

**THE GOVERNMENT has gazetted a new Bill, which if enacted, will make it an offence for anyone to occupy land without lawful authority.**

The development was announced in a government gazette last Friday by the Minister of Lands, Land Reform and Resettlement Didymus Mutasa, and shall be cited as the Gazetted Land (Consequential Provisions) Act.

It shall come into operation on a date to be fixed by the President by notice in a statutory instrument.

"This Bill is necessitated by the enactment of section 16B of the Constitution by the Constitution of Zimbabwe Amendment (No 17) Act. Section 16B saved in force those provisions of the Land Acquisition Act (chapter 20:10) that were concerned with compensation for improvements to what was called in that Act "agricultural land required for resettlement purposes." However, the status of certain other provisions relating to such land was left undetermined, with the result that it is felt desirable to re-enact those provisions or make new provisions in this Bill," Mutasa said.

According to section 3 of the Bill, no person may hold, use or occupy gazetted land without authority.

"Every former owner or occupier of gazetted land (agricultural land)...shall cease to occupy, hold or use that land 45 days after the fixed date, unless the owner or occupier is lawfully authorised to occupy, hold or use that land," Mutasa added.

Gazetted land mentioned above refers to agricultural land that "in accordance with section 16B (2)(a)(i) or (ii) of the constitution -was identified on or before the 8th of July, 2005, in the Gazette or Gazette Extraordinary under section 5 (1) of the Land Acquisition Act (chapter 20:10).

Mutasa said every former owner or occupier of gazetted land shall cease to occupy or hold or use land 45 days after the date when the land "is identified in accordance with section 16B(2)(a)(iii) of the Constitution, unless the owner or occupier is lawfully authorised to occupy, hold or use that land."

He added: "Provided that the owner or occupier of that land...may remain in occupation of his or her living quarters on that land for a period of not more than 90 days after the date when the land is identified."

The Bill further states that the owner or occupier shall cease to occupy his or her living quarters after that period.

"If a former owner or occupier of gazetted land who is not lawfully authorised to occupy, hold or use that land does not cease to occupy, hold or use that land after the expiry of the appropriate period...or in case of a former owner or occupier ...does not cease to occupy his or her living quarters, he or she shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and imprisonment," Mutasa said.

The Bill seeks to empower a court that has convicted any such persons to evict them from the land "to which the offence relates."

Clause 7 of the Bill repeals the Rural Land Occupiers-"This clause repeals the Rural Land Occupiers (Protection from Eviction) (Chapter 20:26) (No.13 of 2001), whose provisions have become redundant because they do not apply to State Land ."

**Irene Petras**

**Programmes Coordinator**

**Zimbabwe Lawyers for Human Rights**

6th Floor, Beverley Court ,  
100 Nelson Mandela Avenue,  
P O Box CY 1393, Causeway,  
Harare  
Zimbabwe

Tel: (+263-4) 708118/251468/705370

Fax: (+263-4) 723789

Mobile: (+263-11) 619747

e-mail: [irene@zlh.org.zw](mailto:irene@zlh.org.zw) or [irene\\_petras@yahoo.co.uk](mailto:irene_petras@yahoo.co.uk)

web: [www.zlh.org.zw](http://www.zlh.org.zw)