

CHAPTER 14:19

STANDARDS DEVELOPMENT FUND ACT

Acts 3/1987, 33/1989, 12/1997 (s. 11), 22/2001 (s. 4).

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AN ACT to provide for the establishment of a fund to develop and promote the standardization of commodities and services and for other related purposes; to provide for the imposition of a levy upon employers or classes of employers for the benefit of the fund; to provide for the recovery of such levy from such employers or classes of employers; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 1st August, 1987.]

1 Short title

This Act may be cited as the Standards Development Fund Act [*Chapter 14:19*].

2 Interpretation

In this Act—

“employee” means any person employed by or working for any employer, and receiving or entitled to receive any remuneration in respect of such employment or work, but does not include—

(a) an apprentice as defined in section 2 of the Manpower Planning and Development Act [*Chapter 28:02*]; or

(b) a person in the service of the State;

“employer” means any person whatsoever, other than the State, who employs or provides work for another person and remunerates him;

“Fund” means the Standards Development Fund established by section *six*;

“inspector” means an inspector appointed in terms of section *fifteen*;

“levy” means a levy imposed in terms of section *three*;

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

“remuneration” includes—

(i) salaries and wages; and

(ii) cash in lieu of rations; and

(iii) any bonus paid in terms of a contract of employment; and

(iv) cost of living, housing, education, and climatic allowances and other allowances of a like nature; and

(v) leave pay; and

(vi) commission; and

- (vii) the value of free food, free quarters, including rent and electricity and water charges paid on behalf of any employee and any other remuneration in kind;

“Secretary” means the Secretary of the Ministry for which the Minister is responsible.

3 Minister may impose levy

(1) Subject to subsection (2), the Minister may, with the approval of the Minister responsible for finance, by statutory instrument, impose a levy on such class or description of employers as may be specified in the notice.

(2) A levy referred to in subsection (1) shall not exceed 0,5 *per centum* of the total remuneration payable annually by such employers to their employees.

(3) A notice issued in terms of subsection (1) may—

- (a) prescribe the manner in which and the time or times at which a levy shall be paid and may provide for the payment of a surcharge if a levy is not paid within the time prescribed;

[Paragraph as amended by section 11 of Act No. 12 of 1997.]

- (b) provide for the exemption of any employer or class of employers from the whole or any portion of a levy.

(4) A levy shall be remitted to the Secretary within the time and in the manner prescribed in the notice in terms of subsection (1).

(5) A levy in terms of subsection (1) shall be paid by the employer concerned and shall not be recoverable wholly or in part, directly or indirectly, from the remuneration of any of his employees.

(6) Any person who contravenes subsection (5) shall be guilty of an offence and liable to a fine not exceeding two hundred dollars or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

4 Withdrawal or suspension of levy

The Minister may, by statutory instrument—

- (a) withdraw a levy; or
- (b) suspend the collection of a levy;

in whole or in part.

5 Recovery of debt

A levy shall be a debt due to the Fund and may be recovered by proceedings in any court of competent jurisdiction at the suit of the Minister.

6 Establishment of Fund

(1) There is hereby established a fund to be known as the Standards Development Fund.

(2) The Fund shall consist of—

- (a) such moneys as may be raised by any levy imposed in terms of section *three*; and
- (b) such moneys as may be payable to the Fund from moneys appropriated by Parliament for the purpose of the Fund; and
- (c) advances made to the Fund in terms of section *seven*; and
- (d) any other moneys to which the Fund may be lawfully entitled, including gifts from any person.

(3) The Fund shall be vested in the Minister and, subject to this Act, shall be administered in accordance with his directions.

7 Advances to Fund

(1) If in any financial year the income of the Fund, together with any surplus income brought forward from a previous year, is insufficient to meet the actual or estimated liabilities of the Fund, the Minister responsible for finance may make advances to the Fund out of moneys appropriated for the purpose by Parliament in order to meet the deficiency.

(2) Advances in terms of subsection (1) shall be made on such terms and conditions, whether as to repayment or otherwise, as the Minister responsible for finance may determine.

8 Objects of Fund

The objects for which the Fund is established shall be the development and promotion of standardization and quality control of commodities and services.

9 Application of Fund

Without derogation from the generality of section *eight*, the Fund may be applied to—

- (a) research which is calculated to promote the standardization or quality control of commodities and services;
- (b) the acquisition of land, equipment, materials and other assets and the construction of buildings in order to promote the objects of the Fund;
- (c) the cost of any scheme which the Minister considers to be in the interests of standardization and quality control of commodities and services;

- (d) grants to the Standards Association of Zimbabwe or to any other organization which, in the opinion of the Minister, exists for the development and promotion of standardization and quality control of commodities and services;
- (e) meeting any expenses arising from the establishment and maintenance of the Fund;
- (f) the cost of proceedings referred to in section *five*;
- (g) any purpose which the Minister considers to be in the interests of the development and promotion of standardization and quality control of commodities and services.

10 Annual budgets and reports

(1) The Minister shall cause to be prepared for his approval in respect of each financial year—

- (a) a revenue and recurrent expenditure budget for the Fund; and
- (b) a capital budget for the fund;

showing the purposes for which expenditure is to be made and the estimated amount that will be expended on each such purpose.

(2) The Minister shall consult the Minister responsible for finance before approving a capital budget prepared in terms of paragraph (b) of subsection (1).

(3) The Minister shall cause annual reports to be prepared on the operations of the Fund, and shall cause copies thereof to be submitted to the Comptroller and Auditor-General.

11 Limits on expenditure from Fund

(1) Subject to subsection (2), the expenditure incurred by the Fund in any financial year shall not exceed the amounts specified in the budgets approved by the Minister for that financial year in terms of section *ten*, and the expenditure on any purpose shall not exceed the amount shown in the budget concerned for that purpose in terms of section *ten*.

(2) The Minister may authorize any saving on any purpose to be applied to meet any deficiency occurring on any other purpose.

12 Accounts and audit of Fund

(1) The Minister shall cause proper books of accounts of the Fund to be kept together with adequate financial and other records in relation thereto and shall, within three months after the end of the financial year to which the accounts relate, arrange for the submission of such accounts to the Comptroller and Auditor-General for audit in terms of subsection (2).

(2) The accounts of the Fund shall be audited by the Comptroller and Auditor-General, who shall have all the powers conferred upon him by section 9 of the Audit and Exchequer Act [*Chapter 22:03*] as though the assets of the Fund were public moneys or State property.

13 Holding of Fund

(1) All moneys received on behalf of the Fund shall be paid into a banking account and no money shall be withdrawn therefrom except by means of cheques signed by such persons as are authorized in that behalf by the Minister.

(2) Any part of the Fund not immediately required for the purposes of the Fund may be invested in such manner as the Minister, with the approval of the Minister responsible for finance, may determine.

14 Financial year

The financial year of the Fund shall be the period of twelve months ending on the 30th June in each year:

Provided that the President may, by statutory instrument, declare that the financial year of the Fund shall be a period of twelve months ending on a date other than the 30th June in each year.

15 Appointment and duties of inspectors

(1) Subject to the laws relating to the Public Service, the Minister shall appoint such number of inspectors as he may consider necessary for giving effect to the provisions of this Act.

(2) An inspector may at any reasonable time require an employer to make full disclosure of information and demand the production of all books, pay rolls and other records and extracts therefrom or copies thereof that the employer may have in his possession or control or other information, either oral or written and whether verified by oath or otherwise, that may in any way relate to wages, books, payrolls or other records.

(3) An inspector may take extracts from or make copies of any entry in any books, pay rolls and records referred to in subsection (2).

(4) Any information obtained by an inspector in the performance of his functions shall be treated as confidential and shall not be disclosed to any person except in such form or manner as may be prescribed.

16 Obstruction of inspectors

(1) Any person who—

- (a) obstructs, hinders or resists an inspector in the performance of any function in terms of section *fifteen*;
- or

(b) fails or refuses to produce any book, pay roll or other record when required to do so in terms of section *fifteen*;
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, upon being requested by an inspector in terms of section *fifteen* to disclose any information or to produce any book, pay roll or record or any extract therefrom or copy thereof—

(a) makes any false statement which he knows to be false or does not have reasonable grounds for believing to be true; or

(b) produces any book, pay roll or record or any extract therefrom or copy thereof which contains a false statement which he knows to be false or does not have reasonable grounds for believing to be true;

shall be guilty of an offence and 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.

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

17 Regulations

The Minister may make regulations prescribing any matters which by 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 this Act.