

CHAPTER 11:15

WAR VETERANS ACT

Act 4/1992, 1/2000, 22/2001 (s. 4), 6/2005 (s. 34).

ARRANGEMENT OF SECTIONS

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AN ACT to provide for the establishment of schemes for the provision of assistance to war veterans and their dependants; to provide for the establishment of a fund to finance such assistance; to provide for the constitution and functions of the War Veterans Board; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 31st March, 1995.]

1 Short title

This Act may be cited as the War Veterans Act [*Chapter 11:15*].

2 Interpretation

In this Act—

“assistance” means any assistance rendered out of the Fund to a war veteran or to a dependant of a war veteran or deceased war veteran;

“Board” means the War Veterans Board established by section *eleven*;

“dependant”, in relation to a war veteran or deceased war veteran, means—

- (a) a child, including a step-child, legally adopted child or child born posthumously, who has not attained the age of eighteen years and is or was at the date of death of the war veteran dependent upon him for support; or
- (b) a widow or widower of a war veteran; or
- (c) any person not referred to in paragraph (a) or (b) who is wholly or partly maintained by the war veteran or who was, at the date of the death of the war veteran and for a reasonable period before that date, wholly or partly maintained by the war veteran;

as the case may be;

“Director” means the Director of War Veterans referred to in section *twenty-two*;

“Fund” means the War Veterans Fund established by subsection (1) of section three;

“Minister” means the Minister of Public Service, Labour and Social Welfare or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“scheme” means a scheme established in terms of section *seven*;

“vocational training” includes any form of education or training which, in the opinion of the Minister, will permit a war veteran to support himself and his dependants or will increase his capacity to do so;

“war veteran” means any person who underwent military training and participated, consistently and persistently, in the liberation struggle which occurred in Zimbabwe and in neighbouring countries between the 1st January, 1962, and the 29th February, 1980, in connection with the bringing about of Zimbabwe’s independence on the 18th April, 1980.

3 War Veterans Fund

(1) There is hereby established a fund to be known as the War Veterans Fund.

(2) The trustee of the Fund shall be the Minister, in whom the Fund shall be vested and who, subject to this Act, shall have the sole management, control and use of the Fund.

4 Income of Fund

The Fund shall consist of—

- (a) moneys appropriated for the purpose of the Fund by Parliament; and
- (b) any gifts or grants made to the Fund by any person or authority or by the government of any country; and
- (c) any interest derived from or increase in any assets of the Fund in any form whatsoever; and (d) any other moneys to which the Fund may be lawfully entitled.

5 Object of fund

Subject to this Act, the object to which the Fund may be applied shall be the rendering of assistance in terms of this Act to war veterans and their dependants.

6 Application of Fund

In order to give effect to the object of the Fund, the Fund may be applied to any one or more of the following—

- (a) grants to war veterans and their dependants who lack means of subsistence;
- (b) grants for the physical, mental or social rehabilitation of war veterans;
- (c) grants for manpower development with a view to providing war veterans with academic, technical, vocational or other skills or any other training necessary to equip them for employment or gainful occupation;
- (d) the provision of loans, whether with or without interest, and financial, technical, managerial or any other form of assistance to war veterans involved in income-generating projects, whether as individuals or as members of groups or co-operative societies;
- (e) grants for funeral expenses in respect of war veterans.

7 Establishment of schemes

(1) Subject to subsections (3) and (4), the Minister may, by statutory instrument, establish one or more schemes for the provision of benefits or assistance to or in respect of any war veterans and their dependants or any classes of war veterans and their dependants, and may in like manner amend or abolish any such scheme.

(2) A statutory instrument in terms of subsection (1) may provide for—

- (a) the registration of war veterans generally or the registration of war veterans entitled to benefit under any scheme;
- (b) the registration of dependants of war veterans entitled to benefit under any scheme;
- (c) the compulsory submission of any war veteran to any medical or dental examination required for the purpose of benefiting under any scheme;
- (d) the circumstances and manner in which any benefit paid to a war veteran shall or may be refunded;
- (e) the conditions for eligibility of a war veteran for any assistance;
- (f) the conditions upon which the dependants of a war veteran or of a deceased war veteran may qualify for assistance;
- (g) the nature and amount of the benefits to be granted or paid under any scheme the circumstances in which and the persons to whom such benefits shall or may be granted or paid and the manner in which they shall be granted or paid;
- (h) the provision of technical or vocational training or of any other training necessary for assisting war veterans in acquiring such skills as the Minister considers appropriate;
- (i) the reduction, suspension or withdrawal of any benefit granted or paid under any scheme;
- (j) the maintenance of records in respect of any benefits granted or paid to any war veteran under any scheme;
- (k) any other manner whatsoever for which, in the opinion of the Minister, it is necessary or desirable to make provision in order to give effect to this Act or any scheme.

(3) Without derogation from section 21 of the Interpretation Act [*Chapter 1:01*], a statutory instrument in terms of subsection (1) may provide for different benefits to be granted or paid to different categories of war veterans:

Provided that no statutory instrument shall discriminate between persons on the ground of race, tribe, place of origin, political opinion, colour or creed.

(4) Before establishing, amending or abolishing any scheme in terms of this section, the Minister shall obtain the approval of the Minister responsible for finance.

(5) Notwithstanding section *six*, any pension benefits payable under any scheme shall be paid from the Consolidated Revenue Fund, which is hereby appropriated for the purpose.

[Subsection inserted by section 2 of Act 1 of 2000]

(6) In subsection (5)—

“pension benefit” means any pension, commutation of pension, gratuity or other like allowance, including any interest thereon, payable to a war veteran or to a dependant or personal representative of a war veteran.

[Subsection inserted by section 2 of Act 1 of 2000]

8 Holding of Fund

(1) All moneys received on behalf of the Fund shall be paid into a banking account and no moneys shall be withdrawn therefrom except by means of cheques signed by such persons as are authorized in that behalf by the Minister.

(2) Moneys of the Fund not immediately required for the purpose thereof may be invested in such manner as the Minister, in consultation with the Board and with the approval of the Minister responsible for finance, may determine.

9 Payments out of Fund

The Minister may authorize payments from the Fund for— (a) the remuneration and allowances of members of the Board; and (b) the costs of establishing and maintaining the Fund.

10 Accounts and audit of Fund

(1) Proper books of accounts and other books and records in relation thereto shall be kept in which shall be recorded all the financial transactions of the Fund.

(2) The financial year of the Fund shall be the period of twelve months ending on the 30th June in each year or on such other date as may be prescribed.

(3) Not more than three months after the end of any financial year, an income and expenditure account and balance sheet of the Fund shall be submitted to the Comptroller and Auditor-General for audit, and, in relation to the Fund, the Comptroller and Auditor-General shall have all the powers conferred upon him by the Audit and Exchequer Act [*Chapter 22:03*] in relation to the auditing of public moneys.

11 Establishment of War Veterans Board

(1) There is hereby established a board to be known as the War Veterans Board.

(2) The Board shall consist of not fewer than five and not more than seven members appointed, subject to this section and section *twelve*, by the Minister with the approval of the President.

(3) Of the members of the Board, at least two shall be appointed from such association or organization as the Minister considers represents the majority of war veterans.

(4) The Minister shall designate one member of the Board to be chairman of the Board.

(5) A member of the Board shall hold office for such period, not exceeding five years, and on such terms and conditions, as may be fixed by the Minister at the time of his appointment.

(6) Subject to this Act, a person ceasing to be a member of the Board shall be eligible for reappointment to the Board.

(7) A member of the Board shall be paid out of the Fund such remuneration and allowances as the Minister, with the approval of the Minister responsible for finance, may fix for members of the Board generally.

12 Disqualifications for appointment to Board

The Minister shall not appoint a person as a member of the Board and no person shall be qualified to hold office as a member of the Board who— (a) is not a citizen of 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 been convicted, whether in Zimbabwe or elsewhere, of an offence involving dishonesty.

13 Vacation of office by member of Board

A member of the Board 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) if he becomes disqualified in terms of section *twelve* to hold office as a member; or (c) if he is required in terms of section *fourteen* to vacate his office.

14 Minister may require member of Board to vacate office

(1) The Minister may require a member of the Board to vacate his office if the member—

- (a) has been guilty of conduct which renders him unsuitable as a member; or
- (b) has failed to comply with any term or condition of his office fixed by the Minister in terms of subsection (5) of section *eleven*; or
- (c) is mentally or physically incapable of efficiently performing his duties as a member.

(2) The Minister, on the recommendation of the Board, may require a member of the Board to vacate his office if the Minister is satisfied that the member has been absent from three consecutive meetings of the Board, of which he has been given not less than three days' notice, and that there was no just cause for the member's absence.

15 Meetings and procedure of Board

(1) The Board shall hold its first meeting on such date and at such place as the Minister may fix and thereafter the Board shall meet for the dispatch of business at such places and times as the chairman may direct.

(2) The chairman of the Board may himself at any time and shall, at the request in writing of not fewer than two members, convene a special meeting of the Board, which meeting shall be convened for a date not less than seven days nor more than thirty days after the receipt of such request.

(3) If, at a meeting of the Board the chairman is absent, the members present may elect one of their number to preside at the meeting as chairman.

(4) A majority of members shall form a quorum at a meeting of the Board.

(5) All acts, matters or things authorized or required to be done by the Board may be decided by a majority vote at a meeting of the Board at which a quorum is present.

(6) At all meetings of the Board each member present shall have one vote and, in the event of an equality of votes, the person presiding shall have, in addition, a casting vote.

(7) The Board may, with the approval of the Minister, co-opt any person to the Board, but a co-opted person shall have no vote in any decision by the Board.

(8) Subject to this section, the Board may regulate its own procedure.

16 Functions of Board

The functions of the Board shall be—

- (a) to ensure that a register of war veterans and their dependants is kept and maintained; and
- (b) to advise the Minister on the establishment of any scheme in terms of this Act or on any matter relating to any scheme; and
- (c) to examine, hear and determine any representations by any person claiming entitlement to be registered as a war veteran or dependant of a war veteran where such registration has been refused; and
- (d) to hear and determine any representations or complaints made by any war veteran or dependant of a war veteran relating to the grant, payment or delivery of any assistance to him; and
- (e) to supervise the preparation of the budget of the Fund and the control of any assets of the Fund; and (f) to perform any other function which the Minister may confer on the Board for the purposes of this Act.

17 Powers of Board

For the purpose of carrying out its functions in terms of this Act, the Board shall have power— (a) to summon witnesses to give evidence before it or to produce any document;

- (b) to administer oaths and take evidence on oath and make such investigation as the Board considers necessary;
- (c) to examine or cause to be examined by such person as the Board may authorize in that behalf, any records or documents kept by any person making any claim in terms of this Act;
- (d) to do or cause to be done all other things that are necessary or expedient for the exercise of its functions.

18 Reports of Board

The Board—

- (a) shall, as soon as may be after the end of each financial year, submit to the Minister a report dealing generally with the proceedings and activities of the Board during that financial year;
- (b) shall, where required by the Minister so to do, submit to the Minister such reports as the Minister may specify in regard to the proceedings and activities of the Board; and (c) may submit such other reports as the Board considers advisable.

19 Appeals from decisions of Board

(1) Any person who is aggrieved by any decision of the Board—

- (a) refusing to register him as a war veteran or dependant in terms of this Act; or

(b) in regard to the determination of any assistance to be granted to him in terms of any scheme; may, by notice setting out his reasons, appeal to the Minister against the decision of the Board.

(2) The Minister may, on an appeal in terms of subsection (1), either confirm the decision of the Board or remit the matter to the Board for further consideration subject to such recommendations regarding the appeal as the Minister may consider appropriate, and the decision of the Board after reconsideration of the matter in terms of this subsection shall be final.

20 Minister may give directions to Board

(1) Subject to this Act, the Minister may, from time to time, give the Board and the Director directions as to—

(a) the maximum or minimum amount of assistance to be granted to any registered dependant; and

(b) the period during which any assistance may be paid; and

(c) any matter to be taken into account in the granting of any assistance; and (d) any matter relating to the functions of the Board: Provided that before giving any direction—

(a) regarding any matter referred to in paragraph (a), the Minister shall obtain the approval of the Minister responsible for finance and consult the Board; and

(b) regarding any matter referred to in paragraph (b) or (c), the Minister shall consult the Board.

(2) The Board shall, with all due expedition, comply with any direction given to it in terms of subsection (1).

(3) Where any direction has been given to it or to the Director in terms of subsection (1), the Board shall ensure that the direction and any views that it expressed thereon when consulted by the Minister are set out in its annual report.

21 Inalienability of assistance

Subject to the Maintenance Act [*Chapter 5:08*] and to Part VI of the Children's Act [*Chapter 5:06*], any assistance shall be for the personal benefit of the registered war veteran or dependant concerned and shall be inalienable and not be subject to attachment by any legal process whatever:

Provided that the Board may, upon representations made to it by the registered war veteran or dependant or by or on behalf of any person to whom such war veteran or dependant owes any legal obligation, order that this section shall not apply to the assistance concerned.

[Section amended by section 2 of Act 1 of 2000]

22 Director of War Veterans and other staff

(1) There shall be a Director of War Veterans and such other officers as may be necessary for the proper administration of this Act, whose offices shall be public offices and form part of the Public Service.

(2) Subject to this Act, the Director shall be responsible for administering any scheme established in terms of this Act and shall perform such other duties in relation to this Act as may be directed by the Minister.

(3) Subject to this Act, the Director shall have power to do or cause to be done all things that are necessary or expedient for the exercise of his functions under this Act.

23 Beneficiary to report receipt of assistance from any other source

If, at any time while receiving assistance, a war veteran or a dependant receives social welfare assistance from any other source, or if the circumstances of a war veteran or a dependant change to the extent of affecting his entitlement to receive assistance, such war veteran or dependant shall immediately report to the Director the receipt of such other assistance or such change of his circumstances.

24 Offences and penalties

(1) Any person who—

(a) fails to report to the Director any matter required to be reported in terms of section *twenty-three*; or

(b) obtains or attempts to obtain assistance to which he is not entitled, knowing he is not entitled to it; or

(c) in or in connection with any application for registration as a war veteran or as a dependant of a war veteran, makes a false statement which he knows to be false or does not believe on reasonable grounds to be true; or

(d) fails or refuses to provide any information or to appear personally before the Board or the Director if requested to do so by the Board or the Director; or

(e) fails to apply the assistance granted to him in terms of this Act for the purposes for which it was granted or to comply with any conditions subject to which any assistance was granted; or

(f) in response to a request by the Board, fails or refuses to provide any information or to produce any document in his possession or under his control; or

(g) having been summoned by the Board, fails without sufficient cause to attend at the time and place specified in the summons served on him or, having attended, leaves without the permission of the Board; or

(h) having appeared before the Board—

(i) refuses to be sworn; or

- (ii) after being sworn, refuses without sufficient cause to answer or to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by the Board or any person authorized by the Board to question him; or
- (iii) insults the Board or wilfully interrupts the proceedings before the Board or otherwise wilfully disturbs the peace and order of such proceedings;

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 2 of Act 1 of 2000]

(2) Any person who—

(a) obtains or attempts to obtain assistance to which he is not entitled, knowing he is not entitled to it; or

(b) in or in connection with any application for registration as a war veteran or as a dependant of a war veteran, makes a false statement which he knows to be false or does not believe on reasonable grounds to be true; 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.

[Subsection inserted by section 2 of Act 1 of 2000]

25 Repayment of sums overpaid

(1) If any person has received by way of assistance any sum to which he was not entitled, he or, in the case of his death, his estate, shall be liable to repay such sum to the Fund, unless the Director is satisfied that such person received it without knowing he was not entitled thereto.

(2) A sum referred to in subsection (1) may be recovered, without prejudice to any other remedy, by means of deductions from any financial assistance granted by the Fund and due to the person liable to make such repayment.

(3) This section shall apply, *mutatis mutandis*, to the case of a person to whom financial assistance is paid under this Act for the benefit of any other person.

26 Regulations

(1) The Minister may make regulations providing for all matters which by this Act are required or 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) Regulations in terms of subsection (1) may provide for the encouragement of employment of, and the remuneration, allowances and such other benefits as the Minister may consider appropriate payable to, war veterans.