

DISTRIBUTED BY VERITAS TRUST

Tel: [263] [4] 794478 Fax & Messages [263] [4] 793592
E-mail: veritas@mango.zw

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

This document sets out the text of the Act as at the 1st March 2007;
it incorporates the substantial amendments made by the Criminal Law
(Codification and Reform) Act [Chapter 9:23] (No. 23 of 2004)
and the amendments previously made by section 18 of the General Laws
Amendment Act, 2005 (No. 6 of 2005).

Sections 43 to 46, which amended or repealed other Acts,
have been omitted as spent and of no current interest.

Chapter 11:17

PUBLIC ORDER AND SECURITY ACT

Acts 1/2002, 6/2005 (s. 18)¹, 23/2004 (s. 282²)

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.
3. [Repealed]
4. Regulating authorities.

PART II

OFFENCES AGAINST CONSTITUTIONAL GOVERNMENT AND PUBLIC SECURITY

5. [Repealed]
6. [Repealed]
7. [Repealed]
8. [Repealed]
9. [Repealed]
10. [Repealed]
11. [Repealed]

The repealed provisions have not
disappeared from the law of Zimbabwe. See
now Chapter III ("Crimes against the State")
of the Criminal Law (Codification and
Reform) Act [Chapter 9:23] (No. 23 of 2004).

Brown 3/4/07 3:57 PM
Formatted: Font:Arial

¹ General Laws Amendment Act, 2005 (No. 6 of 2005) with effect from 3rd February, 2006.. Section 18 amended many provisions of this Act in order to bring penalty provisions into line with the principles established by the Criminal Penalties Amendment Act, 2001 (No. 22 of 2001). The amendments have not been separately identified in this document.

² Criminal Law (Codification and Reform) Act [Chapter 9:23] (No. 23 of 2004) with effect from 1st July, 2006 (the "Criminal Law Code"). The Code now covers many of the offences formerly provided for by this Act; section 282 of the Code makes the necessary consequential adjustments to this Act.

12. *[Repealed]*
13. *[Repealed]*
14. Temporary prohibition of possession of certain weapons within particular police districts.
15. *[Repealed]*.
16. *[Repealed]*

PART III

The whole of this Part, headed Offences Against Public Order, was repealed by the Criminal Law (Codification and Reform) Act [Chapter 9:23] (No. 23 of 2004) with effect from the 1st July 2006. Corresponding offences are now to be found in Chapter IV ("Crimes against Public Order") of that Act.

PART IV

PUBLIC GATHERINGS

23. Interpretation in Part IV.
24. Organiser to notify regulating authority of intention to hold public gathering.
25. Regulation of public gatherings.
26. Prohibition of public gatherings to avoid public disorder.
27. Temporary prohibition of holding of public gatherings within particular police districts.
28. Civil liability in certain circumstances of organiser of public gathering.
29. Dispersal of unlawful public gatherings.
30. *[Repealed]*
31. *[Repealed]*

PART V

ENFORCEMENT AND PRESERVATION OF PUBLIC ORDER AND SECURITY

32. Persons to carry identity documents.
33. Cordon and search.
34. Powers of stopping and searching
35. Powers of police officers in relation to aircraft, aerodromes and airstrips.

PART VI

GENERAL

36. *[Repealed]*
37. When Defence Forces may assist Police Force under this Act.
38. Powers of seizure and forfeiture in relation to vehicles, aircraft and vessels.
39. Powers of search, seizure and forfeiture generally.
40. Special jurisdiction of magistrates.
41. Amendment of Schedule.
42. Saving of other laws as to riotous gatherings, etc.

43. Amendment of Cap. 4:01.
44. Amendment of Cap. 9:07.
45. Amendment of Cap. 9:15.
46. Repeal of Cap. 11:07.

SCHEDULE: Classes of public gatherings to which Section 24 does not apply.

ACT

To make provision for the maintenance of public order and security in Zimbabwe; to amend the Citizenship of Zimbabwe Act [Chapter 4:01], the Criminal Procedure and Evidence Act [Chapter 9:07] and the Miscellaneous Offences Act [Chapter 9:15]; to repeal the Law and Order (Maintenance) Act [Chapter 11:07]; and to provide for matters connected with or incidental to the foregoing.

ENACTED by the President and the Parliament of Zimbabwe.

[Date of commencement : 21st January, 2002.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Public Order and Security Act [Chapter 11:17].

2 Interpretation

In this Act—

“meeting” means a meeting held for the purpose of the discussion of matters of public interest or for the purpose of the expression of views on such matters;

“Minister” means the Minister of Home Affairs or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“peace officer” has the meaning given to that term in section 2 of the Criminal Procedure and Evidence Act [Chapter 9:07];

“police district” means an area designated by the Commissioner of Police as a police district for the purposes of the administration of the Police Force;

“procession” means a procession in a public place;

“public gathering” means a public meeting or a public demonstration;

“public demonstration” means a procession, gathering or assembly in a public place of persons and additionally, or alternatively, of vehicles, where the gathering is in pursuit of a common purpose of demonstrating support for, or opposition to, any person, matter or thing, whether or not the gathering is spontaneous or is confined to persons who are members of a particular organisation, association or other body or to persons who have been invited to attend;

“public meeting” means any meeting in a public place or meeting which the public or any section of the public is permitted to attend, whether on payment or otherwise;

“public place” means any thoroughfare, building, open space or other place of any description to which the public or any section of the public have access, whether on payment or otherwise and whether or not the right of admission thereto is reserved;

“publication” includes a document, book, magazine, film, sound or visual broadcast, tape, disc or other material, medium or thing whatsoever in which, on which or by means of which a statement may be made;

“regulating authority”, in relation to any area, means the police officer who, in terms of section *four*, is the regulating authority for that area;

“statement” means any expression of fact or opinion, whether made orally, in writing, electronically or by visual images;

“thoroughfare” means any road, street, lane, path, pavement, sidewalk or similar place which exists for the free passage of persons or vehicles.

3

[Repealed by section 282 of Criminal Law Code]

4 Regulating authorities

The police officer in command of each police district shall be the regulating authority for that police district.

PART II

OFFENCES AGAINST CONSTITUTIONAL GOVERNMENT AND PUBLIC SECURITY

5 to 13 ...³

[Repealed by section 282 of Criminal Law Code]

14 Temporary prohibition of possession of certain weapons within particular police districts

(1) Without derogation from section 28 ("Possession of dangerous weapons") of the Criminal Law Code, if a regulating authority believes that the carrying in public (whether openly or by concealment in a public place or public thoroughfare) or public display of any of the following weapons or items capable of use as weapons—

- (a) catapults, machetes, axes, knobkerries, swords, knives or daggers;
- (b) any traditional weapon whatsoever,

is likely to occasion public disorder or a breach of the peace, he may within his police district prohibit for a specified period of time not exceeding three months the carrying in public or public display of any such weapons or items capable of use as weapons as he shall specify.

(2) A prohibition issued under subsection (1) shall not have effect until it is published—

³ The repealed provisions have not entirely disappeared from our law. See now Chapter III ("Crimes against the State") of the Criminal Law (Codification and Reform) Act [Chapter 9:23] (No. 23 of 2004)

- (a) in a newspaper circulating in the area to which the prohibition applies; or
- (b) by notices distributed among the public or affixed upon public buildings in the area to which the prohibition applies; or
- (c) by announcement of a police officer broadcast or made orally.

(3) Any person who is aggrieved by a prohibition issued under subsection (1) may appeal against it to the Minister, and the Minister may confirm, vary or set aside the prohibition or give such order or direction in the matter as he thinks just.

(4) Any person who fails to comply with a prohibition made under 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.

(5) A police officer may, without warrant, seize any weapon or item capable of use as a weapon found in the possession of any person in contravention of subsection (1), and shall place in safe custody every weapon or item so seized so that it may be submitted to the jurisdiction of the court to be dealt with in accordance with section *thirty-nine*.

15 ...

[Repealed by section 282 of Criminal Law Code]

16 ...

[Repealed by section 282 of Criminal Law Code]

PART III

*The whole of this Part, headed **Offences Against Public Order**, was repealed by the Criminal Law (Codification and Reform) Act [Chapter 9:23] with effect from the 1st July 2006. Corresponding offences are now to be found in that Act.*

PART IV

PUBLIC GATHERINGS

23 Interpretation in Part IV

In this Part—

“organiser”, in relation to a public gathering, means every person who or organisation or association which executes or assists in executing the arrangements for or promotes the holding of the public gathering.

24 Organiser to notify regulating authority of intention to hold public gathering

(1) Subject to subsection (5), the organiser of a public gathering shall give at least four clear days’ written notice of the holding of the gathering to the regulating authority for the area in which the gathering is to be held:

Provided that the regulating authority may, in his discretion, permit shorter notice to be given.

(2) For the avoidance of doubt, it is declared that the purpose of the notice required by subsection (1) is—

- (a) to afford the regulating authority a reasonable opportunity of anticipating or preventing any public disorder or a breach of the peace; and

- (b) to facilitate co-operation between the Police Force and the organiser of the gathering concerned; and
- (c) to ensure that the gathering concerned does not unduly interfere with the rights of others or lead to an obstruction of traffic, a breach of the peace or public disorder.

(3) Any Saturday, Sunday or public holiday falling within the four-day period of notice referred to in subsection (1) shall be counted as part of the period.

(4) Where there are two or more organisers of a public gathering, the giving of notice by any one of them in terms of subsection (1) shall be a discharge of the duty imposed upon the other or others by that subsection.

(5) This section shall not apply to public gatherings of a class described in the Schedule.

(6) Any organiser of a public gathering who fails to notify the regulating authority for the area of the gathering in accordance with 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.

25 Regulation of public gatherings

(1) If a regulating authority, having regard to all the circumstances in which a public gathering is taking or is likely to take place, has reasonable grounds for believing that the public gathering will occasion—

- (a) public disorder; or
- (b) a breach of the peace; or
- (c) an obstruction of any thoroughfare;

he may, subject to this section, give such directions as appear to him to be reasonably necessary for the preservation of public order and the public peace and preventing or minimising any obstruction of traffic along any thoroughfare.

(2) Without derogation from the generality of subsection (1), directions under that subsection may provide for any of the following matters—

- (a) prescribing the time at which the public gathering may commence and its maximum duration;
- (b) prohibiting persons taking part in the public gathering from entering any public place specified in the directions;
- (c) precautions to be taken to avoid the obstruction of traffic along any thoroughfare;
- (d) prescribing the route to be taken by any procession;
- (e) requiring the organiser to appoint marshals to assist in the maintenance of order at the public gathering.

(3) Whenever it is practicable to do so, before issuing a direction under subsection (1) a regulating authority shall give the organiser of the public gathering concerned a reasonable opportunity to make representations in the matter.

(4) A direction given under subsection (1) shall have effect immediately it is issued and may be published—

- (a) in a newspaper circulating in the area to which the direction applies; or

- (b) by notices distributed among the public or affixed upon public buildings in the area to which the direction applies; or
- (c) by announcement of a police officer broadcast or made orally:

Provided that, where practicable, the regulating authority shall ensure that the direction is reduced to writing and served on the organiser of the public gathering to which it relates.

(5) Any person who is aggrieved by a direction issued under subsection (1) may appeal against it to the Minister, and the Minister may confirm, vary or set aside the direction or give such order or direction in the matter as he thinks just.

(6) An appeal in terms of subsection (5) shall be dealt with as quickly as possible.

(7) The noting of an appeal in terms of this subsection shall not have the effect of suspending the direction appealed against.

(8) A police officer may order the persons taking part in any public gathering to disperse if—

- (a) any direction given under subsection (1) in relation to that gathering has been violated; or
- (b) the police officer has reasonable grounds for believing that public order is likely to be endangered if the gathering continues.

(9) Any person who fails to comply with an order given under subsection (8) 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.

26 Prohibition of public gatherings to avoid public disorder

(1) Without derogation from section *twenty-five*, if a regulating authority believes on reasonable grounds that a public gathering will occasion public disorder, he may by notice in terms of subsection (3) prohibit the public gathering.

(2) Whenever it is practicable to do so, before acting in terms of subsection (1), a regulating authority shall afford the organiser of the public gathering concerned a reasonable opportunity to make representations in the matter.

(3) A notice given under subsection (1) shall have effect immediately it is issued and shall be published—

- (a) in a newspaper circulating in the area to which the direction applies; or
- (b) by notices distributed among the public or affixed upon public buildings in the area to which the direction applies; or
- (c) by announcement of a police officer that is broadcast or made orally:

Provided that, where practicable, the regulating authority shall ensure that the notice is reduced to writing and served on the organiser of the public gathering to which it relates.

(4) Any person who is aggrieved by a notice given under subsection (1) may appeal against it to the Minister, and the Minister may confirm, vary or set aside the notice or give such other order in the matter as he thinks just:

Provided that the noting of an appeal in terms of this subsection shall not have the effect of suspending any notice appealed against.

(5) Any person who knowingly opposes or fails to comply with a notice given under 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.

27 Temporary prohibition of holding public demonstrations within particular police districts

(1) If a regulating authority for any area believes on reasonable grounds that the powers conferred by sections *twenty five* and *twenty six* will not be sufficient to prevent public disorder being occasioned by the holding of public demonstrations or any class thereof in the area or any part thereof, he may issue an order prohibiting, for a specified period not exceeding one month, the holding of all public demonstrations or any class of public demonstrations in the area or part thereof concerned.

(2) Whenever it is practicable to do so, before acting in terms of subsection (1), a regulating authority shall—

- (a) cause notice of the proposed order to be published in the *Gazette* and in a newspaper circulating in the area concerned and to be given to any person whom the regulating authority believes is likely to organise a public demonstration that will be prohibited by the proposed order; and
- (b) afford all interested persons a reasonable opportunity to make representations in the matter.

(3) The regulating authority for the area in respect of which an order has been made under subsection (1) shall ensure that the order and any amendment or revocation thereof is published—

- (a) in the *Gazette*; and
- (b) in a newspaper circulating in the area; and
- (c) in such other manner as, in his opinion, will ensure that the order or its amendment or revocation, as the case may be, is brought to the attention of persons affected by it.

(4) Any person who is aggrieved by an order given under subsection (1) may appeal against it to the Minister, and the Minister may confirm, vary or set aside the order or give such other order in the matter as he thinks just:

Provided that the noting of an appeal in terms of this subsection shall not have the effect of suspending any order appealed against.

(5) Any person who organises or assists in organising or takes part in or attends any public demonstration held in contravention of an order under 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 one year or to both such fine and such imprisonment.

28 Civil liability in certain circumstances of organiser of public gathering

- (1) If the organiser of a public gathering—
 - (a) has not given notice of the holding of the gathering in terms of subsection (1) of section *twenty-four*, or
 - (b) fails or refuses to comply to the best of his ability with any direction, notice or order given in terms of section *twenty-five*, *twenty-six* or *twenty-seven*; or

- (c) incites or encourages persons taking part in the gathering to engage in conduct which amounts to or could reasonably be expected to lead to public disorder or a breach of the peace;

he shall be liable, at the suit of any injured party, for any loss of or damage to property and any injury to or death of a person occasioned by any public disorder or breach of the peace caused by or arising out of or occurring at the gathering.

(2) Where there is more than one organiser of a public gathering, their liability under that section shall be joint and several.

(3) In any proceedings in which it is alleged that an organiser of a public gathering is liable in terms of subsection (1) for any loss, damage, injury or death, the organiser shall bear the onus of proving on a balance of probabilities—

- (a) that he gave notice of the holding of the gathering in terms of section *twenty-four*;
- (b) that he complied to the best of his ability with any direction or order that is proved to have been made in relation to the gathering.

(4) This section shall be construed as adding to, and not as derogating from, any other law under which an organiser of a public gathering or any other person may be liable for any loss, damage, injury or death caused by or arising out of or occurring at such a gathering.

(5) Subject to Part XIX of the Criminal Procedure and Evidence Act [Chapter 9:07], a court which has convicted a person of any offence in terms of section *twenty-four*, *twenty-five*, *twenty-six* or *twenty-seven* that involves any loss, damage, injury or death for which that person is liable in terms of this section shall forthwith award compensation to any person who has suffered personal injury or whose right or interest in property of any description has been lost or diminished as a direct result of the offence.

29 Dispersal of unlawful public gatherings

(1) A police officer and any person assisting him may do all things reasonably necessary for—

- (a) dispersing the persons present at a public gathering the holding or continuance of which is unlawful by virtue of any direction or order under section *twenty-five*, *twenty-six* or *twenty-seven*; and
- (b) apprehending any such persons;

and, if any such person makes resistance, the police officer or the person assisting him may use such force as is reasonably justifiable in the circumstances of the case for overcoming any such resistance.

(2) If a person is killed as a result of the use of reasonably justifiable force in terms of subsection (1), where the force is directed at overcoming that person's resistance to a lawful measure taken in terms of that subsection, the killing shall be lawful.

30 ...

[Repealed by section 282 of Criminal Law Code]⁴

⁴ This section dealt with the offence of **Disrupting a public gathering**. See now section 44 of the Criminal Law Code.

31 ...

[Repealed by section 282 of Criminal Law Code]⁵

PART V

ENFORCEMENT AND PRESERVATION OF PUBLIC ORDER AND SECURITY

32 Persons to carry identity documents

(1) In this section—

“arrestable offence” means an offence specified in the First Schedule to the Criminal Procedure and Evidence Act [Chapter 9:07];

“identity document” means—

- (a) a document issued to a person in terms of subsection (1) or (2) of section 7 of the National Registration Act [Chapter 10:17], or a passport or drivers licence issued by or on behalf of the Government of Zimbabwe; or
- (b) any visitors entry certificate or other certificate or permit issued to a person in terms of the Immigration Act [Chapter 4:02], or in terms of any enactment relating to refugees; or
- (c) any passport, identity document or driver’s licence issued by a foreign government.

(2) Subject to this section, every person of or above the age of sixteen years shall, when in a public place, carry an identity document on his person.

(3) Subject to this section, a police officer may at any time require a person of or above the age of sixteen years in a public place to produce an identity document.

(4) Any person who fails to produce his identity document immediately on request by a police officer—

- (a) acting in good faith in the course of investigating or preventing an arrestable offence; or
- (b) at the scene or in the immediate vicinity of the commission of an arrestable offence committed within the preceding forty-eight hours; or
- (c) within a police cordon; or
- (d) at a police road block; or
- (e) in the immediate vicinity of any area controlled or protected in terms of the Defence Act [Chapter 11:02], the Protected Places and Areas Act [Chapter 11:12] or the Parks and Wild Life Act [Chapter 20:14]; or
- (f) at a public gathering or a public meeting of a political nature;

may be detained by the police officer until such time as his identity is established or verified to the satisfaction of the police officer:

Provided that the police officer shall afford the person detained every reasonable facility to enable him to establish or verify his identity.

⁵ This section dealt with the offence of **Possession of offensive weapons at public gatherings**. See now section 43 of the Criminal Law Code.

(5) Any person who is found without an identity document on his person in circumstances other than those specified in subsection (4) shall be afforded an opportunity, within seven days thereafter, of producing his identity document at a police station specified by notice in writing issued by the police officer who required him to produce his identity document.

(6) Any person who, on being required to do so in terms subsection (5), fails to produce his identity document at a police station specified in terms of that subsection, may be detained by a police officer until such a time as his identity is established or verified to the satisfaction of the police officer.

33 Cordon and search

(1) A police officer of or above the rank of inspector may establish a cordon round any area if he considers it reasonably necessary—

- (a) to contain any public disorder or public violence within the area; or
- (b) to protect the area from any public disorder or public violence.

(2) Any person who, otherwise than in terms of a written permit issued by a police officer, knowingly enters or leaves any area round which a cordon has been established under 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.

(3) A peace officer may without a warrant, within the area round which a cordon has been established in terms of subsection (1)—

- (a) conduct a search for—
 - (i) any person reasonably suspected of having committed an offence relating to or arising out of public disorder or public violence which gave rise to the establishment of the cordon; or
 - (ii) any evidence relating to an offence referred to in subparagraph (i);

or

- (b) arrest any person referred to in paragraph (a).

34 Powers of stopping and searching

(1) A police officer may stop and, without warrant—

- (a) search any person, vehicle or vessel entering or leaving Zimbabwe and any person in or upon such vehicle or vessel; and
- (b) seize any thing;

in circumstances where there are reasonable grounds for believing that the search or seizure is necessary in the interests of public safety, public order or public health or for the prevention, investigation or detection of a criminal offence.

(2) If a police officer of or above the rank of inspector considers it reasonably necessary in the interests of public safety, public order or public health to exercise without warrant the powers referred to in subsection (1) in respect of vehicles, vessels and persons in or upon such vehicles or vessels anywhere in Zimbabwe, he may authorise the erection of a road block or checkpoint for the purposes of stopping vehicles or vessels so that they can be searched, and thereupon such powers may be so exercised.

(3) Any person who fails or refuses to stop when so required in terms of this section or takes any measures to prevent being stopped or searched in terms of this section shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

35 Powers of police officers in relation to aircraft, aerodromes and airstrips

(1) In this section—

“aerodrome” has the meaning given to it by section 2 of the Civil Aviation Act [Chapter 13:16];

“airstrip” means a cleared area for the landing and taking-off of aircraft.

(2) A police officer may without warrant—

(a) board any aircraft that has landed at or is about to depart from Zimbabwe and search it and any person in or upon such aircraft; and

(b) for the purpose of paragraph (a) but subject to subsection (4)—

(i) enter upon and search any aerodrome or airstrip; and

(ii) remain at any aerodrome or airstrip for so long as he considers it necessary for the proper performance of his duties;

and

(c) search any person present within the aerodrome or airstrip or in the immediate vicinity of the aerodrome or airstrip; and

(d) seize any thing;

in circumstances where there are reasonable grounds for believing that the search or seizure is necessary in the interests of public safety, public order or public health or for the prevention, investigation or detection of a criminal offence.

(3) If a police officer of or above the rank of inspector considers it reasonably necessary in the interests of public safety, public order or public health to exercise without warrant the powers referred to in subsection (2) in respect of aircraft, aerodromes or airstrips and persons in or upon such aircraft, aerodromes or airstrips anywhere in Zimbabwe, he may, subject to subsection (4), authorise the presence of any police officer at such aerodrome or airstrip and thereupon such powers may be so exercised.

(4) Subject to subsection (5), no police officer shall, for the purposes of subsection (2) or (3), be authorised to remain at an aerodrome or airstrip for more than forty-eight hours at a time without the consent of the Civil Aviation Authority referred to in section 4 of the Civil Aviation Act [Chapter 13:16] or the owner of the aerodrome or airstrip, as the case may be.

(5) If the Minister is of the opinion that it is desirable in the interests of defence, public safety, public order or public health to do so, he may, by notice in a statutory instrument, declare that during such period as may be specified in such notice, police officers may, without warrant, exercise the powers referred to in subsection (2) or (3) in respect of aircraft, aerodromes or airstrips and persons in or upon such aircraft, aerodromes or airstrips anywhere in Zimbabwe, and for that purpose to remain at an aerodrome or airstrip for more than forty-eight hours at a time without the consent of the Civil Aviation Authority referred to in section 4 of the Civil Aviation Act [Chapter 13:16] or the owner of the aerodrome or airstrip, as the case may be.

(6) Any person who hinders or obstructs any police officer in the exercise of his powers in terms of this section or takes any measures to prevent an aerodrome, airstrip or aircraft or any person in or upon such aircraft, aerodrome or airstrip being searched in terms of this section shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

PART VI

GENERAL

36 ...

[Repealed by section 282 of Criminal Law Code]⁶

37 When Defence Forces may assist Police Force under this Act

(1) If, upon a request made by the Commissioner of Police, the Minister is satisfied that any regulating authority requires the assistance of the Defence Forces for the purpose of suppressing any civil commotion or disturbance in any police district, he may request the Minister responsible for defence to authorise the Defence Forces to assist the police in the exercise of their functions under this Act in the police district concerned.

(2) Where authority is given under subsection (1) for the Defence Forces to assist the police—

- (a) every member of the Defence Forces who has been detailed to assist the police in any police district in the exercise of their functions under this Act shall be under the command of the regulating authority concerned; and
- (b) a member of the Defence Forces who is assisting a police officer in the exercise of his functions under this Act shall have the same powers, functions and authority, and be subject to the same responsibilities, discipline and penalties, as a member of the Police Force, and liable in respect of acts done or omitted to be done to the same extent as he would have been liable in the same circumstances if he were a member of the Police Force, and shall have the benefit of any indemnity to which a member of the Police Force would in the same circumstances be entitled.

38 Powers of seizure and forfeiture in relation to vehicles, aircraft and vessels

(1) Where any person is convicted of an offence under Chapter III ("Crimes Against the State"), Chapter IV ("Crimes Against Public Order") or section 176 ("Assaulting or resisting police officer") or 177 ("Undermining of police authority") of the Criminal Law Code, the court may order that any vehicle, aircraft or vessel used for the purpose of or in connection with the commission of the offence shall be forfeited to the State:

Provided that, if it is proved that such vehicle, aircraft or vessel is not the property of the person convicted and that its owner was—

- (a) unaware that the vehicle, aircraft or vessel, as the case may be, was being so used; or

⁶ This section required the authority of the Attorney-General for the prosecution of certain offences under this Act. Those offences having been removed from this Act and transferred to the Code, section 34 of the Code similarly requires the Attorney-General's authority for prosecution of most offences under Chapter III ("Crimes Against the State") of the Code.

- (b) unable to prevent its use for the purpose of or in connection with the commission of the offence;

the court shall not make any such order in respect thereof.

(2) Subject to subsection (3), where a police officer believes on reasonable grounds that any vehicle, aircraft or vessel which is liable to forfeiture in terms of subsection (1) is likely to be removed from Zimbabwe unless it is detained, he may seize and detain any such vehicle, aircraft or vessel so that it may be submitted to the jurisdiction of the court to be dealt with in accordance with subsection (1).

(3) A magistrate may, on application by the owner of a vehicle, aircraft or vessel seized in terms of subsection (2), permit such owner, or such sureties as the magistrate may approve—

- (a) to enter into a bond for an amount approved by the magistrate; and
- (b) to deposit with the clerk of court such sum, if any, as may be fixed by the magistrate to satisfy any judgement which may be given on the bond;

whereupon the vehicle, aircraft or vessel shall be returned to the owner.

(4) A bond entered into in terms of subsection (3) shall be subject to the condition that the owner shall submit the vehicle, aircraft or vessel to the jurisdiction of the court trying the offence concerned when so required, and may be subject to such other conditions as the magistrate thinks fit to impose in the circumstances.

(5) Upon breach of any condition of a bond entered into in terms of this subsection (3), any court may, on application by the Minister, give judgement against such person or his sureties in accordance with the provisions of the bond.

39 Powers of search, seizure and forfeiture generally

(1) For the avoidance of doubt it is declared that—

- (a) an arrest or search of any person or premises or of any person or premises in any area in terms of this Act shall be conducted in accordance with Parts V and VI of the Criminal Procedure and Evidence Act [Chapter 9:07] or any other enactment which regulates such arrest or search, and, in particular, subsection (4) of section 41 of the Criminal Procedure and Evidence Act [Chapter 9:07] shall apply to the search of any woman;
- (b) except to the extent expressly provided in this Act, Part VI of the Criminal Procedure and Evidence Act [Chapter 9:07] shall apply to any weapon, item capable of use as a weapon, publication, equipment, vehicle, aircraft, vessel or other article seized or detained in terms of this Act.

(2) The powers conferred by Parts V and VI of the Criminal Procedure and Evidence Act [Chapter 9:07] on a police officer may be exercised by any peace officer within the area round which a cordon has been established in terms of subsection (1) of section *thirty-three*.

40 Special jurisdiction of magistrates

(1) Notwithstanding anything in the Magistrates' Court Act [Chapter 7:10] or in any other enactment, where a person is convicted of a contravention of any of the provisions of this Act or of Chapter III ("Crimes Against the State"), Chapter IV ("Crimes Against Public Order") or section 176 ("Assaulting or resisting police officer") or 177 ("Undermining of police authority") of the Criminal Law Code—

- (a) a court of a magistrate, other than a regional, provincial or senior magistrate, shall have special jurisdiction to impose, on summary trial or on remittal by the Attorney-General of the case for trial or sentence, a fine not exceeding level eight or imprisonment for a period not exceeding three years;
 - (b) a court of a senior or provincial magistrate shall have special jurisdiction to impose, on summary trial or on remittal by the Attorney-General of the case for trial or sentence, a fine not exceeding level twelve or imprisonment for a period not exceeding ten years;
 - (c) a court of a regional magistrate shall have special jurisdiction to impose, on summary trial or on remittal by the Attorney-General of the case for trial or sentence, a fine not exceeding level fourteen or imprisonment for a period not exceeding twenty years.
- (2) Subsection (1) shall apply in relation to a person who is convicted of—
- (a) attempting to contravene or inciting another person or conspiring with another person to contravene any of the provisions of this Act or any of the provisions of the Criminal Law Code referred to in subsection (1); or
 - (b) being an accessory after the fact to the commission of the crime of contravening any of the provisions of this Act or any of the provisions of the Criminal Law Code referred to in subsection (1);

as though he had been convicted of a contravention of any of the provisions of this Act.

(3) Nothing in this section shall be construed as authorising a court to impose for any contravention of any provision of this Act or any provision of the Criminal Law Code referred to in subsection (1) a punishment greater than may, under the relevant provision of this Act or the Criminal Law Code, be imposed therefor, or as preventing a court from imposing, as often as it is specially authorised by any enactment to do so, any other punishment than the punishment mentioned in this section.

(4) The President may, by proclamation, suspend the operation of subsection (1) and may, in similar manner, restore its operation.

41 Amendment of Schedule

(1) Subject to subsection (2), the Minister may, by notice in a statutory instrument, at any time add to, amend or replace the Schedule.

(2) Where the Minister seeks to amend the Schedule by reducing the classes of public gathering described in the Schedule, the Minister shall, within the next fourteen days on which Parliament sits after he makes a statutory instrument in terms of subsection (1), lay it before Parliament, and the statutory instrument shall not come into force unless approved by resolution of Parliament.

42 Saving of other laws as to riotous gatherings, etc.

Nothing in this Act shall be construed as affecting the right or duty of any person under any other law to disperse riotous gatherings and to prevent or suppress other unlawful acts, or to assist in such dispersal, prevention or suppression.

[43 - 45 Amendments of other laws]⁷

46 Repeal of Cap. 11:07

The Law and Order (Maintenance) Act [Chapter 11:07] is repealed.

SCHEDULE (Sections 24(5) and 41)

CLASSES OF PUBLIC GATHERING TO WHICH SECTION 24 DOES NOT APPLY

Public gatherings—

- (a) held exclusively for *bona fide* religious, educational, recreational, sporting or charitable purposes or any two or more such purposes;
- (b) held exclusively for the purposes of—
 - (i) baptism; or
 - (ii) wedding; or
 - (iii) funeral; or
 - (iv) cremation;
- (c) of members of professional, vocational or occupational bodies held for purposes which are not political;
- (d) for the purposes of agricultural shows;
- (e) at any *bona fide* theatrical, cinematographic or musical entertainment or any circus or fireworks display;
- (f) at any *bona fide* sale of goods or animals;
- (g) at a draw for prizes in any lottery held in terms of the Lotteries and Gaming Act [Chapter 10:26];
- (h) for the purposes of a luncheon, dinner or dance given or held by any club, association or organisation which is not of a political nature;
- (i) held by any club, association or organisation which is not of a political nature and at which the discussions and matters dealt with are not of a political nature;
- (j) held by a registered trade union for *bona fide* trade union purposes for the conduct of business in accordance with the Labour Relations Act [Chapter 28:01];
- (k) held to form any club, association or organisation which is not of a political nature;
- (l) for the purposes of an industrial show.

⁷ These three sections, amending the Citizenship of Zimbabwe Act [Chapter 4:01], the Criminal Procedure and Evidence Act [Chapter 9:07] and the Miscellaneous Offences Act [Chapter 9:15], have been omitted as being spent and of no current interest.