

## CHAPTER 14:17

### SHOP LICENCES ACT

*Acts 40/1976, 34/1977, 3/1979, 39/1979, 15/1981, 43/1981, 25/1984, 8/1988 (s. 164); 22/2001 (s. 4).  
R.G.N. 46/1979; S.I. 236/1980.*

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**AN ACT to provide for the control and licensing of certain trades and businesses carried on in shops, stores and other fixed places of business and by means of vending machines; to establish licensing authorities and to confer powers and duties thereon; and to provide for matters incidental to or connected with the foregoing.**

[Date of commencement: 22nd October, 1976.]

## PART I

### PRELIMINARY

#### 1 Short title

This Act may be cited as the Shop Licences Act [*Chapter 14:17*].

#### 2 Interpretation

(1) In this Act—

“application” means an application made in terms of this Act;

“appropriate licence fee” means the fee payable in respect of the issue or renewal of a licence in terms of paragraph (a) or (b), as the case may be, of subsection (2) of section *twelve*;

“area under the jurisdiction of a local authority” means—

(a) in the case of a municipal council, town council, rural district council or local board—

(i) the area of the municipality, town, rural district council or local board; and

(ii) any local government area which is administered and controlled by that council or local board in terms of the Urban Councils Act [*Chapter 29:15*]; and

- (iii) any other area which is within the limits of the area of the municipality, town, rural district council or local board though excluded therefrom;
  - (b) in the case of any other local authority, the area of jurisdiction specified for that local authority in terms of subsection (2);
- “authorized officer” means—
- (a) a police officer;
  - (b) a medical officer of health;
  - (c) a health inspector;
  - (d) any person appointed as such in terms of section *forty-four*;
- “goods” means wares, merchandise, produce and, generally, corporeal movable things of any description;
- “health inspector” has the meaning given to it by the Public Health Act [*Chapter 15:10*];
- “licence” means a licence issued or renewed or deemed to have been issued in terms of this Act;
- “licensed premises” means any premises in respect of which a licence has been issued or renewed;
- “licensing area”, in relation to a licensing authority, means—
- (a) in the case of a licensing authority which is a local authority, the area under the jurisdiction of such local authority;
  - (b) in the case of a licensing authority which is a board appointed in terms of paragraph (b) of subsection (1) of section *seven*, the area in respect of which such board is established;
- “licensing authority” means a licensing authority constituted or deemed to have been constituted in terms of this Act;
- “local authority” means—
- (a) a municipal council, town council, rural district council or local board;
  - (b) any other authority or body which is declared in terms of subsection (2) to be a local authority for the purpose of this Act;
- “medical officer of health” has the meaning given to it by the Public Health Act [*Chapter 15:10*] and includes a Government medical officer who is designated as a medical officer of health in terms of section 9 of that Act;
- “Minister” means the Minister of Local Government, Rural and Urban Development or any other Minister to whom the President may, from time to time, assign the administration of this Act;
- “new licence” means a licence issued otherwise than on renewal;
- “permit” means a permit issued in terms of this Act;
- “sell” means to sell by retail or wholesale and includes—
- (a) to exchange or barter;
  - (b) to offer, keep or expose for sale;
- “stand” has the meaning given to it in section 2 of the Land Survey Act [*Chapter 20:12*];
- “vending machine” means a machine or appliance designed to contain goods which may be obtained by inserting a coin or any other token or disc therein or into any appliance attached thereto or which is accessory thereto.
- (2) The Minister may, by notice in a statutory instrument—
- (a) declare any authority or body, other than a local authority as defined in paragraph (a) of the definition of “local authority”, to be a local authority for the purposes of this Act;
  - (b) specify the area of jurisdiction of such local authority;
- and may in like manner amend or revoke any such notice.

## PART II

### CONTROL OF TRADES AND BUSINESSES

#### **3 Application of Act**

- (1) Nothing in this Act shall apply to the trades or businesses specified in the First Schedule.
- (2) The Minister may, subject to subsections (3) and (4), by notice in a statutory instrument, amend the First Schedule by altering therein, adding thereto or removing therefrom any trade or business.
- (3) Before making any notice in terms of subsection (2) the Minister shall—
  - (a) give at least three months’ notice in the *Gazette* of his intention to do so and shall in such notice call for representations to be made to him in writing concerning the proposal within such period as may be specified in such notice; and
  - (b) consider every representation made in terms of paragraph (a).
- (4) A notice made in terms of subsection (2) shall come into effect on such date, being not sooner than three months after the date of publication thereof in the *Gazette*, as may be specified in the notice

#### **4 Control of trades and businesses**

(1) Subject to this Act, no person shall, in any shop, store or other fixed place of business, carry on the trade or business of selling or letting for hire any goods, except in terms of a licence:

Provided that, where the sale or letting for hire of any particular goods is effected by an agent on behalf of a principal, it shall be sufficient compliance with this section in respect of such sale or letting for hire if it is effected in terms of a licence issued to either the agent or the principal in respect of the shop, store or other fixed place of business concerned.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level eight or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as inserted by Section 4 of Act No. 22 of 2001]

#### **5 Control of vending machines**

(1) Subject to this Act, no person shall carry on the trade or business of selling goods by means of a vending machine which is situated otherwise than wholly or partly on licensed premises except in terms of a licence issued in respect of the vending machine:

Provided that, where the sale of the goods concerned is effected by an agent on behalf of a principal, it shall be sufficient compliance with this section in respect of such sale if it is effected in terms of a licence issued to either the agent or the principal in respect of the vending machine concerned.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as inserted by Section 4 of Act No. 22 of 2001]

#### **6 Exemptions**

Where he considers—

- (a) that it is desirable in the interests of the public or any section of the public; or
- (b) that any trade or business for which a licence is required in terms of this Act has been, is, or is likely to be, curtailed or restricted by virtue of anything done or required to be done under any law relating to defence or the preservation of public safety or the maintenance of law and order or by virtue of any hostile act or activity directed towards the Government or inhabitants of Zimbabwe;

the Minister may—

- (i) by notice in writing exempt any person from the requirement to take out or renew a licence in terms of this Act or from liability to pay the whole or part of any fee or penalty payable in respect of a licence required to be held in terms of this Act; or
- (ii) refund to any person the whole or part of any fee or penalty which has been paid in respect of a licence and which is vested in the Consolidated Revenue Fund; or
- (iii) after consultation with the licensing authority concerned, direct the licensing authority to refund to any person the whole or part of any fee or penalty which has been paid in respect of a licence and which is vested in the licensing authority whereupon the licensing authority shall, notwithstanding any law to the contrary, comply with such direction.

### **PART III**

#### **LICENSING AUTHORITIES**

#### **7 Constitution of licensing authority**

(1) The licensing authority for any area shall be—

- (a) in the case of an area under the jurisdiction of a local authority, the council or board of such local authority or any committee or employee thereof exercising powers delegated in terms of subsection (2);
- (b) in the case of an area not referred to in paragraph (a), a board established by the Minister for such area as may be specified by the Minister and consisting of three inhabitants of the district or districts in which the specified area is situated, appointed by the Minister, one of whom he shall designate as the Chairman.

(2) A licensing authority which is the council or board of a local authority may delegate to a committee of such council or board or to an employee of such council or board such of the powers vested in it by or under this Act as it considers to be necessary or desirable and may in like manner amend or withdraw any such delegation.

(3) Any amendment, withdrawal or lapsing of the powers delegated in terms of subsection (2), whether in whole or in part, shall not invalidate anything done in pursuance of a decision lawfully taken by the delegate before the date of such amendment, withdrawal or lapsing.

(4) Any person who is aggrieved by a decision of a committee or employee to whom any powers have been delegated in terms of subsection (2) may, within thirty days of the decision, bring the matter in writing to the attention of the council or board concerned.

(5) The delegation in terms of subsection (2) shall not preclude the council or board itself exercising the powers so delegated and the council or board concerned may amend or rescind any decision of a committee or employee in the exercise of the powers delegated to it or him, as the case may be, and may give any other decision in place thereof.

## **8 Meetings of and evidence before licensing authority**

(1) Subject to this Act and, in the case of a local authority, to the law under which that local authority is constituted, a licensing authority may meet for the dispatch of business, adjourn and otherwise regulate its meetings and proceedings as it thinks fit, so however, that at least one meeting in each month of the year shall be held for the consideration of applications if there is business to dispatch.

(2) A licensing authority shall display in a conspicuous position at its principal office a notice giving the date and time throughout the year when such licensing authority will consider applications.

(3) A record of the proceedings in public of a licensing authority at every meeting shall—

(a) be kept and filed at its principal office;

(b) be open for the inspection of the public on payment of such fee as may be prescribed.

## **9 Disqualification from sitting as member of licensing authority**

(1) No person shall sit as a member of or act as a licensing authority at the hearing of any application in which he is personally interested, directly or indirectly, or in which his spouse, partner or relative, within the first degree of consanguinity or affinity, is directly or indirectly interested or in which any company of which he is a director, manager, officer, employee or agent is directly or indirectly interested.

(2) The fact that a person is the holder of a licence shall not of itself disqualify him from sitting as a member or acting as a licensing authority.

## **10 Evidence before licensing authority**

(1) When a licensing authority deems it necessary to take evidence respecting any question to be determined by it such evidence shall be given on oath to be administered by the person presiding at the meeting and shall be recorded.

(2) A licensing authority may by written notice under the hand of the town clerk or secretary, as the case may be, require the attendance before it of any person who, in the opinion of the licensing authority, is able to testify as to any matter which the licensing authority has to determine.

(3) Any person who, without reasonable excuse, refuses or fails to attend and give evidence before a licensing authority or the Administrative Court at a time and place specified in a notice given to him in terms of subsection (2) 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 as inserted by Section 4 of Act No. 22 of 2001]

# **PART IV**

## **ISSUE AND RENEWAL OF LICENCES**

### **11 Form of licences**

(1) A licence issued or renewed in terms of this Act shall—

(a) be in the prescribed form;

(b) specify the name of the person to whom the licence has been issued;

(c) specify the trade or business and the class or type of goods to which the licence relates;

(d) specify the premises to which the licence relates;

(e) specify the number, situation, class or type of the vending machine or machines to which the licence relates;

(f) specify any condition, restriction or requirement subject to which the licence has been granted.

(2) For the purposes of paragraph (c) of subsection (1) the Minister may, by notice in a statutory instrument, specify classes of goods identified numerically or in any other way and may in like manner revoke or amend any such notice.

(3) Where the Minister has specified a class of goods in a notice made in terms of subsection (2) any reference in a licence to that class shall be deemed to be a reference to the class of goods so specified.

(4) Nothing in subsection (2) or (3) contained shall be construed as derogating from the right of a licensing authority to issue a licence in respect of goods other than those specified as a class in a notice made in terms of subsection (2).

## 12 Duration of licence, fees and penalties

(1) Subject to this Act, a licence issued or renewed in terms of this Act shall be valid up to and including the 31st December of the year for which it is issued or renewed.

(2) There shall be paid to a licensing authority upon the issue or renewal of any licence by that licensing authority—

- (a) where the licensing authority is a local authority, the fee, if any, fixed by that licensing authority in terms of section *thirteen*;
- (b) in any other case or where no fee has been fixed by that licensing authority in terms of section *thirteen*, the fee specified in the Second Schedule;

and any penalty that may have accrued in terms of subsection (4):

Provided that where a licence is issued in respect of any period commencing after the 30th June in any year, the fee payable in terms of paragraph (a) or (b), as the case may be, shall be reduced by one half.

(3) All moneys received in terms of this Act in respect of the payment of the appropriate licence fee or any penalty—

- (a) by a licensing authority which is a local authority, shall vest in the licensing authority;
- (b) by any other licensing authority, shall vest in the Consolidated Revenue Fund and shall be paid over accordingly by the licensing authority.

(4) Any person who fails to take out or renew a licence within one month of the date on which he becomes liable to take out or renew the licence shall be liable to a penalty of one-twelfth of the appropriate licence fee for each month or part thereof which has elapsed since his liability in that regard arose:

Provided that the amount of any penalty which is payable in terms of this subsection in respect of any one year shall not exceed the appropriate licence fee concerned.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(5) The payment by any person of any penalty referred to in subsection (4) shall not relieve him of any other liability he may incur for the failure to take out or renew a licence nor shall the imposition of any penalty for such other liability relieve him of the obligation to pay the penalty referred to in subsection (4).

(6) Upon the conviction of any person for a contravention of section *four* or *five*, the court may, in addition to any other penalty which it may impose therefore, order the person convicted to pay any outstanding appropriate licence fee or penalty that has accrued and such order shall have the effect of a civil judgment in favour of—

- (a) where the licensing authority concerned is a local authority, the local authority;
- (b) in any other case, the Minister;

and may be enforced as such in any court of competent jurisdiction.

## 13 Fixing of fees

(1) Subject to this section, a licensing authority which is a local authority may, by notice in a statutory published by the Minister, fix the fees payable for any licence issued or renewed by that licensing authority for the period ending 31st December of the year for which it is issued or renewed:

Provided that the licensing authority may not—

- (a) fix a fee which is less than the relevant fee specified in the Second Schedule; or
- (b) fix a fee which exceeds the relevant fee specified in the Second Schedule by more than fifty *per centum* thereof without the approval of the Minister; or
- (c) fix different fees for different classes of businesses, premises or vending machines otherwise than on the basis specified in the Second Schedule, save that the ratio between the fees specified in the Second Schedule need not be maintained.

(2) Before the publication of the statutory instrument in terms of subsection (1), the licensing authority concerned shall—

- (a) cause a notice setting out the fee proposed to be fixed to be published in two consecutive issues of a newspaper circulating in the licensing area of the licensing authority and calling for any objections to the proposal to be lodged in writing with the licensing authority within fourteen days of the last publication of such notice; and
- (b) consider any objection lodged in terms of paragraph (a):

Provided that, if a licensing authority having published a notice in terms of this section determines for any reason to reduce the fee proposed to be fixed, it shall not be necessary to publish a further notice in terms of this subsection setting out the fee as so altered.

## 14 Publication of application and lodging of objections

(1) Every applicant for the issue of a new licence shall, in terms of subsection (2), publish in a newspaper circulating in the licensing area of the licensing authority to which application will be made two notices in the prescribed form, if any, of his intention to make the application.

(2) The first publication of the notice referred to in subsection (1) shall be not more than forty-two days or less than twenty-eight days before the date of the meeting at which the application is to be heard and the second publication shall be not less than seven or more than fourteen days after the first publication

(3) No application for a new licence shall be considered by a licensing authority except on proof that the applicant has given the notice required in terms of subsection (1).

(4) If any person who has given the notice referred to in subsection (1) fails to lodge with the licensing authority an application for a new licence in the prescribed form within seven days of the last publication of the notice or if an application is not proceeded with by the applicant on the day for which the notice has been given, the notice shall be deemed to be withdrawn and fresh notice shall be given before any such application may be considered.

## **15 Objections**

(1) Any person who wishes to object to the issue of a new licence in respect of which notice of application has been given in terms of section *fourteen* shall, not later than seven days of the last publication of the notice, give notice in writing to the licensing authority of his intention to oppose the application and shall state the grounds on which his objection is based.

(2) On receipt of a notice of objection in terms of subsection (1) the licensing authority shall inform the applicant concerned of the fact and the grounds of the objection.

## **16 Applications for new licences**

(1) An application for the issue of a new licence shall be submitted in the prescribed form to the licensing authority within whose licensing area the premises or vending machine or machines, as the case may be, in respect of which the licence is required, is or are situated.

(2) An application referred to in subsection (1) shall be accompanied by—

- (a) the prescribed fee;
- (b) such documents, plans and specifications as may be prescribed;
- (c) proof that the provisions of any other enactment relating to the trade or business for which the licence is required have been complied with;
- (d) such information as may be prescribed;
- (e) proof that the notice required in terms of section *fourteen* has been given.

(3) A separate application shall be made in terms of subsection (1) in respect of each shop, store or other fixed place of business for which the licence is required:

Provided that, where the trade or business concerned is carried on by the same person in several shops, stores or other fixed places of business—

- (a) on adjoining portions of the same premises separated only by walls or floors; or
- (b) on portions of the same stand which is owned or leased by him;

only one application shall be required by that person.

(4) Only one application in terms of subsection (1) shall be required to be made by any one person in respect of more than one vending machine but in such case the applicant shall specify in the application the number, situation and class or type of the vending machines for which the licence is required.

## **17 Licensing authority may require reports on applications**

(1) Upon the receipt of an application for the issue of a new licence the licensing authority concerned—

- (a) may request the officer in charge of the police of the police district where the trade or business for which the licence is required is or will be carried on to furnish a report stating whether any conviction for any offence is recorded against the applicant, including any person who is a partner in a partnership which is the applicant, and the person who is or will be in actual and effective control of the trade or business;
- (b) may refer such application to any member of the Public Service, any local authority or any other person for a report on any matter arising therefrom.

(2) Any person referred to in paragraph (b) of subsection (1) may, at any reasonable time, for the purpose of furnishing a report in terms of paragraph (b) of subsection (1), enter upon and carry out an inspection of the premises to which the application relates.

(3) A licensing authority shall, on receipt of a report referred to in subsection (1), notify the applicant concerned of the receipt thereof and any report so received shall be open to the inspection of the applicant or his representative at the office of the licensing authority which shall allow such applicant or his representative to take a copy of such report.

## **18 Hearing of applications**

(1) At the hearing of an application for the issue of a new licence the applicant, an objector and a person who has submitted a report referred to in subsection (1) of section *seventeen* shall be entitled to appear before the licensing authority in person or represented by a legal practitioner or, in the case of a body of persons, corporate

or unincorporate, by some duly authorized representative thereof or to submit any statement in writing in connection with the application to the licensing authority.

(2) An applicant, an objector or a person who has submitted a report referred to in subsection (1) of section *seventeen* may give evidence before a licensing authority and may call any witness and cross-examine any witness called by any other party or by the licensing authority.

(3) It shall not be necessary to appear in support of any application, objection or report made or given to a licensing authority and no application or objection shall be refused or dismissed, as the case may be, solely on the grounds of any such non-appearance:

Provided that nothing in this subsection contained shall be construed as affecting the right of a licensing authority to require the attendance of any person before it.

### **19 Licensing authority may take notice of objection**

(1) A licensing authority may of its own motion take notice of any matter or thing whatsoever which in its opinion would be an objection to the granting of any application for a new licence although no objection has been made thereto by any person.

(2) The licensing authority shall inform the applicant of such matter or thing and shall adjourn further consideration of the application, if the applicant so requests, for any period being not less than four days, in order that the person affected by the objection may have an opportunity of replying thereto.

(3) The licensing authority shall at or forthwith after such adjournment give notice in writing of the grounds of objection to the person affected thereby and of the day on which the application will be further considered.

### **20 Decision of licensing authority on application for new licence**

(1) A licensing authority may, in respect of an application for the issue of a new licence—

- (a) grant the application unconditionally;
- (b) grant the application subject to any condition, restriction or requirement—
  - (i) relating to the class or type of goods in respect of which the trade or business may, in terms of the licence, be carried on;
  - (ii) in the case of a licence in respect of one or more vending machines, relating to the number and class or type of vending machine or machines that may be operated and the situation thereof;
  - (iii) which has as its purpose the carrying on of the trade or business concerned by the applicant in accordance with the particulars furnished by the applicant in his application;
  - (iv) relating to any matter referred to in subsection (2);
- (c) grant the application on condition that the applicant takes such steps, whether before or after the issue of the licence as may be specified by the licensing authority and within such period as may be specified by the licensing authority or within such extension of that period as may be granted by the licensing authority, to provide for or to remedy any matter, situation, condition or thing the absence or existence of which would otherwise be a ground for refusal of the application in terms of subsection (2);
- (d) without derogation from the generality of the powers conferred by paragraphs (a), (b) and (c), grant the application on condition that the applicant takes such steps as may be specified by the licensing authority, whether before or after the issue of the licence and within such period as may be specified by the licensing authority or within such extension of that period as may be granted by the licensing authority, to erect, add to or alter any building or structure;
- (e) refuse the application on any of the grounds referred to in subsection (2);
- (f) subject to paragraph (a) of subsection (5), postpone its consideration and decision in respect of the application for such period as it may deem fit—
  - (i) in order to inspect the premises concerned or to have them inspected or to make or cause any further investigation to be made in relation thereto; or
  - (ii) for any other reason.

(2) A licensing authority shall refuse an application for the issue of a new licence if satisfied that—

- (a) the applicant is not or will not be the owner of the trade or business concerned;
- (b) the applicant is not, whether he is or will be in actual and effective control of the trade or business concerned or not, and, if another person is or will be in such control, such person is not, a suitable person to carry on the proposed trade or business, whether by reason of his character, his previous conduct or the uncleanness of his person, habits or methods or for any other reason;
- (c) without derogation from the generality of paragraph (b), the applicant has, whether he is or will be in actual and effective control of the trade or business concerned or not and, if another person is or will be in such control, such person has, within the preceding five years been convicted in the aggregate three or more times in terms of section *four* or *five* of this Act, or of any offence in terms of the Trade Measures Act [*Chapter 14:23*] or any of the regulations made thereunder or in terms of a like provision of any Act or regulation which was repealed by any such Act and whether such aggregate arises from convictions under the same such provision or enactment or under separate such provisions or enactments;

- (d) the premises concerned are not or will not be suitable for the trade or business concerned, whether in relation to any requirement of any enactment relating to health, or in relation to the size, nature, construction, lighting, ventilation, accommodation or in any other respect, including the absence or inadequacy of provision—
  - (i) for protection against rodents, vermin and contamination by flies; or
  - (ii) for ensuring in case of fire, the safety of the public and employees by means of fire-fighting apparatus, emergency exits or otherwise;
- (e) no or inadequate provision has been or will be made to ensure cleanliness and the compliance with the requirements of any enactment relating to health, whether in respect of any person, premises, vehicle, container, vessel or in any other respect;
- (f) no or inadequate provision has been or will be made to prevent any nuisance which may arise as a result of smoke, dust, fumes, gas, smell, noise, vibration or pollution caused or likely to be caused by the trade or business concerned or to ensure the safety of the public and employees;
- (g) the locality or environment of the premises concerned is unsuitable for the nature of the trade or business concerned on account of fire-hazard, conditions relating to traffic control, parking facilities or the supply of water, electricity or sanitation;
- (h) subject to subsection (2) of section 24 of the Regional, Town and Country Planning Act [*Chapter 29:12*], the use or occupation by the applicant of the premises concerned for the trade or business concerned is or will be contrary to any approved scheme, operative regional plan, operative master plan or operative local plan as defined in that Act;
  - (i) in the case of a licence required for premises which are not situated in an area to which any scheme or plan referred to in paragraph (h) relates, the proposed trade or business concerned will be detrimental to the religious, educational, health, residential, commercial or cultural amenities of the neighbourhood;
  - (j) it is necessary for the person who is, or who will be, in actual and effective control of the trade or business concerned to be able to speak, read or write English or a vernacular language and he is unable to do so.
- (3) When considering an application for the issue of a new licence a licensing authority shall—
  - (a) not have regard to the fact or possibility that there is already or will be within the particular neighbourhood or at the particular place where the applicant intends carrying on the trade or business concerned, a sufficient number of persons carrying on trade or business with one or more classes of goods in which the applicant intends to carry on trade or business; or
  - (b) not have regard to the lack of trade or business qualifications, training or experience of the applicant, his employee or agent.

(4) If a licensing authority has refused an application for the issue of a new licence, no further application by the same applicant for the same type of trade or business and, where applicable, in respect of the same premises, shall be made within a period of six months from the date of such refusal unless the ground for the refusal has in the meantime been removed.

(5) A licensing authority shall—

- (a) determine an application for a new licence within forty-five days of the day for which notice in terms of section *fourteen* has been given unless, at the request of the applicant, the hearing or determination of the application has been postponed for any longer period;
- (b) as soon as possible after its decision on an application for the issue of a new licence, notify in writing the applicant and each or any objector, as the case may be, of such decision and the date thereof;
- (c) upon the application by an applicant or objector which is accompanied by the prescribed fee, as soon as possible, furnish such applicant or objector with the reasons in writing for its decision.

(6) The granting of any application for the issue of a new licence in terms of this Part shall not relieve the applicant from compliance with any other law relating to the carrying on of the trade or business concerned.

## **21 Issue of licence**

(1) Subject to section *twenty-two*, where a licensing authority has granted an application for the issue of a new licence the licensing authority shall, upon the payment of the appropriate licence fee and any penalty which may be payable, issue the applicant concerned with a licence.

(2) A licensing authority shall issue a separate licence in respect of each shop, store or other fixed place of business:

Provided that, where the trade or business concerned is carried on by the same person in several shops, stores or other fixed places of business—

- (a) on adjoining portions of the same premises separated only by walls or floors; or
- (b) on portions of the same stand which is owned or leased by him;

only one licence shall be issued in respect of that trade or business.

(3) Where a licence is required by any person in respect of more than one vending machine the licensing authority concerned shall issue one licence to that person in respect of all the vending machines which the licensing authority has authorized to be licensed.

(4) The grant of an application for the issue of a new licence shall lapse after the expiry of the period of ninety days next following the notification by the licensing authority to the applicant concerned of the grant of the application and no licence in respect of that application shall thereafter be issued in terms of this section:

Provided that, where an application for the issue of a new licence has been granted subject to the fulfilment of any condition before the issue of the licence, the grant of the application shall lapse after the expiry of the period of ninety days following the date of issue of a certificate in terms of section *twenty-two* enabling the applicant to obtain the issue of the licence concerned.

(5) A licensing authority shall forthwith notify the Commissioner of Taxes of the issue of any licence.

## **22 Issue of licence on fulfilment of condition**

(1) Where an application for the issue of a new licence has been granted by a licensing authority subject to the fulfilment of any condition before the issue of the licence the licensing authority shall not issue the applicant concerned with a licence unless he produces a certificate referred to in subsection (2).

(2) An application for a certificate that any condition subject to which a licence may be issued has been fulfilled may be made at any time to the licensing authority concerned which imposed that condition.

(3) Upon an application being made in terms of subsection (2) the licensing authority concerned may issue or refuse the certificate referred to in that subsection.

## **23 Renewal of licence**

(1) An application for the renewal of a licence may be made on or after the first day of October of the year for which it was issued to the licensing authority which issued it.

(2) An application for the renewal of a licence shall be—

(a) made in the prescribed form, if any;

(b) accompanied by the licence to be renewed or a photostat copy thereof.

(3) Upon an application being made to it in terms of subsection (2) the licensing authority shall, upon payment of the appropriate licence fee and any penalty that may have accrued in terms of this Act, renew the licence.

(4) Upon the renewal of a licence any condition, restriction or requirement to which the licence was subject shall be respecified in respect of the renewed licence.

(5) Subsection (6) of section *twenty* shall apply, *mutatis mutandis*, in relation to the renewal of a licence.

## **24 Condonation**

A licensing authority may at any time condone the non-compliance by any person with any provision of this Part relating to procedure if in its opinion such non-compliance is not of a material nature and it is not likely to cause prejudice to any person or the State.

# **PART V**

## **GENERAL MATTERS AFFECTING LICENCES**

## **25 Removal of endorsement on licence**

(1) If the holder of a licence wishes to have any condition, restriction or requirement which has been imposed in respect thereof removed, amended or substituted, he shall, subject to subsection (2), make application in terms of Part IV for the issue of a new licence stating the grounds or reasons upon which he submits that the condition, restriction or requirement concerned should be removed, amended or substituted.

(2) A licensing authority may, upon prior application being made to it, dispense with the requirement to give any notice or to submit any document, plan, specification or report in connection with an application made in the circumstances referred to in subsection (1).

(3) Where a licensing authority grants an application made in the circumstances referred to in subsection (1) the appropriate licence fee for the new licence shall not be payable in respect of the unexpired portion of the year for which the original licence was issued.

## **26 Extension of trade or business to other premises**

(1) If the holder of a licence wishes to extend the trade or business to which his licence relates from the licensed premises to any adjoining premises or room or to any premises on a portion of the same stand which is owned or leased by him, he shall, subject to subsection (2), make application in terms of Part IV for a new licence stating the details of the extension desired.

(2) A licensing authority may, upon prior application being made to it, dispense with the requirement to give any notice or to submit any document, plan, specification or report in connection with an application made in the circumstances referred to in subsection (1).

(3) Where a licensing authority grants an application made in the circumstances referred to in subsection (1) the appropriate licence fee for the new licence shall not be payable in respect of the unexpired portion of the year for which the original licence was issued.

## **27 Removal of business to other premises**

(1) If the holder of a licence wishes to remove the trade or business to which his licence relates permanently from the licensed premises to other premises, he shall, subject to subsection (2), make application in terms of Part IV for a new licence.

(2) A licensing authority may, upon prior application being made to it, dispense with the requirement to give any notice or to submit any document, plan, specification or report in connection with an application made in the circumstances referred to in subsection (1).

(3) Where a licensing authority grants an application made in the circumstances referred to in subsection (1) the appropriate licence fee for the new licence shall not be payable in respect of the unexpired portion of the year for which the original licence was issued.

## **28 Transfer of licence prohibited except on death or insolvency, etc., of holder**

(1) Subject to this section, no licence shall be hired, lent, ceded, transferred or in any way whatsoever made over to any other person.

(2) Where a person—

- (a) dies; or
- (b) is declared insolvent or assigns his estate in terms of the law relating to insolvency; or
- (c) in the case of a corporate body, is placed under liquidation or judicial management; or
- (d) is declared incapable of managing his own affairs;

his executor, trustee, assignee or curator or the liquidator or judicial manager, as the case may be, or, pending the appointment of the executor, trustee or curator, as the case may be, any other person authorized thereto in writing by the licensing authority concerned, may—

- (i) where such first-mentioned person had been granted an application for the issue of a new licence, obtain the issue of the licence and carry on the trade or business to which the licence relates in his representative capacity;
- (ii) where such first-mentioned person was the holder of a licence, carry on the trade or business concerned in terms of the licence in his representative capacity.

(3) A representative of a person referred to in subsection (2) may apply for the renewal of the licence concerned where such renewal is necessary for the proper conduct of his duties as such representative.

(4) Where a licence has been issued in respect of a partnership and—

- (a) any new member is admitted to the partnership, the licence shall lapse and shall not be renewed;
- (b) any partner dies or retires, the remaining partner or partners may, for the unexpired period of validity of the licence, carry on the trade or business concerned in terms of the licence but on the expiry of that period the licence shall lapse and shall not be renewed.

## **PART VI**

### **PERMITS**

## **29 Trading permit**

(1) Subject to subsection (2), a licensing authority may, upon payment of the prescribed fee, issue a permit to any person authorizing the carrying on in such premises and subject to such conditions as may be specified therein of any trade or business for which a licence would otherwise be required.

(2) A permit issued in terms of subsection (1) shall be valid for such period not exceeding three months as the licensing authority may specify and shall not be granted on more than one occasion to the same person in any year in respect of the same trade or business.

(3) A licensing authority may at any time cancel a permit issued in terms of subsection (1).

(4) No appeal shall lie against—

- (a) the specification by a licensing authority of any period of validity of; or
- (b) the imposition by a licensing authority of any condition on; or
- (c) the refusal by a licensing authority to issue; or
- (d) the cancellation by a licensing authority of;

any permit in terms of subsection (1), (2) or (3), as the case may be.

(5) Subsections (2), (3) and (4) of section *eleven* shall apply, *mutatis mutandis*, in respect of any goods specified in a permit issued in terms of subsection (1).

### 30 Removal permit

(1) Subject to subsection (2), a licensing authority may, upon payment of the prescribed fee, issue to any holder of a licence a permit authorizing the removal of the trade or business concerned from the licensed premises concerned to any other premises subject to such conditions as may be specified therein.

(2) A permit referred to in subsection (1) shall be valid for such period not exceeding three months or for such further period as the licensing authority may, on application, allow.

(3) The holder of a permit referred to in subsection (1) shall forthwith notify the licensing authority concerned as soon as the trade or business to which the permit relates is resumed at the licensed premises.

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

[Subsection as inserted by section 4 of Act No. 22 of 2001]

(4) A licensing authority may at any time cancel a permit issued in terms of subsection (1).

(5) No appeal shall lie against—

(a) the specification by a licensing authority of any period of validity of; or

(b) the imposition by a licensing authority of any condition on; or

(c) the refusal by a licensing authority to issue; or

(d) the cancellation by a licensing authority of;

any permit in terms of subsection (1), (2) or (4), as the case may be.

(6) Subsections (2), (3) and (4) of section *eleven* shall apply, *mutatis mutandis*, in respect of any goods specified in a permit issued in terms of subsection (1).

## PART VII

### INFORMATION CONCERNING CONDUCT OF LICENSED TRADES OR BUSINESSES AND INSPECTION OF PREMISES

### 31 Holder of licence to give notice of any change in connection with his trade or business

(1) The holder of a licence shall forthwith in the form prescribed notify the licensing authority concerned if—

(a) the person who is in actual and effective control of the trade or business to which the licence relates is replaced by another person and, in such event, the name and address of such other person and such other particulars relating to such other person as may be specified in the prescribed form; or

(b) the name under which the trade or business to which the licence relates is carried on has been changed; or

(c) the nature of the trade or business to which the licence relates has changed; or

(d) the trade or business to which the licence relates has been sold or abandoned.

(2) In respect of any change referred to in paragraphs (a) and (c) of subsection (1) the licensing authority may, if it deems it necessary, obtain any report referred to in section *seventeen*.

(3) The person in respect of whom particulars are required to be given in terms of paragraph (a) of subsection (1) shall certify in the prescribed form in which those particulars are specified whether or not such particulars are true.

(4) Any person who contravenes 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 as inserted by section 4 of Act No. 22 of 2001]

### 32 Powers of authorized officers

(1) An authorized officer may—

(a) at any reasonable time enter upon, search and inspect any premises, place, vehicle or structure which he on reasonable grounds suspects is being used for or in connection with the carrying on of a trade or business for which a licence is required:

Provided that this paragraph shall not authorize the entry or search of any dwelling-house unless the authorized officer concerned has reasonable grounds for believing that such entry or search is necessary for the prevention or detection of an offence in terms of this Act or for the lawful arrest of any person;

(b) require any person on or in any premises, place, vehicle or structure referred to in paragraph (a) whom he on reasonable grounds suspects has in his possession or custody or under his control any goods, book, record or other document used in connection with the carrying on of a trade or business for which a licence is required to produce to him for inspection or examination such goods, book, record or other document;

(c) make extracts from any book, record or other document found by or produced to him and require an explanation of any entries therein;

- (d) question any person whom he on reasonable grounds suspects is in possession of information relating to the carrying on of a trade or business for which a licence is required:

Provided that no person shall be required to answer any question put to him in terms of this paragraph which he would be entitled to refuse to answer if he were a witness giving evidence in a court of law;

- (e) require any person whom he on reasonable grounds suspects is carrying on a trade or business to furnish his name and address and to produce the licence or other authority for the carrying on of such trade or business;
- (f) require any person whom he on reasonable grounds suspects is an employee or agent of any person who carries on a trade or business to furnish his name and address and the name and address of his employer or principal;
- (g) require any person referred to in paragraph (e) or (f) to produce any identity document he may by law be required to possess.
- (2) Any person who, without reasonable excuse—
- (a) fails, neglects or refuses to comply with any requirement lawfully made of him by an authorized officer in terms of subsection (1); or
- (b) threatens, resists, hinders or obstructs an authorized officer in the exercise of his functions in terms of subsection (1);

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.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

### **33 Furnishing of information to licensing authority**

(1) Any person may at any time in respect of any trade or business for which a licence or permit has been issued furnish the licensing authority concerned with information, in writing, relating, to any matter referred to in subsection (2) of section *twenty*.

(2) An authorized officer shall report to the licensing authority concerned any matter found by him in relation to—

- (a) any person connected with the carrying on of any trade or business to which a licence relates;
- (b) any trade or business to which a licence relates;
- (c) any premises or vending machine to which a licence relates;
- (d) any other matter not referred to in paragraphs (a) to (c);

which might be a ground for reviewing the licence concerned or any matter which might constitute a contravention of this Act.

## **PART VIII**

### **REVIEW, SUSPENSION OR CANCELLATION OF LICENCE**

#### **34 Power and duty of licensing authority to review licence**

(1) Subject to this Part, a licensing authority may at any time review any licence which it has issued or renewed.

(2) A licensing authority shall review any licence which it has issued or renewed when as the result of information furnished to it in terms of subsection (2) of section *thirty-one* or section *thirty-three* there are grounds for believing that—

- (a) any condition, restriction or requirement imposed in respect of the licence is not being complied with; or
- (b) circumstances exist which, if application for the issue of a new licence had been made in respect of the licence concerned, the refusal of the application for any reason referred to in subsection (2) of section *twenty* would have been justified.

(3) The licensing authority shall fix the place, time and date of the review and notice thereof, stating the general purport of the grounds for the review, shall, at least ten days before the date so fixed, be served—

- (a) if the decision to have the licence reviewed was taken on information contained in a written communication or report, on the person who furnished such communication or report; and
- (b) on the holder of the licence concerned.

(4) The holder of the licence which it is intended to review or his representative may, during office hours, at the office of the licensing authority concerned, make a copy of or an extract from any written communication or report referred to in paragraph (a) of subsection (3).

#### **35 Suspension of trade or business pending review**

(1) A licensing authority may, if it is satisfied that the carrying on of any trade or business to which a licence relates will constitute a danger or threat to public health or public safety, suspend forthwith, in whole or in part,

the licence concerned by means of a written order served on the holder of the licence or the person in actual and effective control of the trade or business concerned pending review thereof by the licensing authority.

(2) A licensing authority shall, in an order referred to in subsection (1), state the general purport of the grounds for the suspension and shall afford the holder of the licence concerned the opportunity within seven days of the date of the service of such order to furnish written reasons for the cancellation of the order.

(3) A licensing authority may, in its discretion, at any time before the review of the licence concerned, cancel an order referred to in subsection (1).

(4) Unless an ordinary sitting of the licensing authority occurs within such period, a licensing authority shall meet not later than fourteen days after the service of any order in terms of subsection (1) for the purpose of reviewing a suspended licence and notice of the place, time and date of such meeting shall be served upon the holder of the licence concerned at the same time as he is served with the order.

(5) Any person who contravenes or fails to comply with an order in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level nine or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

### **36 Proceedings on review of licence**

(1) On the review of a licence by a licensing authority, the maker of any report which is to be considered on such review and the holder of the licence concerned shall be entitled to appear before the licensing authority in person or represented by a legal practitioner or, in the case of a body of persons, corporate or unincorporate, by some duly authorized representative thereof or to submit any statement in writing in connection with such review to the licensing authority.

(2) Sections *eight, nine, ten, seventeen* and *nineteen* and subsections (2) and (3) of section *eighteen* shall apply, *mutatis mutandis*, to the review of a licence by a licensing authority.

### **37 Cancellation of licence on review or other decision**

(1) A licensing authority may, on the review of a licence—

- (a) cancel the licence for any of the reasons referred to in subsection (2) of section *thirty-four*;
- (b) revoke any existing condition, restriction or requirement of, or impose any new, or amend any existing, condition, restriction or requirement on, the licence:

Provided that a licensing authority shall not in terms of this paragraph—

- (i) impose any new condition, restriction or requirement which could not; or
  - (ii) so amend any existing condition, restriction or requirement so that the condition, restriction or requirement as amended could not; have been imposed upon the issue of a new licence in terms of section *twenty*;
- (c) exercise, *mutatis mutandis*, the powers referred to in paragraph (f) of subsection (1) of section *twenty*;
  - (d) order the suspension or continued suspension in whole or in part of the licence concerned until there has been compliance with such conditions as the licensing authority may specify;
  - (e) if the licence has been suspended, cancel such suspension unconditionally or exercise, *mutatis mutandis*, the powers referred to in paragraph (b).

(2) When a licensing authority exercises the powers referred to in paragraph (a), (b), (c) or (d) of subsection (1) it may order that, notwithstanding the noting of an appeal against any such decision or during any period of postponement in terms of paragraph (c) of that subsection, as the case may be, the trade or business to which the licence concerned relates shall, either in whole or in part, be forthwith discontinued.

(3) Any person who contravenes or fails to comply with an order in terms of paragraph (d) of subsection (1) or subsection (2) shall be guilty of an offence and liable to a fine not exceeding level eight or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

### **38 Surrender of licence after review**

(1) When a licensing authority on review of a licence cancels the licence or imposes any new or amends the existing conditions, restrictions or requirements relating thereto the holder of the licence concerned shall surrender the licence to the licensing authority for cancellation or amendment, as the case may be—

- (a) if no appeal in terms of this Act has been noted, by not later than the day following the date of expiry of the period allowed for noting the appeal; or
- (b) if an appeal has been noted in terms of this Act and the Administrative Court or the Supreme Court, as the case may be, confirms the decision, in whole or in part, of the licensing authority, forthwith upon the delivery of the decision on appeal.

(2) A holder of a licence who fails or refuses to surrender his licence to the licensing authority 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 as inserted by section 4 of Act No. 22 of 2001]

## PART IX

### APPEALS

#### **39 Appeal to Administrative Court**

(1) Subject to this Act, any person who is aggrieved by a decision of a licensing authority may appeal against the decision to the Administrative Court.

(2) A person who wishes to appeal in terms of subsection (1) shall, within the period of twenty-eight days following the date he is notified of the decision of the licensing authority concerned or within such extension of that period as the Administrative Court may allow, submit a notice of appeal, setting out the grounds on which the appeal is brought, to the Administrative Court and a copy of such notice to the licensing authority concerned.

(3) Within the period of fourteen days following receipt by it of a copy of a notice of appeal referred to in subsection (2) the licensing authority shall forward—

- (a) to the Administrative Court the record of the proceedings which relates to the decision appealed against and a copy of any such representations it may wish to make in reply to the notice of appeal; and
- (b) to the appellant a copy of any representations it may have submitted in terms of paragraph (a).

#### **40 Composition of Administrative Court**

(1) For the purpose of hearing an appeal in terms of subsection (1) of section *thirty-nine*, the Administrative Court shall consist of a President of the Court and three assessors appointed, subject to subsection (2), by the President of the Court.

(2) In respect of assessors referred to in subsection (1)—

- (a) in the case of an appeal concerning the area under the jurisdiction of a local authority, one assessor shall be appointed from a list of names of not less than three persons, who are not councillors or employees of a local authority, submitted—
  - (i) by the Urban Councils Association of Zimbabwe where the area concerned is under the jurisdiction of a municipal council, town council or local board, or
  - (ii) by the Association of Rural District Councils where the area concerned is under the jurisdiction of a rural district council;
- (b) in the case of an appeal concerning an area not referred to in paragraph (a), one assessor shall be appointed by the Minister;
- (c) one assessor shall be appointed after consultation with the National Chambers of Commerce of Zimbabwe;
- (d) one assessor shall be appointed after consultation with the Confederation of Zimbabwe Industries.

(3) If any association referred to in paragraph (a) of subsection (2) for any cause whatsoever fails, neglects or refuses to submit a list of names, the President of the Court may appoint as an assessor any person whom he thinks fit.

(4) No person shall sit as an assessor at the hearing of any appeal in which he is personally interested, directly or indirectly, or in which his spouse, partner or relative within the first degree of consanguinity or affinity is directly or indirectly interested or in which any company in which he is a manager, officer, employee or agent is directly or indirectly interested.

## PART X

### LIABILITY, PROCEDURE, OFFENCES AND PENALTIES

#### **41 Vicarious liability of holder of licence or permit**

When an agent or employee of a holder of a licence or permit or a member of the family of such holder does or omits to do any thing which it would have been an offence in terms of this Act for such holder to do or omit to do such holder shall be deemed himself to have done or omitted to do such thing and he shall be liable to be convicted and sentenced therefor unless he proves to the satisfaction of the court that—

- (a) such thing was done or was omitted to be done without his connivance or consent;
- (b) he took all reasonable steps to prevent such act or omission:

Provided that the fact that he had given instructions to prohibit such act or omission shall not of itself be accepted as conclusive proof that he took all reasonable steps to prevent it;

- (c) it was not in terms of any condition or in any circumstances within the scope of the authority or in the course of the employment of such agent, employee or member to perform or fail to do or omit to do acts, whether lawful or unlawful, of the character of the act or omission charged.

#### **42 Liability in relation to members and delegates of licensing authorities**

Without prejudice to any defence or limitation which might be available in terms of any law, no liability shall attach to any member of a licensing authority, or any member of a committee thereof or any person who is the delegate thereof in terms of this Act in respect of any loss or damage sustained by any person as a result of the

exercise or performance or purported exercise or performance of or the omission to exercise or perform any power or duty conferred or imposed by this Act unless the act or omission was in bad faith or reckless.

#### **43 Offences and penalties**

(1) Any holder of a licence or permit who carries on trade or business contrary to any condition, restriction or requirement subject to which the licence or permit was issued shall be guilty of an offence and liable to a fine not exceeding level eight or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as substituted by section 4 of Act No. 22 of 2001]

(2) Any person who—

- (a) forges any licence or permit; or
- (b) with intent to deceive, alters or erases any part of a licence or permit or any entry lawfully made thereon; or
- (c) knowingly produces or uses any forged licence or permit or any licence or permit which has been unlawfully altered or from which erasures have been unlawfully made; or
- (d) makes any unauthorized entry on a licence or permit; or
- (e) except as may be authorized in terms of this Act, hires, lends, cedes, transfers or in any way whatsoever makes over a licence or permit to any other person; or
- (f) with intent to deceive, makes use for any purpose whatsoever of any licence, permit or document issued in terms of this Act or for any purpose of this Act which is not his own; or
- (g) knowingly makes a statement in connection with any provision of this Act which he knows to be false or does not know or reasonably believe to be true; or
- (h) after being duly sworn gives evidence before a licensing authority or the Administrative Court on any matter relevant to the question under inquiry by such licensing authority or the Administrative Court which he knows to be false or does not know or reasonably believe to be true;

shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(3) .....

[Subsection repealed by section 4 of Act No. 22 of 2001]

## **PART XI**

### **GENERAL**

#### **44 Authorized officers**

(1) The Minister may, subject to the laws relating to the Public Service, appoint persons to be authorized officers for the purpose of exercising the powers and performing the duties as are conferred and imposed upon authorized officers in terms of this Act.

(2) A person employed by a local authority may, with the consent of the local authority, be appointed as an authorized officer for the area under the jurisdiction of the local authority.

(3) An authorized officer exercising any power or performing any duty in terms of this Act shall, if requested by any person affected thereby, produce proof to him of his appointment in terms of this Act.

#### **45 Regulations**

(1) The Minister may, by regulation, provide for all matters which by this Act are required or 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) Regulations made in terms of subsection (1) may provide for—

- (a) the form of licences, permits and certificates issued or renewed in terms of this Act;
- (b) the fees payable in respect of things done or required to be done in terms of this Act;
- (c) the issue of duplicate licences, permits and certificates issued or renewed in terms of this Act and the fees payable therefore.

## **FIRST SCHEDULE (Section 3)**

### **TRADES OR BUSINESSES TO WHICH ACT DOES NOT APPLY**

1. The letting for hire of—

- (a) books;
- (b) aircraft;
- (c) public service vehicles and contract cars as defined in the Road Motor Transportation Act [Chapter 13:10];

- (d) telex, telephone and private wire installations and apparatus let on hire by the Posts and Telecommunications Corporation;
  - (e) radiocommunication equipment which is let on hire and which, in terms of a licence issued under the Radiocommunication Services Act [*Chapter 12:04*], is used exclusively for civil defence purposes.
2. The selling on the land on which they are grown, cultivated or produced by the grower, cultivator or producer thereof, as the case may be, of—
    - (a) fresh fruit, vegetables and preserves;
    - (b) plants and cut flowers;
    - (c) honey;
    - (d) eggs.
  3. The selling at the factory by a manufacturer of—
    - (a) goods manufactured at the factory—
      - (i) to a person to whose order the goods were manufactured;
      - (ii) to any person for the purpose of resale or for the purpose of manufacture for resale;
      - (iii) to the State, a local authority or any corporate body established directly by any law in Zimbabwe for special purposes;
      - (iv) to a farmer or miner for use in his normal farming or mining operations, as the case may be;
    - (b) the spare and component parts of goods referred to in paragraph (a) to a purchaser referred to in paragraph (a) of those goods;
    - (c) the waste or surplus materials of his manufacturing process;
 if such goods, parts or materials, as the case may be, are delivered from the factory.
  4. (1) The selling, including the selling by means of a vending machine, by an employer on his premises of—
    - (a) goods at cost price or less; or
    - (b) refreshments during working hours, including rest or refreshment breaks;
 to his own employees and to employees of contractors necessarily present upon his premises.
 

(2) In subparagraph (1)—  
 “refreshments” has the meaning given to it by the Liquor Act [*Chapter 14:12*].
  5. The selling or letting for hire of goods at any bazaar, fete, sale of work or other like function held for charitable, educational or religious purposes.
  6. The selling or letting for hire of goods from any premises situated within the premises of a Government school or school registered in terms of the Education Act [*Chapter 25:04*] to pupils, their parents or staff of the school.
  7. The selling or letting for hire by a local authority of those goods which, in terms of the Act under which it is established, it is entitled to sell or to let for hire by way of trade or business.
  8. The selling of goods in the execution of an order of a court.
  9. The selling in terms of the Stock Trespass Act [*Chapter 19:14*] of animals impounded under that Act.
  10. The selling of meals or refreshments for consumption on the premises on which they are sold.
  11. The selling of goods by auction on premises which are not owned or leased by the auctioneer.
  12. The selling of goods by a trader, organisation or business trading from his or its exhibit at the Zimbabwe International Trade Fair.

## SECOND SCHEDULE (Section 12)

### MINIMUM FEES

	<i>Fee</i>	
	\$	c
1. Licence restricted to the sale of specified goods only, upon issue or renewal	20	00
2. Licence not restricted to the sale of specified goods, upon issue or renewal—	100	00
(a) in respect of premises or vending machines situated in an urban area	50	00
(b) in respect of premises or vending machines situated outside an urban area		
3. In this Schedule—		
“specified goods” means such goods as the Minister may specify from time to time by notice in a statutory instrument for the purposes of this definition;		
“urban area” means—		
(a) the area of any municipality or town in terms of the Urban Councils Act [ <i>Chapter 29:15</i> ] and includes—		
(i) the area of any local government area which is administered and controlled by the municipal or town council concerned; and		

- (ii) any other area not within the area of the municipality or town but which is completely surrounded by the area of the municipality or town;
- (b) a town ward of a rural district council or an area that has been declared in terms of the Rural District Councils Act [*Chapter 29:13*] to be a specified area, and includes any local government area which is administered and controlled by the rural district council if any part of that local government area adjoins or is within five kilometres of the boundary of the town ward or specified area;
- (c) any local government area for which a local board has been established in terms of the Urban Councils Act [*Chapter 29:15*] and includes the area of any local government area which is administered and controlled by the local board;
- (d) any other area which the Minister has declared, by notice in a statutory instrument, to be an urban area for the purposes of this definition.