

Zimbabwe

Signatures and Powers Delegation Act

Chapter 10:24

Legislation as at 31 December 2016

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Signatures and Powers Delegation Act (Chapter 10:24)

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Zimbabwe

Signatures and Powers Delegation Act Chapter 10:24

Commenced on 3 March 1950

[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. This version is up-to-date as at 31st December 2016.]

AN ACT to provide for the delegation to Vice-Presidents, Ministers or officers in the Public Service of the power to sign, or to sign and affix the Public Seal of Zimbabwe to, certain warrants, permits, documents and other instruments; for the delegation of powers and duties by Vice-Presidents and Ministers to officers in the Public Service; and for purposes connected with the foregoing.

1. Short title

This Act may be cited as the Signatures and Powers Delegation Act *[Chapter 10:24]*.

2. President may authorize a Vice-President or Minister or officer in the Public Service to sign or seal documents on his behalf

Where by any law or custom the President is required to sign, or to sign and affix the Public Seal of Zimbabwe to, any warrant, permit, document or other instrument set out in the First Schedule, the President may, by statutory instrument, authorize a Vice-President or any Minister or officer in the Public Service to sign, or to sign and affix the Public Seal of Zimbabwe to, any such warrant, permit, document or other instrument on his behalf.

3. Vice-President or Minister may authorize officers in the Public Service to sign certain documents on his behalf

Where by any law or custom a Vice-President or a Minister is required to sign any warrant, permit, document or other instrument set out in the Second Schedule, the Vice-President or the Minister, as the case may be, may, by statutory instrument, authorize any officer in the Public Service to sign any such warrant, permit, document or other instrument on his behalf.

4. Contents of notice

Any statutory instrument published in terms of section three or four shall describe the nature of the warrant, permit, document or other instrument and specify the person who is authorized to sign or to sign and affix the Public Seal of Zimbabwe to any such warrant, permit, document or instrument.

5. Documents signed in terms of this Act to be of full force and effect

Any warrant, permit, document or other instrument which has been signed or signed and sealed in terms of an authorization given under section three or four shall, notwithstanding anything to the contrary contained in any other law, be of the same effect as if such warrant, permit, document or other instrument had been signed or signed and sealed by the President, appropriate Vice-President or Minister, as the case may be.

6. Documents signed by Deputy Ministers to be of full force and effect

Where in terms of section 31D of the Constitution the President has authorized a Deputy Minister to sign on behalf of a Minister any warrant, permit, document or other instrument, the warrant, permit, document or instrument, as the case may be, so signed shall, notwithstanding anything to the contrary contained in any other law, be of the same effect as if it had been signed by the appropriate Minister.

7. Powers of Vice-Presidents and Ministers to delegate authority

- (1) Subject to subsection (2) and to the prior approval of Parliament by resolution to any proposed delegation in terms of this subsection, where by any law a Vice-President or a Minister is empowered to exercise any powers or perform any duties he may, in writing or by statutory instrument, depute any officer or officers in the Public Service by name or by designation of office to exercise such powers or perform such duties on his behalf subject to such conditions, exceptions and qualifications as he may prescribe, and thereupon or from the date specified by the Vice-President or the Minister, as the case may be, the person or persons so deputed shall have and exercise such powers and perform such duties subject as aforesaid.
- (2) A Vice-President or a Minister shall not delegate, in terms of subsection (1), any power or duty to make a regulation.
- (3) If Parliament by resolution requests a Vice-President or a Minister to revoke or amend any delegation of powers or duties made under subsection (1), the Vice-President or the Minister, as the case may be, shall forthwith give effect to such request.
- (4) A copy of the document or instrument conferring any delegation of powers or duties in terms of subsection (1) shall be laid before Parliament as soon as may be after it has been executed or published.
- (5) Nothing in this section shall be construed as derogating from the power conferred by any other law, including the common law, to delegate any power or duty.

8. Amendment of First and Second Schedule

The President may, by statutory instrument, amend, add to or replace the First or Second Schedule.

First Schedule (Sections 2 and 8)

Instruments which President may authorize ministers or public servants to sign and seal

1. All documents, permits or other instruments relating to the grant, disposal, disposition, lease or occupation of State land and cancellation thereof.
2. All documents and instruments relating to the registration and cancellation of servitudes over State land or in respect of servitudes acquired by the State over privately owned land.
3. Powers of attorney to transfer State land.
4. All documents and instruments relating to the transfer and registration of land transferred to the State in pursuance of a donation or sale.
5. Warrants issued under subsection (5) of section 28, section 32, section 33 or section 91 of the Mental Health Act [Chapter 15:06].
6. All documents relating to the cancellation of mortgage bonds and notarial bonds.

Second Schedule (Sections 3 and 8)

Instruments which ministers may authorize public servants to sign and seal

1. All documents, permits or other instruments relating to the grant, disposal, disposition, lease or occupation of State land and cancellation thereof.
2. All documents and instruments relating to the registration and cancellation of servitudes over State land or in respect of servitudes acquired by the State over privately owned land.
3. Powers of attorney to transfer State land.
4. All documents and instruments relating to the transfer and registration of land transferred to the State in pursuance of a donation or sale.
5. Licences for betting clubs issued in terms of section 25 of the Betting and Totalizator Control Act [Chapter 10:02].
6. Orders for discharges and transfers issued under sections 37 and 38 of the Children's Act [Chapter 5:06].
[paragraph amended by section 34 of Act 6 of 2005]
7. All documents relating to the cancellation of mortgage bonds and notarial bonds.
8. All documents and instruments relating to—
 - (a) the endorsement of title deeds and the transfer and registration of land under the Housing and Building Act [Chapter 22:07]; and
 - (b) guarantees given or deemed to have been given under that Act.
9. All—
 - (a) applications made to, or documents lodged with, the Administrative Court; and
 - (b) documents relating to the allocation of water from irrigation works constructed by the Minister responsible for water development; and
 - (c) powers of attorney or other documents relating to the acquisition or the alienation of servitudes over any land; and
 - (d) written instructions which the Minister responsible for water development is empowered to give a Registrar of Deeds;in terms of the Water Act [Chapter 20:22].