

ZIMBABWEAN CITIZENSHIP BILL, 2018

MEMORANDUM

This Bill will repeal the Citizenship of Zimbabwe Act [*Chapter 4:01*] which will be replaced by the Zimbabwean Citizenship Act which is in compliance with Chapter 3 of the Constitution. The Bill also recognises the constitutional imperatives relating to children and the rights of both parents in relation to the guardianship of children.

Essentially, the Bill elaborates on the rights attendant upon citizenship by birth, citizenship by descent and citizenship by registration; it addresses the renunciation and revocation of citizenship, the prohibition of dual citizenship with respect to citizenship by descent and citizenship by registration, the establishment of a Citizenship and Immigration Board as well as other ancillary matters as provided for by the Constitution. For ease of reference, the relevant provisions of Chapter 3 of the Constitution are set out *in extenso* as a preamble to the Bill.

In more detail, the Bill provides as follows:

Part 1: Preliminary

This Part deals with preliminary matters.

Clause 1 sets out the short title of the Bill to be the Zimbabwean Citizenship Bill, 2018.

Clause 2 defines some of the terms used in the Bill and these are self-explanatory. Of significance is the definition of “responsible parent” which, in line with the Constitution, confers the same parental rights on either of the parents of a child. The term also includes responsibility in respect of adopted children.

Part II: Citizenship and Immigration Board

Clause 3 establishes the Citizenship and Immigration Board which will be responsible for granting and revoking citizenship as well as performing various other functions imposed on it by the Bill or which may be necessary or incidental to the performance of its functions. **Clause 3(1)** acknowledges the fact that the Board will have functions under a law relating to immigration hence its name Citizenship and Immigration Board. The Board will consist of 3 members appointed by the President being persons who are, have been or are qualified to be judges of the Supreme Court or High Court (**clause 3(4)**). The President may appoint an alternate to any member of the Board and he must designate the chairperson of the Board. Other detailed matters relating to qualifications, terms and conditions of tenure office and the procedure at meetings of the Board are set out in the Schedule to the Bill (**clause 3(7)**).

Members of the Board will also have the same powers as those conferred on a commissioner in terms of the Commissions of Inquiry Act [*Chapter 10:07*] (**clause 3(8)**). Members of the Civil Service will be appointed as staff of the Board (**clause 3(9)**). The Board will be required to maintain proper records of all its proceedings in a form and manner that will be prescribed (**clause 3(10)**).

Under **clause 4**, the Minister may give the Board policy directions in the national interest.

Part III: Registrar-General of Citizenship

Clause 5 provides for the Registrar-General of Citizenship, a civil servant whose functions are as provided for in the Bill.

Part IV: Application for Citizenship by registration

Clause 6 provides for the procedure for applying for citizenship by registration.

Under **clause 6(1)(a)**, any person with legal capacity, is of good character and is a fit and proper person to be registered as a citizen, has been ordinarily resident in Zimbabwe for at least 10 years, whether continuously or as an aggregate of a number of periods at the time of application and intends to continue to reside in Zimbabwe after the grant of the application, may apply to the Board for registration as a citizen.

Under **clause 6(1)(b)**, an application on behalf of a person without legal capacity can be made on behalf of such a person by the responsible parent of a child or the legal representative of a person with mental incapacity if the persons meet the minimum 10-year residence requirement as described above and, in the case of a person with a mental incapacity, if such a person has an association by way of descent with the legal representative. The Board may accept an application by a responsible parent of a child whose age does not allow for the 10-year minimum period. The Board may also accept an application by a person who is neither the responsible parent nor the legal representative of a person with legal incapacity if the Board considers it fit in given circumstances.

Under **clause 6(1)(c)**, a person who has been married to a Zimbabwean citizen for at least 5 years and has been ordinarily resident in Zimbabwe for at least 5 years, whether continuously or as an aggregate of a number of periods at the time of application, and intends to continue to reside in Zimbabwe after the grant of the application, may apply to the Board for registration as a citizen. The Board must also be satisfied that the marriage is not a marriage of convenience.

Under **clause 6(2)**, a person seeking citizenship by registration must renounce any other citizenship the person may hold on becoming a Zimbabwean citizen because citizens by registration may not hold dual or for that matter, multiple citizenships. In addition, applicants must possess a basic knowledge of at least one of the officially recognised languages and, save for persons with a legal incapacity, also possess an adequate knowledge of Zimbabwe, and the rights, benefits and duties of a citizen. Under **clause 6 (3)**, in computing the period of residence in Zimbabwe, periods of imprisonment or of detention in a reformatory or mental institution do not count.

Under **clause 6(4)**, the Board is enjoined not to approve an application in a number of situations including where the Board is not satisfied of the identity of the applicant; where the applicant, whether in Zimbabwe or elsewhere, has been convicted of any offence, and sentenced as, specified in the Schedule to the Immigration Act [*Chapter 4:02*]; where any criminal proceedings against the applicant are pending, in Zimbabwe or elsewhere; where the applicant is in prison or detained in a mental institution.

Under **clause 6(5)**, the Board may require a test to be taken on the officially recognised language of the applicant's choice as well as a test on other matters as may be prescribed.

Clause 7 requires the Board to consider an application for registration within 14 days of its submission to it and to make its decision within a further 30 days from the date of the consideration of the application. A refusal of the application must be accompanied by written reasons for the refusal.

Under **Clause 8**, a person whose application for registration as a citizen has been denied, or a person who has renounced citizenship or whose citizenship has been revoked or has ceased on account of holding another foreign citizenship is not entitled to re-apply for citizenship until after the expiry of 5 years from the date of the occurrence of any of these events unless the Board considers that there are special circumstances for waiving the 5 years.

Under **clause 9**, where an application for registration as a citizen has been granted by the Board, the registration as a citizen of an applicant who has legal capacity will occur only after the applicant has taken an oath or affirmation of loyalty within the time and before a person notified by the Registrar-General in accordance with any prescribed regulations. Such a person shall become a citizen from the date the oath or affirmation of loyalty is taken.

The registration as a citizen of a person with a legal incapacity will occur upon the person's appearance, together with the responsible parent or legal representative, before the Registrar as notified by the Registrar.

Clause 10 provides for the issue of a certificate of registration as a citizen which shall be in the prescribed form.

Under **clause 11**, children under the age of 15 years found abandoned in Zimbabwe shall be registered as citizens by birth if, following investigations by the Board, the nationality or parentage of the child cannot be determined.

Clause 12 provides for the voluntary renunciation of Zimbabwean citizenship by any citizen. Renunciation by citizens by registration will include renunciation on behalf of persons under legal incapacity on whose behalf they applied for citizenship. A renunciation of citizenship must be made and registered in the prescribed manner and form. A renunciation by a national of a country with which Zimbabwe is engaged in war may not be registered without the authority of the Minister. Upon registration of a renunciation, a person ceases to be a Zimbabwean citizen.

Clause 13 provides for the revocation of citizenship by order of the Board where citizenship was obtained by fraud, false representation or concealment of a material fact. In the case of citizenship by registration, citizenship will be revoked if such a citizen has acted as an enemy of the State or if such a person is also a citizen of another country. A revocation order may not be made if a person will be rendered stateless. The Board is required to notify the person concerned and to hold an inquiry before making a revocation order.

Clause 14 provides for the revocation of the citizenship of persons under legal incapacity following the revocation of the citizenship of their responsible parents or of their legal representatives at the same time that the latter's citizenship is revoked. However, if one or other of a responsible parent or legal representative remains a Zimbabwean citizen, the citizenship of the person with legal incapacity does not have to be revoked.

Under **clause 15**, a person who is a citizen by birth who may have been required to renounce his or her citizenship as a pre-condition to acquiring or retaining the citizenship of any foreign country has

the right at any time to resume his or her Zimbabwean citizenship as well as that of any person under legal incapacity in relation to whom he or she is the responsible parent or legal representative.

Clause 16 provides for the application, after 5 years, for the restoration of citizenship by registration by such citizens having ceased to be citizens by reason of renunciation or revocation.

Clause 17 provides for the application at any time for the restoration of citizenship by descent by such citizens having ceased to be citizens by reason of renunciation or revocation. Restoration may not be denied if the person will otherwise be rendered stateless.

Part V: General matters.

Clause 18 provides for the conferring by the President of honorary Zimbabwean citizenship on any person for distinguished service to Zimbabwe but such citizenship will not carry certain rights, duties or privileges of citizenship.

Clause 19 provides that the Board may authorise the grant of certificates of citizenship to any Zimbabwean citizen where such citizenship is in any doubt and such a certificate shall be conclusive proof of Zimbabwean citizenship unless it is established that the citizenship was obtained dishonestly.

Under **clause 20**, the Board is authorised to extend any periods within which anything may be required to be done under the Act.

Clause 21 provides for the treatment of certain documents issued in pursuant to this Act for the purposes of evidence.

Under **clause 22**, a person has a right to be represented by a legal practitioner or other representative in matters before the Board.

Clause 23 makes provision enabling the computerisation of any citizenship processes in line with growing global practices.

Clause 24 provides for offences penalties.

Clause 25 provides for the making by the Minister of regulations necessary for the proper implementation of the Act.

Clause 26 repeals the Citizenship of Zimbabwe Act [*Chapter 4:01*] and makes some transitional and savings provisions.

The Schedule provides for matters which govern the Board.

3rd Draft: April, 20182nd Draft: November, 20171st Draft: September, 2017

BILL

To provide for matters relating to Zimbabwean citizenship in compliance with Chapter 3 of the Constitution of Zimbabwe Amendment (No.20) Act, 2013; to repeal the Citizenship of Zimbabwe Act [Chapter 4:01]; and to provide for matters connected with or incidental to the foregoing.

WHEREAS section 35 (1) of the Constitution (Zimbabwean citizenship) provides that “*Persons are Zimbabwean citizens by birth, descent or registration.*”;

AND WHEREAS sections 33 to 43 of the Constitution provide as follows—

“35 Zimbabwean citizenship

(1) *Persons are Zimbabwean citizens by birth, descent or registration.*

(2) *All Zimbabwean citizens are equally entitled to the rights, privileges and benefits of citizenship and are equally subject to the duties and obligations of citizenship.*

(3) *All Zimbabwean citizens are entitled to the following rights and benefits, in addition to any others granted to them by law—*

(a) *to the protection of the State wherever they may be;*

(b) *to passports and other travel documents; and*

(c) *to birth certificates and other identity documents issued by the State.*

(4) *Zimbabwean citizens have the following duties, in addition to any others imposed upon them by law—*

(a) *to be loyal to Zimbabwe;*

(b) *to observe this Constitution and to respect its ideals and institutions;*

(c) *to respect the national flag and the national anthem; and*

(d) *to the best of their ability, to defend Zimbabwe and its sovereignty.*

36 Citizenship by birth

(1) *Persons are Zimbabwean citizens by birth if they were born in Zimbabwe and, when they were born—*

(a) *either their mother or their father was a Zimbabwean citizen; or*

(b) *any of their grandparents was a Zimbabwean citizen by birth or descent.*

(2) *Persons born outside Zimbabwe are Zimbabwean citizens by birth if, when they were born, either of their parents was a Zimbabwean citizen and—*

(a) *ordinarily resident in Zimbabwe; or*

(b) *working outside Zimbabwe for the State or an international organisation.*

(3) *A child found in Zimbabwe who is, or appears to be, less than fifteen years of age, and whose nationality and parents are not known, is presumed to be a Zimbabwean citizen by birth.*

37 Citizenship by descent

Subject to section 36(2), persons born outside Zimbabwe are Zimbabwean citizens by descent if, when they were born—

- (a) either of their parents or any of their grandparents was a Zimbabwean citizen by birth or descent; or*
- (b) either of their parents was a Zimbabwean citizen by registration;*

and the birth is registered in Zimbabwe in accordance with the law relating to the registration of births.

38 Citizenship by registration

(1) Any person who has been married to a Zimbabwean citizen for at least five years, whether before or after the effective date, and who satisfies the conditions prescribed by an Act of Parliament, is entitled, on application, to be registered as a Zimbabwean citizen.

(2) Any person who has been continuously and lawfully resident in Zimbabwe for at least ten years, whether before or after the effective date, and who satisfies the conditions prescribed by an Act of Parliament, is entitled, on application, to be registered as a Zimbabwean citizen.

(3) A child who is not a Zimbabwean citizen, but is adopted by a Zimbabwean citizen, whether before or after the effective date, is entitled, on application, to be registered as a Zimbabwean citizen.

39 Revocation of citizenship

(1) Zimbabwean citizenship by registration may be revoked if—

- (a) the person concerned acquired the citizenship by fraud, false representation or concealment of a material fact; or*
- (b) during a war in which Zimbabwe was engaged, the person concerned unlawfully traded or communicated with an enemy or was engaged in or associated with any business that was knowingly carried on so as to assist an enemy in that war.*

(2) Zimbabwean citizenship by birth may be revoked if—

- (a) the citizenship was acquired by fraud, false representation or concealment of a material fact by any person; or*
- (b) in the case of a person referred to in section 36(3), the person's nationality or parentage becomes known, and reveals that the person was a citizen of another country.*

(3) Zimbabwean citizenship must not be revoked under this section if the person would be rendered stateless.

40 Retention of citizenship despite marriage or dissolution of marriage

Zimbabwean citizenship is not lost through marriage or the dissolution of marriage.

41 Citizenship and Immigration Board

An Act of Parliament must provide for the establishment of a Citizenship and Immigration Board consisting of a chairperson and at least two other members, appointed by the President, to be responsible for—

- (a) granting and revoking citizenship by registration;*
- (b) permitting persons, other than citizens, to reside and work in Zimbabwe, and fixing the terms*

and conditions under which they may so reside and work; and

- (c) *exercising any other functions that may be conferred or imposed on the Board by or under an Act of Parliament.*

42 Powers of Parliament in regard to citizenship

An Act of Parliament may make provision, consistent with this Chapter, for—

- (a) *procedures by which Zimbabwean citizenship by registration may be acquired;*
 (b) *the voluntary renunciation of Zimbabwean citizenship;*
 (c) *procedures for the revocation of Zimbabwean citizenship by registration;*
 (d) *the restoration of Zimbabwean citizenship;*
 (e) *the prohibition of dual citizenship in respect of citizens by descent or registration; and*
 (f) *generally giving effect to this Chapter.*

43 Continuation and restoration of previous citizenship

(1) *Every person who, immediately before the publication day, was a Zimbabwean citizen continues to be a Zimbabwean citizen after that date.*

(2) *Every person who was born in Zimbabwe before the publication day is a Zimbabwean citizen by birth if—*

- (a) *one or both of his or her parents was a citizen of a country which became a member of the Southern African Development Community established by the treaty signed at Windhoek in the Republic of Namibia on the 17th August, 1992; and*
 (b) *he or she was ordinarily resident in Zimbabwe on the publication day.”;*

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

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PART I

PRELIMINARY

1 Short title

This Act may be cited as the Zimbabwean Citizenship Act, 2018.

2 Interpretation

In this Act—

“Board” means the Citizenship and Immigration Board established under section 3;

“child” means a person under the age of eighteen years;

“former citizenship law” means—

- (a) the Citizenship of Zimbabwe Act [*Chapter 23 of 1974*]; or
- (b) the Citizenship of Southern Rhodesia and British Nationality Act, 1963 (No. 63 of 1963); or
- (c) the Citizenship of Rhodesia and Nyasaland and British Nationality Act, 1957 (Federal Act No. 12 of 1957); or
- (d) the Southern Rhodesia Citizenship and British Nationality Act, 1949 (No. 13 of 1949); or
- (e) the law relating to naturalization in force in Zimbabwe before the 1st January, 1950; or
- (f) the Citizenship of Zimbabwe Act [*Chapter 4:01*];

“legal representative” means the legal representative at law of a person under legal incapacity by reason of mental incapacity and who has an association by way of descent with the person with such mental incapacity;

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

“oath or affirmation of loyalty” means the oath or affirmation of loyalty in the form specified in the Third Schedule to the Constitution;

“person under legal incapacity” means a person who has not attained the age of eighteen years or a person who suffers a mental incapacity;

“Registrar-General” means the Registrar-General of Citizenship referred to in section 5;

“responsible parent” means—

- (a) either one or both parents of a child with responsibility for such child in terms of the law relating to the guardianship of children; or
- (b) the person, whether or not a parent of the child, who has guardianship or custody of a child, jointly or otherwise, under the law of Zimbabwe or any foreign law, whether because of adoption, the operation of law, an order of a court or otherwise.

(2) For the purposes of this Act—

- (a) a person shall be regarded as ordinarily resident in Zimbabwe if the person has lawfully and voluntarily established a usual place of residence in Zimbabwe, otherwise than as a visitor, with the intention of remaining in Zimbabwe;
- (b) any reference to citizenship of a foreign country shall include a reference to citizenship of one or more foreign countries.

PART II

CITIZENSHIP AND IMMIGRATION BOARD

3 Establishment, composition and functions of Board

(1) There is hereby established a Citizenship and Immigration Board which, for the purposes of this Act, in addition to performing functions imposed upon it in terms of the law relating to immigration, shall be responsible for—

- (a) granting and revoking citizenship by registration;
- (b) performing any other functions in relation to citizenship as are imposed upon it in terms of this Act or any other enactment;
- (c) doing all other things which are necessary or incidental to the performance of its functions under this Act.

(2) In the performance of its functions, the Board may--

- (a) seek information which it considers necessary for the performance of its functions;
- (b) undertake such consultations or hold such inquiries as it may consider necessary;
- (c) receive written or oral submissions from any person in connection with any application or other matter before it or an inquiry by it.

(3) The Board shall consist of not more than five members appointed by the President in consultation with the Minister, taking into account the responsibilities of the Board under the law relating to immigration.

(4) A person shall be qualified for appointment as a member of the Board if he or she is or has been a judge of the Supreme Court or the High Court or is qualified in terms of section 178 and 179 of the Constitution for appointment as a judge of the Supreme Court or the High Court.

(5) The President shall designate one member as chairperson and one member as deputy chairperson of the Board.

(6) The President may, subject to subsection (4), appoint an alternate member to any member of the Board who shall act only when a member to whom he or she is alternate is unable to perform his or her duties as a member and when so acting, shall have the same powers of such member other than the powers of the chairperson.

(7) The Schedule shall apply—

- (a) to the qualifications, terms and conditions of office, vacation of office, suspension and dismissal of members of the Board;

(b) to the procedure to be followed by the Board at its meetings.

(8) The powers, rights and privileges of members of the Board shall be the same as those conferred upon a commissioner by the Commissions of Inquiry Act [*Chapter 10:07*], other than the power to order a person to be detained in custody, and sections 9 to 13 and 15 to 18 of that Act shall apply, *mutatis mutandis*, in relation to an inquiry by the Board under this Act and to a person summoned to give evidence or giving evidence at the inquiry.

(9) The Minister shall, subject to the law relating to the Civil Service, appoint from the Civil Service a person to act as secretary to the Board to perform such duties, with the support other staff of the Ministry, as may be assigned to them by the Board.

(10) The Board shall maintain proper records of all its proceedings in such form and manner as may be prescribed.

4 Minister may give Board policy directions

(1) Subject to subsections (2) and (3), the Minister may give the Board such directions of a general character relating to the policy which the Board is to observe in the exercise of its functions, as the Minister considers requisite in the national interest.

(2) Before giving the Board a direction in terms of subsection (1), the Minister shall inform the Board, in writing, of the proposed direction and the Board shall, within thirty days or such further period as the Minister may allow, submit to the Minister, in writing, its view of the law with regard to the proposal and the possible legal consequences which the proposal may have.

(3) Where the Board maintains in its view submitted to the Minister in terms of subsection (2), that the proposed direction is in contravention of the law, the Minister shall withdraw the direction.

(4) Subject to this section, the Board shall, with due expedition, comply with any direction given to it in terms of subsection (1).

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

PART III

REGISTRAR-GENERAL OF CITIZENSHIP

5 Registrar-General of Citizenship

(1) There shall be a Registrar-General of Citizenship, whose office shall be a public office and shall form part of the Civil Service.

(2) The Registrar-General shall perform such functions as are conferred upon him or her in terms of this Act.

PART IV

APPLICATION FOR CITIZENSHIP BY REGISTRATION

6 Application for citizenship by registration

(1) An application for citizenship by registration shall be made to the Board in the prescribed form and manner by any person who--

- (a) is not under a legal incapacity and satisfies the Board that he or she—
 - (i) is of good character and is a fit and proper person to be registered as a citizen of Zimbabwe; and
 - (ii) at the date of the application, is and has been continuously and lawfully resident in Zimbabwe for at least ten years determined in terms of subsections (3), (4), (5) and (6) of section 3 of the Immigration Act [*Chapter 4:02*]; and
 - (iii) after the grant of the application, intends to continue to reside in Zimbabwe, subject to employment exigencies; or
- (b) in the case of a person who is under a legal incapacity, by the responsible parent or legal representative of such person who shall satisfy the Board that the person on whose behalf the application is made is and has been continuously and lawfully resident in Zimbabwe for at least ten years determined in terms of subsections (3), (4), (5) and (6) of section 3 of the Immigration Act [*Chapter 4:02*]:

Provided that the Board may, where it considers it fit, accept an application made by—

- (i) a responsible parent in respect of a child who has not been resident in Zimbabwe for at least ten years having regard to the age of the child; or
 - (ii) a person who is not the responsible parent or legal representative of the person to whom the application relates;
- (c) who has been married to a Zimbabwean citizen for at least five years and the Board is satisfied that--
 - (i) the person is of good character and is a fit and proper person to be registered as a Zimbabwean citizen; and
 - (ii) at the date of the application, the person is and has been, whether continuously or as an aggregate of a number of periods, ordinarily resident in Zimbabwe for at least five years and intends to continue to reside in Zimbabwe after the grant of the application; and
 - (iii) the marriage is not a marriage of convenience as provided for in section 3A of the Immigration Act [*Chapter 4:02*].

(2) A person seeking citizenship by registration must—

- (a) renounce any other citizenship the person may hold upon becoming a Zimbabwean citizen; and
- (b) possess a basic knowledge of at least one of the officially recognised languages; and
- (c) save for a person under a legal incapacity, possess an adequate knowledge of Zimbabwe and of the rights, benefits and duties of a Zimbabwean citizen.

(3) No period during which a person who applies for registration as a citizen was confined to or was an inmate of a prison, reformatory, mental hospital or other such institution in Zimbabwe or resided in Zimbabwe as a visitor, shall be counted as a period of residence in Zimbabwe.

(4) The Board must not approve an application in terms of this section if—

- (a) it is not satisfied of the identity of the person; or
- (b) the person is a prohibited person as defined in section in terms of section 14 of the Immigration Act [*Chapter 4:02*]; or
- (c) any proceedings for an offence against the law of Zimbabwe or any other country, including proceedings by way of appeal or review, are pending in relation to the person; or
- (d) the person is imprisoned; or
- (e) the person is detained in a mental institution by order of a court made in connection with any proceedings in relation to the person.

(5) The Board may require a person referred to in paragraph (a) of subsection (1) to sit a test on such matters as may be prescribed and a language test approved by the Minister in any officially recognised language of the person's choice to the satisfaction of the Board for the purposes of paragraphs (b) and (c) of subsection (2).

7 Decision of the Board

(1) The Board shall consider an application within fourteen days of the date of receipt of the application and shall, within a further period of thirty days from the date of consideration of the application, either approve or refuse to approve application and the applicant shall be informed person accordingly.

(2) Where the Board refuses to approve an application, the Board shall provide the applicant with written reasons for the refusal within the further period of thirty days referred to in subsection (1).

8 Rejected applications and applications from former citizens

(1) Subject to subsection (2), the Board shall not consider an application in terms of section 6—

- (a) if it has previously rejected a similar application made by or in respect of the same person; or
- (b) if the person by or in respect of whom the application is made was formerly a Zimbabwean citizen by registration but renounced the citizenship in terms of section 12 or ceased to be a citizen by reason of revocation in terms of section 13 or 14;

until the expiry of a period of five years beginning on the date of rejection of the previous application or the date on which that person renounced Zimbabwean citizenship or ceased to be a Zimbabwean citizen, as the case may be.

(2) If the Board considers that the special circumstances of the case so warrant, it may consider any application referred to in subsection (1) before the expiration of the five-year period referred to in that subsection.

9 Registration as citizen

(1) The registration as a Zimbabwean citizen of a person to whom paragraph (a) or (c) of subsection (1) of section 6 relates shall not be effected unless that person has taken the oath or affirmation of loyalty in the form set out in the Constitution within such period as may be prescribed following the grant of the application for citizenship by the Board.

(2) The Registrar-General shall notify a person who is required to take the oath or affirmation of loyalty in terms of this section of the time within which and the person before whom the oath or affirmation of loyalty may be taken before registration as a citizen.

(3) A person who is required to take the oath or affirmation of loyalty shall be registered and become a Zimbabwean citizen by registration on the date the person takes the oath or affirmation of loyalty.

(4) A person whose application for citizenship is made in terms of paragraph (b) of subsection (1) of section 6 shall become a citizen on the date of registration by the Registrar-General upon appearance of such person, together with the responsible parent or legal representative, as the case may be, before the Registrar-General, within such period as may be prescribed following the grant of the application by the Board.

(5) A child not being a Zimbabwean citizen but is adopted in terms of Part VIIA of the Children's Act [*Chapter 5:06*] shall become a Zimbabwean citizen by registration in such form and manner as may be prescribed following the registration of the birth of the child in terms of section 75E of the Children's Act [*Chapter 5:06*] if an adoptive parent of the child is a Zimbabwean citizen on the date the adoption order is granted.

10 Certificate of registration

A person who becomes a Zimbabwean citizen by registration shall be issued with a certificate of registration as a Zimbabwean citizen, which certificate shall be in the form prescribed.

11 Citizenship of abandoned child

If the Minister becomes aware that a child who is or appears to be less than fifteen years of age has been found abandoned in Zimbabwe, the Minister shall direct the Board to conduct such investigations as it considers necessary to establish the nationality or parentage of the child and in the event that the Board is unable to establish the nationality or parentage of the child, the Minister shall direct the Registrar-General register the child as a Zimbabwean citizen by birth and to issue any documents in relation to the child, in such manner as may be prescribed, as are issued to a Zimbabwean citizen by birth.

12 Renunciation of citizenship

(1) Subject to section 15, a Zimbabwean citizen who is not subject to any legal incapacity may make a declaration of voluntary renunciation of his or her Zimbabwean citizenship.

(2) Where a responsible parent or legal representative of a person under legal incapacity who is a Zimbabwean citizen by registration renounces his or her citizenship, the responsible parent or legal representative concerned shall make a declaration of renunciation of Zimbabwean citizenship on behalf of that person:

Provided that the Board may, where it considers it fit, accept a declaration of renunciation in respect of a person under legal incapacity from a person other than the responsible parent or legal representative.

(3) A declaration of renunciation of Zimbabwean citizenship shall be made and registered in such form and manner as may be prescribed.

(4) No declaration of renunciation of Zimbabwean citizenship shall be registered without the authority of the Minister if the person concerned is a citizen or national of a foreign country with which Zimbabwe is engaged in war, whether declared or not.

(5) Upon the registration of a declaration of renunciation of Zimbabwean citizenship, the person by whom or in respect of whom the declaration is made shall cease to be a Zimbabwean citizen.

13 Revocation of citizenship

(1) Subject to this section, the Board may, by order, revoke a person's Zimbabwean citizenship if—

- (a) in the case of citizenship by registration, it is established that when the citizenship was granted, the person was or is not entitled to such citizenship if the Board is satisfied that—
 - (i) the citizenship was obtained by means of fraud, false representation or the concealment of a material fact; or
 - (ii) the person has, during any war in which Zimbabwe is or has been engaged, whether such war is or was declared or not, unlawfully traded or communicated with an enemy or been engaged in or assisted with any business which was to his knowledge carried on in such a manner as to assist an enemy in that war;
 - (ii) the person holds the citizenship of any other country.
- (b) in the case of citizenship by birth or descent, the citizenship was acquired by means of fraud, false representation or the concealment of a material fact by any person;

(2) Citizenship shall not be revoked if a person will be rendered stateless.

(3) Before making an order in terms of subsection (1), the Board shall cause to be served on the person against whom the order is proposed to be made a notice in writing informing the person of the grounds on which it is proposed to be made and of the person's right to a full inquiry to be held by the Board to determine the matter.

(4) If a person against whom an order in terms of subsection (1) is proposed to be made so requests within thirty days of a notice being served upon him or her in terms of subsection (3), the Board shall hold an inquiry into the matter within twenty-one days of the request after which the Board shall make a determination as to the necessity or expedience of making an order in terms of subsection (1).

(5) A person whose citizenship is revoked by order of the Board shall cease to be a Zimbabwean citizen on a date to be specified by the Board in the order.

14 Loss of citizenship by persons under legal incapacity

(1) If a person ceases to be a Zimbabwean citizen whether by way of revocation and at the time of revocation, the person is a responsible parent or legal representative of a person under a legal incapacity, the Minister may, by order, revoke the Zimbabwean citizenship of the person under legal incapacity at the same time as the revocation in terms of section 13 and subsections (2) to (5) of section 13 shall apply, *mutatis mutandis*, to a revocation in terms of this section.

(2) If at the time a person who is a responsible parent or legal representative of a person under a legal incapacity ceases to be a Zimbabwean citizen, another responsible parent or legal representative remains a Zimbabwean citizen, the citizenship of the person under legal incapacity shall not be revoked.

15 Resumption of citizenship by citizens by birth

A Zimbabwean citizen by birth who is required to renounce his or her citizenship as a precondition to acquiring or retaining the citizenship of any foreign country is entitled at any time, together with any person under legal incapacity in relation to whom he or she is the responsible parent or legal representative, to automatically resume Zimbabwean citizenship.

16 Restoration of citizenship by registration

(1) A person who ceases to be a citizen by registration by reason of--

- (a) renunciation in terms of section 12; or
- (b) revocation in terms of section 13 or 14;

may, subject to the five-year restriction imposed in terms of section 8, apply to the Board in the prescribed form and manner for the restoration of his or her Zimbabwean citizenship and the citizenship of any person under legal incapacity in relation to whom he or she is the responsible parent or legal representative.

(2) A person whose citizenship was revoked when he or she was under the age of eighteen years may, notwithstanding the five-year restriction imposed in terms of section 8, apply for the restoration of citizenship in terms of this section within five years of the date of attaining the age of eighteen years.

(3) Sections 6 and 7 shall apply *mutatis mutandis* to an application for restoration of citizenship by registration in terms of this section.

17 Restoration of citizenship by descent

(1) A person who ceases to be a citizen by descent by reason of--

- (a) renunciation in terms of section 12; or
- (b) revocation in terms of section 13 or 14;

may at any time apply to the Board in the prescribed form and manner for the restoration of his or her Zimbabwean citizenship by descent and of the citizenship of any person under legal incapacity in relation to whom he or she is the responsible parent or legal representative.

(2) Restoration of citizenship shall not be denied if the person will be rendered stateless.

(3) A person whose citizenship was revoked when he or she was under the age of eighteen years may at any time apply for the restoration of citizenship in terms of this section at any time after attaining the age of eighteen years.

PART V GENERAL

18 Honorary citizens

(1) Where a person has done signal honour or rendered distinguished service to Zimbabwe, the President may grant him honorary citizenship of Zimbabwe.

(2) A person to whom honorary citizenship is granted shall become an honorary citizen of Zimbabwe on such date as the President may fix.

(3) The grant of honorary citizenship shall not—

- (a) render the honorary citizen liable to military service or any other obligation of a citizen of Zimbabwe; or
- (b) entitle the honorary citizen to be registered as a voter; or
- (c) entitle any spouse, child or other relation of the honorary citizen to become a citizen of Zimbabwe.

19 Certificates of citizenship in certain cases

(1) The Board may, in such cases as he thinks fit, grant a certificate of citizenship to any citizen of Zimbabwe or to any person with respect to whose citizenship a doubt exists.

(2) A certificate granted to a person in terms of subsection (1) shall, unless it is proved that it was obtained by means of fraud, false representation or the concealment of a material fact, be conclusive proof that the person was a Zimbabwean citizen on the date of the certificate, but without prejudice to any evidence that he or she was a Zimbabwean citizen at an earlier date.

20 Board may extend periods

(1) The Board may permit the extension of any period specified in this Act within which any act may be or is required to be done after the period has expired.

(2) Where the Board has permitted the extension of any period in terms of subsection (1), any consequence which occurred or would have occurred at the expiry of the original period shall be deemed not to have occurred or shall not occur until the expiry of the extended period.

21 Evidence

(1) An authority, certificate, notice or document, other than an order made in terms of section 13 or 14, which in terms of this Act may be granted, issued or given by the Board shall be good and effectual if signed by the chairman of the Board, the Registrar-General or by an officer of the Civil Service authorized by the chairman of the Board or Registrar-General to sign such an authority, certificate, notice or document and, when so signed, shall for all purposes be *prima facie* proof that it was granted, issued or given in accordance with this Act.

(2) A document purporting to be an entry in a register made in terms of this Act or a former citizenship law shall—

- (a) be received in evidence on its production by any person and be *prima facie* proof of the matter specified in the entry; and
- (b) be deemed, unless the contrary is proved, to have been made by or on behalf of the person by whom or on whose behalf it purports to have been made.

(3) A document purporting to be a notice, certificate, order, authority, declaration or subscription of an oath of loyalty or allegiance given, granted, issued or made in terms of this Act or a former citizenship law shall—

- (a) be received in evidence on its production by any person; and
- (b) be deemed, unless the contrary is proved, to have been given, granted, issued or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted, issued or made.

(4) For the purposes of determining, in any proceedings before a court or otherwise, whether or not a person has ceased to be a Zimbabwean citizen, the fact that the person—

- (a) possesses or has at any time possessed a valid passport or other travel document issued by the government of a foreign country; or
- (b) exercises or has at any time exercised any right or privilege accorded exclusively to citizens of a foreign country; or
- (c) without the written authority of the Minister, is serving in or has at any time served in the armed forces of a foreign country;

shall be *prima facie* proof that the person is or at that time was, as the case may be, a citizen of the foreign country.

(5) Notwithstanding anything contained in subsection (1) of section 25 of the Civil Evidence Act [*Chapter 8:01*], if in any proceedings referred to in subsection (4) the Board or the Registrar-General produces a document purporting to be a copy of any written law of a foreign country which shows that any person is, by virtue of that law, a citizen of that country, it shall be presumed, unless it is shown to the contrary, that that person is a citizen of that country.

22 Representation

A person who is the subject of proceedings before the Board may, at his or her own expense, be represented by legal practitioner or other adviser.

23 Computerised citizenship processes

(1) The Minister may, by notice in the *Gazette*, notify the use, under the Board's control, of computer programmes for any of the purposes for which the Board is empowered under this Act to--

- (a) make a decision; or
- (b) exercise any power or comply with any obligation; or
- (c) do any other thing relating to making a decision or exercising a power or complying with an obligation.

(2) The Board shall be deemed to have taken the actions done by the operation of a computer programme as set out in subsection (1).

(3) The Board may substitute a decision for a decision made by the operation of a computer programme if a notice signed by any such authorised person or class of persons, being a public officer

in the ministry responsible for citizenship, as may be specified by notice in the *Gazette* to do so, states whether or not the computer programme was functioning correctly at a specified time or during a specified period in relation to specified decisions and such a notice shall be *prima facie* evidence of the matters stated in the notice.

(4) The decision made by the Board in terms of subsection (3) in substitution of the decision made by the operation of a computer must be more favourable to the applicant.

(5) For the purposes of subsection(3), a computer programme is taken to function correctly if the outcomes from its operation comply with this Act and such outcomes would be valid had they been made by the Board otherwise than by the operation of the computer programme.

(6) The Minister, on the advice of the Board may make regulations prescribing the manner in which computer programmes may be competently and efficaciously used for the purpose of carrying out its functions in terms of this Act.

24 Offences and penalties

(1) Any person who, for the purpose of procuring anything to be done or not to be done in terms of this Act makes a statement or submits a document which he knows to be false in a material particular or does not know or believe to be true shall, without prejudice to any other proceedings that may be taken against him, be guilty of an offence.

(2) Any person who is not a Zimbabwean citizen and who, without the written permission of the Minister, makes use of a current Zimbabwean passport issued in his name shall be guilty of an offence:

Provided that it shall be a defence to a charge under this subsection for a person to prove that, when he made use of the passport concerned, he believed on reasonable grounds that he was a Zimbabwean citizen.

(3) Any Zimbabwean citizen by registration who, without the written permission of the Minister, makes use of a current passport issued in his or her name by the government of a foreign country shall be guilty of an offence.

(4) Any person who is guilty of an offence in terms of subsection (1), (2) or (3) shall be liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(5) Any false document given in contravention of subsection (1) shall be forfeited to the State and the Minister shall, as soon as practicable after the seized document is submitted to him or her, give written notice to the person who submitted the document of the seizure and the notice must—

- (a) identify the document; and
- (b) state that the document has been seized; and
- (c) specify the reason for the seizure; and
- (d) state that the document shall be forfeited to the State unless the person or the owner of the document institutes legal proceedings within a period of ninety days from the date of the notice for—

- (i) the recovery of the document; or
- (ii) a declaration that the document is not forfeited.

(6) If no proceedings are instituted in terms of subsection (5), the document shall be forfeited to the State and the Minister may—

- (i) direct that it be disposed of as may be prescribed; or
- (ii) if so required, be retained for purposes of any further proceedings that may be necessary.

25 Regulations

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

(2) Regulations made in terms of subsection (1) may provide for—

- (a) the manner in which applications for registration as citizens of Zimbabwe shall be made;
- (b) the manner and form in which applicants for citizenship by registration be required to renounce their citizenship of a foreign country;
- (c) the time within which anything required or authorized to be done in terms of this Act is to be done;
- (d) the registration of anything required or authorized in terms of this Act to be registered;
- (e) the administration and taking of the oath or affirmation of loyalty and the time within which the oath of loyalty is to be taken and the procedure after failure to take such oath or affirmation within the specified time;
- (f) the giving of a notice required or authorized to be served on a person in terms of this Act;
- (g) the conduct of any inquiry by the Board in terms of subsection (4) of section 13 and the nature of evidence that may be led at such an inquiry;
- (h) the remuneration and allowances that may be paid to a member of the Board;
- (i) the surrender and cancellation of certificates of citizenship, passports or other documents upon ceasing to be a Zimbabwean citizen in terms of this Act;
- (j) the correction of any clerical errors or errors of fact or substance in any register, certificate of citizenship or other document;
- (k) the circumstances in which and the conditions subject to which copies of certificates issued in terms of this Act may be obtained;
- (l) the imposition and recovery of fees in respect of—
 - (i) applications made to the Board or Registrar-General in terms of this Act; or
 - (ii) registration or the making of a declaration or the grant of a certificate or the taking of an oath or affirmation of loyalty; or
 - (iii) the supply of a certificate or other copy of a declaration, certificate or oath made, granted or taken by or in terms of this Act or a former citizenship law;

and for the application of any such fees.

(3) Regulations made in terms of subsection (1) may provide penalties for contraventions thereof not exceeding a fine of level five or imprisonment for a period not exceeding six months or both such fine and such imprisonment.

26 Repeal, transitional and savings

(1) Subject to this section, the Citizenship of Zimbabwe Act [*Chapter 4:01*] is repealed.

(2) At the date of commencement of this Act, a citizen of Zimbabwe by registration who--

- (a) is also a citizen of a foreign country; or
- (b) at any time before that date, had renounced or purported to renounce his or her citizenship of a foreign country but has, despite such renunciation, retained the foreign citizenship; or
- (c) has been absent from Zimbabwe for a continuous period of five years;

shall cease to be a citizen of Zimbabwe twelve months after that date unless, before the expiry of that period, the person citizen has effectively renounced his or her foreign citizenship in accordance with the law of that foreign country and has made a declaration to the Board confirming such renunciation in the form and manner prescribed.

(3) Notwithstanding anything to the contrary in any other enactment, but subject to subsection (2), any person who was ordinarily resident in Zimbabwe immediately before the date of commencement of this Act and who ceases to be a Zimbabwean citizen in terms of subsection (2) shall be entitled—

- (a) to reside in Zimbabwe; and
- (b) to acquire, hold and dispose of movable and immovable property in Zimbabwe; and
- (c) to be indentured as an apprentice or trainee and to enter, practise or engage in any profession, trade, calling or employment in Zimbabwe; and
- (d) to obtain education for himself or herself and his or her children in Zimbabwe; and
- (e) to continue to hold any office or post which under any enactment is required to be held by a Zimbabwean citizen if he or she was appointed to that office or post before the date of commencement of this Act if the Minister responsible for the administration of the enactment certifies in writing that he or she is a proper person to hold such office or post; and
- (f) generally, to do all such things as may be done by persons who are ordinarily resident in Zimbabwe.

SCHEDULE (*Section 3(7)*)
PROVISIONS APPLICABLE TO BOARD

Section

- 1 Interpretation in Schedule.
- 2 Disqualification for appointment to Board.
- 3 Term of office and conditions of service of members of Board.
- 4 Vacation of office by members of Board.
- 5 Filling of vacancies of Board.
- 6 Procedure of Board.
- 7 Committees of Board.
- 8 Minutes of proceedings.
- 9 Validity of decisions and acts of Board.

1. *Interpretation in Schedule*

In this *Schedule*—

“statutory body” means—

- (i) any Commission established by the Constitution; or
- (ii) any corporate body established directly by or under an Act for special purposes specified in that Act, the membership of which consists wholly or mainly of persons appointed by the President, a Vice-President, a Minister or any other statutory body or by a Commission established by the Constitution.

2. *Disqualification for appointment to Board*

(1) Subject to this Act, a person shall not be qualified for appointment as a member of the Board, nor shall he or she hold office as a member, if—

- (a) he or she is not a citizen of Zimbabwe or ordinarily resident in Zimbabwe; or
- (b) he or she is a member of 2 or more other statutory bodies; or
- (c) he or she is a member of Parliament; or
- (d) he or she is a member of a local authority or is in the full-time employment of a local authority;
or
- (e) in terms of the law in force in any country—
 - (i) he or she has been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or
 - (ii) he or she has made an assignment to or composition with his or her creditors which has not been rescinded or set aside; or
- (f) within the period of five years immediately preceding his or her proposed appointment, he or she has been sentenced in a country to a term of imprisonment imposed with or without the

option of a fine, whether or not any portion thereof has been suspended, and has not received a free pardon.

(2) For the purposes of subparagraph (1)(b), a person who is appointed to a council, board or authority which is a statutory body or which is responsible for the administration of the affairs of a statutory body shall be regarded as a member of that statutory body.

3. *Term of office and conditions of service of members of Board*

(1) Subject to this *Schedule*, the term of office of a member of the Board shall be such period not exceeding 4 years as the Minister may fix on his or her appointment:

Provided that the Minister shall ensure that at least 2 members who have held office on the Board at its inception shall continue for another term.

(2) On the expiry of a member's term of office, he or she shall be eligible for re-appointment for a further one term.

(3) Subject to this *Schedule*, the conditions of service of a member of the Board, including allowances, shall be fixed by the Minister in consultation with the Minister responsible for finance, at the time of his or her appointment.

(4) Notwithstanding any other provision of this paragraph, the allowances payable to a member of the Board shall not be reduced during his or her tenure of office.

4. *Vacation of office by members of Board*

(1) A member of the Board may resign from his or her office at any time by giving the Minister and the Board such notice of his or her intention to resign as may be fixed in his or her conditions of service in terms of paragraph 3 or, if no such period has been fixed, after the expiry of 30 days from the date he or she gives notice or after the expiry of such other period of notice as he or she and the Minister may agree.

(2) A member of the Board shall be deemed to have resigned from his or her office and his or her office shall become vacant—

- (a) if he or she becomes disqualified for appointment to the Board in terms of paragraph 2(a), (b), (c), (d) or (e); or
- (b) on the date he or she begins to serve a sentence of imprisonment, whether or not any portion was suspended, imposed with or without the option of a fine—
 - (i) in Zimbabwe, in respect of an offence; or
 - (ii) outside Zimbabwe, in respect of conduct which, if committed in Zimbabwe, would have constituted an offence.

5. *Filling of vacancies of Board*

On the death of, or vacation of office by, a member of the Board, the Minister shall fill the vacancy within 3 months of the vacancy occurring.

6. *Procedure of Board*

(1) Subject to subparagraph (2), the Board shall meet at such dates, times and places as may be fixed by the chairperson:

Provided that the Board shall meet at least once every 3 months.

(2) The chairperson—

- (a) may convene a special meeting of the Board at any time; and
- (b) shall convene a special meeting of the Board on the written request of not fewer than 2 members, which meeting shall be convened for a date not sooner than 7 days and not later than 30 days after the chairperson's receipt of the request.

(3) Written notice of a special meeting convened in terms of subparagraph (2) shall be sent to each member not later than 48 hours before the meeting and shall specify the business for which the meeting has been convened:

Provided that a failure by a member to receive such a notice, or an inadvertent failure to send a notice to a member, shall not invalidate the meeting.

(4) No business shall be discussed at a special meeting convened in terms of subparagraph (2) other than—

- (a) such business as may be determined by the chairperson where he or she convened the meeting in terms of subparagraph (2)(a); or
- (b) the business specified in the request for the meeting, where the chairperson convened the meeting in terms of subparagraph (2)(b).

(5) In the absence of the chairperson the deputy chairperson shall preside over the meeting of the Board as chairperson.

(6) In the absence of the chairperson or deputy chairperson, the members present shall, if they constitute a quorum, elect one of their number to preside over the meeting of the Board as chairperson.

(7) At any meeting of the Board, two of the members of the Board shall form a quorum.

(8) The Board will undertake to make decisions by consensus among the members present at the meeting of the Board at which a quorum is present; failing which anything authorised or required to be done by the Board shall be decided by a majority vote of the members at that meeting.

(9) At all meetings of the Board each member present shall have 1 vote on each question before the Board:

Provided that, in the event of an equality of votes, the chairperson or person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

(10) With the approval of the Board, the chairperson may invite any person to attend a meeting of the Board where the chairperson considers that the person has special knowledge or experience in any matter to be considered at the meeting.

(11) A person invited to attend a meeting of the Board under subparagraph (9) may take part in the meeting as if he or she were a member of the Board, but shall not have a vote on any question before the meeting.

(12) Any proposal circulated among all members of the Board and agreed to in writing by a majority of them shall have the same effect as a resolution passed at a duly constituted meeting of the members and shall be incorporated into the minutes of the next meeting of the Board:

Provided that, if a member requires that such a proposal be placed before a meeting of the Board, this subparagraph shall not apply to the proposal.

(13) Except as otherwise provided in this paragraph, the procedure for the convening and conduct of meetings of the Board shall be as fixed from time to time by the Board.

7. Committees of Board

(1) For the better exercise of its functions, the Board may establish one or more committees in which it may vest such of its functions as it considers appropriate.

(2) The vesting of a function in a committee in terms of subparagraph (1)—

- (a) may be made absolutely or subject to conditions and may be amended or withdrawn at any time; and

(b) shall not divest the Board of that function;

and the Board may amend or rescind any decision of the committee in the exercise of that function.

(3) On the establishment of a committee under subparagraph (1) the Board—

(a) shall appoint at least one of its members as a member of the committee, and that member or one of those members designated by the Board, as the case may be, shall be chairperson of the committee; and

(b) may appoint as members of the committee persons who are not members of the Board and fix the terms and conditions of their appointment.

(4) Meetings of a committee may be convened at any time and at any place by the chairperson of the committee.

(5) If the chairperson of the committee is absent from a meeting of the committee, the members present may elect one of their number to preside at that meeting as chairperson.

(6) A majority of members of a committee shall form a quorum at any meeting of a committee.

(7) Anything authorised or required to be done by a committee may be decided by a majority vote at a meeting of the committee at which a quorum is present.

(8) At all meetings of a committee each member present shall have one vote on each question before the committee:

Provided that, in the event of an equality of votes, the chairperson or person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

(9) Subject to this paragraph, the procedure to be followed at any meeting of a committee shall be fixed by the Board.

8. *Minutes of proceedings*

(1) The Board shall cause minutes to be taken at its meetings and at meetings of its committees and enter them in books kept for the purpose.

(2) Any minutes which purport to be signed by the person presiding at the meeting to which the minutes relate or by the person presiding at the next following meeting of the Board or committee, as the case may be, shall be accepted for all purposes as *prima facie* evidence of the proceedings and decisions taken at the meeting concerned.

(3) The Board and any committee of the Board shall cause copies of all minutes that have been signed to be sent to the Minister for his or her information.

9. *Validity of decisions and acts of Board*

(1) No decision or act of the Board or act done under the authority of the Board shall be invalid solely because there were 1 or more vacancies on the Board when the decision was taken or the act was done or authorised or a disqualified person partook in the act or decision.

(2) If any decision or other act of the Board is rendered invalid through a procedural irregularity, the Board may at a duly convened meeting ratify the decision or act, and any decision or act so ratified shall be valid in all respects with effect from the date of its ratification.