

Chapter 18:06**PREVIOUS CHAPTER****COLD STORAGE COMMISSION ACT**

Acts 9/1960 (Federal), 11/1962 (Federal), 92/1964, 38/1966, 21/1967 (s. 29), 14/1968, 28/1969 (s. 4), 39/1973 (s. 53), 11/1991 (s. 12), 12/1991; R.G.N.s 917/1963, 214/1964, 217/1970; S.I. 566/1979.

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SCHEDULE: Powers of Commission.

AN ACT to establish a commission for the purpose of operating abattoirs, refrigerating works and factories; to control the export of chilled and frozen beef; to regulate the sale, distribution, consignment and delivery and to provide for the grading of the carcasses of certain livestock; to provide for the fixing of the prices to be paid for livestock delivered to the works of the commission; and to provide for incidental matters.

[Date of commencement: 1st September, 1960.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Cold Storage Commission Act [Chapter 18:06].

2 Interpretation

(1) In this Act—

“beef” includes veal;

“Board” means the Cold Storage Commission Board referred to in section four;

“carcass” includes any part of a carcass;

“Commission” means the Commission established in terms of Part II;

“financial year” means the period of twelve months ending on the 31st December each year;

“Government grader” means a Government grader appointed in terms of subsection (1) of section forty-eight and includes a person exercising or performing any of the powers or duties of a Government grader conferred or imposed upon him in terms of subsection (2) of that section;

“inspector” means an inspector appointed in terms of subsection (1) of section forty-eight and includes a person exercising or performing any of the powers or duties of an inspector conferred or imposed upon him in terms of subsection (2) of that section;

“livestock” means cattle and such other animals, poultry and fish as may be declared by the Minister, by statutory instrument, to be livestock for the purposes of any or all of the provisions of this Act;

“member” means a member of the Board;

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

(2) A provision of this Act for the purposes of which animals, poultry or fish have been declared to be livestock in a statutory instrument referred to in the definition of “livestock” in subsection (1) shall, subject to this Act, have effect in relation to the animals, poultry or fish specified in the notice in such area or areas of Zimbabwe, including the whole of Zimbabwe, as the Minister may prescribe in the notice.

PART II

ESTABLISHMENT OF COMMISSION

3 Establishment of Commission

There is hereby established a commission to be known as the Cold Storage Commission which shall be a body corporate capable of suing and being sued and, subject to this Act, of doing all such acts as a body corporate may by law perform.

4 Cold Storage Commission Board

The operations of the Commission shall, subject to this Act, be controlled by a Board, to be known as the Cold Storage Commission Board.

5 Membership of Board

(1) The Board shall consist of not less than six and not more than nine members who shall be appointed by the Minister after consultation with the President and in accordance with any directions the President may give him.

(2) Members shall be appointed for their ability and experience in agriculture, business or administration or their suitability otherwise for appointment as members.

(3) The Minister shall designate a member as chairman of the Board and another member as vice-chairman of the Board, and the vice-chairman shall exercise the functions of the chairman during any period that the chairman is unable to do so.

(4) The Minister may appoint any person to the Board as an alternate to a member, and such person—

(a) shall act as a member only when the member to whom he is alternate is unable to exercise his functions on the Board by reason of illness, absence from Zimbabwe, suspension from office or other cause;

(b) when acting as a member shall, subject to the conditions applicable to the member, exercise the functions of the member to whom he is alternate:

Provided that an alternate to the member who has been designated as chairman or vice-chairman of the Board shall not exercise the functions of chairman or vice-chairman, as the case may be.

6 Conditions of office of members

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

(2) On the expiry of the period for which a member has been appointed, he shall continue to hold office until he has been reappointed or his successor has been appointed:

Provided that a member shall not continue to hold office in terms of this subsection for a period exceeding six months.

(3) Subject to section fourteen, a member shall hold office on such conditions as the

Minister may fix for members generally.

(4) A retiring member shall be eligible for reappointment as a member.

7 Disqualification for appointment as member

The Minister shall not appoint a person as a member and no person shall be qualified to hold office as a member who—

(a) is not a citizen of Zimbabwe ordinarily resident in Zimbabwe; or
(b) is, or is married to a person who is, engaged in any activity connected with a business which, in the opinion of the Minister, is likely to interfere with the impartial discharge by that person of the duties of the office of a member; or

(c) has, in terms of a law in force in any country—

(i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or

(ii) made an assignment to or arrangement or composition with his creditors which has not been rescinded or set aside;

or

(d) has, within the period of five years immediately preceding the date of his proposed appointment, been convicted—

(i) within Zimbabwe of a criminal offence; or

(ii) outside Zimbabwe of an offence, by whatever name called, which, if committed within Zimbabwe, would have been a criminal offence;

and sentenced to a term of imprisonment imposed without the option of a fine, whether or not such sentence has been suspended, and has not received a free pardon.

8 Vacation of office by member

A member shall vacate his office and his office shall become vacant—

(a) one month after the date he gives notice in writing to the Minister of his intention to resign his office or after the expiry of such shorter period as he and the Minister may agree; or

(b) thirty days after the date he is sentenced by a court to imprisonment referred to in paragraph (d) of section seven after conviction of an offence referred to in that paragraph:

Provided that, if, during the said period of thirty days, an application for a free pardon is made or an appeal is noted, the question whether the member is to vacate his office shall not be determined until the final disposal of such application or appeal, whereupon the member shall forthwith vacate his office and his office shall become vacant unless he is granted a free pardon, or his conviction is set aside or a punishment other than imprisonment is substituted; or

(c) if he becomes disqualified in terms of paragraph (a), (b) or (c) of section seven to hold office as a member; or

(d) if he is required in terms of section nine to vacate his office.

9 Member may be required to vacate office or be suspended

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

(a) has been guilty of improper conduct as a member; or

(b) has failed to comply with the conditions of his office fixed by the Minister in terms of subsection (3) of section six; or

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

(2) The Minister, on the recommendation of the Board, may require a member to vacate his office if the Minister is satisfied that the member has been absent without the permission of the Board from three consecutive meetings of the Board, of which he has been given not less than seven days' notice, and that there was no just cause for the member's absence.

(3) The Minister—

(a) may suspend from office a member against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment without the option of a fine may be imposed; and

(b) shall suspend from office a member who has been sentenced by a court to imprisonment without the option of a fine, whether or not suspended, pending determination of the question whether he is to vacate his office; and whilst that member is so suspended he shall not carry out any duties or be entitled to any remuneration as a member.

10 Filling of vacancies on Board

Subject to section five, on the death of, or the vacation of office by, a member the Minister may appoint a person to fill the vacancy.

11 Meetings and procedures of Board

(1) The Board shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and proceedings as it thinks fit:

Provided that the Board shall meet at least three times in every year.

(2) The chairman of the Board may himself at any time and shall, at the request in writing of not less than four members, convene a special meeting of the Board.

(3) If, at a meeting, of the Board, the chairman and the vice-chairman are both absent, the members present may elect one of their number to preside at that meeting as chairman.

(4) A majority of members shall form a quorum at a meeting of the Board.

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

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

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

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

12 Committees of Board

(1) For the better exercise of its functions the Board may establish committees in which may be vested and on which may be imposed such of the functions of the Board as the Board, may direct:

Provided that—

(i) the vesting or imposition of any such functions in a committee shall not divest the Board of such functions; and

(ii) the Board may amend or withdraw any decision of any such committee in the exercise of its functions.

(2) The procedure of any committee of the Board shall be fixed by the Board.

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

(4) On the establishment of a committee the Board—

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

(b) may appoint to that committee, on such terms and conditions as the Board may fix, persons who are not members of the Board.

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

Such officers of the Public Service as the Minister may designate shall be entitled—

- (a) to attend meetings of the Board or a committee of the Board; and
- (b) to take part in the proceedings of the Board or a committee of the Board;

as if they were members, but shall not have a vote on any question before the Board or the committee.

14 Remuneration and expenses of members

(1) A member or an alternate member of the Board or a committee shall be paid from the funds of the Commission—

- (a) such remuneration as the Minister, after consultation with the Minister responsible for finance, may fix;
- (b) such allowances as the Minister, after consultation with the Minister responsible for finance, may fix to meet any reasonable expenses incurred by him in connection with the business of the Commission.

15 Members to declare interest

(1) If a member or his spouse—

- (a) tenders for or acquires or holds a direct or indirect pecuniary interest in a contract with the Commission; or
- (b) knowingly acquires or holds a direct or indirect pecuniary interest in a company or firm applying or negotiating for a contract with the Commission; or
- (c) owns immovable property or a right in immovable property or has a direct or indirect pecuniary interest in a company or firm which results in his private interests coming or appearing to come into conflict with his duties as a member;

the member shall forthwith disclose the fact to the Board and to the Minister:

Provided that this subsection shall not apply in relation to a contract with the Commission for the delivery, sale or purchase of any products entered into by a member or his spouse in which the member or his spouse receives no preferential treatment over, or more advantageous terms than, other members of the public.

(2) A member referred to in subsection (1) shall take no part in the consideration or discussion of or vote on any question before the Board which relates to a contract, right, immovable property or interest referred to in that subsection.

16 Validity of decisions and acts of Board

No decision or act of the Board or act done under the authority of the Board shall be invalid by reason only of the fact that—

- (a) the Board consisted of fewer than the number of persons prescribed in section five; or
- (b) a disqualified person acted as a member at the time the decision was taken or the act was done or authorized;

if the duly appointed members who were present when the decision was taken or the act was done or authorized by the Board constituted a quorum in terms of subsection (4) of section eleven.

17 Execution of contracts and instruments by Commission

An agreement, contract or instrument may be entered into or executed on behalf of the Commission by any persons generally or specially authorized by the Board for that purpose.

18 Transaction of business of an urgent nature

If it is not practicable to hold a meeting of the Board for the transaction of business of an urgent nature, the chairman, after consulting such of the other members as are available in the circumstances, may deal with the business himself and, as soon as practicable thereafter, shall give to the Board full particulars of the nature and extent of the urgency of the business, the circumstances in which the urgency arose and the

action taken by him in the matter.

PART III

FINANCIAL PROVISIONS RELATING TO COMMISSION

19 Conduct of financial affairs of Commission

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

20 Funds of Commission

The funds of the Commission shall consist of—

(a) such moneys as may be payable to the Commission under the provisions of any other law or from moneys appropriated by Parliament; and

(b) such other moneys or assets as may vest in or accrue to the Commission, whether in the course of its operations or otherwise.

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

(1) The Commission shall charge to its revenue account all charges which in the normal conduct of business are regarded as proper to be made to revenue account and, in so doing, shall make in each financial year proper provision for—

(a) the depreciation of assets; and

(b) the payment of interest on and all other charges and expenses incurred in connection with loans.

(2) In charging to its revenue account all charges which in the normal conduct of business are regarded as proper to be made to revenue account as in subsection (1) is provided, the Commission may also, with the approval of the Minister responsible for finance, make in each financial year provision for meeting, in whole or in part, increases in the cost of replacing assets.

22 Commission to make provision for the redemption of loans

(1) The Commission shall in each financial year make such provision as may be necessary for the redemption of loans.

(2) Moneys put aside by the Commission in pursuance of the provisions of subsection (1) shall, until such time as they are used for the redemption of loans, be invested in such manner as the Minister, acting on the advice of the Minister responsible for finance, may direct.

23 Establishment and operation of producer price stabilization reserve

(1) The Commission shall establish a producer price stabilization reserve to which the Commission may—

(a) appropriate from a surplus of revenue over expenditure at the end of its financial year such moneys as the Minister may approve; and

(b) transfer such moneys in the general reserve account established in terms of section twenty-four as the Minister may approve.

(2) Subject to this Part, moneys in the producer price stabilization reserve established in terms of subsection (1) may, with the approval of the Minister, be used for one or other or both of the following purposes—

(a) to stabilize the prices paid for livestock as provided in subsection (3);

(b) to meet a deficiency as provided in section twenty-six.

(3) If, in the opinion of the Minister, it is at any time necessary or desirable that moneys in the producer price stabilization reserve should be used for the purpose of—

(a) maintaining the prices paid by the Commission for any livestock or class of livestock; or

(b) minimizing any reduction in prices paid by the Commission for livestock or any class of livestock delivered to the works for the Commission for slaughter;

he may direct that such moneys in that reserve as he may consider to be necessary or desirable shall be transferred to the revenue account of the Commission and the Commission shall comply with such direction.

(4) If, in the opinion of the Minister, the moneys in the producer price stabilization reserve established in terms of subsection (1) are sufficient for the purpose he may permit the Commission, on such terms and conditions and in such amount as he may approve, to use temporarily for the purposes of the Commission moneys from the producer price stabilization reserve:

Provided that the Minister may at any time direct that such moneys be repaid to the producer price stabilization reserve if he considers it to be necessary and the Commission shall comply with such direction.

24 Establishment and operation of general reserve account of Commission

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

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

25 Capital development reserve

(1) The Commission shall maintain a capital development reserve—

(a) to which the Commission may appropriate from a surplus of revenue over expenditure such moneys as the Minister may approve; and

(b) to which the Commission may appropriate any profit from the sale of a capital asset; and

(c) to which the Commission may transfer such moneys in the general reserve account established in terms of section twenty-four as the Minister may approve.

(2) Subject to this Part, moneys in the capital development reserve maintained in terms of subsection (1) may, with the approval of the Minister, be used to meet, in whole or in part—

(a) increases in the cost of replacing capital assets;

(b) capital expenditure on any project involving the acquisition of capital assets, whether such acquisition is additional to or an improvement of capital assets already held.

26 Meeting of deficiencies

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

(2) If the moneys in the general reserve account are insufficient for the purpose of meeting the whole of a deficiency referred to in subsection (1), the amount of the deficiency outstanding after the application of those moneys to that purpose shall be met from the producer price stabilization reserve established in terms of subsection (1) of section twenty-three.

(3) If the moneys in the producer price stabilization reserve are insufficient for the

purpose of meeting any amount which in terms of subsection (2) is required to be met from the producer price stabilization reserve, the amount outstanding after the application of those moneys to that purpose shall be met by the Minister out of moneys appropriated for the purpose by Parliament.

27 Establishment and operation of trading equalization and other funds and accounts

(1) The Commission may, with the approval of the Minister, establish such trading equalization and other funds and accounts as the Commission may consider appropriate or necessary for the purposes of the business of the Commission.

(2) The Commission shall operate a trading equalization fund established in terms of subsection (1) subject to the directions of the Minister.

28 Accounts of Commission

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

(2) The Commission shall keep separate accounts in relation to such of its business as it conducts for the account and at the risk of other persons.

29 Appointment of auditors and audit of Commission's accounts

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

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

(3) The Commission shall produce and lay before the auditors all books and accounts of the Commission, with all vouchers in support thereof and all books, papers and writing in its possession or control relating thereto.

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

30 Duties of auditors

It shall be the duty of the auditors to certify not less than once in each financial year whether or not—

(a) they have received all the information and explanations which, to the best of their knowledge and belief, were necessary for the performance of their duties as auditors; and

(b) the accounts of the Commission have been properly kept; and

(c) the accounts of the Commission present a true and fair view of the financial position of the Commission according to the information and explanations given and the books and records produced to them; and

(d) the Commission has complied with the provisions of this Part with which it is the duty of the Commission to comply and with their requirements as auditors.

PART IV

FUNCTIONS, POWERS AND DUTIES OF COMMISSION

31 Functions of Commission

(1) The functions of the Commission shall, subject to this Act and any direction given

to the Commission by the Minister, be to—

(a) purchase at the appropriate prescribed prices all livestock delivered by any person to the works of the Commission; and

(b) operate—

(i) abattoirs and refrigerating works for the purpose of chilling, freezing and storing beef, mutton, pork, poultry, fish and other perishable foodstuffs of whatsoever nature; and

(ii) canning factories and works for the purpose of manufacturing glue, blood-meal and other by-products of the carcasses of livestock and for processing beef, mutton, pork, poultry, fish and other perishable foodstuffs of whatsoever nature and for the manufacture of ice.

(2) Nothing in paragraph (a) of subsection (1) shall be construed as precluding the Commission, when performing its functions referred to in that paragraph, from regulating the number of and the times at which livestock may be delivered by any person to the works of the Commission or from deducting from the purchase price of the livestock a premium such as is referred to in paragraph 10 of the Schedule.

32 Powers of Commission

(1) Subject to this Act, the Commission may, with the approval of the Minister, do all or any of the things specified in the Schedule, either absolutely or conditionally and either solely or jointly with others.

(2) The Minister may approve the exercise by the Commission of the power to do a thing specified in the Schedule either generally or specially.

33 Appointment of general manager

(1) The Board—

(a) shall appoint, subject to this Act and on such terms and conditions as the Board thinks fit, a person approved by the Minister to be general manager of the Commission in whom, subject to the control of the Board, shall be vested the management of the operations, undertakings and property of the Commission;

(b) may, with the approval of the Minister, assign to the general manager of the Commission such of the functions of the Commission as the Board thinks fit.

(2) Members shall not be eligible to be considered for appointment as general manager of the Commission.

(3) Without the authority of the Minister, no person shall be appointed as general manager of the Commission if he is not ordinarily resident in Zimbabwe.

(4) The appointment of the general manager of the Commission shall be terminated if he would be required in terms of paragraph (b) or (c) of section eight to vacate his office had that section and paragraphs (b) and (c) of section seven applied to him.

(5) Any assignment of functions in terms of paragraph (b) of subsection (1)—

(a) may be made either generally or specially and subject to such restrictions, reservations and exceptions as the Board may determine;

(b) may be revoked by the Board at any time;

(c) shall not preclude the exercise of the functions by the Board itself.

(6) The general manager of the Commission shall have the right to attend meetings and take part in the proceedings of the Board as if he were a member but shall not have a vote on any question before the Board.

34 By-laws of Commission

The Commission may make by-laws for—

(a) the good management and conduct of the operations, undertakings and property of the Commission; and

(b) the conditions of service of persons in the Commission's employ; and any other matter in the opinion of the Commission necessary or convenient to be

provided in connection therewith.

35 Reports of Commission

(1) In addition to the annual report which the Commission is required to submit to the Minister in terms of section 44 of the Audit and Exchequer Act [Chapter 22:03], the Commission—

(a) may submit to the Minister such other reports as the Commission may consider advisable; and

(b) shall submit to the Minister such other reports as the Minister may require;

in regard to the operations, undertakings and property of the Commission.

(2) The Minister may lay a report submitted to him by the Commission in terms of subsection (1) before Parliament.

PART V

SPECIAL PROVISIONS RELATING TO LIVESTOCK FINANCE SCHEMES

36 Interpretation in Part V

In this Part—

“grazer” means any livestock—

(a) of the Commission in the possession of a grazier; or

(b) purchased by a grazier out of an advance made by the Commission; or

(c) given in security to the Commission by a grazier for an advance made

by the Commission or for a debt due to the Commission;

and includes the progeny thereof unless there is an agreement to the contrary between the Commission and a grazier;

“grazier” means any person who is in possession of grazers and who, in terms of a contract with the Commission, has agreed to deliver them to or hold them on behalf of the Commission.

37 Ownership in grazers to vest in Commission

Subject to this Act, the ownership in all grazers shall vest in the Commission.

38 Grazier may not dispose of grazers

No grazier shall, except with the written consent of the Commission, sell, exchange, lend, donate, allow to be seized in execution or otherwise dispose of or willingly allow to be out of his possession any grazer.

39 Person may not possess grazer without consent of Commission

No person shall, except with the written consent of the Commission, possess a grazer otherwise than in accordance with this Part.

40 Grazier deemed to be owner of grazers for certain purposes

(1) If any grazer trespasses or causes any injury or damage to any person or property, the Commission shall not be liable therefor.

(2) In regard to any claim in respect of such trespass, injury or damage based upon the ownership of such grazer, and in regard to any criminal liability attaching to the owner of livestock in any law relating to diseases of livestock and in regard to the payment, in terms of any enactment, of any levy or tax relating to livestock, the grazier and not the Commission shall be deemed to be the owner of such grazer.

41 Grazer not liable to attachment

No grazer shall be liable to attachment in execution of a judgment of any court of law, nor shall any grazer be subject to the landlord’s lien.

42 Sequestration of grazier’s estate

(1) If the estate of a grazier is sequestered or assigned a grazer shall not constitute an asset in the grazier’s estate.

(2) The trustee or assignee of a grazier’s estate shall deliver to the Commission within one month of the date of sequestration or assignment the grazers in such estate unless

he makes other arrangements to the satisfaction of the Commission in respect of such grazers.

(3) Nothing in this section shall prevent the Commission from having a valid claim against the estate of a grazier for the amount of any advance or debt together with interest thereon still due to it after the proceeds from the disposal of such grazers by the Commission, less costs, have been applied in reduction of such advance or debt and interest.

(4) If a grazier which is a company is wound up, the provisions of this section relating to the estate of a grazier and to a trustee or assignee shall apply, mutatis mutandis, to the assets of such company and to the liquidator of such company.

PART VI

GENERAL

43 Proceedings on failure of Commission to comply with Act

(1) If at any time it appears to the Minister that the Commission has failed to comply with this Act or a direction given to the Commission in terms of this Act, he may, by notice in writing, require the Commission to make good the default within a specified time.

(2) If the Commission fails to comply with a notice referred to in subsection (1), the Minister may apply to the High Court for an order compelling the Commission to remedy the default and the High Court may make such order on the application as it thinks fit.

44 Cancellation and amendment of certain contracts

(1) If, in the opinion of the Minister, there is a drought, outbreak of a disease of livestock or other occurrence in Zimbabwe or any area of Zimbabwe which the Minister is satisfied is likely to disrupt the orderly marketing of livestock or the performance by the Commission of its functions under this Act, and by reason of the drought, outbreak of disease or other occurrence the Minister considers it expedient in the public interest to cancel or amend a contract in connection with the delivery, sale or slaughter of livestock to which the Commission is a party, he may cancel the contract or amend the contract by deferring the date of delivery, sale or slaughter or by altering the number of livestock to be delivered, sold or slaughtered or by both deferring the date of delivery, sale or slaughter and by altering the number of livestock to be delivered, sold or slaughtered.

(2) If the Minister amends a contract as in subsection (1) is provided, the party obliged to produce, deliver or sell the livestock shall be at liberty to repudiate the contract without liability to suit or action by giving to the Minister written notice to that effect within such period as the Minister may fix.

(3) A contract amended as in subsection (1) is provided which the party obliged to produce, deliver or sell the livestock has not repudiated in terms of subsection (2) shall be enforceable as fully and effectively as it was enforceable before the amendment was made.

(4) No cause of action shall arise in respect of the cancellation or amendment of a contract in terms of subsection (1) and no court shall entertain a suit or action arising out of such a cancellation or amendment.

45 Control of export of chilled meats, etc., from cattle carcasses

No person, other than the Commission, shall export from Zimbabwe chilled or frozen beef or other chilled or frozen meat foods derived wholly or partly from cattle carcasses.

46 Certain carcasses of livestock to be graded

The Minister may, by statutory instrument, prescribe areas in Zimbabwe within which, from and after a date specified in the statutory instrument, the carcasses of all

livestock slaughtered for sale or export in any form whatsoever shall be graded immediately after slaughter in accordance with this Act.

47 Duties of Government graders

A Government grader shall—

(a) examine the quality of each carcass liable to be graded in terms of this Act; and

(b) grade each carcass liable to be graded in terms of this Act and mark the grade on the carcass in the prescribed manner.

48 Appointment of Government graders and inspectors

(1) Subject to the laws relating to the Public Service, the Minister may, for the purposes of this Act, appoint persons as Government graders or inspectors or as Government graders and inspectors.

(2) The Minister may confer all or any of the powers and impose all or any of the duties of an inspector under this Act upon any police officer or class of police officers.

49 Regulatory powers of Minister

(1) The Minister may, by regulation, prescribe all matters which by this Act are required or are permitted to be prescribed or which in his opinion are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The Minister may, in the exercise of the power conferred upon him by subsection (1), provide for—

(a) the inspection by inspectors of—

(i) carcasses of livestock, whether graded or liable to be graded in terms of this Act or otherwise;

(ii) abattoirs, slaughter-houses, butcheries, factories and works where livestock are slaughtered or where carcasses of livestock are treated, processed, prepared, dressed, dealt in or stored;

(b) the seizure by an inspector of books, documents, carcasses and other meat foods which, in the opinion of the inspector, may afford evidence of a contravention of this Act and the doing of such other things as may appear to the inspector necessary for ascertaining whether compliance has been made with this Act;

(c) the production to inspectors of carcasses and books and accounts relating thereto;

(d) the regulation, control, restriction and licensing of abattoirs, slaughter-houses and other premises where livestock are slaughtered for export or sale or for consumption off the premises:

Provided that before making regulations in terms of this paragraph, the Minister shall consult the Minister responsible for health and the Minister responsible for local government;

(e) the grading and marking of carcasses liable to be graded in terms of this Act and the names and designations of the various grades;

(f) the marks to be used by Government graders and the manner of grading and marking carcasses liable to be graded in terms of this Act;

(g) appeals from the decisions of Government graders in connection with the grading of carcasses of livestock in terms of this Act and the fees to be paid and the procedure to be followed in connection with such appeals;

(h) prohibiting or regulating the sale, distribution, consignment or delivery of carcasses of livestock which have not been graded, marked, wrapped or invoiced in accordance with regulations;

(i) the grading, marking, wrapping or invoicing of foodstuffs derived from carcasses of livestock and the manner in which such foodstuffs shall be wrapped

so as to indicate the grade of the carcasses from which they are derived;

(j) the fixing of maximum, minimum or specified prices determined by reference to dead weight and grade or live weight and grade which shall be paid by the Commission for livestock delivered to the works of the Commission, whether for the purposes of slaughter or otherwise;

(k) the fees and charges that may be levied for anything issued, supplied, made or done in terms of this Act.

(3) Nothing in this section shall be construed as precluding the Commission from purchasing livestock otherwise than at the works of the Commission at such prices as the Commission may deem expedient.

50 Offences and penalties

Any person who—

(a) obstructs a Government grader or inspector in the performance of his duties or the exercise of powers conferred by or under regulations or on being required to do so does not produce to an inspector or a police officer for inspection a carcass or any books or records relating thereto which are in his possession or under his control; or

(b) marks on any carcass a mark identical with a Government grader's mark or a mark so nearly resembling a Government grader's mark as to be likely to be mistaken for it or forges a Government grader's mark on a carcass graded in terms of this Act; or

(c) contravenes or fails to comply with a provision of this Act or with an order or direction made or given thereunder with which it is his duty to comply; shall be guilty of an offence and liable—

(i) on first conviction, to a fine not exceeding two hundred dollars or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;

(ii) on a second or subsequent conviction, to a fine not exceeding four hundred dollars or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

51 Minister may give directions on matters of policy

(1) Subject to subsection (2), the Minister may give to the Commission such directions of a general character as to the policy to be observed in the exercise by it of its function as appear to the Minister to be requisite in the national interest.

(2) Where the Minister considers that it might be desirable to give any direction in terms of subsection (1), he shall inform the Board, in writing, of his proposal and the Board shall, within thirty days or such further period as the Minister may allow, submit to the Minister, in writing, its views on the proposal and the possible implications on the finances and other resources of the Commission.

(3) The Commission shall, with all due expedition, comply with any direction given to it in terms of subsection (1).

(4) When any direction has been given in terms of subsection (1), the Board shall ensure that the direction and any views it has expressed thereon in terms of subsection (2) are set out in its annual report.

SCHEDULE (Section 19)

POWERS OF COMMISSION

1. To acquire, establish and construct abattoirs, refrigerating works, canning factories and other works and premises necessary or convenient for the exercise of the functions of the Commission and for that purpose and the purpose of grazing and managing the livestock of the Commission, to buy, take on lease or in exchange, hire or otherwise acquire immovable property within or outside Zimbabwe

and interests therein and rights over the same and concessions, grants, rights, powers and privileges in respect thereof.

2. To buy, take in exchange, hire or otherwise acquire movable property, including vehicles, machinery, plant and other apparatus, necessary or convenient for the exercise of the functions of the Commission.

3. To maintain, alter and improve property acquired by the Commission.

4. To apply for, buy or otherwise acquire patents, licences, concessions or the like conferring an exclusive or non-exclusive or limited right to use information or a process which may seem to the Board capable of being used for the purposes of the Commission or the acquisition of which may seem to the Board calculated, directly or indirectly, to benefit the Commission, and to use, exercise, develop and grant licences in respect of or otherwise turn to account rights, information and processes so acquired.

5. To slaughter livestock and to carry on the business of—

(a) wholesale butchers and of hide and skin merchants and manufacturers; and

(b) dealers in livestock and in beef, mutton, pork, poultry, fish and other perishable foodstuffs of whatsoever nature, whether processed at the works of the Commission or otherwise, and in canned products and ice.

6. To carry on the business of importers and exporters of livestock and to import and export carcasses of livestock, whether in a frozen state or otherwise.

7. To enter into, renew, cancel or abandon arrangements with any government or authority, local or otherwise, that may seem conducive to the Commission's objects or any of them, and to obtain from such a government or authority rights, privileges and concessions which the Board may think it desirable to obtain, and to carry out, exercise and comply with such arrangements, rights, privileges and concessions.

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

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

10. To insure against losses, damages, risks and liabilities which the Commission may incur and, subject to the provisions of the Insurance Act [Chapter 24:07], to operate on behalf of live-stock producers an insurance fund for the payment of moneys to livestock producers in respect of livestock purchased by the Commission the carcasses of which are found on slaughter to be unfit for human consumption and for that purpose to deduct premiums from the purchase price paid to livestock producers in respect of the purchase by the Commission of livestock delivered to the works of the Commission.

11. To make contracts, including contracts with livestock producers for the grazing and management of livestock of the Commission, and to enter into suretyships or give guarantees in connection with the exercise of the functions of the Commission and to modify or rescind such contracts and to modify or rescind such suretyships or guarantees.

12. Subject to the Audit and Exchequer Act [Chapter 22:03], to raise moneys, temporarily or otherwise, by such means and for such purposes as the Minister may approve.

13. To pledge as security for a loan any livestock or carcasses of livestock

acquired by the Commission or any products therefrom and mortgage any other property of the Commission, whether movable or immovable.

14. Subject to subsection (2) of section twenty-two and the Audit and Exchequer Act [Chapter 22:03], to invest moneys of the Commission not immediately required by the Commission in such manner as the Board may, with the approval of the Minister, determine and to vary or realize investments so made.

15. To pay to members of a committee of the Board who are not members of the Board and to persons in the Commission's employ such remuneration and allowances and to grant such leave of absence and make such gifts, bonuses and the like to persons in the Commission's employ as the Board may consider fit.

16. To provide pecuniary benefits for persons in the Commission's employ on their retirement, resignation, discharge or other termination of service or in the event of their sickness or injury and for their dependants, and for that purpose to effect policies of insurance, establish pension or provident funds or make such other provision as may be necessary to secure for persons in the Commission's employ and their dependants any or all of the pecuniary benefits to which the provisions of this paragraph relate.

17. To purchase, take on lease or in exchange or otherwise acquire dwelling-houses for occupation by persons in the Commission's employ.

18. To purchase land and construct thereon dwelling-houses for occupation by persons in the Commission's employ.

19. To sell or lease dwelling-houses and land for residential purposes to persons in the Commission's employ.

20. On such terms and conditions as the Commission may, with the approval of the Minister responsible for finance, fix—

(a) to guarantee loans made to persons in the Commission's employ or their spouses for the purchase of dwelling-houses or land for residential purposes, the construction of dwelling-houses and the improvement of dwelling-houses and land which are the property of persons in the Commission's employ or their spouses; and

(b) to provide security in respect of loans such as are described in subparagraph (a) by the deposit of securities in which the Board is hereby authorized to invest such moneys as it may deem necessary for the purpose.

21. To make loans, not exceeding such amount as the Minister may from time to time fix, to persons in the employ of the Commission for the purpose of purchasing vehicles, tools or other equipment to be used by these persons in carrying out their duties.

22. To make loans, not exceeding the equivalent of three months' salary or wages, to persons in the Commission's employ for any purpose on such security as the Board may consider adequate.

23. To do anything for the purpose of improving—

(a) the skill, knowledge or usefulness of persons in the Commission's employ; or

(b) the efficiency of the equipment of the Commission or the manner in which the equipment is operated;

and in that connection to provide or assist other persons in providing facilities for training, education and research.

24. To purchase, maintain and operate experimental equipment for the purposes of investigating problems affecting the slaughter, handling or storage of carcasses.

25. To grant such scholarships or bursaries as the Board considers to be in the interests of the cattle industry on such terms and conditions as may be fixed by

the Board in each particular case.

26. Generally, to do all such things as are incidental or conducive to the exercise of the functions of the Commission or are incidental to the powers specified in this Schedule or which are calculated, directly or indirectly, to enhance the value of or develop the operations, undertakings and property of the Commission.

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