



ZIMBABWEAN

GOVERNMENT GAZETTE

EXTRAORDINARY

Published by Authority

Vol. XCX, No. 132

11th NOVEMBER, 2022

Price RTGS\$1 450,00

CONTENTS

Statutory Instruments Issued as Supplements to this Gazette Extraordinary

Number

- 194. High Court (Fees) (Civil Cases) (Amendment) Rules, 2022, (No. 13).
- 195. High Court (Fees and Allowances) (Amendment) Rules, 2022, (No. 26).
- 196. Magistrates Court (Civil) (Amendment) Rules, 2022, (No. 4).
- 197. Labour Court (Amendment) Rules, 2022, (No. 2).
- 198. Supreme Court (Fees) (Civil Cases) (Amendment) Regulations, 2022, (No. 9).
- 199. Constitutional Court (Amendment) Rules, 2022, (No. 3).

High Court (Fees) (Civil Cases) (Amendment) Rules, 2022 (No. 13)

IT is hereby notified that the Minister of Justice, Legal and Parliamentary Affairs has, in terms of section 57 of the High Court Act [*Chapter 7:06*], made the following rules:—

1. These rules may be cited as the High Court (Fees) (Civil Cases) (Amendment) Rules, 2022 (No. 13).

2. The Schedule to the High Court (Fees) (Civil Cases) Rules, 1992, published in Statutory Instrument 426 of 1992, is repealed and the substitution of—

“SCHEDULE (*Rule 2*)

FEES

	US\$
1. Original summons, including civil imprisonment summons and citation, court application, special and agreed case, income tax appeal, claim in reconvention and urgent chamber application	10,00
2. Original summons, sounding in money	0.001% of the amount claimed
3. Appeals from lower court or tribunal, including tax Appeals	5,00
4. Chamber Application, other than application in the course of or incidental to other legal proceedings	5,00
5. Application trial dates	2,00
6. Application for condonation and/or extension of time	10,00
7. Application for default judgment	10,00
8. Recording fee	5,00
9. Writ of execution or attachment, including civil imprisonment	2,00
10. Order of court or certified copy thereof	1,00
11. Certificate by Registrar	10,00
12. Affixing the seal of the court to any documents (per page)	20,00
13. Registration certificate	20,00
14. Taxation—	
(a) notice of taxation	30,00
(b) application for a set down for taxation	30,00

High Court (Fees) (Civil Cases) (Amendment) Rules, 2022 (No. 13)

	US\$
15. Making a copy of any document, other than a certified copy of an order of court by—	
(a) photocopying per page, or duplicated or printed copy, per page	1,00
(b) original typing, per page	1,00
16. Search fee	1,00
17. Retrieval fee	5,00
18. Interpreter’s fee	10,00”

NB. The fees may be payable in Zimbabwean dollars at the prevailing interbank rate.

High Court (Fees and Allowances) (Amendment) Rules, 2022 (No. 26)

IT is hereby notified that the Minister of Justice, Legal and Parliamentary Affairs, has in terms of section 57 of the High Court Act [Chapter 7:06], made the following rules:—

1. These rules may be cited as the High Court (Fees and Allowances) (Amendment), Rules, 2022 (No. 26).

2. The Third Schedule to the High Court (Fees and Allowances), Rules, 2000, published in Statutory Instrument 182 of 2000, is repealed and the substitution of—

THIRD SCHEDULE (Rule 5)

TARIFF OF SHERIFF'S FEES AND CHARGES

	US\$
1. For service, or attempted service, of summons or any other process, including annexures thereto, and necessary returns to the court and to the party issuing the process . . .	20,00
2. (1) For executing a writ—	
(a) of personal arrest	40,00
(b) of ejectment	50,00
(c) against immovable property	35,00
(this fee includes service of necessary notices to the Registrar of Deeds and to the owner, occupier or lessee)	
(d) against movable property	35,00
(this fee includes service of notice of attachment)	
(2) If the execution is effected outside the town in which the Deputy Sheriff is required to reside, the same travelling allowance as for service of process shall be payable in addition to these fees	
(3) Where the writ is one of ejectment, for each person who was not named in the writ and who was in fact ejected . . .	20,00
(this fee to be paid after execution)	
(4) Where it is necessary for the Deputy Sheriff to wait at any dwelling or place in order to serve the writ, per half-hour serve the writ, per half-hour or part thereof spent so waiting:	5,00

US\$

Provided that—

- (i) no such charge shall be made if the Deputy Sheriff is required to wait for less than half an hour;
 - (ii) if required by a party, the Deputy Sheriff shall provide a Certificate explaining the reason why he or she had to wait.
3. For attendance at the sale of immovable property as Sheriff’s commissioner, and for general assistance in connection with such a sale 20,00
 4. For drawing advertisement for sale of attached goods 15,00
 5. For taking inventory 30,00
For necessary assistance in taking inventory, half this rate
 6. (1) In respect of the possession, removal or storage of property—
 - (a) for keeping possession of property seized, for each officer, a reasonable fee not exceeding, per day . 15,00
 (“possession” means the continuous and necessary presence on the premises, for the period in respect of which possession is charged, of a person employed and paid by the Deputy Sheriff for the sole purpose of retaining possession)
 When no officer is left in possession and no security bond is taken, but movable property attached remains under the supervision of the Deputy Sheriff, a reasonable fee, not exceeding, per day 10,00
 - (b) if property is removed and stored—
 - (i) the amount actually and necessarily disbursed in removing the property;
 - (ii) if storage is provided by a person other than the Deputy Sheriff, the amount actually and necessarily paid for such storage;
 - (iii) if storage is provided by the Deputy Sheriff, per day
 - (c) for herding and preserving livestock, the reasonable and necessary expenses of herding and preserving the livestock 15,00
 - (2) A Deputy Sheriff may insure movable property attached if he or she is authorised in writing by the judgment creditor to do so, and for effecting such insurance he or she shall be allowed, in addition to the premium paid, a fee of 10,00

	US\$
7. For drawing and completing a bail bond, deed of security or indemnity bond	30,00
8. In respect of execution—	
(a) when a writ is paid on presentation, five <i>per centum</i> of the amount of the writ, with a minimum of	10,00
(b) when a writ is withdrawn by the judgment creditor, or the judgment debtor's estate is placed under sequestration or liquidation before any movable property has been attached, a fee of	10,00
(c) when a writ is withdrawn by the judgment creditor, or the judgment debtor's estate is placed under sequestration or liquidation after movable property has been attached but before sale, five <i>per centum</i> of the value of the property attached, but such value shall not exceed the amount directed to be recovered;	
(d) when a writ is withdrawn by the judgment creditor, or the judgment debtor's estate is placed under sequestration or liquidation after immovable property has been attached but before sale, one <i>per centum</i> of the value of the property attached, but such value shall not exceed the amount directed to be recovered;	
(e) when a writ is paid by the judgment debtors to the Deputy Sheriff after movable property has been attached but before sale, five <i>per centum</i> of that amount;	
(f) after sale in execution, five <i>per centum</i> of the net amount recovered or, if the Sheriff acted as or engaged an auctioneer, five <i>per centum</i> of that amount.	
9. For each necessary letter, including copy to keep	2,00
10. For copying—	
(a) by photocopying means, per page	2,00
(b) by original typing, per page	2,00
(c) by duplicated or printed copy, per page	5,00

TRAVELLING

11. For travelling on a journey exceeding one kilometre from the office of the Deputy Sheriff, the following allowances and amounts –
- (a) when a journey is performed by road by a vehicle other than a motor cycle on or off tar, for each kilometre after the first kilometre or part thereof, the rate chargeable

High Court (Fees and Allowances) (Amendment) Rules, 2022 (No. 26)

- US\$
- shall be as per the Automobile Association of Zimbabwe rates applicable at the time of the journey, plus the current cost of one tenth of a litre of unleaded petrol for each kilometre or part thereof;
- (b) where a motor cycle is used, per kilometre after the first kilometre 0,50
- (c) when a journey is performed by rail or other public conveyance, a refund of the actual fee paid is chargeable
- (d) a refund is chargeable of such necessary out of pocket expenses as are proved to have been incurred while the Deputy Sheriff is away from the town in which his or her office is situated;
- (e) whenever it is necessary for the Deputy Sheriff to take with him or her away from the town in which his or her office is situated an officer or employee, a refund is chargeable of such necessary out of pocket expenses as are proved to have been incurred by or on behalf of such officer or employee

Notes

1. No amount for travelling or subsistence shall be claimed for any service performed within one kilometre of the Deputy Sheriff's office.
2. Where more services than one may be effected on the same journey, the charge for travelling expenses shall be fairly and equitably apportioned among the several cases.
3. Where there are more ways than one of doing a particular thing, the least expensive shall be adopted unless there is some reasonable objection to so doing,
4. A Deputy Sheriff may pay rent, if necessary, to secure the undisturbed possession of premises on which any property has been attached, for a period of one month or such longer period as may be authorised by the judgment creditor, and she or she shall be reimbursed for any rent so paid.

NB. The fees may be payable in Zimbabwean dollars at the prevailing interbank rate.

3. The High Court (Fees and Allowances) (Amendment) Rules, 2021(No.24) published in Statutory Instrument 107 of 2021 are hereby repealed.

Magistrates Court (Civil) (Amendment) Rules, 2022 (No. 4)

IT is hereby notified that the Minister of Justice, Legal and Parliamentary Affairs has, in terms of section 73 of the Magistrates Court Act [*Chapter 7:10*], made the following rules:—

1. These rules may be cited as the Magistrates Court (Civil) (Amendment) Rules, 2022 (No. 4).

2. The Second Schedule to the Magistrates Courts (Civil) Rules, 2020, published in Statutory Instrument 222 of 2020, is amended by the repeal of Table C in Part II and the substitution of—

“SECOND SCHEDULE

TABLE C

[Order 32, rule 6]

TARIFF OF COURT FEES

<i>Item</i>	US\$
1. Certification of documents, per page	0,50
2. Commissioning of affidavits	1,00
3. Notice of appeal	10,00
4. Request for default judgment	2,00
5. Notice of pre-trial conference	2,00
6. Warrant of execution against property	4,00
7. Warrant of Civil Imprisonment	10,00
8. Search fee for a record	1,00
9. Transcription of record, per page	1,00
10. Application for peace order	1,00
11. Substituted service	5,00
12. Application for rescission of judgment	4,00
13. Inspection of records	2,00
14. Pre-trial conference	2,00
15. Notice of setdown	4,00
16. Inter-pleader summons	5,00

Magistrates Court (Civil) (Amendment) Rules, 2022 (No. 4)

<i>Item</i>	US\$
17. Summons/Application commencing	5,00
18. Ex-parte application	10,00
19. Security of costs	5,00
20. Registration of estates	1,00
21. Copying of letter or document (photocopying), per page	0,20
22. Interpreter's fees, per day	5,00
23. Request for extract	2,00
24. Consent of transfer	2,00
25. Consent of sale	5,00
26. Local court appeal.	5,00
27. Taxation	10,00
28. Request for typed judgment, per page	1,00
29. Liquor licence application (Bulawayo and Harare districts)	
(a) temporary application	350,00
(b) late opening	500,00
30. Application for summary judgment	5,00
31. Application on notice	5,00
32. Application for custody	5,00
33. Application for guardianship	5,00
34. Application for stay of execution	10,00
35. Application for civil imprisonment	20,00
36. Notice to plead	5,00
37. Registration of consent orders by court	5,00
38. Application for absolution from the instance	100,00
39. Application for garnishee orders	5,00
40. Notice of withdrawal	2,00
41. Appearance to defend	2,00
42. Sale of records	2,00
43. Photocopying	0,50
44. Court extract	1,00
45. Marriage licence	25,00."

NB. The fees may be payable in Zimbabwean dollars at the prevailing interbank rate.

Labour Court (Amendment) Rules, 2022 (No. 2)

IT is hereby notified that the President of the Labour Court has, in terms of section 90(3) of the Labour Act [*Chapter 28:01*], and with the approval of the Chief Justice and the Minister of Justice, Legal and Parliamentary Affairs, made the following rules:—

1. These rules may be cited as the Labour Court (Amendment) Rules, 2022 (No. 2).

2. The Labour Court Rules, 2017, published in Statutory Instrument 150 of 2017, are amended as follows—

SCHEDULE

FEES

	US\$
1. Court application	3,00
2. Appeal to the Labour Court	3,00
3. Application for review	3,00
4. Application for show cause order or disposal order	3,00
5. Chamber application, other than application in course of or incidental to other legal proceedings	3,00
6. Application for set down	2,00
7. Application for Condonation and/or extension of time	5,00
8. Application for default judgment	2,00
9. Application for rescission of judgment	5,00
10. Application for writ of execution	3,00
11. Processing of court records	2,00
12. Recording fee	2,00
13. Order of court or certified copy thereof	1,00
14. Affixing the seal of the court to document (per page)	3,00
15. Certificate by Registrar	3,00
16. Taxation	
(a) notice of taxation	2,00
(b) application for set down for taxation	2,00

Labour Court (Amendment) Rules, 2022 (No. 2)

	US\$
17. Making a copy of any document other than a certified copy of an order of court by—	
(a) photocopying, per page	
(b) original typing, per page	0,15
(c) duplicated or printed copy, per page	1,00
18. Supplying transcript of record, per typed page—	
(a) for the first copy requested by any party	1,00
(b) for the second and each subsequent copy	1,00
19. Search fee, request for any document kept by the Registrar (except a record for the purpose of pagination and a/or a set down or payment of fees as the Registrar may request)	1,00
20. Retrieving file from the National Archives	5,00
21. Interpreter's fees	5,00
NB. The fees may be payable in Zimbabwean dollars at the prevailing interbank rate.	

Supreme Court (Fees) (Civil Cases) (Amendment) Regulations,
2022 (No. 9)

IT is hereby notified that the Minister of Justice, Legal and Parliamentary Affairs has, in terms of section 35 of the Supreme Court Act [*Chapter 7:13*], made the following regulations:—

1. These regulations may be cited as the Supreme Court (Fees) (Civil Cases) (Amendment) Regulations, 2022 (No.9).

2. The Supreme Court (Fees) (Civil Cases) Regulations, 1992, published in Statutory Instrument 425 of 1992, are amended by the repeal of the Schedule and the substitution of—

“SECOND SCHEDULE (*Section 2*)

FEES

	US\$
1. Appeal from lower court	10,00
2. Application for condonation or extension of time or reinstatement	10,00
3. Court application	10,00
4. Chamber application for leave to appeal	10,00
5. Ordinary Chamber application	10,00
6. Order of court or certified copy thereof	1,00
7. Certificate by the Registrar	1,00
8. Affixing the seal of the Court to any document(general charge)	20,00
9. (a) Notice of taxation	30,00
(b) Application for set down for taxation	30,00
Making a copy of any document, other than a certified copy of an order of the court—	
(a) by photocopying means, per page	0,20
(b) by original typing, per page	1,00
(c) by duplicated or printed copy, per page	0,20
10. Supplying transcript of shorthand notes, per typed page—	
(a) for the first copy requested by any party	1,00
(b) for the second and each subsequent copy made at the same time and supplied to the same party that requested the first copy	1,00

Supreme Court (Fees) (Civil Cases) (Amendment) Regulations,
2022 (No.9)

	US\$
Search fee	1,00
Retrieving file from the National Archives	5,00
Interpreter's fee	10,00."

NB. The fees may be payable in Zimbabwean dollars at the prevailing interbank rate.

3. The Supreme Court (Fees) (Civil Cases) (Amendment) Regulations, 2020 (No. 8), published in Statutory Instrument 214 of 2020, are hereby repealed.

Constitutional Court (Amendment) Rules, 2022 (No. 3)

IT is hereby notified that the Minister of Justice, Legal and Parliamentary Affairs has, in terms of section 25 of the Constitutional Court Act [Chapter 7:22] made the following rules:—

1. These rules may be cited as the Constitutional Court (Amendment) Rules, 2022 (No. 3).

2. The Constitutional Court Rules, 2016, published in Statutory Instrument 61 of 2016, are amended by the repeal of the Second Schedule and the substitution of—

“SECOND SCHEDULE

FEES

	US\$
1. Constitutional application	10,00
2. Appeal from lower court	10,00
3. Application for condonation or extension of time or reinstatement	10,00
4. Application for review of taxation	10,00
5. Application for leave to appeal	5,00
6. Order of court or certified copy thereof	5,00
7. Certificate by the Registrar	10,00
8. Affixing the seal of the court to any document (per page)	10,00
(a) notice of taxation	30,00
(b) application for set down for taxation	30,00
9. Making a copy of any document other than a certified copy of an order of court—	
(a) by photocopying means per page	0,20
(b) by original typing, per page	1,00
(c) by duplicate or printed copy, per page	1,00
10. Supplying transcript of shorthand notes, typed per page—	
(a) for the first copy requested by any party	1,00
(b) for the second and each subsequent copy made at the same time and supplied to the same party that requested the first copy	1,00

Constitutional Court (Amendment) Rules, 2022 (No. 3)

	US\$
11. Search fee	1,00
12. Retrieving files from archives	5,00".

NB. The fees may be payable in Zimbabwean dollars at the prevailing interbank rate.

3. The Constitutional Court (Amendment) Rules, 2020, published in Statutory Instrument 206 of 2020, are hereby repealed.