

SI 419 of 1999 Rural Land (Farm Sizes) Regulations, 1999

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Statutory Instrument 419 of 1999

Amended by: Rural Land (Farm Sizes) (Amendment) Regulations, 2000 (SI 288/2000)

IT is hereby notified that the Minister of Lands and Agriculture, in terms of section 15 of the Rural Land Act [Chapter 20:18], has made the following regulations:—

Title

1. These regulations may be cited as the Rural Land (Farm Sizes) Regulations, 1999.

Interpretation

2. In these regulations —

“Director of Agritex” means the person holding office as Director of the Department of Agricultural Technical and Extension Services in the Ministry of Lands and Agriculture;

“farm” means a piece of rural Land, whatever it is used for, which is described as a single piece of Land in any deed of grant, transfer or other certificate of title registered in the Deeds Registry;

“Natural Region” means a Natural Region specified in section 3;

“rainy pentad” means the second of three consecutive five-day periods which together received a total of more than forty millimetres of rain and any two of which periods received at least eight millimetres of rain;

“rural Land” means any Land other than Land which is —

(a) Communal Land; or

(b) in a municipal area, town area or local government area; or

(c) in a town ward of a rural district council or an area declared to be a specified area in terms of the Rural District Councils Act [Chapter 29:13]; or

(d) in the area of any township as defined in the Land Survey Act [Chapter 20:12]; or

(e) owned by the State, a statutory body or a local authority;

“statutory body” means any body corporate established directly by or under an Act for special purposes specified in that Act, the membership of which consists wholly or mainly of persons appointed by the President, a Vice-President, a Minister or any other statutory body.

Natural Regions

3. (1) For the purposes of these regulations, Zimbabwe shall be divided into the following Natural Regions —

(a) Natural Region I, being a region in which the average rainfall is generally above one thousand millimetres a year and precipitation may be experienced throughout the year;

(b) Natural Region IIa, being a region in which the average rainfall is generally between seven hundred and fifty and one thousand millimetres a year and is received during the rainy season with an average of at least eighteen rainy pentads per season;

(c) Natural Region IIb, being a region in which the average rainfall is generally between seven hundred and fifty and one thousand millimetres a year and is received during the rainy season with an average of sixteen to eighteen rainy pentads per season;

(d) Natural Region III, being a region in which the average rainfall is generally between six hundred and fifty and eight hundred millimetres a year and is received during the rainy season with an average of fourteen to sixteen rainy pentads per season;

(e) Natural Region IV, being a region in which the average rainfall is generally between four hundred and fifty and six hundred and fifty millimetres per annum and is received during the rainy season, with periodic droughts;

(f) Natural Region V, being a region of very low and erratic rainfall in which the average rainfall is generally less than six hundred and fifty millimetres a year and is received during the rainy season.

[Subsection as amended by SI 288/2000]

(2) Maps depicting the boundaries of each natural region may be inspected, free of charge during office hours, at the offices of the Secretary for Lands and Agriculture, Harare, or at the offices of any Agritex provincial or district office.

(3) Notwithstanding subsection (1), the maps prepared for the purposes of subsection (1) and kept at the offices of the Secretary for Lands and Agriculture shall be conclusive evidence of the boundaries of the Natural Regions depicted thereon.

Farm Sizes

4. (1) Subject to sections 5 and 6, no person shall own a farm situated in —

(a) Natural Region I if the size of the farm exceeds two hundred and fifty hectares; or

(b) Natural Region IIa if the size of the farm exceeds three hundred and fifty hectares; or

(c) Natural Region IIb if the size of the farm exceeds four hundred hectares; or

(d) Natural Region III if the size of the farm exceeds five hundred hectares; or

(e) Natural Region IV if the size of the farm exceeds one thousand five hundred hectares; or

(f) Natural Region V if the size of the farm exceeds two thousand hectares.

[Subsection repealed and substituted by SI 288/2000]

(2) For the purposes of subsection (1) —

(a) if a farm straddles two or more Natural Regions, the Natural Region in which the greater part of the farm is situated shall be regarded as the Natural Region in which the whole farm is situated;

(b) if a farm is situated equally in two or more Natural Regions, the Natural Region in which farms of the largest size are permitted shall be regarded as the Natural Region in which the whole farm is situated.

Powers of Director of Agritex

5. (1) If the Director of Agritex is satisfied that, because of —

(a) the capability, suitability and additionally, or alternatively, the carrying capacity of the Land concerned; or

(b) climatic conditions within the area concerned;

a farm in any Natural Region should be regarded as situated within a different Natural Region, he shall issue a written direction to the owner to that effect, and thereupon section 4 shall apply in relation to the farm as if it were situated in that different Natural Region.

(2) If the Director of Agritex is satisfied that any area of a farm cannot be used economically for agriculture, ranching or any other purpose for which the rest of the farm may lawfully be used, he shall issue a written direction to the owner to that effect, and thereupon section 4 shall apply in relation to the farm as if the area concerned were not part of the farm.

(3) A direction in terms of subsection (1) or (2) may —

(a) be issued for an indefinite period or for a limited period specified in the direction; and

(b) may be amended or withdrawn by the Director of Agritex for good cause shown:

Provided that, before amending or withdrawing a direction otherwise than at the request of the owner of the farm concerned, the Director of Agritex shall give the owner a reasonable opportunity to make representations in the matter.

Existing farms

6. (1) Any person who, immediately before the date of commencement of these regulations, owned a farm which exceeds the maximum size permitted by section 4 may continue to own that farm, but it shall not be sold, transferred or disposed of to any other person unless it has been subdivided into subdivisions of a size permitted by that section.

(2) Where a person referred to in subsection (1) is a company, no person shall sell, transfer or dispose of any of the company's shares, or engage in any transaction whereby control of the company is transferred to someone else, unless the farm concerned has been subdivided into subdivisions of a size permitted by section 4.

(3) If a person referred to in subsection (1) dies or becomes insolvent, or in the case of a company, is placed in liquidation, the person's executor, trustee or liquidator, as the case may be, shall not transfer the farm concerned to any other person unless it has been subdivided into subdivisions of a size permitted by section 4.

Monitoring of shareholding in companies that own farms

7. (1) In this section —

“Associate”, in relation to a company, means —

(a) its subsidiary, as defined in section 143 of the Companies Act [Chapter 24:03]; or

(b) its holding company, as defined in section 143 of the Companies Act [Chapter 24:03]; or

(c) any company of which the first-mentioned company is the single largest shareholder; or

(d) where the company is itself a subsidiary of a holding company, as defined in section 143 of the Companies Act [Chapter 24:03], any other such subsidiary of the same holding company; or

(e) any company which has power, directly or indirectly, to control the first-mentioned company's management or policies.

(2) For the purpose of ensuring compliance with these regulations, the Director of Agritex may require —

(a) any company which is the owner or lessee of a farm, whether by itself or jointly with any other person; or

(b) any company which he has reason to believe is an associate of a company referred to in paragraph (a);
to submit a list of all its members and the number of shares held by each member.

(3) A requirement in terms of subsection (1) shall be in writing and served on the company concerned —

(a) at its registered office in Zimbabwe; or

(b) in the case of a foreign company, at its principal place of business in Zimbabwe;

and shall specify a reasonable period within which the company must comply with the requirement.

Settlement of disputes

8. (1) Any person who is aggrieved by —

(a) any determination or decision that his farm is situated within any particular Natural Region by virtue of subsection (2) of section 4; or

(b) any decision of the Director of Agritex in terms of section 5, including a refusal to issue a direction in terms of that section;
may appeal against it to the Administrative Court within twenty-eight days after being notified of the determination or decision concerned.

(2) In an appeal in terms of subsection (1), the Administrative Court may confirm, vary or set aside the determination or decision appealed against or make such other order in the matter as the Court considers appropriate.

Certain transactions to be void

9. Any purported ownership, sale, transfer, disposal or transaction which contravenes these regulations or which results or would result in a contravention of these regulations shall be void.

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