

Chapter 20:16

PREVIOUS CHAPTER**REGIONAL WATER AUTHORITY ACT**

“Refer to the Savings of this Act under Section 59 of [Chapter 20:25] which came into effect on the 1st January 2000.”

Acts 84/1964, 48/1969,4/1971 (s. 38), 39/1973 (s. 53), 41/1976 (s. 139), 21/1978 (s 30), 5/1982, 25/1987, 29/1990 (s 10), 16/1993 (s 3); R.G.N.s 217/1970, 379/1972, 989/1978; S.I. 675/1979.

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AN ACT to provide for a Regional Water Authority to exploit and conserve the water resources in certain areas in Zimbabwe; to confer powers and functions on such Authority; to provide for a Board to control the operations of the Authority; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 15th January, 1965.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Regional Water Authority Act [Chapter 20:16].

2 Interpretation

In this Act—

“appropriate Minister”, in relation to any matter, means the Minister who by or under any enactment is empowered or required to exercise any power or to perform any duty or function in respect of such matter or to whom any function in respect of such matter has been assigned;

“area” means the area of any land specified in the First Schedule;

“Authority” means the Regional Water Authority established in terms of section three;

“Board” means the board referred to in section five;

“fixed date” means the 1st July, 1982;

“member” means the chairman or any other member of the Board referred to in subsection (1) of section six;

“Minister” means the Minister of Lands and Water Resources or any other Minister to whom the President may, from time to time, assign the administration of this Act.

PART II

ESTABLISHMENT OF AUTHORITY

3 Establishment of Authority

(1) Upon the 22nd January, 1965, there shall be established a body corporate to be known as the Sabi-Limpopo Authority which shall be capable of suing and being

sued in its corporate name and, subject to this Act, of performing all such acts as a body corporate may by law perform.

(2) With effect from the fixed date—

(a) the Sabi-Limpopo Authority established in terms of subsection (1) shall be known as the Regional Water Authority;

(b) any reference in any enactment, contract, deed or other document whatsoever to the Sabi-Limpopo Authority shall be construed as a reference to the Regional Water Authority.

(3) It shall not be necessary for the Registrar of Deeds to make any endorsement in his registers or upon any deed or document which is recorded in his registers for the purpose of giving effect to subsection (2), but the Registrar of Deeds shall, free of charge, when so requested in writing by the Authority in relation to any particular deed, document or register, make the appropriate endorsement.

4 Alteration of area

(1) Subject to this section, the President may, by notice in a statutory instrument, amend the First Schedule by amending the description of any land specified therein or by inserting therein or deleting therefrom a description of any land.

(2) If it is proposed to recommend to the President that he exercise any power conferred upon him by subsection (1), the Minister shall cause a notice of the proposal to be published in the Gazette and in a newspaper circulating in the area concerned, and shall in such notice call upon any person interested to lodge, in writing, with him within a reasonable time to be fixed in such notice, objections, if any, to the proposal.

(3) When any recommendation is submitted to the President that he exercise any power conferred upon him by subsection (1) there shall be submitted, together with such recommendation, the substance and number of any objections to the relevant proposal which were lodged in terms of subsection (2).

5 Establishment of Board

The operations of the Authority shall, subject to this Act, be controlled by a board constituted in terms of this Part.

6 Constitution of Board

(1) The Board shall consist of a chairman and not fewer than four other members who shall be appointed by the Minister after consultation with the President and in accordance with any directions the President may give him.

(2) The Minister shall choose the persons to be appointed as members for their ability and experience in the management of water resources or business or administration and their suitability otherwise for appointment as members.

(3) The members may appoint one of their number to be deputy chairman of the Board.

7 Conditions of office of members

(1) A member shall, subject to this Part, hold office for such period, not exceeding three years, as the Minister may fix on his appointment.

(2) Subject to section thirteen, a member shall hold office on such conditions as the Minister may in his case fix.

(3) A retiring member shall be eligible for reappointment.

8 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;

(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 pardon.

9 Vacation of office by 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 eight 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 noted, 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) of section eight to hold office as a member; or

(d) if he is required in terms of section ten to vacate his office; or

(e) if, after having been given due notice of the meetings concerned, he is absent without the permission of the Board from three consecutive meetings of the Board or of any committee of the Board of which he is a member.

10 Minister may require member to vacate office or may suspend him

(1) The Minister may require a member to vacate his office if the member—

(a) has been guilty of improper conduct which renders him unsuitable to continue to hold office as a member; or

(b) has failed to comply with the conditions of his office fixed by the Minister in terms of subsection (2) of section seven; or

(c) is mentally or physically incapable of efficiently performing his duties as a member.

(2) The Minister may suspend from office a member against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment without the option of a fine may be imposed and, while that member is so suspended, he shall not carry out any duties or be entitled to any remuneration as a member.

11 Meetings and decisions of Board

(1) The Board shall meet 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 not fewer than two members, convene a special meeting of the Board, which meeting in the latter case shall be convened for a date not less than seven days or more than thirty days after the receipt of such request.

(3) The chairman shall preside at all meetings of the Board at which he is present.

(4) If at any meeting of the Board the chairman is absent—

(a) if a deputy chairman has been appointed, he shall preside;

(b) if no deputy chairman has been appointed or the deputy chairman is absent, the members who are present at that meeting shall elect one of their number to preside;

and at that meeting the deputy chairman or member so elected, as the case may be, shall have all the powers and discharge all the duties of the chairman except that in the event of equality of votes he shall not have a casting vote.

(5) Three members shall form a quorum at a meeting of the Board:

Provided that if at any time the Board consists of more than six members, the quorum shall be such number as the Minister may fix by notice in writing to the Board.

(6) All acts matters or things authorized or required to be done by the Board may be decided by a majority vote at a meeting of the Board at which a quorum is present.

(7) At all meetings of the Board each member present shall have one vote on any question before the Board and, in the event of an equality of votes, the chairman shall have a casting vote, in addition to a deliberative vote.

(8) Any proposal circulated among all the members and agreed to in writing by a majority of all the members shall be of the same force and effect as a resolution passed at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such a proposal shall be placed before a meeting of the Board, this subsection shall not apply to such proposal.

12 Committees of Board

(1) For the better exercise of its functions the Board may establish one or more committees in which may be vested or in which may be imposed such of the functions of the Board as the Board may direct:

Provided that the vesting or imposition of any such functions in a committee shall not thereby divest the Board of such functions and the Board may amend or rescind any decision of any such committee in the exercise of its functions.

(2) The chairman of the Board or of a committee may at any time and at any place convene a meeting of that committee.

(3) The procedure of a committee shall be fixed by the Board.

(4) On the establishment of a committee in terms of subsection (1) the Board—

(a) shall appoint to that committee at least one member of the Board who shall be the chairman of that committee;

(b) may appoint to that committee persons who are not members of the Board.

13 Remuneration and expenses of members of Board and committees

(1) Subject to subsection (2), a member of the Board or any committee of the Board shall be paid from the funds of the Authority—

(a) such remuneration, if any, as the Minister, with the approval of the Minister responsible for finance, may fix for members generally; and

(b) such allowances as the Minister, with the approval of the Minister responsible for finance, may fix to meet any reasonable expenses incurred by him in connection with the business of the Board or that committee, as the case may be.

(2) No remuneration or allowance may be paid in terms of subsection (1) to a member of the Board or of a committee of the Board who is in the full-time employment of the Authority.

14 Members to declare interests

If at any meeting of the Board or of a committee of the Board a member thereof is

aware that any matter which affects—

(a) himself or his spouse or any person who is related to that member within the third degree of affinity or consanguinity; or

(b) any person who is a debtor or a creditor of that member or in partnership with or in the employ of that member; or

(c) any person who is a debtor under a mortgage bond of any body of persons, whether incorporated or not, of which that member is a director or under which he holds any office or position other than that of auditor; or

(d) any company, co-operative agricultural company or co-operative society of which that member is a director or manager or under which he holds an office or position other than that of auditor;

is to be discussed or is under discussion, the member shall forthwith declare to the meeting his interest in such matter and shall not vote on any question before the Board or the committee of the Board, as the case may be, which relates to such matter:

Provided that nothing in this section contained shall be taken to prevent members of the Board or of a committee of the Board from voting upon matters which affect the members thereof generally.

15 Right of certain officers to attend meetings, etc., of Board and committees

(1) Such officers of the Public Service as the Minister may designate shall, subject to subsection (2), be entitled—

(a) to attend meetings of the Board or of a committee of the Board; and

(b) to 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 any question before the Board or a committee of the Board.

16 Validity of decisions and acts of Board

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 consisted of fewer than the minimum number of members for which is provision is made in subsection (1) of section six; or

(b) a person disqualified in terms of section eight acted as a member of the Board at the time the decision was taken or the act was done or authorized.

17 Contracts and instruments of Authority

Any contract or instrument may be entered into or executed on behalf of the Authority by any person or persons generally or specially authorized by the Authority for the purpose.

PART III

FINANCIAL PROVISIONS RELATING TO AUTHORITY

18 Conduct of financial affairs of Authority

It shall be the object of the Authority so to exercise its functions and conduct its business as to ensure that its revenues, taking one year with another, are not less than sufficient to meet its outgoings properly chargeable to revenue account and to make the provision which is required to be made by the Authority in terms of section twenty-one.

19 Funds of Authority

The funds of the Authority shall consist of—

(a) such moneys as may be payable to the Authority from moneys appropriated by Act of Parliament for the purpose;

(b) such other moneys or assets as may vest in or accrue to the Authority,

whether in the course of its operations or otherwise.

20 Investment of moneys not immediately required by Authority

Moneys not immediately required by the Authority may be invested in such manner as the Minister, acting on the advice of the Minister responsible for finance, may approve.

21 Authority to make certain charges to revenue account, etc.

The Authority 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 in each financial year adequate provision for—

- (a) the depreciation of assets; and
- (b) the redemption of loans at due times; and
- (c) the payment of interest on and all other charges and expenses incurred

in connection with loans; and

(d) meeting, with the approval of the Minister responsible for finance, in whole or in part, increases in the cost of replacing assets.

22 Establishment and operation of general reserve account

(1) The Authority shall establish a general reserve account to which the Authority may appropriate from a surplus of revenue over expenditure such moneys as the Minister may approve or direct.

(2) Subject to section twenty-three, moneys in the general reserve may, with the approval of the Minister, be used for such purposes as the Authority may consider expedient for the proper exercise of its functions.

23 Meeting of deficiencies

If in any financial year the revenues of the Authority, together with any surplus revenue brought forward from any preceding financial year, are insufficient to enable the Authority to meet its outgoings properly chargeable to revenue account and to make the provision required to be made in terms of section twenty-one, the deficiency shall, unless the Minister otherwise directs, be met from the general reserve account established in terms of subsection (1) of section twenty-two.

24 Accounts of Authority

The Authority shall keep proper books of account and other records in relation thereto and to all its operations, undertakings and property and, in addition, such particular accounts and records in respect of all or any of its operations, undertakings and property as the Minister may direct.

25 Appointment of auditors and audit of accounts

(1) The Authority shall, with the approval of the Minister, appoint one or more public auditors registered in terms of the Public Accountants and Auditors Act [Chapter 27:12] to examine and report to the Board and the Minister on the accounts of the Board not less than once in each financial year.

(2) In addition to the report referred to in subsection (1), the Minister may require the Authority to obtain from the auditors such other reports, statements or explanations in connection with the operations, undertakings and property of the Authority as the Minister may consider expedient.

(3) The Authority 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.

(4) The auditors shall be entitled at all reasonable times to require from all directors and all persons in the employ of the Authority such information and explanations as may be necessary for the performance of their duties as auditors.

26 Duties of auditors

(1) It shall be the duty of the auditors to certify not less than once in each financial

year whether or not the accounts of the Authority present a true and fair view of the financial position of the Authority according to the information and explanations given and the books and records produced to them.

(2) The auditors shall include in the report referred to in section twenty-five statements which, in their opinion, are necessary if—

(a) they have not received all the information and explanations which, to the best of their knowledge and belief, were necessary for the performance of their duties as auditors; and

(b) so far as appears from their examination, the accounts of the Authority have not been properly kept; and

(c) the Authority has not complied with this Part with which it is the duty of the Authority to comply and with their requirements as auditors.

PART IV

FUNCTIONS, DUTIES AND POWERS OF AUTHORITY

27 Functions and duties of Authority

(1) Subject to this Act and any other enactment, the functions and duties of the Authority shall be to exploit and conserve the water resources of the area with the object of—

(i) securing their proper use and effective development; and

(ii) providing, in both the short and the long term, adequate water supplies on the most economic basis; and

(iii) ensuring the efficient distribution of water supplies;

in order that the economic development of the area may be promoted, facilitated and expedited in the national interest.

(2) In carrying out its functions and duties under this section, the Authority shall in consultation with the Minister and so often as he may direct, prepare a programme showing how it proposes to carry out any particular function or duty.

(3) If, in carrying out its functions and duties under this section, any question arises as to what is to be considered in the national interest, the question shall be decided by the President after consultation with the Authority.

(4) Notwithstanding any agreement to the contrary entered into before the 31st December, 1993—

(a) the Authority may, with the approval of the Minister and the appropriate Minister; or

(b) the appropriate Minister may, after consulting the Minister, direct the Authority to;

fix a tariff of charges in respect of water supplied for agricultural purposes from dams, reservoirs, canals and distribution works which are owned, operated or controlled by the Authority.

28 Powers of Authority

(1) Subject to this Act and any other enactment, the Authority shall for the better exercise of its functions and duties 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 Second Schedule, either absolutely or conditionally and either solely or jointly with others.

(2) In so far as any of the powers conferred on the Authority by this section can be exercised by any existing or future municipality, town or local board declared, established or appointed, as the case may be, under the Urban Councils Act [Chapter 29:15] or any other local government authority established under any enactment the Authority shall endeavour to ensure that such powers are exercised by such municipality, town or local board or other local government authority, as the case may be, instead of by the Authority.

29 Staff of Authority

For the better exercise of the functions and powers of the Authority, the Board—

(a) may and, if the Minister so directs, shall, with the approval of the Minister, appoint, on such terms and conditions as the Board may approve, a person as general manager in whom, subject to the control of the Board, shall be vested the management of the operations, undertakings and property of the Authority; and

(b) may appoint upon such terms and conditions as it may deem fit such persons, other than the general manager, as may be necessary for conducting the affairs of the Authority and may suspend or discharge any such person:

Provided that no person seconded from the Public Service may be discharged except with the consent of the President.

30 Establishment by Authority of pension fund and insurance of staff against injury

The Authority may—

(a) make provision for pecuniary benefits for members of the staff of the Authority on their retirement, resignation, discharge or other termination of service, or for their dependants in the event of their death, by means of—

- (i) policies of insurance; or
- (ii) the establishment of pension funds; or
- (iii) the establishment of provident funds; or
- (iv) such other provision as the Authority may determine; or
- (v) any two or more such schemes;

and

(b) require persons in respect of whom provision is made under paragraph (a) to make contributions to any scheme established or instituted in terms of that paragraph and deduct such contributions from the salaries of such persons; and

(c) contribute to any scheme established or instituted in terms of paragraph (a); and

(d) insure the members of the Board and the members of the staff of the Authority against injury or death while engaged upon the affairs of the Authority.

31 Regulations

The Board may, with the approval of the Minister, make regulations as to—

(a) the conditions, other than those relating to remuneration, of appointment of directors; and

(b) the provision of an official seal or seals and the use thereof within Zimbabwe or elsewhere; and

(c) such other matters as are necessary or expedient to prescribe for carrying out the purposes of this Act.

32 Information to be furnished to Minister and to Parliament

(1) As soon as possible and in any case not later than six months after the termination of each financial year of the Authority the Board shall transmit to the Minister in respect of its last preceding financial year copies of—

(a) a balance sheet and profit and loss account showing separately the financial details in connection with the exercise of any of its powers in terms of section twenty-eight and duly certified by the auditors appointed under section twenty-five; and

(b) a full report on the activities of the Authority during such financial year and the annual report of the auditor.

(2) The Minister shall lay copies of all such balance sheets, accounts and reports before Parliament on one of the fourteen days on which Parliament next sits after he has received them.

PART V

TRANSFER OF CERTAIN ASSETS, RIGHTS, LIABILITIES AND OBLIGATIONS TO AUTHORITY

33 Interpretation in Part V

In this Part—

“appointed date” means the 14th November, 1969.

34 Transfer of certain assets, rights, liabilities and obligations to Authority

(1) In this section—

“specified” means specified by the Minister acting in consultation with the Minister responsible for finance.

(2) Subject to this section, the President may, by proclamation in a statutory instrument, transfer any assets and rights of the State connected with the supply of water and the generation of hydro-electric power by the State together with the liabilities and obligations attaching thereto, as may be specified to the Authority in consideration for the payment or the promise of the payment by the Authority on such terms and conditions as may be specified of such sum of money as may be specified: Provided that no such assets and rights shall be transferred without the consent of the Authority.

(3) The Registrar of Deeds shall, if authorized by the President in that behalf, make such endorsements on the appropriate title deeds and in his registers as may be required by reason of the transfer to the Authority of the assets, rights, liabilities and obligations referred to in subsection (2) and no stamp duty or other charge shall be payable in respect of anything done by the Registrar of Deeds in terms of this subsection.

(4) All bonds, charges, agreements, contracts, instruments and working arrangements creating or giving rise or relating to or connected with an asset, right, liability or obligation referred to in subsection (2), which were subsisting immediately before the date of transfer referred to in subsection (2) shall, subject to subsection (6), be of as full force and effect against or in favour of the Authority and enforceable as fully and effectively as if, instead of the State, the Authority had been named therein and had been a party thereto.

(5) A proceeding or cause of action relating to or connected with an asset, right, liability or obligation referred to in subsection (2) or arising out of a bond, charge, agreement, contract, instrument or working arrangement referred to in subsection (4), which was pending or existing immediately before the date of transfer referred to in subsection (2) by or against the State, may, subject to subsection (6), be continued or enforced by or against the Authority as it might have been by or against the State if such transfer had not taken place.

(6) Subsections (4) and (5) shall not apply to an agreement or contract subsisting or proceeding or cause of action pending or existing immediately before the date of transfer referred to in subsection (2) between the State and an officer of the Public Service.

35 Transfer of water rights and assets to Authority

(1) With effect from the 1st July, 1969—

(a) the following water rights held by the Minister responsible for water resources—

(i) No. 5737 in respect of the Bangala Dam; and

(ii) No. 3868, No. 5785 and No. 5811 in respect of the Esquilingwe Weir;

and

(iii) No. 4680 in respect of the Mutirikwe Dam; and

(iv) No. 6334 in respect of the Manjirenji Dam; and

(b) such areas of land in the vicinity of the dams referred to in paragraph (a) as the appropriate Minister may designate for the purposes of this section; shall be transferred to the Authority.

(2) The following provisions shall apply in relation to the water rights referred to in paragraph (a) of subsection (1)—

(a) the order of the Administrative Court granting such right shall be binding on the Authority in so far as is appropriate;

(b) the Authority shall be regarded for the purposes of section 53 of the Water Act [Chapter 20:22], as though it were a holder who had applied for such rights in terms of section 36 of that Act on the date when the appropriate Minister had originally applied for such rights in terms of section 159 of the former Water Act;

(c) subsection (5) of section 37 of the Water Act [Chapter 20:22], shall apply, mutatis mutandis, in relation to such rights;

(d) subsections (6) and (7) of section 37 of the Water Act [Chapter 20:22], shall apply, mutatis mutandis:
Provided that—

(i) such provision shall apply to an agreement such as is referred to in those subsections as if the agreement has been made between the owner of the land and the appropriate Minister or the Authority;

(ii) the Registrar of Deeds shall note an agreement referred to in proviso (i) on the instruction in writing of the appropriate Minister;

(iii) the subsequent transfer of the land shall be subject to the consent in writing of the appropriate Minister.

(3) In paragraph (b) of subsection (2)—

“former Water Act” means the Water Act [Chapter 160] which was repealed by the Water Act [Chapter 20:22].

36 Servitudes

(1) The President shall grant, in terms of the Water Act [Chapter 20:22], such servitudes of abutment, passage, purification and storage as defined in Part IX of that Act as are necessary to enable the Authority to exercise the water rights transferred to it by subsection (1) of section thirty-five and, where any servitude in relation to any such right has been acquired before the 1st July, 1969, by the Government of Zimbabwe, such servitude shall be deemed to have been constituted and established in favour of the Authority with effect from the 1st July, 1969.

(2) The Registrar of Deeds shall make the necessary endorsements in relation to a servitude referred to in subsection (1) which has been registered in the name of the Government of Zimbabwe and is deemed in terms of subsection (1) to have been constituted and established in favour of the Authority.

(3) Where an application for a servitude has been made by the Minister of Lands and Water Resources in terms of Part IX of the Water Act [Chapter 20:22], in connection with a water right referred to in paragraph (a) of subsection (1) of section thirty-five and has not been granted by the Administrative Court on the appointed date, such application shall be continued by the Authority and the Administrative Court shall deal with the matter as though the Authority had made the original application.

37 Liability of Authority for payments to State

(1) The amount payable by the Authority to the State for the assets transferred to it in terms of section thirty-five shall be sixteen million six hundred and eighty-two thousand eight hundred and eighteen dollars which shall be payable in accordance with this section.

(2) Subject to subsection (4), during the period from the 1st July, 1969, to the 30th June, 1974, interest shall be payable by the Authority on the amount referred to in

subsection (1) at the rate of five per centum per annum and shall be payable before the 30th June in each year on such date as may be specified by the Minister responsible for finance for the purposes of this subsection.

(3) Subject to subsection (4), the amount referred to in subsection (1) shall be paid over a period of forty years commencing on the 1st July, 1974, by equal annual instalments of capital repayments and interest at the rate of five per centum per annum which shall be payable before the 30th June in each year on such date as may be specified by the Minister responsible for finance for the purposes of this subsection.

(4) The Minister responsible for finance may, from time to time, if he considers it necessary, vary the terms referred to in subsection (2) or (3).

38 Income from sales of water to accrue to Authority

(1) The income from the sale, on or after the 1st April, 1969, of water to which a right specified in paragraph (a) of subsection (1) of section thirty-five relates shall accrue to and be paid into the funds of the Authority.

(2) Any moneys received by the State before the appointed date in respect of the sale, on or after the 1st April, 1969, of water referred to in subsection (1) shall be paid to the Authority from the Consolidated Revenue Fund which is hereby appropriated to the purpose.

39 Write-off of moneys owing to State

(1) The Minister responsible for finance is hereby authorized to write off all moneys which at the 1st July, 1969, were payable by the Authority to the State other than the following—

- (a) moneys paid by the State to the Authority for the purpose of any development project which at that date had been undertaken by the Authority; and
- (b) interest due to the State in respect of moneys referred to in paragraph (a); and
- (c) an amount of three hundred and eighty-two thousand dollars; and
- (d) the amount payable by the Authority in terms of section thirty-seven.

(2) The Minister responsible for finance shall apply from capital reserves such amount as may be necessary for the purpose of writing off, in terms of subsection (1), loans made by the State to the Authority.

(3) The amount referred to in paragraph (c) of subsection (1) shall be regarded as an interest-free loan to the Authority repayable to the State within such period as the Minister responsible for finance may specify:

Provided that, if any balance of such loan is outstanding at the 1st July, 1974, interest shall be payable on such balance with effect from that date at such rate as the Minister responsible for finance may determine.

PART VI

GENERAL

40 Exemption from liability

No liability shall attach to the Authority or to any director of the Board for any loss or damage sustained by any person as a result of the bona fide exercise or performance by the Board or by any servant or agent of the Authority of any power conferred upon the Authority by this Act:

Provided that this section shall not be construed so as to prevent any person from recovering by action in any competent court compensation for any loss or damage sustained by him which was caused by negligence or breach of contract.

41 Validation of certain transactions of Authority and of companies established by Authority

Any farming operations carried on prior to the 14th November, 1969, by the

Authority or by any company established by it are validated and any power exercised by the Authority in relation to the setting up of any company before the 14th November, 1969, shall be valid as though the power had been exercised after that date.

FIRST SCHEDULE (Sections 2 and 4)

DESCRIPTION OF AREA

The area bounded by a line drawn from the intersection of the 30 degree east meridian of longitude and the north bank of the Limpopo River due north to the intersection of the 30 degree east meridian of longitude with the 20 degree south parallel of latitude; thence due east to the intersection of the 32 degree east meridian of longitude with the 20 degree south parallel of latitude; thence due north to the intersection of the 32 degree east meridian of longitude with the 19 degree 30 minute south parallel of latitude; thence due east to the intersection of the 19 degree 30 minute south parallel of latitude with the Zimbabwe-Moçambique international boundary; thence in a generally southerly direction along the Zimbabwe-Moçambique international boundary to its intersection with the north bank of the Limpopo River; thence in a generally westerly direction along the north bank of the Limpopo River to the starting point.

SECOND SCHEDULE (Section 28 (1))

POWERS OF AUTHORITY

1. With the approval of the Minister and the appropriate Minister, to construct, establish, acquire, maintain and operate dams, reservoirs, canals, distribution works and hydro-electric power stations in the area on such terms and conditions as may be approved by such Ministers.

2. With the approval of the Minister and the Minister responsible for finance, to raise loans or borrow moneys in such amounts, for such purposes and under such conditions as may be approved by such Ministers.

3. Notwithstanding anything to the contrary contained in the Electricity Act [Chapter 13:05], but subject to section 37 of the Water Act [Chapter 20:22], to sell at such prices as the Board, with the approval of the Minister and the appropriate Minister, may determine—

- (a) water from dams, reservoirs, canals and distribution works; or
- (b) electricity from power stations;

which are situated in the area which are owned, operated or controlled by the Authority.

4. To recommend to the appropriate Minister that any property in the area be acquired or expropriated for development or utilization in the national interest or for the benefit of the inhabitants generally in the area.

5. To purchase, take on lease or otherwise acquire and hold property and interests in or rights over land, rights to the use of water and any other rights which may be necessary for the efficient exercise of the powers specified in this Schedule.

6. To enter into such contracts as the Board considers to be necessary for the exercise of the powers specified in this Schedule.

7. To construct, purchase, take on lease or in exchange or otherwise acquire dwelling-houses for occupation by employees of the Authority.

8. To purchase land for the construction thereon of dwelling-houses for occupation by employees of the Authority.

9. To sell or lease dwelling-houses and land for residential purposes to employees of the Authority.

10. To guarantee loans made to employees of the Authority 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 employees of the Authority or their spouses.

11. To provide security in respect of loans such as are described in paragraph 10 by the deposit of securities in which the Authority is hereby authorized to invest such moneys as the Board may deem necessary for the purpose.

12. To make loans, not exceeding two thousand dollars in each case, to employees of the Authority for the purpose of purchasing vehicles, tools or other equipment to be used by those employees in carrying out their duties.

13. 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 Authority or the acquisition of which may seem to the Board calculated, directly or indirectly, to benefit the Authority, and to use, exercise, develop and grant licences in respect of or otherwise turn to account rights, information and processes so acquired.

14. To sell, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with assets of the Authority or any part thereof, which are not required for the purposes of the Authority, for such consideration as the Board may determine.

15. To draw, make, accept, endorse, discount, execute and issue for the purpose of the business of the Authority promissory notes, bills of exchange, bills of lading, securities and other negotiable and transferable instruments.

16. To insure against losses, damages, risks and liabilities the Authority may incur.

17. Generally, to do all such things as are incidental or conducive to the exercise of the functions and duties of the Authority or incidental to the powers specified in this Schedule.

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