

DISTRIBUTED BY VERITAS

E-mail: [veritas@mango.zw](mailto:veritas@mango.zw) Website: [www.veritaszim.net](http://www.veritaszim.net)

VERITAS MAKES EVERY EFFORT TO ENSURE THE PROVISION OF RELIABLE INFORMATION,  
BUT CANNOT TAKE LEGAL RESPONSIBILITY FOR INFORMATION SUPPLIED.

## FLAG OF ZIMBABWE ACT AND REGULATIONS

*This document reflects the position as at 12th August 2016. Footnotes are by Veritas*

---

### FLAG OF ZIMBABWE ACT

*Ord. 16/1980; Act 22/1985, 22/2001 (s. 4).*

#### **AN ACT to provide for the design of the Flag of Zimbabwe and for matters connected with or incidental to the foregoing.**

##### **1 Short title**

This Act may be cited as the Flag of Zimbabwe Act [*Chapter 10:10*].

##### **2 Interpretation**

In this Act—

“Flag” means the Flag of Zimbabwe referred to in section *three*;

“Minister” means the Minister of Justice, Legal and Parliamentary Affairs or any other Minister to whom the President may, from time to time, assign the administration of this Act.

##### **3 Design of Flag of Zimbabwe**

The Flag of Zimbabwe shall be as depicted and described in the Schedule.<sup>1</sup>

##### **4 Deposit of Flag in National Archives**

The Minister shall cause a copy of the Flag to be prepared and deposited in the National Archives established in terms of the National Archives of Zimbabwe Act [*Chapter 25:06*].

##### **5 Regulations<sup>2</sup>**

(1) The President may make such regulations as he considers necessary or convenient for the purpose of protecting the Flag from any use or application which, in his opinion, is improper.

(2) Regulations made in terms of subsection (1) may provide for the regulation, control, restriction or prohibition of—

- (a) the importation, manufacture, sale, loan, use, possession, wearing or display of the Flag or any reproduction or likeness thereof;
- (b) the application to, or use on, any matter or thing whatsoever of the Flag or any reproduction or likeness thereof.

(3) Regulations made in terms of subsection (1) may provide penalties for any contravention thereof, including the forfeiture of any matter or thing in respect of which or in connection with which the contravention occurred:

Provided that no such penalty, excluding such forfeiture, shall exceed a fine of level six or imprisonment for a period of six months or both such fine and such imprisonment.

##### **6 Protection of Flag**

Any person who burns, mutilates or otherwise insults the Flag or a flag which resembles or is intended to resemble the Flag or any reproduction thereof, in circumstances which are calculated or likely to show disrespect for the Flag or to bring the Flag into disrepute, shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

---

<sup>1</sup> The illustration has been omitted from this document.

<sup>2</sup> Regulations were made in 1987. See next page.

Statutory Instrument 194 of 1987

[CAP. 10:10

Flag of Zimbabwe (Use and Application of Flag) Regulations, 1987

---

IT is hereby notified that the President, in terms of section 5 of the Flag of Zimbabwe Act [Chapter 10:10], has made the following regulations:—

*Title*

1. These regulations may be cited as the Flag of Zimbabwe (Use and Application of Flag) Regulations, 1987.

*Interpretation*

2. In these regulations—

"Flag" includes any reproduction or likeness of the Flag;

"Secretary" means the Secretary for Justice, Legal and Parliamentary Affairs.

*Control of certain activities in relation to Flag*

3. (1) Subject to subsection (2), no person shall—

(a) for the purposes of sale, import or manufacture the Flag; or

(b) or the purposes of sale, apply the Flag to or use the Flag on any matter or thing; or

(c) sell the Flag or anything to which the Flag has been applied or on which the Flag has been used;

without the prior permission of the Secretary granted in terms of section 5.

(2) ...<sup>3</sup>

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding \$2000 or to imprisonment for a period not exceeding two years<sup>4</sup> or to both such fine and such imprisonment.

*Application for permission to do certain things in relation to Flag*

4. Any person who wishes to obtain permission for the purposes of section 3 may apply to the Secretary, in writing, for such permission, giving details of the activity for which the permission is required and, if so requested by the Secretary, supplying a sample or description of the Flag, article or thing concerned.

*Grant or refusal of permission*

5. (1) Upon receipt of an application in terms of section 4, the Secretary may—

(a) grant the application, if he is satisfied that the activity for which permission is being sought—

(i) will not bring the Flag into disrepute; and

(ii) will not result in excessive exploitation of the Flag from commercial purposes; and

(iii) will generally not be contrary to the public interest;

or

(b) subject to subsection (2), refuse the application, if he is not satisfied as provided in paragraph (a).

---

<sup>3</sup> Omitted. This transitional provision expired 3 months after the SI came into force.

<sup>4</sup> This penalty has remained unchanged since 1987. It must now be construed as providing for a maximum penalty of a fine of level 6 [\$300] or 6 months' imprisonment or both, in order to bring the penalty into line with the enabling provision in section 5(3) of the Act [as amended by the Criminal Penalties Amendment Act, 2001].

(2) Before refusing an application in terms of subsection (1), the Secretary shall—

- (a) notify the applicant, in writing, of his intention to refuse the application, inviting the applicant to make further written representations in the matter within such reasonable period as the Secretary shall specify; and
- (b) pay due regard to any further representations made by the applicant in terms of paragraph (a).

*Appeals against decision of Secretary*

6. (1) Any person aggrieved by a decision of the Secretary in terms of section five may, within 14 days after being notified of the decision, appeal to the Minister, in writing, setting out the grounds on which the appeal is based.

(2) In an appeal in terms of subsection (1), the Minister may make such inquiry into the matter as he thinks necessary and may—

- (a) confirm, set aside or vary the decision of the Secretary; or
- (b) refer the matter to the Secretary for further consideration, subject to such recommendations or directions as the Minister considers appropriate.

(3) Where the Minister has varied a decision of the Secretary in terms of paragraph (a) of subsection (2), the decision as so varied shall be deemed to be the decision of the Secretary reached in terms of section 5.

(4) Where the Minister has, in terms of paragraph (b) of subsection (2), referred a matter to the Secretary for reconsideration, the Secretary shall reconsider the matter and—

- (a) pay due regard to any recommendations the Minister may have made; and
- (b) comply with any directions the Minister may have given;

as the case may be, and may exercise any of the powers conferred upon him by section 5.

---