

CHAPTER 13:17

TRAFFIC SAFETY COUNCIL ACT

Act 20/1999, 22/2001 (s. 4), 14/2002 (s. 19).

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SCHEDULE

Powers of Council.

AN ACT to establish a Traffic Safety Council of Zimbabwe and to provide for its functions; to provide for the imposition of levies on driving schools and persons who insure motor vehicles for the purposes of the Road Traffic Act [*Chapter 13:11*]; to amend the Road Traffic Act [*Chapter 13:11*]; and to provide for matters connected with or incidental to the foregoing.

[Date of commencement: 1st August, 2000.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Traffic Safety Council Act [*Chapter 13:17*].

2 Interpretation

“appointed member” means a member of the Board appointed in terms of paragraph (b) of subsection (2) of section *five*;

“Board” means the Traffic Safety Board referred to in subsection (1) of section *five*;

“Council” means the Traffic Safety Council of Zimbabwe established by section *three*;

“Director” means the Director of the Council appointed in terms of section *eighteen*;

“driving school” means a person who, for reward, carries on the business of—

- (a) providing instruction to develop the knowledge and skills required for the driving of a motor vehicle on a road; and additionally, or alternatively
- (b) training other persons to provide the instruction referred to in paragraph (a);

“levy” means a levy imposed in terms of section *thirty-four*;

“member” means a member of the Board, including the chairman;

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

PART II

ESTABLISHMENT AND FUNCTIONS OF TRAFFIC SAFETY COUNCIL OF ZIMBABWE

3 Establishment of Council

There is hereby established a council, to be known as the Traffic Safety Council of Zimbabwe, which shall be a body corporate capable of suing and being sued in its corporate name and, subject to this Act, of doing everything that bodies corporate may do by law.

4 Functions and powers of Council

(1) Subject to this Act, the functions of the Council shall be—

- (a) to promote safety on roads; and
- (b) to disseminate information on road safety; and
- (c) without derogation from paragraph (b), to publish the Highway Code in terms of section *thirty-seven*; and
- (d) to advise the Minister on all matters relating to road safety; and
- (e) to control and regulate driving schools and persons who provide instruction in the driving of vehicles on roads; and

- (f) to establish standards of practice to be observed by driving schools and to do all other things necessary to improve the quality of training provided at such schools; and
- (g) to establish standards for the testing of persons for the issue of learners licences and certificates of competency in terms of the Road Traffic Act [*Chapter 13:11*]; and
- (h) to affiliate and liaise with other road safety organisations, whether in Zimbabwe or elsewhere; and
- (i) to do any other thing that the Council may be required or permitted to do by or under this Act or any other enactment.

(2) For the better exercise of its functions, the Council shall have the power, subject to this Act, to do or cause to be done, either by itself or through its agents, all or any of the things specified in the Schedule, either absolutely or conditionally and either solely or jointly with others.

5 Traffic Safety Board

(1) The operations of the Council shall, subject to this Act, be controlled and managed by a board to be known as the Traffic Safety Board.

(2) The Board shall consist of—

- (a) the Director; and
- (b) not more than ten and not fewer than seven other members appointed, subject to subsection (3), by the Minister after consultation with the President and in accordance with such directions as the President may give him.

(3) Members referred to in paragraph (b) of subsection (2) shall be appointed for their knowledge of and experience in matters relating to roads and transportation or for their suitability otherwise for appointment.

6 Disqualifications for appointment as member

(1) Subject to this Act, a person shall not be qualified for appointment as a member, nor shall he hold office as an appointed member, if—

- (a) he is not a citizen of Zimbabwe or ordinarily resident in Zimbabwe; or
- (b) he 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 therefrom; or
 - (ii) made an assignment to or composition with his creditors which has not been rescinded or set aside; or
- (c) within the period of five years immediately preceding his proposed appointment, he has been sentenced in any country to a term of imprisonment imposed without the option of a fine, whether or not any portion thereof has been suspended, and has not received a free pardon.

(2) A person shall not be qualified for appointment as a member, nor shall he hold office as an appointed member, if—

- (a) he is a member of two or more other statutory bodies; or
- (b) he is a member of Parliament.

(3) For the purposes of paragraph (a) of subsection (2)—

- (a) a person who is appointed to a council, board or other authority which is a statutory body or which is responsible for the administration of the affairs of a statutory body shall be regarded as a member of that statutory body;
- (b) “statutory body” means—
 - (i) any commission established by the Constitution; or
 - (ii) any body corporate established directly by or under an Act for special purposes specified in that Act, the membership of which consists wholly or mainly of persons appointed by the President, a Vice-President, a Minister or any other statutory body or by a commission established by the Constitution.

7 Terms of office and conditions of service of members

(1) An appointed member shall hold office for such period, not exceeding three years, as the Minister may fix at the time of his appointment.

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

Provided that an appointed member shall not continue to hold office in terms of this subsection for more than six months.

- (3) The Director shall be a member for so long as he holds office as Director.
- (4) A person who ceases to be a member shall be eligible for re-appointment.
- (5) Appointed members shall hold office on such conditions as the Minister may fix for such members generally.

8 Vacation of office by appointed member

- (1) An appointed 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 other period of notice as he and the Minister may agree; or
 - (b) on the date he begins to serve a sentence of imprisonment, whether or not any portion has been suspended, imposed without the option of a fine—
 - (i) in Zimbabwe, in respect of an offence; or
 - (ii) outside Zimbabwe, in respect of conduct which, if committed in Zimbabwe, would have constituted an offence;
- or
- (c) if he becomes disqualified in terms of subsection (1) or (2) of section *six* to hold office as a member; or
 - (d) if he is required in terms of subsection (2) or (3) to vacate his office as a member.
- (2) The Minister may require an appointed member to vacate his office if—
- (a) the member has been guilty of conduct which renders him unsuitable to continue to hold office as a member; or
 - (b) the member has failed to comply with any condition of his office fixed in terms of section *seven*; or
 - (c) the member has ceased to possess any qualification by reason of which he was appointed; or
 - (d) the member is mentally or physically incapable of efficiently performing his duties as a member; or
 - (e) the member contravenes section *sixteen*; or
 - (f) the member or his spouse engages in any occupation, service or employment, or holds any asset, which in the Minister's opinion is inconsistent with his duties as a member.
- (3) The Minister, on the recommendation of the Board, may require an appointed member to vacate his office if the Minister is satisfied that the member has been absent without the consent of the chairman of the Board from three consecutive meetings of the Board, of which he has been given at least seven days' notice, and that there was no just cause for the member's absence.

9 Suspension of member

- (1) The Minister—
- (a) may suspend from office a member against whom criminal proceedings are instituted for an offence for which the member may be sentenced to imprisonment without the option of a fine; 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 any portion has been suspended, pending determination of the question whether the member 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 or allowances as a member.

(2) If for any reason the Director is suspended from office as such, his membership of the Board shall be suspended for so long as the first-mentioned suspension lasts.

10 Dismissal of Board

- (1) Subject to subsection (2), if the Minister is satisfied on reasonable grounds that—
- (a) the Board has contravened this Act or any other law and has failed to rectify the contravention within a reasonable time after being required to do so by the Minister; or
 - (b) the Board has failed to comply with a direction in terms of section *twenty-three*; or
 - (c) whether through disagreements amongst its members or otherwise, the Board is unable to carry out any of its functions in terms of this Act;

and that it is in the national interest to do so, the Minister may, by written notice to the chairman of the Board and the Director, dismiss all the appointed members, and their offices shall become vacant as soon as the Director receives the notice.

(2) Before dismissing all the appointed members in terms of subsection (1), the Minister shall consult the President and act in accordance with any directions the President may give him.

11 Filling of vacancies on Board

On the death of, or vacation of office by, an appointed member, the Minister may appoint a person to fill the vacancy:

Provided that, if the number of appointed members has fallen below the minimum number specified in paragraph (b) of subsection (2) of section *five*, the Minister shall appoint a person to fill the vacancy within three months after the appointed member's death or vacation of office.

12 Chairman and vice-chairman of Board

(1) At its first meeting the Board shall elect one of the appointed members to be the chairman and another to be the vice-chairman of the Board.

(2) The chairman and the vice-chairman may at any time, by written notice to the Director, resign their offices as such.

(3) Within three months after being notified of a vacancy in the office of chairman or vice-chairman of the Board, the Board shall elect another appointed member to fill the vacancy.

(4) The vice-chairman shall perform the functions of the chairman whenever the office of chairman is vacant or the chairman is for any reason unable to perform them.

13 Meetings and procedure of Board

(1) The Board shall hold its first meeting on a date and place fixed by the Minister, and thereafter shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and procedure as it thinks fit:

Provided that the Board shall meet at least once in every period of three months.

[Proviso amended by section 19 of Act 14 of 2002]

(2) The chairman of the Board—

(a) may convene a special meeting of the Board at any time; and

(b) shall convene a special meeting of the Board on the written request of the Minister or not fewer than two members, which meeting shall be convened for a date not sooner than seven days and not later than thirty days after the chairman's receipt of the request.

(3) Written notice of a special meeting convened in terms of subsection (2) shall be sent to each member not later than forty-eight hours before the meeting and shall specify the business for which the meeting has been convened.

(4) No business shall be discussed at a special meeting convened in terms of subsection (2) other than—

(a) such business as may be determined by the chairman of the Board, where he convened the meeting in terms of paragraph (a) of subsection (2); or

(b) the business specified in the request for the meeting, where the chairman of the Board convened the meeting in terms of paragraph (b) of subsection (2).

(5) The chairman of the Board or, in his absence, the vice-chairman shall preside at all meetings of the Board:

Provided that, if the chairman and vice-chairman are both absent from any meeting of the Board, the members present may elect one of their number to preside at that meeting as chairman.

(6) Four members shall form a quorum at any meeting of the Board.

(7) Subject to subsection (12), anything authorised or required to be done by the Board may be decided by a majority vote at any meeting of the Board at which a quorum is present.

(8) With the Board's approval, the chairman of the Board may invite any person to attend a meeting of the Board or of a committee, where the chairman considers that the person has special knowledge or experience in any matter to be considered by the Board or the committee, as the case may be, at that meeting.

(9) A person invited to attend a meeting of the Board or of a committee in terms of subsection (8) may take part in the proceedings of the Board or the committee as if he were a member thereof, but shall not have a vote on any question before the Board or committee, as the case may be.

(10) Subject to subsection (11) and section *sixteen*, at all meetings of the Board each member present shall have one vote on any question before the Board and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to a deliberative vote.

(11) The Director shall not take part in the discussion of, and shall not vote on, any question before the Board which involves his tenure of office or conditions of service.

(12) Any proposal circulated among all members and agreed to in writing by a majority of them shall have the same effect as a resolution passed by a duly constituted meeting of the Board and shall be incorporated into 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.

14 Committees of Board

(1) For the better exercise of its functions, the Board may establish one or more committees in which the Board may vest such of its functions as it considers appropriate.

(2) The vesting of a function in a committee in terms of subsection (1)—

(a) may be made absolutely or subject to conditions and may be amended or withdrawn at any time; and

(b) shall not divest the Board of that function;

and the Board may amend or rescind any decision of the committee in the exercise of that function.

(3) On the establishment of a committee in terms of subsection (1), the Board—

- (a) shall appoint at least one member of the Board as a member of the committee, and that member or one of those members, as the case may be, shall be chairman of the committee; and
- (b) may appoint as members of the committee, on such terms and conditions as the Board may fix, persons who are not members of the Board.

(4) Meetings of a committee may be convened at any time and at any place by the chairman of the Board or the chairman of the committee.

(5) Subject to this section, the procedure to be followed at any meeting of a committee and the quorum at any such meeting shall be as fixed by the Board.

15 Remuneration and allowances of members of Board and committees

Appointed members of the Board and members of committees shall be paid—

- (a) such remuneration, if any; and
- (b) such allowances to meet reasonable expenses incurred by them in connection with the business of the Board or the committee concerned, as the case may be;

as the Board may fix with the approval of the Minister.

16 Members of Board and committees to disclose certain connections and interests

(1) In this section—

“relative”, in relation to a member of the Board or a committee, means the member’s spouse, child, parent, brother or sister.

(2) Subject to subsection (4), if a member of the Board or of a committee, or a relative of such a member—

- (a) knowingly acquires or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Board or committee; or
- (b) owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the member’s private interests coming or appearing to come into conflict with his functions as a member;

the member shall forthwith disclose the fact to the Board or the committee, as the case may be.

(3) A member referred to in subsection (2) shall take no part in the consideration or discussion of, or vote on, any question before the Board or the committee, as the case may be, which relates to any property, right or interest referred to in that subsection.

(4) Nothing in this section shall be taken to prevent members of the Board or of a committee of the Board from taking part in the consideration of, or voting on, any matter that affects members generally in their capacity as users of roads.

(5) Any person who contravenes subsection (2) or (3) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

17 Minutes of proceedings of Board and committees

(1) The Board shall cause minutes of all proceedings of and decisions taken at every meeting of the Board and of every committee to be entered in books kept for the purpose.

(2) Any minutes referred to in subsection (1) which purport to be signed by the person presiding at the meeting to which the minutes relate or by the person presiding at the next following meeting of the Board or the committee concerned, as the case may be, shall be accepted for all purposes as *prima facie* evidence of the proceedings and decisions taken at the meeting concerned.

(3) The Board shall ensure that copies of all minutes referred to in subsection (1) are sent without delay to the Minister.

18 Appointment and functions of Director

(1) Subject to this section, the Board shall appoint, on such terms and conditions as the Board may fix, a person to be the Director of the Council.

(2) Without the authority of the Minister, no person shall be appointed as Director and no person shall be qualified to hold office as Director if he is not a citizen of Zimbabwe or ordinarily resident in Zimbabwe.

(3) The appointment of the Director shall terminate if he would be required in terms of subsection (1) or (2) of section *six* to vacate his office had that section applied to him:

Provided that his appointment shall not terminate on the ground that he has ceased to be a citizen of Zimbabwe or ordinarily resident in Zimbabwe, if the Minister has granted authority under subsection (2).

(4) The Director shall be responsible, subject to the Board's control, for—

- (a) supervising and managing the Council's staff, activities, funds and property; and
- (b) performing such other functions as the Board may assign to him or as may be conferred or imposed on him by or under this Act or any other enactment.

(5) An assignment of functions by the Board in terms of subsection (4)—

- (a) may be made generally or specially and subject to such conditions, restrictions, reservations and exceptions as the Board may determine;
- (b) may be revoked by the Board at any time;
- (c) shall not preclude the Board itself from exercising the functions concerned.

19 Other staff of Council

The Council may appoint, on such terms and conditions as the Board may fix, such officers and other members of staff as are necessary for the proper exercise of the Council's functions and, subject to any other law, may suspend or discharge any such persons.

20 Validity of decisions and acts of Board and committees

No decision or act of the Board or a committee or act that is authorised by the Board or a committee shall be invalid solely because there was a vacancy in the membership of the Board or the committee or because a disqualified person purported to act as a member of the Board or the committee, as the case may be, at the time the decision was taken or the act was done or authorised.

21 Execution of contracts and instruments by Council

An agreement, contract or instrument approved by the Board may be entered into or executed on the Council's behalf by any person generally or specially authorised by the Board for that purpose.

22 Reports of Council

(1) The Minister shall lay before Parliament the Council's annual report which shall include accounts of the Council submitted to him by the Council in terms of the Audit and Exchequer Act [*Chapter 22:03*].

(2) In addition to any annual report which the Council may be required to submit to the Minister in terms of the Audit and Exchequer Act [*Chapter 22:03*], the Board—

- (a) shall submit to the Minister such other reports as the Minister may require; and
- (b) may submit to the Minister such other reports as the Board considers desirable;

in regard to the operations, undertakings and activities of the Council.

(3) The Board shall give the Minister all information relating to the operations, undertakings and activities of the Council that the Minister may at any time require.

23 Minister may give Board directions on matters of policy

(1) Subject to subsection (2), the Minister may give the Board such directions of a general character relating to the policy which the Council is to observe in the exercise of its functions, as the Minister considers to be requisite in the national interest.

(2) Before giving the Board a direction in terms of subsection (1), the Minister shall inform the Board, in writing, of the proposed direction 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 effects which the proposal may have on the finances, commercial interests and other resources and functioning of the Council.

(3) After receipt of the views of the Board submitted in terms of subsection (2), the Minister may confirm, alter or withdraw any proposed direction to the Board and, where the Minister has confirmed a direction, whether altered or not, the Board shall forthwith comply with the direction.

(4) When any direction has been received by the Board in terms of this section, the Board shall set out in the Council's annual report the direction received by it, the views expressed by it in terms of subsection (2), and the final direction given to it in terms of subsection (3).

24 Exemption from liability of Council, members and Director

No liability shall attach to the Council, the Board, the Director or any member of the Board or a committee of the Board for any loss or damage sustained by any person as a result of the *bona fide* exercise of any function of the Council, the Board, the Director or the member, as the case may be, in terms of this Act or any other enactment:

Provided that this section shall not be construed so as to prevent any person from recovering, by proceedings in a court of competent jurisdiction, compensation for any loss or damage which was caused by negligence or breach of contract.

PART III

FINANCIAL PROVISIONS RELATING TO COUNCIL

25 Funds of Council

The funds of the Council shall consist of—

- (a) moneys payable to the Council from moneys appropriated for the purpose by Act of Parliament; and
- (b) moneys raised by way of levy; and
- (c) any moneys that may be obtained by the Council, with the approval of the Minister responsible for finance, by way of loans or other financial assistance; and
- (d) any other moneys that may vest in or accrue to the Council, whether in the course of its operations or otherwise.

26 Investment of moneys not immediately required by Council

Moneys not immediately required by the Council may be invested in such manner as the Minister, acting on the advice of the Minister responsible for finance, may approve.

27 Council to make certain charges to revenue account

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

- (a) the depreciation or diminution in value of its assets; and
- (b) the payment of interest on and all other charges and expenses incurred in connection with loans; and
- (c) the redemption of loans at due times to the extent that such redemption exceeds provision for depreciation.

(2) In charging to its revenue account all charges which in the normal conduct of business are regarded as proper to be charged to revenue account as provided in subsection (1), the Board may, in each financial year, make provision for—

- (a) meeting, in whole or in part, increases in the cost of replacing assets to an extent approved by the Minister after consultation with the Minister responsible for finance; and
- (b) making payments to an insurance fund established by the Board to meet, in whole or in part, such liabilities of the Council as the Minister may approve; and
- (c) making payments to a pension fund to meet, in whole or in part, superannuation liabilities to the Council.

28 Establishment and operation of reserve fund

(1) The Council may establish a reserve fund to which, subject to this Part, may be appropriated from a surplus of income over expenditure at the end of its financial year such sums as the Board may approve.

(2) If in any financial year the Council's income, together with any surplus income brought forward from a previous financial year, is insufficient to enable the Council to meet the charges and to make the provisions required by section *twenty-seven*, the deficiency shall, unless the Minister otherwise directs, be met from the reserve fund established in terms of subsection (1).

(3) Moneys in the reserve fund established in terms of subsection (1) may be used for such other purposes, in addition to that specified in subsection (2), as the Board may consider expedient for the proper exercise of the Council's functions.

(4) The Board shall comply with any directions which the Minister may give in relation to the management of the reserve fund established in terms of subsection (1).

29 Financial year of Council

The financial year of the Council shall be the period of twelve months ending on the 31st December each year.

30 Accounts of Council

(1) The Board shall ensure that proper accounts and other records relating to such accounts are kept in respect of all the Council's operations, undertakings, funds and property, including such particular accounts and records as the Minister may direct.

(2) As soon as possible after the end of each financial year, Board shall prepare and submit to the Minister a statement of accounts in respect of that financial year or in respect of such other period as the Minister may direct.

31 Audit of Council's accounts

(1) Subject to the Audit and Exchequer Act [*Chapter 22:03*], the Council shall appoint as auditors one or more persons approved by the Minister who are registered as public auditors under the Public Accountants and Auditors Act [*Chapter 27:12*].

(2) The accounts kept by the Board in terms of subsection (1) of section *thirty* shall be examined by the auditors appointed in terms of subsection (1).

(3) The auditors appointed in terms of subsection (1) shall make a report to the Board and to the Minister on the statement of accounts prepared in terms of subsection (2) of section *thirty*, and in their report shall state whether or not in their opinion the statement of accounts gives a true and fair view of the Council's financial affairs.

(4) In addition to the report referred to in subsection (3), the Minister may require the Board to obtain from the auditors appointed in terms of subsection (1) such other reports, statements or explanations in connection with the Council's activities, funds and property as the Minister considers expedient, and the Board shall forthwith comply with any such requirement.

(5) If, in the opinion of the auditors appointed in terms of subsection (1)—

(a) they have not obtained any information or explanation they require; or

(b) any accounts or records relating to any accounts have not been properly kept by the Board; or

(c) the Council has not complied with any provision of this Part;

the auditors shall include in their report made in terms of subsection (3) or (4), as the case may be, a statement to that effect.

(6) If in terms of the Audit and Exchequer Act [*Chapter 22:03*] the Council's accounts are required to be audited by the Comptroller and Auditor-General, any reference in this section to auditors appointed in terms of subsection (1) shall be construed as a reference to the Comptroller and Auditor-General.

32 Powers of auditors

(1) An auditor referred to in section *thirty-one* shall be entitled at all reasonable times to require to be produced to him all accounts and other records relating to such accounts which are kept by the Council or its agents and to require from any member of the Board or employee or agent of the Council such information and explanation as in the auditor's opinion are necessary for the purpose of his audit.

(2) Any member of the Board or employee or agent of the Council who fails without just cause to comply with a requirement of an auditor in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

33 Internal auditor

Section 19 of the Audit and Exchequer Act [*Chapter 22:03*] shall apply, *mutatis mutandis*, to the appointment of an internal auditor to the Council in all respects as if the Council were a department of the Ministry for which the Minister is responsible.

PART IV

LEVIES

34 Imposition of levies

(1) Subject to this Part, the Minister, with the approval of the Minister responsible for finance and after consultation with the Board, may by statutory instrument impose a levy on—

(a) persons who obtain or renew policies of insurance for the purposes of the Road Traffic Act [*Chapter 13:11*]; and

(b) driving schools.

(2) In a statutory instrument published in terms of subsection (1), the Minister may prescribe—

(a) subject to subsection (3), the amount of the levy; and

(b) the persons responsible for the payment of the levy; and

(c) the persons responsible for the collection and remittal of the levy; and

(d) the manner and times at which the levy shall be paid, collected and remitted; and

(e) the imposition of interest and additionally, or alternatively, a surcharge if the levy is not paid within the time prescribed; and

(f) the books and records to be kept and the returns and information to be furnished to the Board or any other person for the purpose of the levy.

(3) The Minister may, in a statutory instrument published in terms of subsection (1), prescribe that different amounts shall be payable by way of a levy—

(a) in respect of different types of insurance policies or driving schools; and

(b) according to the number of motor vehicles covered by the same insurance policy;

(4) All levy payments shall be remitted to the Council.

35 Withdrawal, suspension or increase of levy

Without derogation from section 21 of the Interpretation Act [*Chapter 1:01*], the Minister, with the approval of the Minister responsible for finance and after consultation with the Board, may by statutory instrument—

- (a) withdraw any levy; or
- (b) suspend any levy in whole or in part; or
- (c) increase the rate or incidence of any levy.

36 Recovery of unpaid levy

A levy and any interest or surcharge connected therewith shall be a debt due to the Council, and any amount of levy or of such interest or surcharge that is not paid, collected or remitted may be recovered by the Board by proceedings in a court of competent jurisdiction.

PART V

GENERAL

37 Highway Code

- (1) The Board—
 - (a) shall prepare, publish and make available to the public a Highway Code comprising such directions as the Board considers proper for the guidance of persons using roads; and
 - (b) may from time to time revise the Highway Code referred to in paragraph (a).
- (2) Failure to observe any provision of the Highway Code referred to in subsection (1) shall not of itself constitute a criminal offence.

38 Regulations

- (1) The Minister, after consultation with the Board, may make regulations providing for all matters which in terms of this Act are required or permitted to be prescribed or which, in the Minister's opinion, are necessary or convenient to be prescribed for carrying out the Council's functions or giving effect to this Act.
- (2) Regulations in terms of subsection (1) may provide for—
 - (a) the regulation, control, registration or licensing of driving schools and persons who provide instruction in driving vehicles on roads;
 - (b) the functions of members of the Council's staff;
 - (c) fees and charges payable to the Council in respect of any registration effected, licence issued, inspection carried out, service provided or other thing done in terms of the regulations.
- (3) Regulations in terms of subsection (1) may provide penalties for contraventions thereof, but no such penalty shall exceed a fine of level five or imprisonment for a period of six months or both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

39 Amendment of Cap. 13:11 and saving

- (1) The Road Traffic Act [*Chapter 13:11*] is amended—
 - (a) by the repeal of section 83;
 - (b) in the Third Schedule by the repeal of paragraph 44.
- (2) The Road Traffic (Driving School) Regulations, 1985, published in Statutory Instrument 309 of 1985, shall continue in force as if they had been made in terms of this Act and shall be deemed to have been so made, any reference in them to the Board being construed as a reference to the Council.

40 Employment of staff of Zimbabwe Traffic Safety Board

- (1) With the consent of the employees concerned, the Council shall engage the persons who, immediately before the fixed date, were employed by the organisation known as the Zimbabwe Traffic Safety Board.
- (2) The employees referred to in subsection (1) shall be engaged on such terms and conditions as the Board may fix with the consent of the employees concerned.

SCHEDULE (SECTION 4(2))

POWERS OF COUNCIL

1. To acquire premises necessary or convenient for the exercise of its functions and for that purpose to buy, take on lease or in exchange, hire or otherwise acquire immovable property and interests, rights, concessions, grants, powers and privileges in respect of such property.
2. To buy, take in exchange, hire or otherwise acquire movable property necessary or convenient for the exercise of its functions.

3. To maintain, alter or improve property acquired by it.
4. To mortgage any assets or part of any assets and to sell, exchange, lease, dispose of, turn to account or otherwise deal with any assets or part of any assets which are not required for the exercise of its functions for such consideration as the Board may determine.
5. To draw, make, accept, endorse, discount, execute and issue for the purposes of its functions promissory notes, bills of exchange, bills of lading, securities and other negotiable or transferable instruments.
6. To insure against losses, damages, risks and liabilities which it may incur.
7. To make contracts and enter into suretyships or give guarantees in connection with the exercise of its functions and to modify or rescind such suretyships or guarantees.
8. To enter into, renew, cancel or abandon arrangements with any government or authority, local or otherwise, that may seem conducive to the exercise of any of its functions and to obtain from such government or authority rights, privileges and concessions.
9. To establish and administer such funds and reserves not specifically provided for in this Act as the Board may consider appropriate or necessary for the proper exercise of the Council's functions.
10. To pay such remuneration and allowances and grant such leave of absence and, with the approval of the Minister, to make such gifts, bonuses and the like to its members of staff as the Board considers fit.
11. To provide pecuniary benefits for its members of staff 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 its members of staff and their dependants any or all of the pecuniary benefits to which this paragraph relates.
12. To purchase, take on lease or in exchange or otherwise acquire land or dwelling-houses for use or occupation by its members of staff.
13. To construct dwellings, outbuildings or improvements for use or occupation by its members of staff on land purchased, taken on lease or in exchange or otherwise acquired by the Council.
14. To sell or lease dwelling-houses and land and rights therein for residential purposes to its members of staff.
15. To make loans or guarantee loans made to its members of staff or their spouses for the acquisition of dwelling-houses or land or rights therein for residential purposes, the construction of dwelling-houses and the improvement of dwelling-houses or land which are the property of its members of staff or their spouses.
16. To provide security in respect of loans such as are described in paragraph 15 by the deposit of securities, in which the Council may invest such moneys as the Board may consider necessary for the purpose.
17. To make loans to any member of the Council's staff for the purpose of purchasing vehicles, tools or other equipment to be used by him in carrying out his duties.
18. To do anything for the purpose of improving the skill, knowledge or usefulness of its members of staff, and in that connection to provide or assist other persons in providing facilities for training, education and research.
19. To provide such services as the Board, with the approval of the Minister, considers may properly be provided by the Council and to charge for such services such fees as the Board may from time to time determine.
20. To provide financial assistance to any institution or person whose activities or part of whose activities are such as to be, in the Board's opinion, of benefit to the Council.
21. To grant such scholarships or bursaries as the Board considers to be in the interests of road safety, on such terms and conditions as the Board may fix in any particular case.
22. To engage in, establish, operate or manage schemes for—
 - (a) the training of persons engaged in any activity relating to road safety;
 - (b) research into systems or procedures which relate to road safety in other countries.
23. Generally to do anything that is calculated to facilitate or is incidental or conducive to the exercise of the Council's functions in terms of this Act or any other enactment.