

Zimbabwe

Presidential Powers (Temporary Measures) Act Chapter 10:20

Legislation as at 31 December 2016

FRBR URI: /akn/zw/act/1986/1/eng@2016-12-31

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PDF created on 21 February 2024 at 16:58.

Collection last checked for updates: 31 December 2017.

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Presidential Powers (Temporary Measures) Act

Chapter 10:20

Published in Government Gazette

Commenced on 25 April 1986

[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 empower the President to make regulations dealing with situations that have arisen or are likely to arise and that require to be dealt with as a matter of urgency; and to provide for matters connected therewith or incidental thereto.

1. Short title

This Act may be cited as the Presidential Powers (Temporary Measures) Act *[Chapter 10:20]*.

2. Making of urgent regulations

(1) When it appears to the President that—

- (a) a situation has arisen or is likely to arise which needs to be dealt with urgently in the interests of defence, public safety, public order, public morality, public health, the economic interests of Zimbabwe or the general public interest; and
- (b) the situation cannot adequately be dealt with in terms of any other law; and
- (c) because of the urgency, it is inexpedient to await the passage through Parliament of an Act dealing with the situation;

then, subject to the Constitution and this Act, the President may make such regulations as he considers will deal with the situation.

(2) Regulations made in terms of subsection (1) may provide for any matter or thing for which Parliament can make provision in an Act:

Provided that such regulations shall not provide for any of the following matters or things—

- (a) authorizing the withdrawal or issue of moneys from the Consolidated Revenue Fund or prescribing the manner in which withdrawals may be made therefrom; or
- (b) condoning unauthorized expenditure from the Consolidated Revenue Fund; or
- (c) providing for any other matter or thing which the Constitution requires to be provided for by, rather than in terms of, an Act; or
- (d) amending, adding to or repealing any of the provisions of the Constitution.

3. Notice of intention to make regulations

(1) Unless he considers it inexpedient to do so because of the urgency of the situation, before making any regulations in terms of section two the President shall cause a notice to be published in the *Gazette* or in any other manner he considers appropriate—

- (a) stating that he proposes to make the regulations concerned and summarizing their content; and

- (b) calling upon any person who wishes to make representations in regard to the proposed regulations to lodge his representations at such place and in such manner and within such time as may be specified in the notice.
- (2) Before making any regulations in terms of section two, the President shall pay due regard to any representations received by him in response to a notice referred to in subsection (1).
- (3) A failure to publish a notice in terms of subsection (1) shall not invalidate any regulations subsequently made by the President in terms of section two.

4. Regulations to be laid before Parliament

- (1) Copies of all regulations made in terms of section two shall be laid before Parliament no later than the eighth day on which Parliament sits next after the regulations were made.
- (2) If Parliament resolves that any regulations that have been laid before it in terms of subsection (1) should be amended or repealed, the President shall forthwith amend or repeal the regulations accordingly.
- (3) Where any regulations have been amended or repealed in terms of subsection (2) in accordance with a resolution of Parliament, the President shall not, within a period of six months thereafter, make any further regulations in terms of section two that are identical in substance to the regulations before they were so amended or repealed, as the case may be.

5. Effect of regulations

Regulations made in terms of section two shall, to the extent of any inconsistency, prevail over any other law to the contrary, apart from regulations that have been made and are in force in terms of the Emergency Powers Act [Chapter 11:04].

6. Expiry of regulations

- (1) Unless they are earlier repealed, regulations made in terms of section two shall expire and cease to have any effect immediately before the one hundred and eighty-first day following the date of commencement of the regulations.

[subsection amended by section 14 of Act 6 of 2005]

- (2) Where any regulations made in terms of section two are repealed and re-enacted in substantially identical terms by other such regulations, the second-mentioned regulations shall, for the purposes of subsection (1), be deemed to have been made on the same date as the first-mentioned regulations.
- (3) Where any regulations have expired in terms of subsection (1), the President shall not, within a period of six months thereafter, make any further regulations in terms of section two that are identical in substance to the expired regulations.

7. Revival of suspended, amended or modified laws and order

Notwithstanding paragraph (a) of subsection (1) of section 17 of the Interpretation Act [Chapter 1:01] but subject to any other enactment, when any regulations made in terms of section two expire or are repealed, any law that was suspended, amended or modified by such regulations shall, with effect from the date of such expiry or repeal, have force in all respects as it existed before being suspended, amended or modified by the regulations concerned.

8. Continuation in force of regulations made under Cap. 11:04

- (1) When a declaration in terms of subsection (1) of section 31J of the Constitution or a resolution in terms of subsection (6) of that section is revoked or ceases to have effect and is not immediately

replaced by any other such declaration or resolution, any regulations that were made in terms of the Emergency Powers Act [Chapter 11:04] and were in force immediately before the date of such revocation or cessation shall, to the extent that they could have been made in terms of this Act, continue in force as if they had been so made on the date of such revocation or cessation.

- (2) When a resolution in terms of subsection (6) of section 31J of the Constitution becomes or is effective upon the revocation or expiry of a declaration in terms of subsection (1) of that section, any regulations that were made in terms of the Emergency Powers Act [Chapter 11:04] and were in force immediately before the revocation or expiry of the declaration shall, to the extent that they could have been made in terms of this Act and do not relate to preventive detention or to other matters referred to in section 6 of the Emergency Powers Act [Chapter 11:04], continue in force as if they had been made in terms of this Act on the date of revocation or expiry of the declaration.