

CHAPTER 11:12

PROTECTED PLACES AND AREAS ACT

Acts 27/1959, 18/1965 (s. 32), 59/1967, 47/1976 (s. 24), 12/1986, 22/2001 (s. 4); R.G.Ns. 501/1962, 801/1963, 214/1964; S.I. 823/1979.

ARRANGEMENT OF SECTIONS

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AN ACT to make provision for the control of the entry of persons into certain places, for the protection of certain premises and for the control of the movement and conduct of persons within certain areas; and to provide for matters connected therewith.

[Date of commencement: 15th May, 1959.]

1 Short title

This Act may be cited as the Protected Places and Areas Act [*Chapter 11:12*].

2 Interpretation

In this Act—

“area” means any area of land or water or both, whether or not there is any building or structure or part of a building or structure in that area;

“authorized officer” means any—

(a) police officer;

(b) person performing the duties of a guard or watchman in a protected place or a protected area and specially authorized in that behalf by a commissioned police officer under section *three*;

“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;

“order” means an order made under section *four* or *five*;

“premises” means any building or structure or part of a building or structure, and includes any area surrounding such building or structure or part of a building or structure;

“protected area” means any area declared to be a protected area under section *five*;

“protected place” means any premises declared to be a protected place under section *four*.

3 Authorization of guards and watchmen

A police officer of or above the rank of superintendent may authorize any person performing the duties of a guard or watchman in a protected place or a protected area to exercise the powers of an authorized officer.

4 Protected places

(1) If, in regard to any premises, it appears to the Minister to be necessary or expedient that special precautions should be taken to prevent the entry of unauthorized persons or both to prevent such entry and to protect the premises or any part thereof against unlawful damage or sabotage, whether inside or outside the premises, he may, subject to section *six*, by order declare those premises to be a protected place for the purposes of this Act.

(2) So long as an order in terms of subsection (1) is in force, no person shall be in the premises to which the order relates unless he is in possession of a pass-card or permit issued by such authority or person as may be specified in the order, or has received the permission of an authorized officer on duty at those premises to enter them.

(3) Where under this section any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the authority or person granting the permission.

(4) An authorized officer, or any person authorized in that behalf by the occupier of the premises, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(5) Directions given by an authority or any person under subsection (3) may include restrictions relating to—

- (a) surveying or making sketches or taking photographs on the premises;
- (b) any other matter which that authority or person considers to be necessary or desirable.

(6) If any person is in a protected place in contravention of this section or, while in such a place, fails to comply with any directions given under this section, he 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 and he may, in addition, be removed from the place by an authorized officer or any person authorized in that behalf by the occupier of the premises.

Subsection amended by section 4 of Act 22 of 2001

(7) Pass-cards or permits issued under subsection (2) shall be in such form as the authority or other person issuing them may determine.

5 Protected areas

(1) If, in regard to any area, it appears to the Minister to be necessary or expedient that special measures should be taken to control the movement and conduct of persons, he may, subject to section *six*, by order declare such area to be a protected area.

(2) Any person who is in any protected area shall comply with such directions for regulating his movements and conduct as may be given by an authorized officer.

(3) An authorized officer may search any person entering, or seeking to enter, or being in, a protected area, and may detain any such person for the purpose of searching him.

(4) Directions given by an authorized officer under subsection (2) may include restrictions relating to—

- (a) surveying or making sketches or taking photographs in the protected area;
- (b) any other matter which that authorized officer considers to be necessary or desirable.

(5) If any person, whilst in a protected area, fails to comply with any direction given under subsection (2), he 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 and he may, in addition, be removed from the area by an authorized officer.

Subsection amended by section 4 of Act 22 of 2001

6 Circumstances in which Minister may make orders

(1) The Minister may make an order in terms of section *four* or *five*— (a) during any period when—

- (i) Zimbabwe is engaged in a war and during the period immediately following thereon until such date as may be declared by the President, by proclamation, as the end of the period of public emergency caused by that war; or
- (ii) a declaration under subsection (1) of section 31J of the Constitution is in effect in relation to the area wherein the proposed protected place or protected area is situated; or

(b) during any other period, if he considers on reasonable grounds that it is necessary to make the order in the interests of defence, public safety or public order.

7 Notification of orders and warning notices

(1) An order in terms of section *four* or *five* shall—

(a) be made in writing, signed by or on behalf of the Minister, and addressed to the owner or occupier of the premises or area; and (b) specify—

- (i) the extent of the premises or area declared to be a protected place or protected area, as the case may be; and
- (ii) the special precautions or measures which shall be taken to prevent the entry of unauthorized persons or to control the movement and conduct of persons, as the case may be; and
- (iii) any measures necessary for demarcating the premises or area; and
- (iv) any measures necessary for protecting the premises from unlawful damage or sabotage; and (c) be served on the owner or occupier of the premises or area by a police officer:

Provided that, where the premises or area is owned by the State or occupied by a department of the State, the order shall be addressed to and served on the Secretary of the Ministry responsible for the administration of the premises or area or occupying the premises or area, as the case may be.

(2) The occupier of a protected place or protected area on whom an order is served shall erect or cause to be erected at or near that place or area, within the period prescribed, warning notices in accordance with such provisions as are prescribed.

(3) The Minister may at any time revoke or amend an order by causing a further order, in writing, signed by him or on his behalf, to be served by a police officer on the owner or occupier of the premises or area to which the first-mentioned order relates.

8 Measures for protection of protected place or area

(1) The owner or occupier of any protected place or protected area on whom an order has been served shall—

(a) take the precautions or measures specified in that order; and

(b) comply with subsection (2) of section *seven* and any regulations made in terms of section *nine*;

at his own expense.

(2) If an owner or occupier fails or refuses to comply with subsection (1), the Minister may cause such measures to be taken and recover the expenses incurred in doing so from the owner or occupier concerned.

9 Regulations

(1) The Minister may by regulation prescribe all matters which by this Act are required or are permitted to be prescribed or which, in his opinion, are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Any person who contravenes any regulation made under this section 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.

[Subsection amended by section 4 of Act 22 of 2001

10 Summary jurisdiction of magistrates courts

In respect of offences under this Act, courts of provincial or senior magistrates shall have special jurisdiction to impose on summary trial the penalties provided by this Act.

11 Warning notices to be erected at protected place or area

Notwithstanding section *four* or *five*, a person shall not be convicted of an offence in terms of that section unless warning notices referred to in subsection (2) of section *seven* have been erected at or near the protected place or protected area, as the case may be, in accordance with such provisions as are prescribed.

12 Evidence of appointment of authorized person

In any prosecution for an offence under this Act, a certificate alleging that a person performing the duties of a guard or watchman in a protected place or a protected area has been authorized in terms of section *three* to exercise the powers of an authorized officer shall, if purporting to have been signed by a commissioned police officer, be admissible in evidence on its production by the prosecutor as *prima facie* proof that that person has been so authorized.

13 Evidence of orders

In any prosecution for an offence under this Act, a certificate stating that an order has been made under section *four* or *five* and specifying the contents of that order shall, if purporting to have been signed by or on behalf of the Minister, be admissible in evidence on its production by the prosecutor as *prima facie* proof of the facts therein stated.