

## CHAPTER 20:11 LAND OCCUPATION CONDITIONS ACT

*Ords. 14/1900, 4/1902, 8/1905; Acts 37/1938 (ss. 3 and 14), 1/1954, 77/1971 (s. 22), 20/1982; R.G.Ns. 153/1963, 216/1970, 217/1970, 923/1972, 506/1973; S.I. 750/1979.*

### ARRANGEMENT OF SECTIONS

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**AN ACT to declare the meaning of the term “occupation” with reference to grants of land in Zimbabwe; to prescribe how the condition of occupation may be eliminated from the terms of such grants; and to provide for the surrender of titles to land already granted.**

[Date of commencement: 9th November, 1900.]

#### **1 Short title**

This Act may be cited as the Land Occupation Conditions Act [*Chapter 20:11*].

#### **2 Interpretation**

(1) Subject to section *eleven*, in this Act and in title deeds to land—

“occupation” means actual and *bona fide* farming by cultivation or with stock.

(2) In this Act—

“Minister” means the Minister of Lands and Water Resources or any other Minister to whom the President may, from time to time, assign the administration of this Act.

#### **3 Terms on which occupation condition may be satisfied**

Subject to section *five*, in all cases in which any title deed to land contains a condition requiring occupation the said condition shall be deemed to be satisfied in the cases following—

(a) whenever the owner has erected permanent substantial buildings to the value of not less than five hundred dollars upon land in extent not more than thirteen hundred hectares or in the proportion of five hundred dollars in respect of each complete area of thirteen hundred hectares:

Provided that this paragraph shall apply only to areas not exceeding thirteen thousand hectares in extent and which are contiguous, and that any land held by the same owner in excess of that amount shall remain subject to the conditions of occupation unless and until such condition is otherwise satisfied in the manner prescribed by this Act; or

(b) whenever in respect of each complete area of thirteen hundred hectares the owner—

- (i) has maintained thereon for three years not less than twenty head of horned cattle, horses, mules or asses, or otherwise one hundred and fifty sheep, goats or pigs; or
- (ii) has enclosed in a substantial manner and had under cultivation during three years not less than four hectares of land; or
- (iii) has enclosed in a substantial manner sufficient land and has planted thereon and maintained for three years not less than five hundred fruit or one thousand timber trees; or
- (iv) has done and performed to the satisfaction of the President a proportionate part of the requirements of each of the subparagraphs (i), (ii) and (iii).

#### **4 Proportionate discharge**

Any work done in excess of the requirements of section *three* shall be accepted as a discharge of a proportionate part of the requirements of paragraphs (a) and (b) thereof in respect of any other land not exceeding in extent thirteen thousand hectares held by title deed by the same owner within the same district.

#### **5 Elimination of occupation condition**

The owner of any title deed to land subject to a condition of occupation shall, upon production of a certificate from a district administrator, district officer or other officer nominated by the Surveyor-General that the requirements of section *three* have been fulfilled, be entitled to obtain the elimination of the occupation condition from the grant.

#### **6 Value of buildings on land sold to count**

If the owner of any title deed to land granted under conditions of occupation satisfies the President that he has disposed of any portion thereof not exceeding thirteen hundred hectares in extent to any person approved by the President, and that such person has erected thereon permanent buildings to the value of not less than one thousand dollars, the President may allow the value of such buildings, if completed, in excess of five hundred dollars to be taken into account for the purpose of, or towards, deletion of the condition of occupation in respect of any equal extent of adjoining land belonging to such owner.

#### **7 Abandonment of land**

It shall be competent for any holder of a title deed to land under condition of occupation at any time by notice to the Surveyor-General to abandon the whole or any portion of his land, whereupon his further liability in respect of such land or portion thereof shall cease.

#### **8 Certificate of exemption**

(1) If any holder of a title deed to land subject to a condition of occupation as aforesaid has not before the 31st December in any year satisfied such condition in accordance with section *three*, or is not, in accordance with section *two*, then occupying and thereafter during the next succeeding twelve months continuing to occupy such land, it shall be competent for such holder before the expiration of such period of twelve months to apply to the Surveyor-General for a certificate of exemption from the condition of occupation, for one year, commencing on the 1st January.

(2) Each such certificate of exemption shall bear stamps to the value of five *per centum* of the amount which such holder would be required to expend under paragraph (a) of section *three* and during the period for which it has been granted the said holder shall be exempt from the condition of occupation of the land to which such certificate relates.

(3) Upon proof that ten such certificates have been taken out in respect of any land the holder thereof shall be entitled to receive final title to the said land under section *five*.

#### **9 Unprotected land may be declared derelict**

If any holder of a title deed to land under condition of occupation fails between the 1st January in any year and the 1st January in the next succeeding year to occupy such land in accordance with section *two*, or to take out a certificate of exemption for such period, such land shall be considered derelict, and after a notice issued by the Minister in the *Gazette* for a period of six months, shall revert to the State.

#### **10 Issue of title deeds under section 5**

As often as in pursuance of the provisions contained in section *five* it is necessary or expedient to issue to the owner of any land a title deed in the manner or form by the said section authorized, then, upon the issue thereof, all existing title deeds or deeds of transfer of the same land possessed by the said owner shall thereupon become cancelled, void and of no effect:

Provided that—

- (i) as often as any hypothecation, whether conventional or tacit, of or over any such land is in existence at the date of the issue of the new title deed, such hypothecation shall attach to and upon the said land precisely as it existed thereon under its former title deed or deed of transfer;
- (ii) all usual and proper entries and endorsements upon or in regard to such new title deed as may be necessary to record any hypothecation of the land therein contained or described shall be made in the Deeds Registry before the delivery thereof, from and out of the office of the Surveyor-General, to the person or persons entitled thereto.

#### **11 Land to which Act shall not apply**

Nothing in the foregoing provisions of this Act contained shall be taken to apply to stands in townships or to plots of land elsewhere containing not more than one hundred and seventy hectares.

## **12 Change of from of title by mutual consent**

As often as by mutual consent of the owner of any land and the President it becomes necessary to make or effect any change in the form of the title deed to any land held under grant from the State or the Crown if such grant was made before 2nd March, 1970, such change may be effected by the surrender by the owner of the then existing title deed and subsequent deeds of transfer, if any, and the issue of a new title deed to such owner to take the place of such as is surrendered:

Provided that if such land has been hypothecated the written consent of the holder of the mortgage bond shall be produced for the substitution of the new form of grant in the place of that surrendered.

## **13 Entries in books of Registrar of Deeds and its effect**

(1) Upon any change being made in the form of any title by consent as provided for by section *twelve*, all necessary entries in the books of the Surveyor-General and Registrar of Deeds, respectively, shall be made.

(2) The Registrar of Deeds shall, upon the title to any land which is mortgaged issued in pursuance of section *twelve*, make the usual and necessary note or entry of the mortgage, and thereupon the right of hypothecation of the bond holder shall extend and apply to such land.

## **14 Stamps and fees**

(1) All stamps requisite in regard to any new title deed issued in pursuance of sections *twelve* and *thirteen* shall be supplied, upon the application of the Surveyor-General, free of charge.

(2) No fee or charge shall be made in the office of the Registrar of Deeds in respect of any act or thing done or performed in obedience to the requirements of sections *twelve* and *thirteen*.