

CHAPTER 25:11

NATIONAL MUSEUMS AND MONUMENTS ACT

Acts 17/1972, 4/1976, 42/1976 (s. 33), 18/1984, 29/1990, 22/2001 (s. 4); S.I 468/1979.

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.

PART II

BOARD OF TRUSTEES OF THE NATIONAL MUSEUMS AND MONUMENTS

3. Establishment of Board.
4. Functions of Board.
5. Constitution of Board.
6. Conditions of office of members.
7. Disqualification for appointment as member.
8. Vacation of office of member.
9. Minister may require member to vacate office or suspend him.
10. Filling of vacancies on Board.
11. Meetings and procedure of Board.
12. Remuneration and expenses of members of Board.
13. Powers of Board.
14. Appointment of Executive Director and other staff.
15. Funds and accounts of Board.
16. Validity of decisions and acts of Board.
17. Reports.
18. Local committees.

PART III

NATIONAL MUSEUMS

19. National museums.

PART IV

MONUMENTS AND RELICS

20. Minister may declare national monuments.
21. Notification of discovery of ancient monument or relic.
22. Acquisition of fossils and other relics.
23. Compulsory acquisition of monuments and relics.
24. No excavation without consent of Executive Director.
25. No alteration, damage or removal without consent of Executive Director.
26. Notice of alterations and demolitions to be given to Executive Director.
27. Duty to notify Executive Director of alterations or demolitions carried out without notice being given.
28. Powers of Executive Director relating to alterations and demolitions.
29. Calculating periods of time for the purposes of sections 26, 27 and 28.

PART V

PENSION RIGHTS OF STAFF OF BOARD

30. Interpretation in Part V.
31. Contributions for pensions.
32. Pension rights of contributors.
33. Provisions relating to pensions.
34. Retirement.
35. Pension contributions to be deducted.
36. Board to contribute to Consolidated Revenue Fund.
37. Disability benefits.
38. Rights of persons transferred to Board.

PART VI

GENERAL

39. Entry upon land.
40. Compensation.
41. By-laws.
42. False statements.
43. Regulations.
44. Savings.

SCHEDULE: Powers of Board.

AN ACT to establish a board of trustees to administer museums and monuments in Zimbabwe; to provide for the establishment and administration of museums; to provide for the preservation of ancient, historical and natural monuments, relics and other objects of historical or scientific value or interest; to provide for the payment of pensions and other benefits to members of the staff of the board of trustees; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 1st October, 1972.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the National Museums and Monuments Act [*Chapter 25:11*].

2 Interpretation

In this Act—

“ancient monument” means any—

- (a) building, ruin or structure or remaining portion of a building, ruin or structure; or
- (b) statue, grave, cave, rock shelter, midden, shell mound or other site or thing of a similar kind; which is known or believed to have been erected, constructed or used in Zimbabwe before the 1st January, 1890, but does not include an ancient working;

“ancient working” means any shaft, cutting, tunnel or stope which was made for mining purposes before the 1st January, 1890;

“Board” means the Trustees of the National Museums and Monuments established by section *three*;

“Executive Director” means the executive director appointed in terms of section *fourteen*;

“fixed date” means the 1st October, 1972;

“fossil” includes any ichnite or other fossil impression, track or trail, but does not include coal or diatomite or any other mineral which the Minister, after consultation with the Minister responsible for mines, may specify by statutory instrument;

“member” means a member of the Board;

“Minister” means the Minister of Home Affairs or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“monument” means any—

- (a) ancient monument; or
- (b) area of land which—
 - (i) is of historical, archaeological, palaeontological or other scientific value or interest; or
 - (ii) has a distinctive geological formation; or
- (c) waterfall, cave, grotto, avenue of trees, old tree or old building or remaining portion of an old building; or
- (d) other object, whether natural or constructed by man, of historical, archaeological or other scientific value or interest;

“national monument” means a monument which has been declared in terms of subsection (1) of section *twenty* to be a national monument;

“national museum” means any of the buildings situate at Bulawayo, Harare and Mutare known as the National Museum, the Queen Victoria Museum and the Mutare Museum respectively, and any museum declared in terms of subsection (2) of section *nineteen* to be a national museum;

“relic” means any—

- (a) fossil of any kind; or
- (b) drawing or painting on stone or petroglyph known or commonly believed to have been executed in Zimbabwe prior to the 1st January, 1890; or

- (c) weapon, implement, utensil or ornament of historical, archaeological or other scientific value or interest known or commonly believed to have been used in Zimbabwe prior to the 1st January, 1890; or
 - (d) anthropological or archaeological contents of any ancient monument or ancient working; or
 - (e) other object, whether natural or made or executed by man, of historical, archaeological or other scientific value or interest which is prescribed as being a relic for the purposes of this Act;
- “specimen” means any object held by the Board for the purpose of exhibition, research or study.

PART II

BOARD OF TRUSTEES OF THE NATIONAL MUSEUMS AND MONUMENTS

3 Establishment of Board

There is hereby established a board of trustees, to be known as the Trustees of the National Museums and Monuments, which shall be a body corporate capable of suing or being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

4 Functions of Board

- (1) The national museums and other property of the Board shall be held in trust for the people of Zimbabwe.
- (2) Subject to this Act, the functions of the Board shall be—
 - (a) to administer museums and national monuments vested in or controlled by the Board; and
 - (b) to provide for the preservation of monuments, relics and other objects of historical or scientific value or interest; and
 - (c) when required by the Minister, to investigate and report upon any matter relating to any monument or relic, including the desirability of declaring any monument to be a national monument, and
 - (d) to compile and keep a register of all national monuments and of any relics that it has acquired or that have been brought to its notice.

5 Constitution of Board

(1) Subject to subsection (2), the Board shall consist of such members, being not less than five in number, as may be appointed by the Minister after consultation with the President and in accordance with any directions the President may give him.

(2) Where one or more national museums are situated in the area of a city or municipal council, that council may submit to the Minister a list of the names of not less than two persons for appointment to the Board and the Minister shall appoint one of those persons to be a member in terms of subsection (1).

6 Conditions of office of members

- (1) A member shall, subject to this Part, hold office for a period of five years.
- (2) Subject to section *twelve*, a member shall hold office on such conditions as the Minister may in his case fix.
- (3) A retiring member shall be eligible for reappointment.

7 Disqualification for appointment as member

A person shall not be appointed as a member and no person shall be qualified to hold office as a member who—

- (a) is not a citizen of Zimbabwe permanently resident in Zimbabwe; or
- (b) has, in terms of a law in force in any country—
 - (i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or
 - (ii) made an assignment to or arrangement or composition with his creditors which has not been rescinded or set aside;

or

- (c) has, within the period of five years immediately preceding the date of his proposed appointment, been convicted—
 - (i) within Zimbabwe of a criminal offence; or
 - (ii) outside Zimbabwe of an offence, by whatever name called, which, if committed within Zimbabwe, would have been a criminal offence;
 and sentenced by a court to imprisonment for a term of six months or more without the option of a fine, whether or not such sentence has been suspended, and has not received a free pardon.

8 Vacation of office of member

A member shall vacate his office and his office shall become vacant—

- (a) one month after the date he gives notice in writing to the Minister of his intention to resign his office or after the expiry of such shorter period as he and the Minister may agree; or
- (b) thirty days after the date he is sentenced by a court to imprisonment referred to in paragraph (c) of section *seven* after conviction of an offence referred to in that paragraph:

Provided that, if during the said period of thirty days an application for a free pardon is made or an appeal is filed, the question whether the member is to vacate his office shall not be determined until the final disposal of such application or appeal, whereupon the member shall forthwith vacate his office and his office shall become vacant unless he is granted a free pardon, his sentence is reduced to a term of imprisonment of less than six months or a punishment other than imprisonment is substituted; or

- (c) if he becomes disqualified in terms of paragraph (a) or (b) of section *seven* to hold office as a member; or
- (d) if he is required in terms of section *nine* to vacate his office; or
- (e) if he is absent from three consecutive meetings of the Board, of which he has had notice, without the permission of the Board.

9 Minister may require member to vacate office or suspend him

- (1) The Minister may require a member to vacate his office if the Minister is satisfied that the member—
 - (a) has been guilty of improper conduct as a member; or
 - (b) has failed to comply with the conditions of his office as fixed by the Minister in terms of subsection (2) of section *six*; or
 - (c) is mentally or physically incapable of performing his duties as a member.

(2) The Minister may suspend from office a member against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment without the option of a fine may be imposed, and while that member is so suspended he shall not carry out any duties as a member.

10 Filling of vacancies on Board

On the death of or the vacation of office by a member the Minister may appoint a person to fill the vacancy until the expiry of the period during which the member would, but for his death or the vacation of his office, have continued in office.

11 Meetings and procedure of Board

(1) Subject to this section, the Board shall hold meetings and adjourn, close and otherwise regulate its meetings and procedure as it thinks fit.

(2) A meeting of the Board shall be held not less than three times in every year.

(3) Not less than half the members shall form a quorum at any meeting of the Board.

(4) The members shall elect one of their number as chairman and, if at any meeting of the Board the chairman is absent, the members present shall elect one of their number to preside as chairman at that meeting.

(5) The chairman of the Board—

(a) may himself at any time convene a meeting of the Board; or

(b) shall, at the request in writing of not less than four members, convene a special meeting of the Board, which meeting shall be convened for a date not less than seven days or more than thirty days after the receipt of such request.

(6) At any meeting of the Board each member present shall have one vote on a question before the Board and, in the event of an equality of votes, the chairman presiding at that meeting shall have, in addition to a deliberative vote, a casting vote.

12 Remuneration and expenses of members of Board

No remuneration shall be paid to members, but each member shall be paid from the funds of the Board such allowances as the Minister, after consultation with the Minister responsible for finance, may fix.

13 Powers of Board

For the better exercise of its functions the Board shall, subject to this Act, have power to do or cause to be done, either by itself or through its agents, all or any of the things specified in the Schedule, either absolutely or conditionally and either solely or jointly with others.

14 Appointment of Executive Director and other staff

The Board may appoint and employ, upon such terms and conditions as it may think fit, an Executive Director and such other employees as may be necessary to enable the Board to carry out its functions in terms of this Act and shall pay their remuneration from its funds.

15 Funds and accounts of Board

(1) The funds of the Board shall consist of such moneys as may be payable to the Board from moneys appropriated for the purpose by Act of Parliament and such grants, donations, fees and subscriptions as may from time to time be made to it or be payable to it.

(2) The accounts of the Board shall be audited annually by such person as the Board, with the approval of the Minister, may appoint.

16 Validity of decisions and acts of Board

No decision or act of the Board or act done under the authority of the Board shall be invalid by reason only of the fact that—

- (a) the Board consisted of less than the minimum number of persons for which provision is made in section *five*; or
- (b) the various members did not satisfy the requirements of section *five*; or
- (c) a disqualified person acted as a member at the time a decision was taken or the act was done or authorized;

if the decision was taken or the act was done or authorized by a majority vote of the persons who at the time were entitled to act as members.

17 Reports

As soon as possible, and in any case not later than six months, after the 1st July in every year, the Board shall furnish to the Minister a report upon its work during the preceding year and upon any other matters connected with museums, monuments or relics which it may desire to bring to his attention.

18 Local committees

Subject to the written approval of the Minister, the Board may appoint a local committee to assist it in carrying out its functions in relation to a national museum or a national monument and may delegate to such local committee such of its powers and duties, including the power to incur expenditure not exceeding an amount to be stipulated by the Board when delegating the power, as it may from time to time determine:

Provided that—

- (i) the Board shall not thereby be divested of any powers or duties delegated to a local committee in terms of this section;
- (ii) any act of a local committee in pursuance of any power or duty delegated in terms of this section shall be deemed to be an act of the Board.

PART III

NATIONAL MUSEUMS

19 National museums

(1) The Board may, subject to the approval of the Minister—

- (a) acquire by agreement with the owners thereof any existing museum together with its contents; or
- (b) establish a new museum;

within Zimbabwe.

(2) On the recommendation of the Board, the Minister may, by notice in the *Gazette*, declare any museum which vests in the Board to be a national museum.

PART IV

MONUMENTS AND RELICS

20 Minister may declare national monuments

(1) Subject to this section, on the recommendation of the Board, the Minister may, by statutory instrument, declare any monument to be a national monument.

(2) The Board shall, at least one month before recommending to the Minister the declaration of any monument which does not belong to the State, notify the owner thereof in writing that it proposes to make such recommendation and such owner may lodge with the Board objections in writing to the proposed recommendation:

Provided that, if the whereabouts of the owner are not ascertainable after diligent inquiry, the Board may give notice in terms of this subsection by publishing a notice in a newspaper circulating in the area in which the monument concerned is situated.

(3) In making a recommendation referred to in subsection (1) the Board shall submit to the Minister proof that the provisions of subsection (2) have been complied with and any objections lodged in terms of that subsection.

(4) The owner of any monument who has received notice in writing in terms of subsection (2) shall not make any alteration to or demolish the monument concerned until the expiry of the period of three months next following the receipt of such notice or until the decision of the Minister, whichever is the sooner.

(5) On the recommendation of the Board, the Minister may, by statutory instrument, cancel the declaration of any national monument.

21 Notification of discovery of ancient monument or relic

(1) The discovery of any ancient monument or relic, other than a relic referred to in paragraph (e) of the definition of “relic” in section *two*, shall be notified in writing to the Board without delay by—

- (a) the discoverer thereof; and
- (b) the owner or occupier of the land upon which such ancient monument or relic is discovered when the discovery comes to his notice:

Provided that, where in the course of any mining operations in pursuance of a right acquired in terms of the Mines and Minerals Act [*Chapter 21:05*] any person discovers a fossil and complies with the provisions of this

section with respect to that fossil, that person shall be relieved of any further duty to report in terms of this section the discovery of any further such fossil in the course of the same mining operations.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

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

22 Acquisition of fossils and other relics

(1) Notwithstanding the Mines and Minerals Act [*Chapter 21:05*], the Board may, for historical or scientific purposes, acquire any fossil which is a mineral for the purposes of that Act and which vests in the President by taking possession of that fossil.

(2) No right, title or interest in or to any relic which is lost or which is a *res nullius* shall, without the permission in writing of the Board, be acquired by any person who finds or takes possession of it.

23 Compulsory acquisition of monuments and relics

(1) Where the Board wishes to acquire—

- (a) a national monument or relic; or
- (b) any land in connection with a national monument; or
- (c) any right over any land in the vicinity of a national monument;

and is unable to do so by agreement upon reasonable terms with the owner of the monument, relic or land affected, it may, subject to this section, apply to the President for authority to acquire that monument, relic, land or right, as the case may be.

(2) Before making application in terms of subsection (1) the Board shall serve notice on any person who it appears to the Board may suffer loss or deprivation of rights by the acquisition of the monument, relic, land or right concerned:

Provided that, if the whereabouts of any such person are unknown to the Board after diligent inquiry, the Board may—

- (a) in the case of an immovable, publish the notice concerned in the *Gazette* and in a newspaper circulating in the area in which the land is situated; or
 - (b) in the case of a movable, serve the notice concerned on the person in whose possession the thing is found.
- (3) A notice referred to in subsection (2) shall—
- (a) specify the monument or relic or describe the nature and extent of the land or right, as the case may be, which the Board intends to acquire; and
 - (b) call upon any person affected by the acquisition of the monument, relic, land or right to submit to the Board in writing—
 - (i) any representations he may wish to make to the President; and
 - (ii) a detailed claim for compensation for any loss or deprivation of rights or any expense or loss which he may reasonably incur or suffer directly as a result of the acquisition of the monument, relic, land or right, as the case may be;

within two months of the service of the notice or the publication of the notice in the *Gazette*, as the case may be.

(4) In applying to the President for authority in terms of subsection (1), the Board shall submit—

- (a) proof that the provisions of this section have been complied with; and
- (b) any representations in writing referred to in subparagraph (i) of paragraph (b) of subsection (3); and
- (c) any claim for compensation referred to in subparagraph (ii) of paragraph (b) of subsection (3).

(5) On receipt of an application made in terms of subsection (1) the President may, if he is satisfied that it is in the public interest to do so, authorize the Board to do all or any of the following—

- (a) acquire the national monument or relic;
- (b) acquire any land in connection with a national monument which it is necessary or desirable to acquire;
- (c) acquire any right over land in the vicinity of a national monument which it is necessary or desirable to acquire in connection therewith.

(6) In deciding whether to authorize the acquisition of a national monument or relic in terms of paragraph (a) of subsection (5) the President shall take into account—

- (a) whether the national monument or relic, as the case may be, is and will continue to be adequately safeguarded and preserved by the owner; and
- (b) whether the owner of the national monument or relic as the case may be, will allow the public reasonable access to it.

(7) The Board, if duly authorized thereto in terms of subsection (5), may acquire the monument, relic, land or right by order specifying the monument or relic or describing the nature and extent of the land or right, as the case may be, served on the owner of the monument, relic or land affected:

Provided that, if the whereabouts of the owner are unknown to the Board after diligent inquiry, the Board may—

- (a) in the case of an immovable, publish the order in the *Gazette* and in a newspaper circulating in the area in which the land is situated; or
- (b) in the case of a movable, serve the order on the person referred to in paragraph (b) of the proviso to subsection (2).

(8) A copy of the order referred to in subsection (7) shall be served on every person on whom the notice referred to in subsection (2) was served.

(9) Compensation shall be payable by the Board to any person who reasonably incurs any expense directly as a result of submitting a claim for compensation referred to in subparagraph (ii) of paragraph (b) of subsection (3) or who suffers loss or deprivation of rights by the acquisition of any thing in terms of subsection (7).

(10) Parts V and VIII of the Land Acquisition Act [*Chapter 20:10*] shall apply, *mutatis mutandis*, to the payment of compensation in terms of subsection (9):

Provided that any reference in Part V of that Act to the date a preliminary notice is served on the claimant or the date of the publication of a preliminary notice in the *Gazette* shall be construed as a reference to the date a notice referred to in subsection (2) is served on the claimant or the date of the publication in the *Gazette* of a notice referred to in subsection (2), as the case may be.

(11) No person upon whom a notice in terms of subsection (2) has been served shall dispose of the monument, relic, land or right concerned unless—

- (a) the Board consents in writing; or
- (b) the Board has notified the person concerned in writing that—
 - (i) the President has declined to authorize the acquisition of; or
 - (ii) the Board no longer wishes to acquire; the monument, relic, land or right, as the case may be;or
- (c) a period of six months has elapsed since the notice was served.

(12) Any person who contravenes subsection (11) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

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

24 No excavation without consent of Executive Director

(1) No person shall—

- (a) without the written consent of the Executive Director, excavate any ancient monument or national monument; or
- (b) contravene or fail to comply with any condition fixed by the Executive Director in giving consent in terms of paragraph (a) or any condition prescribed in relation to the excavation of ancient monuments or national monuments.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

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

25 No alteration, damage or removal without consent of Executive Director

(1) No person shall—

- (a) without the written consent of the Executive Director—
 - (i) make any alteration to, destroy or damage; or
 - (ii) remove from its original site or export from Zimbabwe; any national monument, ancient monument or relic or any part thereof; or
- (b) contravene or fail to comply with any condition fixed by the Executive Director in giving consent in terms of paragraph (a):

Provided that this subsection shall not apply to any person who alters, destroys, damages, removes or exports a fossil in the exercise of rights acquired in terms of the Mines and Minerals Act [*Chapter 21:05*] if that person complies with section *twenty-one*.

(1a) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

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

(2) Any person who desires to remove from its original site or to export from Zimbabwe any national monument, ancient monument or relic or any part thereof to which the provisions of subsection (1) apply shall, when applying to the Executive Director for his consent, supply the Executive Director with a drawing or photograph of

the monument or relic or part thereof in question and shall state the exact locality in which it is situated and the place to which and the purpose for which he desires to remove or export it.

26 Notice of alterations and demolitions to be given to Executive Director

(1) Subject to subsection (3), any person who proposes to alter materially or demolish any building erected before the 1st January, 1910, shall give written notice of such a proposal to the Executive Director so as to be received by him at least fourteen days prior to the commencement of such alteration or demolition.

(1a) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

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

(2) A notice given in terms of subsection (1) shall include particulars relating to—

- (a) the situation of the building in question; and
- (b) where it is proposed to alter such building, the extent of such alteration; and
- (e) the date upon which it is proposed to commence the alteration or demolition of such building.

(3) Subsection (1) shall not apply in respect of the alteration or demolition of a building which is immediately necessary—

- (a) in the interests of the safety of persons in or about such building; or
- (b) to avoid any reasonable risk of substantial damage being caused by such building to any property in the vicinity thereof.

(4) The Registrar of Deeds shall, if so requested by the Executive Director, cause to be entered on the office copy of the title deed to any property on which there is a building that was erected before the 1st January, 1910, a *caveat* to the effect that subsection (1) applies to a building on that property, and if that building is subsequently demolished, the Executive Director shall inform the Registrar of Deeds who shall cancel the *caveat*.

27 Duty to notify Executive Director of alterations or demolitions carried out without notice being given

(1) If any person materially alters or demolishes a building in circumstances described in subsection (3) of section *twenty-six*, he shall, within the period prescribed, notify the Executive Director in writing of—

- (a) such alteration or demolition; and
- (b) the reason for the immediate necessity of altering or demolishing the building in question.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

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

28 Powers of Executive Director relating to alterations and demolitions

(1) The Executive Director may, within seven days after receiving a notice referred to in section *twenty-six*, by written notice to the person concerned order that the alteration or demolition, as the case may be, of the building in question shall not be commenced until the expiry of such period not exceeding 14 days after the receipt of such order as may be specified in such order.

(2) Any person who has been given a notice in terms of subsection (1) and who commences to alter or demolish the building in question before the expiry of the period specified in the notice 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 both such fine and such imprisonment.

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

29 Calculating periods of time for the purposes of sections 26, 27 and 28

In calculating any period of time for the purposes of sections *twenty-six*, *twenty-seven* and *twenty-eight*, no account shall be taken of public holidays.

PART V

PENSION RIGHTS OF STAFF OF BOARD

30 Interpretation in Part V

In this Part—

“contributor” means any employee of the Board who is required in terms of section *thirty-one* to contribute to the Consolidated Revenue Fund;

“Pensions Act” means the State Service (Pensions) Act [*Chapter 16:06*];

“Public Service Commission” means the Public Service Commission established by section 74 of the Constitution.

31 Contributions for pensions

(1) Subject to this Part, an employee of the Board who is not on secondment from the Public Service may, with the approval of the Minister after consultation with the Minister responsible for finance and the Public

Service Commission, be required to contribute to the Consolidated Revenue Fund with effect from such date as may be fixed by the Minister as though he were a member of the Public Service of such class as may be declared by the Minister.

(2) An employee who is required in terms of subsection (1) to contribute shall contribute upon the salary paid to him by the Board together with any allowance approved by the Minister responsible for finance for the purposes of this section, which shall be regarded as his pensionable emoluments.

32 Pension rights of contributors

(1) Subject to this Part, the Pensions Act, the Pensions and other Benefits Act [*Chapter 16:01*] and any regulations made thereunder relating to the payment of a pension or other benefit or the commutation of a pension or the payment of arrear contributions shall apply, *mutatis mutandis*, in relation to contributors in accordance with any declaration made by the Minister in terms of subsection (1) of section *thirty-one* as though their service with the Board were service with the State and any reference therein to the Public Service Commission were a reference to the Board:

Provided that, where a contributor is discharged on the ground of continued ill-health, mental or physical deficiency or infirmity or the abolition of his post and would otherwise be entitled to a pension calculated in terms of the relevant provisions of the Pensions Act, if the Minister has not approved the discharge of that contributor on those grounds, that contributor shall not be entitled to such a pension, but shall be entitled to a pension as though he had been discharged on the ground of the abolition of his post, calculated in relation to his actual pensionable service.

(2) If a former employee of the Board who is receiving a pension in terms of subsection (1) as a result of his discharge on the ground of continued ill-health or mental or physical deficiency or infirmity is required in terms of the Pensions Act to resume duty, the Board shall reinstate such person in his former office or post or in any other office or post in respect of which the salary is not lower than that payable to the former employee immediately before such discharge.

33 Provisions relating to pensions

Sections 15 and 16 of the Pensions Act shall apply in relation to any pension, gratuity or other benefit payable in terms of that Act to an employee or former employee of the Board or any dependant of such a person as though—

- (a) the reference in paragraph (b) of section 15 of the Pensions Act to public moneys or property of the State were a reference to moneys or property of the Board;
- (b) the reference in paragraph (d) or (e) of section 15 of the Pensions Act to the Minister were a reference to the Board;
- (c) any reference in section 16 of the Pensions Act to the State were a reference to the Board.

34 Retirement

The law relating to the retirement and pensionable age of members of the Public Service shall apply, *mutatis mutandis*, in relation to contributors in accordance with any declaration of the Minister in terms of subsection (1) of section *thirty-one* with any reference in those provisions to—

- (a) the President being construed as reference to the Minister; or
- (b) the Public Service Commission being construed as a reference to the Board.

35 Pension contributions to be deducted

Any contributions for pension purposes which are payable to the Consolidated Revenue Fund in terms of this Act by an employee of the Board, whether on secondment from the Public Service or otherwise, shall be deducted from the emoluments of the employee concerned and forwarded by the Board to the State.

36 Board to contribute to Consolidated Revenue Fund

There shall be paid monthly out of the funds of the Board to the Consolidated Revenue Fund such amount as may be determined by the Minister responsible for finance, after consultation with the Board, in respect of the contributions for pension purposes paid to the Consolidated Revenue Fund by the employees of the Board.

37 Disability benefits

(1) The State Service (Disability Benefits) Act [*Chapter 16:05*] shall apply, *mutatis mutandis*, in relation to contributors as though they were members as defined in subsection (1) of section 2 of that Act who were not members of a uniformed force.

(2) The Minister responsible for finance may recover from the Board any compensation paid to a contributor or his dependants in terms of subsection (1).

(3) A contributor shall not be regarded as a worker for the purposes of any scheme under the National Social Security Authority Act [*Chapter 17:04*] relating to compensation payable in respect of injuries to or the death of workers.

38 Rights of persons transferred to Board

Any person who, with the consent of the Minister after consultation with the Public Service Commission, is transferred to employment with the Board from pensionable employment in any service approved by the Minister for the purposes of this Part shall be transferred on such terms and conditions relating to contributions for, and the payment of, a pension or other benefit as the Minister, after consultation with the Minister responsible for finance and the Public Service Commission, may in his case fix.

PART VI

GENERAL

39 Entry upon land

The Board may, through its employees, have reasonable access at all reasonable times to—

- (a) any national monument, monument or relic; or
- (b) any area of land to search for any monument or relic which is reasonably suspected to be on such land; or
- (c) any building to which an order referred to in section *twenty-eight* relates, during the period referred to in that order:

Provided that this section shall not authorize the entry of any dwelling-house without the consent of the occupiers thereof.

40 Compensation

(1) Subject to subsection (2), the Board shall pay compensation to any person who suffers any actual financial loss or inconvenience as a result of the exercise by the Board of its powers in terms of section *thirty-nine*.

(2) Parts V and VIII of the Land Acquisition Act [*Chapter 20:10*] shall apply, *mutatis mutandis*, to the payment of compensation in terms of subsection (1):

Provided that any reference in Part V of that Act to the date of publication of a preliminary notice in the *Gazette* shall be read and construed as a reference to the date of the exercise by the Board of its powers in terms of section *thirty-nine*.

41 By-laws

(1) Subject to subsection (3), the Board may make by-laws—

- (a) regulating the access of the public to museums, ancient monuments, national monuments, relics, specimens, models or displays which are owned or controlled by the Board and prescribing the fees payable by the public for such access;
- (b) safeguarding—
 - (i) national monuments, ancient monuments or museums, models or displays owned or controlled by the Board; or
 - (ii) relics, specimens or the contents of the museums, models or displays referred to in subparagraph (i); or
 - (iii) tablets or notices erected or displayed by the Board;
- (c) regulating the possession of any relic;
- (d) regulating the excavation of national monuments or ancient monuments and the removal of relics from national monuments, ancient monuments or ancient workings.

(2) By-laws made in terms of subsection (1) may provide penalties for a contravention thereof not exceeding a fine of level four or imprisonment for a period of three months or to both such fine and such imprisonment.

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

(3) By-laws made in terms of subsection (1) shall not have effect until they have been approved by the Minister and published in the *Gazette*.

42 False statements

Any person who, in an application to the Board for its consent under this Act, knowingly or recklessly—

- (a) makes a statement that is false in a material respect; or
- (b) supplies any drawing or photograph which is false in a material respect;

shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Section substituted by section 4 of Act No. 22 of 2001]

43 Regulations

(1) The Minister may by regulation provide for the matters which by this Act are permitted to be prescribed or which, in his opinion, are necessary or convenient to be provided for in order to carry out or give effect to the provisions of this Act.

(2) Regulations in terms of subsection (1) may provide penalties for contraventions of their provisions, but no such penalty shall exceed a fine of level four or imprisonment for a period of three months or both such fine and such imprisonment.

44 Savings

Notwithstanding the repeal of the Monuments and Relics Act [*Chapter 70 of 1963*], any national monument proclaimed in terms of subsection (1) of section 9 of that Act which was a national monument immediately before the fixed date shall be deemed to have been declared in terms of subsection (1) of section *twenty*.

SCHEDULE (Section 13)

POWERS OF BOARD

1. With the consent in writing of the Minister, to borrow money for the performance of its functions by means of bank overdraft or otherwise and as security for such loans to pledge or mortgage any of its property.
2. To invest its surplus funds.
3. To obtain by purchase, lease, donation, bequest, loan or otherwise land with or without buildings—
 - (a) with the consent of the Minister, for the establishment of a new museum;
 - (b) in connection with the administration of a museum or for services relating to a museum or for the further development of a museum; and to erect buildings on such land.
4. To obtain by purchase, lease, donation, bequest, loan or otherwise—
 - (a) a national monument; or
 - (b) land in connection with a national monument; or
 - (c) an interest in or right over any land in the vicinity of a national monument.
5. To obtain by purchase, lease, donation, bequest, loan or otherwise a relic or any object desired as a specimen.
6. With the consent in writing of the Minister, to sell, let, exchange or otherwise dispose of any immovable property.
7. To obtain by purchase, lease or otherwise furniture, equipment or materials and vehicles.
8. To sell, let, exchange, donate, lend or otherwise dispose of any movable property.
9. To lease or lend any relic owned or controlled by the Board or any specimen to persons within or outside Zimbabwe for such period and on such terms as the Board thinks fit.
10. To allow the use of museums or other buildings or equipment vested in the Board for the purposes of concerts, lectures, exhibitions, displays, meetings or demonstrations and to charge fees for such use or for admission to such concerts, lectures, exhibitions, displays, meetings or demonstrations.
11. To assume control over any monument, relic or article of any historical or scientific value or interest if so requested by the person having the ownership or control thereof.
12. To preserve, repair, restore or insure any thing owned or controlled by the Board.
13. To undertake, through its employees or agents, the excavation of any ancient monument, national monument or ancient working.
14. To erect tablets, notices, models or displays in suitable places illustrating or giving information about matters of historical or scientific interest.
15. To make *ex gratia* payments to any person who in any way assists the Board in its functions.
16. To do all such things as may be necessary, conducive or incidental to the exercise of its powers or the performance of its functions by or under the provisions of this Act.