

# PRIVATE VOLUNTARY ORGANIZATIONS ACT [*Chapter 17:05*]

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*As amended by Acts 63/1966, 6/1976, 30/1981, 6/1995, 6/2000 (s. 151), 22/2001 (s. 4) and 1/2025, and by R.G.N. 217/1970.*

*This consolidated version of the Private Voluntary Organisations Act has been prepared on the assumption that the Private Voluntary Organisations Amendment Act, 2025 (No. 1 of 2025) accurately reflects what was passed by Parliament.*

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

##### *Section*

1. Short title.
2. Interpretation.

### PART II

#### PRIVATE VOLUNTARY ORGANIZATIONS BOARD AND OFFICE OF THE REGISTRAR OF PRIVATE VOLUNTARY ORGANIZATIONS

3. Private Voluntary Organizations Board.
4. Functions of the Board.
5. Office of Registrar of Private Voluntary Organizations.

### PART III

#### REGISTRATION AND EXEMPTION OF PRIVATE VOLUNTARY ORGANIZATIONS

6. Private voluntary organizations to be registered.
7. Partial exemptions of private voluntary organizations.
8. Temporary authority to collect contributions.
9. Registration.
10. Cancellation or amendment of certificate.
11. Private voluntary organizations not to carry on activities except under registered name.
12. Surrender of registration certificate.
13. Restoration of cancelled or surrendered certificate.
- 13A. Re-registration or amendment of registration required in certain circumstances.
14. Appeals.

### PART IV

#### ADMINISTRATION OF PRIVATE VOLUNTARY ORGANIZATIONS

15. Books, accounts, records, etc.
16. Registered address.
17. Branch committees.
18. Branches not controlled by private voluntary organization.
19. Audit of accounts.
20. Inspections and examination of accounts.

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PART IVA

CONDUCT OF PRIVATE VOLUNTARY ORGANISATIONS

20A. Principles governing private voluntary organisations.

PART V

MISCELLANEOUS

- 21. Suspension of executive committee.
- 22. Identification, appreciation and assessment of risks in relation to private voluntary organisations and other institutions.
- 22A. Civil penalty orders and amendment or substitution of Schedule.
- 22B. Co-operation with foreign counterpart authorities.
- 22C. Information sharing on private voluntary organisations of concern with foreign counterpart authorities.
- 22D. Minister may give policy directions to Registrar.
- 23. General offences and penalties.
- 23A. Evidence and presumption
- 24. Persons prohibited from being office-bearers or officers.
- 25. *[Repealed]*
- 26. Contributions unlawfully collected.
- 27. Registrar may dissolve certain organizations.
- 28. Regulations.

SCHEDULE: Civil Penalty Orders.

AN ACT to provide for the registration of private voluntary organizations, for the control of the collection of contributions for the objects of such organizations and of certain institutions, and for matters incidental thereto.

*[Date of commencement: 1st September, 1967.]*

WHEREAS it is recognised that private voluntary organisations play an important role in serving the public good, supporting development, social cohesion and tolerance within society, promoting democracy, respect for the rule of law, and providing accountability mechanisms that can contribute to improved governance;

AND WHEREAS it is recognised that private voluntary organisations can complement the national government in all spheres of public service delivery without derogating from the primary role of Government of Zimbabwe in that regard;

AND WHEREAS it is recognised that the realisation of Zimbabwe's development goals depend on the contribution of not only the public and private sectors, but private voluntary organisations as well;

AND WHEREAS the Government of Zimbabwe desires to establish an enabling environment for private voluntary organisations by means, among other measures, of improving the regulatory and institutional framework for private voluntary organisations:

NOW, THEREFORE, be it enacted by the Parliament and President of Zimbabwe as follows:

*[Preamble inserted by section 2 of Act 1 of 2025]*

PART I  
PRELIMINARY

**1 Short title**

This Act may be cited as the Private Voluntary Organizations Act [*Chapter 17:05*].

**2 Interpretation**

(1) In this Act—

“beneficial owner”, in relation to a private voluntary organisation, means a person who through the ownership of any share or stake in the organisation or of all or any of the assets of the organisation is able to exert a significant or preponderant voice in the affairs of the organisation, including a person who exerts such control through a nominee who holds such stake, share or assets on behalf of such person;

[Definition inserted by section 3 of Act 1 of 2025]

“Board” means the Private Voluntary Organizations Board established by section *three*;

“contributions” means movable or immovable property, including money or anything that can be exchanged for or converted into money—

- (a) which is not transferred in fulfilment of a legally enforceable obligation; and
- (b) the mere transfer of which does not confer the right to claim any consideration except any consideration in relation to any competition, contest, game, scheme, arrangement or system in connection with which any prize may be won;

“contributor”, in relation to the collection of contributions, means any person from whom contributions are collected;

“controller”, in relation to a private voluntary organisation, means a person other than a beneficial owner who, notwithstanding the formal arrangements for the exercise of control over the organisation as specified in its constitution, exerts (whether by virtue of the size of that person’s contributions to the organisation or otherwise) a significant or preponderant voice in the affairs of the organisation;

[Definition inserted by section 3 of Act 1 of 2025]

“Financial Intelligence Unit” or “Unit” means the Financial Intelligence Unit referred to in section 6A of the Money Laundering and Proceeds of Crime Act [*Chapter 9:24*];

[Definition inserted by section 3 of Act 1 of 2025]

“funds or other assets” means any assets, including but not limited to economic resources (including oil and other natural resources), financial assets, property of every kind (whether tangible or intangible, movable or immovable, however acquired) and legal documents or instruments in any form (including electronic or digital documents or instruments) evidencing title to or any interest in such funds or other assets (including, but not limited to, bank credits, travellers’ cheques, bank cheques, money orders, shares, securities, bonds, drafts or letters of credit), and any interest, dividends or other income on or value accruing from or generated by such funds or other assets, and any other assets which potentially may be used to obtain funds, goods or services;

[Definition inserted by section 3 of Act 1 of 2025]

“local authority” includes such authority as may be prescribed;

“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;

“Office” refers to the Office of the Registrar of Private Voluntary Organisations established in terms of section 3;

[Definition inserted by section 3 of Act 1 of 2025]

“private voluntary organization” means any legal person, legal arrangement, body or association of persons, corporate or unincorporate, or any institution, the objects of which include or are one or more of the following—

- (a) the provision of all or any of the material, mental, physical or social needs of persons or families;
- (b) the rendering of charity to persons or families in distress;
- (c) the prevention of social distress or destitution of persons or families;
- (d) the provision of assistance in, or promotion of, activities aimed at uplifting the standard of living of persons or families;
- (e) the provision of funds for legal aid;
- (f) the prevention of cruelty to, or the promotion of the welfare of, animals;
- (g) such other objects as may be prescribed;
- (h) the collection of contributions for any of the foregoing;

but does not include—

- (i) any institution or service maintained and controlled by the State or a local authority; or
- (ii) any religious body in respect of activities confined to religious work; or
- (iii) any trust established directly by any enactment; or

[Paragraph substituted by section 3 of Act 1 of 2025]

- (iv) any educational trust approved by the Minister; or
- (v) any body or association of persons, corporate or unincorporate, the benefits from which are exclusively for its own members; or
- (vi) any health institution registered under the Health Professions Act [Chapter 27:19], in respect of activities for which it is required to be registered under that Act; or

[Subparagraph substituted by section 151 of Act 6 of 2000]

- (vii) any psychological health premises registered under the Psychological Practices Act [Chapter 27:11] in respect of activities for which it is required to be registered under that Act; or
- (vii) any body or association in respect of activities carried on for the benefit of a hospital or nursing home which is approved by the Minister; or
- (vii) any political organization in respect of work confined to political activities; or
- (viii) the Zimbabwe Red Cross Society established by the Zimbabwe Red Cross Society Act [Chapter 17:08]; or
- (ix) such other bodies, associations or institutions as may be prescribed;
- (x) subject to section 6(7), any trust registered with the High Court, or with the Registrar of Deeds under section 70A of the Deeds Registries Act [Chapter 20:05];

[Paragraph inserted by section 3 of Act 1 of 2025]

- (xi) any State-sponsored aid entity;

[Paragraph inserted by section 3 of Act 1 of 2025]

[Definition amended by section 3 of Act 1 of 2025]

“register” means register under section *nine*;

“Registrar” means the Registrar of Private Voluntary Organizations referred to in section five;

“secretary”, in relation to a private voluntary organization, means the person for the time being responsible for the affairs of such organization;

“State-sponsored aid entity” means an entity which—

- (a) is an arm, agency or representative of a State whose government is party to any bilateral or other agreement with the Government of Zimbabwe, in terms of which that entity is permitted to operate in Zimbabwe or any part thereof; or
- (b) is not an arm, agency or representative of a State referred to in paragraph (a), but which is appointed as the agent or representative of a State in terms of any bilateral or other agreement with the Government of Zimbabwe for the purpose of operating in Zimbabwe or any part thereof (which appointment must be evidenced in the agreement itself or by notice in writing by that State to the Government of Zimbabwe).

[Definition inserted by section 3 of Act 1 of 2025]

(2) Notwithstanding subsection (1), where contributions are collected from the public in respect of a body or association referred to in subparagraph (v) or (vii), whether or not such body or association is formed under any enactment, the provisions of this Act, in so far as they are not inconsistent with any other enactment applicable to such body or association, shall apply accordingly.

(3) For the purposes of the definitions of “beneficial owner” and “controller”—

- (a) a person exerts a significant or preponderant voice in the affairs of an organisation if (singly or in combination)—
  - (i) that person’s decision on any matter or policy concerning the governance of the organisation or the exercise of any of its functions is binding on the organisation or the governing body of the organisation; or
  - (ii) that person is able to overrule or veto any decisions of the governing body of the organisation; or
  - (iii) that person directly or indirectly controls twenty-five *per centum* or more of the votes in the governing body;
- (b) reference to a “person” exerting a significant or preponderant voice in the affairs of an organisation includes a State, or an arm, organ, agency or representative of a State.

[Subsection inserted by section 3 of Act 1 of 2025]

## PART II

### PRIVATE VOLUNTARY ORGANIZATIONS BOARD AND OFFICE OF THE REGISTRAR OF PRIVATE VOLUNTARY ORGANIZATIONS

[Part II substituted by section 4 of Act 1 of 2025]

## 3 Private Voluntary Organizations Board

(1) In this section—

“northern region”, for the purposes of this section, means the region of Zimbabwe covered Harare Metropolitan Province, Manicaland, Mashonaland Central Province, Mashonaland East Province and Mashonaland West Province;

“ordinarily reside”, with reference to a person ordinarily residing in the northern or southern region, means a person having his or her usual place of residence within any one of the provinces constituting the region concerned;

“southern region”, for the purposes of this section, means the region of Zimbabwe covered Bulawayo Metropolitan Province, Masvingo Province, Matabeleland North Province, Matabeleland South Province and Midlands Province;

(2) There is hereby established a board to be known as the Private Voluntary Organisations Board which shall exercise the functions conferred upon it by this Act.

(3) Subject to this section, the Board shall consist of—

(a) eight representatives nominated by such private voluntary organisation, association, institution or other organisation of private voluntary organisations or organisations which the Minister considers are representative of private voluntary organisations, of whom—

(i) four members, at the time of their nomination, ordinarily resided in the northern region for an uninterrupted period of at least six months before their nomination; and

(ii) four members, at the time of their nomination, ordinarily resided in the southern region for an uninterrupted period of at least six months before their nomination; and

(b) one representative from each of the following Ministries—

(i) the Ministry for which the Minister is responsible;

(ii) the Ministry responsible for health and child welfare;

(iii) the Ministry responsible for justice;

(iv) the Ministry responsible for finance;

(v) the Ministry responsible for foreign affairs;

(c) the Registrar, *ex-officio* (but non voting).

(4) Before making an appointment in terms of subsection (2), the Minister shall call upon the association, organisation, institution or Ministry concerned to nominate such number of persons as the Minister may specify who, in its opinion, are suitable and available for appointment as members of the Board:

Provided that the Minister may—

(i) appoint a person to be a member of the Board who has not been so nominated and may decline to appoint any person so nominated;

(ii) where the Minister has called for nominations in terms of this subsection in respect of any appointment to the Board and no nominations have been made in respect of such appointment within such period as he or she may determine when calling for such nominations, appoint any person to be a member of the Board whether or not, in the Minister's his opinion, the person so appointed is able to represent the views of the body whose nominations were called for.

(5) Members of the Board shall be appointed by the Minister for such period, not exceeding three years, as the Minister may specify on their appointment.

(6) The Minister shall designate one of the members to be the chairperson of the Board.

(7) A member of the Board who is not in the full-time employment of the State, a statutory body or a local authority shall be paid, out of moneys appropriated for that purpose by Parliament, such remuneration and allowances as may be prescribed.

(8) The meetings and proceedings of the Board shall be as may be prescribed.

#### **4 Functions of the Board**

The functions of the Board shall be—

(a) subject to this Act, to consider and approve or not approve every application for registration provisionally approved by the Registrar in terms of section ---- and every provisional cancellation or amendment of a certificate of registration effected by the Registrar in terms of section ----; and

- (b) to consider recommendations by the Registrar in respect of representations by any association, organisation or institution claiming entitlement to be registered as a private voluntary organisation; and
- (c) to advise the Minister and registered private voluntary organisations in respect of any matter arising out of the administration or operation of this Act or any other matter referred to it by the Minister or the Registrar; and
- (d) to submit to the Minister an annual report concerning the administration and operation of this Act.

## **5 Office of Registrar of Private Voluntary Organizations**

(1) There shall be an Office of the Registrar of Private Voluntary Organisations in the Ministry responsible for social welfare, in which shall be lodged the register of private voluntary organisations.

(2) The Office shall be headed by a Registrar of Private Voluntary Organisations who shall exercise general supervision and direction of the registry and shall be assisted by one or more Assistant Registrars, inspectors 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:

Provided that until an appointment of a Registrar is made, the person for the time being holding the office of Director of Social Welfare shall be the Registrar.

(3) Subject to this Act, the Registrar shall—

- (a) consider and determine every application for registration and every proposed cancellation or amendment of a certificate of registration; and
- (b) hear representations by any association, organisation or institution claiming entitlement to be registered as a private voluntary organisation; and
- (c) advise the Minister and registered private voluntary organisations in respect of any matter arising out of the administration or operation of this Act or any other matter referred to it by the Minister or the Registrar; and
- (d) to promote and encourage the co-ordination of the activities of registered private voluntary organisations having similar or related objects; and
- (e) to submit to the Minister an annual report concerning the administration and operation of this Act; and
- (f) maintain at his or her office a Register of Private Voluntary Organisations in which he or she shall enter all such particulars in relation to the registration of private voluntary organisations and their constitutions as he or she is required to enter by or in terms of this Act or any other enactment or decision of the Court;

(4) The Register shall be open to inspection during office hours by any member of the public on payment of the prescribed fee, if any:

Provided that the Registrar shall endeavour to create and maintain up to date a website which, among other things, will enable members of the public to have access to the Register at all hours.

(5) Subject to the directions of the Registrar, the other officers referred to in subsection (1) shall perform such of the Registrar's functions as the Registrar may assign to them.

(6) The Registrar shall have power to delegate any of his or her powers to any officer other than the power of delegation.

(7) The Registrar may in writing authorise an assistant registrar, inspector or other officer referred to in subsection (2) to exercise any of the functions of a Registrar under this Act.

(8) Subsection (7) shall not be construed as limiting the power of the Registrar to delegate his or her functions under any other law.

(9) The Registrar shall provide every inspector with a document identifying him or her as an inspector, and the inspector shall produce it on request by any interested person.

[Part II substituted by section 4 of Act 1 of 2025]

### PART III

#### REGISTRATION AND EXEMPTION OF PRIVATE VOLUNTARY ORGANIZATIONS

## 6 Private voluntary organizations to be registered

(1) In this section—

“pre-existing charitable entity” means an entity (whether a trust, body, or association of persons corporate or unincorporate or any institution), that immediately before the commencement of the Private Voluntary Organisations Amendment Act, 2024, lawfully operated in Zimbabwe for the achievement of objects which, by virtue of that amendment, render it liable to be registered as a private voluntary organisation under this Act;

“lawfully operated in Zimbabwe”, in relation to a pre-existing charitable entity, means such an entity that—

- (a) was registered as a trust under the Deeds Registries Act immediately before the commencement of the Private Voluntary Organisations Amendment Act, 2024; or
- (b) immediately before the commencement of the Private Voluntary Organisations Amendment Act, 2024, that did not depend for its operations on collecting contributions from the public but received any part of its funds from any source within or outside Zimbabwe;

“sanctionable trust” means a trust that may be dealt with by the Registrar in terms of subsection (7) on the basis that it is reasonably suspected of being in violation of subsection (2).

(2) No trust, body, or association of persons corporate or unincorporate or any institution—

- (a) whose objects or any of them include any of the objects specified in paragraphs (a) to (h) of the definition of “private voluntary organisation”; and
- (b) is not exempted by virtue of any of the sub-paragraphs (i) to (xi) of the definition of “private voluntary organisation”;

shall, to the extent that it does not exclusively use its own funds or assets (that is to say, funds or assets generated by its own investments or other gainful activities carried on by itself) but instead—

- (c) seeks or obtains financial assistance from any source within or outside Zimbabwe; or
- (d) collects contributions from the public, for the fulfilment or purported fulfilment of those objects;

shall (subject to subsection (11)) commence or continue to carry on its activities unless, within ninety days of the commencement of the Private Voluntary Organisations Amendment Act, 2024, or within thirty days of the commencement of its operations in Zimbabwe, whichever is the later date, it has been registered in terms of this Act (even if it is a trust registered as described in subparagraph (x) of the definition of “private voluntary organisation” in section 2).

(3) No person shall collect contributions from the public except in terms of this Act.

(4) No person (other than a trustee of a sanctionable trust in respect of which no action by the Registrar in terms subsection (7) has yet been taken) shall in any manner take part in the management or control of a private voluntary organisation, knowing that the organisation is contravening subsection (2).

(5) Any person (other than a trustee of a sanctionable trust referred to in subsection (4)) who contravenes subsections (2), (3) or (4) shall be guilty of an offence and liable—

- (a) in the case of a contravention of subsection (2), to a fine not exceeding level twelve or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment;
- (b) in the case of a contravention of subsection (3), to a fine not exceeding level twelve or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment;
- (c) in the case of a contravention of subsection (4), to a fine not exceeding level twelve or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(6) No unregistered private voluntary organisation shall be entitled to receive a grant from the State.

(7) The Registrar may in respect of any sanctionable trust dispatch to the trustee or any of the trustees of the trust in question, a written notice setting forth the basis on which the Registrar reasonably suspects the trust of being in violation of subsection (2) and requiring that the trustee commence within thirty (30) days the registration of the trust as a private voluntary organisation in terms of this Act:

Provided that until such date as its application for registration is finally determined, the sanctionable trust may continue to operate in Zimbabwe if its operations are in other respects lawful.

(8) Any trustee who having received a notice in terms of subsection (7) fails to comply with such notice shall, together with any other person who is a joint trustee of the trust in question, be guilty of an offence and liable to a fine not exceeding level ten or imprisonment not exceeding six months or to both such fine and such imprisonment, and the trust in question shall (even if no trustee is prosecuted under this subsection) be guilty of an offence in terms of subsection (2), and depending on the circumstances, subsections (3) and (4).

(9) Notwithstanding the common law, a trust together with its trustees can be charged jointly in respect of any offence alleged to have been committed by it and its trustees against subsections (2), (3) or (4).

(10) A trustee served with a notice under subsection (7) shall have a right within fourteen days of the date when the notice was dispatched to make written representations to the Registrar to have the notice withdrawn on the basis that the notice was made in error and if the Registrar—

- (a) accepts such representations, the Registrar shall notify to the trustee in writing, of the withdrawal of the notice; or
- (b) rejects such representations the Registrar shall notify the trustee in writing accordingly and the thirty (30) day period within which the trustee must take the actions specified in subsection (7) commences from the date of the notification of such rejection.

(11) A pre-existing charitable entity—

- (a) shall be registered in accordance with section 13 (“Transitional provisions: Pre-existing charitable entities”) of the Private Voluntary Organisations Amendment Act, 2024;
- (b) may, after commencing registration proceedings, continue to operate pending the outcome of those proceedings, or for twelve months after the commencement of the Private Voluntary Organisations Amendment Act, 2024, whichever is the later date.

[Section substituted by section 5 of Act 1 of 2025]

## **7 Partial exemptions of private voluntary organizations**

(1) The Registrar may, on the application of any registered private voluntary organization made in the prescribed manner, and after consultation with the Board, grant to that organization

a certificate exempting it for a stated period and subject to the prescribed conditions, from the operation of any of the provisions of this Act other than section *six*.

(2) Subject to subsection (3), the Registrar may at any time, after consultation with the Board, cancel or amend any certificate of exemption granted under subsection (1).

(3) Before cancelling or amending a certificate of exemption in terms of subsection (2), the Registrar written notice of his intention to do so to be given to the secretary of the organisation concerned, and shall afford him a reasonable opportunity of showing cause why the certificate should not be so cancelled or amended.

[Subsection inserted by section 4 of Act 22 of 2001]

(4) If the secretary of a private voluntary organisation receives a written request from the Registrar to lodge with him for the purposes of cancellation or amendment any certificate of exemption which has been cancelled or amended, as the case may be, in terms of subsection (2), and, without reasonable excuse, fails to comply with the request within ninety days of receiving it, he shall be guilty of an offence and liable to a fine not exceeding level three or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment.

[Subsection inserted by section 4 of Act 22 of 2001]

## 8 Temporary authority to collect contributions

(1) Notwithstanding any provision of this Act to the contrary, the Registrar may, after consultation with the chairman of the Board, grant to—

- (a) any person or group of persons; or
- (b) any private voluntary organization which is not registered; written authority to collect contributions for any object referred to in paragraphs (a) to (g) of the definition of “private voluntary organization” in section *two*, if the Registrar is satisfied that the circumstances giving rise to the proposed collection of contributions are such that the delay which is likely to occur in the registration of a private voluntary organization for the purpose of making such collection will probably prejudice the objects for which such contributions are to be collected.

(2) An authority under subsection (1) shall be granted—

- (a) for a period which shall be stated in the authority but which shall not exceed ninety days:

Provided that the period stated in the authority may be extended for a further period not exceeding ninety days; and

- (b) subject to such of the prescribed conditions as the Registrar may impose.

## 9 Registration

(1) The secretary of any private voluntary organisation which is required to be registered shall lodge with the Registrar—

- (a) in the prescribed manner and together with the prescribed fee, an application for such registration together with the constitution of the organisation; and
- (b) if (on written notice to the applicant) it appears to the Registrar from the application or on the basis of information available to the Registrar that any person as a beneficial owner or controller exerts a significant or preponderant voice in the affairs of an organisation, an affidavit sworn by the secretary or a member of the governing body of the organisation disclosing the name of the beneficial owner or controller and the nature and extent of such beneficial ownership or control.

[Subsection substituted by section 6 of Act 1 of 2025]

(2) A private voluntary organization which lodges an application in terms of subsection (1) shall at its own expense publish in a newspaper circulating in the area concerned a notice containing the prescribed information and shall submit proof to the Registrar that such notice has been published.

(3) Any person may within the prescribed period lodge with the Registrar an objection to the grant of the application setting out the grounds on which such objection is made; and the Registrar shall take such objection into consideration.

[Subsection amended by section 6 of Act 1 of 2025]

(4) The Registrar may require any private voluntary organization which has applied for registration to supply any further information in connexion with its application which he may deem necessary.

(5) Where the Registrar is satisfied that the requirements referred to in subsections (1), (2), (3) and (4) have been complied with, he or she shall consider the application, together with the constitution of the organisation, any objection to the grant of the application and any further information supplied in connection with the application may—

- (a) after considering the application, grant it and issue to the organisation concerned a certificate of registration subject to such conditions as he or she may impose; or
- (b) reject the application if it appears to the him or her that—
  - (i) the organisation is not *bona fide* operating in furtherance of the objects mentioned in its application for registration; or
  - (ii) the organisation does not, in respect of its constitution or management, or any other information required to be provided by the Registrar, comply with the provisions of this Act.

[Subsection substituted by section 6 of Act 1 of 2025]

(6) Where the Registrar rejects an application for registration wholly or in part, the Registrar shall notify the applicant organization of the rejection, and inform it of the grounds upon which the rejection was based.

[Subsection amended by section 6 of Act 1 of 2025]

(7) The registration of an organization under this section and the objects in respect of which it has been registered shall be published by the Registrar in the *Gazette*.

(8) Where a registered private voluntary organization wishes to change its name or add to or alter any of the objects in respect of which it is registered, the secretary thereof shall apply to the Registrar for the certificate of registration thereof to be amended accordingly; and the provisions of this section shall apply, *mutatis mutandis*, as if such application were an application for registration.

## 10 Cancellation or amendment of certificate

(1) The Board may at any time cancel any certificate of registration—

- (a) on any ground, other than a ground referred to in subparagraph (v) or (vi) of paragraph (b) of subsection (5) of section *nine* upon which he could have rejected an application for registration by the organization concerned; or
- (b) if any remuneration or reward, which in his opinion is excessive in relation to the total value of the contributions received by the organization concerned, has been retained or received by any person other than a person for whose benefit the contributions were intended; or
- (c) if the organization has failed to comply with any condition of its registration; or
- (d) if the organization has ceased to function as a private voluntary organization; or
- (e) if he considers that the objects in respect of which the organization was registered are merely ancillary or incidental to the other objects of the organization or
- (f) if the organization, unless a certificate of exemption has been granted to it under section *seven*—
  - (i) has failed to submit any report or return in accordance with section *fifteen*; and
  - (ii) thereafter, having been requested by the Registrar to rectify such default, has failed to do so within three months after receipt of such request.

- (2) The Board may at any time direct the Registrar to amend a certificate of registration—
- (a) for the purpose of correcting any error therein or by varying the conditions attaching thereto; or
  - (b) by the deletion therefrom of any of the objects in respect of which the organization in question was registered, if in the opinion of the Board the organization is no longer *bona fide* operating in furtherance of such objects.

(3) Before cancelling or amending a certificate of registration in terms of subsection (1) or (2) the Registrar shall cause written notice of his intention to do so to be given to the secretary of the organization concerned, and shall afford him a reasonable opportunity of showing cause why the certificate should not be so cancelled or amended.

(4) If the secretary of a private voluntary organization receives a written request from the Registrar to lodge with him for the purposes of cancellation or amendment any certificate of registration granted to such organization and, without reasonable excuse, fails to comply therewith within ninety days of the receipt of such request, he shall be guilty of an offence and liable to a fine not exceeding level three or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

(5) The cancellation of a certificate of registration under this section or the deletion therefrom of any of the objects in respect of which the organization in question was registered, shall be published by the Registrar in the *Gazette* and shall take effect as from the date mentioned in such publication, whether or not the certificate has been lodged with the Registrar in compliance with a request made under subsection (4).

## **11 Private voluntary organizations not to carry on activities except under registered name**

- (1) No registered private voluntary organization shall—
- (a) carry on its activities; or
  - (b) seek financial assistance from any source; or
  - (c) collect contributions from the public; under a name other than the name under which it is registered.

(2) Any person who in any manner takes part in the management or control of a registered private voluntary organization, knowing that such organization is contravening the provisions of 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 amended by section 4 of Act 22 of 2001]

## **12 Surrender of registration certificate**

The secretary of a registered private voluntary organization may surrender to the Registrar the certificate of registration thereof, and the Registrar may thereupon accept the surrender subject to such of the prescribed conditions as the Registrar may impose.

## **13 Restoration of cancelled or surrendered certificate**

Upon the application of the secretary of a private voluntary organization the certificate of registration whereof has been cancelled or surrendered, the Registrar may grant to the organization a fresh certificate of registration and section *nine* shall apply, *mutatis mutandis*, in connection with an application for, and the granting of, a certificate of registration under this section.

## **13A Re-registration or amendment of registration required in certain circumstances**

- (1) In this section—

“material change” in relation to the amendment of the particulars of the original application for registration means—

- (a) a change in the constitution governing the private voluntary organisation concerned regarding the disposal of the organisation’s assets upon the winding up or dissolution of the organisation; or
- (b) any change with respect to the beneficial ownership or control of the private voluntary organisation concerned, not involving the transfer of the certificate of registration of the organisation to another private voluntary organisation or to another person; or
- (c) any addition, diminution or variation to the objects of the private voluntary organisation concerned which may significantly impact the scope or nature of its operations in Zimbabwe; or
- (d) any variation of the territorial scope of the operation of the private voluntary organisation concerned within Zimbabwe; or
- (e) any change with respect to the beneficial ownership or control of the private voluntary organisation concerned, by virtue of the transfer of the certificate of registration of the organisation to another private voluntary organisation or to another person (not being a private voluntary organisation);

“provisional transfer”, in relation to the provisional transfer of a certificate of registration of a private voluntary organisation, means, for the purpose of subsection (4), the date on which the certificate was provisionally agreed to be transferred or purported to be transferred before the approval of the transfer by the Registrar.

(2) If there is any material change in the particulars furnished in or together with the application for the registration of a private voluntary organisation that involves a material change referred to in paragraph (a), (b), (c) or (d) of the definition of “material change”, the secretary of the private voluntary organisation must make an application to the Registrar in the prescribed form to amend the particulars of registration in relation to the private voluntary organisation, for which purpose the secretary must submit to the Registrar an amendment application in the prescribed form no later than one month from the date when the material change occurred.

(3) Upon receiving an application in terms of subsection (2) that involves a material change referred to in paragraph (a), (b), (c) or (d) of the definition of “material change”, the Registrar may—

- (a) if in his or her opinion the material change does not have any adverse consequences for the defence, public safety, public order, public morality, public health, or general public interest of Zimbabwe (on which subject the Registrar shall be guided by any policy direction of the Minister issued in terms of section 22D) approve the application and cause the appropriate entry in the Register of private voluntary organisations to be made and notify the operator accordingly; or

- (b) if the Registrar is not satisfied as to the matters specified in paragraph (a)—

- (i) reject the application and allow the applicant the option, within a specified time, of—

A reversing the material change that prompted the application within a specified period; or

B. reregistering in terms of section 9:

Provided that—

- (a) if the applicant commences reregistration proceedings, the private voluntary organisation concerned may not lodge an appeal in

terms of section 14 against the Registrar's decision until after the application for re-registration has been rejected;

- (b) within the time allowed for it to reverse any material change, or for the duration of the reregistration proceedings, the private voluntary organisation concerned may continue to operate pending the reversal of the material change or the outcome of those proceedings.

(ii) accept the application subject to specified conditions.

(4) If there is any material change with respect to the beneficial ownership or control of the private voluntary organisation concerned, by virtue of the transfer of the certificate of registration of the organisation to another private voluntary organisation or to another person (not being a private voluntary organisation), the secretary of the first-mentioned private voluntary organisation must, before the provisional transfer is completed, make application to the Registrar in the prescribed form for approval of the transfer for which purpose the secretary must submit to the Registrar an amendment application in the prescribed form no later than one month from the date of the date of provisional transfer of the certificate concerned, and the Registrar shall thereafter treat the application as if it is an application for the approval of a material change to which the provisions of subsections (2) and (3) shall apply.

(5) In an application under subsection (4), the applicant must specify whether, in the event of the application being approved, it is the wish of the private voluntary organisation being transferred to continue to hold a separate certificate of registration, or to be issued with a new certificate of registration in the name of the new beneficial owner or controller of the organisation (and in the event that the Registrar approves the transfer, the Registrar must cancel the certificate of registration of the private voluntary organisation being transferred if it wishes to be issued with a new certificate of registration).

(6) Any private voluntary organisation that fails to comply with subsections (2) or (4) shall be guilty of an offence and liable to a fine not exceeding level six.

[Section inserted by section 7 of Act 1 of 2025]

## 14 Appeals

(1) Any private voluntary organisation which is aggrieved by any decision of the Board relating to the rejection, either wholly or in part, of an application for registration or exemption, or to the cancellation, amendment, surrender or restoration of a certificate of registration or exemption, or to the conditional registration of a private voluntary organisation, may appeal within fourteen days of receiving notification of the Board's decision, appeal to the Minister.

(2) Upon an appeal the Minister may—

- (a) uphold the decision of the Board; or
- (b) refer the decision back to the Registrar for re-consideration;(whether with or without directions on how the decision is to be reconsidered) on any one or more of the following grounds—
  - (i) allowing extraneous or irrelevant considerations to affect the decision; or
  - (ii) failure to take into account relevant considerations in arriving at the decision; or
  - (iii) any material mistake of fact or law that tainted the decision; or
  - (iv) interest in the cause, bias, malice or corruption on the part of any person involved in making or contributing to the decision; or
  - (v) gross irregularity in the proceedings or the decision of any person involved in making or contributing to the decision.

(3) Any private voluntary organisation which is aggrieved by any decision of the Minister under subsection (2) may, within fourteen days of receiving notification of the Minister's

decision, appeal to the Administrative Court, which on such appeal shall have the same powers as the Minister to dispose of such appeal.

[Section substituted by section 8 of Act 1 of 2025]

## PART IV

### ADMINISTRATION OF PRIVATE VOLUNTARY ORGANIZATIONS

#### **15 Books, accounts, records, etc.**

The secretary of every registered private voluntary organization shall be responsible for ensuring that books, accounts and records are kept to the satisfaction of the Registrar and shall within the prescribed period render to the Registrar the prescribed reports and returns and such additional information as may be required by the Registrar.

#### **16 Registered address**

(1) Every registered private voluntary organization shall have a registered address in Zimbabwe.

(2) Notice of any change of the registered address shall be given within twenty-one days thereof to the Registrar.

#### **17 Branch committees**

(1) Every registered private voluntary organization which conducts its operations wholly or partly through branches established and functioning under the control and direction thereof shall constitute a committee for every such branch and the said organization shall grant to every such branch a letter of delegation in the prescribed form and subject to the prescribed conditions.

(2) Upon the cancellation or surrender of a certificate of registration issued to a private voluntary organization, any delegation granted thereby to any branch thereof shall automatically lapse.

#### **18 Branches not controlled by private voluntary organization**

The Registrar, after consultation with the Board, may determine that any branch of a private voluntary organization which is not subject to the control and direction of that organization shall, for the purposes of this Act, be deemed to be an independent and separate private voluntary organization.

#### **19 Audit of accounts**

The secretary of every private voluntary organization shall, within three months after the end of each financial year of that organization, cause an account of its expenditure and revenue for that financial year to be audited by an auditor registered as a public auditor in terms of the Public Accountants and Auditors Act [*Chapter 27:12*]:

Provided that if the Board is satisfied that the financial position of a private voluntary organization is such that the employment of such an auditor is not justified he may, subject to such conditions as he may determine, authorize the appointment of some other person to audit the accounts.

#### **20 Inspections and examination of accounts**

(1) The Minister may appoint any officer in the Public Service (hereinafter called an “inspecting officer”)—

- (a) to inspect any aspect of the affairs or activities of any private voluntary organization and to examine all documents relating thereto;
- (b) to examine the books, accounts and other documents relating to the financial affairs of any private voluntary organization; and to report thereon to the Registrar.

(2) For the purpose of any inspection or examination in terms of subsection (1), an inspecting officer may—

- (a) by notice under his hand, delivered to the person concerned personally or sent to him by post, require any person to produce to him any book or other document which has any bearing on the subject of the inspection, examination or audit; and
- (b) retain for a reasonable period any book or document produced to him by virtue of a notice under this subsection or voluntarily by any person.

(3) Any person who, having received notice under subsection (2), without lawful excuse fails to produce any book or document referred to in subsection (2) which he may be able to produce, 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:

Provided that in connection with the production of any such book or document, the law relating to privilege, as applicable to a witness subpoenaed to produce any book or document before a court of law, shall apply.

[Subsection amended by section 4 of Act 22 of 2001]

(4) Any person who—

- (a) wilfully hinders or obstructs an inspecting officer in the exercise of his functions in terms of this Act; or
- (b) falsely holds himself out to be an inspecting officer; 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 substituted by section 4 of Act 22 of 2001]

## PART IVA

### CONDUCT OF PRIVATE VOLUNTARY ORGANISATIONS

[Part inserted by section 9 of Act 1 of 2025]

#### **20A Principles governing private voluntary organisations**

(1) Every private voluntary organisation shall endeavour to conduct itself and its operations in accordance with the following principles namely that—

- (a) to ascertain the identity of donors and the sources of donations:

Provided that if the donor is anonymous, the private voluntary organisation must satisfy itself by other means that the donor is acting in good faith within the law and that the donation is made in good faith without intent to evade the law;

- (b) to refuse donations from illegitimate or illegal sources and to report to the Registrar and the appropriate authorities any such donation of which it becomes aware;
- (c) to ensure that its resources and every donation is used for the charitable objects for which the private voluntary organisation is registered;
- (d) to account transparently to its stakeholders including its donors and beneficiaries for the manner in which it distributes its funds and implements its programmes;
- (e) to use formal channels (that is to say registered banking institutions or other financial intermediaries regulated in Zimbabwe or in any other state) for the transmission of its funds at every point from source to destination;
- (f) not to discriminate between beneficiaries on the grounds of nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock:

Provided that it shall not be deemed to be discriminatory for a private voluntary organisations to favour beneficiaries of a particular group if its express object or one of

its express objects is to benefit any disadvantaged group or members of such group of a particular description in terms of ethnicity, social origin, language, class, religious belief, custom, culture, sex, gender, marital status, age, pregnancy, disability, economic or social status, or persons born out of wedlock;

- (g) not to conduct themselves in any politically partisan manner whether by using its resources to benefit members of a particular affiliation or making any test of the political allegiance of its beneficiaries;
- (h) to be sensitive generally to the cultural values and norms of the community in the area where they will be primarily operating;
- (i) to economically and socially benefit the community in the area where they will be operating;
- (j) in as far as possible to employ personnel who are Zimbabwean citizens or permanent residents as members of their staff;
- (k) the implementation of fair and safe labour practices.

[Part IVA inserted by section 9 of Act 1 of 2025]

## PART V

### MISCELLANEOUS

#### **21 Suspension of executive committee**

(1) If it appears to the Minister on information supplied to him or her in respect of any registered private voluntary organisation that there are reasonable grounds for believing that—

- (a) the organisation has ceased to operate in furtherance of the objects specified in its constitution; or
- (b) the maladministration of the organisation is adversely affecting the activities of the organisation; or
- (c) the organisation is involved in any illegal activities; or
- (d) it is necessary or desirable to do so in the public interest;

the Minister may make application to the High Court to—

- (e) appoint one or more persons as trustees to run the affairs of the organisation for a period not exceeding sixty days pending the election of members of a new executive committee;
- (f) suspend all or any of the members of the executive committee of a registered private voluntary organisation from exercising all or any of their functions in running the affairs of the organisation.

(2) An application in terms of subsection (1) shall be made on notice to the private voluntary organisation concerned, but, pending the determination by the High Court of the application, the Minister may, on or not more than seven days before the notice of the application being served on the private voluntary organisation, appoint one or more provisional trustees who shall exercise all the powers of the substantive trustee (if the application is granted) until the provisional trustee's appointment is confirmed by the High Court or some other person is appointed with the leave of the court as a substantive trustee.

(3) If the High Court refuses an application to appoint or confirm the appointment of one or more trustees, the refusal of the application shall not affect the validity of anything done by the provisional trustee in good faith pursuant to this section before the date of such refusal.

(4) Subject to any directions the Minister may give him or her, any provisional trustee shall exercise all the functions of the executive committee of the organisation:

Provided that a trustee shall not, without the approval of the Minister, exercise any power conferred on the executive committee by the organisation to acquire or dispose of any funds or other assets of the organisation.

(5) Where the Minister has suspended any member of the executive committee of a registered private voluntary organisation in terms of subsection (1)(f) from exercising all his or her functions and has not revoked the suspension within thirty days after it was effected—

- (a) the office of the person so suspended shall thereupon become vacant; and
- (b) whether or not he or she has earlier resigned his or her office, the person shall thereupon be disqualified from being nominated as a candidate for election to any office of the organisation until such time (whichever is the later) as—
  - (i) the Minister, by notice in the *Gazette* removes such disqualification; or
  - (ii) the High Court refuses an application.

(6) Where the Minister has suspended some but not all the members of the executive committee of a registered private voluntary organisation in terms of subsection (1)(f), the remaining members shall, on the expiry of the period referred to in subsection (5), forthwith call for the election of new members in accordance with the constitution of the organisation.

(7) Any provisional or final trustee who is not in fulltime employment of the State, shall be entitled to be paid from the funds of the organisation, for so long as he or she holds office as such, a monthly salary at such rate as the Minister may determine.

(8) If after due investigation by a trustee appointed in terms of this section, he or she finds sufficient evidence on a balance of probabilities that any person who is or has been an office-bearer or employee of the organisation has misappropriated any funds or other assets of the organisation, the trustee may—

- (a) make an affidavit to that effect incorporating, referring to or annexing thereto any evidence so found; and
- (b) lodge, on due notice to the office-bearer or employee or former office bearer or employee concerned (“the respondent”), an application to the High Court, together with the affidavit, for an order directing the respondent by a certain day (the “restitution day”) not being earlier than thirty days from the date that the application is set down to for hearing (the “return day” of the application) to refund or return to such organisation any funds or other assets which the respondent has misappropriated from such organisation, employers organisation or federation.

(9) If, on the return day of the application, the respondent makes no appearance or, after a hearing, the High Court grants the application for the order with or without amendment, the trustee shall, if the respondent does not comply fully or at all with the order by the return day, submit the order for registration to whichever court would have had jurisdiction to make such an order had the matter been determined by it, and thereupon the order shall have effect, for purposes of enforcement, of a judgment of the appropriate court.

(10) For the purposes of subsection (8), “misappropriate” in relation to the funds or other assets or moneys of the organisation under trusteeship includes doing either or both of the following in defiance of a notice referred to in subsection (9)—

- (a) expending or disposing of the funds or other assets of the organisation; or
- (b) withdrawing moneys from any account with any bank, building society or other financial institution operated on behalf of the organisation.

(11) Any person who—

- (a) makes any false representation to, or otherwise wilfully hinders or obstructs a trustee in the exercise of his or her functions under this section; or
- (b) falsely holds himself or herself out to be a trustee; or
- (c) contravenes subsection (4);

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

[Section substituted by section 10 of Act 1 of 2025]

## **22 Identification, appreciation and assessment of risks in relation to private voluntary organisations and other institutions**

(1) In this section—

“Financial Action Task Force” or “FATF” refers to the inter-governmental body established in 1989 whose responsibility include is to development of anti-money laundering and combating of terrorist financing policies to combat money laundering and for adoption by countries;

“Financial Intelligence Unit” or Unit means the financial intelligence unit referred to in section 6A of the Money Laundering and Proceeds of Crime Act [*Chapter 9:24*];

“proliferation” means the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons and their means of delivery and related materials (including both technologies and dual-use goods used for non-legitimate purposes), in contravention of national laws or, where applicable, international obligations. It includes technology, goods, software, services or expertise;

“proliferation financing convention” refers to the United Nation Security Council’s International Convention for the Suppression of the Financing of Proliferation;

“proliferation financing” means the act of providing funds or financial services which are used, in whole or in part, for the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons and their means of delivery and related materials (including both technologies and dual-use goods used for non-legitimate purposes), in contravention of national laws or, where applicable, international obligations;

“proliferation financing offences” means any criminal offence which constitutes proliferation or proliferation financing under the laws of Zimbabwe, and any criminal offence which constitutes proliferation or proliferation financing under a law of a foreign jurisdiction, in relation to acts or omissions which, had they occurred in Zimbabwe, would have constituted an offence in Zimbabwe. A Proliferation financing offence relates specifically to the development, production, acquisition, retention and transfer of nuclear, biological and chemical weapons;

“risk identification, appreciation and assessment” in relation to private voluntary organisations and those institutions set out in subparagraphs (i) to (ix) of the definition of “private voluntary organisation” in section 2(1) means an assessment (in accordance with the criteria furnished from time to time by the Financial Action Task Force) of the risk or vulnerability of such organisations or institutions to being misused for purposes of a serious offence as defined in terms of the Money Laundering and Proceeds of Crime Act [*Chapter 9:24*] or proliferation financing;

“serious offence” means—

- (a) a money laundering offence; or
- (b) a terrorist financing offence; or
- (c) a terrorist act, under whatever offence that act is prosecuted; or
- (d) an offence for which the maximum penalty is death or life imprisonment; or
- (e) an offence for which the penalty is—
  - (i) imprisonment of four years or more whether or

- (ii) not any portion is suspended by the convicting court;
- (iii) imprisonment for any period of less than four years but not less than one year, any portion of which equal to or exceeding one year is not suspended by the convicting court, without the option of a fine; or
- (f) an offence under the law of a foreign State in relation to any act or omission which, had it occurred in Zimbabwe, would have constituted an offence under paragraph (a), (b), (c), (d) or (e).

(2) Notwithstanding the exemptions set out in subparagraphs (i) to (x) of the definition of “private voluntary organisation” in section 2(1), in the Minister may, through regulations, designate by name, type, class, or characteristics, any legal person, legal arrangement, body or association of persons, corporate or unincorporated, or institution, which the Minister deems to be at high risk of or vulnerable to misuse for purposes of funding terrorism, terrorist organisations or terrorist causes, and—

- (a) shall require such person, arrangement, body or association or institution to register as a private voluntary organisation in terms of this Act; and
- (b) may prescribe such additional or special requirements, obligations or measures, not inconsistent with this Act, that shall apply in respect of such legal person, legal arrangement, body or association of persons, or institution, in order to mitigate against such risk or vulnerability.

(3) The Minister shall, in cooperation with the Financial Intelligence Unit at intervals of not less than once in five years undertake a risk assessment of all private voluntary organisations and those institutions set out in subparagraphs (i) to (ix) of the definition of “private voluntary organisation” in section 2(1), and in so doing may make such an assessment with respect to individual organisations or institutions or organisations or institutions of a specified class, or both.

(4) An organisation or institution designated under subsection (2) shall have a right within fourteen days of a designation to make written representations to the Minister to have the designation set aside or amended on the basis that—

- (a) the designation was made in error; or
- (b) the measures specified by the Minister to mitigate the identified risk or vulnerability are unreasonable or disproportionate in relation to the identified risk or vulnerability;

and the Minister may, on written notice to the organisation or institution concerned, reject or accept, conditionally or unconditionally such representations.

(5) The Minister may prescribe measures and requirements (not inconsistent with this Act) that apply especially to designated organisations or institutions for the purpose of eliminating or minimising the risk of abuse.

(6) The matters to be prescribed by the Minister in terms of this section may include—

- (a) identifying the at risk or vulnerable private voluntary organisations;
- (b) any additional or special reporting requirements which the private voluntary organisations may be required to comply with, such as beneficial ownership;
- (c) any records or other information which the private voluntary organisations may be required to maintain;
- (d) powers of the Registrar to monitor and enforce compliance with the Act, including powers to revoke licensing or registration of a non-compliant private voluntary organisation or to order removal of a director, trustee, employee or other office bearer of a private voluntary organisation;
- (e) powers of the Financial Intelligence Unit or other competent authority as may be prescribed by the Minister, to receive or access information held or maintained by the private voluntary organisations; and

- (f) designation of a contact person or authority for purposes of cooperating with foreign counterparts in sharing information and preventing the abuse of private voluntary organisations or designated institutions for purposes of financing or supporting terrorism;

(7) A designated institution referred to in subsection (2)(a) that fails to register as a private voluntary organisation shall be guilty of an offence and liable to a fine not exceeding level 14, and each of the members of the governing body of that organisation or institution shall be liable to the same offence and penalty and additionally or alternatively to the fine, shall be liable to imprisonment for a period not exceeding ten years.

(8) In respect of a designated private voluntary organisation that fails to comply with such of the requirements prescribed under subsection (4) as are applicable to it, the Registrar, at the direction of the Minister, shall impose one or both of the following measures—

- (a) revoke or suspend the or registration of the private voluntary organisation;
- (b) order the removal of a named director, trustee, employee or other office holder of the private voluntary organisation.

(9) Any person aggrieved by a decision of the Minister in terms of this section may appeal to the High Court in terms section 4 of the Administrative Justice Act [Chapter 10:28]:

Provided that such appeal shall not have the effect of suspending the Minister's decision.

(10) Upon an appeal in terms of subsection (9) the High Court may—

- (a) uphold the decision of the Minister; or
- (b) refer the decision back to the Minister for reconsideration (whether with or without directions on how the decision is to be reconsidered) on any one or more of the following grounds—
  - (i) allowing extraneous or irrelevant considerations to affect the decision;
  - (ii) failure to take into account relevant considerations in arriving at the decision;
  - (iii) any material mistake of fact or law that tainted the decision;
  - (iv) interest in the cause, bias, malice or corruption on the part of any person involved in making or contributing to the decision;
  - (v) gross irregularity in the proceedings or the decision of any person involved in making or contributing to the decision.

[Section substituted by section 10 of Act 1 of 2025]

## **22A Civil penalty orders and amendment or substitution of Schedule**

(1) The provisions of the Schedule apply to any infringement of this Act in respect of which it is provided that a civil penalty is payable.

(2) Subject to subsections (3) and (4), the Minister, may by notice in a statutory instrument amend or replace the Schedule.

(3) When the Minister, wishes to amend or replace the Schedule, the Minister shall cause to be tabled before the National Assembly the draft statutory instrument amending or replacing the Schedule, and if the National Assembly makes no resolution against the publication of the statutory instrument within the next seven sitting days after it is so laid before the National Assembly, the Minister shall cause it to be published in the *Gazette*.

(4) A request by the Minister to the Speaker to table before the National Assembly the draft statutory instrument referred to in subsection (3) shall be deemed to be a referral to the Parliamentary Legal Committee for the purposes of section 152(3)(e) of the Constitution.

[Section inserted by section 10 of Act 1 of 2025]

## **22B Co-operation with foreign counterpart authorities**

(1) The President, or the Minister with the President's authority, may enter into agreements with the Government of any other country or territory with a view to the rendering of reciprocal assistance in any or all of the following—

- (a) the registration of private voluntary organisations and the exchange of information related thereto;
- (b) the exchange of information and the rendering of mutual assistance to combat the transnational abuse of private voluntary organisations or charities for criminal purposes, the monitoring of the quality of the assistance given and the keeping of records of requests for information or assistance and of the responses thereto;
- (c) the administration of any office or offices that are a counterpart to the Office of the Registrar of Private Voluntary Organisations, including the mutual secondment and training of the staff of the Office and such offices.

(2) In particular, an agreement referred to in subsection (1) may empower the Registrar or the financial intelligence unit of the Reserve Bank, on his or her or its own behalf or on behalf of any law enforcement agency, to seek beneficial ownership or other information in respect of any company from the foreign counterpart, and, likewise, may provide beneficial ownership or other information in respect of any company to the foreign counterpart.

(3) The President may at any time revoke any such proclamation by a further proclamation in the *Gazette*, and the agreement shall cease to have effect upon the date fixed in such latter proclamation, but the revocation of any proclamation shall not affect the validity of anything previously done thereunder.

(4) Any agreement referred to in subsection (1) may be made with retrospective effect if the President considers it expedient so to do.

[Section inserted by section 10 of Act 1 of 2025]

## **22C Information sharing on private voluntary organisations of concern with foreign counterpart authorities**

(1) In this section—

“private voluntary organisation of concern” means a private voluntary organisation suspected of terrorist financing, proliferation financing or involvement in other forms of terrorist support.

(2) The FIU, may in consultation with the Registrar enter into agreements with a counterpart agency of another Government of any other country or territory with a view to the exchange of information and the rendering of mutual assistance related to the combating of the transnational abuse of private voluntary organisations for criminal purposes, the monitoring of the quality of the assistance given and the keeping of records of requests for information or assistance and of the responses thereto.

(3) In particular, an agreement referred to in subsection (1) may empower the Registrar or the Financial Intelligence Unit of the Reserve Bank, on his or her or its own behalf or on behalf of any law enforcement agency, to seek beneficial ownership or other information in respect of any private voluntary organisation from the foreign counterpart, and, likewise, may provide beneficial ownership or other information in respect of any company to the foreign counterpart.

(4) Any agreement referred to in subsection (1) may be made with retrospective effect.

(5) For the avoidance of doubt, the FIU shall be the point of contact to respond to international requests relating to private voluntary organisations of concern.

[Section inserted by section 10 of Act 1 of 2025]

**22D Minister may give policy directions to Registrar**

(1) Subject to subsection (2), the Minister may give the Registrar such general directions relating to the policy the Registrar is to observe in the exercise of his or her functions as the Minister considers to be necessary in the national interest, which policy directions must—

- (a) not be inconsistent with any provision of this Act; and
- (b) be issued in good faith, apply prospectively and not retrospectively, and be of general applicability; in particular the policy directions—
  - (i) must not be issued in relation to any particular application or appeal pending before the Registrar and must not apply so as to influence or direct the Registrar on the outcome of any particular application, appeal or other matter that is being considered by the Registrar immediately before the directions are issued; or
  - (ii) must not prejudice the application of the rules of natural justice by the Registrar in the exercise of his or her quasi-judicial functions;
- (c) clearly delimit the scope of their application and must otherwise not be vague or ambiguous in their terms; and
- (d) clearly express the national interest at stake;
- (e) must be clear (whether expressly or by necessary implication) that they apply or are in force for a fixed or indefinite period, or that they expire on the happening of any event.

(2) Before giving the Registrar any policy direction, the Minister shall inform the Registrar, in writing, of the proposed direction and the Registrar shall, within 30 days or such further period as the Minister may allow, submit to the Minister, in writing, his or her views on the proposal.

(3) The Registrar shall take all necessary steps to comply with any direction given to it in terms of subsection (1).

(4) When any direction has been given to the Registrar in terms of subsection (1), the Registrar shall ensure that the direction and any views the Registrar has expressed on it in terms of subsection (2) are set out in the Registrar's annual report.

[Section inserted by section 10 of Act 1 of 2025]

**23 General offences and penalties**

(1) Any person who—

- (a) collects or attempts to collect or instructs another person to collect or attempt to collect any contribution in furtherance of any of the objects mentioned in paragraphs (a) to (g) of the definition of “private voluntary organisation” in section *two*, except where the collection is—
  - (i) on behalf of and with the authority of a registered private voluntary organisation; or
  - (ii) on behalf of any body, association, institution, service or trust excluded from that definition by subparagraphs (i) to (x) thereof; or
  - (iii) authorised under section *eight*;

or

- (b) collects or attempts to collect or instructs another person to collect or attempt to collect any contribution for or on behalf of an unregistered private voluntary organisation;

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.

(2) Any person who falsely represents or causes or permits any other person falsely to represent to any member of the public that he is associated with a private voluntary organisation 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.

(3) Any person who, in or in connection with—

- (a) any application for the registration of a private voluntary organisation or the exemption of such an organisation under section *seven*; or
- (b) any application for the registration of the alteration of the name of a registered private voluntary organisation;

makes a statement or submits information that is false or misleading in a material particular, not having reasonable grounds for believing the statement or information to be true, 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.

(4) Any private voluntary organisation—

- (a) that supports or opposes any political party or candidate in a presidential, parliamentary or local government election; or
- (b) is a party to any breach of Part III of the Political Parties (Finance) Act [*Chapter 2:12*] as a contributor of funds to a political party or candidate or otherwise; or
- (c) wilfully denies any beneficiary assistance in furtherance of its charitable objects solely on the basis of that beneficiary's political affiliation, or wilfully makes such assistance conditional upon that beneficiary's political affiliation; or

shall be guilty of an offence and liable to a fine not exceeding level 12, and if—

- (d) it fails to pay the fine imposed on it within fourteen days of conviction (or, if the conviction or sentence is appealed, within fourteen days of the appeal being dismissed or abandoned), the national-level office-bearers of the organisation in Zimbabwe shall become jointly liable to pay the fine in equal shares; or
- (e) any national-level office-bearer in Zimbabwe fails to pay the share of the fine that becomes payable by him or her under paragraph (d), that office-bearer shall be liable to imprisonment for a period of thirty days.

(5) Subsection (4) does not apply to a private voluntary organisation which assists members of disadvantaged groups to become candidates for election to parliament or any local authority:

Provided that such assistance must be afforded in a strictly non-partisan manner.

[Section substituted by section 4 of Act 22 of 2001 and amended by section 11 of Act 1 of 2025]

### 23A Evidence and presumption

(1) A certificate purporting to be signed by or on behalf of the Registrar and stating whether or not a private voluntary organisation is registered under this Act shall be admissible as evidence in any court on its production by any person, and shall be *prima facie* proof of the matters stated therein.

(2) If in a prosecution for an offence under subsection (2) of section *twenty-three*—

- (a) it is alleged that the organisation which the accused person represented himself or was represented to be associated was not in existence at the time the offence is alleged to have been committed; and
- (b) a certificate is produced to the court by any person which purports to have been signed by the Registrar and states that at the time of the alleged offence no such private voluntary organisation was registered under this Act or had applied for registration;

it shall be presumed unless the contrary is proved that the organisation was not in existence at that time.

[Section inserted by section 4 of Act 22 of 2001]

### 24 Persons prohibited from being office-bearers or officers

(1) Any person shall be guilty of an offence who becomes, continues to be or acts in the capacity of an office-bearer or officer of a private voluntary organization within five years after

having been convicted under any enactment or the common law of Zimbabwe or any law of any country of any offence involving dishonesty.

(1a) Any person who is guilty of an offence in terms of subsection (1) shall be 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 inserted by section 4 of Act 22 of 2001]

(2) For the purposes of subsection (1)—

“office-bearer”, in relation to a private voluntary organization, means a member of the governing body of—

- (a) that organization; or
- (b) any branch, section or committee of that organization; or
- (c) any local, regional or subsidiary body forming part of that organization;

“officer”, in relation to a private voluntary organization, means any person working for that organization or any branch, section or committee thereof or for any local, regional or subsidiary body forming part of that organization, whether or not he receives any remuneration or reward for such work.

**25 ...**

[Section repealed by section 4 of Act 22 of 2001.]

## **26 Contributions unlawfully collected**

(1) The Minister may, by order in writing under his hand—

- (a) direct any person holding or having the control of any money, securities or other property, representing any contributions collected contrary to the provisions of this Act, to retain the possession or control thereof until a further order in regard thereto is made by him;
- (b) direct any person holding or having control of any money, securities or property such as are mentioned in paragraph (a)—
  - (i) to return to every contributor who is known the money, securities or property contributed by such contributor and to transfer or deliver the balance, if any, to the Minister, and to supply proof to the Minister of having complied with such order; or
  - (ii) to transfer or deliver such money, securities or property to the Minister, and thereupon the Minister shall return to every contributor who is known the money, securities or property contributed by such contributor.

(2) Any money, securities or property which cannot be returned to the contributor in terms of subsection (1) shall be paid into the Guardian’s Fund for the account of such contributor and shall be dealt with in accordance with the Administration of Estates Act [Chapter 6:01].

(3) Any person who contravenes or fails to comply with an order in terms of 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 inserted by section 4 of Act 22 of 2001]

## **27 Registrar may dissolve certain organizations**

If a private voluntary organization ceases to function and the persons responsible in terms of its constitution for dissolving the organization fail or are unable to dissolve it within six months thereafter, the Registrar may do so in their stead and shall be vested with all the powers necessary therefor, and shall dispose of the assets of the organization in accordance with its constitution.

## 28 Regulations

(1) The Minister may make regulations with regard to—

- (a) the form of any application, authority, certificate, notice, order or register to be made, given, issued or kept under this Act and any other form which may be required in carrying out this Act;
- (b) the books, accounts and records to be kept by private voluntary organizations and the manner in which they shall be kept;
- (c) the procedure to be followed on the dissolution of a private voluntary organization and the manner in which its assets shall be disposed of;
- (c) the circumstances under and the conditions upon which contributions may be collected by one private voluntary organization on behalf of another private voluntary organization;
- (d) the manner in which persons shall be authorized by registered private voluntary organization to collect contributions on their behalf;
- (e) any other matter which in terms of this Act is required or permitted to be prescribed; and generally for the better carrying out of the objects and purposes of this Act.

(e1) requirements to be complied with when applying for registration;

[Paragraph inserted by section 12 of Act 1 of 2025]

(e2) increased monitoring and supervision measures for private voluntary organisations found to be high risk;

[Paragraph inserted by section 12 of Act 1 of 2025]

(e3) measures of systems that private voluntary organisations can use in order to self regulate and prevent being misused in terms of section 22;

[Paragraph inserted by section 12 of Act 1 of 2025]

(e4) the disclosures of sources of funding from outside Zimbabwe whether in the application, the audit report or both;

[Paragraph inserted by section 12 of Act 1 of 2025]

(e5) any other matter of concern to assist in the combating money laundering, terrorist financing and proliferation financing in the area of private voluntary organisations;

[Paragraph inserted by section 12 of Act 1 of 2025]

(e6) any other measures that promote accountability, integrity and public confidence in the administration and management of private voluntary organisations;

[Paragraph inserted by section 12 of Act 1 of 2025]

(e7) any other measures in addition to provisions in the law and the Money laundering and proceeds of Crime act or any other enactment to ensure effective coordination and information sharing to the extent possible among all levels of appropriate authorities or organisations that hold relevant information on private voluntary organisations;

[Paragraph inserted by section 12 of Act 1 of 2025]

(e8) any other matter of concern to ensure efficient regulation of private voluntary organisations;

[Paragraph inserted by section 12 of Act 1 of 2025]

(2) Regulations made in terms of subsection (1) may provide penalties for contraventions thereof, 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.

[Subsection inserted by section 4 of Act 22 of 2001]

**SCHEDULE (Section 22A)**

**CIVIL PENALTY ORDERS**

**ARRANGEMENT OF PARAGRAPHS**

*Paragraph*

1. Interpretation in Schedule.
2. Power of Registrar to issue civil penalty orders.
3. Limitation on issuance and enforcement of civil penalty orders.
4. Service and enforcement of civil penalties and destination of proceeds thereof.
5. When hearings on question whether to serve civil penalty orders may be held.
6. Evidentiary provisions in connection with civil penalty orders.
7. Designated officers.

*Interpretation in Schedule*

1. In this Schedule, unless the context otherwise requires—
  - “citation clause”, in relation to a civil penalty order, is the part of the order in which the Registrar names the defaulter and cites the provision of this Act in respect of which the default was made or is alleged, together with (if necessary) a brief statement of the facts constituting the default;
  - “date of issuance”, in relation to the service of a civil penalty order, means the date on which it is served in any of the ways specified in paragraph 3(1);
  - “defaulter” means the person on account of whose default a civil penalty order is served, and includes an alleged defaulter;
  - “designated officer” means an officer of the Registry or other person designated and authorised by the Registrar to undertake duties in connection with the implementation of this Schedule;
  - “penalty clause”, in relation to a civil penalty order, is the part of the order that fixes the penalty to be paid by the defaulter, and “fixed penalty clause” and “cumulative penalty clause” shall be construed accordingly;
  - “remediation clause” in relation to a civil penalty order, is the part of the order that stipulates the remedial action to be taken by the defaulter;
  - “show cause clause” in relation to a civil penalty order is the part of the order that requires the defaulter to show cause why the civil penalty order should not have been served or should be withdrawn.

*Power of Registrar to issue civil penalty orders*

2. Where default is made in complying with any provision of this Act or of regulations or orders made under this Act for which a civil penalty is specified in this Act and Schedule to be leviable, the Registrar may, in addition to, and without derogating from, any criminal or non-criminal penalty that may be imposed by this Act or any other law for the conduct constituting the default, serve upon the defaulter a civil penalty order of the appropriate description specified in this paragraph.

*Specified civil defaults*

- 3.(1) A registered private voluntary organisation shall be guilty of a civil default if there is well founded information available to the Registrar indicating that it has been affected by any “material change” as defined in section 13A(1) and has not, within the time specified in section 13A(2) or (4), made an application for amendment as required by that section.

(2) Upon receipt of the information referred to in paragraph (1) the Registrar shall serve upon the defaulter a civil penalty order providing for—

- (a) the making of the requisite application in terms of section 13A;
- (b) the suspension of the penalty for a specified period not exceeding fourteen days, by the end of which the PVO must have commenced making the requisite application in terms of section 13A;
- (c) upon the civil penalty becoming operative because of non-compliance with subparagraph (b), a penalty of one hundred United States dollars (or the equivalent at the auction rate of exchange ruling on the date of issuance of the order) for each day not exceeding ninety days during which the PVO is non-compliant;
- (d) the suspension of the operation of the civil penalty order for a period of 48 hours from the date of its issuance to enable the alleged defaulter to show cause to the Registrar why the order should not have been issued, that is to say, to show that the order was issued in error:

Provided that—

- (i) if no such cause is shown within that period the order shall be deemed to have been issued with effect from the beginning of such period;
- (ii) if within that period it is shown that the order was issued in error the designated officer shall withdraw the order and make the appropriate notation of withdrawal in the civil penalty register.

(3) A registered private voluntary organisation shall be guilty of a civil default if there is well founded information available to the Registrar indicating that it has received any donation from an illegitimate or immoral source.

(4) Upon receipt of the information referred to in paragraph (3) the Registrar shall serve upon the defaulter a civil penalty order providing for—

- (a) the taking by the PVO of the remedial action specified in the order to enable the PVO to ascertain the legitimacy of the source of future donations received by it;
- (b) the suspension of the penalty for a specified period not exceeding fourteen days, by the end of which the PVO must satisfy the Registrar that it is in a position to be compliant in the future;
- (c) upon the civil penalty becoming operative because of non-compliance with the requested remedial action, a penalty of one hundred united states dollars (or the equivalent at the auction rate of exchange ruling on the date of issuance of the order) for each day not exceeding ninety days during which the PVO is non-compliant;
- (d) the suspension of the operation of the civil penalty order for a period of 48 hours from the date of its issuance to enable the alleged defaulter to show cause to the Registrar why the order should not have been issued, that is to say, to show that the order was issued in error:

Provided that—

- (i) if no such cause is shown within that period the order shall be deemed to have been issued with effect from the beginning of such period;
- (ii) if within that period it is shown that the order was issued in error the designated officer shall withdraw the order and make the appropriate notation of withdrawal in the civil penalty register.

(5) A registered private voluntary organisation shall be guilty of a civil default if there is well founded information available to the Registrar indicating that it has not used formal channels (that is to say registered banking institutions or other financial intermediaries regulated in Zimbabwe or in any other state) for the transmission of its funds at every point from source to destination.

(6) Upon receipt of the information referred to in paragraph (5) the Registrar shall serve upon the defaulter a civil penalty order providing for—

- (a) a combination of—
  - (i) a fixed penalty of the amount of one thousand United States dollars (or the equivalent at the auction rate of exchange ruling on the date of issuance of the order);
  - (ii) a cumulative penalty over a period not exceeding ninety days of five *per centum* of the outstanding amount of the fixed penalty for each day (beginning on the day after the service of a civil penalty order) that the fixed penalty or any outstanding amount thereof remains unpaid by the defaulter;
- (b) the opening (within a period not exceeding fourteen days) by the PVO of a banking account with a registered banking institution or other regulated financial intermediary; and
- (c) upon the civil penalty referred to in paragraph (b) becoming operative because of non-compliance with the requested remedial action, a penalty of one hundred United States dollars (or the equivalent at the auction rate of exchange ruling on the date of issuance of the order) for each day not exceeding ninety days during which the PVO is noncompliant; and
- (d) the suspension of the operation of the civil penalty order for a period of 48 hours from the date of its issuance to enable the alleged defaulter to show cause to the designated officer why the order should not have been issued, that is to say, to show that the order was issued in error:

Provided that—

- (i) if no such cause is shown within that period the order shall be deemed to have been issued with effect from the beginning of such period;
- (ii) if within that period it is shown that the order was issued in error the designated officer shall withdraw the order and make the appropriate notation of withdrawal in the civil penalty register.

*Limitation on issuance and enforcement of civil penalty orders*

3.(1) No civil penalty order may be issued more than twelve months from the date when the default or alleged default occurred or ceased to occur.

(2) A single civil penalty order may be served in respect of two or more defaults committed by the defaulter within a single period not exceeding six months, but if the aggregate of such defaults results in the defaulter becoming liable (either immediately or within seven days from the service of the civil penalty order) to a penalty or combined penalties in excess of the equivalent to more than twice the highest monetary penalty for which that person is liable in respect of any of those civil defaults, the Registrar may select one or any combination of those defaults which will not result in the defaulter becoming so liable, while reserving the right to serve a second or further additional civil penalty orders in respect of the defaults not so selected if the defaulter does not comply with the first civil penalty order.

*Service and enforcement of civil penalties and destination of proceeds thereof*

4.(1) References to the Registrar serving upon a defaulter any civil penalty order in terms of this Schedule, are to be interpreted as requiring the Registrar to serve such order in writing to the defaulter concerned—

- (a) by hand delivery to the defaulter or his or her director, manager, secretary or accounting officer in person, or to a responsible individual at the place of business of the defaulter; or

- (b) by delivery through a commercial courier service to the defaulter's place of business or his or her principal office in Zimbabwe or other place of business of the defaulter; or
- (c) by electronic mail to the defaulter whose electronic mail address is known to the Registrar:

(2) The Registrar officer shall not extend the period specified in a civil penalty order for compliance therewith except upon good cause shown to him or her by the defaulter, and any extension of time so granted (not exceeding in any case 30 days) shall be noted by the Registrar in the civil penalty register.

(3) The Registrar may, if the defaulter is a corporate defaulter—

- (a) in the same civil penalty order, name the corporate defaulter and every officer of the company, syndicate, other corporate person or partnership concerned as being so liable separately, or issue separate civil penalty orders in respect of the defaulter and each of the officers concerned;
- (b) choose to serve the order only upon the corporate defaulter without naming the officers if, in his or her opinion (which opinion the Registrar shall note in the civil penalty register), there may be a substantial dispute of fact about the identity of the particular officer or officers who may be in default:

Provided that nothing in this subparagraph affects the default liability of officers of the defaulter mentioned in subparagraph (6).

(4) The Registrar may, in the citation clause of a single civil penalty order, cite two or more defaults relating to different provisions of this Schedule if the defaults in question—

- (a) occurred concurrently or within a period not exceeding six months from the first default or defaults to the last default or defaults; or
- (b) arose in connection with the same set of facts.

(5) Where in this Act the same acts or omissions are liable to both criminal and civil penalty proceedings, the Registrar may serve a civil penalty order at any time before the commencement of the criminal proceedings in relation to that default, that is to say at any time before—

- (a) summons is issued to the accused person for the prosecution of the offence; or
- (b) a statement of the charge is lodged with the clerk of the magistrates court before which the accused is to be tried, where the offence is to be tried summarily; or
- (c) an indictment has been served upon the accused person, where the person is to be tried before the High Court;

as the case may be, but may not serve any civil penalty order after the commencement of the criminal proceedings until after those proceedings are concluded (the criminal proceedings are deemed for this purpose to be concluded if they result in a conviction or acquittal, even if they are appealed or taken on review). (For the avoidance of doubt, it is declared that the acquittal of an alleged defaulter in criminal proceedings does not excuse the defaulter from liability for civil penalty proceedings).

(6) Every officer of a corporate defaulter mentioned in the civil penalty order by name or by office, is deemed to be in default and any one of them can, on the basis of joint and several liability, be made by the Registrar to pay the civil penalty in the event that the defaulter does not pay.

(7) Upon the expiry of the ninety-day period within which any civil penalty order of any category must be paid or complied with, the defaulter shall be guilty of an offence and liable to a fine not exceeding level 6 or to imprisonment for a period not exceeding one year or to both (in the case of a corporate defaulter, every one of its officers is liable to the penalty of imprisonment, and to the fine if the corporate defaulter fails to pay it).

(8) The amount of any civil penalty shall—

- (a) be payable to the Registrar and shall form part of the Consolidated Revenue Fund or if a retention fund for the Office is established in terms of section 18 of the Public Finance Management Act [Chapter 22:19] shall form the funds of that retention fund; and
- (b) be a debt due to the Consolidated Revenue Fund or retention fund referred to in paragraph (a) and shall be sued for by the Registrar on behalf of the Consolidated Revenue Fund or the Registrar in any proceedings in the name of the Consolidated Revenue Fund or the Registrar in any court of competent civil jurisdiction:

Provided that for this purpose, the court of the magistrate in the district where the defaulter has his or her principal place of business shall be deemed to have jurisdiction to hear the suit even if the monetary amount sought would otherwise exceed its prescribed jurisdiction.

(9) Proceedings in a court for the recovery of a civil penalty shall be deemed to be proceedings for the recovery of a debt as if the defaulter had acknowledged the debt in writing.

(10) If the designated officer in terms of subparagraph (8)(b) desires to institute proceedings to recover the amounts of two or more civil penalties in any court of competent civil jurisdiction, the designated officer may, after notice to all interested parties, bring a single action in relation to the recovery of those penalties if the orders relating to those penalties—

- (a) were all served within the period of twelve months preceding the institution of the proceedings; and
- (b) were served—
  - (i) on the same defaulter; or
  - (ii) in relation to the same default or set of defaults, whether committed by the same defaulter or different defaulters; or
  - (iii) on two or more defaulters whose registered offices are in the same area of jurisdiction of the court before which the proceedings are instituted.

(11) Unless the Registrar has earlier recovered in civil court the amount outstanding under a civil penalty order, a court convicting a person of an offence against subparagraph (7), may on its own motion or on the application of the prosecutor and in addition to any penalty which it may impose give summary judgement in favour of the designated officer for the amount of any outstanding civil penalty due from the convicted defaulter.

*When hearings on question whether to serve civil penalty orders may be held*

5.(1) If, in response to a show cause clause, an alleged defaulter satisfies the designated officer, that it is not possible within 48 hours to demonstrate that the civil penalty order was issued in error due to a material dispute of fact, or because the alleged default in question was not wilful or was due to circumstances beyond the alleged defaulter's control, the designated officer shall afford the alleged defaulter an opportunity to be heard by making oral representations to the designated officer, for which purpose—

- (a) no later than 96 hours after the issuance of the civil penalty order, the alleged defaulter must furnish to the designated officer an affidavit sworn by him or her giving reasons to show that the civil penalty order was issued in error due to a material dispute of fact, or because the alleged default in question was not wilful or was due to circumstances beyond the alleged defaulter's control;
- (b) within a reasonable period from the receipt of an affidavit referred to in paragraph (a) the designated officer may serve copies of the affidavit on any person who, in the designated officer's opinion, is affected by or may be a party to the default, together with an invitation to the parties to attend at a meeting to be presided over by the designated officer (giving particulars of its time and venue) to enable the parties to make oral and written representations at that meeting on the question whether the civil

penalty order was issued in error to the alleged defaulter and whether it should be issued to some other person or not issued at all; and

Provided that in such invitation or at the meeting the designated officer may restrict the parties to submitting written representations only, before or no later than 48 hours after the conclusion of the meeting.

(2) The following provisions apply to every meeting convened under this paragraph in connection with the issuance of a civil penalty order—

- (a) if the alleged defaulter fails to attend at the meeting the designated officer may proceed to issue the civil penalty order;
- (b) the alleged defaulter bears the burden of showing on a balance of probabilities that the civil penalty order was issued in error due to a material dispute of fact, or because the alleged default in question was not wilful or was due to circumstances beyond the alleged defaulter's control;
- (c) at the conclusion of the meeting the designated officer may—
  - (i) in the presence of the parties (if any) at the meeting announce his or her decision verbally whether or not to issue a civil penalty order, and, if so to upon whom, and if the designated officer decides to issue the civil penalty order the designated officer shall do so within twenty-four hours;
  - (ii) cancel the civil penalty order or re-issue it with effect from the date of his or her decision on the same or another defaulter, or re-issue it with effect from the date on which it was initially issued if the designated officer finds that the defaulter's objections to its issuance were baseless, vexatious or frivolous:

Provided that the designated officer may defer making a decision by no more than 48 hours after the conclusion of the meeting and give notice of his or her decision, and the reasons for it (together with the civil penalty order, if any), to the alleged defaulter or any other person found to be liable for the civil penalty.

*Evidentiary provisions in connection with civil penalty orders*

6.(1) For the purposes of this Schedule the designated officer shall keep a civil penalty register wherein shall be recorded—

- (a) the date of service of every civil penalty order, the name and the physical or registered office address of the person upon whom it was served, the civil penalty provision in relation to which the defaulter was in default, and the date on which the civil penalty order was complied with or the penalty thereunder was recovered as the case may be;
- (b) if the alleged defaulter responded to the show cause clause in the civil penalty order with the result that—
  - (i) the order was cancelled because it was issued in error, the fact and the date of such cancellation; or
  - (ii) a meeting was held in accordance with paragraph 5, then—
    - A. a record or an adequate summary of any representations made at the hearing by way of an entry or cross-reference in, or annexure to, the register (and if recorded by way of annexure or cross-reference, the representations must be preserved for a period of at least six years from the date when they were made to the designated officer);
    - B. a record of the outcome of the hearing, that is to say, whether or not the civil penalty order was cancelled, and if not the date from which it was to have effect and whether a different defaulter was served with it.

(2) A copy of—

- (a) any entry in the civil penalty register, and of any annexure thereto or record cross-referenced therein, authenticated by the designated officer as a true copy of the original, shall on its mere production in any civil or criminal proceedings by any person, be *prima facie* proof of the contents therein; or
- (b) any civil penalty order that has been served in terms of this Act, authenticated by the designated officer as a true copy of the original, shall on its mere production in any civil or criminal proceedings by any person, be *prima facie* proof of the service of the order on the date stated therein upon the defaulter named therein, and of the contents of the order.

#### *Designated officers*

7.(1) Any reference to the Registrar in this Schedule shall be construed as a reference to a designated officer.

(2) The Registrar shall furnish each designated officer with a certificate signed by or on behalf of the Registrar stating that he or she has been appointed as a designated officer for the purpose of this Schedule.

(3) A designated officer shall, on demand by any person affected by the exercise of the powers conferred upon the Registrar under this Schedule, exhibit the certificate issued to him or her in terms of subsection (2).

[Schedule inserted by section 13 of Act 1 of 2025]

*The following transitional provisions were contained in section 14 of the Private Voluntary Organisations Amendment Act, 1925 (No. 1 of 2025):*

### **14 Transitional provisions: Pre-existing charitable entities**

- (1) The secretary of a pre-existing charitable entity shall lodge with the Registrar—
  - (a) no later than three months after the commencement the Private Voluntary Organisations Amendment Act, 2024, together with the prescribed fee and the constitution or other foundational document of the organisation, an application for registration as a private voluntary organisation setting forth—
    - (i) the name and address of the proposed private voluntary organisation; and
    - (ii) particulars of when it began operating in Zimbabwe and what kind of entity it was operating as (as evidenced by a certificate of registration as a trust or proof of incorporation); and
    - (iii) the aims and objects of the proposed private voluntary organisation; and
    - (iv) the area or areas in which the proposed private voluntary organisation proposes to render its services; and
    - (v) the sources or proposed sources of the applicant's funding; and
  - (b) if (on written notice to the applicant) it appears to the Registrar from the application or on the basis of information available to the Registrar that any person as a beneficial owner or controller exerts a significant or preponderant voice in the affairs of an organisation, an affidavit sworn by the secretary or a member of the governing body of the organisation disclosing the name of the beneficial owner or controller and the nature and extent of such beneficial ownership or control (in which case the date on which the Registrar is deemed to have received the application shall be the date on which such affidavit is received by the Registrar); and
  - (c) such further information in connection with the application as may be prescribed or as the Registrar may reasonably require to process the application (in which case the date on which the Registrar is deemed to have received the application shall be the date on which such information is received by the Registrar).

(2) Where the Registrar is satisfied that the requirements referred to in subsection (1) have been complied with, he or she shall submit to the Board at its next sitting after the requirements have been complied with, the application together with—

- (a) the constitution of the organisation; and
- (b) any affidavit referred to in subsection (1)(b) and any further information supplied in connection with the application; and
- (c) the written recommendation of the Registrar that the Board approve or reject the application (giving reasons to the Board if the Registrar recommends the rejection of the application):

Provided that if the Registrar recommends the approval of the application, the Registrar shall notify the applicant in writing that its application is provisionally approved, the effect of which notification is that the applicant may commence and continue conducting its operations, apart from collecting contributions from the public, until the date when it receives notification of the determination of its application by the Board.

(3) Having received from the Registrar the application and any supporting documentation referred to in subsection (2) the Board may—

- (a) after considering the application, grant it and direct the Registrar on the Board's behalf to issue to the organisation concerned a certificate of registration subject to such conditions as it may impose; or
- (b) reject the application if it appears to the Board that—
  - (i) the organisation is not *bona fide* operating in furtherance of the objects mentioned in its application for registration; or
  - (ii) the organisation does not, in respect of its constitution or management, or any other information required to be provided by the Registrar, comply with the provisions of this Act.

(4) Where the Board rejects an application for registration wholly or in part, the Registrar shall notify the applicant organisation of the rejection, and inform it of the grounds upon which the rejection was based.

(5) The registration of an organisation under this section and the objects in respect of which it has been registered shall be published by the Registrar in the *Gazette*.