

CHAPTER 18:03

AGRICULTURAL INDUSTRY (EMPLOYEES PENSION SCHEME) ACT

Acts 41/1975, 31/1977, 41/1978 (s. 37), 31/1983 (s. 20), 22/2001 (s. 4); R.G.N. 1135/1975; S.I.566/1979.

AN ACT to provide for a pension scheme for employees in the agricultural industry and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 1st October, 1975.]

1 Short title

This Act may be cited as the Agricultural Industry (Employees Pension Scheme) Act [*Chapter 18:03*].

2 Interpretation

In this Act—

“employee” means any person who is employed for a salary or wage by a farmer—

- (a) to work on the farm on which he is carrying on his farming operations; or
- (b) in his farming business;

“farmer” means a person who is licensed as a farmer in terms of the Farmers Licensing and Levy Act [*Chapter 18:10*] and is on land which is neither Communal Land nor land which was classified as purchase land on the 1st February, 1979;

“Farmers Union” means the Commercial Farmers Union;

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

“Pension Scheme” means the Agricultural Pension Scheme introduced in terms of subsection (1) of section *three* as amended or replaced in terms of section *four*.

3 Introduction of Pension Scheme

(1) If the Farmers Union recommends to the Minister a pension scheme for employees, the Minister shall consider the proposals recommended and, if he considers that the proposals are reasonable and that the establishment of such a scheme would be desirable in the public interest, he shall, by statutory instrument, establish a pension scheme, to be known as the Agricultural Pension Scheme, for employees or such classes of employees as may be specified in the notice, which shall come into operation on such date as may be specified in such notice.

(2) The Pension Scheme may provide for—

- (a) the compulsory payment of contributions by farmers and their employees or by farmers without the payment of any contributions by their employees, the rate of such contributions and the deduction of the contributions payable by an employee from any salary, wages or other moneys due to that employee;
- (b) the establishment of a board of management to administer and control the Pension Scheme, the responsibilities and powers of such board and the appointment of members to such board;
- (c) the circumstances in which a pension, gratuity or refund of contributions shall be payable;
- (d) fixing the amount of any pension, gratuity or refund of contributions payable in terms of the Pension Scheme and the commutation of any such pension or a portion thereof;
- (e) such other matters as the Minister considers to be necessary or desirable for the management and operation of the Pension Scheme.

(3) The following statutory bodies shall not be regarded as farmers for the purposes of the Pension Scheme—

- (a) the Tobacco Research Board of Zimbabwe established by section 3 of the Tobacco Research Act [*Chapter 18:21*];
- (b) the Zimbabwe Forestry Commission established by section 4 of the Forest Act [*Chapter 19:05*].

4 Amendment or replacement of Pension Scheme

The Minister, on the recommendation of the Farmers Union, may, by statutory instrument, amend or replace the Pension Scheme:

Provided that any such amendment or replacement shall not affect any rights acquired by any person under the Pension Scheme immediately before such amendment or replacement.

5 Pensions and other benefits not to be pledged or ceded or form part of insolvent estate

(1) No pension, refund of contributions or other benefit payable in terms of the Pension Scheme or right thereto shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated, nor shall the same or any contributions made under the Pension Scheme be liable to be attached or subjected to any form of execution under a judgment or order of a court of law and any attempt to assign, transfer, cede, pledge or hypothecate any such benefit or right thereto shall be invalid and of no effect:

Provided that this subsection shall not be construed as precluding the Pension Scheme from providing that an employee may nominate a beneficiary for the purpose of receiving any pension, refund of contributions or other benefit under the Pension Scheme.

(2) If the estate of any person who is in receipt of a pension under the Pension Scheme is or has been sequestrated or assigned, such pension shall not form part of the assets in his insolvent or assigned estate.

6 Offences and penalties

(1) Any person who contravenes any provision of the Pension Scheme with which it is his duty to comply shall be guilty of an offence and liable to a fine not exceeding level five.

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

(2) On the conviction of a person of an offence which consists of the failure to pay any contributions due in terms of the Pension Scheme, the court convicting the accused shall, in addition to any penalty which it may impose, give summary judgment in favour of the board of management of the Pension Scheme for the amount of the contributions which the accused failed to pay.

(3) A judgment given by a court in terms of subsection (2) shall have the same force and effect and may be executed in the same manner as if the judgment had been given in a civil action instituted in the court.