

Zimbabwe

## General Law Amendment Act

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## Zimbabwe

# General Law Amendment Act

### Chapter 8:07

**There are multiple commencements:**

| Provisions  | Status  |
|---|---|
| Part II, section 2, section 3(1), section 4, section 5–6; Part III, section 7–8 | commenced on 10 June 1891.  |
| Part IV, section 12–13  | commenced on 24 September 1920.   |
| Part IV, section 16   | commenced on 31 May 1935.   |
| Part III, section 9   | commenced on 1 April 1959.  |
| Part IV, section 14   | commenced on 30 June 1961.  |
| Part III, section 10–11   | commenced on 1 January 1979.  |
| Part IV, section 15   | commenced on 10 December 1982.  |
| Part II, section 3(2)   | commenced on <i>(unknown date)</i> .<br><i>Note: Inserted by Act 3 of 2004.</i> |
| Part III, section 11A   | commenced on <i>(unknown date)</i> .<br><i>Note: Inserted by Act 8 of 2005.</i> |
| <b>Part I (section 1)</b>   | <b>not yet commenced.</b>   |

*[Up to date as at 31 December 2016]*

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

**AN ACT to alter the general law of Zimbabwe.**

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the General Law Amendment Act *[Chapter 8:07]*.

### Part II – Maritime and mercantile law

#### 2. English law to prevail in maritime cases

In all questions relating to maritime and shipping law in respect of which the High Court has jurisdiction, the law of Zimbabwe shall be the same as the law of England, so far as the law of England is not repugnant to, or inconsistent with, any enactment.

#### 3. English law to prevail in cases of assurance, stoppage *in transitu* and bills of lading

- (1) Subject to subsection (2), in any suit, action or cause having reference to questions of fire, life or marine assurance, stoppage *in transitu* or bills of lading, which is brought in the High Court or in any other

competent court of Zimbabwe, the law administered by the High Court of Justice in England for the time being, so far as the same is not repugnant to, or in conflict with, any Act, shall be the law to be administered in Zimbabwe by the Supreme Court, the High Court or other competent court.

*[subsection as amended by section 13 of Act 3 of 2004]*

- (2) Subsection (1) shall not apply in relation to any contract of fire, life or marine insurance entered into on or after the date of commencement of the Insurance Amendment Act, 2004.

*[subsection inserted by section 13 of Act 3 of 2004]*

#### **4. British statutes passed after 11/9/1879 not to apply**

Nothing in sections two and three shall have the effect of giving force within Zimbabwe to any statute passed by the Parliament of the United Kingdom after the 11th September, 1879.

#### **5. Form of pleading, procedure and taking of evidence not altered**

Nothing in sections two and three shall have the effect of altering the rules and forms of pleading and procedure, the mode of taking evidence or the manner of hearing and trying civil suits in force or in use in Zimbabwe, or the notarial practice of Zimbabwe, whether in regard to the suits, actions and causes mentioned in section two or three or otherwise, or in any way or modifying, altering or interfering with the character or extent of the jurisdiction now exercised by the several courts of Zimbabwe, or of imposing any duty imposed or to be imposed in England for the purposes of the revenue.

#### **6. Duties of marshal in admiralty court to be performed by Sheriff in other courts**

The several duties assigned by the Admiralty Branch of the Supreme Court of Justice in England to the marshal of the said court shall, in the case of shipping or maritime suits in the High Court, be executed by the Sheriff of Zimbabwe or his lawful deputy, or if any such suit or action is brought in a magistrates court, then by the messenger or other duly authorized officer of such court.

### **Part III – Law of contract**

#### **7. Leases not void through injury to property by war, inundation or tempest**

In the absence of any special stipulation to the contrary contained in any contract of lease, no lease of land shall become void or voidable, nor shall the rent accruing under such lease be incapable of being recovered, on the ground that the property leased has, through war or insurrection or through inundation, tempest or such like unavoidable misfortune, produced nothing, or on the ground that the lessor himself has absolute need of the land or other property leased.

#### **8. Law of *laesio enormis* repealed**

No contract shall be void or voidable by reason merely of *laesio enormis* sustained by either of the parties to the contract.

#### **9. Certain laws relating to suretyship to cease to have effect**

The enactments of the Roman Law commonly known as the *Senatus Consultum Velleianum* and the *Authentica si qua mulier* which, before the 1st April, 1959, formed part of the law of suretyship of Zimbabwe shall cease to be of any force in Zimbabwe, and accordingly shall not apply with respect to any contract, undertaking or transaction of suretyship, guarantee, *intercessio* or indemnity made, given or entered into on or after that date.

#### **10. Amendment of law in respect of formalities relating to donations**

No contract of donation shall be invalid solely by reason of the fact that it is not registered or notarially executed.

## 11. Repeal of law relating to prohibition of donations between spouses

The rule of the common law relating to the prohibition of contracts of donation between spouses is declared to be no longer of any force.

### 11A. Exclusion of *in duplum* rule in certain cases

(1) In this section

“Authority” means the Zimbabwe Revenue Authority established by the Revenue Authority Act [Chapter 23:11];

“Scheduled Acts” means

(a) the Income Tax Act [Chapter 23:06];

(b) any of the other Acts specified in the First Schedule to the Revenue Authority Act [Chapter 23:11].

(2) For the avoidance of doubt it is declared that the rule of the common law known as the *in duplum* rule that prohibits the payment of outstanding interest in excess of the amount representing the capital or principal sum of a debt does not apply to fiscal debts, that is, to debts by way of outstanding taxes or duties or penalties in respect of the non-payment thereof that are owed to the Authority by a person liable to pay such taxes, duties or penalties under the Scheduled Acts.

(3) [subsection substituted by Act 6 of 2006]

[section inserted by section 44 of Act 8 of 2005 and repealed by Act 6 of 2005]

## Part IV – General

### 12. Women may hold public or civil offices or appointments

Notwithstanding anything to the contrary in any law, women may hold any public or civil office or appointment, subject to the same conditions on which such offices may be held by men.

### 13. Qualifications rendering men and women equally eligible for certain public or civil offices

Qualifications which, when possessed by a man, render him eligible for admission to any civil or public office in Zimbabwe, by virtue of the possession of such qualifications rendering him eligible for admission to a corresponding office elsewhere, shall, when possessed by a woman, render such woman eligible for admission to any such office in Zimbabwe, subject to such terms and conditions as apply to men.

### 14. Legitimation of adulterine children

Where the father or mother of an illegitimate person was married to a third person when the illegitimate person was born, and the parents of the illegitimate person marry or have married one another after the birth of that person, the marriage shall render that person, if living, legitimate from the date of that person's birth.

### 15. Reduction of age of majority from 21 to 18 years

(1) On and after the 10th December, 1982, a person shall attain the legal age of majority on attaining eighteen years of age.

(2) A person who immediately before the 10th December, 1982, has not attained the legal age of majority shall on that date attain the legal age of majority if he or she has then already attained eighteen years of age.

(3) Subsections (1) and (2) shall apply for the purpose of any law, including customary laws and, in the

absence of a definition or any indication of a contrary intention for the construction of 'full age', 'major', 'majority', 'minor', 'minority' and similar expressions in-

- (a) any enactment, whether passed or made before, on or after the 10th December, 1982; and
  - (b) any deed, will or other instrument of whatever nature made on or after that date.
- (4) This section shall not affect the construction of any such expression as is referred to in subsection (3) in any enactment relating to taxation or pensions.
- (5) Nothing in this section shall be deemed to prevent any person attaining his or her majority by operation of law earlier than on attaining eighteen years of age.

## **16. Abolition of quitrent**

The liability to pay quitrent to the State which, were it not for this section, would in terms of any law or any deed of grant of any land fall due on or after the 31st December, 1934, is hereby extinguished.