

TITLE 10

PREVIOUS CHAPTER**Chapter 10:12****IMMOVABLE PROPERTY (PREVENTION OF DISCRIMINATION) ACT**

Act 19/1982.

ARRANGEMENT OF SECTIONS

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AN ACT to prevent discrimination in respect of the sale, lease or disposal of immovable property and the financing of any such sale, lease or disposal; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 1st December, 1982.]

1 Short title

This Act may be cited as the Immovable Property (Prevention of Discrimination) Act [Chapter 10:12].

2 Interpretation

In this Act—

“financial organization” means any person registered in terms of the Banking Act [Chapter 24:01], the Building Societies Act [Chapter 24:02] or the Insurance Act [Chapter 24:07].

3 Prevention of discrimination in respect of disposal of immovable property

(1) Notwithstanding any other law but subject to section five, no person shall, on the grounds of the race, tribe, place of origin, political opinions, colour, creed or sex of any person or class of persons—

(a) refuse to sell, let or otherwise dispose of or to negotiate the sale, lease or other disposal of any immovable property to such person or class of persons; or

(b) discriminate in favour of or against such person or class of persons in respect of the sale, lease or other disposal of any immovable property by the imposition of terms, conditions or restrictions upon such sale, lease or disposal or by any other means whatsoever; or

(c) publish or cause to be published any notice, advertisement or statement in connection with the sale, lease or other disposal of any immovable property, which indicates, expressly or impliedly, a refusal or an unwillingness to sell, let or otherwise dispose of that property to such person or class of persons; or

(d) induce anyone to sell, let or otherwise dispose of any immovable property to such person or class of persons.

(2) No person shall, in order to avoid selling, letting or otherwise disposing of any immovable property to another person on the grounds of the race, tribe, place of origin, political opinions, colour, creed or sex of such other person, falsely represent to any other person that such immovable property has been sold, let or otherwise disposed of.

(3) In any criminal proceedings in respect of any conduct referred to in subsection (2), if it is shown that—

(a) the accused person represented to another person that any immovable property had been sold, let or otherwise disposed of, when in fact such immovable

property had not been so sold, let or otherwise disposed of, as the case may be; and

(b) when the accused person made the representation referred to in paragraph (a), he ought to have known that it was incorrect; the accused person shall be presumed, unless he shows the contrary, to have made the representation falsely in order to avoid selling, letting or otherwise disposing of the immovable property concerned to another person on the grounds of the race, tribe, place of origin, political opinions, colour, creed or sex of such other person.

4 Prevention of discrimination in granting of finance in respect of immovable property

Notwithstanding any other law, but subject to section five, no financial organization and no employee or agent of a financial organization shall, on the grounds of the race, tribe, place of origin, political opinions, colour, creed or sex of any person—

(a) refuse to grant to such person a loan or other financial assistance for the acquisition, hire, construction, maintenance or repair of any immovable property; or

(b) fix, in respect of a loan or other financial assistance granted or offered to such person for the acquisition, hire, construction, maintenance or repair of any immovable property, terms and conditions less favourable than those fixed in respect of any other person or class of persons.

5 Defences

(1) In subsection (3)—

“resident of Zimbabwe” means a person who in terms of any law is permitted to enter, be or remain in Zimbabwe, but does not include a visitor to Zimbabwe.

(2) It shall be a defence, in any criminal proceedings for an offence in terms of this Act, for the accused person to show that, though he committed the act alleged against him—

(a) the act was justified in order to secure compliance with any enactment; or

(b) he committed the act on the ground of the political opinions of the person or class of persons against whom the act was committed, because the immovable property concerned was controlled by a bona fide political organization and reserved for the exclusive use of members or supporters of that political organization or persons of a particular political persuasion; or

(c) he committed the act on the ground of the creed of the person or class of persons against whom the act was committed, because the immovable property concerned was controlled by a bona fide religious organization and reserved for the exclusive use of members of that religious organization or adherents of a particular religious belief; or

(d) he committed the act on the ground of the sex of the person or class of persons against whom the act was committed, and that the act was justified in the interests of decency or morality or in view of any legal disability to which such person or class of persons was subject; or

(e) the immovable property concerned was reserved for the use of persons of one sex, and the person or class of persons against whom the act was committed belonged to the other sex.

(3) Nothing in section three shall be construed as rendering unlawful any otherwise lawful refusal to sell immovable property to or discrimination against any person, where such refusal or discrimination is based solely on the grounds that such person is not a citizen of Zimbabwe or is not a resident of Zimbabwe.

6 Offences and penalties

(1) Subject to section five, any person who contravenes section three or four shall be guilty of an offence and liable to a fine not exceeding two thousand dollars or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(2) Where—

(a) an estate agent or an employee of an estate agent has been convicted of any contravention of section three, the court convicting him shall cause a copy of the record of the proceedings, or a copy of such portion of the record as the court considers to be material, to be forwarded to the Estate Agents Council established in terms of the Estate Agents Act [Chapter 27:05];

(b) any financial organization or any employee of a financial organization has been convicted of any contravention of section four, the court convicting such financial organization or employee shall cause a copy of the record of the proceedings, or such portion of the record as the court considers to be material, to be forwarded to—

(i) the Registrar of Banks and Financial Institutions referred to in section 4 of the Banking Act [Chapter 24:01]; or

(ii) the Registrar of Building Societies referred to in section, 5 of the Building Societies Act [Chapter 24:02]; or

(iii) the Commissioner of Insurance referred to in section 4 of the Insurance Act [Chapter 24:07];
as may be appropriate.

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