

Zimbabwe

## Foreign Missions and Agencies (Premises) Act Chapter 3:01

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## Zimbabwe

# Foreign Missions and Agencies (Premises) Act

## Chapter 3:01

Commenced on 17 October 1980

*[This is the version of this document at 31 December 2016 and includes any amendments published up to 31 December 2017.]*

*[Note: This version of the Act was revised and consolidated by the Law Development Commission of Zimbabwe]*

AN ACT to provide for the control of the acquisition and use of premises by the missions of foreign governments and the agencies of international organizations; and to provide for matters incidental to or connected with the foregoing.

### 1. Short title

This Act may be cited as the Foreign Missions and Agencies (Premises) Act *[Chapter 3:01]*.

### 2. Interpretation

(1) In this Act—

“**agency**” means the agency of a specified international organization;

“**head of the mission or agency**” means the person charged by the foreign government or specified international organization, to which the mission or agency, as the case may be, relates, with the duty of acting in that capacity;

“**member of the staff of the mission or agency**” means a member of the diplomatic or consular staff of the mission or the principal executives of the agency, as the case may be, and includes a member of the administrative, technical and service staff, including domestic staff, of the mission or agency, as the case may be;

“**Minister**” means the Minister of Local Government Rural and Urban Development or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“**mission**” means a diplomatic or consular mission of a foreign state and includes any representation, department, branch or bureau of a foreign state or international organization the purpose of which is to give technical or other advice or assistance in Zimbabwe but which is not otherwise a mission or agency;

“**premises**” means immovable property;

“**premises of the mission or agency**” means the buildings or parts of buildings and the land ancillary thereto used for the purposes of the mission or agency and includes the residence of the head of the mission or agency and the residences of the members of the staff of the mission or agency but does not include buildings or parts thereof used by honorary consuls and their staff or the residences of citizens of Zimbabwe who are employees of the foreign state or international organization;

“**Secretary**” means the Secretary to the Ministry for which the Minister is responsible;

“**specified area**” means an area declared to be a specified area in terms of subsection (3);

“**specified international organization**” means any international or regional organization which the President has declared to be a specified international organization in terms of subsection (2).

- (2) The President may, by statutory instrument, declare any international or regional organization to be a specified international organization.
- (3) The Minister may, by statutory instrument, declare any area which he considers suitable or convenient for the situation of the premises of missions or agencies or of any class of such premises to be a specified area for such premises or class of premises, as the case may be.

### **3. Control of acquisition and use of premises**

- (1) No mission or agency shall—
  - (a) purchase, hire or otherwise acquire any premises; or
  - (b) use any premises as the premises of the mission or agency, as the case may be; otherwise than in accordance with the approval of the Minister.
- (2) Notwithstanding the provisions of subsection (1), where an agency was using premises as the premises of the agency immediately before the date on which the organization to which the agency relates was declared to be a specified international organization, such agency may continue so to use those premises otherwise than in accordance with the approval of the Minister—
  - (a) until the expiry of the period of ninety days next following the date of the declaration of the international organization concerned as a specified international organization; or
  - (b) if application has, within the period of ninety days next following the date referred to in paragraph (a), been made in respect of those premises for the approval of the Minister in terms of section four, until the date the application is determined;whichever is the later.

### **4. Application for approval of Minister**

An application for the approval of the Minister for the purposes of section three shall be submitted to the Secretary and shall—

- (a) specify the locality of the premises concerned;
- (b) contain a full description of the premises concerned;
- (c) specify the intended use of the premises concerned;
- (d) be accompanied by a copy of the agreement by which the premises concerned are or will be occupied by the mission or agency concerned or, as the case may be, by a copy of the title deeds of the premises where such are or will be owned by the mission or agency concerned;

and shall be supplemented by such further information or detail relating to the application as the Minister may require.

### **5. Grant or refusal of approval by Minister**

- (1) Upon application being made to him in terms of section four, the Minister may—
  - (a) approve the application for such period, if any, as he may think fit to specify and on such terms and conditions, if any, as he may think fit to impose;
  - (b) refuse the application on any ground, including the ground that the premises of the mission or agency concerned are or will not be situated in a specified area.
- (2) Terms and conditions referred to in paragraph (a) of subsection (1) may impose restrictions on the sale, lease, or other disposal of the premises concerned.

- (3) The Minister may, after affording the mission or agency concerned an opportunity of making representations in the matter, revoke, alter or amend any approval granted by him in terms of subsection (1) or any term or condition imposed in respect of any such approval.

## **6. Keeping of register**

- (1) The Secretary shall keep a register of—
- (a) all premises which are used as the premises of a mission or agency;
  - (b) a copy of the title-deeds of any premises referred to in paragraph (a) which are owned by the mission or agency concerned;
  - (c) a copy of every agreement in terms of which a mission or agency uses any premises referred to in paragraph (a).
- (2) The Registrar of Deeds shall, at the request of the Secretary, supply him with a copy, certified by the Registrar of Deeds, of any title-deed of any premises which are used as the premises of a mission or agency.

## **7. Information to be supplied to Secretary**

Whenever it is proposed to—

- (a) vacate or sell, let or otherwise dispose of any premises of a mission or agency; or
- (b) vary the terms of any agreement in terms of which any premises are used as the premises of a mission or agency;

the mission or agency concerned shall advise the Secretary and shall supply him with full details of the proposal and such other information or detail relating thereto as he may request.

## **8. Permission or authority in terms of Planning Act**

Notwithstanding the provisions of the Regional, Town and Country Planning Act, *[Chapter 29:12]* where, in terms of that Act, permission to carry out development on the premises of a mission or agency or any other permission or authority is required in relation to such premises, application for such permission or authority shall be submitted to the Minister, who may grant or refuse such permission or authority on such terms and conditions, if any, as he may think fit to impose.

## **9. Regulations**

The Minister may make regulations providing for any matters which in his opinion are necessary or convenient to be provided for in order to carry out or give effect to the provisions of this Act.