

Zimbabwe

## Armorial Bearings, Names, Uniforms and Badges Act Chapter 10:01

Legislation as at 31 December 2016

FRBR URI: /akn/zw/act/1971/12/eng@2016-12-31

There may have been updates since this file was created.

PDF created on 21 February 2024 at 18:06.

*Collection last checked for updates: 31 December 2017.*

[Check for updates](#)



### About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

[www.laws.africa](http://www.laws.africa)  
[info@laws.africa](mailto:info@laws.africa)

There is no copyright on the legislative content of this document.  
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Armorial Bearings, Names, Uniforms and Badges Act  
 Contents

Part I – Preliminary ..... 1

    1. Short title ..... 1

    2. Interpretation ..... 1

Part II – Armorial bearings of Zimbabwe and certain emblems and titles ..... 2

    3. Protection of armorial bearings, etc. .... 2

    4. Interdict ..... 3

    5. Forfeiture of articles ..... 3

Part III – Registrar ..... 3

    6. Appointment of Registrar and other officers ..... 3

    7. Seal of office ..... 3

    8. Register ..... 3

Part IV – Names, uniforms, badges and heraldic representations ..... 3

    9. Application for registration ..... 3

    10. Registrar may accept or refuse application ..... 4

    11. Registrar to supply reasons for refusal of or qualified acceptance of application ..... 4

    12. Publication of notice of application and deposit of specimen for examination ..... 4

    13. Grant or refusal of registration ..... 5

    14. Registrar to supply reasons for refusal to register or grant of qualified registration ..... 5

    15. Registration and issue of certificate and notification of registration ..... 5

    16. Qualifications for registration ..... 5

    17. Consent of person whose name appears in name, uniform, badge or heraldic representation proposed to be registered ..... 6

    18. Cancellation for non-use ..... 6

    19. Disclaimer ..... 7

    20. Correction and rectification ..... 7

    21. Application for amendment of registered name, uniform, badge or heraldic representation ..... 7

    22. Applications by aggrieved persons ..... 8

    23. Heraldry Committee ..... 8

    24. Uniforms Committee ..... 8

    25. Where Registrar does not accept advice of Heraldry or Uniforms Committee ..... 8

    26. Minister may issue orders ..... 9

    27. Minister may prohibit wearing of certain parts of uniforms worn by members of the Security Forces ..... 9

    28. Appeals ..... 9

Part V – General ..... 10

29. Offences ..... 10

30. Evidence ..... 11

31. Regulations ..... 11

32. Savings ..... 11

Schedule (Section 2) ..... 12



# Zimbabwe

## Armorial Bearings, Names, Uniforms and Badges Act Chapter 10:01

Published in Government Gazette

Commenced on 1 November 1971

*[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 protection of the armorial bearings of Zimbabwe and certain emblems and titles; to provide for a Registrar of Names, Uniforms, Badges and Heraldic Representations; to assign the functions of the Registrar; to provide for the registration and protection of names, uniforms, badges and heraldic representations; and to provide for matters incidental to the foregoing.**

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the Armorial Bearings, Names, Uniforms and Badges Act *[Chapter 10:01]*.

#### 2. Interpretation

In this Act—

“**application**” means an application referred to in section nine;

“**armorial bearings of Zimbabwe**” means the armorial bearings of the Republic of Zimbabwe as defined in the Schedule;

“**association**” means—

- (a) an association, club, board, group, body or authority, corporate or unincorporate, formed or established in Zimbabwe for any purpose other than the acquisition or making of a profit for itself or its members, and includes any branch, formed or established in Zimbabwe, of any such association, club, board, group, body or authority formed or established outside Zimbabwe;
- (b) an institution formed or established in Zimbabwe for the promotion of education, and includes a university, university college, training college, normal college, technical college or school or a union or society of the present or past students or scholars of any such institution;

“**badge**” means any token, design, insignia or emblem other than a heraldic representation;

“**coat of arms**” means any design, object or figure, being a symbolic representation displayed in colours and in conformity with the principles and rules of heraldry, with or without a coronet, helmet, crest, mantling, supporters, motto or other accessories;

“**heraldic representation**” means—

- (a) a coat of arms; or
- (b) any heraldic badge, decoration, emblem, insignia, medal, seal or other symbolic representation which is in conformity with the principles and rules of heraldry;

“**Heraldry Committee**” means the Heraldry Committee established by section twenty-three;

“**Minister**” means the Minister of Justice, Legal and Parliamentary Affairs or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“**name**” includes a designation;

“**objector**” means a person who has lodged an objection in terms of section twelve;

“**Patents Tribunal**” means the Patents Tribunal established under the Patents Act [Chapter 26:03];

“**Register**” means the register kept in terms of section eight;

“**Registrar**” means the Registrar referred to in section six;

“**trade mark**” means a mark registered under the Trade Marks Act [Chapter 26:04];

“**uniform**” means any article or articles of wearing apparel and includes a badge or braid worn in association with any particular item or items of clothing, and a tie;

“**Uniforms Committee**” means the Uniforms Committee established by section twenty-four;

“**use**”, in relation to a uniform, badge or heraldic representation, includes wear.

## Part II – Armorial bearings of Zimbabwe and certain emblems and titles

### 3. Protection of armorial bearings, etc.

- (1) Subject to subsection (2), no person shall, without the authority of the President, the burden of proof whereof lies on such person—
  - (a) use; or
  - (b) apply to any articles produced or sold by him; or
  - (c) import any articles to which there have been applied; any of the following—
    - (i) the armorial bearings of Zimbabwe or any device, emblem, title or symbol forming part thereof, or armorial bearings so nearly resembling the armorial bearings of Zimbabwe as to be likely to deceive;
    - (ii) the style, title, name, portrait or effigy of the President or any former President;
    - (iii) any device, emblem, title, symbol or words which is or are likely to lead to the belief that his trade, business, profession or occupation is carried on under the patronage of, or that he is employed by, or supplies articles to, the President, the Government or any Ministry or department of the State.
- (2) The President may, by notice in a statutory instrument, authorize the Minister to grant, on behalf of the President and subject to such terms and conditions as the Minister may think fit to impose, authority to any person to do, in relation to any device, emblem, title or symbol forming part of the armorial bearings of Zimbabwe as may be specified in such notice, anything referred to in subsection (1).
- (3) Subsection (1) shall not—
  - (a) be construed as affecting the right of the proprietor of a trade mark containing any armorial bearings, device, emblem, title, symbol, style, name, portrait or effigy referred to in subsection (1) to use such trade mark;
  - (b) apply to any matter which is the subject of any regulation made in terms of section 5 of the Flag of Zimbabwe Act [Chapter 10:10].

#### **4. Interdict**

Any person who contravenes subsection (1) of section three may, notwithstanding any conviction and sentence for such contravention, be restrained by interdict at the suit of any person who has been granted an authority referred to in that subsection from continuing to contravene that subsection.

#### **5. Forfeiture of articles**

Where any person is convicted of a contravention of subsection (1) of section three, the court may order that any articles in respect of or by means of which the offence has been committed shall be forfeited to the State, unless the owner of the articles or any other person who has an interest therein shows cause to the contrary.

### **Part III – Registrar**

#### **6. Appointment of Registrar and other officers**

For the purposes of this Act, there shall be—

- (a) a Registrar of Names, Uniforms, Badges and Heraldic Representations; and
- (b) such other officers as may be required;

whose offices shall be public offices and shall form part of the Public Service.

#### **7. Seal of office**

There shall be a seal of office of the Registrar, which shall be in such form as may be prescribed and impressions thereof made for the purposes of this Act shall be judicially noticed.

#### **8. Register**

- (1) The Registrar shall keep a register, to be known as Register of Names, Uniforms, Badges and Heraldic Representations, in a form approved by the Minister in which shall be entered such details relating to names, uniforms, badges and heraldic representations registered in terms of this Act as may be prescribed and such other as the Registrar thinks fit.
- (2) The Register shall be divided into four parts with separate parts for names, uniforms, badges and heraldic representations, respectively.
- (3) The Register shall at all convenient times be open inspection by the public upon payment of the prescribed fee.
- (4) The Registrar shall, at the request of any person and on payment of the prescribed fee, furnish such person with a certified copy, sealed with the seal of office of the Registrar, of any entry in the Register or of any extract from the Register.

### **Part IV – Names, uniforms, badges and heraldic representations**

#### **9. Application for registration**

- (1) Any association may, subject to this Act, apply to the Registrar for the registration of—
  - (a) the name of the association; or
  - (b) the name used by the association for the members thereof or for the members of any organization constituted by the association in pursuance of its rules and regulations.

- (2) The State and any employer or association may, subject to this Act, apply to the Registrar for the registration of—
  - (a) a uniform, with or without a badge; or
  - (b) a badge, with or without a uniform;which is to be used by its employees or, in the case of an association, by the members thereof or by the members of any organization constituted by the association in pursuance of its rules and regulations.
- (3) Any person may, subject to this Act, apply to the Registrar for the registration of a heraldic representation.
- (4) An application in terms of subsection (1), (2) or (3) shall be made in the prescribed manner and accompanied by the prescribed fee.

#### 10. Registrar may accept or refuse application

The Registrar may, subject to this Act—

- (a) accept an application; or
- (b) accept an application, subject to such amendments, modifications, conditions or limitations as he may think fit to impose; or
- (c) refuse an application.

#### 11. Registrar to supply reasons for refusal of or qualified acceptance of application

Where the Registrar has—

- (a) accepted an application subject to the imposition of any amendment, modification, condition or limitation; or
- (b) refused an application;

he shall, if requested by the applicant in the prescribed manner and upon payment of the prescribed fee, give, within thirty days of such request, his reasons in writing for such acceptance or refusal.

#### 12. Publication of notice of application and deposit of specimen for examination

- (1) Where an application has been accepted—
  - (a) the applicant shall, as soon as possible, cause a notice of the application to be published in the *Gazette*;
  - (b) the Registrar shall deposit a specimen of any uniform, badge or heraldic representation to which the application refers or an exact and detailed representation thereof and a copy of the notice referred to in paragraph (a)—
    - (i) at the Patent Office; and
    - (ii) at the office of the magistrates court in every municipality except Harare;for inspection by any person at all reasonable times for a period of sixty days from the date of publication in the *Gazette* of the notice referred to in paragraph (a).
- (2) A notice referred to in paragraph (a) of subsection (1) shall—
  - (a) be in the prescribed form; and
  - (b) call upon any person having any objection to the application to lodge his objection in the prescribed manner within sixty days of the date of publication in the *Gazette* of the notice.



- (3) The magistrate at whose office a specimen or representation and the notice referred to in subsection (1) have been deposited shall, as soon as possible after the expiry of the period of sixty days referred to in subsection (1), return the specimen or representation to the Registrar with a certificate stating that the specimen or representation has been open for inspection at the requisite times and for the requisite period.

### 13. Grant or refusal of registration

- (1) Where section twelve has been complied with and after the period of sixty days referred to in subsection (1) of that section has expired, the Registrar shall review the application, consider all objections lodged in terms of paragraph (b) of subsection (2) of section twelve and shall—
  - (a) grant registration; or
  - (b) grant registration subject to such amendment, modification, condition or limitation as he may think fit to impose; or
  - (c) refuse registration; in respect of the application.
- (2) The Registrar shall give notice of his decision in writing to the applicant and to every objector.

### 14. Registrar to supply reasons for refusal to register or grant of qualified registration

Where the Registrar has decided to—

- (a) grant registration in respect of an application subject to any amendment, modification, condition or limitation; or
- (b) refuse registration in respect of an application;

he shall, if requested by the applicant or by an objector in the prescribed manner and upon payment of the prescribed fee, give, within thirty days of such request, his reasons in writing for such decision.

### 15. Registration and issue of certificate and notification of registration

Unless an appeal in terms of section twenty-eight against the decision of the Registrar in terms of section thirteen is made within the time prescribed, the Registrar shall, after the expiry of such period—

- (a) cause registration in accordance with his decision to be made; and
- (b) issue to the applicant a certificate in the prescribed form sealed with the seal of his office; and
- (c) give notice of the registration in the *Gazette*.

### 16. Qualifications for registration

- (1) In this section—
  - (a) “distinctive”, in relation to a name, uniform, badge or heraldic representation, means a name, uniform, badge or heraldic representation which is actually distinguishable from another name, uniform, badge or heraldic representation as the case may be, or which is adapted to be so distinguishable;
  - (b) in determining whether a name, uniform, badge or heraldic representation is distinctive, regard may be had to the extent to which—
    - (i) the name, uniform, badge or heraldic representation is inherently distinctive;
    - (ii) by reason of the use thereof or any other circumstances, the name, uniform, badge or heraldic representation is in fact distinctive.

- (2) The Registrar shall refuse to accept an application for the registration of or to register—
- (a) any name, uniform, badge or heraldic representation—
    - (i) which so closely resembles a name, uniform, badge or heraldic representation registered in terms of this Act as may lead to the belief that the name, uniform, badge or heraldic representation in respect of which the application is made is the name, uniform, badge or heraldic representation so registered; or
    - (ii) which is not distinctive; or
    - (iii) which incorporates in whole or in part any trade mark as to be likely to lead to deception or confusion unless, as the Registrar may direct, notice of the application has been given to the owner of that trade mark or the consent in writing of that owner to the registration has been obtained; or
    - (iv) which, if used, would be contrary to law or morality or be likely to deceive or cause confusion; or
    - (v) if for any other sufficient reason he considers the application for registration should be refused;
  - (b) any heraldic representation—
    - (i) which is not in conformity with the principles and rules of heraldry; or
    - (ii) if, for any other sufficient reason, he considers the application for registration should be refused.

#### **17. Consent of person whose name appears in name, uniform, badge or heraldic representation proposed to be registered**

Where the name or representation of any person appears in any name, uniform, badge or heraldic representation proposed to be registered the Registrar may, before accepting an application for registration or before granting such registration, demand that there be produced to him the consent of that person or, in the case of a person who has died within six months of the application, the consent of the legal representative of that person, to the proposed registration.

#### **18. Cancellation for non-use**

- (1) Where the Registrar has reason to believe that a name, uniform, badge or heraldic representation which has been registered is no longer in use, he may serve a notice in the prescribed form by registered post at the last known address of the person who made application for such registration, advising him that, unless cause to the contrary is shown within one month from the date of posting of the notice, a notice will be published in the *Gazette* with a view to striking such name, uniform, badge or heraldic representation off the Register.
- (2) If the Registrar has not been satisfied, within one month from the date of posting of the notice referred to in subsection (1), that the name, uniform, badge or heraldic representation is in fact in use, he may publish a notice in the *Gazette* stating that, unless cause to the contrary is shown within three months from the date of publication of the notice, the name, uniform, badge or heraldic representation will be struck off the Register.
- (3) After the expiry of the period of three months referred to in subsection (2) and if cause to the contrary has not been shown, the Registrar may strike the name, uniform, badge or heraldic representation off the Register and shall give notification thereof in the *Gazette*.

- (4) The Registrar may, upon payment of the prescribed fee, and upon application in the prescribed manner being made for the restoration to the Register of any name, uniform, badge or heraldic representation which has been struck off the Register in terms of subsection (3), if satisfied that—
- (a) the application is made within five years from the date the name, uniform, badge or heraldic representation was struck off the Register; and
  - (b) good cause for the restoration has been shown; and
  - (c) no confusion or deception is likely to result from the restoration; and
  - (d) no name, uniform, badge or heraldic representation similar to that which has been struck off the Register has been registered;
- restore the name, uniform, badge or heraldic representation to the Register.
- (5) Where any name, uniform, badge or heraldic representation has been restored to the Register in terms of subsection (4), the Registrar shall give notice thereof in the *Gazette*.

## 19. Disclaimer

- (1) If a name, uniform, badge or heraldic representation which is registered or is proposed to be registered contains—
- (a) any thing not separately registered; or
  - (b) any thing which is in common use or which is non-distinctive;
- the Registrar may require the person who has registered or who proposes to register such name, uniform, badge or heraldic representation to—
- (i) disclaim any right to the exclusive use of such thing; or
  - (ii) make such other disclaimer as the Registrar may consider necessary for the purpose of defining his rights under the registration.
- (2) If a person declines to make a disclaimer as required by the Registrar in terms of subsection (1), the Registrar may refuse to register or may strike off the Register the name, uniform, badge or heraldic representation concerned.

## 20. Correction and rectification

The Registrar may, upon payment of the prescribed fee and on the application in the prescribed manner by a person who holds a certificate in respect of any name, uniform, badge or heraldic representation—

- (a) correct any error in the Register or certificate in the name, address or description of that person;
- (b) enter any change in the Register or certificate in the name, address or description of that person;
- (c) cancel any entry in the Register or certificate relating to that person;
- (d) issue a duplicate certificate;
- (e) add to or alter any entry in the Register or certificate in a manner which does not substantially affect that entry.

## 21. Application for amendment of registered name, uniform, badge or heraldic representation

- (1) If a person who holds a certificate in respect of any name, uniform, badge or heraldic representation which has been registered in terms of this Act wishes to have an amendment of the name, uniform, badge or heraldic representation as registered in a manner which substantially affects the entry, he may apply to the Registrar for such amendment.

- (2) An application in terms of subsection (1) shall be dealt with as though it were an application referred to in section nine and the provisions of this Act shall, *mutatis mutandis*, apply.

## 22. Applications by aggrieved persons

- (1) Any person who is aggrieved by—
  - (a) any entry made in the Register without sufficient cause; or
  - (b) any entry wrongly remaining in the Register; or
  - (c) any error or defect in any entry in the Register;may apply to the Registrar for the cancellation or amendment of the entry.
- (2) An application in terms of subsection (1) shall be made in the prescribed manner and accompanied by the prescribed fee.
- (3) The Registrar may, after giving notice in the prescribed manner to the person who holds the certificate in respect of the name, uniform, badge or heraldic representation to which the application in terms of subsection (1) relates, cancel or amend the entry if he considers that there is good cause for doing so.

## 23. Heraldry Committee

- (1) There is hereby established a committee, to be known as the Heraldry Committee, which shall consist of such members as the Minister may from time to time appoint.
- (2) Any application for the registration of a heraldic representation or amendment of a registered heraldic representation which is received by the Registrar shall be forwarded by him to the Heraldry Committee for advice as to whether or not the heraldic representation or amendment, as the case may be, complies with the principles and rules of heraldry and for such other advice in relation to the application as that Committee thinks fit.

## 24. Uniforms Committee

- (1) There is hereby established a committee, to be known as the Uniforms Committee, which shall consist of such members as the Minister may from time to time appoint.
- (2) Any application for the registration of a uniform or amendment of a registered uniform which is received by the Registrar shall be forwarded by him to the Uniforms Committee for advice as to whether or not the uniform or amendment, as the case may be, so closely resembles any uniform used by employees of the State as to be likely to deceive or cause confusion and for such other advice in relation to the application as that Committee thinks fit.

## 25. Where Registrar does not accept advice of Heraldry or Uniforms Committee

If the Registrar does not wish to accept or act on the advice of the Heraldry Committee or Uniforms Committee in the case of any particular application—

- (a) he shall inform that Committee of his decision and the reasons therefor; and
- (b) if so requested by that Committee within fourteen days of his informing it in terms of paragraph (a), he shall refer the matter to the Patents Tribunal giving his reasons and submitting any representations that that Committee has requested be forwarded to the Patents Tribunal; and
- (c) where the matter has been referred to the Patents Tribunal, he shall comply with the ruling of the Patents Tribunal.

## 26. Minister may issue orders

- (1) If the Minister, after considering a report by the Uniforms Committee, is of the opinion that—
  - (a) any uniform supplied or permitted by—
    - (i) an employer to be used by his employees while on duty; or
    - (ii) an association to be used by the members thereof or by the members of any organization constituted by the association in pursuance of its rules and regulations;  
so closely resembles a uniform used by employees of the State as to be likely to be confused therewith; and
  - (b) it is desirable, in the interests of defence or public order, that there should be no risk of such confusion; he may, by order in writing, direct that employer or association not to supply to, or permit the use by, his employees or the members of such association or organization, as the case may be, of any uniform unless it is registered.
- (2) If the Minister, after considering a report by the Uniforms Committee, is of the opinion that—
  - (a) any person has in his possession for the purpose of sale—
    - (i) any uniform or article of clothing which so closely resembles a uniform or part of a uniform used by employees of the State as to be likely to be confused therewith; or
    - (ii) any face mask, webbing pouch, rucksack, kit bag, water bottle or other piece of equipment which so closely resembles a piece of equipment issued to employees of the State as to be likely to be confused therewith;and
  - (b) it is desirable, in the interests of defence or public order, that such uniform, article of clothing or piece of equipment should not be made available to persons who are not employees of the State;  
he may, by order in writing, direct that person not to sell, distribute or otherwise dispose of such uniforms, articles of clothing or pieces of equipment as are specified in that order until they have been altered in such manner or to such extent as is specified in that order.
- (3) The Minister may at any time withdraw an order made in terms of subsection (1) or (2).

## 27. Minister may prohibit wearing of certain parts of uniforms worn by members of the Security Forces

The Minister, on the recommendation of the Uniforms Committee, may, by statutory instrument, declare that any part of a uniform worn by members of the Police Force or the Defence Forces shall not be worn by persons who are not members of any such Force.

## 28. Appeals

Any person who is aggrieved by a decision or requirement of the Registrar in terms of this Act may appeal, within the prescribed period and in the prescribed manner, against such decision or requirement to the Patents Tribunal.

- (2) On an appeal being made in terms of subsection (1), the Patents Tribunal may confirm the decision of the Registrar or may give such decision as, in its opinion, the Registrar ought to have given.
- (3) Any person who is aggrieved by a decision or ruling of the Patents Tribunal in terms of this Part may appeal against that decision or ruling to the Supreme Court.

- (4) On an appeal being made in terms of subsection (3), the Supreme Court may—
  - (a) confirm the decision of the Patents Tribunal or give such decision as, in its opinion, the Registrar ought to have given; or
  - (b) confirm or alter the ruling of the Patents Tribunal as it thinks fit; as the case may be.
- (5) On an appeal from a decision or requirement of the Registrar, the decision of the Patents Tribunal or, where there has been an appeal to the Supreme Court, the decision of that court shall be deemed to be the decision of the Registrar.

*[Please note: numbering as in original]*

## Part V – General

### 29. Offences

- (1) Any person who—
  - (a) contravenes subsection (1) of section three; or
  - (b) without the authorization of the association concerned, uses a name or buys or uses a uniform or badge which has been registered in terms of section fifteen knowing that he required such authorization; or
  - (c) without the authorization of the person concerned, uses a heraldic representation which has been registered in terms of section fifteen knowing that he required such authorization; or
  - (d) uses a name, uniform, badge or heraldic representation which so closely resembles a name, uniform, badge or heraldic representation registered in terms of section fifteen as might lead to the belief that such unregistered name, uniform, badge or heraldic representation is the name, uniform, badge or heraldic representation so registered, knowing that such registered name, uniform, badge or heraldic representation has been so registered; or
  - (e) sells, barter or otherwise disposes of a uniform or badge which has been registered in terms of section fifteen to any person who to his knowledge is not authorized to use or buy such uniform or badge by the association concerned; or
  - (f) sells, barter or otherwise disposes of a uniform or badge which so closely resembles a uniform or badge registered in terms of section fifteen as might lead to the belief that such unregistered uniform or badge is the uniform or badge so registered, knowing that such registered uniform or badge has been so registered; or
  - (g) contravenes an order in terms of section twenty-six or a statutory instrument in terms of section twenty-seven;shall be guilty of an offence and liable—
  - (i) in the case of an offence referred to in paragraph (a), to a fine not exceeding level seven;
  - (ii) in the case of an offence referred to in paragraph (b), (c), (d), (e), (f) or (g), to a fine not exceeding level six.

*[Paragraph amended by section 4 of Act 22 of 2001]*

- (2) On the conviction of a person on a charge of contravening paragraph (b) or (d) of subsection (1), the court convicting the accused may, on the application of the prosecutor and in addition to any other penalty which it may impose, order that any uniform, badge or heraldic representation which is the subject of the charge be forfeited to the use of the association or person concerned and upon such order the magistrate may, if need be, authorize the messenger of the court or a police officer

forcibly to take such uniform, badge or heraldic representation and deliver it to the association or person concerned.

- (3) On the conviction of a person on a charge of contravening paragraph (f) of subsection (1), the court convicting the accused may, on the application of the prosecutor and in addition to any other penalty which it may impose, order that any uniform or part of a uniform which is the subject of the charge be forfeited to the State and upon such order the judge or magistrate may, if need be, authorize the messenger of the court or a police officer forcibly to take such uniform or part of a uniform and deliver it to such person as may be specified by the court.
- (4) If a person contravenes paragraph (b), (c), (d) (e) or (f) of subsection (1) the association or person concerned may sue such person in a magistrates court—
  - (a) for an amount not exceeding the sum of twenty dollars and such court may, without proof of any damages, in addition to the costs of the action, award that association or person such an amount not exceeding the said sum as to it may seem reasonable in the circumstances of the case; or
  - (b) for damages or an interdict or for both damages and an interdict and such court may, in addition to the costs of the action, award such damages as to it may seem reasonable in the circumstances or grant an interdict or award damages and grant an interdict.

### 30. Evidence

In any proceedings under this Act—

- (a) a certificate issued in terms of section fifteen shall, on its mere production, be admissible as *prima facie* proof of the facts stated therein;
- (b) an affidavit purporting to be made by the chairman, secretary, headmaster or other person duly authorized by an association in which it is stated that any specified person is not authorized to use, buy, sell, barter or otherwise dispose of any name, uniform or badge registered by such association shall, on its mere production, be admissible as *prima facie* proof of the facts stated therein;
- (c) an invoice or other document submitted or used by an importer or any other person in connection with the importation of articles shall be admissible as *prima facie* proof of the facts stated therein;
- (d) a copy of any entry in the Register or an extract from the Register certified by the Registrar and sealed with the seal of his office shall be admitted in evidence, without further proof and without production of the original.

### 31. Regulations

The Minister may by regulation prescribe all matters which by this Act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

### 32. Savings

- (1) A name, uniform or badge which was, immediately prior to the 1st November, 1971, entered in the register mentioned in section 3 of the Protection of Names, Uniforms and Badges Act [*Chapter 77 of 1963*] and in respect of which there existed immediately prior to such date a valid certificate of registration under that Act, shall be deemed to be a name, uniform or badge, respectively, registered under this Act.
- (2) Nothing in this Act shall prohibit—
  - (a) any person from using any name, uniform or badge in the course or for the purposes of a stage or television play or representation, or a music hall or circus performance, or a pageant, or a production of a cinematograph film, if the name, uniform or badge is not used in such a manner or under such circumstances as to bring it into ridicule or contempt; or

- (b) the continued use of any mark or device not protected under the Trade Marks Act [Chapter 26:04] which has been *bona fide* used as a trade mark before the 1st May, 1951; or
- (c) the right to use any name, uniform or badge which, at the 1st May, 1951, was in regular use by any person; or
- (d) the right to use any uniform or badge to the use of which a person has *bona fide* become entitled by reason of his present or past membership of any association outside Zimbabwe.

### **Schedule (Section 2)**

#### **Armorial bearings of Zimbabwe**

The armorial bearings of Zimbabwe are—

ARMS: Vert, a representation of a portion of the Great Zimbabwe proper; on a chief argent seven palets wavy azure. Behind the shield are placed in saltire an agricultural hoe, blade pointed to dexter, and an A.K. automatic rifle in bend sinister, foresight uppermost, all proper.

CREST: On a wreath or and vert a mullet gules debruised by a representation of the Great Zimbabwe Bird or.

SUPPORTERS: On either side a kudu proper upon an earthen mount adorned with stalks of wheat, a cotton boll and a head of maize, all proper.

MOTTO: Unity—Freedom—Work.