

CHAPTER 17:10

EX-POLITICAL PRISONERS, DETAINEES, AND RESTRICTEES ACT

Act 20/2004

ARRANGEMENT OF SECTIONS

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SCHEDULE : Provisions applicable to the Board.

To provide for the establishment of schemes for the provision of assistance to ex-political prisoners, detainees and restricttees and their dependants; to provide for the establishment of a fund to finance such assistance; to provide for the constitution and functions of the Ex-Political Prisoners, Detainees and Restricttees Board; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement .1st February, 2005]

1 Short title

This Act may be cited as the Ex-Political Prisoners, Detainees and Restricttees Act [*Chapter 17:10*].

2 Interpretation

In this Act—

“assistance” means any assistance rendered out of the Fund to an ex-political prisoner, detainee or restricttee or a dependant of a living or deceased ex-political prisoner, detainee or restricttee;

“Board” means the Ex-Political Prisoners, Detainees and Restricttees Board established by section *eleven*;

“dependant”, means—

(a) a child, including a step-child, legally adopted child or child born posthumously, who has not attained the age of eighteen years and is or was at the date of death of the ex-political prisoner, detainee or restricttee dependent upon him or her for support; or

(b) a widow or widower of an ex-political prisoner, detainee, or restricttee;

as the case may be;

“Director” means the Director responsible for Ex-Political Prisoners, Detainees and Restricttees’ benefits referred to in section *nineteen*;

“ex-political prisoner, detainee or restricttee” means any person who after the 1st January, 1959, was imprisoned, detained, or restricted in Zimbabwe for a period of at least six months, or for two or more periods amounting to not less than six months, for political activity in connection with the bringing about of Zimbabwe’s independence on the 18th April, 1980;

“Fund” means the Ex-Political Prisoners, Detainees and Restrictes Fund established by subsection (1) of section *three*;

“Minister” means the Minister of Public Service, Labour and Social Welfare or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“registered”, in relation to an ex-political prisoner, detainee or restrictee, means included in the register kept in terms of paragraph (a) section *twelve*;

“scheme” means a scheme established in terms of section *seven*;

“vocational training” includes any form of education or training which, in the opinion of the Minister, will permit an ex-political prisoner, detainee or restrictee to support himself or herself and his or her dependants or will increase his or her capacity to do so.

3 Ex-Political Prisoners, Detainees and Restrictes Fund

(1) There is hereby established a fund to be known as the Ex-Political Prisoners, Detainees and Restrictes Fund.

(2) The trustee of the Fund shall be the Minister, in whom the Fund shall be vested and who, subject to this Act, shall have the sole management, control and use of the Fund.

4 Income of Fund

The Fund shall consist of—

(a) moneys appropriated for the purpose of the Fund by Parliament; and

(b) any gifts or grants made to the Fund by any person or authority or by the government of any country; and

(c) any interest derived from or increase in any assets of the Fund in any form whatsoever; and

(d) any other moneys to which the Fund may be lawfully entitled.

5 Object of Fund

Subject to this Act, the object to which the Fund is to be applied shall be the rendering of assistance in terms of this Act to ex-political prisoners, detainees and restrictes and their dependants.

6 Application of Fund

In order to give effect to the object of the Fund, the Fund may be applied to any one or more of the following—

(a) grants to ex-political prisoners, detainees or restrictes and their dependants who lack means of subsistence;

(b) grants for the physical, mental or social rehabilitation of ex-political prisoners, detainees or restrictes;

(c) grants for manpower development with a view to providing ex-political prisoners, detainees or restrictes with academic, technical, vocational or other skills or any other training necessary to equip them for employment or gainful occupation;

(d) the provision of loans, whether with or without interest, and financial, technical, managerial or any other form of assistance to ex-political prisoners, detainees or restrictes involved in income-generating projects, whether as individuals or as members of groups, associations or co-operative societies;

(e) grants for funeral expenses in respect of ex-political prisoners, detainees or restrictes.

7 Benefits and establishment of schemes

(1) The Minister shall by statutory instrument prescribe—

(a) the following benefits payable to an ex-political prisoner, detainee or restrictee, his or her spouse, and his or her dependants referred to in paragraph (a) of the definition of “dependant” in section *two*—

(i) educational benefits, which shall consist of free education at a State or Government primary, secondary and tertiary educational institution; and

(ii) medical and dental benefits which shall consist of free medical and dental treatment at a State or Government health institution;

and

(b) a funeral assistance benefit payable in respect of a deceased ex-political prisoner, detainee or restrictee; and

(c) a monthly pension payable to an ex-political prisoner, detainee or restrictee, which shall not be less than the minimum salary received by a member of the Public Service at any time, and a monthly survivor's or child's pension payable to the dependants of a deceased ex-political prisoner, detainee or restrictee.

(2) The Minister shall prescribe a gratuity, payable once only, to an ex-political prisoner, detainee or restrictee.

(3) Subject to subsections (4) and (5), the Minister may, by statutory instrument, establish one or more schemes for the provision of benefits or assistance to or in respect of any ex-political prisoner, detainee or restrictee and his or her dependants or any class of ex-political prisoners, detainees or restrictes and their dependants, and may in like manner amend or abolish any such scheme.

- (4) A statutory instrument in terms of subsection (1) may provide for—
- (a) the registration of ex-political prisoners, detainees or restrictees generally or the registration of ex-political prisoners, detainees or restrictees entitled to benefit under any scheme;
 - (b) the registration of dependants of ex-political prisoners, detainees or restrictees entitled to benefit under any scheme;
 - (c) the compulsory submission by any ex-political prisoner, detainee or restrictee to any medical or dental examination required for the purpose of benefiting under any scheme;
 - (d) the circumstances and manner in which any benefit paid to an ex-political prisoner, detainee or restrictee shall or may be refunded;
 - (e) the conditions for eligibility of an ex-political political prisoner, detainee or restrictee for any assistance;
 - (f) the conditions upon which the dependants of an ex-political prisoner, detainee or restrictee of a deceased ex-political political prisoner, detainee or restrictee may qualify for assistance;
 - (g) the nature and amount of the benefits to be granted or paid under any scheme and the circumstances in which and the persons to whom such benefits shall or may be granted or paid and the manner in which they shall be granted or paid;
 - (h) the provision of technical or vocational training or of any other training necessary for assisting ex-political prisoners, detainees or restrictees in acquiring such skills as the Minister considers appropriate;
 - (i) the reduction, suspension or withdrawal of any benefit granted or paid under any scheme;
 - (j) the maintenance of records in respect of any benefits granted or paid to any ex-political prisoner, detainee or restrictee under any scheme;
 - (k) any other matter whatsoever for which, in the opinion of the Minister, it is necessary or desirable to make provision in order to give effect to this Act or any scheme.

(5) Without derogation from section 21 of the Interpretation Act [*Chapter 1:01*], a statutory instrument in terms of subsection (1) may provide for different benefits to be granted or paid to different categories of ex-political prisoners, detainees or restrictees:

Provided that no statutory instrument shall discriminate between ex-political prisoners, detainees and restrictees on the ground of race, tribe, place of origin, political opinion, colour or gender.

(6) Before establishing, amending or abolishing any scheme in terms of this section, the Minister shall obtain the approval of the Minister responsible for finance.

8 Holding of Fund

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

(2) Moneys of the fund not immediately required for the purpose of the fund may be invested in such manner as the Minister, in consultation with the Board and with the approval of the Minister responsible for finance, may determine.

9 Payments out of Fund

The Minister may authorise payments from the Fund for—

- (a) the remuneration and allowances of members of the Board; and
- (b) the costs of establishing and maintaining the Fund.

10 Accounts and audit of Fund

(1) Proper books of accounts and other books and records in relation thereto shall be kept in which shall be recorded all the financial transactions of the Fund.

(2) The financial year of the Fund shall be the period of twelve months ending on the 31st December in each year.

(3) Not more than three months after the end of any financial year, an income and expenditure account and balance sheet of the Fund shall be submitted to the Comptroller and Auditor-General for audit, and, in relation to the Fund, the Comptroller and Auditor-General shall have all the powers conferred upon him or her by the Audit and Exchequer Act [*Chapter 22:03*] in relation to the auditing of public moneys.

11 Establishment of Ex-Political Prisoners, Detainees and Restrictes Board

(1) There is hereby established a board to be known as the Ex-Political Prisoners, Detainees and Restrictes Board.

(2) The Board shall consist of not fewer than five and not more than seven members appointed, subject to this section and paragraph 2 of the Schedule, by the Minister with the approval of the President.

(3) Of the members of the Board, at least two shall be appointed from such association or organization as the Minister considers represents the majority of ex-political prisoners, detainees and restrictees.

(4) The Minister shall designate the chairperson and vice-chairperson of the Board.

(5) The provisions relating to the terms and conditions of office, vacation of office, dismissal of members, filling of vacancies, meetings and procedures of the Board and remuneration of members shall be as set out in the Schedule.

12 Functions of Board

The functions of the Board shall be—

- (a) to register ex-political prisoners, detainees and restrictees and ensure that a register of ex-political prisoners, detainees and restrictees and their dependants is kept and maintained; and
- (b) to advise the Minister on the establishment of any scheme in terms of this Act or on any matter relating to any scheme; and
- (c) to examine, hear appeals and determine any representations by any person claiming entitlement to be registered as an ex-political prisoner, detainee or restrictee or dependant of an ex-political prisoner, detainee or restrictee where such registration has been refused; and
- (d) to hear and determine any representations or complaints made by any ex-political prisoner, detainee or restrictee or dependant of an ex-political prisoner, detainee or restrictee relating to the grant, payment or delivery of any assistance to him or her; and
- (e) to supervise the preparation of the budget of the Fund and to control on behalf of the Minister any assets of the Fund; and
- (f) to perform any other function which the Minister may confer on the Board for the purposes of this Act.

13 Powers of Board

For the purpose of carrying out its functions in terms of this Act, the Board shall have power—

- (a) to summon witnesses to give evidence before it or to produce any document;
- (b) to administer oaths and take evidence on oath and make such investigation as the Board considers necessary;
- (c) to examine or cause to be examined by such person as the Board may authorize in that behalf any records or documents kept by any person making any claim in terms of this Act;
- (d) to do or cause to be done all other things that are necessary or expedient for the exercise of its functions.

14 Reports of Board

The Board—

- (a) shall, within three months after the end of each financial year, submit to the Minister a report dealing generally with the proceedings and activities of the Board during that financial year; and
- (b) shall, where required by the Minister to do so, submit to the Minister such reports as the Minister may specify in regard to the proceedings and activities of the Board; and
- (c) may submit such other reports as the Board considers advisable.

15 Vetting Committee

(1) There is hereby established a committee of the Board to be known as the Vetting Committee.

(2) The Vetting Committee shall be responsible for vetting ex-political prisoners, detainees and restrictees.

(3) The Vetting Committee shall consist of representatives from the following Ministries—

- (a) the Ministry responsible for social welfare;
- (b) the Ministry responsible for justice;
- (c) the Ministry responsible for home affairs;
- (d) the Ministry responsible for defence;
- (e) the Pensions Department;
- (f) the Office of the President and Cabinet.

(4) Members of the Committee referred to in subsection (3) shall be appointed by the Minister from among persons nominated for that purpose by the appropriate Ministry.

(5) Paragraphs 7 to 11 of the Schedule shall be equally applicable to the Vetting Committee.

(6) Any person who is aggrieved by the decision of the Committee may by notice setting out his or her reasons, appeal to the Board against the decision of the Committee.

16 Appeals from decisions of Board

(1) Any person who is aggrieved by any decision of the Board—

- (a) refusing to register him or her as an ex-political prisoner, detainee or restrictee or dependant in terms of this Act; or
 - (b) in regard to the determination of any assistance to be granted to him or her in terms of any scheme;
- may, by notice setting out his or her reasons, appeal to the Minister against the decision of the Board.

(2) The Minister may, on an appeal in terms of subsection (1), either confirm the decision of the Board or remit the matter to the Board for further consideration subject to such recommendations regarding the appeal as the Minister may consider appropriate, and the decision of the Board after reconsideration of the matter in terms of this subsection shall be final.

(3) The person aggrieved shall be notified in writing of the Minister or the Board's decision with regard to the appeal, within a reasonable time.

17 Minister may give directions to Board

- (1) Subject to this Act, the Minister may, from time to time, give the Board or the Director directions as to—
- (a) the maximum or minimum amount of assistance to be granted to any registered dependant; and
 - (b) the period during which any assistance may be paid; and
 - (c) any matter to be taken into account in the granting of any assistance; and
 - (d) any matter relating to the functions of the Board:

Provided that before giving any direction—

- (a) regarding any matter referred to in paragraph (a), the Minister shall consult the Board and obtain the approval of the Minister responsible for finance; and
- (b) regarding any matter referred to in paragraph (b) or (c), the Minister shall consult the Board.

(2) The Board shall, with all due expedition, comply with any direction given to it in terms of subsection (1).

(3) Where any direction has been given to it in terms of subsection (1), the Board shall ensure that the direction and any views that it expressed thereon when consulted by the Minister are set out in its annual report.

18 Inalienability of assistance

Subject to the Maintenance Act [*Chapter 5:08*] and to Part VI of the Children's Act [*Chapter 5:06*], any assistance shall be for the personal benefit of the registered ex-political prisoner, detainee or restrictee or dependant concerned and shall be inalienable and not be subject to attachment by any legal process whatever:

Provided that the Board may, upon representations made to it by the registered ex-political prisoner, detainee or restrictee or dependant, order that this section shall not apply to the assistance concerned.

19 Director of Ex-Political Prisoners, Detainees and Restrictees and other staff

(1) There shall be a Director of Ex-Political Prisoners, Detainees and Restrictees and such other officers as may be necessary for the proper administration of this Act, whose offices shall be public offices and form part of the Public Service.

(2) Subject to this Act, the Director shall be responsible for administering any scheme established in terms of this Act and shall perform such other duties in relation to this Act as may be directed by the Minister.

(3) Subject to this Act, the Director shall have power to do or cause to be done all things that are necessary or expedient for the exercise of his or her functions under this Act.

20 Beneficiary to report receipt of assistance from any other source

If, at any time while receiving assistance, an ex-political prisoner, detainee or restrictee or a dependant receives social welfare assistance from any other source, or if the circumstances of an ex-political prisoner, detainee or restrictee or a dependant change to the extent of affecting his or her entitlement to receive assistance, such ex-political prisoner, detainee or restrictee or dependant shall immediately report to the Director the receipt of such other assistance or such change of his or her circumstances.

21 Offences and penalties

Any person who—

- (a) fails to report to the Director any matter required to be reported in terms of section *twenty*; or
- (b) obtains or attempts to obtain assistance to which he or she is not entitled, knowing he or she is not entitled to it; or
- (c) in or in connection with any application for registration as an ex-political prisoner, detainee, or restrictee or as a dependant makes a false statement which he or she knows to be false or does not believe on reasonable grounds to be true; or
- (d) in or in connection with any proceedings under this Act fails or refuses to provide any information or to appear personally before the Board, the Director or any committee of the Board if requested to do so by the Board, the Director or the committee; or
- (e) fails to apply the assistance granted to him or her in terms of this Act for the purposes for which it was granted or to comply with any conditions subject to which any assistance was granted; or
- (f) in response to a request by the Board or a committee of the Board made in connection with any proceedings under this Act, fails or refuses to provide any information or to produce any document in his or her possession or under his or her control; or
- (g) having been summoned by the Board or any committee of the Board, fails without sufficient cause to attend at the time and place specified in the summons served on him or her or, having attended, leaves without the permission of the Board or the committee; or
- (h) having appeared before the Board or any committee of the Board—
 - (i) refuses to be sworn; or

- (ii) after being sworn, refuses without sufficient cause to answer or to answer fully and satisfactorily to the best of his or her knowledge and belief all questions put to him or her by the Board or any person authorised by the Board to question him or her; or
- (iii) insults the Board or any committee of the Board or wilfully interrupts the proceedings before the Board or committee or otherwise wilfully disturbs the peace and order of such proceedings;

shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

22 Repayment of sums overpaid

(1) If any person has received by way of assistance any sum to which he or she was not entitled, he or she or, in the case of his or her death, his or her estate, shall be liable to repay such sum to the Fund, unless the Director is satisfied that such person received it without knowing he or she was not entitled to it.

(2) A sum referred to in subsection (1) may be recovered, without prejudice to any other remedy, by means of deductions from any financial assistance granted by the Fund and due to the person liable to make such repayment.

(3) This section shall apply, with necessary changes, to the case of a person to whom financial assistance is paid under this Act for the benefit of any other person.

23 Regulations

(1) The Minister may make regulations providing for all matters which by this Act are required or permitted to be prescribed or which, in his or her opinion, are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Regulations in terms of subsection (1) may provide for the encouragement of employment of, and the benefits the Minister may consider to be appropriate for, ex-political prisoners, detainees or restrictees.

SCHEDULE (Section 11(5))

PROVISIONS APPLICABLE TO THE BOARD

Paragraph

1. Terms and conditions of office of members.
2. Disqualifications for appointment as member.
3. Vacation of office by members.
4. Dismissal of Board.
5. Filling of vacancies on Board.
6. Meetings and procedure of Board.
7. Committees of Board.
8. Remuneration and allowances of members of Board and committees.
9. Members of Board and committees to disclose certain connections and interests.
10. Minutes of proceedings of Board and committees.
11. Validity of decisions and acts of Board and committees.

1. Terms and conditions of office of members

(1) A member shall hold office for a period not exceeding five years or for such period as the Minister may fix at the time of his or her appointment.

(2) On the expiry of the period for which a member has been appointed the member shall continue to hold office until he or she has been reappointed or the member's successor has been appointed:

Provided that a member shall not continue to hold office in terms of this subsection for more than six months.

(3) A retiring member shall be eligible for reappointment as a member.

(4) Members shall hold office on such terms and conditions as the Minister may fix.

2. Disqualifications for appointment as member

(1) Subject to this Act, a person shall not be qualified for appointment as a member if—

- (a) he or she is not a citizen of Zimbabwe or ordinarily resident in Zimbabwe; or
 - (b) he or she has, in terms of a law in force in any country—
 - (i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated; or
 - (ii) made an assignment to or composition with his or her creditors which has not been rescinded or set aside;
- or
- (c) he or she has been convicted in Zimbabwe or in any other country—
 - (i) of any offence involving dishonesty; or

- (ii) of any other offence, in the period of five years before his or her appointment, for which a term of imprisonment without the option of a fine has been imposed, whether or not any portion of that sentence has been suspended.

(2) A person shall not be qualified for appointment as a member, nor shall the person hold office as a member, if—

- (a) he or she is a member of two or more other statutory bodies; or
- (b) he or she is a member of Parliament.

(3) For the purposes of paragraph (a) of subsection (2)—

- (a) a person who is appointed to a council, board or other 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;
- (b) “statutory body” means—
 - (i) any commission established by the Constitution; or
 - (ii) any body corporate 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.

3. Vacation of office by members

(1) A member shall vacate his or her office and the member’s office shall become vacant—

- (a) one month after the date he or she gives notice in writing to the Minister of his or her intention to resign his or her office or after the expiry of such other period of notice as the member and the Minister may agree; or
- (b) on the date he or she begins to serve a sentence of imprisonment, whether or not any portion has been suspended, imposed 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;

or

- (c) if he or she becomes disqualified in terms of subparagraph (1) or (2) of paragraph 2 to hold office as a member; or
- (d) if he or she is required in terms of subparagraph (2) or (3) to vacate his or her office as a member.

(2) The Minister may require a member of the Board to vacate his or her office if the member—

- (a) has been guilty of conduct which renders him or her unsuitable to continue to hold office as a member; or
- (b) has failed to comply with any condition of his or her office fixed in terms of paragraph 1; or
- (c) is mentally or physically incapable of efficiently executing his or her functions as a member; or
- (d) has ceased to possess any qualification by reason of which he or she was appointed; or
- (e) contravenes paragraph 9; or
- (f) the member, or his or her spouse engages in any occupation, service or employment, or holds any asset, which in the Minister’s opinion is inconsistent with the duties of a member.

(3) The Minister, on the recommendation of the Board, may require a member to vacate his or her office if the Minister is satisfied that the member has been absent without the consent of the chairperson of the Board from two consecutive meetings, of which the member has been given at least seven days’ notice, and that there was no just cause for the member’s absence.

4. Dismissal of Board

(1) Subject to subparagraph (2), if the Minister is satisfied on reasonable grounds that—

- (a) the Board has contravened this Act or any other law and has failed to rectify the contravention within a reasonable time after being required to do so by the Minister; or
- (b) the Board has failed to comply with a direction in terms of section *seventeen*; or
- (c) whether through disagreements amongst its members or otherwise, the Board is unable to carry out any of its functions in terms of this Act;

and that it is in the national interest to do so, the Minister may, by written notice to the chairperson and Director, dismiss all members, and their offices shall become vacant as soon as the Director receives the notice.

(2) Before dismissing all the members in terms of subparagraph (1), the Minister shall consult the President and act in accordance with any directions the President may give him or her.

5. Filling of vacancies on Board

(1) Subject to this Part, within three months after a member’s death or his or her vacation of office in terms of paragraph 3, the Minister shall appoint a person to fill the vacancy.

(2) Within one month after dismissing all the members in terms of paragraph 4, the Minister shall, subject to this Part, appoint persons to fill the vacancies.

6. Meetings and procedure of Board

(1) Subject to this Act, the Board shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and procedures as it thinks fit.

(2) The chairperson may himself or herself at any time and shall, at the request in writing of not fewer than two members, convene a special meeting of the Board, which meeting shall be convened for a date not sooner than seven days or later than thirty days after receipt of such request.

(3) The chairperson or, in his or her absence, the vice-chairperson, shall preside at meetings of the Board.

(4) A majority of members shall form a quorum at any meeting of the Board.

(5) All acts, matters or things authorised or required to be done by the Board may be decided by a majority vote at a meeting of the Board at which a quorum is present.

(6) Subject to paragraph 9, at all meetings of the Board each member present shall have one vote on each question before the Board:

Provided that—

(i) in the event of an equality of votes, the chairperson or person presiding shall have a casting vote in addition to his or her deliberative vote;

(ii) no member shall take part in the consideration or discussion of, or vote on, any question before the Board which relates to his or her vacation of office as a member.

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

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

(8) With approval of the Minister, the Board may co-opt any person to the Board, but a co-opted person shall have no vote in any decision by the Board.

7. Other committees of Board

(1) For the better exercise of its functions, the Board may establish other committees in which the Board may vest such of its functions as it considers appropriate :

Provided that the vesting of any function in a committee 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.

(2) On the establishment of a committee in terms of subparagraph (1), the Board—

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

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

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

(4) Subject to subparagraph (3) and to paragraphs 9 and 10, the procedure to be followed at any meeting of a committee and the quorum at any such meeting shall be as fixed by the Board.

8. Remuneration and allowances of members of Board and committees

(1) Members of the Board and of committees of the Board shall be paid—

(a) such remuneration, if any; and

(b) such allowances to meet reasonable expenses incurred by them in connection with the business of the Board or committee, as the case may be;

as the Minister may fix.

(2) Remuneration payable to a member of the Board shall not be reduced during his or her tenure of office.

9. Members of Board and committees to disclose certain connections and interests

(1) In this paragraph—

“relative”, in relation to a member of the Board or a committee, means the member’s spouse, child, parent, brother or sister.

(2) Subject to subparagraph (4)—

(a) if a member of the Board or of a committee—

(i) knowingly acquires or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Board or the committee; or

(ii) owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the member’s private interests coming or appearing to come into conflict with his or her functions as a member; or

- (iii) knows or has reason to believe that his or her relative—
 - A. has acquired or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Board or the committee; or
 - B. owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association or persons which results in the member's private interests coming or appearing to come into conflict with his or her functions as a member;

or

(b) if for any reason the private interests of a member of the Board or of a committee come into conflict with his or her functions as a member;
the member shall forthwith disclose the fact to the Board or the committee, as the case may be.

(3) A member referred to in subparagraph (2) shall take no part in the consideration or discussion of, or vote on, any question before the Board or the committee, as the case may be, which relates to any property, right or interest referred to in that subparagraph.

(4) Nothing in this section shall be taken to prevent members of the Board or of a committee of the Board from taking part in the consideration of, or voting on, any matter that affects members generally in their capacity as persons liable to pay revenue.

(5) Any person who contravenes subparagraph (2) or (3) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

10. Minutes of proceedings of Board and committees

(1) The Board shall cause minutes of all proceedings of and decisions taken at every meeting of the Board and of every committee to be entered in books kept for the purpose.

(2) Any minutes referred to in subparagraph (1) 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 the committee concerned, 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.

11. Validity of decisions and acts of Board and committees

No decision or act of the Board or a committee or act that is authorised by the Board or a committee shall be invalid solely because there was a vacancy in the membership of the Board or the committee or because a disqualified person purported to act as a member of the Board or the committee, as the case may be, at the time the decision was taken or the act was done or authorised.