

FINANCE BILL, 2015

MEMORANDUM

This Bill will amend the Finance Act [*Chapter 23:04*], the Income Tax Act [*Chapter 23:06*], the Value Added Tax Act [*Chapter 23:09*] and other Acts. In more detail, the individual clauses of the Bill provide as follows:

Clause 1

This clause sets out the Bill's short title.

Clauses 2 and 5

These clauses amend section 14 of the Finance Act (which prescribes the rates of income tax payable by various classes of taxpayers) and the Third Schedule to the Income Tax Act (which provides for exemptions from income tax).

The second clause restricts the existing exemption given to the receipts and accruals of ecclesiastical, charitable and educational institutions. Exemption will not be given to receipts and accruals of income from the trade and investment activities of such institutions (unless the profits derived therefrom are strictly applied to the ecclesiastical, charitable and educational objects of the institutions concerned through the vehicle of a non-profit company licensed under section 26 of the Companies Act).

The fifth clause applies the corporate rate of tax to the taxable income of ecclesiastical, charitable and educational institutions.

Clauses 3 and 6

Presently, the tobacco levy is applied only to the purchase and sale of auction tobacco. The effect of the amendments made by these clauses is to extend the scope of the levy to the purchase and sale of contract tobacco.

Clause 4

This clause will replace the Chapter in the Finance Act which sets out the rates of rental to be charged on holders of offer letters in respect of, or lessees of, Model A2 farms allocated to them by the State. The new Chapter will also charge rentals on holders of Model A1 farms. In addition, the Ministry responsible for Lands and Resettlement will also be made responsible for the collection from holders of offer letters and lessees and permit holders of Model A1 and A2 farms of the development levy (which was previously charged and collected by the Rural District Councils).

Clauses 7 and 8

The amendment of this clause allowing exemption from stamp duty on certain bonds is intended to favour the provision of credit facilities to any person or company in Zimbabwe by the African Development Bank or the African Export-Import Bank in pursuance of the objects of those institutions.

Clauses 9, 10 and 11

The effect of these clauses is to impose a presumptive tax on each bill of entry for which a clearing agent is responsible, and to remove the supply of "short-term insurance" from the VAT exemption enjoyed by "financial services" generally.

Clauses 12 and 14

These clauses abolish the export tax on exports of unbeneficiated chrome and diamonds.

Clause 13

This clause varies the rate of export tax on exports of unbeneficiated raw hides.

Clause 15

In order to calculate the annual turnover of clearing agents for tax registration purposes, each of their clearances will be deemed to be charged at a minimum of US\$50 per bill of entry.

Clause 16

As a deterrent to tax evasion, it is proposed to empower the Commissioner-General of the Revenue Authority to publish the names of persons convicted of the same.

Clause 17

The clause will amend the Reserve Bank of Zimbabwe Act by repealing the section establishing the Monetary Policy Committee of the Reserve Bank, whose functions will be taken over by the Bank's Board and other committees.

Clause 18

This increases the rate of royalty on chrome mined and disposed of within or outside Zimbabwe from 2% to 5%. At the same time it favours small-scale miners of gold by reducing the rate of royalty on gold from 3% to 1%.

Clause 19

This clause extends the period of the tax amnesty granted last year to the 30th September this year.

Clause 20

The clause will amend the Parliamentary Pensions Act [*Chapter 2:02*] to correct an error made in 2003 when the pensions of the Speaker and Deputy Speaker were raised to 100% of their exiting "annual salary". The reference to "annual salary" was a mistake for "annual pensionable emoluments" (which is the baseline on which parliamentary salaries are calculated).

Clause 21

The clause will amend the Presidential Pension and Retirement Benefits Act [*Chapter 2:05*] to establish the "annual pensionable emoluments" of a serving President or Vice-President as the baseline on which presidential pension and retirement benefits are calculated on the vacation of office of the President or a Vice-President (similarly to the pension and retirement benefits of former judges, Speakers and Deputy Speakers).

Clause 23

In order to protect the assets of the Air Zimbabwe Corporation or its successor company from attachment by its creditors, it is proposed to extend to it the provisions of the State Liabilities Act [*Chapter 22:13*]. However, this protection is only temporary to enable the Corporation to repay its creditors in an orderly fashion, and will expire on the 31st July, 2018.

Clause 24

This clause corrects an error in the transitional provision of the Labour Amendment Act, 2015, which was passed by Parliament last week.

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.

PART II

INCOME TAX

Amendments to Chapter I of Finance Act [Chapter 23:04]

2. Amendment of section 14 of Cap. 23:04.
3. Amendment of section 22A of Cap. 23:04.
4. New Chapter substituted for Chapter X of Cap. 23:04.

Amendments to Income Tax Act [Chapter 23:06]

5. Amendment of Third Schedule to Cap. 23:06.
6. Substitution of Twenty-Fourth Schedule to Cap. 23:11.

PART III

STAMP DUTY

7. Amendment of section 24 of Cap. 23:04.
8. Amendment of Schedule to Chapter II of Cap. 23:04.

PART IV

VALUE ADDED TAX

9. Amendment of section 2 of Cap. 23:12.
10. Amendment of section 9 of Cap. 23:12.
11. Amendment of section 11 of Cap. 23:12.
12. Repeal of section 12B of Cap. 23:12.
13. Amendment of section 12C of Cap. 23:12.
14. Repeal of section 12E of Cap. 23:12.
15. Amendment of section 23 of Cap. 23:12.

PART V

REVENUE AUTHORITY

16. Amendment of section 34A of Cap. 23:11.

PART VI

RESERVE BANK OF ZIMBABWE

17. Repeal of section 29 of Cap. 23:12.

PART VII

MINES AND MINERALS

Amendments to Chapter VII of Finance Act [Chapter 23:04]

18. Amendment of Schedule to Chapter VII of Cap. 23:04.

PART VIII

AMENDMENT TO PART VI (TAX AMNESTY) OF ACT NO. 8 OF 2014

Section

19. Amendment of section 18 of Act No. 8 of 2014.

PART IX

AMENDMENT OF OTHER ACTS

20. Amendment of section 8AS of Cap. 2:02.
21. Amendment of Cap. 2:05.
22. Amendment of Chapter 22:18.
23. New section inserted in Act No. 4 of 1998.
24. New section substituted for section 18 of Act 5 of 2014.

PRESENTED BY THE MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT

BILL

To make further provision for the revenues and public funds of Zimbabwe
and to provide for matters connected therewith or incidental thereto.

ENACTED by the Parliament and the President of Zimbabwe.

5

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Finance Act, 2015.

10

PART II

INCOME TAX

Amendments to Chapter I of Finance Act [Chapter 23:04]

2 Amendment of section 14 of Cap. 23:04

Section 14 (“Income tax for periods of assessment after 1.1.10”) (1) of the Finance Act [Chapter 23:04] is amended by the insertion of the following definition—

15

““company” or “trust”, is deemed to include a reference to any ecclesiastical, charitable or educational institution to the extent that any part of the income of such institution is derived from trade or investment, not being income from trade or investment that is exempt from tax in terms of paragraph 2(e) of the Third Schedule to the Taxes Act;”.

20

3 Amendment of section 22A of Cap. 23:04

Section 22A (“Tobacco levy”) of the Finance Act [Chapter 23:04] is amended by the deletion of “auction tobacco” and the substitution of “auction and contract tobacco”.

H.B. 5, 2015.]

4 New Chapter substituted for Chapter X of Cap. 23:04

With effect from the 1st January, 2015, Chapter X (“Rentals for State Land Allocated for Agricultural Purposes”) the Finance Act [*Chapter 23:04*] is repealed and substituted by—

“CHAPTER X

5

RENTALS AND DEVELOPMENT LEVIES FOR STATE LAND ALLOCATED FOR AGRICULTURAL PURPOSES

42 Interpretation in Chapter X

In this Chapter—

“A1 farm” means a farm held under a permit allocated under the Model A1 scheme (villagised, self-contained and three-tier land-use plans with minimum plots of three hectares) described in the Land Reform and Resettlement Programme and Implementation Plan (Phase 2), published in April, 2001 (as re-issued and amended from time to time);

10

15

“A2 farm” means a farm allocated under a ninety-nine year lease allocated under the Model A2 scheme (the Commercial Farm Settlement Scheme, not exceeding the maximum farm sizes prescribed under Statutory Instrument 419 of 1999 or any other law substituted for the same) described in the Land Reform and Resettlement Programme and Implementation Plan (Phase 2), published in April, 2001 (as re-issued and amended from time to time);

20

“Gazetted land” means agricultural land acquired pursuant to the land reform programme under section 72(2) of the Constitution of Zimbabwe, 2013;

25

“holder”, in relation to—

(a) an offer letter, means the holder of an offer letter who has indicated that he or she has accepted the offer of an A2 farm described in the letter but who is not yet a party to a land settlement lease;

30

(b) a permit, means any person who is a signatory of the permit or any person who, in terms of the Permit Regulations, is entitled to succeed to such signatory as the holder of such a permit;

35

“land settlement lease” means a ninety-nine year lease of a Model A2 farm;

“lessee” means the lessee under a land settlement lease;

“Minister of Lands” means the Minister of Lands and Rural Resettlement or any other Minister to whom the President may, from time to time, assign the administration of land settlement leases and permits and the issuance of offer letters;

40

“Natural Region” means a Natural Region specified in section 3 of the Rural Land (Farm Sizes) Regulations, 1999, published in Statutory Instrument 419 of 1999, or any other law that may be substituted for those regulations;

45

“offer letter” means a letter issued by or on behalf of the Minister responsible for the Gazetted Land (Consequential Provisions) Act [Chapter 20:28] (No. 8 of 2006) that offers to allocate a Model A2 farm to the person to whom the letter is addressed;

5 “permit” means a permit to hold any portion of Gazetted land as an A1 Model farm;

“permit regulations” means the Agricultural Land Settlement (Permit Terms and Conditions) Regulations, 2014 (Statutory Instrument 53 of 2014) or any other law that may be substituted for the same;

10 “quarter” means a period of three months ending on the 31st March, 30th June, 30th September and 31st December in each year;

“rental” means a rental payable in terms of this Chapter.

15 **43 Rentals payable in respect of Model A1 and A2 farms**

(1) Every —

(a) lessee; and

(b) holder of a permit in respect of a Model A1 farm; and

(c) holder of an offer letter in respect of a Model A2 farm;

20 located in the Natural Region shown in the first column of the Schedule shall pay to the State on a quarterly basis the rental indicated opposite thereto in the second column.

(2) Subsection (1)(c) does not apply to the holder of an offer-letter who has not obtained vacant possession of the Model A2 farm to which the offer letter relates:

25 Provided that such holder shall be deemed to have obtained vacant possession of the farm concerned if the previous owner or occupier of the farm has vacated it or no longer occupies it, whether or not the holder of the offer-letter actually occupies the farm himself or herself.

30 (3) For the purpose of calculating the amount of rental due in, any quarter, the appropriate amount indicated in the second column of the Schedule shall be divided by four and multiplied by the hectareage of the Model A2 farm as indicated in the land settlement lease or offer letter:

35 Provided that in applying this subsection, any fraction of a hectare that is less than half a hectare shall be disregarded, and any fraction of a hectare that is more than half a hectare shall count as one hectare.

40 (4) In the case of a lessee, the rental specified in the Schedule and applicable to a Model A2 farm located in the Natural Region in which the lessee’s farm is located shall be substituted for the rental specified in the lessee’s land settlement lease, or, where the rental consists of two components, one relating to the rental for the farm and another to the purchase of any improvements thereon, the rental specified in the Schedule shall be substituted for the first-mentioned component of the rental specified in the land settlement lease.

(5) If the holder of an offer-letter—

- (a) obtains the offer letter after the date of commencement of the Finance Act, 2015; or
- (b) is not, on or at any time after the date of commencement of the Finance Act, 2015, liable to pay rentals because he or she has not obtained vacant possession of the Model A2 farm to which the offer letter relates;

the full rental shall be payable in respect of the quarter during which he or she obtains such letter or obtains vacant possession of the Model A2 farm, as the case may be.

(6) The Minister responsible for the Gazetted Land (Consequential Provisions) Act [Chapter 20:28] (No. 8 of 2006) shall cancel the offer letter of any holder thereof who fails to pay rentals for three consecutive quarters:

Provided that if the holder of the offer letter tenders payment of the full amount of rentals due within thirty days after receiving written notice of cancellation of his or her offer letter, the offer letter shall be deemed not to have been cancelled.

(7) The provisions of a land settlement lease concerning the cancellation of the lease or of the Permit Regulations concerning the cancellation of the permit shall apply in the case of the failure by a lessee to pay any rentals.

(8) The amount of all rentals paid by the holder of an offer letter who becomes a lessee shall be deducted from any amount required to be paid by him or her in terms of the land settlement lease as arrear rentals from the time the holder occupied the Model A2 farm to which the lease relates.

44 Development levy payable in respect of Model A1 and A2 farms

(1) The development levy that, but for this section, would have been imposed, payable and collected in terms of section 96 of the Rural District Councils Act [Chapter 29:13] shall, as concerns the persons specified in subsection (2)(a), (b) and (c), be imposed, payable and collected in terms of this Chapter.

(2) Every—

- (a) lessee; and
- (b) holder of a permit in respect of a Model A1 farm; and
- (c) holder of an offer letter in respect of a Model A2 farm;

located in the Natural Region shown in the first column of the Schedule shall pay to the State on a quarterly basis the development levy indicated opposite thereto in the second column.

(3) Section 43 applies (with such changes as may be necessary) to the payment of the development levy in terms of this section as it applies to rentals.

(4) The proceeds of the development levy shall be used to meet expenditure on the following projects within the Rural District Council area from which the levy was collected—

- (a) gully reclamation and other works related to soil conservation and the prevention of soil erosion; and
- (b) the provision, operation and maintenance of—
 - (i) hospitals, clinics and dispensaries; and
 - (ii) schools and other educational institutions and facilities and amenities connected therewith;
- (c) the provision and maintenance of dipping tanks; and
- (d) the provision, development and maintenance of roads.

45 Collection of rentals and development levy

(1) The Minister of Lands shall, through the officers of the Ministry of Lands specially designated by the Secretary of the Ministry for the purpose, be responsible for the collection of the rentals and development levy on behalf of the State.

- (2) For the avoidance of doubt—
- (a) the rentals and development levies collected in terms of this Chapter shall form part of the Consolidated Revenue Fund;
 - (b) persons liable to pay the development levy in terms of this Chapter shall not be liable to pay any development levy imposed in terms of section 96 of the Rural District Councils Act [*Chapter 29:13*].

46 Public Assistance to Model A1 and A2 farmers conditional on full payment of rentals and development levies

- (1) No—
- (a) lessee; and
 - (b) holder of a permit in respect of a Model A1 farm; and
 - (c) holder of an offer letter in respect of a Model A2 farm;

who is in arrears in paying any rental or portion thereof shall receive any financial assistance that is payable directly or indirectly from public funds for any purpose connected with his or her farming operations.

SCHEDULE TO CHAPTER IX (Sections 43 AND 44)

RENTALS AND DEVELOPMENT LEVIES PAYABLE

<i>Natural Regions</i>	<i>Rental and Development Levy</i>
1, 2, 2a, 2b, 3, 4 and 5	Model A1 Farmers: \$10 per annum (rental)
	Model A2 Farmers: \$3 per hectare per annum (rental)
	Model A1 Farmers: 5\$ per annum (development levy)
	Model A2 Farmers: \$2 per hectare per annum (development levy).”

Amendments to Income Tax Act [Chapter 23:06]

5 Amendment of Third Schedule to Cap. 23:06

With effect from the 1st January, 2016, the Third Schedule (“Exemptions from Income Tax”) to the Income Tax Act [*Chapter 23:06*] is amended in paragraph 2 by the repeal of subparagraph (e) and the substitution of the following—

- “(e) ecclesiastical institutions, charitable and educational institutions of a public character—
- (i) consisting of donations, tithes, offerings or other contributions by the members or benefactors of the institutions concerned, and any other receipts or accruals that are not receipts and accruals of income from trade or investment carried on by or on behalf of the institutions concerned; or
 - (ii) that are receipts and accruals of income from trade or investment by any company of which that institution is the sole or principal member, and in respect of which the Minister responsible for the Companies Act [*Chapter 24:03*] has issued a licence in terms of section 26 of that Act.”.

6 Substitution of Twenty-Fourth Schedule to Cap. 23:11

With effect from the 1st February, 2009, the Twenty-Fourth Schedule to the Income Tax Act [*Chapter 23:06*] is repealed and the following is substituted—

“TWENTY-FOURTH SCHEDULE (*Section 36A*)

TOBACCO LEVY

Interpretation

1. In this Schedule—

- “auction floor” means premises for the sale of auction tobacco;
- “auction tobacco” means tobacco which is declared in terms of the Tobacco Marketing and Levy Act to be auction tobacco;
- “auctioneer” means the holder of an auction floor license issued in terms of the Tobacco Marketing and Levy Act;
- “buyer” means a person who is—
- (a) licensed or required to be licensed under the Tobacco Marketing and Levy Act as a buyer of auction tobacco; or
 - (b) registered or required to be registered under the Tobacco Marketing and Levy Act as an authorized buyer of auction tobacco; or
 - (c) is a contractor;
- “contract tobacco” means tobacco which is subject to a tobacco contract;
- “contractor” means a buyer who is a party to a tobacco contract;
- “price”, in relation to auction tobacco that has been sold, means the total amount payable by the purchaser under the agreement of sale;
- “sell” means sell by auction or sell to a contractor;
- “tobacco contract” means a contractual arrangement between a contractor and a grower of tobacco, under which the contractor provides or finances the purchase of inputs for the benefit of the grower in return for the grower selling his or her tobacco to the contractor;
- “tobacco levy” means the levy required to be withheld or recovered in terms of subparagraph (1) of paragraph 2;
- “Tobacco Marketing and Levy Act” means the Tobacco Marketing and Levy Act [*Chapter 18:20*].

Auctioneer to withhold tobacco levy

2. (1) Every auctioneer and contractor shall—

(a) withhold from the price payable for—

(i) auction tobacco sold on his or her auction floor; or

(ii) contract tobacco;

a levy at the rate fixed from time to time in the charging Act; and

(b) in the case of an auctioneer, before relinquishing possession of any auction tobacco sold to a buyer on his or her auction floor, recover from the buyer a levy at the rate fixed from time to time in the charging Act;

and shall pay the amount so withheld or recovered to the Commissioner within the prescribed period after—

(i) the date of the sale, in the case of an amount withheld in terms of subparagraph (a); or

(ii) his or her relinquishing of possession of the auction tobacco concerned, in the case of an amount withheld in terms of subparagraph (b);

or within such further time as the Commissioner may for good cause allow.

(2) The tobacco levy shall be withheld in terms of subparagraph (1)(a) notwithstanding any writ of execution or attachment or other process that may have been issued in respect of the auction or contract tobacco concerned, and the levy shall be withheld before any other amounts are withheld or deducted from the price of the auction or contract tobacco in terms of any other law.

Certificates to be provided to seller

3. (1) Whenever he has withheld any tobacco levy in terms of paragraph 2(a) or recovered any tobacco levy in terms of subparagraph (b) of that paragraph, an auctioneer or contractor shall provide the seller or buyer concerned, as the case may be, of the auction tobacco concerned with a certificate in a form approved by the Commissioner showing—

(a) the price at which the auction or contract tobacco was sold; and

(b) the amount of tobacco levy withheld.

(2) Any payer who fails to provide a payee with a certificate in terms of subparagraph (1), or furnishes an incorrect certificate under that subparagraph, shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment:

Provided that, if it is proved that the payer's conduct was wilful, he shall be liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Returns to be furnished to Commissioner

4. Payment of tobacco levy by an auctioneer in terms of paragraph 2 shall be accompanied by a return in the form prescribed.

Penalty for non-payment of tobacco levy

5. (1) Subject to subparagraph (2), an auctioneer or contractor who fails to withhold, recover or pay to the Commissioner any tobacco levy as provided in paragraph 2 shall be personally liable for the payment to the Commissioner, not later than the date on which the payment should have been made in terms of paragraph 2, of—

- (a) the amount of the tobacco levy which he failed to pay; and
- (b) a further amount equal to fifteen *per centum* of the amount referred to in subparagraph (a).

(2) If the Commissioner is satisfied in any particular case that a failure to pay any tobacco levy was not due to an intent to evade the provisions of this Schedule, he or she may waive the payment of the whole or such part as he or she thinks fit of the amount referred to in subparagraph (1)(b). 5

(3) If a defaulting auctioneer or contractor referred to in subparagraph (1)(b) does not pay the penalty in full on the date on which the default has ceased, interest, calculated at a rate to be fixed by the Minister by statutory instrument, shall be payable on so much of the penalty as remains unpaid by the auctioneer or contractor during the period beginning on the date the default has ceased and ending on the date the penalty is paid in full, and such interest shall be recoverable by the Commissioner by action in any court of competent jurisdiction: 10

Provided that in special circumstances the Commissioner may extend the time for payment of the penalty without charging interest. 15

Refund of tobacco levy

6. If it is proved to the satisfaction of the Commissioner that any person has paid any amount by way of tobacco levy in excess of the amount properly payable in terms of this Schedule, the Commissioner shall authorize a refund of the amount overpaid: 20

Provided that the Commissioner shall not authorize a refund in terms of this paragraph unless the claim therefor is made within six years of the date of the overpayment.”.

PART III 25

STAMP DUTY

7 Amendment of section 24 of Cap. 23:04

With effect from 1st February, 2009, section 24 (“Interpretation in Chapter II”) (1) of the Finance Act [Chapter 23:04] is amended by the insertion of the following definitions— 30

““African Development Bank” means the bank referred to in the African Development Bank (Membership of Zimbabwe) Act [Chapter 22:01];

“African Export-Import Bank” means the bank referred to in the African Export-Import Bank (Membership of Zimbabwe and Branch Office Agreement) Act [Chapter 22:17];” 35

8 Amendment of Schedule to Chapter II of Cap. 23:04

With effect from 1st February, 2009, item 1 (“Bonds”) of the Schedule (“Stamp Duty on Instruments and other Matters”) to Chapter II of the Finance Act [Chapter 23:04] is amended by the insertion of the following paragraph under “Exemptions to Item”— 40

- “(f) any registration of a bond at the instance of the African Development Bank or African Export-Import Bank to secure a loan or other credit facility advanced by it to any person in Zimbabwe in pursuance of the objects of either of those institutions.”.

PART IV
VALUE ADDED TAX

9 Amendment of section 2 of Cap. 23:12

Section 2 (“Interpretation”) (1) of the Value Added Tax Act [*Chapter 23:12*] is
5 amended by the insertion of the following definitions—

“clearing agent” means a person licensed or required to be licensed in terms
of section 216A of the Customs and Excise Act [*Chapter 23:02*];

“short-term insurance” means any insurance other than life insurance,
whether provided pursuant to any contract or law, including any
10 policy of insurance, an insurance cover, and a renewal of a contract
of insurance, and includes reinsurance;

10 Amendment of section 9 of Cap. 23:12

With effect from 1st September, 2015, section 9 (“Value of supply of goods or
services”) of the Value Added Tax Act [*Chapter 23:12*] is amended by the insertion of
15 the following subsection after subsection (23)—

“(23a) Every clearing agent shall be deemed to charge a clearance fee of at
least fifty dollars United States dollars (or other prescribed amount) on each bill of
entry.”.

11 Amendment of section 11 of Cap. 23:12

20 With effect from the 1st September, 2015, section 11 (“Exempt supplies) the
Value Added Tax Act [*Chapter 23:12*] is amended by the repeal of paragraph (a) and
the substitution of—

“(a) the supply of any financial services, but excluding—

- (i) the supply of short-term insurance; and
- 25 (ii) the supply of financial services other than the supply of short-term
insurance which, but for this paragraph, would be charged with
tax at the rate of zero *per centum* under section ten;”.

12 Repeal of section 12B of Cap. 23:12

30 With effect from 1st January, 2015, section 12B of the Value Added Tax Act
[*Chapter 23:12*] is repealed.

13 Amendment of section 12C of Cap. 23:12

(1) With effect from 1st October, 2015, section 12C (“Collection of tax on
exportation of unbeneficiated hides, determination of value thereof”) of the Value
Added Tax Act [*Chapter 23:12*] is amended by the repeal of subsection (2) and the
35 substitution of—

“(2) Notwithstanding section 10(1), tax at the rate of seventy-five cents per
kilogram of unbeneficiated hides shall be levied on a supplier of such raw hides for
export from Zimbabwe or fifteen *per centum* of the export consignment of the hides
in question, whichever figure results in a higher tax yield.”.

40 **14 Repeal of section 12E of Cap. 23:12**

With effect from the 1st January, 2015, section 12E of the Value Added Tax Act
[*Chapter 23:12*] is repealed.

15 Amendment of section 23 of Cap. 23:12

With effect from the 1st September, 2015, section 23 (“Registration of persons making supplies in the course of trades”)(1) of the Value Added Tax Act [*Chapter 23:12*] is amended by the repeal of the proviso thereto and the substitution of—

“Provided that—

- (a) the total value of the taxable supplies of the registered operator within the period of twelve months referred to in subparagraph (a) or the period of twelve months referred to in subparagraph (b) shall not be deemed to have exceeded or be likely to exceed the amount of five hundred thousand dollars or the prescribed amount, where the Commissioner is satisfied that the said total value will exceed or is likely to exceed such amount solely as a consequence of—
 - (i) any cessation of, or any substantial and permanent reduction in the size or scale of, any trade carried on by that person; or
 - (ii) the replacement of any plant or other capital asset used in any trade carried on by that person; or
 - (iii) abnormal circumstances of a temporary nature;
- (b) in calculating the total value of the taxable supplies of a clearing agent, it shall be deemed (notwithstanding anything to the contrary) that, on every bill of entry in the preceding period of twelve months the clearing agent charged a clearance fee of at least fifty dollars United States dollars (or other prescribed amount).”.

PART V

REVENUE AUTHORITY

16 Amendment of section 34A of Cap. 23:11

Section 34A (“Preservation of secrecy”)(1) of the Revenue Authority Act [*Chapter 23:11*] is amended by the insertion of the following subsections after subsection (7)—

- “(8) Despite anything in this section, the Commissioner-General may, in relation to a taxpayer or other person who is convicted of a tax offence (“the offender”) in respect of which all appeal or review proceedings relating to the offence have, within the period allowed, been completed or not instituted (or, having been instituted, have been abandoned), publish for general information the following particulars—
- (a) the name and area of residence of the offender; and
 - (b) any particulars of the offence that the Commissioner General thinks fit; and
 - (c) the particulars of the fine or sentence imposed on the offender; and
 - (d) any other particulars specified in subsection (2) in so far as they relate to a tax offence committed by the offender.
- (9) In subsection (8) “tax offence” means smuggling or any other offence against any of the Acts specified in the First Schedule.”.

PART VI

RESERVE BANK OF ZIMBABWE

17 Repeal of section 29 of Cap. 22:15

Section 29B (“Monetary Policy Committee”) of the Reserve Bank of Zimbabwe Act [Chapter 22:15] (No. 5 of 1999) is repealed.

PART VII

MINES AND MINERALS

Amendments to Chapter VII of Finance Act [Chapter 23:04]

18 Amendment of Schedule to Chapter VII of Cap. 23:04

With effect from 1st September, 2015, the Schedule to Chapter VII of the Finance Act [Chapter 23:04] is amended by the repeal in paragraph 1 (which fixes the rates of royalties for the purposes of section 245 of the Mines and Minerals Act [Chapter 21:05])—

- (a) of the item on base metals and the substitution of the following items—

“Base metals other than chrome	2
Chrome	5”;
- (b) of the item on gold produced by small-scale gold miners and the substitution of the following item—

“Gold produced by small-scale gold miners 1”.

PART VIII

AMENDMENT OF PART VI (TAX AMNESTY) OF ACT NO. 8 OF 2014

19 Amendment of section 18 of Act No. 8 of 2014

The Finance (No.2) Act, 2014 (No.8 of 2014) is amended in section 18 (“Application for and granting of amnesty”)—

- (a) in subsection (1) by the deletion of “31st March, 2015” and the substitution of “30th September, 2015”;
- (b) in subsection (3) by the deletion of “31st March, 2015” and the substitution of “30th September, 2015”.

PART IX

AMENDMENT OF OTHER ACTS

20 Amendment of section 8A of Cap. 2:02

Section 8A (“Pensions payable to former Speakers and Deputy Speakers of Parliament and surviving spouses”)(1) of the Parliamentary Pensions Act [Chapter 2:02] is amended in paragraph (a) by the deletion of “annual salary” and the substitution of “annual pensionable emoluments”.

21 Amendment of Cap. 2:05

The Presidential Pension and Retirement Benefits Act [Chapter 2:05] is amended—

- (a) in section 1A (“Interpretation”) by the insertion of the following definitions—

““pensionable emoluments”, in relation to a person serving as President or Vice-President referred to in section 2(1)(a1), means his or her annual salary together with such allowances as the Minister responsible for finance may from time to time determine;”;

- (b) in section 2 (“Pensions payable to former Presidents and Vice-Presidents and surviving spouses and children”)(1) by the deletion from paragraph (a1) of “annual salary” and the substitution of “pensionable emoluments”. 5

22 Amendment of Chapter 22:18

The Audit Office Act [*Chapter 22:18*] (No. 12 of 2009) is amended—

- (a) in section 2 (“Interpretation”) (1)— 10

- (i) by the repeal of the definitions of “approved service”, “Audit Office”, “Commission” and the substitution of the following definitions—

““approved service” means—

- (a) the Civil Service;
- (b) a uniformed force; 15
- (c) the service of Parliament; or
- (d) the service of a government, statutory body, local authority or institution approved by the Minister, after consultation with the Commission, for the purposes of this Act; 20

“Audit Office” or “Office” means the service constituted by the persons referred to in section 13 and shall, where appropriate, be construed as a reference to the Board;

“Commission” means the Audit Office Commission established by section 14 and shall, where appropriate, be construed as a reference to the Board; 25

- (ii) by the insertion of the following definition—

““Chairperson of the Commission” includes a reference to the Chairperson of the Board;

- (iii) by the repeal of subsection (2) and the substitution of— 30

“(2) Any term or expression that is not defined in subsection (2) but to which a meaning has been assigned in the Public Finance Management Act [*Chapter 22:19*] (No. 1 of 2009), have the same meaning when used in this Act.”.

- (b) in section 4 (“Tenure of office of Comptroller and Auditor-General”) is 35 amended by the repeal of subsections (1), (2), (3), and (4);

- (c) by the repeal of section 20 and the substitution of—

“20 Probationary period

“20 (1) A contract of employment of a member of the Audit Office may provide in writing for a single, non-renewable probationary period of not less than— 40

- (a) one day in the case of casual or seasonal work; or
- (b) three months in any other case;

during which notice of termination of the contract to be given by either party may be one week in the case of casual or seasonal work, or two weeks in any other case.”.

(d) by the repeal of section 22.

5 **23 New section inserted in Act No. 4 of 1998**

(1) The Air Zimbabwe Corporation (Repeal) Act (No. 4 of 1998). is amended by the insertion of the following section after section 9—

“9A Legal proceedings against Corporation or successor company

10 The State Liabilities Act [*Chapter 22:13*] applies with necessary changes to legal proceedings against the following successor companies to the Corporation—

- (a) Air Zimbabwe (Private) Limited; and
- (b) Air Zimbabwe Holdings (Private) Limited.”.

15 (2) Subject to subsection (3), the amendment effected by subsection (1) applies to all legal proceedings against the successor companies specified in section 9A of the Air Zimbabwe Corporation (Repeal) Act (No. 4 of 1998, which were commenced or completed before the date of commencement of this Act.

(3) Section 9A of the Air Zimbabwe Corporation (Repeal) Act (No. 4 of 1998) shall be deemed to be repealed on the 31st July, 2018.

20 **24 New section substituted for section 18 of Act 5 of 2014**

The Labour Amendment Act, 2015 (No. 5 of 2015) is amended by the repeal of section 18 and the substitution of—

“18 Transitional provision

25 The Labour Act [*Chapter 28:01*] as amended by this Act applies to every employee whose services were terminated on three months’ notice on or after the 17th July, 2015.”.