

## CHAPTER 20:28

### GAZETTED LAND (CONSEQUENTIAL PROVISIONS) ACT

*Act 8/2006, 3/2016 (Part LXXXV).*

**AN ACT to make certain provisions that are consequential to the enactment of section 16B of the Constitution and section 72 of the new Constitution; to amend the Land Acquisition Act [Chapter 20:10]; to repeal the Rural Land Occupiers (Protection from Eviction) Act [Chapter 20:26] (No. 13 of 2001); and to provide for matters connected therewith or incidental thereto.**

[Long title amended by Act 3 of 2016]

[Date of commencement : 20th December, 2006.]

#### **1 Short title**

This Act may be cited as the Gazetted Land (Consequential Provisions) Act [Chapter 20:28].

#### **2 Interpretation**

(1) In this Act—

“acquiring authority” means the Minister responsible for land or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“fixed date” means the date fixed in terms of section 1(2) as the date of commencement of this Act; .

“Gazetted land” means agricultural land that—

(a) in accordance with section 16B(2)(a)(i) or (ii) of the former Constitution—

(i) was identified on or before the 8th July, 2005, in the *Gazette* or *Gazette Extraordinary* under section 5(1) of the Land Acquisition Act [Chapter 20:10], and which is itemised in Schedule 7 to the former Constitution, being agricultural land required for resettlement purposes; or

(ii) was identified after the 8th July, 2005, but before the 14th September, 2005, in the *Gazette* or *Gazette Extraordinary* under section 5(1) of the Land Acquisition Act [Chapter 20:10], being agricultural land required for resettlement purposes;

or

(b) in accordance with section 16B(2)(a)(iii) of the former Constitution, is identified in terms of that provision by the acquiring authority on or after the 14th September, 2005, in the *Gazette* or *Gazette Extraordinary* for whatever purpose;

(c) in accordance with section 72(2) of the Constitution, is identified in terms of that provision by the acquiring authority on or after the 22nd May, 2013, in the *Gazette* or *Gazette Extraordinary* for any of the purposes set forth in (a) to (b) of that provision.

[Definition amended by Act 3 of 2016]

“land resettlement lease” means a lease of any Gazetted land, or a portion of Gazetted land, issued by the State to any person, whether in terms of the Rural Land Act [Chapter 20:18] or the Agricultural Land Settlement Act [Chapter 20:01] or otherwise;

“lawful authority” means—

(a) an offer letter; or

(b) a permit; or

(c) a land settlement lease;

and “lawfully authorised” shall be construed accordingly;

“offer letter” means a letter issued by the acquiring authority to any person that offers to allocate to that person any Gazetted land, or a portion of Gazetted land, described in that letter;

“permit”, when used as a noun, means a permit issued by the State which entitles any person to occupy and use resettlement land;

“resettlement land” means land identified as resettlement land under the Rural District Councils Act [Chapter 29: 13].

(2) Any word or expression to which a meaning has been assigned in the Land Acquisition Act [Chapter 20:10] shall have the same meaning when used in this Act.

#### **3 Occupation of Gazetted land without lawful authority**

(1) Subject to this section, no person may hold, use or occupy Gazetted land without lawful authority.

(2) Every former owner or occupier of Gazetted land—

(a) referred to in paragraph (a) of the definition of “Gazetted land” in section 2(1), shall cease to occupy, hold or use that land forty-five days after the fixed date, unless the owner or occupier is lawfully authorised to occupy, hold or use that land;

- (b) referred to in paragraph (b) of the definition of “Gazetted land” in section 2(1), shall cease to occupy, hold or use that land forty-five days after the date when the land is identified in accordance with section 16B(2)(a)(iii) of the former Constitution, unless the owner or occupier is lawfully authorised to occupy, hold or use that land:

Provided that—

- (i) the owner or occupier of that land referred to in paragraph (b) may remain in occupation of his or her living quarters on that land for a period of not more than ninety days after the date when the land is identified;
- (ii) the owner or occupier shall cease to occupy his or her living quarters after the period referred to in proviso (i);
- (c) referred to in paragraph (c) of the definition of “Gazetted Land:” in section 2(1), shall cease to occupy, hold or use that land forty-five days after the date when the land is identified in accordance with section 72(2) of the Constitution, unless the owner or occupier is lawfully authorised to occupy, hold or use that land.

[Subsection amended by Act 3 of 2016]

(3) If a former owner or occupier of Gazetted land who is not lawfully authorised to occupy, hold or use that land does not cease to occupy, hold or use that land after the expiry of the appropriate period referred to in subsection (2)(a) or (b), or, in the case of a former owner or occupier referred to in section 2(b), does not cease to occupy his or her living quarters in contravention of proviso (ii) to section 2(b), he or she shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(4) Any person, other than a person referred to in subsection (2), who contravenes subsection (1), shall be guilty of an offence and liable to a fine not exceeding level seven or imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(5) A court which has convicted a person of an offence in terms of subsection (3) or (4) shall issue an order to evict the person convicted from the land to which the offence relates.

#### **4 Compensation for improvements effected on Gazetted land before its acquisition**

For the avoidance of doubt it is declared that the compensation which is payable for improvements to Gazetted land effected before it is acquired shall be dealt with in accordance with the provisions of the Land Acquisition Act [*Chapter 20:10*] concerning “specially Gazetted land” as defined in that Act.

#### **5 Savings in respect of criminal and other proceedings under Cap. 20:10**

For the avoidance of doubt it is declared that the enactment of section 16B of the Constitution by the Constitution of Zimbabwe Amendment (No. 17) Act, 2005, shall not—

- (a) affect the previous operation of the Land Acquisition Act [*Chapter 20:10*] with respect to the assessment and payment of compensation under that Act; or
- (b) affect any offence committed against the Land Acquisition Act [*Chapter 20:10*] before the date of enactment section 16B of the Constitution, or any penalty, forfeiture or punishment incurred in respect thereof; or
- (c) affect any investigation, legal proceeding or remedy in respect of any offence, penalty, forfeiture or punishment referred to in paragraph (b), and any such investigation, legal proceeding or remedy shall be exercisable, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if no part of the Land Acquisition Act [*Chapter 20:10*] had been amended or superseded.

#### **6 Validation of offer letters issued on or before the fixed date**

Any offer letter issued on or before the fixed date that is not withdrawn by the acquiring authority is hereby validated.