

## CHAPTER 14:05

### CONTROL OF GOODS ACT

*Act 12/1954 (Federal), 42/1976 (s. 29), 41/1978 (s. 28), 32/1979, 18/1989 (s. 24), 11/1991 (s. 20), 10/1999, 22/2001 (s. 4), 14/2002 (s. 21), 2/2007. R.G.N. 819/1963.*

**AN ACT to enable the President to provide by regulation for the control of the distribution, disposal, purchase and sale, and the wholesale and retail prices, of any manufactured or unmanufactured commodity or of any animal or poultry specified by the President by order or of any class of any such commodity, animal or poultry, for the control of imports into and exports from Zimbabwe; and for other purposes incidental and supplementary to the foregoing.**

[Date of commencement: 26th March, 1954.]

#### 1 Short title

This Act may be cited as the Control of Goods Act [*Chapter 14:05*].

#### 2 Interpretation

In this Act—

“Commission” means the National Incomes and Pricing Commission established in terms of section 4 of the National Incomes and Pricing Commission Act [*Chapter 14:32*].

[Definition inserted by section 28 of Act 2 of 2007.]

“goods” means articles or things of any kind whatsoever that are capable of being owned or possessed, including—

- (a) anything capable of being imported or exported; and (b) any kind of manufactured or unmanufactured commodity;
- and (c) any kind of animal or plant life.

#### 3 Regulations for the control of goods

(1) Whenever on the recommendation of or in consultation with the Commission, it appears to the President necessary or expedient to control—

- (a) the import into or export from Zimbabwe of any goods;
- (b) the distribution, disposal, purchase and sale, or the wholesale or retail prices, of any goods and the charges which may be made—
  - (i) for services relating to the distribution, disposal, purchase and sale of the goods; and
  - (ii) for delivery of any goods, the wholesale or retail prices of which are controlled under this section;

he may make such regulations as appear to him to be necessary or expedient for such purposes.

[Subsection amended by section 28 of Act 2 of 2007.]

(2) Regulations referred to in subsection (1) may provide—

- (a) for requiring persons carrying on or employed in connection with any trade, business, undertaking or enterprise specified in such regulations to produce to such person as may be so specified any books, accounts or other documents relating to that trade, business, undertaking or enterprise, and for requiring any persons to furnish to such person as may be so specified such estimates or returns as the President considers it desirable to obtain for the effectual exercise of any of his powers under this section;
- (b) for any incidental and supplementary matters for which the President thinks it expedient for the purposes of the regulations to provide, including in particular the entering and inspection of premises to which the regulations relate by persons authorized in that behalf by the President with a view to securing compliance with the regulations.

(3) Regulations referred to in subsection (1) may provide for empowering a Vice-President or such Minister as may be specified in such regulations to make orders—

- (a) for the control to such extent as may be specified in such regulations of the import into or export from Zimbabwe of such goods or classes of goods as may be specified in such regulations;
- (b) in respect of such goods as may be specified in such regulations for any of the purposes specified in paragraph (b) of subsection (1).

Any orders made in terms of this subsection may contain such incidental or supplementary provisions as appear to a Vice-President or the specified Minister, as the case may be, to be necessary or expedient for the purpose of such orders.

(4) Regulations and orders under this section may be made so as to apply generally or to any particular trade, business, undertaking or enterprise, or class thereof, and either to the whole or to any part of any trade, business, undertaking or enterprise, and so as to have effect either throughout Zimbabwe or in any particular area therein.

(5) For the avoidance of doubt, it is hereby declared that the provisions of section *four* shall not apply in relation to any order under this section.

#### **4 Rationing of goods**

Regulations made under section *three*, in relation to the rationing of any goods, may—

- (a) fix or provide for fixing different quantities of the goods to be obtainable in the aggregate or individually by different classes of persons;
- (b) provide for methods of distribution of the goods which differentiate as between different classes of persons so far as appears to the President to be necessary in order to secure or permit such distribution through the usual channels and agencies through which such classes of persons normally obtain the goods.

#### **5 Evidence**

(1) In any proceedings under this Act against any person, any statement or entry contained in any book or document kept by him or any person in his employ, or by his agent, shall be admissible in evidence as an admission of the facts set forth in that statement or entry, unless it is proved that the statement or entry was not made by that person, by any person in his employ or by his agent.

(2) Whenever the manager, agent or servant of any person does or omits to do anything which it would be an offence under this Act for such person to do or omit to do, such person shall be deemed himself to have done or omitted to do such thing and be liable to the penalties therefor in terms of this Act, unless he proves to the satisfaction of the court that all reasonable steps were taken by him to prevent any act or omission of the kind in question:

Provided that the fact that the person issued instructions forbidding in respect of his manager, agent or servant any act or omission of the kind in question shall not by itself be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

#### **6 Offences and penalties**

(1) Regulations made under section *three* may prescribe offences and penalties in respect of contraventions of the regulations or any order made in terms of the regulations, but no such penalty shall exceed— (a) in the case of an offence which involves any goods, a fine of— (i) level ten; or

(ii) an amount equivalent to twice the value of the goods concerned; or

(iii) an amount equivalent to twice the amount of any profit or advantage unlawfully gained or acquired by the convicted person as a result of the offence;

whichever is the greatest;

(b) in any other case, a fine of level ten; or imprisonment for a period of two years or both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001 and by section 21 of Act 14 of 2002]

(1a) Regulations prescribing offences and penalties pursuant to subsection (1) may prescribe ascending levels of maximum fines in respect of a first, second and third offence.

[Subsection inserted by section 21 of Act 14 of 2002]

(2) Without derogation from the generality of section *three*, regulations made under that section may provide, in addition to any penalty referred to in subsection (1), for persons convicted of an offence involving the sale of any goods at a price in excess of that permitted by such regulations or any order made thereunder—

(a) to refund the excess to the purchaser unless such purchaser voluntarily aided or abetted in the commission of the offence: or

(b) to pay the excess to the State.

(3) Where a person contravenes any regulations made under section *three* or any order made in terms of such regulations and no penalty is prescribed for the contravention, he 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 amended by section 4 of Act 22 of 2001]

(4) The court of a regional magistrate shall have jurisdiction to impose any penalty and to order any refund or payment prescribed in terms of this section.

(5) Where a court of a regional magistrate has ordered a refund or payment prescribed in terms of this section, a copy of the judgment, certified by the clerk of the court, shall be forwarded to the court of the provincial magistrate for the province in which the trial took place and thereupon shall be recorded and have the same effect as a civil judgment of the court of the provincial magistrate.