

Law Society of Zimbabwe (Conveyancing Fees) By-laws, 2013

IT is hereby notified that the Minister of Justice and Legal Affairs has, in terms of section 63 of the Legal Practitioners Act [*Chapter 27:07*], approved the following by-laws adopted by a majority of members present at a general meeting of the Law Society of Zimbabwe:—

Title

1. These by-laws may be cited as the Law Society of Zimbabwe (Conveyancing Fees) By-laws, 2013.

Tariff of conveyancing fees

2. The scale of fees to be taken by legal practitioners in conveyancing matters shall be that set out in the Schedule.

Value added tax to be charged and separately itemized

3. When billing a client for a conveyancing service specified in the Schedule the legal practitioner shall add to the fee specified for that service and itemize separately, an amount representing the current rate of value added tax fixed in terms of Chapter IV of the Finance Act [*Chapter 23:04*] in respect of the service concerned.

Repeals

4. The Law Society of Zimbabwe (Conveyancing Fees) By-laws, 2006, published in Statutory Instrument 248 of 2006, are repealed.

SCHEDULE (*Section 2*)

TARIFF OF FEES FOR CONVEYANCING

Notes.—

1. The fees detailed in this tariff include such of the following work as may be necessary—
 - (a) taking instructions;
 - (b) drawing and preparation of deeds, powers of attorney, declarations, affidavits, resolutions and other necessary documents;

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- (c) perusals;
- (d) attending to payment of rates;
- (e) obtaining clearance or other certificates save for capital gains tax clearance certificates;
- (f) obtaining endorsements and additionally, or alternatively, copies of documents from the office of the Master or other public office;
- (g) obtaining conversions of area;
- (h) making financial arrangements, including guarantees and settlement in terms thereof, and bank certified cheques;
- (i) correspondence;
- (j) arranging simultaneous lodgment and registration with other conveyancers;
- (k) all attendances at the Deeds Registry;

and all other work necessary for the registration and completion of the transaction concerned, but does not include work in connection with—

- (i) the drawing and execution of suretyships, agreements of sale, deeds of donation, agreements of exchange, preliminary partition agreements and documents of a similar nature; or
 - (ii) any separate act of registration required in connection with the matter; or
 - (iii) the application for obtaining capital gains tax clearance certificates from Zimbabwe Revenue Authority; or
 - (iv) any other work for which a separate charge is provided in this tariff.
2. Where a transfer, mortgage bond or other matter referred to in this tariff is not proceeded with before registration and all documents have been prepared and all work has been substantially carried out to the point of lodging, the fee to be charged shall be 80 *per centum* of the tariff fee.
 3. Where a power of attorney to pass bond has been prepared as security which incorporates the terms of the bond *in extenso* by annexure or otherwise, the fee to be charged shall be 30 *per centum* of the tariff fee. If a bond is subsequently registered on the authority of such power of attorney, the fee then to be charged shall be the tariff fee less 30 *per centum*.
 4. In any other uncompleted matter the fee to be charged shall be a fair and reasonable fee, regard being had to the general tariff of fees for legal practitioners, but shall not be less than 20 *per centum* and shall not exceed 30 *per centum* of the tariff fee.

S.I. 24 of 2013

SECTION 1

TRANSFER OF IMMOVABLE PROPERTY

<i>Description</i>	USD
1. For obtaining registration of immovable property in any manner not specifically referred to elsewhere in this tariff, the fee charged by the conveyancer shall be the amount as set out in column B of the Table to this tariff.	
2. If more than one property is included in the same transfer an additional fee for each property of	50,00
3. If the documents have to be completely or substantially redrawn as a result of inaccurate instructions having been given to the conveyancer regarding the names and additionally, or alternatively, the personal particulars of the transferee or mortgagee, where he is a natural person, an additional fee of	50,00

Provided that a Deeds Registry search would not have provided the correct particulars.

SECTION 2

Description

Transfer of immovable property by endorsement in terms of the Deeds Registries Act [<i>Chapter 20:05</i>] or any other Act, where there is no change of beneficial interest or where no valuable consideration passes, if no specific provision is made for the transactions elsewhere in this tariff	120,00
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SECTION 3

PARTITION OR RECTIFICATION TRANSFER

<i>Description</i>	
For each transfer	600, 00
If more than one property is included in the same transfer, an additional fee for each property of	50,00

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SECTION 4

CERTIFICATES OF TITLE

<i>Description</i>	USD
1. Certificates of title under sections 34, 35, 36, 38, 39 and 41 of the Deeds Registries Act [<i>Chapter 20:05</i>]	400,00
Plus \$20,00 for each additional property after the first, where more than one property is included in the certificate.	
2. Certificate of consolidated title under section 40 of the Deeds Registries Act [<i>Chapter 20:05</i>]	400,00
Plus \$20,00 for each additional constituent property after the first two properties.	

SECTION 5

BONDS

Description

The fees charged for mortgage and notarial bonds shall be as set in column C of the Table to this tariff and shall be calculated on the amount of the debt secured by the bonds:

Provided that where, in respect of the same debt, a conveyancer draws a collateral or surety bond for simultaneous registration with a principal bond drawn by him, the fees for the collateral bond shall be one half of those for the principal bond with a minimum of 250,00

Except where the collateral bond is to be simultaneously registered in another registry, in which case the minimum fee shall be 300,00

If more than one property is included in the same bond, an additional fee for each additional property of 30,00

If the documents have to be completely or substantially redrawn as a result of inaccurate instructions having been given to the conveyancer regarding the names and additionally, or alternatively, the personal particulars of the transferee or mortgagee, where he is a natural person, an additional fee of 40,00

Provided that a Deeds Registry search would not have provided the correct particulars.

SECTION 6

CANCELLATIONS, CESSIONS, RELEASES, WAIVERS AND OTHER
 CONSENTS OF MORTGAGEES, LESSEES AND OTHERS

<i>Description</i>	USD
1. Cancellation of bonds, cancellations of cessions of bonds, reduction of capital or cover, releases of persons or property from a bond, waivers of preference, consents of mortgagees, usufructuary, lessees or other person required by law and not otherwise provided for in this tariff	75,00
Should more than one bond in favour of the same mortgagor be similarly dealt with at the same time, the fee for each additional bond shall be	20,00
2. Cession of bonds	100,00
Should more than one bond in favour of the same mortgagor be similarly dealt with at the same time, the fee for each additional bond shall be	40,00
3. Where a bond has been lost and is to be cancelled ceded there shall for each bond be an additional charge over and above the cost of cancellation of	100,00
4. Agreement or consent to variation of terms of bond	120,00

SECTION 7

MISCELLANEOUS

<i>Description</i>	
Attendances on behalf of transferor or transferee, mortgagor or mortgagee, supervising registration when conveyancing attended to by another conveyancer, including instruction, correspondence and other work relevant to such supervision.	100,00
Save in relation to an endorsement of title under section 64 of the Deeds Registries Act [<i>Chapter 20:05</i>], when the fee shall be.	75,00

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SECTION 8

<i>Description</i>	USD
1. Endorsement of title under section 42 of the Deeds Registries Act [<i>Chapter 20:05</i>], or section 58 of the Administration of Estates Act [<i>Chapter 6:01</i>]	100,00
2. Endorsement of title under section 64 of the Deeds Registries Act [<i>Chapter 20:05</i>]	100,00
Where property is mortgaged, an additional fee of	50,00
Plus charges of copying the contract, if applicable in accordance with the tariff for non-litigious work, other than conveyancing.	
3. Attending the Deeds Registry noting any act of registration not otherwise provided for or making searches	15,00
4. Endorsement of change of name or other rectification in terms of the Deeds Registries Act [<i>Chapter 20:05</i>]	100,00
Plus \$30,00 for each consent required other than the applicant's.	
5. Application for issue of a certified copy of a lost deed	100,00
6. Obtaining certified copy of a deed where no advertising required	50,00
7. Obtaining from Surveyor-General certified copy of approved diagram not yet annexed to a registered deed	75,00

SECTION 9

LODGING DEEDS OR DOCUMENTS ON BEHALF OF OTHER CONVEYANCERS

Description

For attending to registration of any document referred to in this tariff	75,00
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Note:—These charges include all charges for correspondence, co-lodging, re-lodging, attending to queries and other attendances relating to the matters. This charge is additional to the inclusive fee charged by the other conveyancer and may be charged by him or her as a disbursement.

SECTION 10

WORK NOT SPECIFIED ELSEWHERE

The charges for services not specified in this tariff shall be charged for under the general tariff of fees for legal practitioners, where appropriate, otherwise at the rates set out in the High Court tariff or, where neither is appropriate, at reasonable rates.

TABLE TO CONVEYANCING TARIFF

A <i>Purchase price or value of property or amount of bond, whichever applicable</i>	B <i>Fee for conveyance of immovable property</i>	C <i>Fee for mortgage bond</i>
1. On first \$10 000 and under	\$400,00	\$300,00
2. On next \$10 001–250 000	4% of the purchase price or value of the property.	3% of the amount of the debt secured by the bond.
3. On next 250 001–500 000	3% of the purchase price or value of the property.	2% of the amount of the debt secured by the bond.
4. Over 500 000–1 000 000	2% of the purchase price or value of the property.	1% of the amount of the debt secured by the bond.
5. On next 1 000 001 and Above	1% of the purchase price or value of the property.	0.5% of the amount of the debt secured by the bond.

