

TITLE 20

Chapter 20:18

PREVIOUS CHAPTER**RURAL LAND ACT**

Acts 47/1963, 21/1965, 48/1969 (s.14), 59/1969 (s.27), 59/1973 (Part II), 22/1976 (s. 87), 20/1982, 8/1988 (s. 164), 18/1989 (s. 19), 3/1992, 22/2001,13/2002:R.G.N.s 801/1963, 214/1964, 496/1964, 63/1969, 216/1970, 217/1970, 529/1970, 922/1972, 508/1973; S.I 675/1979.

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SCHEDULE: Matters in regard to which Appropriate Minister Shall

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AN ACT to provide for the acquisition of State land and the disposal of State land; to provide for the control of the subdivision and lease of land for farming or other purposes; to provide for limiting of the number of pieces of land that may be owned by any person and the sizes of such land, and for prohibiting or restricting the rights of non-residents to own, lease or occupy land in Zimbabwe, and to provide for other matters incidental to and connected with the foregoing.

[Date of commencement: 1st November, 1963.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Rural Land Act [Chapter 20:18].

2 Interpretation

(1) In this Act—

“appropriate Minister” means the Minister to whom the administration of the provision concerned has been assigned in terms of subsection (2).

(2) The President may, from time to time, by notice in a statutory instrument, assign the administration of any provision of this Act—

(a) to any Minister; or

(b) partly to one Minister and partly to another Minister, whether in respect of different provisions of this Act or different parts of Zimbabwe or both.

3 Certain land excluded from operation of this Act

This Act shall apply to all land in Zimbabwe, except land which is—

(a) Communal Land; or

(b) in a municipal area, town area or local government area as defined in the Urban Councils Act [Chapter 29:15]; or

(c) a town ward of a rural district council or an area that has been declared a specified area in terms of the Rural District Councils Act [Chapter 29:13]; or

(d) in the area of any township as defined in the Land Survey Act [Chapter 20:12]; or

(e) State land the layout of which has been approved in terms of—

(i) section 127 of the Town and Country Planning Act [Chapter 213 of 1974]; or

(ii) section 43 of the Regional, Town and Country Planning Act [Chapter 29:12].

PART II

ACQUISITION AND ALIENATION OF STATE LAND

4 Interpretation in Part II

In this Part—

“State land” means all State land to which this Act applies, but does not include any land held in trust.

5 Acquisition of land

(1) The appropriate Minister may—

(a) from moneys appropriated for the purpose by Act of Parliament; or

(b) with the approval of the President, by way of exchange for State Land;

or

(c) by means of the acceptance of gifts or bequests;

acquire land on behalf of the State.

(2) Subject to this section, the appropriate Minister may direct the Registrar of Deeds to cancel the title deeds of any land acquired in terms of subsection (1) and the Registrar of Deeds shall comply with such direction.

(3) Before a direction in terms of subsection (2) is given—

(a) the appropriate Minister shall—

(i) give notice, in terms of subsection (4), of his intention to direct the Registrar of Deeds to cancel the title deeds of the land concerned;

(ii) consider every objection lodged in accordance with the notice given in terms of subsection (4);

(b) every servitude or other encumbrance registered over the land concerned shall be extinguished.

(4) A notice referred to in paragraph (a) of subsection (3) shall—

(a) be published in the Gazette and in a newspaper circulating in the district where the land concerned is situated, once a week for three consecutive weeks;

(b) state that the appropriate Minister proposes to direct the Registrar of Deeds to cancel the title deeds of the land concerned;

(c) state the name, if any, of the land concerned, the district in which the land is situated, the name of the registered owner of the land and the number, if any, of the title deeds of the land;

(d) call upon any person who has any objection to the proposed cancellation to lodge his objection in writing with the appropriate Minister within thirty days of the date of the last publication of the notice in terms of paragraph (a).

(5) Where the title deeds of any land have been cancelled in terms of subsection (2) the land shall vest in the President.

(6) On one of the thirty days on which Parliament next sits after the beginning of each session of Parliament the appropriate Minister shall lay before Parliament a report on any business transacted under this section during the previous calendar year, together with a schedule of the land acquired.

6 Alienation of State Land

The appropriate Minister may lease, sell or otherwise dispose of State land for such purposes and subject to such conditions as he may determine.

PART III

OCCUPATION OF LAND BY PERSON OTHER THAN OWNER NOT INVOLVING SUBDIVISION

7 Interpretation in Part III

In this Part—

“property” means any land which is described as a single piece of land in any deed of grant, transfer or other certificate of title registered in the Deeds Registry.

8 Lease or alienation of land

Land may be leased or alienated to a single individual or to a single corporate body but not to two or more persons jointly, without the consent of the appropriate Minister in writing.

9 Demarcation of leased land

(1) No owner or occupier of any property shall permit any person, other than an employee of such owner or occupier in the normal course of his employment, to cultivate any portion of such property unless such portion has been clearly demarcated on the ground:

Provided that no demarcation in terms of this subsection shall be necessary where a portion of any property has been allocated to an employee of the owner or occupier of such property for his own use unless the appropriate Minister, by notice in writing to such owner or occupier, requires such portion to be demarcated.

(2) All cairns, pegs or other similar objects used in the demarcation shall be of a permanent nature and shall be clearly identified by means of a number or name imprinted thereon or affixed thereto.

(3) The owner or occupier of any property who has permitted any other person to cultivate any portion of such property, which is required to be demarcated in terms of subsection (1), shall keep a register of such permits to cultivate, which register shall show the name of the permit holder and the identification and area of the portion of the property permitted to be cultivated.

(4) The owner or occupier of any property who permits the grazing of stock belonging to another person on such property shall keep a register of such permits granted showing the names of the permit holders and the number and type of stock permitted to be grazed.

(5) The registers referred to in subsections (3) and (4) shall be kept on the property and shall be produced on demand for inspection by any person mentioned in section thirteen.

10 No share-cropping without agreement approved by Minister

(1) No owner or occupier of land to which this Act applies shall permit the occupation on a share-cropping basis by another person of any portion of such land unless an agreement in writing has been entered into between such owner or occupier and such other person in respect of the occupation of such land on a share-cropping basis and such agreement has been approved by the appropriate Minister.

(2) The appropriate Minister shall within seven days of the receipt of an agreement mentioned in subsection (1) acknowledge the receipt thereof and if no decision has been made within six weeks of the date of acknowledgement thereof the agreement shall be deemed to have been approved by the appropriate Minister.

(3) For the purposes of this section—

“share-cropping ” means any right to depasture livestock on any portion of a property or cultivate any portion of a property granted in return for a share in the crops grown or livestock depastured, or under an obligation to sell all or part of such crops or livestock to the owner of the property but does not include any bona fide labour agreements entered into in terms of section 49 of the Land Apportionment Act [which has been repealed –Editor-] or any contract made by the Cold Storage Commission established under the Cold Storage Commission Act [Chapter 18:06] with livestock producers for the grazing and management of livestock of the Cold Storage Commission.

11 Penalty for any contravention of this Part

(1) Any owner or occupier of land who contravenes any provision of this Part shall be guilty of an offence and liable to a fine not exceeding level ten or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[inserted by Act 22 of 2001, with effect from the 10th September,2002.]

(2) Where an owner of land is convicted of an offence under subsection (1), the court before which he is convicted shall order that any alienation, lease, permit or right granted in contravention of this Part shall be cancelled, and shall, in the case of any alienation, lease, permit or right registered in the Deeds Registry, cause a copy of such order to be sent to the Registrar of Deeds who shall note the contents thereof on any document relating to the land concerned which is registered in the Deeds Registry and shall make the necessary entries in the registers kept in his office.

PART IV

GENERAL

12 Exercise of duties

In the exercise of the duties, functions and powers conferred in Part III regard shall be had to—

(a) the matters mentioned in the Schedule; and

(b) any representations made in connection with any matters by any local authority, a town planning or responsible authority, any environment committee appointed in terms of section 61 of the Rural District Councils Act [Chapter 29:13] or any farmers’ association, which is affected or likely to be affected thereby.

[amended by section 142 of Act 13 of 2002 with effect from the 14th March 2003.]

13 Entry upon any land

The appropriate Minister or any person authorized thereto in writing by the appropriate Minister may, at all reasonable times, enter upon any land with such persons, animals, vehicles and appliances as may be necessary for the execution of his or their duties and may enter and inspect any such land and do all such things thereon as are necessary for surveys or investigations in connection with the carrying out of anything authorized to be done under this Act.

14 Penalty

Any person who prevents such entry upon land as is authorized by section thirteen or

wilfully obstructs or hinders any person in the lawful exercise of his powers or duties under this Act shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[amended by Act 22 of 2001, with effect from the 10th September,2002.]

15 Regulations

(1) The appropriate Minister shall have power to make such regulations as he may deem expedient to give force or effect to this Act or for its better administration.

(2) The appropriate Minister may make regulations in terms of subsection (1) providing for—

(a) limiting the number of pieces of land that any person may own for farming or other purposes;

(b) limiting the size of any piece of land that may be owned by any person for farming or other purposes and, in so doing, the Minister may fix the size of any such piece of land according to the natural region in which such land is located or according to such other criteria as he considers appropriate;

(c) prohibiting or restricting the right of—

(i) individuals who are not resident in Zimbabwe;

(ii) companies or bodies corporate whose activities are controlled by individuals who are not resident in Zimbabwe;

to own, lease or otherwise occupy land in Zimbabwe.

SCHEDULE (Section 12)

MATTERS IN REGARD TO WHICH APPROPRIATE MINISTER SHALL GIVE CONSIDERATION

1. The size of the land units proposed in any development in relation to the nature of the development contemplated and the facilities proposed to be provided for its occupation and development.

2. The suitability of the land for the type of development proposed in relation to existing development in adjacent areas and having regard to the area, position, soil, aspect and climatic conditions.

3. The pattern of development in the area and the amenities available to the community likely to arise therefrom.

4. The conditions proposed to be attached to the sale or lease of any land.

5. The availability of access roads, existing or proposed to be provided, the permanent water supplies existing or proposed to be provided, and any other improvements such as buildings, cattle dipping facilities, irrigation works or fencing, whether in existence or proposed to be provided.

6. Any other matter which may be prescribed by regulation.

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