
Indigenisation and Economic Empowerment (General) Regulations, 2010

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¹ The regulations were amended with effect from 14th May 2010 by the Indigenisation and Economic Empowerment (General) (Amendment) Regulations, 2010 (No. 1), published in SI 95/2010. The only provision affected by the amendment was section 4(1). More extensive amendments were made by the No. 2 amending regulations, published in SI 116/2010, with effect from 25th June 2010; these changes are indicated in the text by use of blue font. The third amendment was with effect from 25th March 2011, by SI 34/2011 – changes shown in green font. The fourth amendment (SI 84/2011) was in response to the adverse report of the Parliamentary Legal Committee on SI 34/2011; it came into effect on 27th July 2011 – changes are shown in purple font. This and other footnotes are by Veritas, and are not part of the official regulations as gazetted.

² Term “non-indigenous” inserted by SI 116/2010.

³ Term “non-indigenous” inserted by SI 116/2010.

⁴ New section inserted by SI 116/2010.

⁵ New section inserted by SI 116/2010.

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as amended as at 27th July, 2011**

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IT is hereby notified that the Minister of Youth Development, Indigenisation and Empowerment, after consultation with the Board, has, in terms of section 21 of the Indigenisation and Empowerment Act [*Chapter 14:33*], made the following regulations:-

Title and date of commencement

- 1.(1) These regulations may be cited as the Indigenisation and Economic Empowerment (General) Regulations, 2010.
- (2) These regulations shall come into force on the 1st March, 2010.

Interpretation

2 In these regulations—

“appropriate person”, in relation to the submission of a **Form IDG 01** and indigenisation implementation plan in terms of section 4, means the person who, in terms of section 10(2)⁸, is responsible for submitting the form and the plan to the Minister;

“approved”, in relation to an indigenisation implementation plan submitted by a business, means approved or deemed to have been approved in terms of section 5;

“dispose”, in relation to the disposal of shares or interests in a business, means sell, donate or otherwise dispose;⁹

“fixed date” means the date fixed in terms of section 1(2) as the date of operation of these regulations;

“form” means a form prescribed in the First, Second, Third, Fourth, Fifth, or Sixth Schedule;

“indigenisation plan” means a written proposal to the Minister on how and when fifty-one *per centum* or a controlling interest in any business shall fall under the control of the indigenous Zimbabweans.

⁶ New section inserted by SI 116/2010.

⁷ As substituted by SI 116/2010.

⁸ Cross-reference amended by SI 116/2010.

⁹ Definition inserted by SI 116/2010.

“management share ownership scheme or trust” means an arrangement the dominant purpose or effect of which is to enable the managerial employees of a company or group of companies to participate in or receive profits or income arising from the acquisition, holding, management or disposal of the stock, shares or debentures of the company or group of companies concerned:

Provided that a management share ownership scheme or trust shall not include a share option scheme operated for the benefit of any managerial employee;¹⁰

“managerial employee” means a person of any one or more of the following descriptions—

- (a) any person who is the principal executive officer, corporate secretary, chief financial officer or human resources manager of a business, by whatever title he or she may be designated and whether or not, in the case of a company, he or she is a director;
- (b) any employee of a company who, in the discharge of his or her functions, is directly answerable to the board of directors of a company;
- (c) any employee whose contract of employment requires or permits him or her to hire, transfer, promote, suspend, lay off, dismiss, reward, discipline or adjudge the grievances of other employees;¹¹

“minimum indigenisation and empowerment quota” means a controlling interest or the fifty-one *per centum* of the shares or interests which in terms of the Act is required to be held by indigenous Zimbabweans in a business pursuant to any transaction referred to in sections 3, 4, 5, 6, 7(1), 9 and 11;

“net asset value”, in relation to the net asset value of a business, means its net worth, that is to say, the total value of its fixed assets and other assets less the total value of its liabilities;¹²

“non-indigenous business” means a business in respect of which fifty-one *per centum* of the shares or a controlling interest is not held by indigenous Zimbabweans;¹³

“notifiable transaction” means a transaction in respect of which notice is required to be given in terms of section 8;

“notifying party” in relation to a notifiable transaction, means the party that in terms of section 10(1)¹⁴, is responsible for notifying the transaction to the Minister;

“primary documents”, with reference to the documents required to be submitted by a responsible person on behalf of a business under section 10(1), means the **Form IDG 01** and indigenisation implementation plan required of the business concerned;¹⁵

“qualifying scheme or trust” means an employee, management or community share ownership scheme or trust that qualifies in terms of section 14, 14A or 14B for the

¹⁰ Definition inserted by SI 116/2010.

¹¹ Definition inserted by SI 116/2010.

¹² Definition inserted by SI 116/2010.

¹³ Definition inserted by SI 34/2011.

¹⁴ Cross-reference amended by SI 116/2010.

¹⁵ Definition inserted by SI 34/2011.

purposes of being used to assess the extent to which a business that is a company has achieved or exceeded the minimum indigenisation and empowerment quota;¹⁶

“responsible person” mean a person referred to in section 10(1)(a), (b), (c) or (d);¹⁷

“secondary document” means the resolution or proof of authority referred to in section 10(4)(a), (b), (c) or (d), as the case may be, required to be submitted by a responsible person together with the primary documents;¹⁸

“sector of the economy”, “subsector of the economy”, “sectoral” and “subsectoral” refer to a sector or subsector of the economy specified in the first or second column of the Table appearing under item 3 of Form IDG 01;¹⁹

“share option scheme” means an arrangement to benefit employees of a company whereby shares are offered to them for purchase at a future date at a price fixed in advance.²⁰

Objective of regulations

3. These regulations are framed with the general objective that every business of or above the prescribed value threshold must—

- (a) within the next five years from the date of operation of these regulations, or within five years from the commencement of the business concerned, as the case may be, **dispose of**²¹ a controlling interest of not less than fifty-one *per centum* of the shares or interests therein to indigenous Zimbabweans; unless, in order to achieve other socially or economically desirable objectives, a lesser share of indigenisation or a longer period within which to achieve it is justified;
- (b) after five years from the date of operation of these regulations, or within five years from the commencement of the business concerned, as the case may be, **dispose of**²² a controlling interest of not less than fifty-one *per centum* of the shares or interests therein to indigenous Zimbabweans, unless the business concerned has previously submitted an indigenisation implementation plan together with **Form IDG 01** which has been approved by the Minister in terms of these regulations.

Every non-indigenous²³ business to notify extent of present or future compliance with indigenisation

4. (1) Every business in Zimbabwe with a net asset value of or above five hundred thousand United States dollars (US \$500 000) in respect of which fifty-one *per centum* of the shares or a controlling interest is not held by indigenous Zimbabweans shall, through the appropriate person—

- (a) in the case of business existing on the fixed date, submit to the Minister no later than the 30th June, 2010, **Form IDG 01**, duly completed; or

16 Definition substituted by SI 116/2010.

17 Definition inserted by SI 34/2011.

18 Definition inserted by SI 34/2011.

19 Definition inserted by SI 116/2010.

20 Definition inserted by SI 116/2010.

21 Term “dispose of” substituted for “cede” by SI 116/2010.

22 Term “dispose of” substituted for “cede” by SI 116/2010.

23 Term “non-indigenous” inserted by SI 116/2010.

(b) in the case of business commenced after the fixed date, submit to the Minister **Form IDG 01**, duly completed, within seventy-five days from the date of commencement of the business.²⁴

(2) Every business referred to in subsection (1) shall—

(a) in the case of business existing on the fixed date, submit together with **Form IDG 01**, duly completed, a provisional indigenisation implementation plan in accordance with any guidelines provided by **Form IDG 01**; or

(b) in the case of business commenced after the fixed date, submit together with **Form IDG 01**, duly completed, a provisional indigenisation implementation plan in accordance with any guidelines provided by **Form IDG 01**.²⁵

(3) Copies of **Form IDG 01** may be obtained by or on behalf of any appropriate person from any office of the Ministry of Indigenisation and Economic Empowerment or the Fund during normal working hours:

Provided that an appropriate person may, for the purpose of subsection (1) or (2), submit a form that is substantially in accordance with **Form IDG 01**.

(4) If, in the opinion of the Minister, a business that should have submitted a **Form IDG 01** in accordance with subsection (1) or (2) has not complied after a period of forty-five days from the fixed date or forty-five days from the date of commencement of the business, as the case may be, the Minister may serve on the business a copy of **Form IDG 01** in any of the ways specified by subsection (5), and if such business fails to return **Form IDG 01**, duly completed, to the Minister within thirty days from the date of the service of the form or of publication by or on behalf of the Minister of a notice in the Gazette in terms of subsection (5)(f), the owner of the business or, in the case of a company, the director or every director of the company shall be guilty of an offence and liable to a fine not exceeding level ten or imprisonment for a period not exceeding three months²⁶ or to both such fine and such imprisonment.

(4a) Where the offence referred to in subsection (4) is committed by a company, a partnership, a public business corporation or other kind of association referred to in section 10(1)(c)—

(a) it shall be liable to a fine not exceeding level ten; and

(b) every director, partner or member of the governing body of the company, partnership, a public business corporation or association concerned shall be liable to a fine not exceeding level ten or imprisonment for a period not exceeding three months or both such fine and such imprisonment.²⁷

(5) Service of **Form IDG 01** on a business may be effected in any of the following ways—

(a) by delivering it to the owner of the business personally or to his or her duly authorised agent; or

(b) by delivering it to a responsible person at the head office or principal place of business; or

²⁴ Subsections (1) and (2) substituted by SI 116/2010.

²⁵ Subsections (1) and (2) substituted by SI 116/2010.

²⁶ Words substituted by SI 84/2011 (previous fine level twelve, previous imprisonment five years)

²⁷ Subsection (4a) inserted by SI 84/2011.

- (c) by sending it by registered mail to the head office or principal place of the business concerned; or
- (d) in the case where the business to be served is a body corporate, by delivering it to—
 - (i) a responsible person at the body corporate’s registered office or place of business; or
 - (ii) a director or the secretary or public officer of the body corporate;
- (e) in the case where the business to be served is a partnership, by delivering it to—
 - (i) a responsible person at the partnership’s office or place of business; or
 - (ii) any of the partners;
- (f) in the case where service in accordance with any of the foregoing modes is not possible for any reason, by publication by or on behalf of the Minister of a notice in the *Gazette*, notifying the business of the requirement to collect and complete **Form IDG 01** in terms of subsection (1) or (2), and subsection (3).

(6) A business referred to in subsection (2) or (4) may, in writing, request for an extension of time within which to submit its indigenisation implementation plan, and the Minister may, on good cause shown by the company, permit it a further period not exceeding thirty days within which to do so.

(6a) A business which, having been granted an extension under subsection (6) within which to submit its indigenisation implementation plan, fails to do so within the extended period, shall be guilty of an offence and liable to a fine not exceeding level eleven or imprisonment for a period not exceeding four months²⁸ or to both such fine and such imprisonment.²⁹

(7) If the owner of a business or, in the case of a business that is a company, the director or directors of the company, make any statement or declaration or furnish any information in or in connection with **Form IDG 01** or an indigenisation implementation plan submitted by such business in terms of subsection (2) or (4)—

- (a) knowing that such statement, declaration or information is false in any material particular; or
- (b) without having reasonable grounds for believing that such statement, declaration or information is true;

the owner of the business or the director or every director, as the case may be, shall be guilty of an offence and liable to a fine not exceeding level twelve or imprisonment for a period not exceeding five years or to both such fine and such imprisonment

Approval and amendment of provisional³⁰ indigenisation implementation plans and prescription of thresholds and timeframes

5.(1) The Minister shall, no later than forty-five days after an **provisional** indigenisation implementation plan submitted to him or her in terms of section 4(1), (2) or (4), by notice in writing to the business concerned, and on a case-by-case basis, either—

- (a) approve any **provisional** indigenisation implementation plan submitted by the business;
- or

²⁸ Words substituted by SI 84/2011 (previous fine level twelve, previous imprisonment five years)

²⁹ Subsection (6a) inserted by SI 34/2011.

³⁰ Term “provisional” inserted by SI 116/2010.

- (b) make the approval of the **provisional** indigenisation implementation plan by the business dependant upon its conformity with the notice in the *Gazette* referred to in subsection (4)³¹, in which event—
- (i) the Minister shall, if the provisional indigenisation implementation plan meets or exceeds the minimum indigenisation requirements for a business operating in the sector or subsector of the economy concerned, approve the plan in writing; or
 - (ii) if the provisional indigenisation implementation plan does not meet the minimum indigenisation requirements for a business operating in the sector or subsector of the economy concerned, reject the plan in writing.³²
- ~~(i) if the **provisional** indigenisation implementation plan meets or exceeds the minimum indigenisation requirements for a business operating in the sector or subsector of the economy concerned, the plan shall be deemed to have been approved; or~~
- ~~(ii) if the **provisional** indigenisation implementation plan does not meet the minimum indigenisation requirements for a business operating in the sector or subsector of the economy concerned, the plan shall be deemed to have been rejected.~~

Provided that³³ if the Minister makes no written response to a business approving or rejecting its provisional indigenisation implementation plan within such of the following periods as may be applicable—

- (a) ninety days of the publication of a notice in the *Gazette* referred to in subsection 4 relating to the sector or subsector of the economy to which the business concerned belongs;
- (b) within ninety days of the final date fixed in a notice in the *Gazette* referred to in subsection 4 for businesses in the sector or subsector concerned to bring their plans into compliance with the requirements of the notice;
- (c) in the case of a business commenced after the publication a notice in the *Gazette* referred to in subsection 4 relating the sector or subsector of the economy to which the business concerned belongs, within ninety days of the date when the business concerned submitted its provisional indigenisation implementation plan;

the plan shall—

- (i) if the provisional indigenisation implementation plan meets or exceeds the minimum indigenisation requirements for a business operating in the sector or subsector of the economy concerned, the plan shall be deemed to have been approved; or
- (ii) if the provisional indigenisation implementation plan does not meet the minimum indigenisation requirements for a business

31 Subsection number inserted by SI 116/2010.

32 Subparagraphs (i) and (ii) substituted by SI 34/2011.

33 Proviso and further proviso to section 5(1)(b) inserted by SI 34/2011.

operating in the sector or subsector of the economy concerned, the plan shall be deemed to have been rejected:

Provided further that if the Minister, at any time before the expiry of the ninety days referred to in the foregoing proviso, indicates in writing to the business concerned that he or she requires more information in connection with its provisional indigenisation implementation plan or requires more time to consider the plan, the Minister shall have a further ninety days to indicate his or her approval or rejection of the plan in addition to the ninety days stipulated in the foregoing proviso.

(2) If the Minister has, in terms of section 4(1), (2) or (4), received a completed **Form IDG 01** with no **provisional** indigenisation implementation plan attached, and the Minister is of the opinion that the business requires such a plan because it has not achieved minimum indigenisation and empowerment quota, he or she shall, no later than forty-five days after the **Form IDG 01** has been submitted to him or her, by notice in writing to the business concerned request the business to submit an **provisional** indigenisation implementation plan within thirty days from the date of the service of the notice.³⁴

(2a) A business which, having been served with a notice by the Minister under subsection (2) to submit a provisional indigenisation implementation plan, fails to do so within thirty days of receiving the notice, shall be guilty of an offence and liable to a fine not exceeding level twelve or imprisonment for a period not exceeding **four months**³⁵ or to both such fine and such imprisonment.³⁶

(2b) Where the offence referred to in subsection (2a) is committed by a company, a partnership, a public business corporation or other kind of association referred to in section 10(1)(c)—

- (a) it shall be liable to a fine not exceeding level twelve; and
- (b) every director, partner or member of the governing body of the company, partnership, a public business corporation or association concerned shall be liable to a fine not exceeding level twelve or imprisonment for a period not exceeding four months or both such fine and such imprisonment.³⁷

(3) The Minister may, no later than forty-five days after an **provisional** indigenisation implementation plan submitted to him or her in terms of section 4(1), (2) or (4), or in terms of subsection (2), request a business in writing to furnish him or her with any additional information that the Minister may reasonably require in connection with any **Form IDG 01** or an **provisional** indigenisation implementation plan submitted to him or her, and if such business³⁸—

- (a) fails to submit such additional information within thirty days from the date when the request is made, or within such further period as the Minister may, for good cause, allow; or
- (b) furnishes any additional information which is, to the knowledge of the owner of the business, or, in the case of a company, to the knowledge of the director or board of

³⁴ Term “provisional” inserted by SI 116/2010.

³⁵ Words substituted by SI 84/2011 (previous imprisonment five years).

³⁶ Subsection (2a) inserted by SI 34/2011.

³⁷ Subsection (2b) inserted by SI 84/2011.

³⁸ Term “provisional” inserted by SI 116/2010.

directors, false in any material particular, or was furnished by the owner, director or board without having reasonable grounds for believing it to be true;

the owner of the business or, in the case of a company, the director or every director of the company shall be guilty of an offence and liable to a fine not exceeding level twelve or imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(4) Subject to section 5A, on³⁹ the basis of information gathered after considering submissions by businesses referred to in section 4(1)(a) and (2)(a), the Minister shall, as soon as practicable⁴⁰, publish by notice in the *Gazette* prescribing, with respect to each sector and subsector of the economy—

- (a) what lesser share than the minimum indigenisation and empowerment quota shall be the minimum lesser share that indigenous Zimbabweans may hold in a business operating in the sector or subsector in question; and
- (b) for what maximum period a business referred to in paragraph (a) may continue to operate with such lesser share until the minimum indigenisation and empowerment quota is achieved; and
- (c) what weighting (expressed as a fixed percentage that may be added towards the fulfilment of the minimum indigenisation and empowerment quota) to assign to any one or more the following socially and economically desirable objectives in favour of a business operating in a specified sector or subsector of the economy, namely—
 - (i) the undertaking of specified development work in the community in which the business in question carries on its business; and
 - (ii) the beneficiation to a specified extent of raw materials that are extracted in Zimbabwe by the business in question before it exports them; and
 - (iii) the transfer to a specified extent of new technology to Zimbabwe by the business in question; and
 - (iv) the employment to a specified extent of local skills or the imparting of new skills to Zimbabweans to a specified extent; and
 - (v) any other socially and economically desirable objective not mentioned above.

(5) Every—

- (a) business that submitted a provisional indigenisation implementation plan in accordance with section 4(1), (2) or (4) but whose plan is, in terms of subsection (1)(b)(ii), rejected or deemed (in terms of the proviso to subsection (1)(b)) to have been rejected by the Minister; or
- (b) non-indigenous business that was not required to submit an indigenisation implementation plan in accordance with section 4(1), (2) or (4) but subsequently becomes liable to submit such a plan because, in accordance with any notice in the *Gazette* referred to in subsection 4, it does not meet the minimum indigenisation requirements for a business operating in the sector or subsector of the economy concerned;

39 Opening words referring to section 5A inserted by SI 116/2010.

40 Term “as soon as practicable” substituted by SI 116/2010 for previous “within twelve months from the fixed date”.

shall, in the case of a business—

- (i) referred to in paragraph (a), resubmit its indigenisation implementation plan no later than forty-five days after the date when the Minister rejected or is deemed to have rejected its provisional indigenisation implementation plan;
- (ii) referred to in paragraph (b), submit the primary documents (the **Form IDG 01** and indigenisation implementation plan) and secondary document relating to the business no later than forty-five days after the date of publication of a notice in the *Gazette* referred to in subsection 4 relating to the sector or subsector of the economy to which the business concerned belongs;

and section 4(4), (5), (6) and (7) shall apply to every such business.⁴¹

(6) If an indigenisation implementation plan submitted to the Minister in terms of section 4(1)(a) and (2)(a) is deemed to have been rejected by reason of it not meeting the minimum indigenisation requirements for a business operating in the sector or subsector of the economy concerned that are specified in the *Gazette* notice referred to in subsection (3), the business may, no later than forty-five days after the publication of the *Gazette* notice referred to in subsection (3), submit a revised indigenisation implementation plan to the Minister who shall, no later than three months after the revised indigenisation implementation plan submitted to him or her, by notice in writing to the business concerned, either—

- (a) approve the revised indigenisation implementation plan submitted by the business if, in his or her opinion, the plan meets or exceeds the gazetted minimum indigenisation requirements for a business operating in the sector or subsector of the economy concerned; or
- (b) reject the revised indigenisation implementation plan submitted by the business if, in his or her opinion, the plan does not meet the gazetted minimum indigenisation requirements for a business operating in the sector or subsector of the economy concerned.

~~(7) If a revised indigenisation implementation plan submitted to the Minister in terms of subsection (6) is rejected in terms of paragraph (b) of that subsection, the business concerned shall have one more opportunity to submit another revised indigenisation implementation plan no later than forty-five days from the date when it is notified of the rejection, and subsection (6) shall apply to such plan in the same way as it applied to the first revised indigenisation implementation plan submitted by it.~~⁴²

*Sectoral and subsectoral committees*⁴³

5A(1) For the purposes of these regulations, there are hereby established sectoral and selected subsectoral committees consisting of not less than nine and more than fifteen members constituted in accordance with subsections (2) and (3).

(2) The Minister shall, for the purposes of assisting him or her to publish the notice in the *Gazette* referred to in section 5(4), invite Ministers responsible for the sectors or subsectors of the economy affected by the notice to submit nominations of persons (not exceeding fifteen

⁴¹ Original subsection repealed by SI 116/2010 New subsection inserted by SI 34/2011.

⁴² Section 5(7) repealed by SI 34/2011.

⁴³ Section 5A inserted by SI 116/2010.

nominations per sector or subsector) for consideration to be appointed as members of the sectoral or subsectoral committees constituted under this section.

(3) The Minister shall, from nominations submitted to him in terms of subsection (2), appoint the sectoral or subsectoral committees, which shall each be chaired by a member of the Board appointed by the Board.

(4) It shall be the function of each sectoral or subsectoral committee to make, in respect of the sector of the economy for which it is appointed, written recommendations to the Minister on the following matters—

- (a) the appropriate minimum net asset value threshold above which a business in the sector or subsector concerned is required to comply with these regulations; and
- (b) the lesser shares, maximum periods and weightings to be assigned to socially and economically desirable objectives referred to in section 5(4)(a), (b) and (c); and
- (c) policies to overcome specified barriers and challenges to indigenisation in any sector or subsector of the economy;

(5) Every sectoral and subsectoral committee shall submit the recommendations referred to in subsection (3) no later than ninety days after its appointment in terms of subsection (3):

Provided that the Minister may, for good cause shown, extend the period here referred to by a further period not exceeding thirty days.

Indigenisation of merged or restructured businesses

6.(1) For the purpose of section 3(1)(b) (iii) of the Act, this section applies where—

- (a) a merger or restructuring of two or more related or associated businesses is of such a size that it is required to be notified to the Competition Commission in terms of Part IVA of the Competition Act [*Chapter 14:28*]; and
- (b) the share held by indigenous Zimbabweans in the resultant merged or restructured business is less than fifty-one *per centum*.

(2) In the circumstances described in subsection (1), the notifying party shall, within thirty days from the date when the transaction is entered, but in any event before the transaction is concluded, submit a **Form IDG 02** to the Minister, whereupon the Minister shall—

- (a) where the transaction conforms to the targets set out in an approved indigenisation implementation plan submitted by any of the merged or restructured businesses concerned (or, in the case where there were two or more approved indigenisation implementation plans relating the businesses concerned, the plan which most expeditiously achieves indigenisation) approve the transaction; or
- (b) where the transaction does not conform to the targets set out in an approved indigenisation implementation plan submitted by any of the merged or restructured businesses concerned (or, in the case where there were two or more approved indigenisation implementation plans relating the businesses concerned, the plan which most expeditiously achieves indigenisation), not approve the transaction; or
- (c) where none of the merged or restructured businesses concerned has an approved indigenisation implementation plan, not approve the transaction.

Indigenisation of unbundled or demerged businesses

7.(1) For the purpose of section 3(1)(c) (i) of the Act, this section applies where—

- (a) any unbundled or demerged business is at or above the threshold specified in section 4 (1); and
- (b) the share held by indigenous Zimbabweans in the resultant unbundled or demerged business is less than fifty-one *per centum*.

(2) In the circumstances described in subsection (1), the notifying party shall, within thirty days from the date when the transaction is entered, but in any event before the transaction is concluded, submit a **Form IDG 02** to the Minister, whereupon the Minister shall—

- (a) where the transaction conforms to the targets set out in an approved indigenisation implementation plan submitted by the business from which the unbundled or demerged business originated, approve the transaction; or
- (b) where the transaction does not conform to the targets set out in an approved indigenisation implementation plan referred to in paragraph (a), not approve the transaction; or
- (c) where the business from which the unbundled or demerged business originated does not have an approved indigenisation implementation plan, not approve the transaction.

Indigenisation where controlling interests in businesses are relinquished

8.(1) For the purpose of section 3(1)(d) of the Act, this section applies where—

- (a) any person relinquishes a controlling interest in a business whose value is at or above the threshold specified in section 4(1); and
- (b) indigenous Zimbabweans do not hold a controlling interest in the business concerned.

(2) In the circumstances described in subsection (1), the notifying party shall, within thirty days from the date when the transaction is entered, but in any event before the transaction is concluded, submit a **Form IDG 02** to the Minister, whereupon the Minister shall—

- (a) where the transaction conforms to the targets set out in an approved indigenisation implementation plan submitted by the business, approve the transaction; or
- (b) where the transaction does not conform to the targets set out in an approved indigenisation implementation plan referred to in paragraph (a), not approve the transaction; or
- (c) where the business in which the controlling interest is relinquished does not have an approved indigenisation implementation plan, not approve the transaction.

Indigenisation of projected or proposed investments

9.(1) For the purpose of section 3(1)(e) of the Act, this section applies where—

- (a) any domestic or foreign investor projects or proposes an investment for which an investment licence is required in terms of the Zimbabwe Investment Authority Act [*Chapter 14:30*]; and
- (b) the proposed or projected investment does not reserve a controlling interest for indigenous Zimbabweans.

(2) In the circumstances described in subsection (1), no investment licence shall be issued to the domestic or foreign investor concerned unless the domestic or foreign investor—

- (a) submits the primary documents (the Form IDG 01 and indigenisation implementation plan) and secondary document relating to the investment; and

(b) the indigenisation implementation plan has been approved in accordance with section 5.⁴⁴

~~(2) In the circumstances described in subsection (1), the domestic or foreign investor concerned shall, before the investment licence concerned is issued, comply with section 4 as if it is a new business referred to in section 4(1)(b) (in other words, the domestic or foreign investor concerned must complete and submit a **Form IDG-01** before an investment licence is issued to it).~~

(3) Any investor requiring a licence in terms of the Zimbabwe Investment Authority Act [Chapter 14: 30] cannot invest in the sectors prescribed under the [Third Schedule](#) unless that investor gets approval from the Minister and the Minister responsible for the administration of the Zimbabwe Investment Authority Act [Chapter 14:30].

(4) Any investor who, after the date of commencement of the Indigenisation and Economic Empowerment (Amendment) Regulations, 2011 (No. 3)⁴⁵, makes an investment in a business belonging to any of the sectors prescribed under the Third Schedule which results in the investor owning or having a controlling interest in that business shall, unless he or she has obtained for the investment the prior written approval of the Minister and the Minister responsible for the administration of the Zimbabwe Investment Authority Act [Chapter 14:30], be guilty of an offence and liable to a fine not exceeding level twelve or imprisonment for a period not exceeding five years or to both such fine and such imprisonment.⁴⁶

Persons or parties responsible for submitting forms, making notifications, etc.

10.(1) The **Form IDG 01** and indigenisation implementation plan that has to be submitted to the Minister in terms of section 4 shall be submitted by—

- (a) the company secretary in the case of a company; or
- (b) the senior partner or other partner nominated by the partners, in the case of a partnership; or
- (c) a person nominated by the governing body of an unregistered association, trust or other kind of association not being a company, in the case of a business that is an unregistered association, trust or other kind of association not being a company; or
- (d) the person in whose name a private business corporation is incorporated in terms of the Private Business Corporation Act in the case of a business that is a public business corporation; or
- (e) the sole trader of a business where such business is not a company, a partnership, a public business corporation or other kind of association referred to in paragraph (c).

(2) The notice that has to be made to the Minister in terms of section 4(1)(a) of the Act namely, the notice of the transactions referred to in sections 6, 7, 8 and 9, shall be in **Form IDG-02** and shall, in the case of—

- (a) a transaction referred to in sections 6 and 7, be made by—
 - (i) the company secretary of the merged, restructured, unbundled or demerged business in the case of a company; or

⁴⁴ Subsection (2) repealed and substituted by SI 34/2011.

⁴⁵ Note by Veritas. i.e. 25th March 2011.

⁴⁶ Subsection (4) inserted by SI 34/2011.

- (ii) the senior partner or other partner nominated by the partners of the merged, restructured, unbundled or demerged business in the case of a partnership; or
 - (iii) a person nominated by the governing body of a merged, restructured, unbundled or demerged business in the case of an unregistered association, trust or other kind of association not being a company; or
 - (iv) the person in whose name a private business corporation is incorporated in terms of the Private Business Corporation Act in the case of a merged, restructured, unbundled or demerged business that is a Public Business Corporation; or
 - (v) the sole trader who acquires ownership of the merged, restructured, unbundled or demerged business where such business is not a company, a partnership, a Public Business Corporation or other kind of association referred to in subparagraph (iii).
- (b) a transaction referred to in section 8, be made by any person relinquishing the controlling interest in the business concerned; and
- (c) a transaction referred to in section 9, be made by any person authorised thereto by the investor projecting or proposing any investment; within twenty-one days from the date of concluding the transaction in question.

(3) Any company, partnership, association, public business corporation or sole trader who fails to give notice as required by subsection (2) shall be guilty of an offence and liable to a fine not exceeding level twelve or imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

- (4)⁴⁷ Where primary documents are required to be submitted by—
- (a) a company secretary in terms of subsection (1)(a), the company secretary shall submit together with the primary documents a resolution of the company concerned authorising the submission of the documents in question to the Minister; or
 - (b) a senior partner in terms of subsection (1)(b), the senior partner shall submit together with the primary documents written proof that that he or she has been nominated by the other partners to submit the documents in question to the Minister; or
 - (c) a person nominated by the governing body of an unregistered association, trust or other kind of association not being a company in terms of subsection (1)(c), the person concerned shall submit together with the primary documents written proof that that he or she has been nominated to submit the documents in question to the Minister; or
 - (d) the person in whose name a private business corporation is incorporated in terms of the Private Business Corporation Act, in terms of subsection (1)(c), the person concerned shall submit together with the primary documents a resolution of a meeting of the members of the private business corporation (if the private business corporation has more than two members) authorising the submission of the documents in question to the Minister.

⁴⁷ Subsections (4) and (5) inserted by section 6(1) of SI 34/2011. Section 6(2) and (3) of SI 34/2011 provide for the situation where primary documents had been submitted before the commencement of SI 34/2011 on 25th March 2011 – for text see [Annexure at end of this document](#).

(5)⁴⁸ A business (other than the business of a sole trader) on whose behalf a responsible person has submitted primary documents to the Minister in accordance with section 4 shall not be considered not to have complied with section 4(1) or (2) unless the responsible person also submits the secondary document, either simultaneously with the primary documents or no later than the final day for compliance with section 4(1) or (2), whereupon section 4(4) shall apply to such business as if it had not submitted any primary documents.

Proof of compliance with Act

11. (1) Where—

- (a) a merger or restructuring of two or more related or associated businesses is of such a size that it is required to be notified to the Competition Commission in terms of Part IV of the Competition Act [*Chapter 14:28*] and the share held by indigenous Zimbabweans in the resultant business is fifty-one *per centum* or more;
- (b) an unbundled or demerged business is at or above the threshold specified in section 4(1) and the share held by indigenous Zimbabweans in the resultant unbundled or demerged business is fifty-one *per centum* or more;
- (c) any person relinquishes a controlling interest in a business whose value is at or above the threshold in section 4(1) and the controlling interest in the business concerned is held by indigenous Zimbabweans; and
- (d) any domestic or foreign investor projects or proposes an investment for which an investment licence is required in terms of the Zimbabwe Investment Authority Act [*Chapter 14:30*]; and a controlling interest in the proposed or projected investment is reserved for indigenous Zimbabweans;

the person who would have had to make the notice required by section 10(2) if the share in such business held by indigenous Zimbabweans had been less than fifty-one *per centum*, shall, in **Form IDG 02**, make such notice to the Minister for the purpose of enabling the Minister to establish that the Act has been complied with.

(2) Any business may, in writing to the Minister, request that it be issued a written certificate under the hand of the Minister or any person authorised by the Minister in that behalf certifying that—

- (a) it has obtained approval for an indigenisation implementation plan in accordance with these regulations; or
- (b) it has achieved or exceeded the minimum indigenisation and empowerment quota.⁴⁹

*Extent to which procured goods and services to be subcontracted
to indigenous Zimbabweans*

12.(1) Subject to subsection (5), for the purpose of section 3(1)(g) of the Act, this section applies where—

- (a) goods and services are procured in terms of the Procurement Act [*Chapter 22:14*] from businesses whose controlling interests are not held by indigenous Zimbabweans; and

⁴⁸ Subsections (4) and (5) inserted by section 6(1) of SI 34/2011. Section 6(2) and (3) of SI 34/2011. . . Section 6(2) and (3) of SI 34/2011 provide for the situation where primary documents had been submitted before the commencement of SI 34/2011 on 25th March 2011 – for text see end of this document.

⁴⁹ Section 11(2) inserted by SI 34/2011, existing provision becoming subsection (1).

(b) the supplier of goods and services is required by the Act to subcontract to businesses whose controlling interests are held by indigenous Zimbabweans.

(2) In the circumstances described in subsection (1), goods and services so procured shall be subcontracted to any business whose controlling interest is held by indigenous Zimbabwean to the extent that such subcontractor is capable of fulfilling the subcontract on terms not less favourable than any other subcontractor.

(3) Subject to subsection (5), this section applies where—

(a) goods and services are procured in terms of the Procurement Act [*Chapter 22:14*] from businesses whose controlling interests are held by indigenous Zimbabweans; and

(b) the supplier of goods and services is required by the Act to subcontract to businesses whose controlling interests are held by indigenous Zimbabweans.

(4) In the circumstances described in subsection (3), goods and services so procured shall be subcontracted to any business whose controlling interest is held by indigenous Zimbabweans and which is capable of being subcontracted on terms not less favourable than any other subcontractor.

(5) If any subcontractor controlled by indigenous Zimbabweans alleges, in relation to any contract, that the provision of subsection (2) or (4) have not been complied with although the subcontractor is capable of being subcontracted on terms not less favourable than any other subcontractor, the subcontractor concerned shall lodge in writing a complaint to that effect to the Minister and the Minister, after affording the contractor representation, may require by notice in writing that the contractor subcontracts the supply of goods and services to the complainant subcontractor:

Provided that the contract was not tendered for and the subcontractor had offered himself or herself to do the subcontract work on terms not less favourable than any other subcontractor.

(6) Any contractor who, after being notified in writing by the Minister of the requirement to subcontract to the complainant subcontractor in terms of subsection (5), fails to do so within thirty (30) days from the date of such notice shall be guilty of an offence and liable to a fine not exceeding level twelve or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

Indigenisation and empowerment assessment rating

13.(1) The Minister shall, at intervals not more frequent than once in every calendar year, publish a notice in the *Gazette* and every newspaper circulating nationally requiring businesses to submit to him or her an indigenisation and empowerment assessment rating in terms of subsection (2) within twenty-one days from the date of publication of the said notice.

(2) Any business whose value is at or above the threshold specified in section 4(1) shall submit to the Minister, a notice in **Form IDG-03**, an indigenisation and empowerment assessment rating.

(3) The Minister may, in respect of any business that has not submitted **Form IDG-03** in terms of any provision of this Act, request that such business may submit to him or her a notice in **Form IDG-03** for purposes of an indigenisation and empowerment assessment rating.

(4) The owner of the business or, in the case of a company, the director or every director of the company who fail to comply with this section shall be guilty of an offence and liable to a

fine not exceeding level twelve or imprisonment for a period not exceeding five years or to both such fine and such imprisonment

Employee share ownership schemes or trusts

14(1) An employee share ownership scheme or trust that complies with this section shall be taken into consideration when assessing the extent to which a business that is a company has achieved or exceeded the minimum indigenisation and empowerment quota.

(2) A qualifying scheme or trust under this section shall—

- (a) not benefit managerial employees to an extent exceeding five *per centum* of the shares or interests pooled in the employee share ownership scheme or trust; and
- (b) be constituted by a Deed of Trust registered with the Deeds Office, and shall specify the actual percentage of the shares or interest in the business to be held by or on behalf of the employees of the business, which percentage shall be added towards the fulfilment of the minimum indigenisation and empowerment quota.

(3) An owner of a business or employer wishing to use the qualifying scheme or trust for the purpose of this section shall submit to the Minister Form IDG 04 together with a copy of the Deed of Trust of the qualifying scheme or trust.

(4) Where an employer proposes to dispose of more than 28 per centum of the shares in his or her business to his or her employees pursuant to an employee share ownership scheme or trust, any shares in excess of 28 per centum shall first be offered in writing to the Fund for sale, and the Fund shall have a right of first refusal over such shares:

Provided that the employer shall not offer for sale any shares in respect of which the Fund has a right of first refusal at a price higher than that at which the shares are valued for the purposes of the employee share ownership scheme or trust.

(5) The Fund shall have thirty days from the date of the offer made under subsection (4) in which to respond in writing to the offer, and any failure to do so shall signify that the Fund has declined the offer:

Provided if the Fund, through the Board, at any time before the expiry of the thirty days referred to in this subsection, indicates in writing to the notifying party that it requires more time to consider the offer, it shall have a further thirty days to indicate its approval or declination of the offer.

Management share ownership schemes or trusts

14A(1) A management share ownership scheme or trust that complies with this section may be taken into consideration when assessing the extent to which a business that is a company has achieved or exceeded the minimum indigenisation and empowerment quota:

Provided that such scheme or trust shall only be taken into consideration to the extent of five *per centum* of the minimum indigenisation and empowerment quota.

(2) A qualifying scheme or trust under this section shall be constituted by a Deed of Trust registered with the Deeds Office, and shall specify the actual percentage of the shares or interest in the business to be held by or on behalf of the managerial employees of the business, which percentage shall (subject to the proviso to subsection (1)) be added towards the fulfilment of the minimum indigenisation and empowerment quota.

(3) An owner of a business or employer wishing to use the qualifying scheme or trust for the purpose of this section shall submit to the Minister Form IDG 04 together with a copy of the Deed of Trust of the qualifying scheme or trust.

Community share ownership schemes or trusts

14B(1) In this section—

“community” means—

- (a) the residents of the Rural District Council established in terms of the Rural District Councils Act [*Chapter 29:13*] whose natural resources are being exploited by a qualifying business; or
- (b) the residents of one or more wards of a Rural District Council specified in a community share ownership scheme whose natural resources are being exploited by a qualifying business; or
- (c) any other distinct community of persons as defined in a community share ownership scheme, who are affected by the exploitation of the natural resources in or adjacent to their place of residence;

“natural resources” include—

- (a) the air, soil, waters and minerals of Zimbabwe;
- (b) the mammal, bird, fish and other animal life of Zimbabwe;
- (c) the trees, grasses and other vegetation of Zimbabwe;
- (d) the springs, vleis, sponges, reed-beds, marshes, swamps and public streams of Zimbabwe;
- (e) any landscape, scenery or site having aesthetic appeal or scenic value or of historic or archaeological interest;

“qualifying business” means a company engaged in exploiting the natural resources of any community;

“ward” means an area defined as a ward under the Rural District Councils Act [*Chapter 29:13*].

(2) A community share ownership scheme or trust that complies with this section may be taken into consideration when assessing the extent to which a business has achieved or exceeded the minimum indigenisation and empowerment quota:

(3) A community share ownership scheme or trust shall be constituted by a Deed of Trust registered with the Deeds Office and shall, subject to subsection (4), have the following features—

- (a) in the case where the beneficiary community are the residents of a Rural District Council, the Rural District Council shall have the right to appoint the trustee or trustees who will hold the shares or interest in the qualifying business on behalf of the community (the actual percentage of which shares or interest shall be added towards the fulfilment of the minimum indigenisation and empowerment quota); or
- (b) in the case where the beneficiary community are the residents of one or more wards of a Rural District Council, the manner of appointment of the trustee or trustees who will hold the shares or interest in the qualifying business on behalf of the community (the

actual percentage of which shares or interest shall be added towards the fulfilment of the minimum indigenisation and empowerment quota) shall be as agreed between the Rural District Council concerned and the qualifying business; or

- (c) in the case where the beneficiary community are the members of a distinct community of persons as defined in a community share ownership scheme, the manner of appointment of the trustee or trustees who will hold the shares or interest in the qualifying business on behalf of the community (the actual percentage of which shares or interest shall be added towards the fulfilment of the minimum indigenisation and empowerment quota) shall be as set out in the Deed of Trust of the community share ownership scheme or trust concerned.

(4) An owner of a business wishing to use the qualifying scheme or trust for the purpose of this section shall submit to the Minister Form IDG 04 together with a copy of the Deed of Trust of the qualifying scheme or trust:

Provided that, in considering whether a community share ownership scheme or trust set up for the benefit of a community referred to in subsection (3)(a) or (b) should be accepted as a qualifying scheme or trust, the Minister shall have regard to whether the scheme or trust provides that the monies accruing to the scheme or trust will be applied to any or all of the following purposes—

- (a) the provision, operation and maintenance of—
- (i) schools and other educational institutions and facilities and amenities connected therewith, and educational scholarships; and
 - (ii) hospitals, clinics and dispensaries;
- and
- (c)⁵⁰ the provision and maintenance of dipping tanks; and
- (d) the provision, development and maintenance of roads; and
- (e) the provision, development and maintenance of water works and water sanitation works; and
- (f) gully reclamation and other works related to soil conservation and the prevention of soil erosion, and the conservation of the environment generally.

(5) All dividends or other monies accruing to the beneficiaries by virtue of a community share ownership scheme or trust in terms of this section shall—

- (a) in the case of a community referred to in subsection (3)(a) or (b), be recorded in a separate account of the Rural District Council concerned, as will ensure that the amount of such dividends or other monies may be ascertained separately from any other revenue accruing to the Rural District Council
- (b) in the case of a community referred to in subsection (3)(c), be credited and disbursed in the manner set out in the Deed of Trust of the community share ownership scheme or trust concerned.

Identification of potential counterparties to notifiable transactions

15. (1) The Minister shall maintain a database of—

⁵⁰ (sic) Paragraph numbering reflects that of the gazetted statutory instrument..

- (a) persons wishing to identify any indigenous Zimbabwean to acquire a controlling or lesser interest in his or her business; and
- (b) indigenous Zimbabweans who wish to partner a person referred to in paragraph (a).

(2) Any person wishing to identify any indigenous Zimbabwean to acquire a controlling or lesser interest in his or her business whether—

- (a) directly through the relinquishment of his or her business; or
- (b) as the result of the proposed merger or restructuring of the shareholding of two or more related or associated businesses, or the unbundling of a business or demerger of two or more businesses;

may give notice to the Minister in **Form IDG 05**, and if the Minister is satisfied that the notice is made in good faith the person concerned shall be registered in the database referred to in subsection (1).

(3) Any indigenous Zimbabwean who wishes to partner a person referred to in subsection (1)(a) may give notice to the Minister in **Form IDG 06**, and if the Minister is satisfied that the notice is made in good faith the indigenous Zimbabwean concerned shall be registered in the database referred to in subsection (1).

(4) The Minister shall, at the request of a person referred to in subsection (1)(a), allow such person, during normal working hours, to have access to the database referred to in subsection (1) and, if necessary, facilitate the introduction to such person of any indigenous Zimbabwean referred to in subsection (1)(b) who is chosen by such person:

Provided that if an indigenous Zimbabwean is successfully partnered with a person referred to in subsection (1)(a), his or her name shall be removed from the database.

(5) The Fund shall, where—

- (a) a person referred to in subsection (2) is unable, after having had access to the database referred to in subsection (1), to identify any suitable indigenous Zimbabwean to acquire a controlling or lesser interest in his or her business; and
- (b) it considers the investment referred to in paragraph (a) to be to its advantage and for the benefit of the indigenous people of Zimbabwe;

be the purchaser of last resort of the controlling or lesser interest concerned.⁵¹

Valuation of businesses where truth or accuracy of valuation disputed

16.⁵² If the Minister has reason to doubt the truth or accuracy of any assessment made by a business of its net asset value⁵³ for the purposes of these regulations, the Minister shall require the business to provide further information in support of the truth or accuracy of its assessment; and if, after considering such further information as may have been provided to him or her, the Minister still doubts the truth or accuracy of the assessment, he or she shall reject the assessment and require the business to be valued at the Minister's expense by a valuator

⁵¹ Subsection (5) inserted by SI 116/2010.

⁵² Subsections (2) to (5) inserted by SI 34/2011., existing provision becoming subsection (1).

⁵³ Term "its net asset value" substituted for previous "the value of its assets" by SI 116/2010.

registered in terms of the Public Accountants and Auditors Act [Chapter 27:12]⁵⁴ whom the Minister shall appoint.

(2) If, after a valuation conducted by the Minister in terms of subsection (1) a business is found to have substantially (to the extent of ten *per centum* or more) undervalued its net asset value, it shall be guilty of an offence and liable to a fine not exceeding level twelve or imprisonment for a period not exceeding **twelve months**⁵⁵ or to both such fine and such imprisonment.

(2a) Where the offence referred to in subsection (2) is committed by a company, a partnership, a public business corporation or other kind of association referred to in section 10(1)(c)—

- (a) it shall be liable to a fine not exceeding level twelve; and
- (b) every director, partner or member of the governing body of the company, partnership, a public business corporation or association concerned shall be liable to a fine not exceeding level twelve or imprisonment for a period not exceeding twelve months or both such fine and such imprisonment

⁵⁶(3) A court convicting a business of an offence against subsection (2), may, on the application of the prosecutor and in addition to any penalty which it may impose, give summary judgment in favour of the Minister for the costs of the valuation undertaken in terms of subsection (1).

(4) On the hearing of an application referred to in subsection (3) a court shall, for the purpose of determining the amount of the valuation costs referred to in subsection (3), refer to the proceedings and evidence at the trial and consider such further evidence, whether oral or documentary, as may be tendered by the prosecutor and the accused.

(5) A judgment given by a court in terms of subsection (3) 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—

- (a) in the case of the court of a regional magistrate, in the court of a magistrate other than a regional magistrate; or
- (b) in the case of a court other than the court of a regional magistrate, in the first-mentioned court.

Persons acting as fronts to be prosecuted

17. Any person who, when providing information in connection with a transaction referred to sections 6, 7, 8, 9 or 11, wilfully misrepresents—

- (a) that he or she or any person in respect of whom he or she furnishes the said information is an indigenous Zimbabwean;
- (b) the extent to which any ownership interest is held by indigenous Zimbabweans; or
- (c) that he or she is owner of any shares or other interest in a business, knowing that he or she is merely the nominee of the beneficial owner who is not indigenous Zimbabwean;

54 Words inserted by SI 116/2010. As the Public Accountants and Auditors Act [Chapter 27:12] does not provide for the registration of valuers, this must mean that the person appointed must be either a public accountant or a public auditor registered in terms of that Act.

55 Words substituted by SI 84/2011 (previous imprisonment five years).

56 Subsection (2a) inserted by SI 84/2011.

shall be guilty of an offence and liable to a fine not exceeding level twelve or imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

FIRST SCHEDULE (Section 3 or 4)

Form IDG 01

**FORM OF NOTIFICATION OF EXTENT OF INDIGENISATION AND
INDIGENISATION IMPLEMENTATION PLAN**

NOTICE TO PERSON COMPLETING THIS FORM

Essential definitions

According to the Indigenisation and Economic Empowerment Act, an “indigenous Zimbabwean” is defined as follows: “*any person who, before the 18th April, 1980, was disadvantaged by unfair discrimination on the grounds of his or her race, and any descendant of such person, and includes any company, association, syndicate or partnership of which indigenous Zimbabweans form the majority of the members or hold the controlling interest*”

Also according to the Indigenisation and Economic Empowerment Act, a “controlling interest”, in relation to—

- (a) a company, means the majority of the voting rights attaching to all classes of shares in the company;
- (b) any business other than a company, means any interest which enables the holder thereof to exercise, directly or indirectly, any control whatsoever over the activities or assets of the business.

Purpose of this form

To enable the Minister to assess the extent of indigenisation of the business concerned and, together with the information gathered from forms submitted by other businesses, to enable the Minister to assess the extent of indigenisation in the sector of the economy to which the business belongs and in the economy as a whole.

Also, if less than 51% of the shares in your business are held by persons who are not indigenous Zimbabweans, or if a controlling interest in your business is held by a person or persons who are not indigenous Zimbabweans, you are hereby notified that the Indigenisation and Economic Empowerment Regulations are framed with the general objective that every business of or above the value of **five hundred thousand United States dollars** must—

- (a) within the next five years from the 1st March, 2010, or within five years from the commencement of your business, as the case may be, **dispose of**⁵⁷ a controlling interest of not less than 51% of the shares or interests therein to indigenous Zimbabweans; unless, in order to achieve other socially or economically desirable objectives, a lesser share of indigenisation or a longer period within which to achieve it is justified;
- (b) after five years from the 1st March, 2010, or within five years from the commencement of your business, as the case may be, **dispose of**⁵⁸ a controlling interest or not less than 51% of the shares or interests therein to indigenous Zimbabweans, unless your business has previously submitted an indigenisation implementation plan

⁵⁷ Term “dispose of” substituted for former “cede” by SI 116/2010.

⁵⁸ Term “dispose of” substituted for former “cede” by SI 116/2010.

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

together with this form which has been approved by the Minister in terms of these regulations.

1. Name of business:

2. Form of business:

(Please tick the appropriate box)

Public Company	
Private Company	
Private Business Corporation	
Partnership	
Other Form of Association(Please Specify)	
Sole Trader	

2A. Physical and other addresses (including electronic mail address, if any) and telephone number(s) of the head office of the business:

.....
.....⁵⁹

2B. Physical and other addresses (including electronic mail address, if any) and telephone number(s) of the principal place of business in Zimbabwe of the business, in the case where the head office of the business is outside Zimbabwe:

.....
.....⁶⁰

3. Type of business (Tick appropriate box)

Sector	Sub-sector	
Manufacturing	Agro-industry/Fertiliser	
	Seed	
	Chemicals & Petroleum products	
	Agricultural equipment & machinery	
	Plastics & packaging	
	Food stuffs (including stock feeds)	
	Drink and tobacco	
	Textiles including ginning	
	Clothing & footwear	
	Wood & furniture	
	Paper printing & publishing	
	Non-metallic mineral products	
Metals & metal products		

⁵⁹ Items 2A and 2B inserted by SI 116/2010.

⁶⁰ Items 2A and 2B inserted by SI 116/2010.

**Indigenisation and Economic Empowerment (General) Regulations, 2010
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	Glass & glass products	
	Transport & transport equipment	
	Health & pharmaceuticals	
	Other (Specify)	
Mining	Energy minerals	
	Precious minerals	
	Other minerals	
	Other (Specify)	
Tourism	Accommodation & Amenities	
	Tourism transport	
	Other (Specify)	
Finance	Commercial banks	
	Discount houses	
	Building societies	
	Merchant Banks	
	Insurance	
	Asset management	
	Other (Specify)	
Transport	Passenger road transportation	
	Freight transportation by road	
	Water transportation (ships & boats)	
	Air transportation	
	Rail transportation	
	Other (Specify)	
Communication	Broadcasting	
	Fixed telephone	
	Internet access	
	Public data	
	Courier	
	Mobile cellular	
	Postal general	
	Publishing	
	Publications	
	Other (Specify)	
Construction	Building contractors	

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

	Civil engineering contractors	
	Mechanical engineering contractors	
	Electrical engineering contractors	
	Joinery & shop fitting	
	Construction & building material supplies	
	Other (Specify)	
Energy	Hydro-electricity	
	Thermal power	
	Liquid fuel	
	Coal energy	
Other (Specify)		

5. Net asset value of the business ⁶¹at the date of this form:

6. Current shareholding (Please fill in the tables below)

Name and Nationality of shareholder(s)/ partner(s)/ owner(s)	National I.D. No./ Passport No.	Extent of shareholders'/ partners'/owners' shares/interests held by respective shareholders, partners and owners expressed as percentages	
		Indigenous Zimbabwean(s)	Non-indigenous Zimbabwean(s)

NB.

In the case of a company, attach a schedule of the---

- (a) names of members of the company;*
- (b) number and type of shares held by each member;*
- (c) date of incorporation or registration of the company and company registration number.*

⁶¹ Item 5 as substituted by SI 116/2010.

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

Where members in a company exceed 50 only those with shares in excess of 10% should be listed.

- 7 Do you consider that a controlling interest or not less than 51 % of the shares in your business is held by an indigenous Zimbabwean/are held by indigenous Zimbabweans? YES/NO. In either case, to what extent is your business indigenised, expressed as a percentage?
8. If the answer to question 7 is NO, do you have a plan for indigenising your business, that is, a plan for ensuring that, within five years, your business will be owned or controlled by indigenous persons to the extent of at least fifty-one per centum? YES/NO. If YES provide details on separate sheet. (For your information, if you believe that a lesser share of indigenisation or a longer period within which to achieve it is justified in your case because your business has achieved or intends to achieve certain socially or economically desirable objectives, please specify these objectives in your plan; the list of such objectives is itemised in question 9).
- 9 In the absence of a plan referred to in question 8, specify—
- (a) the reasons, if any, why it may not be possible for your business to be indigenised within five years from the 1st March, 2010, or within five years from the commencement of your business, as the case may be? *(Provide details on separate sheet)*
 - (b) why a lesser share of indigenisation or a longer period within which to achieve it (or both) is justified by reason of your business having achieved, or intending to achieve within a specified period (being not longer than five years from the 1st March, 2010, or within five years from the commencement of your business, as the case may be) any one or more the following socially and economically desirable objectives
 - (i) your business has undertaken or intendeds to undertake certain development work in the community in which it carries on its business; *(Provide details on separate sheet)*
 - (ii) your business has, to a specified extent, benefited or intendeds, to a specified extent, to benefitate raw materials that are extracted in Zimbabwe before it exports them *(Provide details on separate sheet)*
 - (iii) your business has, to a specified extent, transferred or intendeds, to a specified extent, to transfer new technology to Zimbabwe *(Provide details on separate sheet)*
 - (iv) your business has, to a specified extent, employed local skills or imparted new skills to Zimbabweans, or intendeds, to a specified extent, to employ local skills or impart new skills to Zimbabweans *(Provide details on separate sheet)*
 - (v) your business has achieved or intendeds to achieve any other socially and economically desirable objective not mentioned above *(Provide details on separate sheet)*

Declaration

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

We do hereby certify that the above information is to the best of our knowledge true and correct *(to be completed by any of the following as may be applicable)*

	Names	ID Number	Signature	Date
Company Secretary				
Senior Partner				
A person nominated by the governing body of an unregistered association				
A person in whose name a private business corporation is incorporated in terms of the Private Business Corporation Act				
The sole trader				
Person relinquishing a controlling interest in a business				
Person authorized by the investor projecting or proposing any investment;				

SECOND SCHEDULE (Section 6, 7 or 8)

Form IDG 02

**FORM OF NOTIFICATION AND APPLICATION REQUIRED BY SECTION 3(1) (B)
(C) (D) (E) AND 4 OF ACT**

Essential definitions

According to the Indigenisation and Economic Empowerment Act, an “indigenous Zimbabwean” is defined as follows: “any person who, before the 18th April, 1980, was disadvantaged by unfair discrimination on the grounds of his or her race, and any descendant of such person, and includes any company, association, syndicate or partnership of which indigenous Zimbabweans form the majority of the members or hold the controlling interest”

Also according to the Indigenisation and Economic Empowerment Act, a “controlling interest”, in relation to—

- (a) a company, means the majority of the voting rights attaching to all classes of shares in the company;
- (b) any business other than a company, means any interest which enables the holder thereof to exercise, directly or indirectly, any control whatsoever over the activities or assets of the business.

Purpose of this form (Tick the appropriate box)

- (a) To notify a transaction the result of which does not achieve 51% indigenisation

- (b) To notify a transaction the result of which purports to achieve 51% indigenisation

1. Name of business:

2. form of business:

(Please tick the appropriate box)

Public Company	<input type="checkbox"/>
Private Company	<input type="checkbox"/>
Private Business Corporation	<input type="checkbox"/>
Partnership	<input type="checkbox"/>
Other Form of Association(Please Specify)	<input type="checkbox"/>
Sole Trader	<input type="checkbox"/>

2A. Physical and other addresses (including electronic mail address, if any) and telephone number(s) of the head office of the business:

.....
.....

2B. Physical and other addresses (including electronic mail address, if any) and telephone number(s) of the principal place of business in Zimbabwe of the business, in the case where the head office of the business is outside Zimbabwe:

3. Type of business (Tick appropriate box)

Sector	Sub-sector	
Manufacturing	Agro-industry/Fertiliser	
	Seed	
	Chemicals & Petroleum products	
	Agricultural equipment & machinery	
	Plastics & packaging	
	Food stuffs (including stock feeds)	
	Drink and tobacco	
	Textiles including ginning	
	Clothing & footwear	
	Wood & furniture	
	Paper printing & publishing	
	Non-metallic mineral products	
	Metals & metal products	
	Glass & glass products	
	Transport & transport equipment	
Health & pharmaceuticals		
	Other (Specify)	
Mining	Energy minerals	
	Precious minerals	
	Other minerals	
	Other (Specify)	
Tourism	Accommodation & Amenities	
	Tourism transport	
	Other (Specify)	
Finance	Commercial banks	
	Discount houses	
	Building societies	
	Merchant Banks	
	Insurance	
	Asset management	

⁶² Items 2A and 2B inserted by SI 116/2010.

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

	Other (Specify)	
Transport	Passenger road transportation	
	Freight transportation by road	
	Water transportation (ships & boats)	
	Air transportation	
	Rail transportation	
	Other (Specify)	
Communication	Broadcasting	
	Fixed telephone	
	Internet access	
	Public data	
	Courier	
	Mobile cellular	
	Postal general	
	Publishing	
	Publications	
	Other (Specify)	
Construction	Building contractors	
	Civil engineering contractors	
	Mechanical engineering contractors	
	Electrical engineering contractors	
	Joinery & shop fitting	
	Construction & building material supplies	
	Other (Specify)	
Energy	Hydro-electricity	
	Thermal power	
	Liquid fuel	
	Coal energy	
Other (Specify)		
Sector	Sub-sector	
Manufacturing	Agro-industry	
	Fertiliser	
	Seed	
	Chemicals & Petroleum products	
	Agricultural equipment & machinery	

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

	Plastics & packaging	
	Food stuffs (including stock feeds)	
	Drink and tobacco	
	Textiles including ginning	
	Clothing & footwear	
	Wood & furniture	
	Paper printing & publishing	
	Non-metallic mineral products	
	Metals & metal products	
	Glass & glass products	
	Transport & transport equipment	
	Health & pharmaceuticals	
Mining	Energy minerals	
	Precious minerals	
	Other minerals	
Tourism	Accommodation & Amenities	
	Tourism transport	
Finance	Commercial banks	
	Discount houses	
	Building societies	
	Merchant Banks	
	Insurance	
	Asset management	
Transport	Passenger road transportation	
	Freight transportation by road	
	Water transportation (ships & boats)	
	Air transportation	
	Rail transportation	
Communication	Broadcasting	
	Fixed telephone	
	Internet access	
	Public data	
	Courier	
	Mobile cellular	

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

	Postal general	
	Publishing	
	Publications	
Construction	Building contractors	
	Civil engineering contractors	
	Mechanical engineering contractors	
	Electrical engineering contractors	
	Joinery & shop fitting	
	Construction & building material supplies	
Energy	Hydro-electricity	
	Thermal power	
	Liquid fuel	
	Coal energy	
Other (Specify)		

4. Nature of transaction being notified (*Tick appropriate box*)

(a) a merger?

(b) a restructuring?

(c) an unbundled/demerged business?

(d) a relinquishment of a controlling interest?

If so, indicate extent of controlling interest relinquished:

5. Net asset value of the business at the date of this form:

.....
.....”⁶³

6. Current shareholding: (Please complete the tables below)

Name and Nationality of shareholder(s)/ partner(s)	National I.D. No./ Passport No.	Extent of shareholders'/ partners'/owners' shares/interests held by respective shareholders, partners and owners expressed as percentages	
		Indigenous	Non-indigenous Zimbabwean(s)

⁶³ Item 5 as substituted by SI 116/2010.

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

owner(s)		Zimbabwean(s)	

NB.

In the case of a company, attach a schedule of the---

- (a) names of members of the company;*
- (b) number and type of shares held by each member;*
- (c) date of incorporation or registration of the company and company registration number.*

Where members in a company exceed 50 only those with shares in excess of 10% should be listed.

7. Do you have an indigenisation implementation plan approved by the Minister? (If so, attach copy thereof)

Declaration

We do hereby certify that the above information is to the best of our knowledge true and correct.

	Names	ID Number	Signature	Date
Company Secretary				
Senior Partner				
A person nominated by the governing body of an unregistered association				
A person in whose name a private business corporation is incorporated in terms of the Private Business Corporation Act				

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

The sole trader				
Person relinquishing a controlling interest in a business				
Person authorized by the investor projecting or proposing any investment;				

THIRD SCHEDULE ([Section 9](#))⁶⁴

**SECTORS RESERVED AGAINST FOREIGN INVESTMENT IN FAVOUR OF
INDIGENOUS ZIMBABWEANS**

1. Agriculture: primary production of food and cash crops.
2. Transportation: passenger busses, taxis and car hire services.
3. Retail and wholesale trade.
4. Barber shops, hairdressing and beauty saloons.
5. Employment Agencies.
6. Estate Agencies.
7. Valet services.
8. Grain milling.
9. Bakeries.
10. Tobacco grading and packaging.
11. Tobacco processing.
12. Advertising Agencies.
13. Milk processing.
14. Provision of local arts and craft, marketing and distribution.

FOURTH SCHEDULE ([Section 13](#))

Form IDG 03

FORM FOR INDIGENISATION ASSESSMENT RATING

NOTICE TO PERSON COMPLETING THIS FORM

Essential definitions

⁶⁴ Section reference corrected by SI 34/2011 – it previously referred incorrectly to section 21. The Schedule is actually referred to in section 9(3).

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

According to the Indigenisation and Economic Empowerment Act, an “indigenous Zimbabwean” is defined as follows: “any person who, before the 18th April, 1980, was disadvantaged by unfair discrimination on the grounds of his or her race, and any descendant of such person, and includes any company, association, syndicate or partnership of which indigenous Zimbabweans form the majority of the members or hold the controlling interest”

Also according to the Indigenisation and Economic Empowerment Act, a “controlling interest”, in relation to—

- (a) a company, means the majority of the voting rights attaching to all classes of shares in the company;
- (b) any business other than a company, means any interest which enables the holder thereof to exercise, directly or indirectly, any control whatsoever over the activities or assets of the business.

Purpose of this form

To enable the Minister to assess the extent of indigenisation of the business concerned and, together with the information gathered from forms submitted by other businesses, to enable the Minister to assess the extent of indigenisation in the sector of the economy to which the business belongs and in the economy as a whole.

1. Name of business:

2. Form of business:

(Please tick the appropriate box)

Public Company	<input type="checkbox"/>
Private Company	<input type="checkbox"/>
Private Business Corporation	<input type="checkbox"/>
Partnership	<input type="checkbox"/>
Other Form of Association(Please Specify)	<input type="checkbox"/>
Sole Trader	<input type="checkbox"/>

2A. Physical and other addresses (including electronic mail address, if any) and telephone number(s) of the head office of the business:

.....

2B. Physical and other addresses (including electronic mail address, if any) and telephone number(s) of the principal place of business in Zimbabwe of the business, in the case where the head office of the business is outside Zimbabwe:

.....
⁶⁵

3. Type of business (Tick appropriate box)

Sector	Sub-sector	<input type="checkbox"/>
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⁶⁵ Items 2A and 2B inserted by SI 116/2010.

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

Manufacturing	Agro-industry/Fertiliser	
	Seed	
	Chemicals & Petroleum products	
	Agricultural equipment & machinery	
	Plastics & packaging	
	Food stuffs (including stock feeds)	
	Drink and tobacco	
	Textiles including ginning	
	Clothing & footwear	
	Wood & furniture	
	Paper printing & publishing	
	Non-metallic mineral products	
	Metals & metal products	
	Glass & glass products	
	Transport & transport equipment	
Health & pharmaceuticals		
	Other (Specify)	
Mining	Energy minerals	
	Precious minerals	
	Other minerals	
	Other (Specify)	
Tourism	Accommodation & Amenities	
	Tourism transport	
	Other (Specify)	
Finance	Commercial banks	
	Discount houses	
	Building societies	
	Merchant Banks	
	Insurance	
	Asset management	
	Other (Specify)	
Transport	Passenger road transportation	
	Freight transportation by road	
	Water transportation (ships & boats)	
	Air transportation	

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

	Rail transportation	
	Other (Specify)	
Communication	Broadcasting	
	Fixed telephone	
	Internet access	
	Public data	
	Courier	
	Mobile cellular	
	Postal general	
	Publishing	
	Publications	
	Other (Specify)	
Construction	Building contractors	
	Civil engineering contractors	
	Mechanical engineering contractors	
	Electrical engineering contractors	
	Joinery & shop fitting	
	Construction & building material supplies	
	Other (Specify)	
Energy	Hydro-electricity	
	Thermal power	
	Liquid fuel	
	Coal energy	
Other (Specify)		

5. Net asset value of the business at the date of this form:

_____ 66

6. Current shareholding (Please fill in the tables below)

Name and Nationality of shareholder(s)/ partner(s)/ owner(s)	National I.D. No./ Passport No.	Extent of shareholders'/ partners'/owners' shares/interests held by respective shareholders, partners and owners expressed as percentages	
		Indigenous Zimbabwean(s)	Non-indigenous Zimbabwean(s)

⁶⁶ Item 5 as amended 11 5 as amended by SI 116/2010.

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

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NB.

In the case of a company, attach a schedule of the---

- (a) names of members of the company;*
- (b) number and type of shares held by each member;*
- (c) date of incorporation or registration of the company and company registration number.*

Where members in a company exceed 50 only those with shares in excess of 10% should be listed.

7 Do you consider that a controlling interest or not less than 51 % of the shares in your business is held by an indigenous Zimbabwean/are held by indigenous Zimbabweans? YES/NO. In either case, to what extent is your business indigenised, expressed as a percentage?

8. If the answer to question 7 is NO, do you have an indigenisation implementation plan approved by the Minister? *(If so, attach copy thereof)*

Declaration

We do hereby certify that the above information is to the best of our knowledge true and correct *(to be completed by any of the following as may be applicable)*

	Names	ID Number	Signature	Date
Company Secretary				
Senior Partner				
A person nominated by the governing body of an unregistered association				
A person in whose name a private business corporation is				

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

incorporated in terms of the Private Business Corporation Act				
The sole trader				
Person relinquishing a controlling interest in a business				
Person authorized by the investor projecting or proposing any investment;				

FIFTH SCHEDULE (Section 14)

Form IDG 04

DETAILS OF QUALIFYING SCHEME OR TRUST⁶⁷

Explanatory Notes

- (a) This form is submitted for the purpose of enabling a fixed percentage to be added towards the fulfilment of the minimum indigenisation and empowerment quota in favour of businesses that empower their employees, managerial employees or residents of any community in a Rural District Council or other defined community in which they operate through the establishment of qualifying employee share ownership schemes or trusts.⁶⁸
- (b) “qualifying scheme or trust” means an employee share ownership scheme or trust, management share ownership scheme or trust or community share ownership scheme or trust that qualifies in terms of section 14, 14A or 14B of the Indigenisation and Economic Empowerment (General) Regulations, 2010, for the purposes of being used to assess the extent to which a business that is a company has achieved or exceeded the minimum indigenisation and empowerment quota;⁶⁹
- (c) “minimum indigenisation and empowerment quota” means a controlling interest or the fifty-one *per centum* of the shares or interests which in terms of the Act is required to be held by indigenous Zimbabweans in a business;

1. Name of business:.....

1A. Physical and other addresses (including electronic mail address, if any) and telephone number(s) of the head office of the business:

⁶⁷ Form heading as amended by SI 116/2010.

⁶⁸ Notes (a) and (b) as substituted by SI 116/2010.

⁶⁹ Notes (a) and (b) as substituted by SI 116/2010.

.....
⁷⁰

1B. Physical and other addresses (including electronic mail address, if any) and telephone number(s) of the principal place of business in Zimbabwe of the business, in the case where the head office of the business is outside Zimbabwe:

.....
⁷¹

2. Current ownership structure

Name and Nationality of shareholder(s)/ partner(s)/ owner(s)	National I.D. No./ Passport No.	Extent of participating /benefiting employee's shares/interests held by respective participating/benefiting employee expressed as percentages	
		Indigenous Zimbabwean(s)	Non-indigenous Zimbabwean(s)

If applicable specify the number and proportion of persons whose names are submitted in the table who are women and, or disabled.

NB.

Indigenous Zimbabweans participating or benefiting in a qualifying scheme must constitute seventy-five per centum of the total qualifying scheme.

2A. Current ownership structure (where participating shares or interest are to be held by a “managerial employees” as defined in section 14A of the Regulations)⁷²

Name and Nationality of shareholder(s)/ partner(s)/owner(s)	National I.D. No./ Passport No.	Extent of participating /benefiting managerial employee's shares/interests held by respective participating/benefiting managerial employee expressed as percentages	
		Indigenous Zimbabwean(s)	Non-indigenous Zimbabwean(s)

⁷⁰ Items 1A and 1B inserted by SI 116/2010.
⁷¹ Items 1A and 1B inserted by SI 116/2010.
⁷² Items 2A and 2B inserted by SI 116/2010.

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

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2B. Current ownership structure (where participating shares or interest are to be held by a “community” as defined in section 14B of the Regulations)

Name and Nationality of shareholder(s)/partner(s)/owner(s)	National I.D. No./ Passport No.	Name of Rural District Council(s) in whose area of jurisdiction the Communal Land(s) mentioned below are located:.....	
		Name of Communal Land(s) and of Chief(s) of the community (communities) whose natural resources are being exploited will be or are being exploited by the qualifying business	
		Communal Land(s) and ward(s)	Chief(s)
		In the case of a community other than the residents of a Rural District Council or communal land, give a precise description below of the community and its location:	

Declaration

We do hereby certify that the above information is to the best of our knowledge true and correct.

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

	Names	ID Number	Signature	Date
Company Secretary				

SIXTH SCHEDULE (Section 15)

Form IDG 05

**REQUEST TO MINISTER TO IDENTIFY INDIGENOUS ZIMBABWEANS AS
POTENTIAL COUNTERPARTIES TO NOTIFIABLE TRANSACTIONS⁷³**

Notice to person filling this form

According to the Act an indigenous Zimbabwean is defined as follows: “*any person who, before the 18th April, 1980, was disadvantaged by unfair discrimination on the grounds of his or her race, and any descendant of such person, and includes any company, association, syndicate or partnership of which indigenous Zimbabweans form the majority of the members or hold the controlling interest*”

1. Name of business:

2. Form of business:

(Please tick the appropriate box)

Public Company	
Private Company	
Private Business Corporation	
Partnership	
Other Form of Association(Please Specify)	
Sole Trader	

2A. Physical and other addresses (including electronic mail address, if any) and telephone number(s) of the head office of the business:

.....
.....⁷⁴

2B. Physical and other addresses (including electronic mail address, if any) and telephone number(s) of the principal place of business in Zimbabwe of the business, in the case where the head office of the business is outside Zimbabwe:

.....
.....⁷⁵

3. Type of business (Tick appropriate box)

Sector	Sub-sector	
Manufacturing	Agro-industry	

⁷³ Form title as substituted by SI 116/2010.

⁷⁴ Items 2A and 2B inserted by SI 116/2010.

⁷⁵ Items 2A and 2B inserted by SI 116/2010.

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

	Fertiliser	
	Seed	
	Chemicals & Petroleum products	
	Agricultural equipment & machinery	
	Plastics & packaging	
	Food stuffs (including stock feeds)	
	Drink and tobacco	
	Textiles including ginning	
	Clothing & footwear	
	Wood & furniture	
	Paper printing & publishing	
	Non-metallic mineral products	
	Metals & metal products	
	Glass & glass products	
	Transport & transport equipment	
	Health & pharmaceuticals	
Mining	Energy minerals	
	Precious minerals	
	Other minerals	
Tourism	Accommodation & Amenities	
	Tourism transport	
Finance	Commercial banks	
	Discount houses	
	Building societies	
	Merchant Banks	
	Insurance	
	Asset management	
Transport	Passenger road transportation	
	Freight transportation by road	
	Water transportation (ships & boats)	
	Air transportation	
	Rail transportation	
Communication	Broadcasting	
	Fixed telephone	

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

	Internet access	
	Public data	
	Courier	
	Mobile cellular	
	Postal general	
	Publishing	
	Publications	
Construction	Building contractors	
	Civil engineering contractors	
	Mechanical engineering contractors	
	Electrical engineering contractors	
	Joinery & shop fitting	
	Construction & building material supplies	
Energy	Hydro-electricity	
	Thermal power	
	Liquid fuel	
	Coal energy	
Other (Specify)		

4. Nature of transaction proposed to be entered into (Add annexures if necessary)

5. Net asset value of the business at the date of this form: ⁷⁶

6. Current ownership structure:

Name and Nationality of shareholder(s)/ partner(s)/ owner(s)	National I.D. No./ Passport No.	Extent of shareholders'/ partners'/owners' shares/interests held by respective shareholders, partners and owners expressed as percentages	
		Indigenous Zimbabwean(s)	Non-indigenous Zimbabwean(s)

⁷⁶ Item 5 inserted by SI 116/2010.

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

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NB.

In the case of a company, attach a schedule of the---

- (a) names of members of the company;*
- (b) number and type of shares held by each member;*
- (c) date of incorporation and registration of the company and company registration number.*

Where members in a company exceed 50 only those with shares in excess of 10% should be listed.

If neither of the above applies state how you intend to engage the indigenous person or partnership in the business

Declaration

We do hereby certify that the above information is to the best of our knowledge true and correct.

	Names	ID Number	Signature	Date
Company Secretary				
Senior Partner				
A person nominated by the governing body of an unregistered association				
A person in whose name a private business corporation is incorporated in terms of the Private Business				

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

Corporation Act				
The sole trader				

Form IDG 06

**INDIGENOUS ZIMBABWEAN(S) INTENDING TO ACQUIRE CONTROLLING
INTEREST IN BUSINESS**

Notice to person filling this form

According to the Act an indigenous Zimbabwean is defined as follows: *“any person who, before the 18th April, 1980, was disadvantaged by unfair discrimination on the grounds of his or her race, and any descendant of such person, and includes any company, association, syndicate or partnership of which indigenous Zimbabweans form the majority of the members or hold the controlling interest”*

Registration Number:.....

- 1. Name of person or business:**
- 2. Form of business required to acquire controlling interest in:**.....

(Please tick the appropriate box)

Public Company	
Private Company	
Private Business Corporation	
Partnership	
Other Form of Association(Please Specify)	
Sole Trader	
Other (Specify)	

- 3. Type of business required to acquire controlling interest in (Tick appropriate box)**

Sector	Sub-sector	
Manufacturing	Agro-industry	
	Fertiliser	
	Seed	
	Chemicals & Petroleum products	
	Agricultural equipment & machinery	
	Plastics & packaging	
	Food stuffs (including stock feeds)	
	Drink and tobacco	
	Textiles including ginning	

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

	Clothing & footwear	
	Wood & furniture	
	Paper printing & publishing	
	Non-metallic mineral products	
	Metals & metal products	
	Glass & glass products	
	Transport & transport equipment	
	Health & pharmaceuticals	
	Other (Specify)	
Mining	Energy minerals	
	Precious minerals	
	Other minerals	
	Other (Specify)	
Tourism	Accommodation & Amenities	
	Tourism transport	
	Other (Specify)	
Finance	Commercial banks	
	Discount houses	
	Building societies	
	Merchant Banks	
	Insurance	
	Asset management	
	Other (Specify)	
Transport	Passenger road transportation	
	Freight transportation by road	
	Water transportation (ships & boats)	
	Air transportation	
	Rail transportation	
	Other (Specify)	
Communication	Broadcasting	
	Fixed telephone	
	Internet access	
	Public data	
	Courier	
	Mobile cellular	

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

	Postal general	
	Publishing	
	Publications	
	Other (Specify)	
Construction	Building contractors	
	Civil engineering contractors	
	Mechanical engineering contractors	
	Electrical engineering contractors	
	Joinery & shop fitting	
	Construction & building material supplies	
	Other (Specify)	
Energy	Hydro-electricity	
	Thermal power	
	Liquid fuel	
	Coal energy	
	Other (Specify)	

4. Nature of transaction proposed to be entered into, whether it's a merger, restructuring, demerger, unbundling, etc (Add annexures if necessary)

5. Current ownership structure of your business(If applicable)

Name of indigenous Zimbabwean	National I.D. No./ Passport No.

NB.

In the case of a company, attach a schedule of the---

(a) names of members of the company;

(b) number and type of shares held by each member;

**Indigenisation and Economic Empowerment (General) Regulations, 2010
as amended as at 27th July, 2011**

(c) *date of incorporation and registration of the company and company registration number.*

Where members in a company exceed 50 only those with shares in excess of 10% should be listed.

6. Have you submit Form IDG01 before?

YES	NO
-----	----

Declaration

We do hereby certify that the above information is to the best of our knowledge true and correct.

	Names	ID Number	Signature	Date
Company Secretary				
Senior Partner				
A person nominated by the governing body of an unregistered association				
A person in whose name a private business corporation is incorporated in terms of the Private Business Corporation Act				
The sole trader				

ANNEXURE

SECTION 6(2) AND (3) OF SI 34/2011

SUPPLEMENTING SECTION 10(4) OF SI 21/2010 AS INSERTED BY SI 342/011

6 (2) Every business (other than the business of a sole trader) which, in compliance with the principal regulations before their amendment by these regulations, had complied with section 4(1) and (2), shall, no later than the 30th June, 2011, submit through the responsible person the secondary document required by section 10(4) of the principal regulations as inserted by these regulations.

(3) A business (other than the business of a sole trader) which fails to comply with subsection (2) by the date there mentioned shall not be considered not to have complied with section 4(1) or (2) of the principal regulations, whereupon section 4(4) of the principal regulations shall apply to such business as if it had not submitted any primary documents.