

CHAPTER 20:18 RURAL LAND ACT

Acts 47/1963, 21/1965, 48/1969 (s.14), 59/1969 (s.27), 59/1973 (Part 11), 22/1976 (s. 87), 20/1982, 8/1988 (s. 164), 18/1989 (s. 19), 3/1992, 22/2001 (s. 4), 13/2002 (s. 142); R.G.N.s 801/1963, 214/1964, 496/1964, 63/1969, 216/1970, 217/1970, 529/1970, 922/1972, 508/1973; S.I 675/1979.

[Date of commencement: 1st November, 1963.]

ARRANGEMENT OF SECTIONS

PART I

Preliminary

- [1.](#) Short title.
- [2.](#) Interpretation.
- [3.](#) Certain land excluded from operation of this Act.

PART II

Acquisition and Alienation of State Land

- [4.](#) Interpretation in Part II.
- [5.](#) Acquisition of land.
- [6.](#) Alienation of State land.

PART III

Occupation of Land by Person other than Owner not Involving Subdivision

- [7.](#) Interpretation in Part III.
- [8.](#) Lease or alienation of land.
- [9.](#) Demarcation of leased land.
- [10.](#) No share-cropping without agreement approved by Minister.
- [11.](#) Penalty for any contravention of this Part.

PART IV

General

- [12.](#) Exercise of duties.
- [13.](#) Entry upon any land.
- [14.](#) Penalty.
- [15.](#) Regulations.
- [Schedule](#) Matters in regard to which Appropriate Minister Shall Give Consideration.

AN ACT to provide for the acquisition of State land and the disposal of State land; to provide for the control of the subdivision and lease of land for farming or other purposes; to provide for limiting of the number of pieces of land that may be owned by any person and the sizes of such land, and for prohibiting or restricting the rights of non-residents to own, lease or occupy land in Zimbabwe, and to provide for other matters incidental to and connected with the foregoing.

PART I

Preliminary

1. Short title

This Act may be cited as the Rural Land Act [*Chapter 20:18*].

2. Interpretation

(1) In this Act -

"appropriate Minister" means the Minister to whom the administration of the provision concerned has been assigned in terms of [subsection \(2\)](#).

(2) The President may, from time to time, by notice in a statutory instrument, assign the administration of any provision of this Act -

- (a) to any Minister; or
- (b) partly to one Minister and partly to another Minister, whether in respect of different provisions of this Act or different parts of Zimbabwe or both.

3. Certain land excluded from operation of this Act

This Act shall apply to all land in Zimbabwe, except land which is -

- (a) Communal Land; or
- (b) in a municipal area, town area or local government area as defined in the Urban Councils Act [*Chapter 29:15*]; or
- (c) a town ward of a rural district council or an area that has been declared a specified area in terms of the Rural District Councils Act [*Chapter 29:13*]; or
- (d) in the area of any township as defined in the Land Survey Act [*Chapter 20:12*]; or
- (e) State land the layout of which has been approved in terms of -
 - (i) section 127 of the Town and Country Planning Act [*Chapter 213 of 1974*]; or
 - (ii) section 43 of the Regional, Town and Country Planning Act [*Chapter 29:12*].

PART II

Acquisition and Alienation of State Land

4. Interpretation in Part II

In this Part -

"State land" means all State land to which this Act applies, but does not include any land held in trust.

5. Acquisition of land

(1) The appropriate Minister may -

- (a) from moneys appropriated for the purpose by Act of Parliament; or
- (b) with the approval of the President, by way of exchange for State Land; or
- (c) by means of the acceptance of gifts or bequests;

acquire land on behalf of the State.

(2) Subject to this section, the appropriate Minister may direct the Registrar of Deeds to cancel the title deeds of any land acquired in terms of subsection (1) and the Registrar of Deeds shall comply with such direction.

(3) Before a direction in terms of [subsection \(2\)](#) is given -

- (a) the appropriate Minister shall -
 - (i) give notice, in terms of [subsection \(4\)](#), of his intention to direct the Registrar of Deeds to cancel the title deeds of the land concerned;
 - (ii) consider every objection lodged in accordance with the notice given in terms of [subsection \(4\)](#);
- (b) every servitude or other encumbrance registered over the land concerned shall be extinguished.

(4) A notice referred to in [subsection \(3\) \(a\)](#) shall -

- (a) be published in the *Gazette* and in a newspaper circulating in the district where the land concerned is situated, once a week for three consecutive weeks;

- (b) state that the appropriate Minister proposes to direct the Registrar of Deeds to cancel the title deeds of the land concerned;
- (c) state the name, if any, of the land concerned, the district in which the land is situated, the name of the registered owner of the land and the number, if any, of the title deeds of the land;
- (d) call upon any person who has any objection to the proposed cancellation to lodge his objection in writing with the appropriate Minister within thirty days of the date of the last publication of the notice in terms of [paragraph \(a\)](#).

(5) Where the title deeds of any land have been cancelled in terms of [subsection \(2\)](#) the land shall vest in the President.

(6) On one of the thirty days on which Parliament next sits after the beginning of each session of Parliament the appropriate Minister shall lay before Parliament a report on any business transacted under this section during the previous calendar year, together with a schedule of the land acquired.

6. Alienation of State land

The appropriate Minister may lease, sell or otherwise dispose of State land for such purposes and subject to such conditions as he may determine.

PART III

Occupation of Land by Person other than Owner not Involving Subdivision

7. Interpretation in Part III

In this Part -

"property" means any land which is described as a single piece of land in any deed of grant, transfer or other certificate of title registered in the Deeds Registry.

8. Lease or alienation of land

Land may be leased or alienated to a single individual or to a single corporate body but not to two or more persons jointly, without the consent of the appropriate Minister in writing.

9. Demarcation of leased land

(1) No owner or occupier of any property shall permit any person, other than an employee of such owner or occupier in the normal course of his employment, to cultivate any portion of such property unless such portion has been clearly demarcated on the ground:

Provided that no demarcation in terms of this subsection shall be necessary where a portion of any property has been allocated to an employee of the owner or occupier of such property for his own use unless the appropriate Minister, by notice in writing to such owner or occupier, requires such portion to be demarcated.

(2) All cairns, pegs or other similar objects used in the demarcation shall be of a permanent nature and shall be clearly identified by means of a number or name imprinted thereon or affixed thereto.

(3) The owner or occupier of any property who has permitted any other person to cultivate any portion of such property, which is required to be demarcated in terms of [subsection \(1\)](#), shall keep a register of such permits to cultivate, which register shall show the name of the permit holder and the identification and area of the portion of the property permitted to be cultivated.

(4) The owner or occupier of any property who permits the grazing of stock belonging to another person on such property shall keep a register of such permits granted showing the names of the permit holders and the number and type of stock permitted to be grazed.

(5) The registers referred to in subsections (3) and (4) shall be kept on the property and shall be produced on demand for inspection by any person mentioned in [section 13](#).

10. No share-cropping without agreement approved by Minister

(1) No owner or occupier of land to which this Act applies shall permit the occupation on a share-cropping

basis by another person of any portion of such land unless an agreement in writing has been entered into between such owner or occupier and such other person in respect of the occupation of such land on a share-cropping basis and such agreement has been approved by the appropriate Minister.

(2) The appropriate Minister shall within seven days of the receipt of an agreement mentioned in [subsection \(1\)](#) acknowledge the receipt thereof and if no decision has been made within six weeks of the date of acknowledgement thereof the agreement shall be deemed to have been approved by the appropriate Minister.

(3) For the purposes of this section -

"share-cropping" means any right to depasture livestock on any portion of a property or cultivate any portion of a property granted in return for a share in the crops grown or livestock depastured, or under an obligation to sell all or part of such crops or livestock to the owner of the property but does not include any *bona fide* labour agreements entered into in terms of section 49 of the Land Apportionment Act [*Chapter 257 of 1963*] or any contract made by the Cold Storage Commission established under the Cold Storage Commission Act [*Chapter 18:06*] with livestock producers for the grazing and management of livestock of the Cold Storage Commission.

11. Penalty for any contravention of this Part

(1) Any owner or occupier of land who contravenes any provision of this Part shall be guilty of an offence and liable to a fine not exceeding level ten or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Subsection amended by section 4 of 22 of 2001.]

(2) Where an owner of land is convicted of an offence under [subsection \(1\)](#), the court before which he is convicted shall order that any alienation, lease, permit or right granted in contravention of this Part shall be cancelled, and shall, in the case of any alienation, lease, permit or right registered in the Deeds Registry, cause a copy of such order to be sent to the Registrar of Deeds who shall note the contents thereof on any document relating to the land concerned which is registered in the Deeds Registry and shall make the necessary entries in the registers kept in his office.

PART IV

General

12. Exercise of duties

In the exercise of the duties, functions and powers conferred in Part III regard shall be had to -

- (a) the matters mentioned in [the Schedule](#); and
- (b) any representations made in connection with any matters by any local authority, a town planning or responsible authority, any environment committee appointed in terms of section 61 of the Rural District Councils Act [*Chapter 29:13*] or any farmers' association, which is affected or likely to be affected thereby.

13. Entry upon any land

The appropriate Minister or any person authorised thereto in writing by the appropriate Minister may, at all reasonable times, enter upon any land with such persons, animals, vehicles and appliances as may be necessary for the execution of his or their duties and may enter and inspect any such land and do all such things thereon as are necessary for surveys or investigations in connection with the carrying out of anything authorised to be done under this Act.

14. Penalty

Any person who prevents such entry upon land as is authorised by [section 13](#) or wilfully obstructs or hinders any person in the lawful exercise of his powers or duties under this Act shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection amended by section 4 of 22 of 2001.]

15. Regulations

(1) The appropriate Minister shall have power to make such regulations as he may deem expedient to give force or effect to this Act or for its better administration.

(2) The appropriate Minister may make regulations in terms of [subsection \(1\)](#) providing for -

- (a) limiting the number of pieces of land that any person may own for farming or other purposes;
- (b) limiting the size of any piece of land that may be owned by any person for farming or other purposes and, in so doing, the Minister may fix the size of any such piece of land according to the natural region in which such land is located or according to such other criteria as he considers appropriate;
- (c) prohibiting or restricting the right of -
 - (i) individuals who are not resident in Zimbabwe;
 - (ii) companies or bodies corporate whose activities are controlled by individuals who are not resident in Zimbabwe;

to own, lease or otherwise occupy land in Zimbabwe.

Schedule

MATTERS IN REGARD TO WHICH APPROPRIATE MTNISTER SHALL GIVE CONSIDERATION

(Section 12)

1. The size of the land units proposed in any development in relation to the nature of the development contemplated and the facilities proposed to be provided for its occupation and development.
2. The suitability of the land for the type of development proposed in relation to existing development in adjacent areas and having regard to the area, position, soil, aspect and climatic conditions.
3. The pattern of development in the area and the amenities available to the community likely to arise therefrom.
4. The conditions proposed to be attached to the sale or lease of any land.
5. The availability of access roads, existing or proposed to be provided, the permanent water supplies existing or proposed to be provided, and any other improvements such as buildings, cattle dipping facilities, irrigation works or fencing, whether in existence or proposed to be provided.
6. Any other matter which may be prescribed by regulation.

CHAPTER 20:18 RURAL LAND ACT

INDEX TO SUBSIDIARY LEGISLATION

REGULATION

[S.I. 419 of 1999](#)

Rural Land (Farm Sizes) Regulations

S.I. 419 of 1999 Rural Land (Farm Sizes) Regulations

S.I. 288/2000

ARRANGEMENT OF REGULATIONS

- [1.](#) Title.
- [2.](#) Interpretation.
- [3.](#) Natural Regions.
- [4.](#) Farm Sizes.
- [5.](#) Powers of Director of Agritex.
- [6.](#) Existing farms.
- [7.](#) Monitoring of shareholding in companies that own farms.
- [8.](#) Settlement of disputes.
- [9.](#) Certain transactions to be void.

IT is hereby notified that the Minister of Lands and Agriculture, in terms of section 15 of the Rural Land Act [Chapter 20:18], has made the following regulations -

1. Title

These regulations may be cited as the Rural Land (Farm Sizes) Regulations, 1999.

2. Interpretation

In these regulations -

"Director of Agritex" means the person holding office as Director of the Department of Agricultural Technical and Extension Services in the Ministry of Lands and Agriculture;

"farm" means a piece of rural Land, whatever it is used for, which is described as a single piece of Land in any deed of grant, transfer or other certificate of title registered in the Deeds Registry;

"Natural Region" means a Natural Region specified in section 3;

"rainy pentad" means the second of three consecutive five -day periods which together received a total of more than forty millimetres of rain and any two of which periods received at least eight millimetres of rain;

"rural Land" means any Land other than Land which is -

- (a) Communal Land; or
- (b) in a municipal area, town area or local government area; or
- (c) in a town ward of a rural district council or an area declared to be a specified area in terms of the Rural District Councils Act [Chapter 29:13]; or
- (d) in the area of any township as defined in the Land Survey Act [Chapter 20:12]; or
- (e) owned by the State, a statutory body or a local authority;

"statutory body" means any body corporate established directly by or under an Act for special purposes specified in that Act, the membership of which consists wholly or mainly of persons appointed by the President, a Vice-President, a Minister or any other statutory body.

3. Natural Regions

(1) For the purposes of these regulations, Zimbabwe shall be divided into the following Natural Regions -

- (a) Natural Region I, being a region in which the average rainfall is generally above one thousand millimetres a year and precipitation may be experienced throughout the year;
- (b) Natural Region IIa, being a region in which the average rainfall is generally between seven hundred and fifty and one thousand millimetres a year and is received during the rainy season with an average of at least eighteen rainy pentads per season;
- (c) Natural Region IIb, being a region in which the average rainfall is generally between seven hundred and fifty and one thousand millimetres a year and is received during the rainy season with an average of sixteen to eighteen rainy pentads per season;
- (d) Natural Region III, being a region in which the average rainfall is generally between six hundred and fifty and eight hundred millimetres a year and is received during the rainy season with an average of fourteen to sixteen rainy pentads per season;
- (e) Natural Region IV, being a region in which the average rainfall is generally between four hundred and fifty and six hundred and fifty millimetres per annum and is received during the rainy season, with periodic droughts;
- (f) Natural Region V, being a region of very low and erratic rainfall in which the average rainfall is generally less than six hundred and fifty millimetres a year and is received during the rainy season.

[Subsection amended by S.I. 288 of 2000.]

(2) Maps depicting the boundaries of each natural region may be inspected, free of charge during office hours, at the offices of the Secretary for Lands and Agriculture, Harare, or at the offices of any Agritex provincial or district office.

(3) Notwithstanding [subsection \(1\)](#), the maps prepared for the purposes of [subsection \(1\)](#) and kept at the offices of the Secretary for Lands and Agriculture shall be conclusive evidence of the boundaries of the Natural Regions depicted thereon.

4. Farm Sizes

- (1) Subject to sections 5 and 6, no person shall own a farm situated in -
- (a) Natural Region I if the size of the farm exceeds two hundred and fifty hectares; or
 - (b) Natural Region IIa if the size of the farm exceeds three hundred and fifty hectares; or
 - (c) Natural Region IIb if the size of the farm exceeds four hundred hectares; or
 - (d) Natural Region III if the size of the farm exceeds five hundred hectares; or
 - (e) Natural Region IV if the size of the farm exceeds one thousand five hundred hectares; or
 - (f) Natural Region V if the size of the farm exceeds two thousand hectares.
- [Subsection amended by S.I. 288 of 2000.]

(2) For the purposes of [subsection \(1\)](#) -

- (a) if a farm straddles two or more Natural Regions, the Natural Region in which the greater part of the farm is situated shall be regarded as the Natural Region in which the whole farm is situated;
- (b) if a farm is situated equally in two or more Natural Regions, the Natural Region in which farms of the largest size are permitted shall be regarded as the Natural Region in which the whole farm is situated.

5. Powers of Director of Agritex

(1) If the Director of Agritex is satisfied that, because of -

- (a) the capability, suitability and additionally, or alternatively, the carrying capacity of the Land concerned; or
- (b) climatic conditions within the area concerned;

a farm in any Natural Region should be regarded as situated within a different Natural Region, he shall issue a written direction to the owner to that effect, and thereupon section 4 shall apply in relation to the farm as if it were situated in that different Natural Region.

(2) If the Director of Agritex is satisfied that any area of a farm cannot be used economically for agriculture, ranching or any other purpose for which the rest of the farm may lawfully be used, he shall issue a written direction to the owner to that effect, and thereupon section 4 shall apply in relation to the farm as if the area concerned were not part of the farm.

(3) A direction in terms of [subsection \(1\)](#) or [\(2\)](#) may -

- (a) be issued for an indefinite period or for a limited period specified in the direction; and
- (b) may be amended or withdrawn by the Director of Agritex for good cause shown:

Provided that, before amending or withdrawing a direction otherwise than at the request of the owner of the farm concerned, the Director of Agritex shall give the owner a reasonable opportunity to make representations in the matter.

6. Existing farms

(1) Any person who, immediately before the date of commencement of these regulations, owned a farm which exceeds the maximum size permitted by section 4 may continue to own that farm, but it shall not be sold, transferred or disposed of to any other person unless it has been subdivided into subdivisions of a size permitted by that section.

(2) Where a person referred to in [subsection \(1\)](#) is a company, no person shall sell, transfer or dispose of any of the company's shares, or engage in any transaction whereby control of the company is transferred to someone else, unless the farm concerned has been subdivided into subdivisions of a size permitted by section 4.

(3) If a person referred to in [subsection \(1\)](#) dies or becomes insolvent, or in the case of a company, is placed in liquidation, the person's executor, trustee or liquidator, as the case may be, shall not transfer the farm concerned to any other person unless it has been subdivided into subdivisions of a size permitted by section 4.

7. Monitoring of shareholding in companies that own farms

(1) In this section -

"Associate", in relation to a company, means -

- (a) its subsidiary, as defined in section 143 of the Companies Act [*Chapter 24:03*]; or
- (b) its holding company, as defined in section 143 of the Companies Act [*Chapter 24:03*]; or
- (c) any company of which the first-mentioned company is the single largest shareholder; or
- (d) where the company is itself a subsidiary of a holding company, as defined in section 143 of the Companies Act [*Chapter 24:03*], any other such subsidiary of the same holding company; or
- (e) any company which has power, directly or indirectly, to control the first-mentioned company's management or policies.

(2) For the purpose of ensuring compliance with these regulations, the Director of Agritex may require -

- (a) any company which is the owner or lessee of a farm, whether by itself or jointly with any other person; or
- (b) any company which he has reason to believe is an associate of a company referred to in [paragraph \(a\)](#);

to submit a list of all its members and the number of shares held by each member.

(3) A requirement in terms of [subsection \(1\)](#) shall be in writing and served on the company concerned -

- (a) at its registered office in Zimbabwe; or
- (b) in the case of a foreign company, at its principal place of business in Zimbabwe;

and shall specify a reasonable period within which the company must comply with the requirement.

8. Settlement of disputes

(1) Any person who is aggrieved by -

- (a) any determination or decision that his farm is situated within any particular Natural Region by virtue of section 4 (2); or
- (b) any decision of the Director of Agritex in terms of section 5, including a refusal to issue a direction in terms of that section;

may appeal against it to the Administrative Court within twenty-eight days after being notified of the determination or decision concerned.

(2) In an appeal in terms of [subsection \(1\)](#), the Administrative Court may confirm, vary or set aside the determination or decision appealed against or make such other order in the matter as the Court considers appropriate.

9. Certain transactions to be void

Any purported ownership, sale, transfer, disposal or transaction which contravenes these regulations or which results or would result in a contravention of these regulations shall be void.