

# CHAPTER 13:13 TOLL ROADS ACT

Act 20/1995, 22/2001 (s. 4), 3/2009 (ss. 46-47).

[Date of commencement: 8th December, 1995.]

## ARRANGEMENT OF SECTIONS

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**AN ACT To provide for the charging, levying and collecting of tolls for the use of vehicles on certain roads; and to provide for matters connected with or incidental to the foregoing.**

### 1. Short title

This Act may be cited as the Toll-roads Act [*Chapter 13:13*].

### 2. Interpretation

In this Act -

"authorized person", in relation to any toll-road, means the person authorized in regulations referred to in [section 3 \(1\) \(b\)](#) to collect tolls on vehicles using that toll-road;

"Exchange Control (General) Order" means the Exchange Control (General) Order, 1996, published in Statutory Instrument 110 of 1996, or any other enactment that may be substituted for the same;

[Definition inserted by 3 of 2009.]

"foreign currency" means the British pound, euro, United States dollar, South African rand, Botswana pula and any other foreign currency denominated under the Exchange Control (General) Order.

[Definition inserted by 3 of 2009.]

"Minister" means the Minister of Transport and Energy or any other Minister to whom the President may, from time to time, assign the administration of this Act;

"road" means any highway, street or other road to which the public or any section of the public has access, and includes -

- (a) any bridge, ferry or pontoon over which such a road passes; and
- (b) any drift in the line of such a road; and
- (c) any work or thing belonging to or connected with or forming part of such a road;

"toll road" means a road declared to be a toll-road in regulations referred to in [section 3 \(1\) \(a\)](#);

"vehicle" includes an animal-drawn vehicle.

### 3. Toll-roads authorized persons and tolls

(1) Subject to this section, the Minister may, by regulation -

- (a) declare any road to be a toll-road for the purposes of this Act; and
- (b) specify the person who is authorized to levy and collect tolls on vehicles using any toll-road; and
- (c) after consulting the Minister responsible for finance, fix the amount of any toll that may be levied and collected by any authorized person.

(2) Before declaring a road to be a toll-road in terms of [subsection \(1\)](#), the Minister shall consult the local authority concerned, where the road is within the area of jurisdiction of a local authority.

(3) The Minister shall not specify any person as an authorized person unless that person constructed the tollroad concerned and additionally, or alternatively, is responsible for its maintenance.

(4) The Minister shall not specify any person, other than the State, as an authorized person unless that person has consented to being so specified.

(5) Where the Minister has specified the State as an authorized person, he shall specify the Minister or other official who will be responsible for levying and collecting the tolls concerned.

(6) Before fixing the amount of any toll to be levied by an authorized person other than the State, the Minister shall consult that person.

#### 4. Levying of tolls

(1) Subject to this Act, where -

- (a) the State has been declared an authorized person in respect of any toll-road, the Minister or official specified in terms of [section 3 \(5\)](#) shall levy and collect, for the benefit of the Consolidated Revenue fund, the tolls fixed in terms of this Act on vehicles using the toll-road;
- (b) any person other than the State has been declared an authorized person in respect of any toll-road, that person may levy and collect, for his own benefit, the tolls fixed in terms of this Act on vehicles using the toll-road.

(1a) Notwithstanding section 41 of the Reserve Bank of Zimbabwe Act [*Chapter 22:15*] and the Exchange Control Act [*Chapter 22:05*], road tolls on vehicles using a toll-road may be fixed in a foreign currency.

[Section inserted by 3 of 2009.]

(2) An authorized person may establish, and erect toll-bars, toll-gates and other structures and works on his toll-road to permit or facilitate the levying and collection of tolls.

(3) An authorized person may prevent any person from using a vehicle on his toll-road if that person has not paid the toll payable on the vehicle concerned.

(4) Subject to this Act, any person who uses a vehicle on a toll-road without paying the toll payable on the vehicle concerned shall be guilty of an offence and liable to a fine not exceeding level four.

[Subsection as amended by section 4 of No. 22 of 2001.]

(5) If a person is convicted of an offence in terms of [subsection \(4\)](#), the court convicting him or her may, on the application of the prosecutor and in addition to any penalty it may impose, give summary judgment against the convicted person in favour of the authorised person concerned for twice the amount of the unpaid toll.

[Subsection inserted by 3 of 2009.]

#### 5. Act not to restrict rights in respect of private roads

(1) In [subsection \(2\)](#) -

"private road" means any road -

- (a) for the maintenance of which neither the State nor a local authority has assumed responsibility; and
- (b) which is not commonly used by the public or any section of the public;

but does not include a declared road as defined in the Roads Act [*Chapter 13:12*].

(2) This Act shall not be construed as affecting any right a person may have under any other law to restrict or prohibit the use of a private road or to impose any charge or toll upon the use of such a road.

#### 6. Regulations

(1) The Minister may make regulations providing for all matters which by this Act are required or permitted to be done or prescribed in regulations or which, in his opinion, are necessary or convenient to be prescribed in order to carry out or give effect to this Act.

(2) Regulations made in terms of [subsection \(1\)](#) may provide for exemptions from the payment of any toll in such circumstances and subject to such conditions as may be prescribed in the regulations.

(3) Regulations made in terms of [subsection \(1\)](#) may provide for the designation at places where tolls are levied of parking spaces for vehicles, the conditions for the parking of vehicles thereat, the creation of offences and imposition of penalties for the parking of vehicles in contravention of those conditions, the payment of deposit fines

for breaches of regulations made in terms of this subsection, and the impoundment of vehicles in respect of which it is alleged that any offence against regulations made in terms of this subsection has been committed:

Provided that, notwithstanding section 41 of the Reserve Bank of Zimbabwe Act [*Chapter 22:15*] and the Exchange Control Act [*Chapter 22:05*], every fine payable for breaches of regulations made in terms of this subsection shall be payable in a foreign currency specified in those regulations.

[Subsection inserted by 3 of 2009.]

## **CHAPTER 13:13 TOLL ROADS ACT**

### INDEX TO SUBSIDIARY LEGISLATION

#### **REGULATION**

[S.I. 39 of 2009](#)

Road Tolls (Regional Trunk Road Network) (Amendment) Regulations, 2009

#### **S.I. 39 of 2009 Road Tolls (Regional Trunk Road Network) (Amendment) Regulations, 2009**

##### **as amended by**

S.I. 122 of 2009

S.I. 90 of 2016

#### ARRANGEMENT OF SECTIONS

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**It is hereby notified that the Minister of Transport and Infrastructural Development, in terms of section 6 of the Toll-roads Act [*Chapter 13:13*] has made the following regulations:-**

#### **1. Title and date of commencement**

These regulations may be cited as the Road Tolls (Regional Trunk Road Network) (Amendment) Regulations, 2009, and shall commence on the fifth working day after publication.

#### **2. Interpretation**

In these regulations-

"bus" means a vehicle for the carriage of passengers having seating accommodation of more than twenty-four passengers;

"City to City Trunk Road Network" means roads of the Regional Trunk Road Network that link cities within Zimbabwe;

"foreign bus" means a bus registered outside Zimbabwe;

"haulage truck" means a goods vehicle having a carrying capacity of ten tonnes or more;

"heavy vehicle" means a goods vehicle having a carrying capacity of more than three tonnes but less than ten tonnes;

"goods vehicle" means a vehicle constructed or adapted for the conveyance of goods;

"light motor-vehicle" means a vehicle whose gross mass does not exceed three tonnes;

"person liable to pay a toll" means a person in charge of a vehicle in respect of which a toll is payable in terms of section 5;

"port of entry" means any point of entry of the Regional Trunk Road Network into Zimbabwe which is appointed as a port of entry in terms of section 14 of the Customs and Excise Act [*Chapter 23:02*];

"minibus" means a vehicle for the carriage of passengers having seating accommodation for not less than eight but not more than twenty-four passengers;

"motor-cycle" means any vehicle propelled by electrical or mechanical power which has fewer than four wheels and is designed to be steered by means of handlebars;

"Regional Trunk Road Network" means roads linking countries within the Southern African Region;

"road tolling point" means any point along the City to City Trunk Road Network which is designated as a road tolling point in the second column of the Second Schedule;

"Road Fund" means the Road Fund established by the Roads Act [*Chapter 13:18*] (No. 6 of 2001);

"transit vehicle" means any foreign bus or heavy goods vehicle that crosses between two ports of entry;

"ZIMRA" means the Zimbabwe Revenue Authority established in terms of the Revenue Authority Act [*Chapter 23:11*].

[Definition of "ZIMRA" substituted by s. 2 of S.I. 90 of 2016.]

### **3. Declaration of road tolling points and toll-roads**

(1) Every port of entry specified in the First Schedule shall be a road tolling point for the purpose of these regulations.

(2) Every route along the City to City Trunk Road Network specified in the first column of the Second Schedule shall be a toll road for the purposes of the Act.

(3) Tolls payable -

- (a) at ports of entry shall be paid at the ports of entry specified in the First Schedule;
- (b) for the use of the City to City Trunk Road Network shall be paid at the appropriate road tolling point along that network.

### **4. Person authorised to levy and collect tolls**

(1) ZIMRA is hereby authorised to levy and collect, for the benefit of the Road Fund, the tolls payable in terms of section 3 (3) on vehicles using any road forming part of the Regional Trunk Road Network within Zimbabwe.

[Sub-s. (1) previously s. 4 amended by s. 3 of S.I 90 of 2016.]

(2) ZIMRA is hereby authorised to collect, for the benefit of the Road Fund, the tolls on vehicles using any port of entry as described in the First Schedule.

[Sub-s. (2) inserted by s. 3 of S.I 90 of 2016.]

### **5. Amount and collection of tolls**

(1) Subject to section 6, a person driving a vehicle specified in the first column of the Third or Fourth Schedule shall pay a toll at a port of entry or road tolling point as the case may be in the foreign currency specified in the second column of the Third Schedule or Fourth Schedule.

(2) A person liable to pay a toll in terms of (1) has the option to pay the toll in Botswana Pula, South African Rand, Euros or British Pounds at the International cross rate of exchange of those currencies for the United States dollar prevailing on the day before the date of payment.

### **6. Exempted vehicles**

(1) The following vehicles shall not be liable to pay a toll in terms of these regulations -

- (a) vehicles registered by a diplomatic mission which enjoys the privileges and immunities provided under the Privileges and Immunities Act [*Chapter 3:03*]; or
- (b) vehicles in the charge of any person connected with a mission referred to in [paragraph \(a\)](#); or
- (c) government number-plated vehicles belonging to the State; or
- (d) vehicles belonging to a fire brigade or ambulance service; or
- (e) vehicles bearing a ZIMRA logo on their body; or (f) subject to [subsection \(2\)](#), transit vehicles.

(2) No transit vehicle shall be exempt in terms of subsection (1) (f) unless the person in charge of the vehicle shows to ZIMRA -

- (a) proof of payment of transit charges as provided for in item 8 of the Fourth Schedule of the Road Motor Transportation (Public Service Vehicles) Regulations, 1998, published in Statutory Instrument 134 of 1998; and
- (b) either of the following which state the destination of the vehicle -
  - (i) a bilateral permit or COMESA Treaty permit referred to in items 4 and 5 of the Road Motor Transportation (Public Services Vehicles) Regulations, 1998; or
  - (ii) a route authority issued in terms of section 12 of the Road Motor Transportation Act, 1997.

### **First Schedule PORTS OF ENTRY**

*(Section 3)*

*Port of entry*

Beitbridge Border post  
Chirundu Border post  
Victoria Falls Border post  
Kazungula Border post  
Nyamapanda Border post  
Kariba Border post  
Forbes Border post  
Mt. Selinda Border post  
Sango Border post  
Mphoengs Border post  
Maitengwe Border post  
Pandamatenga Border post  
Plumtree Border post  
Kanyemba Border post  
Mukumbura Border post

### **Second Schedule ROAD TOLLING POINTS**

*(Section 3)*

<i>Routes</i>	<i>Road tolling points</i>	<i>Distance</i>
1 Harare - Mutare	Before Crocodile Motel (Rusape) between the 155-km peg and the 157-km peg	14 km from Rusape
	After Riverside (Odzi) between the 245-km peg and the 247-km peg	18 km from Mutare
2 Harare - Nyamapanda	13miles (before Sharnva turn-off) between the 19,5-km peg and the 20,5-km peg	20 km from Harare
3 Harare - Chirundu	Inkomo between the 39,5(3)-km peg and the 40,5-km peg	40 km from Harare
	Lions Den between the 136,5-km peg and the 137,5-km peg	22 km from Chinhoyi
4 Harare - Gweru	After the Norton fly-over between the 44,5-km peg and the 45,5-km peg	44,5 km from Harare

	After Kadoma between the 155-km peg and the 156-km peg	14 km from Kadoma
5 Harare - Masvingo	Before Skyline between the 18-km peg and the 19-km peg	18 km from Harare
	Mushagashi between the 257,5-km peg and the 258,5-km peg	32 km from Masvingo
6 Harare - Mt Darwin	Before Eskbank Farm between the 17,5-km peg and the 18,5-km peg	18 km from Harare
7 Gweru - Bulawayo	Tree Top (Somabula turn-off) between the 16,5-km peg and the 17,5-km peg	17 km from Gweru
8 Gweru - Masvingo	Shurugwi between the 19,5-km peg and the 20,5-km peg	10 km from Shurugwi
9 Gweru - Chivhu	Sino turn-off between the 30,5-km peg and the 31,5-km peg	31 km from Gweru
10 Bulawayo-Plumtree	Before ZRPI hotel turn-off (Figtree) between the 36,7-km peg and the 37,7-km peg	37,2 km from Bulawayo
11 Bulawayo- Victoria Falls	After Cinderella (Hwange) between the 349-km peg and the 350-km peg	6 km from Hwange
	Before Nyamadhlovhu turn-off between the 12,5-km peg and the 13,5-km peg	13 km from Bulawayo
12 Bulawayo- Beitbridge	Naude Quarry Site between the 308,5-km peg and the 309,5-km peg	11,7 km from Beitbridge
	Before Esigodini between the 36,5-km peg and the 37,5-km peg	37 km from Bulawayo
13 Masvingo- Beitbridge	Lutumba between the 262,5-km peg and the 263,5-km peg	23 km from Beitbridge
	Chivi turn-off between the 44,5-km peg and the 46-km peg	45 km from Masvingo
14 Masvingo-Mutare	22 miles between the 31,5-km peg and the 32,5-km peg	32 km from Mutare
15 Masvingo- Bulawayo	Mashava between the 52,5-km peg and the 53,5-km peg	53 km from Masvingo

**Third Schedule  
TOLLS AT PORT OF ENTRY**

<i>Vehicle</i>	<i>USD</i>
Motor Cycles	1,00
Light Motor-Vehicles	10,00
Minibuses	10,00
Buses	20,00
Heavy Vehicles	20,00
Haulage Trucks	20,00

**Fourth Schedule  
TOLLS AT ROAD TOLLING POINTS**

[Fourth Sch. substituted by S.I. 122 of 2009.]

<i>Vehicle</i>	<i>USD</i>
Light Motor-vehicles	1,00
Minibuses	2,00
Buses	3,00
Heavy Vehicles	4,00
Haulage Trucks	5,00

7. The Road Tolls (Regional Trunk Road Network) Regulations, 2005, published in Statutory Instrument 246A of 2005 are repealed.