road to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Total extent: 89 550 hectares

**SECOND SCHEDULE (SECTION 26)**

**BOTANICAL RESERVES AND BOTANICAL GARDENS**

**Part I – Botanical reserves on parks and wild life land**

**Beitbridge district**

Item 1: Pioneer

Area: 38 hectares

The area of land bounded by a line drawn from a beacon on the western bank of the Shashe River at map reference 35KQF264747 on the 1: 50 000 map Tuli 2129C3, published 1959, south-westwards along the western bank of the Shashe River to a beacon at map reference QF259743 on that map; thence proceeding north-westwards direct to a beacon at map reference QF255747 on that map; thence north-eastwards direct to a beacon at map reference QF259752 on that map; thence south-eastwards direct to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Item 2: Tolo River

Area: 44 hectares

The area of land bounded by a line drawn from a beacon on the western bank of the Shashe River at map reference 35KQF252718 on the 1: 50 000 map Tuli 2129C3, published 1959, south-south-eastwards along the western bank of the Shashe River to a beacon at map reference QF255712 on that map; thence proceeding west-south-westwards direct to a beacon at map reference QF249709 on that map; thence north-north-westwards direct to a beacon at map reference QF246716 on that map; thence east-north-eastwards direct to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Item 3: South Camp

Area: 26 hectares

The area of land bounded by a line drawn from a beacon which lies near a stream at map reference 35KQF283688 on the 1: 50 000 map Tuli 2129C3, published 1959, eastwards down that stream to the western bank of the Shashe River; thence proceeding southwards along the western bank of that river to a beacon at map reference QF291684 on that map; thence west-north-westwards direct to a beacon at map reference QF283686 on that map; thence northwards direct to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Chiredzi district**

Item 4: Chisekera Hot Springs

Area: 95 hectares

The area of land comprising the surveyed property Chisekera Hot Springs, as shown on plan S.G. No. DG890 filed in the office of the Surveyor-General, Salisbury.

**Mt Darwin district**

Item 5: Mawari Raphia Palm

Area: 34 hectares

The area of land bounded on the north, east, south and west by the property Mawari as shown on plan S.G. No. DG909 filed in the office of the Surveyor-General, Salisbury.

Item 6: Tingwa Raphia Palm

Area: 290 hectares

The area of land bounded by a line drawn from the northernmost beacon of Penrose south-westwards along its north-western boundary to beacon PB403 (as shown on General Plan S.G. No. EG49 filed in the office of the Surveyor-General, Salisbury); thence proceeding north-westwards on a bearing of 342° for a distance of 1,15 kilometres, north-eastwards on a bearing of 47° for 400 metres, eastwards Oil a bearing of 67° for 1,85 kilometres and southwards on a bearing of 164° for 1,4 kilometres to the starting-point.

Bearings quoted in this description are measured to the nearest degree clockwise from the true north and distances are approximate.

**Chimanimani District**

Item 7: Haroni Forest

Area: 20 hectares

The unsurveyed area of land demarcated on the ground by cut lines, and bounded by a line drawn from the confluence of the Haroni and Makurupini rivers, down the Haroni River on the Moçambique-Rhodesia international boundary, for a distance of 300 metres and south-westwards on a bearing of 231° for 300 metres; thence proceeding north-westwards on a bearing of 295° for 350 metres and north-eastwards on a bearing of 22° for 440 metres to the Haroni River; thence down the Haroni River to the starting-point.

Bearings quoted in this description are measured to the nearest degree clockwise from true north and distances are approximate.

Item 8: Rusitu Forest

Area: 150 hectares

The unsurveyed area of land bounded by a line commencing at the south-eastern beacon of the property Hayfield B and drawn southwards on a bearing of 192° to the Rusitu River on the Moçambique-Rhodesia international boundary; thence proceeding up that river for a distance of 1,65 kilometres to the westernmost section of a false division of the Rusitu River and due north for 600 metres; thence north-eastwards on a bearing of 50° for 2,25 kilometres to the starting-point.

Bearings quoted in this description are measured to the nearest degree clockwise from true north and distances are approximate.

**Kwekwe district**

Item 9: Sebakwe Acacia Karoo

Area: 60 hectares

The area of land bounded by a line drawn from the intersection of the southern bank of the Sebakwe River by the western boundary of Sebakwe Recreational Park, eastwards along the southern bank of the Sebakwe River to a stream at map reference 36KTP072952 on the 1: 50 000 map Sebakwe Dam 1930A1, Edition 2; thence proceeding southwards up that stream to a road at map reference TP073941 on that map; thence westwards along that road to the western boundary of Sebakwe Recreational Park and northwards along that boundary to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Item 10: Sebakwe Great Dyke

Area: 165 hectares

The area of land bounded by a line drawn from the intersection of the southern boundary of Sebakwe Recreational Park by the Fagritch Spruit westwards along that boundary to its intersection by a stream at map reference 36KTP098925 on the 1: 50 000 map Sebakwe Dam 1930A1, Edition 2; thence proceeding northwards down that stream to a track at map reference TP099927 on that map; thence generally eastwards along that track, which generally follows the shoreline of Sebakwe Dam, to the Fagritch Spruit; thence up that spruit to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Item 11: Sebakwe Mountain Acacia

Area: 53 hectares

The area of land bounded by a line drawn from the intersection of a stream and a road at map reference 36KTP073941 on the 1: 50 000 map Sebakwe Dam 1930A1, Edition 2, eastwards direct to a point on a road at map reference TP089936 on that map; thence proceeding generally eastwards along that road to a stream at map reference TP091934 on that map; thence southwards up that stream to the southern boundary of Sebakwe Recreational Park; thence westwards along that boundary to a stream at map reference TP074937 on that map; thence northwards down that stream to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Harare district**

Item 12: Mazoe “A”

Area: 43 hectares

The area of land comprising the properties Lots 1 and 2 of Spelonken Estate, as shown on Diagrams S.G. 819/69 and 849/78, filed in the office of the Surveyor-General, Salisbury.

Mazoe “B”

Area: 3 hectares

The area of land comprising the properties Stands 109 and 110 of Christon Bank Township 8, of Bluehills of Christon Bank, as shown on Diagrams S.G. 1759/60 and 1760/60, filed in the office of the Surveyor-General, Salisbury.

**Mutare district**

Item 13: Bunga Forest

Area: 495 hectares

An area of land comprising the properties Lot 4 of Bunga of Cloudlands and the Remaining Extent of Ebbesborne of Greencroft and the former Subdivision A, portion of Ebbesborne, portion of Greencroft, as shown on Diagrams S.G. 5724/55, 89/34 and 2158/50, respectively, filed in the office of the Surveyor-General, Salisbury.

Item 14: Vumba

Area: 42 hectares

The area of land demarcated on the ground with beacons and notices and bounded by a line drawn south-eastwards from the easternmost beacon of Lot 2A Manchester on a bearing of 111° for 920 metres to its intersection by a road; thence proceeding generally south-westwards along that road to a point 25 metres west of the northernmost beacon of Subdivision R of Manchester and north-westwards on a bearing of 354° for 790 metres to the starting-point.

Bearings quoted in this description are measured to the nearest degree clockwise from true north and distances in metres are approximate.

Total extent: 1 558 hectares

**Part II – Botanical gardens on parks and wild life land**

**Harare district**

Item 1: National Botanic

Area: 67 hectares

The area of land comprising the properties Remainder of Stand 6990 Salisbury Township and Remainder of Stand 6991 Salisbury Township of Salisbury Township Lands, bounded on the west, north and east by Sandringham Drive, Stand 13413 of Stand 6990 Salisbury Township of Salisbury Township Lands, Borrowdale Road, Hartmann Hill A and Lot I of Stand 6991 Salisbury Township of Salisbury Township Lands and on the south by an 18,89 metre wide road contiguous to the northern boundary of Government Experimental Station Extension.

This description excludes the following properties: Stand 6992 Salisbury Township of Salisbury Township Lands and Lots 3, 4, 5 and 6 of Stand 6991 Salisbury Township of Salisbury Township Lands.

**Mutare district**

Item 2: Vumba

Area: 200 hectares

The area of land bounded by a line drawn eastwards from the easternmost beacon of Lot 2A Manchester along the southern boundary of Subdivision M of Manchester, so as to exclude it, to its south-eastern beacon and generally south-westwards along the north-western boundaries of Chinyabakwe and Subdivision K of Manchester, so as to exclude them, to the south western beacon of the latter property; thence proceeding generally westwards along the boundaries of the following properties, so as to exclude them: the northern boundary of Chinyamakunga of Scandinavia, the eastern, northern and western boundaries of Lot 14A Manchester and Subdivision B of Scandinavia to the south-eastern beacon of Mutengembeya of Manchester and generally northwards along the boundaries of the following properties, so as to exclude them: the south-eastern and north-eastern boundaries of Mutengembeya of Manchester, the south-eastern boundary of Subdivision 9 of Manchester, the south-western and south-eastern boundaries of Subdivision O of Manchester, the south-eastern and north-eastern boundaries of Subdivision P of Manchester, the eastern and northern boundaries of Subdivision G of Manchester and the eastern boundary of Subdivision D of Manchester to the south-western beacon of Monegera; thence generally westwards along the southern boundaries of the following properties, so as to exclude them: Monegera, Lot 1B Manchester and Lot 2A Manchester to its south-eastern beacon and northwards along its eastern boundary to the starting-point.

The Vumba Botanical Reserve is excluded from this description.

Total extent: 267 hectares

**Part III – Botanical gardens on trust land**

**Goromonzi district**

Item 1: Ewanrigg

Area: 286 hectares

The area of land comprising the property Subdivision A of Mount Shannon of The Meadows, as shown on Diagram S.G. No. 1830/48 filed in the office of the Surveyor-General, Salisbury.

Total extent: 286 hectares

**THIRD SCHEDULE (SECTION 31)**

**SANCTUARIES AND SPECIALLY PROTECTED ANIMALS**

**Part I – Sanctuaries on parks and wild life land**

*Specially Protected Animals*

**Chiredzi district**

Item 1: Maniinii Pan

Area: 300 hectares

**All birds**

The area of land bounded by a line drawn 366 metres from and parallel to the high-flood level of Manjinji Pan, so as to include it, as shown on the 1: 50 000 map Malapata 2231A2, Edition 1.

**Chimanimani district**

Item 2: Melsetter Eland

Area: 1 800 hectares

**All animals**

The area of land bounded by a line drawn generally north-eastwards from the north-western beacon of Melsetter Township Reserve along the boundaries of the following properties, so as to exclude them: the southern boundary of Remainder of Sawerombi, the eastern boundary of Bedale of Westfield and the south-eastern boundaries of Middlepunt of Jantia, Remainder of Jantia and Umsapa of Jameson to the south-eastern beacon of Umsapa of Jameson; thence proceeding generally southwards along a series of straight lines through points at map references 36KVP885157, VP889155, VP896152, VP900153, VP900151, VP899150, VP900147, VP894145, VP892140 and VP894136 on the 1: 50 000 map Melsetter 1932D4 and 1933C1/C3, Edition 1, to a point on the northern boundary of Lindley North Estate at map reference VP893133 on that map and westwards along the northern boundary of Lindley North Estate to its north-western beacon; thence southwards along the eastern boundary of Melsetter Township Reserve, the eastern and south-eastern boundaries of Lot 1 of Lindley North and the eastern boundaries of Melsetter Township Reserve, so as to include them, to the north-western beacon of Lindley West of Lindley; thence westwards direct to the northernmost beacon of the former Stand 101 Melsetter Township and south-westwards direct to the north-eastern beacon of Stand 52 Melsetter Township; thence generally southwards along its north-western and western boundaries so as to exclude it, to its south-western beacon and south-westwards direct to the northernmost beacon of Stand 6 Melsetter Township; thence south-westwards along its north-western boundary so as to exclude it, to its westernmost beacon and south-westwards direct to the northernmost beacon of Stand 5 Melsetter Township; thence south-westwards along the north-western boundary of Stand 6 Melsetter Township, so as to exclude it, to its westernmost beacon and south-westwards direct to the northernmost beacon of Stand 5 Melsetter Township; thence south-westwards along the north-western boundaries of the following properties, so as to exclude them: Stands 5, 3, 2 and 1 Melsetter Township to the westernmost beacon of the latter property; thence generally south-westwards along a series of straight lines through a series of high points along the crest of a range of hills on the following bearings and for the following distances: 252° for 465 metres, 255° for 511 metres, 256° for 236 metres and 252° for 728 metres to the south-eastern beacon of Everglades; thence northwards along the western boundary of Melsetter Township Reserve, so as to include it, to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Bearings are measured to the nearest degree clockwise from the north and distances in metres are approximate.

**Nkayi district**

Item 3: Mbaze Pan

Area: 40 hectares

**All birds**

The area of land surrounding and including Mbaze Pan, approximately 700 metres east of the Shangani River and opposite a point on that river approximately 10 kilometres direct up-stream from the confluence of the Shangani and Gwelo rivers.

**Guruve district**

Item 4: Nyamanyetsi

Area: 2 480 hectares

**All animals**

The area of land comprising the properties Nyamanyetzi North and Subdivision E, portion of Gurungwe, as shown on Diagram S.G. 322/57 and 787/38, filed in the office of the Surveyor-General, Salisbury.

**Masvingo district**

Item 5: Mushandike

Area: 12 900 hectares

**All animals**

The area of land bounded by a line drawn All animals from the south-eastern beacon of Winterton along the boundaries of the following properties, so as to exclude them: south-eastwards along the south-western boundary of Cambria, south-westwards along the north-western boundaries of Valley Pass and Koran and generally westwards along the northern boundaries of Excelsior, Maybrook Extension and Erdington to the north-western beacon of the last-mentioned property; thence proceeding generally north-eastwards along the south-eastern boundaries of the following properties, so as to exclude them: Waterhole, the former El Rakin Valley, Shane Valley, Rabe Valley and Allanvale to the Mutsungwe River and down that river to the south-western boundary of Amavula; thence south-eastwards along the south-western boundaries of Amavula and Winterton, so as to exclude them, to the starting-point.

Total extent: 17 520 hectares

**Part II – Sanctuaries on Rhodes Estates**

**Matobo district**

Item 1: Rhodes-Bulawayo

Area: 1 100 hectares

Sanctuary

**All birds**

The area of land bounded by a line drawn from the north-western beacon of Remainder of Sauerdale Block generally eastwards along its northern boundary to the Bulawayo-Matopos road; thence proceeding generally south-westwards along that road to its intersection by a track at map reference 35KPH625585 on the 1: 50 000 map The Worlds View 2028B3, Edition 2; thence generally north-westwards along that track, so as to include it, to the eastern boundary of Remainder of Sauerdale Block at map reference PH608592 on that map; thence north-eastwards along that boundary to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Total extent: 1 100 hectares

**FOURTH SCHEDULE (SECTION 36)**

**SAFARI AREAS ON PARKS AND WILD LIFE LAND**

**Beitbridge and Gwanda districts**

Item 1: Tuli

Area: 41 600 hectares

The area of land bounded by a line drawn from a point on the Shashi River at map reference 35KQF317592 on the 1: 50 000 map Maranami 2229A1, published 1959; thence proceeding generally westwards and northwards along the Rhodesia-Botswana international boundary (as shown on General Plan EG264, filed in the office of the Surveyor-General, Bulawayo) to a point on that boundary on the Shashi River at map reference 35KQF147861 on the 1: 50 000 map Tuli 2129C3, published 1959; thence down the Shashi River to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Binga district**

Item 2: Chete

Area: 108 100 hectares

The area of land bounded by a line drawn from the point where the Mwenda River flows into Lake Kariba, generally southwards and westwards up that river to its commencement at map reference 35KNL960821 on the 1: 50 000 map Sinampande 1727B4, Edition 1; thence proceeding westwards direct to the commencement of an unnamed tributary of the Lwizilukulu River, at map reference NL937825 on that map; thence south-westwards down that tributary and south-eastwards up that river to the Binga-Siabuwa road; thence south-westwards direct to a point at map reference 35KNL696607 on the 1: 50 000 map Siganda 1727D1, Edition 1; thence south-westwards direct to a point on that road at map reference NL663522 on that map; thence northwards direct to the road-crossing on the Makandabwe River at map reference NL647582 on that map and down that river and north-eastwards along the full-supply level of Lake Kariba to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Chipinge district**

Item 3: Chipinga

Area: 26 100 hectares

The area of land bounded by a line drawn from the point where the Tanganda River is met by the eastern boundary of Sabi Tanganda Estate, up that river to the southern boundary of Tanganda Halt and generally eastwards along the boundaries of the following properties, so as to exclude them: the southern boundary of Tanganda Halt, the south-western and south-eastern boundaries of Drie Span Berg and the south-western boundary of Buffels Drift Estate to its southernmost beacon; thence proceeding generally southwards along the boundaries of the following properties, so as to exclude them: the north-western boundary of Nafferton, the western and south-eastern boundaries of Redwood, the western boundary of Isis, the north-western and south-western boundaries of Horus Annex, the north-western boundary of Vergenoeg of Eureka to theNyamuvava River and down that river to the eastern boundary of Middle Sabi; thence generally northwards along its eastern boundaries and the south-eastern and eastern boundaries of Sabi Tanganda Estate, so as to exclude them, to the starting-point.

**Chiredzi district**

Item 4: Malapati

Area: 15 400 hectares

The area of land bounded by a line drawn from a point on a game-fence at map reference 36KUL286860 on the 1: 50 000 map Buffalo Bend 2131C4, Edition 2, eastwards along that game-fence to the Nuanetsi River; thence proceeding down that river to the easternmost point of the loop in that river (approximately 2,2 kilometres upstream from the Malapati Bridge) at map reference 36KUL403649 on the 1: 50 000 map Malapati 2231A2, Edition 2; thence southwards direct to beacon SNG7 (as shown on plan CG2101, filed in the office of the Surveyor-General, Salisbury); thence south-westwards direct to beacon SNG8 on that plan and south-westwards direct to a point on a game-fence at map reference 36KUL370611 on the 1: 50 000 map Malapati 2231A2, Edition 2; thence south-westwards and north-westwards along that game-fence to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Gokwe district**

Item 5: Chinsa

Area: 171 300 hectares

The area of land bounded by a line drawn from the Tsetse and Trypanosomiasis Control traffic-barrier known as Sipani Gate, at map reference 35KPL484095 on the 1: 50 000 map Chipani Pan 1728C4, Edition 1, generally north-eastwards along the Sessami game-fence to the point where it crosses the Dopota River for the second time, at map reference 35KPL607342 on the 1: 50 000 map Sessami Mission 1728D3, Edition 1; thence proceeding northwards down that river and the Sessami River to a point where it is intersected by a cut line at map reference 35KPL575454 on the 1: 50 000 map Chidomo 1827C2, Edition 1; thence north-westwards along that cut line to the Chirisa track at map reference PL548480 on that map; thence generally westwards along that track to a cut line commencing at the Manyuli road at map reference PL460450 on that map, and generally south-westwards along that cut line to its intersection by a cleared track at map reference 35KPL155274 on the 1: 50 000 map Domwe 1728C3, Edition 1; thence generally southwards along that cleared track to where it is intersected by the northern Sebungwe game-fence at map reference 35KPL089028 on the 1: 50 000 map Tivuli Spring 1828A1, Edition 1; thence eastwards along the northern Sebungwe game-fence to the Link game-fence at map reference PL133031 on that map; thence southwards along the Link game-fence to the southern Sebungwe game-fence at map reference PK115898 on that map; thence south-eastwards and north-eastwards along the southern Sebungwe game-fence to the Sessami game-fence at map reference 35KPL468067 on the 1: 50 000 map Charama 1828A2, Edition 1 and north-eastwards along the Sessami game-fence to the starting-point; as will more fully appear on plan BM41, filed in the office of the Surveyor-General, Bulawayo.

Map references quoted in this description are given to the nearest hundred metres.

**Chegutu district**

Item 6: Hartley

Area: 44 500 hectares

The area of land comprising the properties Valhalla, Hartley 7, Hartley 8 and Hartley 9.

**Nyaminyami district**

Item 7: Sibilobilo A

Area: 2 270 hectares

The areas of land comprising the following islands—

|  |  |  |
| --- | --- | --- |
| *Number of island* | *Name* | *Approximate extent, in hectares* |
| 109 | Weather | 136 |
| 110 | — | 3 |
| 111 | Namagwaba | 649 |
| 117 | Namembere | 1 062 |
| 118 | — | 11 |
| 119 | — | 9 |
| 120 | Balabi | 11 |
| 121 | Partridge | 90 |
| 124 | Nyamurongo | 16 |
| 126 | — | 12 |
| 127 | — | 15 |
| 128 | Lubangwa | 59 |
| 133 | Starvation (or Ukubula) | 197 |

Sibilobilo B

Area: 2 130 hectares

The area of land bounded by a line drawn from a point at map reference 35KPM184316 on the 1: 50 000 map Sengwa Sound 1628C3, Edition 2; thence proceeding generally north-westwards, north-eastwards and south-westwards along the full-supply level of Lake Kariba to a point at map reference PM202341 on that map and south-westwards direct to the starting-point.

**Kariba and Hurungwe districts**

Item 8: Charara

Area: 169 200 hectares

The area of land bounded by a line drawn from the intersection of the Karoi-Chirundu road by the western boundary-line of the former Vuti Purchase Land north-westwards along that road to its intersection by the Makuti-Kariba road; thence proceeding generally south-westwards along that road to its intersection by the Kessesse River at map reference 35KPM97867383 on the 1: 5 000 map Kariba PM9672 and down that river to a point at map reference PM98037309 on that map; thence eastwards direct to a point at map reference PM98527300 on that map and south-westwards direct to a point at map reference 35KPM98107195 on the 1: 5 000 map Kariba PM9670; thence westwards direct to a point on the full-supply level of Lake Kariba (484,64 metres above mean sea-level) at map reference 35KPM97297209 on the 1: 5 000 map Kariba PM9672 and generally south-eastwards and eastwards along that-full-supply level to a point at map reference 35KPM98407106 on the 1: 5 000 map Kariba PM9670; thence northwards direct to a point at map reference PM98407150 on that map and north-eastwards direct to a point at map reference 35KPM98657220 on the 1: 5 000 map Kariba PM9672; thence north-eastwards direct to a point on the southern boundary of the former property Kariba Aerodrome Site at map reference PM98907241 on that map-and eastwards along that boundary to its southernmost beacon; thence eastwards direct to a point on a cut line at map reference PM99307234 on that map and southwards direct to a point on the full-supply level of Lake Kariba at map reference 35KPM99307164 on the 1: 5 000 map Kariba PM9670; thence generally south-eastwards along its full-supply level to its intersection by an unnamed tributary at map reference 35KQMO70696 on the 1: 50 000 map Kariba 1628D2 and up that unnamed tributary to its intersection by the southernmost verge of the Kariba Power-line Service Road at map reference QM082708 on that map; thence generally south-eastwards along that road verge (following the direction of the southernmost power-line) to its intersection by a road at map reference QM108696 on that map and generally southwards along that road to its intersection by the Rifa River at map reference QK102678 on that map; thence down that river to its intersection by the full-supply level of Lake Kariba and generally eastwards and. southwards along that full-supply level to the point where the Gache Gache River enters Lake Kariba; thence up that river to the northern boundary of Kanyati Communal Land and eastwards along the northern boundaries of Kanyati, Urungwe and Nyaodza communal lands to the western boundary of the former Vuti Purchase Land; thence generally northwards along its western boundaries to the starting-point.

This description excludes that portion of Makuti Township Reserve falling within this area.

Map references quoted in this description are given to the nearest 100 metres on the 1: 50 000 map and to the nearest 10 metres on the 1: 5 000 maps.

Item 9: Hurungwe

Area: 289 400 hectares

The area of land bounded by a line drawn from the confluence of the Rukomechi and Fundundi rivers down the Rukomechi River to its confluence with the Nyacharara River; thence proceeding up that river to its confluence with an unnamed river at map reference 35KQN561083 on the 1: 50 000 map Rekometje Research Station 1629A2 and up that unnamed river to a point at map reference QN533079 on that map; thence westwards direct to a point on another unnamed river at map reference QN526080 on that map and down that unnamed river to its confluence with the Mashayenyi River at map reference QN480105 on that map; thence northwards direct to a point on a gravel road at map reference QN479146 on that map and north-eastwards direct to a point at map reference QN495189 on that map; thence north-eastwards direct to a point on the Matupa River at map reference QN519219 on that map and north-eastwards direct to a point 365 metres west of the course of the Rukomechi River at map reference QN553247 on that map; thence generally north-westwards along the western edge of the riverine vegetation of the Rukomechi River, but not closer to the river than a line parallel to and 365 metres west of the course of that river to a point at map reference 35LQN301474 on the 1: 50 000 map Nyakasanga 1529C3 and north-westwards to a point on the Zimbabwe-Zambia international boundary on the Zambezi River approximately 4,8 kilometres downstream from the intersection of that boundary by the Deeds Registry district boundary-line of Kariba: thence up the Zambezi River to a point on that river at map reference 35KPM923753 on the 1: 50 000 map Nyamuomba Island 1628B4 and eastwards direct to a point on the Kessesse River at map reference 35KPM981750 on the 1: 50 000 map Kariba 1628D2; thence down that river to its intersection by the Makuti-Kariba road and generally eastwards and north-eastwards along that road to its junction with the Karoi-Chirundu road; thence south-eastwards along the Karoi-Chirundu road to its intersection by the western boundary of the former Vuti Purchase Land and generally north-eastwards along its western and northern boundaries to the Fundundi River and down that river to the starting-point.

This description excludes—

1. an area of land comprising the properties Chirundu Sugar Estates A and Chirundu Landing Ground, as shown on Diagrams S.G. Nos. 1023/60 and 1896/62, respectively, filed in the office of the Surveyor-General, Salisbury;
2. an area of land bounded by a line drawn from a point on the right bank of the Zambezi River at map reference 35KPN995268 on the 1: 50 000 map Chirundu 1628B2 south-eastwards, southwards, south-westwards and westwards along a series of straight lines through points at map references QN002259, QN002252 and PN992243 on that map to a point on the right bank of the Zambezi River at map reference PN989243 on that map and generally northwards along the right bank of that river to the starting-point;
3. that portion of Makuti Township Reserve falling within this area.

Map references quoted in this description are given to the nearest 10 metres.

**Makonde district**

Item 10: Doma

Area: 94 500 hectares

The area of land bounded by a line drawn from the intersection of the Hunyani River by the southern boundary of Dande Tribal Trust Land, up that river to a point at map reference 36KTS203675 on the 1: 50 000 map Nyungwe 1630C2, published 1963; thence proceeding westwards, north-westwards and south-westwards, through points at map references TS185675 and TS136740, to a point on the north-eastern boundary of the proposed farm Gravelotte at map reference TS068710 on that map; thence generally north-westwards along its north-eastern boundaries, so as to exclude it, to its northernmost beacon; thence northwards direct to a point at map reference 36KTS025737 on the 1: 50 000 map Tchetchenini 1630C1, reprinted 1968, and westwards direct to a point at map reference SS870736 on that map; thence generally south-westwards through a series of points at map references SS869731, SS848727 and SS806664 to a point at map reference SS800610 on that map, and eastwards direct to a point on the south-western boundary of Impala Downs Extension at map reference SS824610 on that map; thence generally south-eastwards along the boundaries of the following properties, so as to exclude them: the south-western boundary of Impala Downs Extension and the western boundaries of Greenvlei Estate to its south-western beacon; thence westwards along the northern boundaries of Glendower, so as to exclude it, to the Angwa River and down that river to its intersection by the southern boundary of Dande Tribal Trust Land; thence generally eastwards along the southern boundaries of Dande Tribal Trust Land, so as to exclude it, to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Shamva district**

Item 11: Umfurudzi

Area: 76 000 hectares

The area of land bounded by a line drawn from the confluence of the Gwetera and Mazoe rivers, up the Mazoe River to the northern boundary of Mumwi and generally eastwards along its northern boundaries so as to exclude it, to the eastern boundary of Beaulieu; thence proceeding generally northwards along the boundaries of the following properties, so as to exclude them: the eastern, south-eastern, north-eastern and northern boundaries of Beaulieu and the eastern boundaries of Phoebus and Rataplan to the north-eastern beacon of the latter and northwards direct to the south-eastern beacon of Gatu; thence north-eastwards along its south-eastern boundary, so as to exclude it, to its north-eastern beacon and north-eastwards direct to a point on an unnamed hill at map reference 36KUS690288 on the 1: 50 000 map Beryl Rose Mine 1631D4, reprinted 1972; thence north-westwards direct to a point on the Gwetera River at map reference US675364 on that map and down that river to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Guruve district**

Item 12: Dande

Area: 52 300 hectares

The area of land bounded by a line drawn southwards from beacon BP4 on the Rhodesia-Moçambique international boundary to latitude 16° south; thence proceeding westwards along the 16° parallel to its interjection by the Mkanga River and up that river to its confluence with an unnamed river at map reference 36LST844301 on the 1: 50 000 map Chimanje 1530C3, Edition 1; thence north-eastwards direct to the highest point on the hill Chimanje and north-eastwards direct to a point on the straight line drawn between hills Chimanje and Membgwe at map reference TT052486 on that map; thence south-eastwards direct to a point on the Mwanzamtanda River at map reference 36LTT080467 on the 1: 50 000 map Kamota 1530C4, Edition 1, and generally eastwards along a series of straight lines through points at map references TT114460, TT134465, TT154459, TT198470 and TT227475 on that map to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Hurungwe district**

Item 13: Chelvore

Area: 339 000 hectares

The area of land bounded by a line drawn from a point on the Rhodesia-Zambia international boundary on the Zambezi River due north of Trigonometrical Beacon No. 219/P, on hill Kapsuku; thence proceeding generally south-eastwards through that beacon on hill Kapsuku and the highest point on hills Chiruwe and Kariwaya to the highest point on hill Membge and south-westwards through the highest point on hill Chimanje to the confluence of the Mkanga River and an unnamed tributary at map reference 36LST844301 on the 1: 50 000 map Chimanje 1530C3, Edition 1; thence down the Mkanga River to its confluence with the Angwa River; thence up the Angwa, Mukwishe, Sapi and Horonga rivers to the commencement of the last-mentioned river, at map reference 35KRM003920 on the 1: 50 000 map Matsikita 1629B4, Edition 1, and north-westwards direct to the highest point on hill Matsikita; thence north-westwards along a direct line to the highest point on hill Chitangazuva to the Chiwore River; thence down that river to the Rhodesia-Zambia international boundary on the Zambezi River; thence eastwards along that boundary to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

Item 14: Sapi

Area: 118 000 hectares

The area of land bounded by a line drawn from the confluence of the Zambezi and Chiwore rivers, up the Chiwore River to its intersection by a road at map reference 35KQN934223 on the 1: 50 000 map Manganyai 1629B1, Edition 1; thence generally westwards along that road to its intersection by another road at map reference QN723256 on that map and generally northwards along that road to its intersection by the Sapi River at map reference 35LQN793523 on the 1: 50 000 map Sapi 1529D3, published 1968; thence down that river to a point on the mouth of the Sapi River at map reference 35LQN763665 on the 1: 50 000 map Mana Pools 1529C2, Chikwenya Island 1529D1, Edition 1, and on an approximate bearing of 16° measured in a clockwise direction from true north to a point on the Zambezi River approximately 1,6 kilometres from the mouth of the Sapi River; thence down the Zambezi River along the Rhodesia-Zambia international boundary to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Hwange district**

Item 15: Deka

Area: 51 000 hectares

The area of land bounded by a line drawn from the intersection of the Victoria Falls-Dett game-fence and the Deka River, up that river to the northern boundary of the Wankie National Park; thence proceeding generally eastwards along its northern boundary to the Bulawayo-Victoria Falls railway line; thence eastwards along the railway line to the south-western beacon of Last Hope Estate of Railway Farm No. 43; thence north-eastwards along its western boundary to the Victoria Falls-Dett game-fence; thence generally north-westwards along that game-fence to the starting-point.

Item 16: Matetsi

Area: 295 500 hectares

The area of land bounded by a line drawn from the intersection of the Victoria Falls-Dett game-fence and the Deka River, north-westwards along that game-fence to a point on the Matetsi River at map reference 35KLK794758 on the 1: 50 000 map Matetsi 1825B4, Edition 1; thence proceeding down that river to a point at map reference LK839790 on that map and generally north-westwards along the Victoria Falls-Dett game-fence to its intersection by the southern boundary of Zambezi National Park; thence westwards and northwards along its southern and western boundaries to the Rhodesia-Zambia international boundary on the Zambezi River and up that river, along the Rhodesia-Zambia international boundary to the Rhodesia-Botswana international boundary; thence generally southwards along the Rhodesia-Botswana international boundary to a point where it is intersected by the prolongation westwards of the northern boundary of the former Deka; thence eastwards along that prolongation to its north-western beacon; thence eastwards along its northern boundary to its north-eastern beacon; thence generally eastwards along the northern boundary of Wankie National Park to the Deka River; thence down that river to the starting-point.

This description excludes—

(a) Matetsi Wild Life Leisure Resort;

(b) Kazuma Pan National Park;

(c) Panda-Masuie Forest Land; and

(d) Kazuma Forest Land.

Map references quoted in this description are given to the nearest hundred metres.

Total extent: 1 897 200 hectares

**FIFTH SCHEDULE (SECTION 41)**

**Part I – Recreational parks on parks and wild life land**

**Binga district**

Item 1: Chibwatata

Area: 6 hectares

The area of land, being Stand 197 Binga Township as shown on Diagram S.G. No. 1734/79, filed in the office of the Surveyor-general, Bulawayo.

Item 2: Kavira

Area: 50 hectares

The area of land bounded by a line drawn from a point on the Mlibizi River on the 1: 50 000 map Masutu 1827A1 at map reference 35KNL129095, eastwards direct to a point at map reference NL135094 on that map; thence proceeding southwards direct to a point at map reference NL135086 on that map; thence westwards direct to a point on that river at map reference NL126087 on that map and northwards down that river to the starting-point.

Map references quoted in this description are given to the nearest hundred metres.

**Binga Nyaminyami and Hwange districts**

Item 3: Lake Kariba

Area: 287 200 hectares

The area of land and inundated land bounded by a line drawn from the point where the Zimbabwe-Zambia international boundary intersects the full-supply level of Lake Kariba at map reference 35KPM881728 on the 1: 50 000 map Kariba 1628D2, Edition 2, generally eastwards, southwards and westwards along that full-supply level to a point at map reference 35KPM876401 on the 1: 50 000 map Sanyati Gorge 1628D4, Edition 2; thence proceeding generally westwards along the northern boundary of Matusadona National Park to a point on that full-supply level at map reference 35KPM784471 on the 1: 50 000 map Matusadona 1628D3, Edition 1; thence generally westwards and south-westwards along that full-supply level to a point at map reference 35KPM516399 on the 1: 50 000 map Bumi Hills 1628C4, Edition 2; thence direct to a point at map reference PM512389 on that map; thence generally southwards up the former course of the Ume River to that full-supply level; thence generally northwards, north-westwards and westwards along that full-supply level to a point on the Zambezi River at map reference 35KML657016 on the 1: 50 000 map Mapeta 1826B1/1726D3, Edition 2; thence northwards direct to a point at map reference ML658022 on that map and generally north-eastwards along the Zimbabwe-Zambia international boundary to the starting-point.

This description excludes the following areas of land—

(a) Sibilobilo Safari Area;

(b) islands 160 to 165 (inclusive);

(c) islands 187 to 190 (inclusive); and

(d) an unnumbered island commonly known as “Rhino Island”.

Map references quoted in this description are given to the nearest hundred metres.

**Kadoma district**

Item 4: Ngezi

Area: 5 800 hectares

The area of land bounded by a line drawn south-westwards direct from the south-eastern beacon of Mambo Ranch to beacon G (as shown on Diagram S.G. No. 374/57, filed in the office of the Surveyor-General, Salisbury) and south-eastwards direct to the northernmost beacon of Lot 3 of Rhodesdale Estate; thence proceeding south-westwards along the north-western boundaries of Lot 3 of Rhodesdale Estate and Manyoni Estates of Rhodesdale Estate, so as to exclude them, to the north-eastern beacon of Silver Star Ranch and generally westwards along its northern boundaries, to as to exclude it, to the Ngezi River; thence down that river to the eastern boundary of Turf Estate and northwards and generally eastwards along its eastern boundary and the southern boundaries of Mambo Ranch, so as to exclude them, to the starting-point.

**Chegutu district**

Item 5: Umfuli

Area: 12 700 hectares

The area of land bounded by a line drawn from the intersection of the Umfuli River by the north-western boundary of Blackmore Vale A, generally south-westwards, westwards and northwards along the boundaries of the following properties, so as to exclude them: the north-western boundaries of Blackmore Vale A and Deweras Extension, the northern boundaries of Rhodesian Plantations, the south-eastern and north-eastern boundaries of Deytheur, the eastern boundary of Dawnways, the north-eastern boundaries of Last Chance, Constantia and Deep Waters and the eastern boundaries of Hartley 6 to the Umfuli River; thence proceeding up that river to the starting-point.

**Chegutu, Makonde and Harare districts**

Item 6: Lake Robertson

Area: 11 200 hectares

The area of land bounded by a line drawn from the northernmost beacon of Lot 1 of Greenside Ranch, generally southwards along the eastern boundaries of the following properties, so as to include them: Lot 1 of Greenside Ranch, Lot 3 of Downend of Charfield A, Lot 1 of California of Eclipse Block, State land (formerly Lot 1 of Audley End of Eclipse Block and Lot 1 of Longwood of Tarnagulla of Eclipse Block) and Lot 1 of Tarnagulla of Eclipse Block to its south-eastern beacon, thence proceeding generally eastwards along the boundaries of the following properties, so as to exclude them: the western, southern and eastern boundaries of Diandra Estate A, the southern and south-eastern boundaries of Jonker Estate and the southern and eastern boundaries of Remainder of Jonker to its north-eastern beacon and generally eastwards along the western, northern and eastern boundaries of State land (formerly Lot 1 of Subdivision B of Jonker) and the northern boundaries of State land (formerly Lot 1 of Subdivision E of Jonker, Lot 1 of Subdivision A of Vergenoeg and Lot 1 of Subdivision B of Vergenoeg), so as to include them, to the Muzururu River; thence generally south-westwards and eastwards along the boundaries of the following properties, so as to exclude them: the northern boundaries of Remainder of Voorspoed, the western boundaries of Lot 2 of Subdivision E of Jonker, the north-western and southern boundaries of Wilbered, the north-western and south-western boundaries of Darwendale 5, the southern boundaries of Wilbered and the south-western boundaries of Aberdeen Estate to its southernmost beacon and generally south-eastwards along the boundaries of the following properties, so as to include them: the northern boundaries of Lot 1 of Subdivision A of Crebilly, the northern and eastern boundaries of Lot 1 of Crebilly, the northern boundaries of Lot 1 of Gowrie and the north-eastern boundaries of Lot 1 of Riverside E to its north-eastern beacon; thence eastwards direct to the westernmost beacon of Remainder of Lot 3 of Clearwater of Subdivision A of Riverside and generally eastwards along the boundaries of the following properties, so as to include them: the north-eastern boundaries of State land (formerly Lot 1 of Lot 3, Lot 1 of Lot 4 and Lot 1 of Lot 5 all of Clearwater of Subdivision A of Riverside), the northern boundary of Lot 6 of Clearwater of Subdivision A of Riverside, the western and northern boundaries of State land (formerly Lot 14 of Clearwater of Subdivision A of Riverside), the north-western boundary of Lot 1 of Lot 9 and the north-western and north-eastern boundaries of Lot 1 of Lot 10 all of Clearwater of Subdivision A of Riverside, the northern boundaries of Robertson 2 and State land (formerly Lot 1 of Lyndhurst) and the northern, eastern and southern boundaries of State land (formerly Lot 2 of Porta) to the middle of the Hunyani River; thence up the middle of that river to the eastern boundary of Robertson 1 and generally westwards along the boundaries of the following properties, so as to include them: the eastern and south-western boundaries of Robertson 1, the southern boundaries of State land (formerly Lot 1 of Galloway) and the southern and western boundaries of Lot 2 of Galloway to its northernmost beacon; thence northwards along the lines joining the high-flood permanent marks 100265, 110266, 100267, 100268, 100269 and 110270 to the southernmost beacon of Lot 1 of Stand 19 Norton Township and generally westwards along the boundaries of the following properties, so as to include them: the south-western boundary of Lot 1 of Stand 19 Norton Township, the southern boundaries of Lot 1 of Endeavour A, the southern boundaries of Remainder of Lot 1 of Endeavour B and the south-eastern and western boundaries of State land (formerly Lot 2 of Marshlands) to its northernmost beacon; thence northwards along the lines, joining the high-flood permanent marks 100288, 100289, 110290 and 100291 to the easternmost beacon of Remainder of Highfield and generally westwards along the boundaries of the following properties, so as to exclude them: the north-eastern boundaries of Remainder of Highfield, the northern and western boundaries of Swandale Estate, the north-eastern boundaries of Clifford Estate, the north-eastern boundaries of Remainder of John O Groat, the northern and western boundaries of Lot 2 of Cressydale, the north-western boundaries of Remainder of John O Groat and the north-eastern and western boundaries of Cressydale Estate to its south-western beacon; thence generally westwards along the eastern, southern and western boundaries of Lot 5 of Hunyani Estate No. 3 and the southern and western boundaries of Remainder of Lazy River, so as to include them, to the middle of the Hunyani River and up the middle of that river to the eastern boundary of Remainder of Roehampton of Hunyani Estate; thence generally north-eastwards along the boundaries of the following properties, so as to exclude them: the eastern boundaries of Remainder of Roehampton of Hunyani Estate, the western and southern boundaries of Remainder of Eclipse Block, the western, southern and eastern boundaries of Remainder of Entre Rios of Eclipse Block and the eastern boundaries of Remainder of Eclipse Block to its northernmost beacon and generally northwards along the boundaries of the following properties, so as to include them: the western boundaries of Lot 1 of Subdivision B of New Burnside, Lot 22 of New Burnside, Lot 1 of Subdivision D of Fishponds and Lot 1 of Greenside Ranch to the starting-point.

This description excludes the area bordered red on plan 11357-H, filed in the office of the Ministry of Lands, Natural Resources and Rural Development, Salisbury.

**Insiza district**

Item 7: Lake Cunningham

Area: 4 172 hectares

The area of land, comprising the surveyed properties Lot 1 of Lancaster, Lot 1 of Kildare, Lot 1 of Fairview Estate, Lot 1 of Chelo, Lot 1 of Reitfontein, Lot 1 of Bradford, Lot 1 of Hamilton, Lot 1 of Mayfair and Insiza Bridge Store Site of Fairview.

This description excludes an area of land, approximately 359 hectares in extent, bordered red on plan LC (RP) 1/80, filed in the office of the Ministry of Natural Resources and Water Development, Salisbury.

**Makonde district**

Item 8: Sinoia Caves

Area: 120 hectares

The area of land bounded by a line drawn south-eastwards from the westernmost beacon of Hillview along its south-western boundary to its-southernmost beacon; thence proceeding south-westwards along the north-western boundary of Olympus Estate to the point where it is intersected by the north-eastern boundary of the road reservation on the Karoi-Sinoia main road and north-westwards along that reservation to the north-western boundary of the former Lot 1 of Highlands; thence generally north-eastwards along the north-western and northern boundaries of the former Lot 1 of Highlands and the south-eastern boundary of the Remaining Extent of Highlands to the starting-point.

**Zaka district**

Item 9: Manjirenji

Area: 3 400 hectares

The area of land bounded by a line drawn from the north-eastern beacon of Manjirenji 1A, generally south-westwards along its north-eastern, north-western and south-western boundaries and the north-western boundary of Ngwane Extension of Glendevon Estate, so as to exclude them, to beacon MD1 of Manjirenji Dam Reserve (as shown on plan CG2199 filed in the office of the Surveyor-General, Salisbury); thence proceeding generally northwards, eastwards and southwards along a series of surveyed straight lines as shown on that plan to the starting-point.

**Zaka and Masvingo districts**

Item 10: Bangala

Area: 2 700 hectares

The area of land bounded by a series of straight lines drawn generally south-eastwards from beacon M20 (as shown on plan RN34, filed in the office of the Surveyor-General, Salisbury) through the following beaconed and unbeaconed points: DR23, R10, R9, R8, DR24, DR25, DR26, DR27, DR28, DR29, DR30, R6, R5, DR31, DR32, R4, R4A, R3, R2 and R1 to M1, as shown on that plan, and generally westwards along a series of straight lines through the following beaconed and unbeaconed points: ROCK, M2, M3, DR1, M4, DR2, M6, M6A, DR3, DR4, M6B, DR5, M7, DR6 and DR7 to DR8, as shown on that plan: thence proceeding generally north-eastwards along a series of straight lines through the following beaconed and unbeaconed points: DR9, M10, M11, DR10, M12, DR11, DR12, DR13, M15, M16, DRl4, DRl5, DR16, DR17, DR18, DR19, M17, M18B, M19, DR20, DR21 and DR22, as shown on that plan, to the starting-point.

This description excludes the property Bangala 1 (as shown on Diagram S.G. No. 681/75 filed in the office of the Surveyor-General, Salisbury).

**Kwekwe district**

Item 11: Sehakwe

Area: 2 600 hectares

The area of land comprising the property Sehakwe Dam Reserve as shown on Diagram S.G. No. 8732/57, filed in the office of the Surveyor-General, Bulawayo.

This description excludes the following areas—

(a)

The Security Area as shown on plan 5116E, filed in the office of the Secretary for Water Development, Salisbury; and

(b)

The Sebakwe Acacia Karoo, Sebakwe Great Dyke and Sebakwe Mountain Acacia botanical reserves.

**Harare district**

Item 12: Robert McIlwaine

Area: 6 180 hectares

The area of land bounded by a line drawn the northernmost beacon of Idaho north-eastwards along the south-eastern boundary of Knockmalloch; Estate of Austria to beacon EC471; thence proceeding along the south-eastern and eastern boundaries of Cumbrae, the south-western boundaries of Subdivision A of Knockmalloch Estate of Austria through beacon EC466 to beacon EC473 (situate on the southern boundary of Railway Strip 141 and Hunyani Siding Reserve); thence along the southern boundary of that railway strip to the middle of the Hunyani River and south-eastwards along the middle of that river to a point opposite the prolongation of the south-eastern boundary-of the Remainder of Cobre of Porta; thence north-eastwards along that prolongation and the south-eastern boundaries of the Remainder of Cobre of Porta, Musimu of Cobre of Porta and Kintyre to beacon BZ21; thence following a surveyed and beaconed line direct through beacons BZ20, BZ22 and BZ14 (situate on the Remainder of Sublime), BZ122, BZ123 and BZ15 (situate on the Remainder of United), BZ33, BZ32, BZ31, BZ30, BZ29, BZ28, BZ27, BZ26, BZ25 and BZ24 (situate on Warwick), BZ60, BZ61 and BZ62 (situate on the Remainder of Oatlands), BZ119, BZ63, BZ64, BZ65, BZ66 and BZ67 (situate on Glenroy), Abn, BZ68, BZ77, BZ76, BZ74 and BZ73 (situate on Poortside), BZ78, BZ79, BZ80, BZ81 and BZ82 (situate on the Remainder of Amalinda) to the middle of the Hunyani River along the prolongation of the lines between beacons BZ86 and BZ82 (situate on the Remainder of Amalinda); thence south-eastwards along the middle of the Hunyani River to a point opposite the prolongation of the western boundary of Cholo of Elladale; thence southwards along that prolongation to beacon BZ117; thence generally westwards along a surveyed and beaconed line direct through beacons BZ96, BZ97, BZ98 and BZ99 (situate on the Remainder of Elladale), BZ104, BZ105, BZ106, BZ1O7 and BZ1O8 (situate on Lot 1 of Subdivision A of Elladale), BZ110, BZ111, BZ112, BZ113, BZ114, BZ115 and BZ116 (situate on the Remainder of Carolina of Elladale); thence generally westwards along the northern and western boundaries of Carolina Extension, the northern boundaries of Cecil and Maine and the north-eastern boundary of Idaho, so as to exclude them, to the starting-point.

**Umzingwane district**

Item 13: Umzingwane

Area: 1 233 hectares

The area of land called Umzingwane Dam Reserve, as shown on Diagram S.G. No. 431/59, filed in the office of the Surveyor-General, Bulawayo.

**Masvingo district**

Item 14: Kyle

Area: 16 900 hectares

The area of land bounded by a line drawn generally south-eastwards from the northernmost beacon of Remainder of Nestadale and along the southern boundaries of the following properties, so as to exclude them: Remainder of Nestadale, Remainder of Desmond Dale, Lot 2 of Nestadale, Remainder of Desmond Dale, Remainder of 13annockburn, Lot 2 of Bannockburn Extension, Remainder of Bannockburn Extension, Remainder of Mlinya, Remainder of Bompst, Barquest Extension and Lot 2 of Bompst, the north-eastern boundary of Lot 2 of Bompst, the eastern boundary of Barquest Extension and the north-eastern boundary of Barquest to its intersection by the Beza Range; thence proceeding north-eastwards along the crest of the Beza Range to the north-western beacon of Shamatera; thence north-eastwards and south-eastwards along the north-western and north-eastern boundaries of Shamatera, so as to include it, to the Mtilikwe River and down that river to the south-eastern boundary of Lot 1 of Subdivision B of Glenlivet and generally south-eastwards along the following properties, so as to exclude them: the south-eastern boundary of Lot 1 of Subdivision B of Glenlivet, the south-western and western boundaries of Remainder of Glenlivet, the western boundary of Lot 4 of Glenlivet and the north-western, south-western and south-eastern boundaries of Lot 2 of Glen Garry of Glenlivet; thence north-eastwards along the southern boundaries of Glengarry Township of Glen Garry of Glenlivet, Remainder of Glen Garry of Gleniivet and the south-western boundary of Cheveden to its intersection by the high flood-level of Lake Kyle; thence generally south-westwards along the high flood-level to beacon C (situated on its eastern shore-line); thence south-westwards for approximately 274 metres along the floating spillway boom to beacon B (situated on the western shore-line of Lake Kyle), and generally south-westwards along the high-flood level through the following beacons: URB2A, NRB2, URB3A, URB3, URB4A, URB4, URB5B, URB5A, URB5, URB6B, URB6A to URB7C (as will more fully appear on plan V-1620-E, filed in the office of the Surveyor-General, Salisbury); thence north-eastwards for approximately 744 metres to a point intersected by the centre-line of the Mtilikwe River and down that river to its intersection by the northern boundary of Remainder of The Retreat; thence south-westwards along that boundary to the easternmost beacon of Subdivision A of The Retreat and generally westwards along the eastern and northern boundaries of the following properties, so as to exclude them: Subdivision A of The Retreat, Clifton of Le Rhone, Remainder of Oatlands, Remainder of Sikate, Remainder of Ivyland, Rebels Ridge Township of Ivyland, Lot 2 of Ivyland, Rebels Ridge Township of Ivyland, Remainder of Ivyland, Remainder of Dindingwe, Lot 2 of Bushmead, Bushmead Township of Bushmead, Lot 2 of Bushmead, Remainder of Bushmead and Remainder of Tilbury to its northernmost beacon; thence north-eastwards along the south-eastern boundary of Junction to the Shagashi River and up the Shagashi and Umpopoyani rivers to the south-western boundary of Remainder of Desmond Dale and eastwards along that boundary to the starting-point.

This description excludes the following areas—

(a) Hydro Island, situated approximately 1,609 kilometres west of the Kyle Dam wall (as will more fully appear on Topographical Map Lake Kyle Sheet No. TN9258, filed in the office of the Surveyor-General, Salisbury); and

(b) an area of land, approximately 29,4 hectares in extent, being the surveyed property Kyle 2 (as shown on Diagram No. S.G. 716/75, filed in the office of the Surveyor-General, Salisbury).

The map reference quoted in this description is given to the nearest hundred metres.

Total extent: 354 261 hectares

**Part II – Recreational parks on Rhodes Estates**

**Matobo district**

Item 1: Lake Matopos

Area: 2 900 hectares

The area of land bounded by a line drawn from the north-eastern beacon of the Remainder of Westacre Creek southwards along the eastern boundary of the Remainder of Westacre Creek to its intersection by a track at map reference 35KPH591462 on the 1: 50 000 map The World’s View 2028B3, Edition 2; thence proceeding generally south-eastwards along that track to its intersection by the southern boundary of the Remainder of Sauerdale Block at map reference PH620439 on that map; thence generally westwards along that southern boundary to its southernmost beacon;-thence generally southwards along the eastern boundary of Hazelside and the south-western boundary of Gulati Communal Land to its intersection by an unnamed stream at map reference PH615363 on that map; thence generally westwards down that stream to its confluence with the Mtsheleli River; thence generally southwards down that river to its confluence with an unnamed stream at map reference PH602356 on that map; thence generally westwards up that stream to a point at map reference PH595352 on that map; thence north-westwards direct to a point on the Matopos Circular Drive where it crosses an unnamed stream at map reference PH589356 on that map; thence generally northwards along that drive to its intersection by a road at map reference PH587406 on that map; thence generally south-westwards along that road to its intersection by the Matopos Circular Drive at map reference PH572399 on that map; thence westwards direct to an unnamed stream at map reference PH568398 on that map;-thence generally westwards down that stream to its intersection by the eastern boundary of the Remainder of Gladstone; thence north-westwards along the eastern boundary of the Remainder of Gladstone, so as to exclude it, to the southern beacon of Lot 1 of Hazelside; thence north-eastwards along the south-eastern boundary of that property and north-westwards along the north-eastern boundary of that property to the northern boundary of Hazelside; thence north-eastwards along that northern boundary to its intersection by the Bulawayo-Kezi Road; thence generally northwards along that road following the old road to its intersection by the Bulawayo-Matopos Research Station Road at map reference PH583459 on that map; thence westwards along that road to the eastern boundary of Rhodes Estate Preparatory School. as shown on plan BM54, filed in the offices of the Surveyor-General, Bulawayo; thence northwards along that boundary to the north-eastern beacon of Rhodes Estate Preparatory School; thence northwards direct to a point on a track at map reference PH578463 on that map; thence generally northwards along that track, so as to include it, to its intersection with a track at map reference PH573484 on that map; thence northwards along that track, so as to include it, to a point at map reference PH574488 on that map on the northern boundary of the remainder of Westacre Creek; thence south-eastwards along that boundary to the starting-point.

Map references quoted in this description are given to the nearest 100 metres.

Total extent: 2 900 hectares

**Sixth Schedule (Section 43)**

**Specially protected animals**

|  |  |  |
| --- | --- | --- |
| **Animals** | | **Areas within which animal may be hunted without a section 37 permit** |
| Mammals - Mammalia | |  |
| 1. | Aardwolf — Proteles cristatus | Wankie district |
| 2. | Bat-eared Fox — Otocyon megalotis |  |
| 3. | Cheetah — Acinonyx jubatus |  |
| 4. | Gemsbok — Oryx gazella |  |
| 5. | Lichtenstein's Hartebeest — Alcelaphus Lichtensteini |  |
| 6. | Pangolin — Manis temmincki |  |
| 7. | Rhinoceros -(a) Black — Diceros bicornis(b) Square-lipped — Ceratotherium simum |  |
| 8. | Roan — Hippotragus equinus |  |
| Reptiles — Reptilia | |  |
| 1. | Python — Python sebae |  |
| Birds — Aves | |  |
| 1. | African Hawk Eagle — Hieraaetus spilogaster |  |
| 2. | All the Bustards and Korhans — Family Otidae |  |
| 3. | All the Cranes — Family Gruidae |  |
| 4. | All the Flamingoes — Family Phoenicoteridae |  |
| 5. | All the Pelicans — Family Pelecanidae |  |
| 6. | All the Storks — Family Ciconiidae |  |
| 7. | All the Vultures — Family Aegypiidae |  |
| 8. | Ayres’ Hawk Eagle —Hieraaetus dubius |  |
| 9. | Bateleur—Terathopius ecaudatus |  |
| 10. | Black Eagle—Aquila verreauxi |  |
| 11. | Black-breasted Snake-Eagle—Circaetus pectoralis |  |
| 12. | Black Sparrowhawk—Accipiter melanoleucus |  |
| 13. | Brown Snake-Eagle—Circaetus cinereus |  |
| 14. | Crowned Eagle—Stephanoaetus coronatus |  |
| 15. | Fish Eagle—Haliaeetus vocifer |  |
| 16. | Hamerkop—Scopus umbretter |  |
| 17. | Lanner Falcon—Falco biarmicus |  |
| 18. | Long-crested Eagle—Lophaetus occipitalis |  |
| 19. | Martial Eagle—Polemaetus bellicosus |  |
| 20. | Osprey—Pandion haliaetus |  |
| 21. | Peregrine—Falco peregrinus |  |
| 22. | Secretary Bird—Sagittarius serpentarius |  |
| 23. | Teita Falcon—Falco fasciinucha |  |
| 24. | Tawny Eagle—Aquila rapax. |  |

**Seventh Schedule (Section 48)**

**Specially protected indigenous plants**

|  |  |  |  |
| --- | --- | --- | --- |
| ***Plants*** | | | ***Areas within which plant may be picked without a section 41 permit*** |
|  | *Common name* | |  |
| *Botanical name* | *English* | *Afrikaans* | *Area* |
| **Adiantaceae**Acristuchum aureum | Mangrove fern |  |  |
| **Amaryllidaceae**Cyrtanthus all speciesDierama all species | HarebellFlowering grass |  |  |
| **Apocynaceae**Adenium obesum (Forsk)Roem et Schult. varmultiflorum (Klotzsch)Pachypodium saundersonii | Sabi StarLundi Star | chitsvosve,mbwayuma,chihumbu |  |
| **Arecaceae**(Palmae)Borassus aethiopum Mart.Raphia farinifera (Gaertn.)Hylander | Borassus palmRaffia palm | muware |  |
| **Asclepiadaceae**Hoodia lugardii N.E. Br.Tavaresia barklyi(Thistleton-Dyer)N.E. Br. |  |  |  |
| **Cupreseaceae**Juniperus procera Endl. | African juniper |  |  |
| **Cyatheaceae**Alsophila, all species | Tree ferns | chitsamva,gombwe |  |
| **Euphorbiaceae**Euphorbia davyi N.E. Br.Euphorbia decidua Bally & LeachEuphorbia memoralis R.A. DyerEuphorbia wildii Leach |  |  |  |
| **Flacourtiaceae**Bivinia jalbertii Tul. | Mutuputupu Tree | mutuputupu |  |
| **Liliaceae**Aloe, all species and natural hybridsGloriosa superba L. | Flame lily | kajongwe,nyakajongwe,amakukhulume,iqhude,unyawulwenkukuhu,matalamanda,gumbo-lewuku |  |
| **Orchidaceae**All species of epiphytic (or lithophytic) orchids |  |  |  |
| **Passifloraceae**Adenia fruticosa Burtt DavyAdenia spinosa Burtt Davy |  |  |  |
| **Polypodiaceae**Platycerium alcicorne Desv. | Staghorn fern |  |  |
| **Zamiaceae**Encephalartos, all species | Cycad |  |  |

**Eighth Schedule (Section 80)**

Problem animals

1. Baboon—Papio spp.

2. Wild or Hunting Dog—Lycaon pictus

3. Spotted Hyena—Crocuta crocuta

4. Black-backed Jackal—Canis mesomelas

**Ninth Schedule (Section 121)**

*Dangerous animals*

Buffalo — Syncerus caffer

Elephant — Loxodonta africana

Hippopotamus — Hippopotarnus amphibius

Leopard — Panthera pardus

*Dangerous animals*

Lion — Panthera leo

Rhinoceros—

1. Black — Diceros bicornis
2. Square lipped — Ceratotherium simum

**Tenth Schedule (Section 122)**

**Prescribed roads**

**Part I**

The principal road—

|  |  |  |  |
| --- | --- | --- | --- |
|  | **From** | **To** | **Via** |
| 1. | Harare | Zambia border | Chinhoyi and Chirundu |
| 2. | Harare | Mozambique border | Muroko and Nyamapanda |
| 3. | Harare | Mozambique border (Forbes border post) | Rusape and Mutare |
| 4. | Harare | Bulawayo-Beitbridge road | Masvingo |
| 5. | Harare | Bulawayo | Gweru |
| 6. | Bulawayo | Republic of South Africa border | Mbalabala and Beitbridge |
| 7. | Bulawayo | Botswana border | Plumtree |
| 8. | Bulawayo | Zambia border | Victoria Falls |
| 9. | Balla Balla | Mutare | Masvingo and Birchenough Bridge |
| 10. | Ngundu | Tanganda |  |
| 11. | Harare | Mount Darwin | Mazowe and Bindura |
| 12. | Mazowe | Mvurwi | — |
| 13. | Harare-Mutoko | Shamva | — |
| 14. | Rusape | Nyanga | — |
| 15. | Harare-Mutare | Juliasdale | — |
| 16. | Birchenough Beitbridge | Mount Selinda | — |
| 17. | Mvuma | Gweru | — |
| 18. | Gweru | Zvishavane | — |
| 19. | Mvurwi | Mount Darwin | Centenary |
| 20. | Makuti | Kariba | — |
| 21. | Lion’s Den | Mhangura | — |
| 22. | Chinhoyi | Chegutu | Gadzema |
| 23. | Chinhoyi | Alaska | — |
| 24. | Banket | Tsatsi | Mutorashanga |
| 25. | Harare-Chinhoyi | Mazowe | Pearson Settlement |
| 26. | Amandas | Glendale | — |
| 27. | Harare | Domboshawa | — |
| 28. | Macheke | Murehwa | — |
| 29. | Rusape-Nyanga Road | Troutbeck | — |
| 30. | Harare-Mutare road | Watsomba | Penhalonga |
| 31. | Mutare | Vumba and Vumba circular drive | — |
| 32. | Mutare-Nasvubgi | Cashel | Lisnacloon |
| 33. | Birchenough Bridge-Mount Selinda Road | Chinanimani | Skyline Junction |
| 34. | Lisnacloon | Skyline Junction | — |
| 35. | Masvinga-Beit Bridge Road | Lake Mutirikwe | Zimbabwe |
| 36. | Chirumanzu on Harare-Beit Bridge Road | Gutu | — |
| 37. | Masvingo-Mbalabala Road | West Nicholson | Mberengwa |
| 38. | Harare-Bulawayo Road | Redcliff | — |
| 39. | Bulawayo | Motapa | Turk Mine and Lonely Mine |
| 40. | Bulawayo | Tsholotsho | Nyamandhlovu |
| 41. | Bulawayo | Antelope | Matopos and Kezi |
| 42. | Bulawayo-Victoria Falls road | Dete | — |
| 43. | Bulawayo-Victoria Falls road | Kamativi | — |
| 44. | Bulawayo-Victoria Falls road | Main Camp (Hwange National Park boundary) | — |
| 45. | Bulawayo | Gwanda | Matopo |
| 46. | Masvingo-Mbalabala Road | Filabusi | — |
| 47. | Masvingo-Mbalabala Road | Gaths Mine | — |
| 48. | Chivhu | The Range | — |
| 49. | Harare-Mutare Road | Odzi | — |
| 50. | Nyazura | Dorowa | — |
| 51. | Headlands | Mayo | — |
| 52. | Harare-Mutare Road | Shiota | Waddilove |
| 53. | Harare-Mutare Road | Goromonzi | — |
| 54. | Harare | New Sarum | Queensway |
| 55. | Harare | Seke | Seke Dam |
| 56. | Harare-Bulawayo Road | Ancient Mariner (Lake Chivero Recreational Park) | — |
| 57. | Harare-Bulawayo Road | Lake Chivero Recreational Park | Old Toll Gate |
| 58. | Harare-Bulawayo road at Hunyani River Bridge | Lake Chivero Recreational Park at railway crossing | — |
| 59. | Harare-Chirundu at Inkomo junction | Harare-Chirundu road | Darwendale |
| 60. | Chegutu | Kadoma | Chakari and Golden Valley |
| 61. | Harare-Bulawayo road | Empress Mine | — |
| 62. | Kwekwe | Mvuma-Gweru | — |
| 63. | Gweru | Silobela | — |
| 64. | Kwekwe | Gokwe | Jombe |
| 65. | Bulawayo | Khami Dam | — |
| 66. | Bindura | Shamva | — |

Part II

All roads within—

1. the area of a municipality or town or local government area in terms of the Urban Councils Act [Chapter 29:15]; or
2. a town ward of a rural district council or an area that has been declared in terms of the Rural District Councils Act [Chapter 29:13] to be a specified area; or
3. the area of a township, village, business centre or industrial area set aside in terms of subsection (1) of section 10 of the Communal Land Act [Chapter 20:04].

**Eleventh Schedule (Section 4(5))**

**Ancillary powers of Authority**

*[Schedule inserted by Act 19 of 2001]*

1. To acquire by lease, purchase, or otherwise, immovable property and to construct buildings thereon.

2. To buy, take in exchange, hire or otherwise acquire movable property, including vehicles, necessary or convenient for the performance of its functions.

3. To maintain, alter and improve property acquired by it.

4. To mortgage or pledge any assets or part of any assets and, with the approval of the Minister, to sell, exchange, let, dispose of, turn to account or otherwise deal with any assets or part of any assets which are not required for the exercise of its functions for such consideration as the Authority may, with the approval ot the Minister, determine.

5. To open hank and building society and post office accounts in the name of the Authority and to draw, make, accept, endorse, discount, execute and issue for the purposes of its functions, cheques, promissory notes, bills of exchange, bills of lading, securities and other instruments.

6. To insure against losses, damages, risks and liabilities which it may incur.

7. To enter into contracts and suretyships or give guarantees in connection with the exercise of its functions and to modify or rescind such contracts or rescind suretyships or guarantees.

8. With the approval of the Minister, to enter into, renew, cancel or abandon arrangements with any government or authority, local or otherwise, that may seem conducive to the exercise of its functions or any of them and to obtain from such government or authority rights, privileges and concessions which the Authority thinks desirable to obtain and carry out, exercise and comply with such arrangements, rights, privileges and concessions.

9. With the approval of the Minister, to raise loans or borrow money in such amounts and for such purposes and under such conditions as may be approved by the Minister.

10. With the approval of the Minister, to enter into joint ventures with any authority in any other country having responsibility for the administration and management of national parks and wild life, or with any public, private or international entity for the purposes of promoting the purposes of this Act.

11. To employ, upon such terms and conditions as the Authority may think fit, such persons as may be necessary for conducting its affairs, and suspend or discharge any such persons.

12. Subject to section 39 of the Audit and Exchequer Act [Chapter 22:03], to pay such remuneration and allowances and grant such leave of absence and to make such gifts and pay bonuses and the like to its employees as the Authority thinks fit.

13. To provide pecuniary benefits for its employees on their retirement, resignation, discharge or other termination of service or in the event of their sickness or injury and for their dependants, and for that purpose to effect policies of insurance, establish pension or provident funds or make such other provision as may be necessary to secure for its employees and their dependants any or all of the pecuniary benefits to which this paragraph relates.

14. With the approval of the Minister, to purchase, take in exchange, hire and otherwise acquire land or dwellings for use or occupation by its employees.

15. To construct dwellings, outbuildings or improvements for use or occupation by its employees on land purchased, taken in exchange, hired or otherwise acquired by the Authority.

16. To sell or let dwellings and land for residential purposes to its employees.

17. With the approval of the Minister, to guarantee loans to its employees or their spouses for the purchase of dwellings or land for residential purposes, the construction of dwellings and the improvement of dwellings or land which are the property of its employees or their spouses.

18. To provide security in respect of loans guaranteed in terms paragraph 17 by the deposit of securities.

19. With the approval of the Minister, to make loans to any employee of the Authority—

(a) for the purpose of purchasing vehicles, tools or other equipment used by him in carrying out his duties; or

(b) not exceeding three months’ salary or wages payable to him, for any purpose;

on such security as the Authority considers adequate.

20. To do anything for the purpose of improving the skill, knowledge or usefulness of its employees, and in that connection to provide or assist other persons in providing facilities for training, education and research and to pay for the aforesaid, where necessary.

21. To provide such services as the Authority considers could properly be provided by the Authority.

22. With the approval of the Minister, to provide financial assistance to any person, association, organisation or institution whose activities are such as to be, in the opinion of the Authority, of benefit to the Authority.

23. Generally, to do all such things as may be necessary, conducive or incidental to the exercise of the powers and the performance of the functions of the Authority under this Act or any other enactment.

**Twelfth Schedule (Section 5(4))**

Provisions applicable to the Board

*[Schedule inserted by Act 19 of 2001]*

1. Interpretation in Twelfth Schedule

In this Schedule—

**“chairman**” or “vice-chairman” means the chairman or vice-chairman of the Board;

“**committee**” means a committee of the Board;

“**Inyanga Estates**” has the meaning assigned to it in the Rhodes Estates Act [Chapter 20:17];

“**Inyanga Fund**” has the meaning assigned to it in the Rhodes Estates Act [Chapter 20:17]:

“**Matopos Estates**” has the meaning assigned to it in the Rhodes Estates Act [Chapter 20:17];

“**Matopos Fund**” has the meaning assigned to it in the Rhodes Estates Act I [Chapter 20:17];

“**member**” means a member of the Board:

“**Rhodes Estates**” means the Inyanga Estates and the Matopos Estates.

2. Disqualification for appointment to Board

(1) The Minister shall not appoint a person as a member and no person shall be qualified to hold office if—

(a) he is not a citizen of Zimbabwe; or

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

(c) he has made an assignment to or arrangement or composition with his creditors in terms of a law in force in any country, and the assignment, arrangement or composition has not been rescinded or set aside; or

(d) within the period of five years immediately preceding his proposed appointment, he has been sentenced—

(i) in Zimbabwe, in respect of an offence involving dishonesty; or

(ii) outside Zimbabwe, in respect of conduct which, if committed in Zimbabwe, would have constituted an offence involving dishonesty.

(2) A person who is—

(a) a member of Parliament; or

(b) a member of two or more other statutory bodies;

shall not be appointed as a member, nor shall he be qualified to hold office as a member.

(3) For the purposes of paragraph (b) of subsection (2)—

(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;

(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 or any statutory body or by a commission established by the Constitution.

3. **Terms and conditions of office of members**

(1) A member shall hold office for such period, not exceeding three years, as the Minister may fix at the time of his appointment.

(2) On the expiry of the period for which a member was been appointed, the member shall continue to hold office until he has been re-appointed or his successor has been appointed:

Provided that a member shall not continue to hold office in terms of this subsection for more than six months,

(3) A person who ceases to be a member shall be eligible for re-appointment: Provided that no person may be re-appointed for a fifth term in office.

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

**4. Vacation of office by members**

(1) A member shall vacate his office and his office shall become vacant—

(a) one month after the date he gives notice in writing to the Minister of his intention to resign his office or after the expiry of such other period of notice as he and the Minister may agree; or

(b) on the date he begins to serve a sentence of imprisonment in Zimbabwe or in any other country; or

(c) if he becomes disqualified in terms of paragraph (a), (b) or (c) of subparagraph ( 1) of paragraph 2, or in terms of subparagraph (2) of that paragraph, to hold office as a member; or

(d) if he is required in terms of subparagraph (2) or (3) to vacate his office as a member.

(2) The Minister may require a member to vacate his office if—

(a) the member has been guilty of conduct which renders him unsuitable to continue to hold office as a member; or

(b) the member has failed to comply with any condition of his office fixed in terms of paragraph 3; or

(c) the member has ceased to possess any qualification by reason of which he was appointed; or

(d) the member is mentally or physically incapable of efficiently performing his duties as a member; or

(e) the member contravenes paragraph 14; or

(f) the member or his spouse engages in any occupation, service or employment, or holds any asset, which in the Minister’s opinion is inconsistent with his duties as a member.

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

**5. Suspension of members**

The Minister—

1. may suspend from office a member against whom criminal proceedings have been instituted in respect of an offence for which a sentence of imprisonment without the option of a fine may be imposed; and
2. shall suspend from office a member who has been sentenced by a court to imprisonment without the option of a fine, whether or not any portion has been suspended, pending determination of the question whether the member is to vacate his office;

and, while that member is so suspended, he shall not carry out any of his duties or be entitled to any remuneration or allowances as a member.

6. **Dismissal of Board**

(1) Subject to subparagraph (2), if the Minister considers that—

(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) whether through disagreements amongst its members or otherwise, the Board is unable to carry out any of its functions in terms of this Act;

the Minister may, by written notice to the chairman copied to the Director-General of the Authority, dismiss all the members of the Board, and their offices shall become vacant as soon as the chairman receives the notice.

(2) Subject to subparagraph (3), if the Minster considers it in the national interest to do so, he may dissolve the Board.

(3) Before dismissing or dissolving 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.

(4) A member who has been dismissed or whose appointment was terminated by the dissolution of the Board in terms of subparagraph (2), shall be eligible for re-appointment.

(5) Where the Minister acts in terms of subparagraph (1) or (2), he shall table a report before the Parliament explaining the reasons for his action within 14 days when Parliament sits next after the dismissal of the members or the dissolution of the Board as the case may be.

7**. Filling of vacancies on Board**

(1) Within three months after a member’s death or vacation of office, the Minister shall, subject to paragraph 2, appoint a person to fill the vacancy.

(2) Within one month after dismissing all the appointed members in terms of paragraph 6, the Minister shall, subject to paragraph 2, appoint persons to fill the vacancies.

8. **Chairman and vice-chairman of Board**

(1) At its first meeting the Board shall elect from among the members appointed in terms of subsection (2) of section three a member to be the chairman of the Board and another member to be vice-chairman of the Board.

(2) The chairman and vice-chairman may at any time, by written notice to the Minister, resign their offices as such.

(3) Within three months after being notified of a vacancy in the office of the chairman or vice-chairman, the Board shall, subject to subparagraph (1), elect a member to fill the vacancy.

(4) The vice-chairman shall perform the functions of the chairman whenever the chairman is unable to perform them or the office of chairman is vacant.

9. **Meetings and procedure of Board**

(1) The Board shall hold its first meeting on a date and place fixed by the Minister, and thereafter shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and procedure as it thinks fit:

Provided that the Board shall meet at least six times in each financial year.

(2) The chairman—

(a) may convene a special meeting of the Board at any time: and

(b) shall convene a special meeting of the Board on the written request of the Minister or not fewer than two members, which meeting shall be convened for a date not sooner than seven days and not later than thirty days after the chairman’s receipt of the request.

(3) Written notice of a special meeting convened in terms of subparagraph (2) shall be sent to each member not later than forty-eight hours before the meeting and shall specify the business for which the meeting has been convened.

(4) No business shall be discussed at a special meeting convened in terms of subparagraph (2) other than—

(a) such business as may be determined by the chairman, where he convened the meeting in terms of subparagraph (a) of subparagraph (2); or

(b) the business specified in the request for the meeting, where the chairman convened the meeting in terms of subparagraph (b) of subparagraph (2).

(5) The chairman or, in his absence, the vice-chairman shall preside at all meetings of the Board:

Provided that, if the chairman and vice-chairman are both absent from any meeting of the Board, the members present may elect one of their number to preside at that meeting as chairman.

(6) The quorum at any meeting of the Board shall be a majority of the members.

(7) Subject to subparagraph (11), anything authorised or required to be done by the Board may be decided by a majority vote at any meeting of the Board at which a quorum is present.

(8) With the approval of the other members, the chairman may invite any person to attend a meeting of the Board or of a committee, where the chairman considers that the person has special knowledge or experience in any matter to be considered by the Board concerned or the committee, as the case may be, at that meeting.

(9) A person invited to attend a meeting of the Board or of a committee in terms of subparagraph (8) may take part in the proceedings of the Board concerned or the committee as if he were a member thereof, but shall not have a vote on any question before the Board concerned or committee, as the case may be.

(10) At all meetings of the Board each member present shall have one vote on any question before the Board:

Provided that—

1. in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to a deliberative vote;
2. no member shall take part in the consideration or discussion of, or vote on, any question before the Board which relates to his vacation of office as a member.

(11) The Director-General shall not take part in the discussion of any question before the Board which involves his tenure of office or conditions of office.

**10. Committees of Board**

(1) For the better exercise of its functions, the Board may establish one or more committees in which it may vest such of its functions as it thinks fit:

Provided that the vesting of a function in a committee shall not prevent the Board from itself exercising that function, and the Board concerned may amend or rescind any decision of the committee in the exercise of that function.

(2) On the establishment of a committee the Board may appoint to the committee persons who are not members of the Board.

(3) The chairman of the Board or of a committee may at any reasonable time and place convene a meeting of that committee.

(4) The procedure of each committee shall be as fixed from time to time by the Board.

(5) Subject to this paragraph, subsections (2) to (7) of paragraph 9 shall apply, mutatis mutandis, to committees and their members as they apply to the Board and its members.

**11. Rhodes Inyanga and Rhodes Matopos Committees**

(1) The Board shall establish—

(a) a committee, to be known as the Rhodes Nyanga Committee, with special responsibility for the Inyanga Estates: and

(b) a committee, to be known as the Rhodes Matopos Committee, with special responsibility for the Matopos Estates.

(2) The Rhodes Nyanga Committee shall consist of—

(a) two members of the Board, one of whom shall be appointed as chairman; and

(b) two members who shall be chosen from a panel of names of persons resident in Zimbabwe submitted by the Nyanga Rural District Council: and

(c) not more than four members chosen for their special interest in or knowledge of the Nyanga Estates of whom—

(i) two shall be nominated by the Minister; and

(ii) one shall represent the interests of the rural community.

(3) The Rhodes Matopos Committee shall consist of—

(a) two members of the Board, one of whom shall be appointed as chairman; and

(b) one member who shall be chosen from a panel of names of persons resident in Zimbabwe submitted by the City Council of Bulawayo; and

(c) one member who shall be chosen from a panel of names of persons resident in Zimbabwe submitted by the Bulawayo Publicity Association or any organization which replaces it; and

(d) not more than four members chosen for their special interest in or knowledge of the Matopos

Estates of whom—

1. two shall be nominated by the Minister; and
2. one shall represent the interests of the rural community.

(4) No person shall be a member of a Committee unless he is qualified to hold office as a member of the Board.

(5) Subsection (5) of section ten shall apply, mutatis mutandis, in relation to any member of a Committee.

**12. Functions of Rhodes Inyanga and Rhodes Matopos Committees**

The functions of a Committee established in terms of paragraph 11 shall be—

1. to examine and report from time to time upon the policy which should be adopted in respect of that portion of the Rhodes Estates for which it has special responsibility;
2. to examine and report upon any proposal which has been referred to it in terms of the Rhodes Estates Act [Chapter 20.17] or any other enactment:
3. to do such other things as it may be required to do by the Board or by or in terms of any enactment.

13. **Reports of Committees established under paragraphs 11**

(1) Where a committee established in terms of paragraph II has prepared a report in respect of any matter mentioned in paragraph 12, the committee shall forward the report to the Board.

(2) The Board shall, after consideration of a report referred to in subsection (1), forward it to the Minister and may attach such statement thereto indicating whether or not it accepts the report, and making such recommendations in regard thereto, as it deems fit:

Provided that the chairman of the Board may, if he thinks fit, circulate any report referred to in subsection (1), together with any proposed statement or recommendation, to each member of the Board and, unless any member objects thereto, may thereafter forward the report, with any statement or recommendation, in terms of this subsection on behalf of the Board.

14. **Members of Board and committees to disclose certain connections and interests**

(1) In this paragraph—

“relative”, in relation to a member of the Board or of a committee, means the member’s spouse, child, parent, brother or sister.

(2) If a member of the Board or of a committee, or a relative of such a member 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 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 interest, property or right referred to in that subsection.

(4) Any person who contravenes subparagraph (2) or (3), shall be guilty of an offence and liable to a fine not exceeding two thousand dollars or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

15. **Members to disclose business interests and assets**

(1) Before any member, including the chairman, performs any function as a member, he shall disclose in writing to the Minister the full extent of—

(a) every occupation, service or employment which he or his spouse engages in for remuneration; and

(b) all assets held by him or his spouse in excess of such value as the Minister, in consultation with the Minister responsible for finance, may specify.

(2) As soon as possible after he or his spouse—

(a) commences any occupation, service or employment for remuneration; or

(b) acquires any asset in excess of such value as the Minister may have specified in terms of subparagraph (b) of subparagraph (1);

a member shall disclose that fact in writing to the Minister.

16. **Minutes of proceedings of Board and of committees**

(1) The Board shall cause minutes of all proceedings of and decisions taken at any meeting of the Board or of a committee to he entered in books kept for the purpose.

(2) Any minutes referred to in subparagraph (1) which purport to he signed, with the authority of the Board or the committee concerned, as the case may be, by the chairman of the meeting to which the minutes relate or by the chairman of the next following meeting, shall be accepted for all purposes as prima facie proof of the proceedings of and decisions taken at that meeting.

17. **Remuneration and allowances of members of Board and of committees**

Members of the Board and of committees shall be paid from the funds of the Authority—

1. such remuneration, if any, as the Minister may fix for members of the Board or members of committees, as the case may be, generally; and
2. such allowances, if any, as the Minister may fix to meet any reasonable expenses incurred by the member in connection with the business of the Board or the committee, as the case may be.

**18. Reports of Board**

(1) The Board shall, as soon as possible after the 31st December in each year, submit to the Minister an annual report on its activities during that year.

(2) The Minister shall lay before Parliament on one of the fourteen days on which Parliament next sits after the report is received by him in terms of subparagraph (1).

**PIG INDUSTRY ACT**

**Chapter 18:15**

**Commenced on 1 February 1960**

[This is the version of this document at 31 December 2016 and includes any amendments published up to 31 December 2017.]

[Note: This version of the Act was revised and consolidated by the Law Development Commission of Zimbabwe]

**AN ACT to establish a Pig Industry Board; to define its functions, duties and powers; to provide for the imposition and collection of levies on pigs produced in Zimbabwe; and to provide for the development of the pig industry in Zimbabwe and for matters incidental thereto.**

**Part I – Preliminary**

**1. Short title**

This Act may be cited as the Pig Industry Act [Chapter 18:15].

**2. Interpretation**

In this Act—

“bacon” means any part of the carcass of a pig, excluding the feet and the offal and all parts of the head except the chaps, which has been salted or smoked or salted and smoked or pickled and smoked;

“bacon factory” means premises where pig carcasses are dressed and cured for the making of bacon or ham for sale or for export from Zimbabwe;

“Board” means the Pig Industry Board established in terms of Part II;

“committee of the Board” means a committee of the Board established in terms of subsection (1) of section nine;

“dealer” includes—

(a) an auctioneer, broker, purchaser, seller or exporter of pigs or pig carcasses and a person engaged in the pig industry as defined in paragraph (b) of the definition of pig industry or in any other trade or industry in which pig carcasses are utilized or treated; and

(b) a marketmaster and a local authority;

and cognate expressions shall be construed by reference, amongst other things, to transactions or operations such as are carried on by persons referred to in paragraph (a) of this definition;

“financial year” means the period of twelve months ending on the 30th June each year;

“Government grader” means a Government grader appointed in terms of subsection (1) of section forty and includes a person exercising or performing any of the powers or duties of a Government grader conferred or imposed upon him in terms of subsection (2) of that section;

“ham” has the meaning assigned to bacon;

“inspector” means an inspector appointed in terms of subsection (1) of section forty and includes a person exercising or performing any of the powers or duties of an inspector conferred or imposed upon him in terms of subsection (2) of that section;

“levy” means the levy prescribed in terms of section twenty-six;

“licence” means a licence issued in terms of section thirty-seven;

“member” means member of the Board;

“Minister” means the Minister of Agriculture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“Ministry” means the Ministry for which the Minister is responsible;

“pig carcass” means the carcass or any part of the carcass of a pig;

“pig industry” includes anything and everything connected with—

(a)

the production, handling, treatment, processing and preparation for market or for export from Zimbabwe of pigs and pig carcasses; and

(b)

the dressing and curing of pig carcasses for the making of bacon or ham;

“Pig Levy Account” means the Pig Levy Account established in terms of section twenty-eight;

“pig products” means pork, bacon, ham and other products for human consumption which are derived from pig carcasses;

“producer” means a person who, by himself or by means of his agents or servants, produces pigs in Zimbabwe;

“regulation” includes an order or notice;

“Secretary” means the Secretary of the Ministry for which the Minister is responsible;

“sell” includes to exchange or dispose of for valuable consideration.

**Part II – Establishment of Board**

**3. Establishment of Board**

There shall be a board to be known as the Pig Industry Board which shall be a body corporate capable of suing and being sued in its corporate name and, subject to this Act, of doing all such acts as a body corporate may by law perform.

**4. Appointment of members**

(1) The Board shall consist of seven members appointed by the Minister after consultation and in accordance with any directions the President may give him.

(2) The Minister shall designate one member as chairman of the Board and one member as vice-chairman of the Board.

(3) A member shall hold office for two years.

(4) A retiring member shall be eligible for reappointment.

(5) A member shall be paid out of the funds of the Board such remuneration and allowances as the Minister may prescribe.

**5. Disqualification for appointment as member**

The Minister shall not appoint a person as a member and no person shall be qualified to hold office as a member who—

(a) 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 discharged; or

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

or

(b) has, within the period of five years immediately preceding the date of his proposed appointment, been convicted—

(i) within Zimbabwe of a criminal offence; or

(ii) outside Zimbabwe of an offence, by whatever name called, which if committed within Zimbabwe would have been a criminal offence;

and sentenced by a court to imprisonment for a term of six months or more, without the option of a fine, whether or not such sentence has been suspended, and has not received a free pardon; or

(c) is a member of Parliament or was, at any time during the period of twelve months ending on the date of his proposed appointment as a member, a member of Parliament.

**6. Vacation of office of member**

A member shall vacate his office and his office shall become vacant—

(a) one month after the date he gives notice in writing to the Minister of his intention to resign his office or after the expiration of such shorter period as he and the Minister may agree; or

(b) thirty days after the date he is sentenced by a court to imprisonment referred to in paragraph (b) of section five after conviction of an offence referred to in that paragraph:

Provided that if, during the said period of thirty days, an application for a free pardon is made or an appeal is filed, the question whether the member is to vacate his office shall not be determined until the final disposal of such application or appeal, whereupon the member shall forthwith vacate his office and his office shall become vacant unless he is granted a free pardon, his conviction is set aside, his sentence is reduced to a term of imprisonment of less than six months or a punishment other than imprisonment is substituted; or

(c) if he becomes disqualified in terms of paragraph (a) or (c) of section five to hold office as a member; or

(d) if he is absent from three consecutive meetings of the Board of which he has had notice without the permission of the chairman; or

(e) if, in the opinion of the Minister, he—

(i) is guilty of improper conduct as a member; or

(ii) is mentally or physically incapable of efficiently performing his duties as a member; or

(iii) does not, after the Board has, in terms of this Act, been ordered by the High Court to remedy a default, take all possible steps to cause compliance to be made with the order; or

(iv) is concerned in, or participates in the profits of, any contract with or work done for the Board, otherwise than as a member, unless—

(A) the contract or work is entered into or done in the ordinary course of the business of the Board; and

(B) he receives no preferential treatment over or more advantageous terms than other members of the public.

**7. Filling of vacancies on Board**

On the death of, or the vacation of office by, a member the Minister may appoint a person to fill the vacancy.

**8. Meetings and decisions of Board**

(1) The Board shall meet together for the dispatch of business and adjourn, close and otherwise regulate its meetings and proceedings as it thinks fit.

(2) The chairman of the Board may himself at any time and shall, at the request in writing of four members, convene a special meeting of the Board.

(3) A notice convening a special meeting of the Board shall state the purposes for which the meeting is to be convened.

(4) If the chairman of the Board is prevented by illness, absence from Zimbabwe or other cause from exercising his functions on the Board, the vice-chairman shall exercise the powers and fulfil the duties and functions of the chairman.

(5) If the vice-chairman notifies the Minister in writing that he is unable to exercise the powers and fulfil the duties and functions of the chairman as in subsection (4) is provided, the Minister may appoint a member, other than the vice-chairman, to act as chairman of the Board and the member so appointed shall exercise the powers and fulfil the duties and functions of the chairman.

(6) If at a meeting of the Board the chairman and the vice-chairman are absent and an acting chairman has not been appointed in terms of subsection (5), the members present may elect one of their number to preside as chairman at the meeting.

(7) Four members shall form a quorum at a meeting of the Board.

(8) All acts, matters or things authorized or required to be done by the Board may be decided by resolution of a meeting at which a quorum is present.

(9) At all meetings of the Board each member present shall have one vote on a question before the Board and, in the event of an equality of votes, the chairman shall have, in addition to a deliberative vote, a casting vote.

**9. Appointment of committees of Board**

(1) For the better exercise of the functions and powers and the performance of the duties of the Board, the Board may, with the consent of the Minister, establish one or more committees of its members in whom may be vested such of the Board’s functions, powers and duties as the Board, with the approval of the Minister, may direct.

(2) The chairman of the Board may at any time and at any place convene a meeting of a committee of the Board.

(3) The procedure of a committee of the Board shall be fixed by the Board.

(4) A committee of the Board shall have power to co-opt persons who are not members.

10. Right of certain officers to attend meetings and take part in proceedings of Board and committees of Board

(1) Such officers of the Ministry, not exceeding two, as the Minister may designate shall, subject to subsection (2), be entitled to—

(a) attend meetings of the Board or of a committee of the Board; and

(b) take part in the proceedings of the Board or of a committee of the Board;

as if they were members.

(2) An officer referred to in subsection (1) shall not have a vote on a question before the Board or a committee of the Board.

**11. Validity of Board’s decisions and acts**

No decision or act of the Board or act done under the authority of the Board shall be invalid by reason only of the fact that—

(a) the Board did not consist of the full number of members for which provision is made in section four; or

(b) a disqualified person acted as a member at the time the decision was taken or the act was done or authorized;

if the decision was taken or the act was done or authorized by a majority of the persons who at the time were entitled to act as members.

**12. Contracts and instruments of Board**

An agreement, contract or instrument may be entered into or executed on behalf of the Board by any person or persons generally or specially authorized by the Board for the purpose.

**Part III – Financial provisions relating to Board**

**13. Establishment and operation of general fund of Board**

The Board shall establish a general fund—

(a) into which all moneys received by the Board shall be paid in the first instance; and

(b) out of which all payments made by the Board shall be paid.

**14. Establishment and operation of general reserve account of Board**

(1) The Board may establish a general reserve account to which may be appropriated from any surplus of revenue over expenditure such sums as the Minister may approve.

(2) Sums appropriated to the general reserve account in terms of subsection (1) may, with the approval of the Minister, be used for such purposes as the Board may consider expedient for the proper exercise and performance of its functions, powers and duties.

**15. Charges to revenue account of Board and investment of moneys in sinking fund**

(1) The Board shall charge to its revenue account all charges which in the normal conduct of business are regarded as proper to be made to revenue account and, in so doing, shall make adequate annual provision, whether by sinking fund or other proper means, for—

(a) the redemption of loans at due times; and

(b) interest on and all other charges and expenses incurred in connection with loans; and

(c) the depreciation or diminution in value of assets.

(2) Moneys in sinking funds established in terms of subsection (1) shall be invested in such manner as the Minister, acting in consultation with the Minister responsible for finance, may approve.

**16. Funds of Board**

The funds of the Board shall consist of—

(a) any moneys granted for the purpose of developing the pig industry in Zimbabwe by any person or authority which the person or authority directs shall be paid to the Board; and

(b) any moneys paid to the Board out of the Pig Levy Account; and

(c) any moneys paid to the Board by virtue of any enactment; and

(d) such other moneys or assets as may vest in or accrue to the Board, whether in the course of its operations or otherwise.

**17. Accounts of Board**

The Board shall cause to be kept proper books of account and other records in relation thereto and to all its operations, works and property.

**18. Appointment of auditors and audit of Board’s accounts**

(1) The Board shall, with the approval of the Minister, appoint one or more persons who are registered as public auditors in terms of the Public Accountants and Auditors Act [Chapter 27:12], hereinafter referred to as the auditors, to examine the accounts of the Board not less than once in each financial year.

(2) The Board shall produce and lay before the auditors all books and accounts of the Board, with all vouchers in support thereof and all books, papers and writing in its possession or control relating thereto.

(3) The auditors shall be entitled to require from all members and all employees of the Board such information and explanations as may be necessary for the performance of their duties as auditors.

(3a) Any member or employee of the Board who fails without just cause to comply with a requirement of an auditor in terms of subsection (3) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[subsection as inserted by section 4 of Act No. 22 of 2001]

(4) All expenses in connection with or incidental to an audit shall be borne and paid by the Board.

**19. Special duty of auditors**

It shall be the duty of the auditors, in addition to the ordinary duties of auditors, to certify not less than once in each financial year whether or not—

(a) the accounts of the Board have been properly kept; and

(b) the accounts of the Board present a true and correct view of the financial position of the Board according to the information and explanations given and the books and records produced to them; and

(c) the Board has complied with their requirements and recommendations.

**Part IV – Functions, duties and powers of Board**

**20. Functions and duties of Board**

The functions and duties of the Board shall be—

(a) to carry out pig research in Zimbabwe and to establish and operate pig litter testing stations; and

(b) to promote and advise the Minister on all matters relating to the production and marketing of pigs; and

(c) to do the things which this Act requires shall be done by the Board and, with the approval of the Minister, to do such other things as are necessary in the opinion of the Board to assist the development of the pig industry in Zimbabwe.

**21. Powers of Board**

(1) Subject to this Act, the Board may, with the approval of the Minister, do all or any of the things specified in the Schedule.

(2) The Minister may approve the exercise by the Board of the power to do a thing specified in the Schedule either generally or specially.

**22. By-laws of Board**

The Board may make by-laws for the good government and conduct of the business of the Board, the conditions of service of the employees of the Board and any other matter in the opinion of the Board necessary or convenient to be provided for the carrying on of the operations of the Board.

**23. Reports of Board**

(1) In addition to the annual report which the Board is required to submit to the Minister in terms of section 44 of the Audit and Exchequer Act [Chapter 22:03], the Board—

(a) may submit to the Minister such other reports as the Board considers advisable; and

(b) shall submit to the Minister such other reports as the Minister may require;

in regard to the pig industry in Zimbabwe and the operations of the Board.

(2) The Minister may lay a report submitted to him by the Board in terms of subsection (1) before Parliament.

**24. Proceedings on failure of Board to comply with Act**

(1) If at any time it appears to the Minister that the Board has failed to comply with this Act, he may, by notice in writing, require the Board to make good the default within a specified time.

(2) If the Board fails to comply with a notice referred to in subsection (1), the Minister may apply to the High Court for an order compelling the Board to remedy the default and the High Court may make such order on the application as it thinks fit.

**Part V – Imposition and collection of levy on pigs**

**25. Application of Part V**

This Part shall not apply in relation to pigs which are—

(a) subject to a levy imposed in terms of the District Development Fund Act [Chapter 29:06]; or

(b) produced by a producer and consumed by him, members of his household or his employees.

**26. Imposition of levy on pigs**

(1) Subject to this Act, there shall be a levy at such rate as the Minister may prescribe on all pigs produced and slaughtered, and such levy may be based upon—

(a) the dead mass of the pigs; or

(b) a percentage of the gross return to the producer of the pigs; or

(c) a percentage of the price paid to the producer of the pigs.

(2) The Minister shall prescribe the persons who shall be responsible for the payment of the levy and the persons who shall be responsible for the collection and remittal of the levy and the manner in and the times at which the levy shall be paid, collected and remitted.

(3) The levy shall be remitted to the Secretary.

(4) Any person who, without lawful excuse, fails or refuses to pay, collect or remit a levy in terms of this Act shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[subsection as inserted by section 4 of Act No. 22 of 2001]

**27. Withdrawal or suspension of levy**

The Minister may at any time, by statutory instrument—

(a) withdraw the levy; or

(b) suspend the collection of the levy;

in whole or in part.

**28. Establishment of Pig Levy Account**

The Minister shall, notwithstanding the Audit and Exchequer Act [Chapter 22:03], establish in respect of the levy a special account to be known as the Pig Levy Account into which shall be paid the proceeds of the levy.

**29. Disposal of levy**

The Minister shall from time to time pay to the Board the amount standing to the credit of the Pig Levy Account.

**30. Summary judgment for levy in criminal proceedings**

(1) On the conviction of a person for an offence of failing or refusing to pay or to collect, or to remit to the Secretary, the levy in terms of this Act, the court convicting the accused may, on the application of the prosecutor and in addition to any penalty which it may inflict, give summary judgment against the accused in favour of the Minister for the amount of the levy to which the offence relates.

(2) A judgment given by a court in terms of subsection (1) shall have the same force and effect and may be executed in the same manner as if the judgment had been given in a civil action instituted in the court.

**31. Recovery of levy**

The Minister may, by civil action in a competent court, recover the amount of the levy which is due in terms of this Act from a person required in terms of this Act to pay the levy or to collect and remit the levy to the Secretary.

**32. Legal costs of Minister**

The costs payable by the Minister in an action referred to in section thirty-one shall be paid from the funds in the Pig Levy Account.

**Part VI – Development of pig industry in Zimbabwe**

**33. Certain pig carcasses to be graded throughout Zimbabwe**

The carcasses of all pigs slaughtered in Zimbabwe for—

(a) export or sale as carcasses; or

(b) making into bacon, ham or other products for human consumption;

shall be graded immediately after slaughter in accordance with this Act.

**34. Minister may define areas in Zimbabwe within which all carcasses to be graded**

The Minister, after consulting the Board, may, by statutory instrument, define areas in Zimbabwe within which, from and after a date specified in the statutory instrument, the carcasses of all pigs slaughtered for sale or export in any form whatsoever shall be graded immediately after slaughter in accordance with this Act.

**35. Duties of Government graders**

A Government grader shall—

(a) examine the quality of each pig carcass liable to be graded in accordance with this Act; and

(b) grade the pig carcass and mark the grade on the carcass in the prescribed manner.

**36. Bacon factories to be licensed**

(1) No person shall use premises as a bacon factory—

(a) unless he holds a licence to use those premises as a bacon factory issued by the Minister; and

(b) otherwise than in accordance with the conditions, if any, contained in the licence.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[subsection substituted by section 4 of Act No. 22 of 2001]

**37. Applications for and issue of licences**

(1) An application for a licence referred to in subsection (1) of section thirty-six shall be made to the Secretary in the form and in the manner prescribed.

(2) The Secretary shall refer an application made in terms of subsection (1) for inquiry and report by the Board.

(3) The Minister shall issue a licence if—

(a) the premises in respect of which the application for the licence is made conform with the specifications and standards prescribed by regulations providing for the matters referred to in paragraph (m) of subsection (2) of section forty-one, and

(b) after—

(i) considering the report of the Board and any representations in writing made by the applicant; and

(ii) taking into account the number of licences issued and the annual pig production in Zimbabwe; and

(iii) consulting the Minister responsible for industry and commerce;

the Minister is of the opinion that the issue of the licence will not adversely affect the development of the pig industry in Zimbabwe.

(4) A licence shall, subject to section thirty-eight, cease to be of force on the 31st December in the year in which it is issued.

**38. Extension of licences**

(1) Subject to subsection (3), the Minister shall, on the application of the holder of a licence, extend the licence from year to year to the 31st December.

(2) An application for the extension of a licence shall be made to the Secretary in the form and in the manner prescribed.

(3) The Minister shall not, unless he is of the opinion that there are special circumstances justifying the extension of the licence, extend a licence if the premises in respect of which the licence was issued—

(a) no longer conform with the specifications and standards prescribed by regulations providing for the matters referred to in paragraph (m) of subsection (2) of section forty-one; or

(b) have not been used by the holder of the licence for dressing and curing pig carcasses for the making of bacon or ham during the period of six months ending on the date application for the extension of the licence is made.

(4) If the holder of a licence applies for an extension of the licence before the 31st December in any year, the licence shall be treated as being of force until the holder is notified in writing by the Secretary that the Minister has refused the application or has extended the licence.

**39. Conditions of licences**

In issuing or extending a licence the Minister may impose such conditions, including a condition requiring the holder of the licence to dress and cure annually a maximum or a minimum number or not more than a maximum or less than a minimum number of pig carcasses for the making of bacon or ham, as in his opinion are necessary to assist the development of the pig industry in Zimbabwe.

**Part VII – General**

**40. Appointment of Government graders and inspectors**

(1) Subject to the law relating to the Public Service, the Minister may, for the purposes of this Act, appoint persons as Government graders or inspectors or as Government graders and inspectors.

(2) The Minister may confer all or any of the powers and impose all or any of the duties of an inspector under this Act upon any police officer or class of police officers.

**41. Regulatory powers of Minister**

(1) The Minister may, by regulation, prescribe all matters which by this Act are required or are permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The Minister may, in the exercise of the powers conferred upon him by subsection (1), provide for—

(a) the registration of producers, dealers and persons who slaughter pigs and the information to be supplied in connection with applications for registration;

(b) the keeping of books, registers and accounts, the furnishing of returns and the supply of information relating to the production and slaughter of and dealings in pigs, pig carcasses and pig products;

(c) the inspection by inspectors of—

(i) pigs, pig carcasses and pig products wherever they may be; and

(ii) books, registers and accounts referred to in paragraph (b); and

(iii) piggeries, bacon factories, land and other premises where pigs, pig carcasses and pig products are produced, handled, treated, processed, prepared, dressed, cured, dealt in or stored;

(d) the seizure by an inspector of books, documents, pigs, pig carcasses or pig products which in the opinion of the inspector may afford evidence of a contravention of this Act and the doing of such other things as may appear to the inspector necessary for ascertaining whether compliance has been made with this Act;

(e) the production to inspectors of licences and of books, registers and accounts, pigs, pig carcasses, and pig products referred to in paragraph (c);

(f) the manner in which the levy shall be assessed and paid and the collection of and the remittal to the Secretary of the levy, including the collection and the remittal to the Secretary of the levy by dealers and persons who slaughter pigs;

(g) the grading and marking of pig carcasses and the naming and designating of the various grades;

(h) the marks to be used by Government graders and the manner of grading and marking pig carcasses;

(i) the grading, marking, packing or invoicing of pig products and the manner in which pig products shall be wrapped or packed so as to indicate the grade of pig from which they are derived;

(j) the prohibition or regulation of the sale, distribution, consignment or delivery of pig carcasses and pig products which have not been graded, marked, packed, wrapped or invoiced in accordance with regulations;

(k) the form and manner in which applications for licences and extensions of licences are to be made and the information to be supplied in connection therewith;

(l) the form of licences and the circumstances in which and conditions subject to which licences shall be issued or extended;

(m) the construction, lay-out and equipment of bacon factories;

(n) the fixing of maximum, minimum or specified prices determined by reference to dead mass and grade or live mass and grade which shall be paid for pigs;

(o) the fees and charges that may be levied for anything issued, supplied, made or done in terms of this Act.

(3) Regulations in terms of subsection (1) may provide penalties for contraventions thereof, but no such penalty shall exceed a fine of level four or imprisonment for a period of three months or both such fine and such imprisonment.

[subsection as inserted by section 4 of Act No. 22 of 2001]

**42. Offences and penalties**

(1) Any person who—

(a) when required to do in terms of this Act, fails or refuses to register as a producer, dealer or person who slaughters pigs; or

(b) without lawful excuse, fails or refuses to furnish a return or to supply information in the manner and in the time prescribed; or

(c) furnishes a false or incomplete return or supplies false or incomplete information for the purposes of this Act;

shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

(2) Any person who—

(a) hinders or obstructs a Government grader or inspector in the performance of his functions in terms of this Act; or

(b) on being directed to do so by an inspector, fails or refuses to produce for the inspector’s inspection any licence or any pig, pig carcass or pig product or any book or record relating thereto which is in his possession or under his control;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(3) Any person who, having slaughtered a pig whose carcass is required to be graded in terms of section thirty-three or thirty-four, fails to have it graded in accordance with this Act shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(4) Any person who—

(a) without lawful excuse, marks on a pig carcass or pig produce a mark identical with a Government grader’s mark or a mark so nearly resembling a Government grader’s mark as to be likely to be mistaken for it; or

(b) forges a Government grader’s mark on a pig carcass or pig product graded in terms of this Act;

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

[section substituted by Act No. 22 of 2001]

**Schedule (Section 21)**

**Powers of Board**

1. To acquire, establish and construct premises necessary or convenient for the exercise of the functions and the performance of the duties of the Board and for this purpose to buy, take on lease or in exchange, hire or otherwise acquire immovable property within Zimbabwe, and interests therein and rights over the same and concessions, grants, rights, powers and privileges in respect thereof, and to act in that connection either absolutely or conditionally and either solely or jointly with others.

2. To buy, take in exchange, hire or otherwise acquire vehicles, machinery, plant, apparatus and other movable property necessary or convenient for the exercise of the functions and the performance of the duties of the Board, and to act in that connection either absolutely or conditionally and either solely or jointly with others.

3. To maintain, alter and improve property acquired by the Board.

4. To apply for, buy or otherwise acquire patents, licences, concessions or the like conferring an exclusive or non-exclusive or limited right to use information or a process which may seem to the Board capable of being used for the purposes of the Board or the acquisition of which may seem to the Board calculated, directly or indirectly, to benefit the Board, and to use, exercise, develop and grant licences in respect of or otherwise turn to account rights, information and processes so acquired.

5. To import, export and deal with pigs for the purposes of conducting pig research, to deliver pigs to persons in Zimbabwe for the purposes of pig research and enter into contracts in connection with the handling, transport, treatment, processing, marking, packing, storing, grading and preparation for market or export from Zimbabwe of pigs, pig carcasses and pig products.

6. To introduce and give effect to measures for—

(a) the improvement of, and the promotion of quality in, pig production in Zimbabwe such as pig recording, litter testing, herd accreditation, boar licensing, premium boar schemes and grants for imported pedigree stock; and

(b) the encouragement by means of advertisements of the consumption of pig products in Zimbabwe.

7. To enter into, renew, cancel or abandon any arrangements with any government or authority, local or otherwise, that may seem conducive to the Board’s objects or any of them, and to obtain from any such government or authority any rights, privileges and concessions which the Board may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.

8. To sell, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with the assets of the Board or any part of the assets of the Board which are not required for the purposes of the Board for such consideration as the Board may determine.

9. In the exercise of the functions or the performance of the duties of the Board to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable and transferable instruments.

10. To insure against losses, damages, risks and liabilities which the Board may incur.

11. To make contracts and to enter into suretyships or give guarantees in connection with the exercise of the functions or the performance of the duties of the Board or the operations of the Board and to modify or rescind such contracts and to modify or rescind such suretyships or guarantees.

12. Subject to the Audit and Exchequer Act [Chapter 22:03], to raise moneys, temporarily or otherwise, by way of loan or by bank overdraft.

13. Subject to the Audit and Exchequer Act [Chapter 22:03], to invest moneys of the Board not immediately required by the Board in such manner as the Board may determine and to vary or realize investments so made.

14. To appoint and employ such managers, technical officers, secretaries, accountants, clerks, workmen and other employees as the Board may consider expedient and necessary for the exercise of the functions or the performance of the duties of the Board and for the purposes of the operations of the Board.

15. To pay such remuneration and allowances, grant such leave of absence and make such gifts, bonuses and the like to persons in the employment of the Board as the Board may consider fit.

16. To provide pecuniary benefits for persons in the employment of the Board on their retirement, resignation, discharge or other termination of service or in the event of their sickness or injury and for their dependants, and for this purpose to effect policies of insurance, establish pension or provident funds or make such other provision as may be necessary to secure for persons in the employment of the Board and their dependants any or all of the pecuniary benefits to which this paragraph relates.

17. To purchase, take on lease or in exchange or otherwise acquire dwelling-houses for occupation by persons in the employment of the Board.

18. To purchase land and construct thereon dwelling-houses for occupation by persons in the employment of the Board.

19. To sell or lease dwelling-houses and land for residential purposes to persons in the employment of the Board.

20. On such terms and conditions as the Board may, with the approval of the Minister responsible for finance, fix—

(a) to advance money to persons in the employment of the Board for the purchase of dwelling-houses or land for residential purposes, the construction of dwelling-houses, the improvement of dwelling-houses or land which are the property of persons in the employment of the Board and the discharge of existing liabilities thereon; and

(b) to guarantee loans made to persons in the employment of the Board or their spouses for the purchase of dwelling-houses or land for residential purposes, the construction of dwelling-houses and the improvement of dwelling-houses or land which are the property of persons in the employment of the Board or their spouses; and

(c) to provide security in respect of loans such as are described in subparagraph (b) by the deposit of securities in which the Board is hereby authorized to invest such moneys it may deem necessary for the purpose.

21. To grant such scholarships or bursaries as the Board considers to be in the interests of the pig industry on such terms and conditions as may be fixed by the Board in each particular case.

22. Generally, to do all such things as are incidental or conducive to the exercise of the functions or the performance of the duties of the Board or are incidental to the powers specified in this Schedule or which are calculated, directly or indirectly, to enhance the value of or develop the operations of the Board.

PREVENTION OF CRUELTY TO ANIMALS ACT

**CHAPTER 19:09**

*Acts 25/1960, 6/1967, 36/1973 (s. 50), 22/1983, 12/1986 (s. 5), 22/2001 (s. 4); R.G.N.s 153/1963, 6/1967.*

ARRANGEMENT OF SECTIONS

*Section*

1. Short title.

2. Interpretation.

3. Offences.

4. Knackers to comply with regulations.

5. Control of pet shops, boarding kennels, etc.

6. Sale and use of poisoned grain prohibited.

7. Custody of animals and vehicles pending proceedings.

8. Court may order destruction of animal.

9. Court may deprive owner of ownership or order disposal of animal.

10. Power of police officer or inspector to remove animal for treatment.

11. Destruction of animal by police officer or inspector.

12. Entry by police officer or inspector.

13. Arrest without warrant.

14. Separate charges in respect of each animal.

15. Appointment of inspectors.

16. Regulations. SCHEDULE Excepted Operations.

**AN ACT to consolidate and amend the law relating to the prevention of cruelty to animals.**

**1. Short title**

This Act may be cited as the Prevention of Cruelty to Animals Act [Chapter 19:09].

**2. Interpretation**

In this Act—

“animal” means—

(a) any kind of domestic vertebrate animal;

(b) any kind of wild vertebrate animal in captivity;

(c) the young of any animal referred to in paragraph (a) or (b);

“inspector” means a person who has been appointed as an inspector in terms of section fifteen;

“knacker” means any person whose trade or business it is to kill any horse, mule, ass, bovine, sheep, goat or pig, the meat of which is primarily intended for animals;

“Minister” means the Minister of Environment and Tourism or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“offence” means an offence under this Act;

“operation” means any operation performed on any animal, with or without the use of instruments, which involves interference with the sensitive tissues or the bone structure of an animal, other than—

(a) the making of injections or extractions by means of a hollow needle; or

(b) an operation included in the Schedule;

“owner”, in addition to its ordinary meaning, includes any person having the charge, custody or control of any animal;

“wild animal” includes wild bird and reptile.

**3. Offences**

(1) Any person who—

(a) cruelly beats, kicks, ill-treats, overrides, overdrives, overloads or tortures any animal or causes any animal so to be used; or

(b) drives or uses any animal which is so diseased or so injured or in such a physical condition that it is unfit to do any work; or

(c) being the owner, abandons any animal or causes or permits any animal to be abandoned; or

(d) by wantonly or unreasonably doing or omitting to do any act or by causing or procuring the commission or omission of any act, causes any unnecessary suffering to any animal; or

(e) wantonly or unreasonably does or causes or procures the commission of any act likely to infuriate or terrify any animal; or

(f) being the owner, permits in any manner aforesaid any unnecessary suffering to be caused to any animal or permits such animal to be infuriated or terrified as aforesaid; or

(g) cruelly or unnecessarily ties up or confines any animal or causes or permits any animal so to be tied up or confined; or

(h) conveys or carries or causes or procures or, being the owner, permits to be conveyed or carried, any animal in such a manner or position as to cause that animal any unnecessary suffering; or

(i) causes, procures or assists at the fighting of any animal, or keeps, uses, manages or acts or assists in the management of any premises or place used for the purpose or partly for the purpose of fighting any animal, or permits any premises or place so to be kept, managed or used, or receives or causes or procures any person to receive any money for the admission of any person to such premises or place; or

(j) without any reasonable cause or excuse, administers or causes or procures, or, being the owner, permits the administration of, any poisonous or injurious drug or substance to any animal or, without any reasonable cause or excuse, causes any such poison or substance to be taken by any animal; or

(k) subjects or causes or procures, or, being the owner, permits to be subjected, any animal to any operation which is performed without due care and humanity;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment,

[subsection as amended by section 4 of Act No. 22 of 2001]

(2) For the purposes of this section, an owner shall be deemed to have permitted cruelty if he has failed to exercise reasonable care and supervision in respect of the protection from such cruelty of any animal which is his property or in his charge.

**4. Knackers to comply with regulations**

(1) Every person who carries on or assists in carrying on the trade or business of a knacker shall observe and conform to any regulations which are applicable to him and, if any such person contravenes or causes or procures or permits any contravention of any such regulation, he shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[subsection as amended by section 4 of Act No. 22 of 2001]

(2) For the purposes of section three, a knacker shall be deemed to be the owner of any animal delivered to him.

(3) For the purposes of this Act an animal shall be deemed to have been delivered to a knacker if it has been delivered either to the knacker himself or to any person on his behalf or at a knacker’s yard.

**5. Control of pet shops, boarding kennels, etc.**

(1) Every person who—

(a) carries on or assists in carrying on in a shop, store or other fixed place of business, the trade or business of selling pets; or

(b) carries on the business of caring for animals belonging to other persons; or

(c) keeps wild animals in captivity;

shall observe and conform to any regulations which are applicable to him, and if any such person contravenes or causes or procures or permits any contravention of any such regulations, he shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[subsection as amended by section 4 of Act No. 22 of 2001]

(2) For the purposes of section three, a person carrying on a trade or business mentioned in paragraph (a) or (b) of subsection (1) shall be deemed to be the owner of any animal accommodated on such premises.

**6. Sale and use of poisoned grain prohibited**

Any person who—

(a) sells, barters or offers or exposes for sale or barter, gives away or causes or procures any person to sell, barter or offer or expose for sale or give away, or knowingly is a party to the sale, barter or offering or exposing for sale or barter or giving away of any grain or seed which he knows has been rendered poisonous except for bona fide use in agriculture or the interests of science; or

(b) knowingly puts or places, or causes or procures any person to put or place or knowingly is a party to the putting or placing, in or upon any land or building, of any poison or any fluid or edible matter, not being sown seed or grain, which he knows has been rendered poisonous;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[subsection as amended by section 4 of Act No. 22 of 2001]

Provided that it shall be a sufficient defence to a charge of contravening paragraph (b) for the person charged to prove that the poison, fluid or edible matter was put or placed for the purpose of destroying insects, pests or vermin where it was necessary to do so for the preservation of buildings or ensuring the comfort of persons there residing or in the interests of public health, agriculture, science or the preservation of other animals or for the purpose of treating or preserving the land, and that all reasonable precautions were taken to prevent injury thereby to any other animal.

**7. Custody of animals and vehicles pending proceedings**

(1) Where a person having charge of a vehicle or animal is apprehended by a police officer for any offence, or where any animal is found by a police officer being treated with cruelty, it shall be lawful for that or any other police officer to take charge of such vehicle or animal, and to remove it or cause it to be removed to and to keep it or cause it to be kept in some place of safe custody until the termination of the proceedings.

(2) Whenever there is reason to believe on reasonable grounds that an offence has been committed in relation to any animal, a magistrate having jurisdiction in the area in which the offence is alleged to have been committed may, by order in writing, authorize any police officer or inspector to seize such animal and to remove it or cause it to be removed to some place of safe custody and there to keep it or cause it to be kept pending the institution of proceedings and the hearing of the charge, if such magistrate is satisfied that such seizure and removal are necessary in order to prevent the animal from being exposed to further cruelty.

(3) The court convicting any person of an offence committed in relation to an animal which has been kept in custody under this section shall, in addition to any penalty it may impose in respect of such offence, forthwith give judgment against the person convicted or, if there are two or more such persons, against any one of them or against two or more of them jointly or severally and in favour of the State or any person under whose custody an animal has been placed for an amount equal to the expenses which the court finds to have been incurred in connection with the seizure and custody of the animal or the vehicle mentioned in subsection (1) or the animal and such vehicle, as the case may be, and any such judgment may be executed in the same manner as if it had been pronounced in the course of civil proceedings.

(4) At the conclusion of any proceedings in respect of an offence committed in relation to an animal which has been kept in custody under this section, such animal may be delivered to the owner thereof or dealt with in such other manner as the court may direct, and any vehicle mentioned in subsection (1) shall be delivered to the owner thereof or to such other person as such owner may nominate.

**8. Court may order destruction of animal**

(1) Where the owner of an animal is convicted of an offence in respect of such animal, the court may, if satisfied that it would be cruel to keep it alive—

(a) direct that the animal be destroyed and assign it to a suitable person for that purpose; and

(b) order that any reasonable expenses incurred in destroying the animal and removing and burying the carcass shall be paid by the owner.

(2) The person to whom an animal has been assigned under subsection (1) shall, as soon as possible, destroy the animal or cause or procure it to be destroyed in his presence without unnecessary suffering.

(3) Any order for the payment of expenses by the owner of an animal under paragraph (b) of subsection (1) may, at the instance of any interested party, be made a civil judgment of the court making the order by lodging a copy of the order certified by the proper officer in such court, and thereupon the order shall be recorded and have the same effect as any civil judgment of such court.

**9. Court may deprive owner of ownership or order disposal of animal**

(1) Where the owner of an animal is convicted of an offence in respect of such animal, the court may, in addition to any other punishment—

(a) deprive such owner of the ownership of the animal and make such order as to the disposal of the animal as it thinks fit; and additionally, or alternatively

(b) order such person to be disqualified, for such period as it thinks fit, from having custody of any animal or of any animal of a kind specified in the order.

(2) A court which has ordered the disqualification of an owner in pursuance of this section may, if it thinks fit, suspend the operation of the order—

(a) for such period as the court thinks necessary for enabling arrangements to be made for the custody of any animal to which the disqualification relates; or

(b) pending an appeal.

(3) If a person has custody of any animal in contravention of an order made in terms of this section he shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[subsection as amended by section 4 of Act No. 22 of 2001]

**10. Power of police officer or inspector to remove animal for treatment**

(1) If a police officer or inspector finds any animal which is so diseased or injured or is suffering in such other way that in his opinion it is desirable that it should receive treatment in order to relieve its suffering, he may, if the owner is absent or refuses to consent to the treatment of the animal, at once summon a veterinary surgeon or, if any veterinary surgeon is within reasonable distance and if the animal can without causing it unnecessary suffering be moved, take it or cause it to be taken to the veterinary surgeon for such treatment.

(2) Any expenses which may reasonably be incurred by reason of any action taken by a police officer or inspector under subsection (1), including the expenses and fees of any veterinary surgeon, may be recovered from the owner as a civil debt.

**11. Destruction of animal by police officer or inspector**

(1) If a police officer or inspector finds any animal so diseased or so severely injured or in such a physical condition that in his opinion it ought to be destroyed, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a veterinary surgeon, if any veterinary surgeon is within reasonable distance, or two responsible persons, and if such veterinary surgeon or such responsible persons, after having duly examined such animal, give a certificate that the animal is mortally injured, or so severely injured or so diseased or in such physical condition that it is cruel to keep it alive, it shall be lawful for the police officer or inspector, without the consent of the owner, to slaughter the animal, or cause or procure it to be slaughtered, with such instruments or appliances and with such precautions and in such manner as to inflict as little suffering as practicable, and if the slaughter takes place on any public road, to remove the carcass or cause it to be removed therefrom:

Provided that if such police officer or inspector has reason to believe on reasonable grounds that the condition of the animal is such that it ought to be destroyed without delay, it shall be lawful for him to slaughter it or to cause or procure it to be slaughtered without obtaining such certificate.

(2) Any expenses which may reasonably be incurred by any police officer or inspector in carrying out the provisions of this section, including the expenses and fees of any veterinary surgeon or the said responsible persons, and whether the animal is slaughtered under this section or not, may be recovered from the owner as a civil debt.

**12. Entry by police officer or inspector**

(1) Any police officer or inspector may enter upon any premises where he has reasonable grounds for believing that such entry is necessary for the prevention, investigation or detection of an offence in terms of this Act.

(2) Any person who hinders or obstructs a police officer or an inspector in the exercise of his functions in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[subsection as amended by section 4 of Act No. 22 of 2001]

**13. Arrest without warrant**

Every person who is suspected on reasonable grounds of having committed an offence may, if there is reason to believe that the ends of justice would be defeated by the delay in obtaining a warrant, be arrested without warrant by a police officer, and shall be brought before a magistrates court and dealt with in accordance with this Act.

**14. Separate charges in respect of each animal**

Separate charges may be brought against any person or persons in respect of each animal if more than one are concerned.

**15. Appointment of inspectors**

(1) The Minister may appoint persons to be inspectors for the purposes of this Act:

Provided that the Minister shall not—

(a) appoint any person who is not an officer or employee in the Public Service without his consent;

(b) appoint any person who is an officer or employee of a Ministry for which the Minister is not responsible, without the consent of the Minister responsible for the Ministry concerned.

(2) An inspector shall be furnished with a certificate signed by or on behalf of the Minister which shall state that the holder has been appointed as an inspector for the purpose of this Act.

(3) An inspector exercising any function in terms of this Act shall on demand by any person concerned produce for inspection the certificate furnished to him in terms of subsection (2).

**16. 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 opinion, are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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

(a) regulating and controlling the manner in which the trade or business of slaughtering animals shall be carried on;

(b) regulating and controlling the manner in which animals may be exhibited and the manner in which the business of selling animals or caring for animals belonging to other persons shall be carried on;

(c) regulating and controlling the manner in, and conditions under which, wild animals shall be kept in captivity;

(d) regulating and controlling the manner in which the business of a horse-riding establishment shall be carried on;

(e) regulating and controlling—

(i) the transportation or movement of animals; and

(ii) the hawking of animals; and

the keeping of domestic animals; and

(f) the registration or licensing of any trade, business or premises referred to in paragraphs (a) and (b) and the payment of fees for such registration or such licensing.

(3) Regulations made in terms of subsection (1) may provide penalties for contraventions thereof, but no such penalty shall exceed a fine of level four or imprisonment for a period of three months or both such fine and such imprisonment.

[subsection as amended by section 4 of Act No. 22 of 2001]

**Schedule (Section 2)**

**Excepted operations**

1. The destruction of any animal by painless methods.

2. Any non-surgical treatment given to an animal by—

(a) its owner; or

(b) a member of the household of which the owner is a member; or

(c) a person in the employment of the owner; or

(d) a person in the employment of a person referred to in subparagraph (b).

3. Any minor operation, being an operation not customarily performed only by a veterinary surgeon, carried out by a person, otherwise than for payment or material advantage, engaged or employed in farming, to any animal used for the purposes of agriculture.

4. Anything done in the course of his duties by a person employed by the State.

5. The rendering in an emergency of first aid for the purpose of saving life or relieving pain.

6. The performance of the following operations—

(a) the docking of the tail of a dog before its eyes are open;

(b) the amputation of the dew claws of a dog before its eyes are open;

(c) the castration by the surgical removal of the testes of any of the following animals—

A. a bull not older than nine months;

B. a ram not older than six months;

C. a billy-goat not older than six months;

D. a boar not older than three months:

Provided that nothing in this paragraph shall be construed as authorizing the performance of any such operation by a person under the age of eighteen years.

7. The performance by a registered medical practitioner of an operation on an animal for the purpose of removing an organ or tissue for use in the treatment of human beings.

8. The carrying out or performance of any operation, treatment or test by a registered medical practitioner or a registered dental surgeon at the request of a veterinary surgeon.

9. The performance by any person of certain operations, treatments and tests, under the direction of a veterinary surgeon as prescribed by regulations.

10. The performance of any operation, treatment or test by a bona fide veterinary student attending a recognized veterinary school and under the personal supervision of a registered veterinary surgeon with whom for the time being, the student is undergoing instruction.

11. The performance or carrying out of an operation, treatment or test by any person licensed in terms of subsection (1) or (5) of section 4 of the Scientific Experiments on Animals Experiments Act [Chapter 19:12].

12. The branding, ear-tagging or tattooing, as the case may be, of any animal.

13. The beak-trimming of any bird:

Provided that not more than one-third of the beak is removed.

REGISTRATION OF PEDIGREE FARM LIVESTOCK ACT

**CHAPTER 19:11**

Act 21/1981, 22/2001 (s. 4).

ARRANGEMENT OF SECTIONS

**Section**

1. Short title.

2. Interpretation.

3. Designated breeds.

4. Rights conferred on Association.

5. Representatives of Ministry to be members of Council of Association.

6. Constitution, rules and regulations of Association.

7. Association may affiliate with similar association.

8. Affiliated breed societies.

9. Approved recording system.

10. Appeals to Minister.

11. False statements and withholding of information in regard to registration.

**AN ACT to confer certain rights on the association known as the Zimbabwe Herd Book and on**

**certain breed societies, to fix the conditions governing such rights, and to provide for the registration and publication of records of the pedigrees of farm livestock; and to provide for matters incidental to or connected with the foregoing.**

[Date of commencement: 1st March, 1982.]

**1 Short title**

This Act may be cited as the Registration of Pedigree Farm Livestock Act [Chapter 19:11].

**2 Interpretation**

In this Act—

“affiliated breed society” means a breed society which has been admitted as a member of the Association in

terms of section eight;

“animal” means an animal born in Zimbabwe or whilst in transit to Zimbabwe, which is of a designated breed;

“Association” means the association known as the Zimbabwe Herd Book;

“breed society” means a body of persons concerned with the registration and recording of pedigrees of any

breed of farm livestock;

“designated breed” means a breed of farm livestock which is declared to be a designated breed in terms of

section three;

“farm livestock” means horses (except thoroughbred horses), cattle, sheep, goats, pigs and poultry;

“Minister” means the Minister of Agriculture or any other Minister to whom the President may, from time to

time, assign the administration of this Act;

“pedigree” means a genealogical linear record of an animal and its ascendants;

“recording system”, in relation to any animal, means a system of recording the pedigree and performance of

that animal.

**3 Designated breeds**

The Minister may, by statutory instrument and on the recommendation of the Association, declare any breed of farm livestock to be a designated breed and may in like manner amend or repeal any such declaration.

**4 Rights conferred on Association**

(1) Subject to this Act, the Association shall have the sole right in Zimbabwe—

(a) to register pedigrees of particular animals;

(b) to issue certificates of registration of particular animals;

(c) to publish pedigrees of particular animals in the form of stud, herd or flock books.

(2) Nothing in subsection (1) shall be construed as prevent –

(a) an affiliated breed society from operating a recording system in respect of any animals and issuing copies of records relating to such system if the system is approved by the Association in terms of section nine;

(b) a breed society which immediately before 1st March, 1982, was operating a recording system in respect of any animals from operating such system and issuing copies of records relating to such system if the system is approved by the Association in terms of section nine.

(3) Any person who issues any certificate purporting to register or state the pedigree of any animal or publishes in any form any pedigree of an animal and thereby infringes the exclusive rights of the Association, as conferred by this section, shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

**5 Representatives of Ministry to be members of Council of Association**

(1) The Minister may appoint not more than two persons employed in his Ministry to be members of the Council.

(2) A person appointed by the Minister in terms of subsection (1) shall have all the rights of a representative of an affiliated breed society who is a member of the Council:

Provided that such person shall not have the right to vote.

(3) In this section—

“Council” means the council of the Association as constituted in terms of its constitution or, if at any time there is no council of the Association, a committee or constituent part of the Association having equivalent powers to the council as so constituted.

**6 Constitution, rules and regulations of Association**

(1) The constitution of the Association and its rules and regulations which were in force immediately

before 1st March, 1982, shall not be amended or repealed without the consent of the Minster.

(2) A copy of—

(a) any proposed amendment or repeal of the constitution, rules or regulations of the Association shall be submitted to the Minister at least thirty days before it is proposed to effect such amendment or repeal;

(b) any amendment or repeal of the constitution, rules or regulations of the Association shall be submitted to the Minister within thirty days after the same has been effected;

(c) the annual report and financial statement as confirmed by the annual general meeting of the Association shall be submitted to the Minister within thirty days after the date of such meeting.

(3) If a copy of any document specified in paragraph (a), (b) or (c) of subsection (2) is not submitted to the Minister within the period specified therein, the Minister may, by notice in writing, direct any office-holder of the Association to submit a copy of the document within such period as he may specify, and such officeholder shall comply with such direction.

**7 Association may affiliate with similar association**

(1) The Association may, with the approval of the Minister, seek affiliation with any similar association outside Zimbabwe.

(2) Any application for affiliation made in terms of subsection (1) shall require the affirmative vote of more than two-thirds of the members present at a general meeting of the Association.

**8 Affiliated breed societies**

(1) Subject to this section, any breed society may apply to the Association for admission as a member of the Association.

(2) Every application referred to in subsection (1) shall be accompanied by a copy of the constitution of the breed society concerned and shall be made in the form and manner set out in the rules and regulations of the Association.

(3) The Association shall consider an application in terms of subsection (1) and—

(a) if it is satisfied that the aims and objects of the breed society concerned and its constitution, rules and regulations are not inconsistent with the constitution, rules and regulations of the Association and the provisions of this Act, shall grant membership to the society and issue it with a membership certificate; (b) if it is not satisfied as specified in paragraph (a), shall refuse the application.

(4) The constitution, rules and regulations of an affiliated breed society shall not be amended or

repealed without the consent of the Association.

(5) A copy of—

(a) any proposed amendment or repeal of the constitution, rules or regulations of an affiliated breed society shall be submitted to the Association at least thirty days before it is proposed to effect such amendment or repeal;

(b) any amendment or repeal of the constitution, rules or regulations of an affiliated breed society shall be submitted to the Association within thirty days after the same has been effected.

(6) If a copy of any document specified in paragraph (a) or (b) of subsection (5) is not submitted to the

Association within the period specified therein, the Association may, by notice in writing, direct any office-holderof the affiliated breed society concerned to submit a copy of the document within such period as it may specify, and such office-holder shall comply with such direction.

**9 Approved recording system**

(1) Any—

(a) breed society which immediately before the fixed date was operating a recording system in respect of any animals; or

(b) affiliated breed society which proposes to operate a recording system in respect of any animals; may apply to the Association for approval of such system.

(2) The Association shall consider any application in terms of subsection (1) and—

(a) if it is satisfied that the system is adequate for recording the pedigrees and performance of animals of the designated breed concerned, shall approve the application and issue a certificate of approval; (b) if it is not satisfied as specified in paragraph (a), shall refuse the application.

(3) No change shall be made to any approved recording system without the consent of the Association.

(4) A notice setting out details of—

(a) any proposed changes to an approved recording system shall be submitted to the Association at least thirty days before it is proposed to effect such changes;

(b) any changes to an approved recording system shall be submitted to the Association within thirty days after the same have been effected.

(5) If a copy of any document specified in paragraph (a) or (b) of subsection (4) is not submitted to the

Association within the period specified therein, the Association may, by notice in writing, direct any office-holder of the breed society or affiliated breed society concerned to submit a copy of the document within such period as it may specify, and such office-holder shall comply with such direction.

**10 Appeals to Minister**

(1) Any person who, or breed society which, is aggrieved by any decision of the Association in terms of section eight or nine may, within one month of such decision, appeal in writing to the Minister.

(2) Upon an appeal made to him in terms of subsection (1) the Minister shall after due inquiry and consultation with the Association—

(a) confirm or reverse the decision of the Association;

(b) refer the matter back to the Association for further consideration:

(c) give such other directions in regard to the matter as he thinks fit; and the decision of the Minister

shall be final.

**11 False statements and withholding of information in regard to registration**

(1) Any person who knowingly makes a false statement in relation to the pedigree of any farm livestock intended for registration with the Association or a breed society in terms of this Act 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.

(2) Any person who wilfully or negligently and without just cause withholds any information which the Association or a breed society has required him to provide for the proper registration in terms of this Act of the pedigree of any farm livestock shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Section substituted by Act 22 of 2001]

STOCK THEFT PREVENTION ACT

**Chapter 9:18**

Commenced on 1 May 1959

[This is the version of this document at 31 December 2016 and includes any amendments published up to 31 December 2017.]

[Note: This version of the Act was revised and consolidated by the Law Development Commission of Zimbabwe]

**AN ACT to consolidate and amend the law relating to theft of stock and produce.**

**1. Short title**

This Act may be cited as the Stock Theft Prevention Act [Chapter 9:18].

[short title amended by section 282 of Act 23 of 2004]

**2. Interpretation**

In this Act—

“produce” means the whole or any part of any skin, hide, horn or egg of stock or any wool or mohair;

“public sale” [definition repealed by section 282 of Act 23 of 2004]

“special jurisdiction” means special jurisdiction on summary trial or on remittal of the case by the Prosecutor-General for trial or sentence;

“stock” means—

(a) any horse, mule, ass, bovine, sheep, goat, pig, poultry, pigeon or chinchilla; or

(b) any domesticated game; or

(c) the carcass or any portion of a carcass of any stock as defined in paragraph (a) or (b) which has been slaughtered.

**3. Application of Act**

(1) This Act shall not apply to—

(a) any carcass of stock or any portion of such a carcass or to any produce which had been cooked or processed at the time it is alleged to have been stolen; or

(b) the carcass or any portion of the carcass of an animal which, at the time of slaughter, was not in the lawful possession of the person from whom such carcass or portion is alleged to have been stolen; or

(c) the theft of any produce from a person other than the owner or person having the lawful custody of the stock from which such produce is derived or obtained.

(2) Subject to subsection (1), this Act shall apply in every case where a person is indicted, summoned or charged in respect of—

(a) the theft of stock or produce; or

(b) receiving any stolen stock or produce, knowing such stock or produce to have been stolen; or

(c) an attempt, conspiracy or incitement to commit an offence referred to in paragraph (a) or (b); or

(d) his being an accessory after the fact to an offence referred to in paragraph (a), (b) or (c);

notwithstanding that this Act is not referred to in the indictment, summons or charge concerned.

**4. \*\*\***

[section repealed by section 282 of Act 23 of 2004]

**5. \*\*\***

[section repealed by section 282 of Act 23 of 2004]

**6. \*\*\***

[section repealed by section 282 of Act 23 of 2004]

**7. Register to be kept by butchers and buyers of skins or hides**

(1) In this section—

“Minister” means the Minister of Justice, Legal and Parliamentary Affairs or any other Minister to whom the President may from time to time assign the administration of this Act;

“stock” means any bovine, sheep or goat, and any reference in this section to “skin” or “hide” shall be construed as a reference to the skin or hide of a bovine, sheep, or goat.

(2) Subject to this section, every butcher and every buyer of skins or hides shall keep a register in which shall be recorded—

(a) the number of skins and hides of stock slaughtered by him; and

(b) the number of skins and hides obtained by him from any other person; and

(c) the names and addresses of all persons from whom he obtained the stock mentioned in paragraph (a) or the skins and hides mentioned in paragraph (b); and (d) particulars of the colour, brands and markings of or on every skin and hide mentioned in this subsection; and (e) such other particulars as the Minister may, by notice in a statutory instrument, prescribe.

(3) The register to be kept in terms of subsection (2) shall be kept in such form as the Minister may, by notice in a statutory instrument, prescribe.

(4) Every butcher and every buyer of skins or hides shall at all reasonable times permit any police officer or owner of stock to inspect the register kept in terms of subsection (2).

(5) Any butcher or buyer of skins or hides who—

(a) fails to keep a register in accordance with subsection (2); or

(b) refuses to permit a police officer or owner of stock to inspect a register kept in terms of subsection (2) or hinders or obstructs any such inspection; or

(c) makes a false entry in a register kept in terms of subsection (2), knowing such entry to be false;

shall be guilty of an offence.

(6) The Minister may, by notice in writing, exempt from the operation of subsections (2) and (4) any butcher or buyer of skins or hides.

(7) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[subsection inserted by section 4 of Act 22/2001.]

**8. \*\*\***

[section repealed by section 282 of Act 23 of 2004]

**9. \*\*\***

[section repealed by section 29 of Act 9 of 2006]

**10. Compensatory fine**

(1) In any case in which a person is convicted of any contravention of subsection (2) of section 114 of the Criminal Law Code, the court may impose a fine upon the person convicted by way of compensation, in addition to any sentence which it may have imposed upon him, if—

(a) the person convicted is of or above the age of eighteen years and is unable to satisfy the court that he has not or is unable to obtain the means of satisfying any fine which may be imposed under this section; and

(b) the court is satisfied that the stock or produce which forms the subject-matter of the charge is the property of some other person; and

(c) the stock or produce has not been recovered or, if recovered, is worth less than its market value at the time of the theft; and

(d) the owner of such stock or produce does not apply under the Criminal Procedure and Evidence Act [Chapter 9:07] for compensation.

[subsection amended by section 3 of Act 6 of 2004 and by section 282 of Act 23 of 2004]

(2) The fine imposed in terms of subsection (1) shall not exceed—

(a) where the stock or produce has not been recovered, an amount equal to the market value of such stock or produce at the time of the theft;

(b) where the stock or produce has been recovered, an amount equal to the difference between the market value thereof at the time of the theft and the value of such stock or produce when it was recovered;

less, in either case, the amount of any compensation which may have been paid to the owner by or on behalf of the person convicted.

(3) A fine imposed in terms of this section may be recovered in the manner provided by section 348 of the Criminal Procedure and Evidence Act [Chapter 9:07], and any amount so recovered shall be paid to the owner of the stolen stock or produce, subject to the owner giving security de restituendo in case the judgment of the court is reversed on appeal or review.

(4) If the court imposes a fine in terms of this section it shall, at the same time, sentence the person convicted to a term of imprisonment not exceeding twelve months in default of payment thereof or recovery thereof in terms of subsection (3).

(5) If some other sentence of imprisonment for the offence has been imposed upon the person convicted, then any sentence of imprisonment imposed in terms of subsection (4) shall be served after the expiration of such other sentence of imprisonment.

(6) In addition to the special jurisdiction conferred in terms of section nine, a magistrate shall have special jurisdiction to impose a fine and sentence of imprisonment in terms of this section.

**11. \*\*\***

[section repealed by section 282 of Act 23 of 2004]

**12. \*\*\***

[section repealed by section 282 of Act 23 of 2004]

TRAPPING OF ANIMALS (CONTROL) ACT

**CHAPTER 20:21**

Acts 34/1973, 14/1975, 19/1978, 32/1979 (s. 6), 49/1981, 20/1982, 11/1984, 8/1988 (s. 164), 22/2001 (s. 4);R.G.N 1135/1975; S.Is 675/1979, 919/1981.

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FIRST SCHEDULE: Class I Traps. SECOND SCHEDULE: Class II Traps. THIRD SCHEDULE: Class III Traps. FOURTH SCHEDULE: Scheduled Offences.

**AN ACT to provide for the control, restriction and regulation of the making, possession and use of certain traps for the purpose of trapping animals; to control the sale and disposal of certain animals; and to provide for matters incidental to or connected with the foregoing.**

[Date of commencement: 1st January, 1974.]

**PART I**

**PRELIMINARY**

**1 Short title**

This Act may be cited as the Trapping of Animals (Control) Act [Chapter 20:21].

**2 Interpretation**

In this Act—

“alienated land” means—

(a) private land; or

(b) land vested in a local authority; or

(c) State land held under an agreement of purchase or lease;

“animal” means any kind of vertebrate animal other than a fish;

“appropriate authority”, in relation to any land, means—

(a) in the case of alienated land—

(i) the owner thereof; or

(ii) where the land is held under an agreement of purchase or lease, the purchaser or lessee

unless the agreement otherwise provides;

and includes any person appointed to be an appropriate authority for the land by such owner,

purchaser or lessee, as the case may be;

(b) in the case of unalienated land which is—

(i) forest land, the Forestry Commission;

(ii) parks and wild life land or State land other than forest land, the Director;

(iii) an area of Communal Land for which the Minister has, in terms of section twenty-four,

appointed a rural district council to be the appropriate authority, that rural district council;

(iv) an area of Communal Land not referred to in subparagraph (iii), the Minister;

“class I trap” means a trap specified in the First Schedule;

“classII trap” means a trap specified in the Second Schedule;

“class III trap” means a trap specified in the Third Schedule;

“conservation committee” means—

(a) a conservation committee appointed for an intensive conservation area in terms of the Natural

Resources Act [Chapter 20:13]; or

(b) a rural district council declared to be a conservation committee for a council area in terms of the

Rural District Councils Act [Chapter 29:13];

“Director” means the Director of National Parks and Wild Life Management;

“honorary officer” means a person appointed as an honorary officer in terms of section twenty-six;

“inspector” means a person designated as an inspector in terms of section twenty-five;

“local authority” means a municipal council, town council, local board or rural district council;

“Minister” means the Minister of Environment and Tourism or any other Minister to whom the President

may, from time to time, assign the administration of this Act;

“nylon” means any line of synthetic plastic material;

“occupier”, in relation to land, means the person in lawful occupation of the land who has the right to exercise general control over the land and resides thereon;

“private land” means land the ownership of which is vested in any person other than the President;

“scheduled offence” means an offence specified in the Fourth Schedule;

“State land” means land vested in the President other than Communal Land;

“unalienated land” means—

(a) forest land; or;

(b) parks and wild life land; or

(c) communal land; or

(d) other land which is not referred to in paragraphs (a), (b) and (c) and which is not—

(i) private land; or

(ii) land vested in a local authority; or

(iii) State land held under an agreement of purchase or lease.

**PART II**

**CLASSIFICATION OFTRAPS**

**3 Classification of traps**

Each of the traps specified in—

(a) the First Schedule is hereby declared to be a class I trap;

(b) the Second Schedule is hereby declared to be a class II trap;

(c) the Third Schedule is hereby declared to be a class III trap.

**4 Minister may amend Schedules**

The Minister may from time to time, by notice in a statutory instrument, add to or amend the First, Second or

Third Schedule or may replace the whole or any part thereof.

**PART III**

**MAKING, POSSESSION AND USE OFCLASS I TRAPS PROHIBITED**

**5 Making, possession and use of class I traps prohibited**

Any person who makes, possesses or uses a class I trap for the purpose of trapping any animal shall be guilty

of an offence and liable to a fine not exceeding level eight or to imprisonment for a period not exceeding three

years or to both such fine and such imprisonment.

[Section as amended by Act No. 22 of 2001]

**PART IV**

**MAKING, POSSESSION AND USE OF CLASS II TRAPS**

**6 Control of class II traps**

Any person who—

(a) makes, possesses or uses a class II trap for the purpose of trapping any animal, except in terms of a

permit granted in terms of section seven; or

(b) fails to comply with any condition of a permit granted to him in terms of section seven;

shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not

exceeding two years or to both such fine and such imprisonment.

[Section as amended by Act No. 22 of 2001]

**7 Permit for class II traps**

(1) Any person who wishes to obtain a permit to make, possess or use a class II trap for the purpose of trapping any animal may make application therefor in writing to the Minister.

(2) The Minister may, subject to such conditions as he may deem fit to impose, grant a permit to any person

to make, possess or use a class II trap for the purpose of trapping any animal:

Provided that the Minister shall not grant such a permit unless he is satisfied that—

(a) the purpose for which the class II trap is required cannot effectively be achieved by any other means;

and

(b) the trapping is necessary for—

(i) scientific purposes; or

(ii) educational purposes; or

(iii) providing specimens for a museum, zoological garden or similar institution; or

(iv) the taking of animals live for the purpose of export or restocking; or

(v) management and control of animal populations; or

(vi) the protection of life or property; or

(vii) any other purpose not inconsistent with subparagraphs (i) to (vi) which, in the opinion of the

Minister, is in the interests of the conservation of animals.

(3) The Minister may, without assigning any reason therefor—

(a) refuse to grant a permit in terms of this section;

(b) at any time cancel any permit granted in terms of this section or amend any existing condition or impose

any new condition thereon.

(4) The Minister shall forthwith give notice in writing to the holder of any permit granted in terms of this section of any action taken by him in terms of paragraph (b) of subsection (3).

(5) The holder of a permit granted in terms of this section shall, upon receipt of any notice given to him in

terms of subsection (4), return the permit concerned to the Minister for cancellation or amendment, as the case

may be.

(6) A holder of a permit granted in terms of this section who fails to comply with the provisions of subsection

(5) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not

exceeding three months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

**PART V**

**MAKING, POSSESSION AND USE OF CLASS III TRAPS**

**8 Interpretation in Part V**

In this Part—

“specially restricted trapping area” means an area of land within Communal Land which has been declared to

be a specially restricted trapping area in terms of section nine.

**9 Declaration of specially restricted trapping areas**

(1) Subject to subsection (3), the Minister may, by notice in a statutory instrument, declare any area of Communal Land to be a specially restricted trapping area for the purpose of this Part.

(2) Subject to subsection (3), the Minister may, by notice in a statutory instrument, amend or revoke any notice made in terms of subsection (1).

(3) Before making a notice in terms of subsection (1) or (2) in respect of any area of Communal Land for

which he is not the appropriate authority, the Minister shall consult the appropriate authority concerned.

**10 Control of class III traps**

(1) Any person who on any land—

(a) makes, possesses or uses a class III trap for the purpose of trapping any animal except in terms of a

permit granted in terms of section eleven by the appropriate authority for the land; or

(b) fails to comply with any condition of a permit granted to him in terms of section eleven;

shall be guilty of an offence unless it is proved that the making, possession or use of the class III trap was intended

for use or was used, as the case may be, for trapping household pests within a building.

(2) Any person who is guilty of an offence under subsection (1) shall be 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.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

11 Permission to make, possess or use class III traps

(1) Subject to this section, the appropriate authority for any land may—

(a) make, possess or use a class III trap at any time on the land; or

(b) grant a permit to any person subject to such conditions as it may deem fit to impose, allowing him or any

other person or any class of persons to make, possess or use a class III trap on the land or any part of the

land.

(2) The appropriate authority for any unalienated land shall not grant a permit in terms of this section—

(a) in respect of land which is constituted a national park in terms of the Parks and Wild Life Act [Chapter

20:14] or in respect of a specially restricted trapping area unless it is satisfied that the purpose for which

the class III trap is required cannot effectively be achieved by any other means and that the trapping is

necessary for—

(i) scientific purposes; or

(ii) educational purposes; or

(iii) providing specimens for a museum, zoological garden or similar institution; or

(iv) the taking of animals live for the purpose of export or re-stocking; or

(v) in the case of a national park, the management of that park; or

(vi) the protection of life or property; or

(vii) any other purpose not inconsistent with subparagraphs (i) to (iv) which, in the opinion of the

Minister, is in the interests of the conservation of animals;

(b) in respect of forest land unless, before issuing such a permit, it has consulted the Minister.

(3) The appropriate authority for any land may, without assigning any reason therefor—

(a) refuse to grant a permit in terms of this section;

(b) at any time cancel any permit granted by it in terms of this section or amend any existing condition or

impose any new condition thereon.

(4) The appropriate authority for any land shall forthwith give notice in writing to the holder of any permit

granted by it in terms of this section of any action taken by it in terms of paragraph (b) of subsection (3).

(5) The holder of a permit granted in terms of this section shall, upon being given notice in terms of subsection (4), return such permit to the appropriate authority for cancellation or amendment, as the case may be.

(6) The holder of a permit granted in terms of this section who fails to comply with subsection (5) shall be

guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding

three months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

**PART VI**

**RESTRICTION OFUSE OF CLASS III TRAPS ON ALIENATED LAND**

**12 Declaration of specially restricted traps**

(1) If a conservation committee considers that on the whole or any part of alienated land within its area the

use of any class III trap or any particular type or size thereof for the purpose of trapping any animal should be

specially restricted, it may recommend to the Natural Resources Board that such trap or such type or size thereof

be declared a specially restricted trap in respect of the land concerned.

(2) Upon receipt of a recommendation in terms of subsection (1), the Natural Resources Board may, after

consideration thereof—

(a) remit the matter to the conservation committee concerned for further consideration; or

(b) reject the recommendation and inform the conservation committee concerned of such rejection; or

(c) approve the recommendation in whole or in part and submit the recommendation, as approved, to the

Minister.

(3) After consideration of a recommendation submitted to him in terms of paragraph (c) of subsection (2), the

Minister may—

(a) remit the matter to the Natural Resources Board for further consideration; or

(b) reject the recommendation and inform the Natural Resources Board accordingly; or

(c) by notice in a statutory instrument, declare the trap or the type or size thereof concerned to be a specially

restricted trap in respect of the land concerned and cause notice of the declaration to be given in a newspaper circulating in the area concerned.

(4) The Minister may, by notice in a statutory instrument, amend or revoke any notice made in terms of paragraph (c) of subsection (3) and shall cause notice thereof to be given in a newspaper circulating in the area concerned.

(5) Any person who, except in terms of a licence issued in terms of subsection (7), uses a specially restricted

trap or permits another to do so for the purpose of trapping any animal on land in respect of which such trap has

been declared to be a specially restricted trap 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.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(6) An owner or occupier of land who wishes to obtain a licence to use a specially restricted trap may make

application therefor in writing to the conservation committee concerned specifying the land on which he wishes to

use such trap, his reasons therefor and by whom the trapping will be done.

(7) Within thirty days of the receipt of an application made to it in terms of subsection (6), a conservation

committee shall—

(a) call upon the applicant to supply such further information in regard to the application as it may specify;

or

(b) refuse the application and state its reasons therefor to the applicant; or

(c) grant the application and issue a licence subject to such conditions as it may deem fit to impose.

(8) Where a conservation committee does not issue a licence within thirty days of receipt of an application

therefor, the application shall be deemed to have been refused on the expiry of such period unless the conservation

committee has given earlier notice to the applicant that it has refused the application:

Provided that where the conservation committee has called for further information in terms of paragraph (a)

of subsection (7), the application shall be deemed to have been refused upon the expiry of the period of thirty days

next following the receipt of such further information unless the conservation committee has, before the expiry of

such period, either issued a licence or given notice to the applicant that it has refused the application.

(9) A conservation committee shall submit to the Natural Resources Board a copy of any application for a licence and any correspondence relating to such application, including a copy of any licence issued or any reason

stated for its refusal to issue a licence.

(10) Any person who is aggrieved by the refusal of a conservation committee to issue a licence or by the inclusion of any condition in such licence may appeal to the Natural Resources Board.

(11) Upon an appeal being made to it in terms of subsection (10), the Natural Resources Board may—

(a) require the conservation committee or the appellant to supply, within such time as it may specify, such

further information relating to the appeal as it may specify; or

(b) dismiss the appeal; or

(c) uphold the appeal and direct the conservation committee to issue a licence upon such conditions as the

Natural Resources Board may specify.

(12) The conservation committee shall forthwith comply with a direction given to it by the Natural Resources

Board in terms of paragraph (c) of subsection (11).

**13 Orders for restriction of use of class III traps**

(1) If a conservation committee considers that on any alienated land within its area class III traps are being

used by or with the permission of the appropriate authority for such land on a scale which is or is likely to be

injurious to wild animal populations in the area. it may give notice in writing to such appropriate authority that it

proposes to recommend to the Natural Resources Board that measures be taken in terms of this section to restrict

the use of such traps to a scale to be specified by the committee in such notice on the land concerned.

(2) A notice referred to in subsection (1) shall invite the appropriate authority concerned to make such representations in writing in the matter as it may wish to the conservation committee concerned within such period,

being not less than thirty days after the giving of the notice, as the conservation committee may specify in the

notice.

(3) After the expiry of the period within which representations were invited to be made to it in terms of subsection (2), the conservation committee shall consider the proposal and any representations made to it and may

submit a recommendation to the Natural Resources Board that steps be taken in terms of this section to restrict the

use of class III traps on the land concerned to a scale to be specified in such recommendation.

(4) Where an appropriate authority for any land on which a notice has been served in terms of subsection (1)

has undertaken in writing to restrict the use of class III traps on the land to such scale as the conservation committee considers satisfactory, the conservation committee may decide not to submit any recommendation to the

Natural Resources Board in terms of subsection (3):

Provided that nothing in this subsection contained shall be construed as preventing the conservation committee from exercising its discretion to submit a recommendation in terms of subsection (3)—

(a) notwithstanding that such a written undertaking has been given; or

(b) where, in the opinion of the conservation committee, the written undertaking has not been complied

with.

(5) On receipt of a recommendation in terms of subsection (3), the Natural Resources Board may, after consideration thereof—

(a) remit the matter to the conservation committee concerned for further consideration; or

(b) reject the recommendation and inform the conservation committee concerned of such rejection; or

(c) approve, in whole or in part, any recommendation made in the report as to the restriction of the use of

class III traps and submit such recommendation, as approved, to the Minister.

(6) After consideration of a recommendation submitted to him in terms of paragraph (c) of subsection (5), the

Minister may—

(a) remit the matter to the Natural Resources Board for further consideration; or

(b) reject the recommendation and inform the Natural Resources Board accordingly; or

(c) by order in a statutory instrument, declare that in respect of the whole or part of the land concerned,

which shall be specified in that order, the use of class III traps shall be restricted to the extent specified

in such order.

(7) The Minister shall cause a copy of any order made in terms of paragraph (c) of subsection (6) to be published in three consecutive issues of a newspaper circulating in the area where any land to which the order relates

is situated and shall cause a copy of the order to be sent to the last known address of the appropriate authority for

the land affected by such order.

(8) The Minister may, by notice in a statutory instrument, amend or revoke any order made in terms of paragraph (c) of subsection (6) and in such event the provisions of subsection (7) shall apply, mutatis mutandis, as if

any reference therein to an order included a reference to such notice.

(9) Any person who uses a class III trap on any alienated land for the purpose of trapping an animal or pe rmits another to do so contrary to the terms of any order made in terms of this section 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.

[Subsection as amended by section 4 of Act No. 22 of 2001]

**14 Powers of entry of conservation committee and Natural Resources Board**

(1) A conservation committee, any member thereof nominated by such committee for the purpose or any pe rson appointed for the purpose by such committee may—

(a) on giving not less than forty-eight hours notice to the occupier of alienated land within the area of the

conservation committee or, if there is no such occupier, to the owner thereof, enter upon such land for

the purpose of investigating and reporting upon wild animals and the trapping of animals on that land:

Provided that the provisions of this paragraph shall not authorize the entry of any dwelling-house

without the consent of the occupier thereof and of the occupier of the land or, if there is no such occupier, of the owner thereof;

(b) require the occupier of alienated land entered upon in terms of paragraph (a) or, if there is no such

occupier, the owner thereof to answer any question relating to wild animals and the trapping of animals

on his land:

Provided that no person shall be required to answer any question put to him in terms of this paragraph if he would be entitled to decline to answer that question were he a witness giving evidence in a

court of law.

(2) The Natural Resources Board, any member thereof nominated by such Board for the purpose or any person appointed for the purpose by such Board may exercise the powers conferred upon a conservation committee

in terms of subsection (1) in respect of any alienated land.

15 Obstruction, etc., of conservation committee and Natural Resources Board

Any person who—

(a) hinders or obstructs a conservation committee, the Natural Resources Board or any member or appointee

thereof in the exercise of the powers conferred upon that conservation committee, the Natural Resources

Board or any member or appointee thereof in terms of this Act; or

(b) fails to answer or gives any answer which he knows to be false or which he does not reasonably believe

to be true to any question which he may lawfully be required to answer in terms of section fourteen; or

(c) makes any false representation or any representation which he does not reasonably believe to be true to

any conservation committee in terms of subsection (2) of section thirteen;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not

exceeding six months or to both such fine and such imprisonment.

[Section as amended by section 4 of Act No. 22 of 2001]

**PART VII**

**EVIDENCE, PREVENTION AND DETECTION OFOFFENCES ANDFORFEITURES**

**16 Evidence and presumptions**

(1) If a person is found making or in possession of a class I, class II or class III trap it shall be presumed,

unless the contrary is proved, that he intended to make or possess such trap for the purpose of trapping an animal.

(2) If a person is found in possession of any animal or the whole or any part of any freshly killed animal and

with a class I, class II or class III trap it shall be presumed, unless the contrary is proved, that he trapped such

animal with such trap.

(3) The burden of proving any fact which would be a defence to a charge of committing any scheduled offence shall lie upon the person charged.

(4) Whenever in any prosecution in respect of a scheduled offence—

(a) the question whether any flesh, whether fresh, dried, unprocessed or partly processed, is or was the flesh

of any particular species of animal is relevant to the issue, such flesh shall be presumed to be or to have

been the flesh of the species of animal stated in the indictment or charge, unless the contrary is proved;

(b) the question whether any unprocessed or partly processed hide or skin, which has been rendered unidentifiable, is or was the hide or skin of any particular species of animal is relevant to the issue, such hide or

skin shall be presumed to be or to have been the hide or skin of the species of animal stated in the indictment or charge, unless the contrary is proved.

(5) Whenever in any proceedings against any person upon a charge alleging that he committed upon any particular piece of land any scheduled offence, it is proved that any act constituting or forming an element of such

offence was committed in or near the locality wherein such piece of land is situated, such act shall be presumed,

unless the contrary is proved, to have been committed upon such piece of land.

(6) Whenever in any prosecution in respect of a scheduled offence it is alleged in any indictment or charge

that the offence was committed in connection with or in respect of any species of animal stated in such indictment

or charge, it shall be presumed, unless the contrary is proved, that the offence was committed in connexion with or

in respect of such species of animal.

(7) In any prosecution in respect of a scheduled offence, any prescribed record, book or document kept by a

prescribed officer or any person authorized thereto under this Act in the course of his duty shall be prima facie

evidence of the facts recorded therein upon its production by the officer or person in whose custody it is.

**17 Powers of police officers and inspectors**

(1) A police officer, or an inspector authorized thereto by the Minister, may—

(a) at all reasonable times enter upon and search any land, premises or place on or in which there is or is on

reasonable grounds suspected to be any class I, class II or class III trap being made, kept or used in contravention of any provision to this Act:

Provided that this paragraph shall not authorize the entry of any premises unless the police officer

or inspector concerned has reasonable grounds for believing that such entry is necessary for the prevention or detection of an offence in terms of this Act or for the lawful arrest of any person and conveys to

any occupant of the premises his reason for entry;

[Paragraph as amended by section 4 of Act No.22 of 2001]

(b) require any person found in possession of or using any class II or class III trap to produce to him any

authority required in terms of this Act in respect of the possession or use of such trap;

(c) subject to subsection (2), seize any trap or other thing which appears on reasonable grounds to afford

evidence of the commission of an offence in terms of this Act:

Provided that the police officer or inspector shall issue a receipt for any trap or other thing seized

in terms of this paragraph to the person from whom such thing was seized;

(d) undertake any other inspection which he may deem necessary to determine whether this Act are being

complied with;

(e) subject to subsection (2), arrest and detain any person who is suspected on reasonable grounds of having

committed any offence in terms of this Act, unless he is satisfied that such person will appear and answer any charge which may be preferred against him.

(2) Every person who is detained and any trap or other thing which is seized in terms of subsection (1) shall

be taken as soon as possible before a court of competent jurisdiction to be dealt with according to law.

(3) Every police officer or inspector shall exercise his powers in terms of this section in such manner as is

likely to cause as little interference with the rights of the public and to cause as little inconvenience to the public

as is reasonably possible in the circumstances.

(4) Any search undertaken in terms of this section shall be conducted with strict regard to decency and order

and, where a woman’s person is searched, shall be conducted by a medical practitioner or by a woman.

[Subsection as amended by section 4 of Act No.22 of 2001]

**18 Special jurisdiction of magistrates courts**

Notwithstanding anything to the contrary contained in any law relating to magistrates courts, a magistrates

court shall have special jurisdiction to impose, in respect of a scheduled offence, the maximum penalty which may

be imposed for that offence in terms of this Act or any other law.

**19 Court shall order payment for trapping of wild animal**

(1) Where a person is convicted of an offence specified in section five, six or ten and—

(a) the person convicted has appropriated or disposed of any wild animal which forms the subject of the

charge and which has not been restored to the land on which it was trapped; or

(b) the commission of the offence has caused the death of a wild animal or has made it necessary or expedient for a wild animal to be killed;

the court shall, in addition to any penalty which it may impose on the person convicted, order him to pay to the

appropriate authority for the land on which the wild animal was trapped such amount as may be specified in terms

of subsection (2) in respect of the wild animal concerned.

(2) The Minister may, by notice in a statutory instrument, specify in respect of different species of wild animals the amount to be imposed in terms of an order made in terms of subsection (1) and may, in like manner,

amend or revoke any such notice.

(3) Sections 348 and 349 of the Criminal Procedure and Evidence Act [Chapter 9:07] shall apply, mutatis

mutandis, in relation to the amount specified in an order made in terms of subsection (1) as if such amount were a

fine referred to in those sections and any amount so recovered shall be paid to the appropriate authority for the

land on which the wild animal was trapped:

Provided that, except where the appropriate authority is in the full-time employment of the State, the appropriate authority shall give security de restituendo in case the judgment of the court which made the order is reversed on appeal or review.

(4) Where an order is made in terms of this section on two or more persons, the liability thereunder shall be

joint and several unless the court, in its order, apportions the amount which each such person shall be required to

pay.

(5) An amount specified in an order made in terms of this section which is received by an appropriate authority for land who in such capacity is in the full-time employment of the State shall be paid into the Consolidated

Revenue Fund or such other fund as the Minister responsible for finance may direct.

**20 Court shall order payment of compensation for trapping of domestic animal**

(1) Where a person is convicted of an offence specified in section five, six or ten and—

(a) the person convicted has appropriated or disposed of any domestic animal which forms the subject

matter of the charge; or

(b) the commission of the offence has caused the death of a domestic animal or has made it necessary or

expedient for a domestic animal to be killed or has caused injury to or deterioration in the condition of a

.domestic animal;

the court shall, in addition to any penalty which it may impose on the person convicted, order him to pay as compensation to the owner of the animal concerned such amount as may, subject to subsection (2), be specified by the

court if—

(i) the court is satisfied that the animal concerned is the property of some other person; and

(ii) the owner of the animal concerned has suffered loss as a result of such appropriation, disposal,

death or deterioration in condition of or injury to the animal concerned; and

(iii) application has not been made in terms of the Criminal Procedure and Evidence Act [Chapter

9:07] for compensation in respect of the offence.

(2) The amount specified in an order made in terms of subsection (1) shall not exceed—

(a) in the case where the animal has not been restored to or recovered by its owner, an amount equal to the

market value of the animal at the time of the offence;

(b) in the case where the animal has been injured or has suffered a deterioration in condition, an amount

equal to the difference between the market value of the animal at the time of the offence and the value of

such injured or deteriorated animal;

less in each case the amount of any compensation which may have been paid to the owner by or on behalf of the

person convicted.

(3) Sections 348 and 349 of the Criminal Procedure and Evidence Act [Chapter 9:07] shall apply, mutatis

mutandis, in relation to the amount specified in an order made in terms of subsection (1) as if such amount were a

fine referred to in those sections and any amount so recovered shall be paid to the owner of the animal concerned:

Provided that the owner shall give security de restituendo in case the judgment of the court which made the

order is reversed on appeal or review.

(4) Where an order is made in terms of this section upon two or more persons, the liability thereunder shall

be joint and several unless the court, in its order, apportions the amount which each such person shall be required

to pay.

**21 Forfeiture**

Where any person is convicted of a scheduled offence, the court shall, unless it considers there are special

circumstances which justify not making such order, order that any article or thing used for the purpose of or in

connection with the commission of the offence shall be forfeited to the State.

**PART VIII**

**GENERAL**

**22 Control of sale, etc., of animals trapped**

(1) Notwithstanding the trapping, in terms of this Act or in terms of a permit or licence granted in terms of

this Act, of any animal as defined in section 2 of the Parks and Wildlife Act [Chapter 20:14], the sale or disposal

of such animal or the whole or any part of the carcass thereof shall be subject to the Parks and Wildlife Act

[Chapter 20:14].

(2) No person shall sell or dispose of any animal or the whole or any part of the carcass thereof which he has

trapped in contravention of any of the provisions of this Act.

(3) Any person who contravenes subsection (2) 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.

[Subsection as amended by section 4 of Act No.22 of 2001]

**23 Appointment of appropriate authority**

(1) The Minister may, by notice in a statutory instrument, appoint a rural district council to be the appropriate

authority for such area of Communal Land as may be specified in such notice and may in like manner amend or

revoke such appointment.

(2) Where, by virtue of a notice made in terms of subsection (1), the appropriate authority for any area of

Communal Land is changed, any permit granted by the previous appropriate authority which was of force and

effect immediately before the date of commencement of the notice shall remain of force and effect and be subject

to amendment or cancellation as if it had been granted by the new appropriate authority.

**24 Appointment of inspectors**

(1) The Minister may designate the persons or classes of persons employed in the Public Service who shall

be inspectors for the purpose of exercising the powers and performing the duties conferred and imposed upon

inspectors in terms of this Act:

Provided that the Minister shall not designate persons employed in any Ministry the administration of which

has not been assigned to him without the consent of the Minister to whom the administration of that Ministry has

been assigned.

(2) An inspector shall be furnished with a certificate signed by or on behalf of the Minister which shall state

that the holder has been designated as an inspector for the purposes of this Act.

(3) An inspector exercising any power or performing any duty conferred or imposed upon him by this Act or

about to do so shall, on demand by any person concerned, produce the certificate issued to him in terms of subsection (2).

**25 Delegation of powers**

(1) The Minister may delegate to the Director such of the powers conferred upon him in terms of this Act as

he thinks fit.

(2) All powers delegated to the Director by the Minister in terms of subsection (1) shall be exe rcised subject

to the directions of the Minister.

(3) The Director may, with the consent of the Minister, delegate to inspectors and other persons employed in

any Ministry, the administration of which has been assigned to the Minister, such of the powers delegated to him

as he thinks fit.

(4) All powers delegated to an inspector or employee by the Director in terms of subsection (3) shall be exercised subject to the directions of the Director.

**26 Honorary officers**

(1) The Minister may appoint fit and proper persons to be honorary officers to assist him in the carrying out

of this Act.

(2) An honorary officer shall have such powers as may be prescribed:

Provided that such powers shall not be greater than the powers conferred upon an inspector in terms of this

Act.

(3) An honorary officer shall hold office at the pleasure of the Minister.

(4) An honorary officer shall be furnished with a certificate signed by or on behalf of the Minister which

shall state that the holder has been appointed as an honorary officer for the purpose of this Act.

(5) An honorary officer exercising any power or performing any duty conferred or imposed upon him by this

Act or about to do so shall, on demand by any person concerned, produce the certificate issued to him in terms of

subsection (4).

**27 Appeal against decision of appropriate authority for unalienated land**

(1) Any person who is aggrieved by any decision of an appropriate authority, other than the Minister, for unalienated land in refusing to grant or cancelling or imposing any condition in respect of a permit referred to in

section eleven may appeal against that decision to the Minister.

(2) Upon an appeal being made to him in terms of subsection (1), the Minister may uphold the decision of the

appropriate authority or make an order directing the appropriate authority to grant a permit in terms of section

eleven or to delete or amend all or any of the conditions imposed in respect of such permit.

**28 Personation**

Any person who—

(a) falsely represents himself to be an inspector or honorary officer; or

(b) without lawful excuse displays any certificate or other document of appointment authorized or required

in terms of this Act or so nearly resembling such certificate or document as to be likely to deceive;

shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not

exceeding three months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No.22 of 2001]

**29 Obstruction**

Any person who—

(a) hinders or obstructs an inspector or honorary officer in the exercise or performance of his powers or

duties in terms of this Act; or

(b) fails or refuses without sufficient cause to answer or to answer fully and satisfactorily to the best of his

knowledge and belief any question put to him by an inspector or honorary officer in the exercise of his

powers or the performance of his duties;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not

exceeding six months or to both such fine and such imprisonment.

[Section as amended by section 4 of Act No.22 of 2001]

**30…**

[Section repealed by section 4 of Act No.22 of 2001]

**31 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 opinion, are necessary or convenient to be prescribed for carrying out or giving

effect to the provisions of this Act.

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

(a) forms of applications, permits and returns and other forms that may be required for the purposes of this

Act;

(b) the officers to whom applications for permits may be made;

(c) regulating, controlling, restricting or prohibiting the sale of any net, gin, trap, snare or similar contrivance which may be used in the trapping of animals;

(d) the fees, if any, to be paid for a permit granted in terms of this Act;

(e) the powers and duties of inspectors and of honorary officers.

(3) Any regulations made in terms of subsection (1) may provide penalties for any breach thereof, but no

such penalty shall exceed level five or imprisonment for a period of six months or both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No.22 of 2001]

**FIRST SCHEDULE (Section 3)**

**CLASS I TRAPS**

l. A snare, the noose of which is in any part made from wire.

2. A snare, the noose of which is in any part made from nylon of a diameter of three millimetres or less.

Provided that a snare incorporating nylon of a diameter of three millimetres or less, may be used if its use

is authorized in the Second Schedule.

3. A poisoned weapon.

4. A pitfall.

5. A baited hook.

6. A whiptrap the noose of which is in any part made from wire or nylon of a diameter of three millimetres or

less.

7. A wooden stake or group of wooden stakes fixed in the ground with the sharpened ends exposed close to a

gap in a fence.

8. Two lengths of expanding rubber attached to one or more objects that are fixed in the ground with the

opposite ends of the rubber attached to a bar or a pole which is drawn back and released like a catapult.

9. A powdered irritant spread on the ground.

10. A wooden board pierced by metal spikes which is laid with the spikes pointing outwards on a pathway used

by animals.

11. A wire strung between fixed supports into which animals are driven by human beings or dogs.

**SECOND SCHEDULE (Section 3)**

**CLASS II TRAPS**

l. A snare, other than a snare described in Items 1 and 2 of the First Schedule and in Item 1 of the Third

Schedule.

2. A net, used as a trap, other than a net described in Item 2 of the Third Schedule.

3. A syringe containing a tranquillizing or lethal drug projected by any method.

4. A spring-jaw trap.

5. Sheets or sheeting, used as a trap, made from any material which in the aggregate exceeds ten square metres.

6. A break-back or rodent trap other than a break-back or rodent trap described in Item 4 of the Third Schedule.

7. A whiptrap other than a whiptrap described in Item 6 of the First Schedule and Item 9 of the Third Schedule.

8. A balchatri trap incorporating nylon of a diameter of three millimetres of less.

9. An enclosure of brushwood, poles or wire encircling water and having a door operated by a triggermechanism.

10. A cartridge containing a lethal substance used in conjunction with a bait.

11. A poisoned bait.

**THIRD SCHEDULE (Section 3)**

**CLASS III TRAPS**

l. A snare, the noose of which is made from any animal or vegetable fibre which has not been machinemanufactured.

2. A net, used as a trap, made from any animal or vegetable fibre which has not been machine manufactured.

3. Sheets or sheeting, used as a trap, made from any material which in the aggregate does not exceed ten

square metres.

4. A break-back or rodent trap the base plate of which is twenty-five centimetres or less in length.

5. A set gun.

6. A deadfall.

7. Anything to which birdlime has been applied.

8. A whiptrap, the noose of which is made from any animal or vegetable fibre which has not been machinemanufactured.

9. A cage trap.

10. A moletrap designed for use below ground level for trapping moles and rodent-moles.

**FOURTH SCHEDULE (Section 2)**

**SCHEDULED OFFENCES**

l. An offence specified in this Act.

2. An attempt, incitement or conspiracy to commit an offence referred to in paragraph 1

3. Being an accessory after the fact to an offence referred to in paragraph 1.

