

Indigenisation and Economic Empowerment (General)
(Amendment) Regulations, 2013 (No. 5)

IT is hereby notified that the Minister of Youth Development, Indigenisation and Empowerment, after consultation with the Board has, in terms of section 21 of the Indigenisation and Economic Empowerment Act [Chapter 14:33], made the following regulations: —

1. These regulations may be cited as the Indigenisation and Economic Empowerment (General) (Amendment) Regulations, 2013 (No. 5).

2. The Indigenisation and Economic Empowerment Regulations, 2010, published in Statutory Instrument 21 of 2010 (hereinafter referred to as the “principle regulations”), are amended by the insertion of the following section after section 9—

“Reserved sectors of economy

9A. (1) Every business that commenced operating in any sector of the economy reserved for indigeneous Zimbabwean under the Third Schedule on or after the fixed date shall apply for an indigenisation compliance certificate commencing from the gazetting of these regulations.

(2) An application made in terms of subsection (1), shall be in Form IDG 07 set out in the Seventh Schedule together with the payment of a fee prescribed on that form.

(3) Any person who operates a business referred to in subsection (1) without an indigenisation compliance certificate with effect from 1st January, 2014, 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.

(4) In addition, the Minister may direct any licensing authority to revoke, suspend or cancel the operating licence of a business operating in contravention of subsection (3).

(5) Any official of the National Indigenisation and Economic Empowerment Board, Ministry and any law enforcement agent and any other person bearing the authority of the Minister,

Indigenisation and Economic Empowerment (General)
(Amendment) Regulations, 2013 (No. 5)

in writing, may access any premises of any business reserved under the Third Schedule, on production of the written authority by the Minister and demand any relevant documents for purposes of verifying compliance with this section by such business.

(6) The official referred to in subsection (5) may take copies of documents or any other material that may be used as proof of compliance or non-compliance with these regulations.

(7) Any person who interferes with or obstructs an official referred to in subsections (5) and (6) in the execution of their functions shall be guilty of an offence and liable to fine not exceeding level ten or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.”

3. The principal regulations are amended in section 14B by the insertion after subsection (4) of the following, with the subsequent subsection being renumbered accordingly—

“(5) The minimum share that an owner of a business wishing to use the qualifying scheme or trust shall donate to a community shall be ten *per centum* (10%) of the net asset value of the business in question.”

SEVENTH SCHEDULE (Section 9A)

Form IDG 07

RESERVED SECTOR APPLICATION FORM

(US\$20,00)

Essential definitions

According to the Indigenisation and Economic Empowerment Act, an “indigenous Zimbabwean” is defined as follows: “any person who, before the 18th April, 1980, was disadvantaged by unfair discrimination on the grounds of his or her race, and any descendant of such person, and includes any company association, syndicate or partnership of which indigenous Zimbabweans form the majority of the members or hold the controlling interest.”

Also according to the Indigenisation and Economic Empowerment Act, a “controlling interest”, in relation to—

- (a) a company, means the majority of the voting rights attaching to all classes of shares in the company;
- (b) any business other than a company, means any interest which enables the holder thereof to exercise, directly or indirectly, any control whatsoever over the activities or assets of the business.

Purpose of this form (Tick the appropriate box)

- (a) To notify a transaction the result of which does not achieve 51% indigenization
- (b) To notify a transaction the result of which purports to achieve 51% indigenization

1. Name of business:
2. Form of business:
3. Names of shareholders.....
4. Names of partners.....

(Please tick the appropriate box)

Public Company	
Private Company	
Private Business Corporation	
Partnership	
Other Form of Association (Please Specify)	
Sole Trader	

Physical and other addresses (including electronic mail address, if any) and telephone number(s) of the head office of the business:

.....

Physical and other addresses (including electronic mail address, if any) and telephone number(s) of the principal place of business in Zimbabwe of the business, in the case where the head office of the business is outside Zimbabwe:

.....

**Indigenisation and Economic Empowerment (General)
(Amendment) Regulations, 2013 (No. 5)**

Type of business (Tick appropriate box)

1. Agriculture: primary production of food and cash crops.	
2. Transportation: passenger buses, taxis and car hire services.	
3. Retail and wholesale trade.	
4. Barber shops, hairdressing and beauty saloons.	
5. Employment Agencies.	
6. Estate Agencies.	
7. Valet services.	
8. Grain milling.	
9. Bakeries.	
10. Tobacco grading and packaging.	
11. Tobacco processing.	
12. Advertising Agencies.	
13. Milk processing.	
14. Provision of local arts and craft, marketing and distribution.	

Note: This form must be submitted together with the fee prescribed on the top right of this form.

Declaration

We do hereby certify that the above information is to the best of our knowledge true and correct (to be completed by any of the following as may be applicable).

S.I. 66 of 2013

	Names	ID Number	Signature	Date
Company Secretary				
Senior Partner				
A person nominated by the governing body of an unregistered association				
A person in whose name a private business corporation is incorporated in terms of the Private Business Corporation Act [<i>Chapter 24:11</i>]				
The sole trader				

