

TITLE 25

Chapter 25:19

PREVIOUS CHAPTER**ZIMBABWE YOUTH COUNCIL ACT**

Acts 10/1983, 15/1991, 16/1997, 22/2001.

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AN ACT to provide for the establishment of the Zimbabwe Youth Council and to provide for the functions thereof; to provide for the registration and regulation of clubs and national associations; to provide for National Colours for youth; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 30th March, 1984.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Zimbabwe Youth and Sports and Recreation Councils Act [Chapter 25:19].

2 Interpretation

In this Act—

“appointed member” means the chairman of the Council or a member of the Council appointed in terms of subparagraph (i) of paragraph (b) of subsection (1) of section three B;

“club” means any group of persons associated together for the purposes of youth activities on a communal, regional, provincial, national or international basis;

“Council” means the Youth Council established in terms of section three;

“Director” means the Director of the Youth Council referred to in section five;

“elected member” means a member of the Council elected in terms of subsection (2) of section three B or deemed to have been elected in terms of subsection (3) of that section;

“Minister” means the Minister of National Affairs, Employment Creation and Co-operatives or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“national, provincial or district association” means any group or body of persons operating in Zimbabwe and having as its principal object the promotion or organization on a national, provincial or district basis, as the case may be, of the organized activities of youth;

“registered national association” means a national association registered in terms of section fourteen;

“registered club” means a club registered in terms of section seventeen;

PART II

ZIMBABWE YOUTH COUNCIL

3 Establishment of Council

There is hereby established a Council, to be known as the Zimbabwe Youth Council, which shall be a body corporate capable of suing and being sued in its corporate name and, subject to this Act, of performing all acts that bodies corporate may by law perform.

3A Functions of Council

(1) Subject to the directions of the Minister, the functions of the Council shall be—

(a) to co-ordinate, supervise and foster the activities of national associations and clubs; and

(b) to ensure the proper administration of national associations and clubs; and

(c) to participate in national and international youth activities; and

(d) to advise the Government on the needs of youth; and

(e) with the approval of the Minister, to undertake projects designed to create employment for young people, including fund-raising, marketing and trading activities.

(2) The Council shall have the following responsibilities in relation to registered national associations—

(a) ensuring that membership of every such association is open to all

clubs and schools that bona fide engage in the activity for which the association is responsible and are prepared to pay its dues and abide by its rules; and

(b) ensuring that the rules and dues of such associations are such that no club or school is unable to become a member of the association so long as it bona fide engages in the activity for which the association is responsible; and

(c) approving the annual estimates of such associations and receiving their audited annual accounts; and

(d) advising such associations of Government policy relating to youth and the manner in which they can assist the Government in carrying out that policy; and

(e) generally advising, assisting and supervising such associations.

3B Membership of Council

(1) The Council shall consist of—

(a) a chairman appointed by the Minister after consultation with the President and in accordance with any directions the President may give him; and

(b) fourteen other members, of whom—

(i) seven shall be appointed by the Minister after consultation with the President and in accordance with any direction the President may give him; and

(ii) seven shall be elected by registered national associations in terms of subsection (2).

(2) The members referred to in subparagraph (ii) of paragraph (b) of subsection (1) shall be elected at a meeting convened by the Council to which the Council shall invite an equal number of representatives from each of the registered national associations.

(3) If, at a meeting convened in terms of subsection (2), the representatives of the national associations fail or refuse to elect all or any of the members to the Council, the Minister may—

(a) convene another meeting in accordance with subsection (2); or

(b) appoint as members such persons as he thinks fit, and any person so appointed shall be deemed to have been duly elected at a meeting convened in terms of subsection (2).

3C Terms of office of members

Subject to this Act, a member of the Council shall hold office for a period of three years and shall be eligible for re-appointment or re-election, as the case may be.

3D Vacation of office by members

A member of a Council shall vacate his office and his office shall become vacant—

(a) one month after the date he gives notice to the Council of his intention to resign or on the expiry of such shorter period as he and the Council may agree; or

(b) if he is required to vacate his office by the Minister in terms of section three E; or

(c) if, in case of an elected member, he vacates his office in terms of subsection (3) of section four.

3E Minister may require member to vacate his office or may suspend him

(1) The Minister may require a member to vacate his office if the member—

(a) has been guilty of improper conduct as a member or guilty of conduct that is prejudicial to the interests or reputation of the Council; or

(b) is mentally or physically incapable of efficiently performing his duties as a member.

(2) The Minister, on the recommendation of the Council, may require a member to vacate his office if the Minister is satisfied that the member has been absent without the Council's permission from three consecutive meetings of the Council, of which the member was given not less than seven days' notice, and that there was no just cause for the member's absence.

(3) The Minister may suspend from office a member against whom criminal proceedings have been instituted for an offence in respect of which a sentence of imprisonment without the option of a fine may be imposed, and while that member is

so suspended he shall not carry out any functions as a member.

3F Filling of vacancies on Council

(1) If a vacancy occurs in the membership of the Council—

(a) amongst the appointed members, the Minister shall as soon as possible, and in any event within three months, appoint a person to fill the vacancy, the appointment being made after consultation with the President and in accordance with any directions the President may give the Minister;

(b) amongst the elected members, the Council shall as soon as possible, and in any event within three months, take the necessary steps to fill the vacancy, and subsections (2) and (3) of section three B shall apply, *mutatis mutandis*, in relation thereto:

Provided that, if the vacancy occurs less than three months before the date on which the term of office of the member concerned was due to expire, the Minister or the Council, as the case may be, need not fill the vacancy until after that date.

(2) A member of the Council appointed or elected to fill a vacancy in terms of this section shall hold office for so long as the person in whose place he was appointed or elected would have remained a member had he not vacated his office.

3G Minister may give Council directions as to policy

(1) The Minister may give the Council such general directions relating to the policy the Council is to observe in the exercise of its functions as appear to the Minister to be requisite in the national interest.

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

4 Re-election of elected member

(1) If not less than half of the national associations which are registered with the Council require the Council to do so, the Council shall convene a meeting in terms of subsection (2) for the purpose of holding a re-election of the office of any particular elected member of the Council specified by such national associations.

(2) Following a request made in terms of subsection (2) the Council shall, as soon as possible, convene a meeting to which it shall invite an equal number of representatives of all the national associations which are registered with the Council.

(3) At the meeting convened in terms of subsection (2)—

(a) the holder of the office concerned shall vacate his office;

(b) a re-election to the office concerned shall take place:

Provided that the holder of the office concerned who vacated his office shall be eligible for re-election.

4A Vice-chairman of Council

(1) There shall be a vice-chairman of the Council, who shall be elected by the members of the Council from among their number at the Council's first meeting after—

(a) a general election of members; or

(b) the office of vice-chairman for any reason falls vacant.

(2) The vice-chairman of the Council shall perform the functions of the chairman whenever the chairman is for any reason unable to perform them.

5 Appointment of Director

(1) The Council shall have a Director whose office shall be a public office and shall form part of the Public Service.

(2) The Director shall perform the functions of secretary of the Council:

Provided that, whenever the Director is unable to perform any of those functions, he shall appoint a member of the Public Service to act for him.

6 Procedure, minutes and accounts

(1) The Council may regulate its own procedure subject to this Act and any directions of the Minister.

(1a) A majority of members shall constitute a quorum at any meeting of the Council.

(2) The Council shall keep minutes and records of its meetings and proceedings and

such other records as the Minister may direct.

7

8 Provincial and district councils

(1) Where the Council considers it desirable it may recommend to the Minister the establishment of a provincial or district youth council for any province or district.

(2) Upon the recommendation of a Council in terms of subsection (1) the Minister may, by notice in the Gazette, establish for any province or district a provincial or district youth council which shall be a body corporate capable of suing and being sued and, subject to this Act, of performing all acts that bodies corporate may by law perform.

(3) The membership of a provincial or district council shall, in accordance with the directions of the Minister, consist of an equal number of—

(a) members appointed by the Minister, one of whom shall be the chairman of the council; and

(b) members elected, in a manner to be arranged by the Council, by the provincial or district youth associations concerned.

(4) Sections three C, three D, three E, three F, four and five shall apply, mutatis mutandis, in relation to a provincial or district council.

(5) The Council may, with the approval of the Minister, by notice in writing, delegate to a provincial council or district council any of its functions to be exercised in respect of the province or district for which the provincial or district council has been established.

(6) The funds of a provincial or district council shall, subject to Part VI of the Audit and Exchequer Act [Chapter 22:03], be vested in the provincial or district council concerned and each such council shall, subject to this Act and the directions of the Minister, have the sole management thereof.

(7) The funds of a provincial council or district council shall consist of—

(a) entry fees to and takings at youth events organized and administered by the council;

(b) receipts from projects undertaken by the council;

(c) receipts from any trading or marketing activity carried on by the council itself or jointly with any other person;

and shall include such grants, loans and donations as may be made to it from time to time by the Council, any local authority or other person at the discretion of the Council, local authority or person.

(8) A provincial council or district council shall invest its funds in a manner approved by the Minister and the Minister responsible for finance.

(9) The funds of a provincial council or district council shall, subject to the directions of the Minister and to subsection (3) of section nine, which shall apply, mutatis mutandis, be applied to the matters for which the council has responsibility.

PART III

COUNCIL FINANCE

9 Funds of Council

(1) The funds of the Council shall consist of—

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

(b) levies raised in terms of sections ten and eleven; and

(c) loans which have been raised with the approval of the Minister responsible for finance; and

(d) entry fees to and miscellaneous takings at youth events organized and administered by the Council; and

(e) receipts from any trading or marketing activity carried on by the Council itself or jointly with some other person or organization; and

(f) any other moneys to which the Council may become entitled, whether through its activities in carrying out its objects or otherwise.

(2) The Council shall invest its funds in a manner approved by the Minister and the

Minister responsible for finance.

(3) The funds of the Council shall, subject to the directions of the Minister, be chargeable with—

- (a) the establishment and maintenance of schemes, projects or undertakings by the Council for the training or development of youth;
- (b) the provision, development, maintenance and operation of youth centres;
- (c) visits and tours, whether within or outside Zimbabwe, by youths and their delegates, whether Zimbabwean or otherwise;
- (d) the holding of congresses and functions for or in aid of youth;
- (e) the wages, salaries, fees or remuneration of persons employed by or acting for or on behalf of the Council;
- (f) the costs involved in acquiring accommodation for the use of the Council;
- (g) the administrative costs involved in the functioning of the Council;
- (h) any other costs, charges or expenses incurred by the Council in the exercise of its functions in terms of this Act.

10 Levy on registered associations

(1) The Minister may, in order to facilitate the carrying out by the Council of its functions in terms of this Act, by notice in the Gazette, raise an annual levy on every registered national association without distinction, of not more than five dollars for every member of the registered clubs which are members of the registered national association.

(2) The proceeds of any levy raised in terms of subsection (1) shall be paid by each registered national association to the Council.

(3) The Minister may make rules governing the manner in which a levy raised in terms of subsection (1) shall be calculated and collected, which rules may include provision for registered national associations paying a sum based on an approximate calculation of the membership of the registered clubs concerned.

11 Levy on entrance fees

(1) The Minister may, by notice in the Gazette, with the approval of the Minister responsible for finance, in order to facilitate the carrying out by the Council of its functions in terms of this Act, raise a levy of not more than ten per centum on each ticket sold for entry to any youth activity in order to witness such activity.

(2) The levy raised in terms of subsection (1) shall be paid to the Council and shall be collected in the manner specified in the notice published in terms of subsection (1).

12 Holding of funds

All moneys received by the Council shall be paid into a banking account and no money shall be withdrawn therefrom except by means of a cheque signed by such person or persons as may be authorized thereto by the Council.

13 Accounts of Council

(1) The Council shall ensure that proper accounts and other records relating to such accounts are kept in respect of all the Council's activities, funds and property, including such particular accounts and records as the Minister may direct.

(2) Within three months after the end of each financial year the Council shall prepare and submit to the Minister a statement of accounts in respect of that financial year or in respect of such other period as the Minister may direct.

13A Audit of Council's accounts

(1) In this section—

“auditor” means the Comptroller and Auditor-General or a person appointed by the Comptroller and Auditor-General in terms of subsection (2).

(2) The accounts kept by the Council in terms of subsection (1) of section thirteen shall be examined by the Comptroller and Auditor-General or by a person who is registered as a public auditor in terms of the Public Accountants and Auditors Act [Chapter 27:12] and is appointed by the Comptroller and Auditor-General to examine

the Council's accounts.

(3) The auditor shall make a report to the Council and the Minister on the statement of accounts prepared in terms of subsection (2) of section thirteen, and in his report shall state whether or not in his opinion the statement of accounts gives a true and fair view of the Council's financial affairs.

(4) In addition to the report referred to in subsection (3), the Minister may require the auditor to provide such other reports, statements or explanations in connection with the Council's activities, funds and property as the Minister may consider expedient, and the auditor shall forthwith comply with any such requirement.

(5) If, in the auditor's opinion—

(a) he has not obtained any information or explanation he requires; or

(b) any accounts or records relating to any accounts have not been properly kept by the Council; or

(c) the Council has not complied with any provision of this Part;

he shall include in his report made in terms of subsection (3) or (4), as the case may be, a statement to that effect.

(6) Any expenses incurred in carrying out the provisions of this section shall be borne by the Council.

13B Powers of auditor

(1) An auditor referred to in section thirteen A shall be entitled at all reasonable times to require to be produced to him all accounts and other records relating to such accounts which are kept by the Council or its agents and to require from any member of the Council or employee or agent of the Council such information and explanation as in the auditor's opinion are necessary for the purpose of his audit.

(2) Any member of the Council or employee or agent of the Council who fails without just cause to comply with a requirement of an auditor in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[amended by Act 22 of 2001, with effect from the 10th september, 2002.]

PART IV

REGISTERED NATIONAL ASSOCIATIONS

14 Registration of national associations

(1) A Register of national associations shall be kept and maintained by the Council.

(2) Every national association shall, within thirty days of its coming into existence apply for registration with the Council.

(3) Every national association applying for registration in terms of subsection (2) shall in its application—

(a) state its name and address and the names, designations and addresses of its officers and the members of its executive committee or other body in control of its affairs;

(b) state the name and the address of a person authorized to accept service of any proceedings, notices, or other things on its behalf;

(c) submit together with the application a copy of its constitution and rules.

(4) As soon as is practicable after receiving an application in terms of subsection (2), the Council shall consider the application and, if it is satisfied—

(a) as to the suitability of the constitution and rules of the national association; and

(b) as to the good faith of the officers and members of the national association; and

(c) that the affairs of the national association will be properly managed; the Council shall direct its secretary to cause the national association to be registered.

(5) Where any amendment is made to the constitution or rules of a registered national association, or any alteration occurs in any of the matters or things in respect whereof

particulars are required to be given in terms of subsection (3), such association shall forthwith give particulars in writing of such amendment or alteration, as the case may be, to the Council.

(6) Every registered national association shall as soon as practicable after the end of its financial year submit to the Council—

- (a) a report on its activities during the previous year; and
- (b) an audited balance sheet and income and expenditure account for that year.

(7) Every registered national association shall, as early as convenient before the commencement of its financial year, submit to the Council its estimates of income and expenditure for the coming year and shall likewise submit any amendments to such estimates.

(8) If the Director considers that any estimates submitted in terms of subsection (7) are not in the best interests of the members of the association which submitted the report, he may, after discussing the estimates with the governing body of the association, make a report on the estimates to the Council.

(9) When a report is made to the Council in terms of subsection (8), the Council may, after hearing a duly authorized representative or representatives of the association concerned, require the association to amend its estimates.

15 Donations to registered national associations

No registered national association shall accept a donation without first informing the Council and, before accepting the donation, shall take into account any advice that the Council may give it.

16 Discipline of registered national associations

(1) Where the Council considers that any registered national association—

- (a) has ceased to operate as a national association or to comply with its constitution; or
- (b) has failed to comply with any provision of this Act; or
- (c) has conducted itself in a manner which is contrary to the national interest;

the Council may, after affording the association concerned an opportunity of making representations in the matter—

- (i) suspend all or any of its officers;
- (ii) direct its secretary to strike the association from the Register.

(2) Where the Council has taken any action referred to in paragraph (i) or (ii) of subsection (1) the Minister may, on the recommendation of, or after consultation with, the Council appoint a committee to administer the affairs of the association concerned.

(3) A committee appointed in terms of subsection (2) shall have all the rights, duties and responsibilities of the governing body it has displaced but shall be answerable to the Council and not to the members of the national association.

(4) Where a committee has been appointed in terms of subsection (2)—

- (a) the name of the national association concerned shall, if it has been struck off the Register, be restored to the Register;
- (b) the committee shall, as soon as practicable, take steps for the appointment of a new governing body of the association concerned in accordance with the constitution and rules of the association.

PART V

CLUBS

17 Registration of clubs

(1) Every registered national association shall keep a register of all clubs which are registered members of that association.

(2) Every club shall, within three months of the fixed date or within thirty days of its coming into existence, whichever is the later, apply to the appropriate registered national association for registration.

(3) Every club applying for registration in terms of subsection (2) shall in its application—

(a) state its name and address and the names, designations and addresses of its officers and members of its executive committee or other body in control of its affairs;

(b) state the name and the address of a person authorized to accept service of any proceedings, notices or other such things on its behalf;

(c) submit, together with the application, a copy of its constitution and rules.

(4) As soon as practicable after receiving an application in terms of subsection (2), the registered national association shall consider the application and, if it is satisfied—

(a) as to the suitability of the constitution and rules of the club; and

(b) as to the good faith of the officers and members of the club; and

(c) that the club has objectives which are the same as or complementary to those of the national registered association; and

(d) that the club is prepared to abide by the rules of the national registered association and pay its dues;

it shall register the club.

18 Membership of clubs

(1) Any person who applies for membership of a registered club shall, subject to this Act, be entitled to admission if such person—

(a) has a bona fide interest in any youth activity for which the club has been formed; and

(b) can show a reasonable identity with the objectives and purposes for which the club has been formed; and

(c) is prepared to pay the dues of the club and abide by its rules.

(2) If the facilities of any club are such that the admission of any further members would be likely to prevent the existing members of the club being able to enjoy those facilities, the club may apply to the Council for a certificate empowering it to refuse further membership until such time as the facilities are improved or the membership has decreased.

(3) If any person is aggrieved by any decision of a club in refusing him admission as a member, he may appeal to the Council.

(4) On an appeal in terms of subsection (3) the Council shall investigate the matter and, after affording the parties concerned an opportunity of making representations, may uphold the decision of the club or direct it to admit the applicant to membership.

19 Limitation of entrance fees and subscriptions of clubs

(1) No registered club shall charge its members an entrance fee or a subscription which is more than the lowest monthly minimum wage as fixed from time to time under the Labour Relations Act [Chapter 28:01], and if the subscription is not an annual subscription it shall not be proportionally greater than such minimum wage.

(2) Where any registered club contravenes this section the officers of the club who were responsible shall be personally liable to pay to the Council the total amount of any entrance fees or subscriptions received in contravention of this section and such amount may be recovered as a civil debt.

(3) A club may apply to the Council for permission to raise its entrance fee or subscription or to impose a special levy on members in order to pay for improvements to its premises or its facilities or to enable it to meet its responsibilities to members and the public.

(4) The Council shall grant an application made to it in terms of subsection (3) if the applicant club shows that the proposed increase in its entrance fee or subscription or the special levy, as the case may be, is necessary in order to meet the reasonable costs of operating the club.

(5) No registered club shall, without the approval of the Council, increase the charges

payable for the use of its facilities by an amount which is proportionately greater than the amount the lowest minimum wage referred to in subsection (1) is increased on or after the 30th March, 1984.

(6) For the purposes of this section, a subscription means any sum that a member is required to pay as a member, whether periodically or on a particular occasion, but does not include any sum payable for the use of the facilities of the club.

20 Registered clubs to keep proper books and accounts

(1) Every registered club shall regulate its own procedure, subject to this Act and any directions of the Council.

(2) Every registered club shall keep minutes and records of its meetings and proceedings and such other records as the Council may direct.

(3) Every registered club shall keep proper books of account in such manner as the Council may direct and, subject to subsection (4), its accounts shall be audited by a person who is not a member of its committee or governing body and is in no way responsible for the keeping of the accounts or the financial arrangements of the club.

(4) If the annual income of any registered club is more than five thousand dollars its accounts shall be audited by a person registered as a public auditor in terms of the Public Accountants and Auditors Act [Chapter 27:12].

21 Registered clubs not to compete with clubs not registered

No registered club shall, without the authority of the registered national association with which it is registered, compete with or hold organized events with any club that is not so registered.

22 Cancellation and suspension of registration

(1) If any registered club contravenes or fails to comply with any provision of this Act or any direction of the Council, the Council may direct the appropriate registered national association to cancel or suspend the registration of the club and such suspension may be for a limited time or until the club ceases to be in contravention of the Act or direction.

(2) The Council shall not take any action under subsection (1) until it has given the club an opportunity to be heard.

PART VI

GENERAL

23 National Colours

(1) The President shall, by notice in the Gazette, declare the National Colours of Zimbabwe.

(2) The Council may award National Colours to any individual, club or association and may, by notice in the Gazette, make rules governing such awards.

(3) No person who is not a member of a registered club shall be eligible for an award of National Colours.

(4) No person shall wear or display the National Colours otherwise than in accordance with an award by the Council in terms of subsection (2).

(5) Any person who contravenes subsection (3) shall be guilty of an offence and liable to a fine not exceeding level three.

[amended by Act 22 of 2001, with effect from the 10th September, 2002.]

24 Appeal to Minister

(1) Any person who is aggrieved by a decision of the Council in terms of this Act may appeal to the Minister.

(2) On an appeal in terms of subsection (1) the Minister, after affording the parties concerned a reasonable opportunity of making representations to him, may confirm, vary or rescind the decision of the Council and the Council shall comply with the decision of the Minister.

(3) The decision of the Minister on an appeal in terms of section (1) shall be final.

25 Protection of employment of persons representing Zimbabwe

Where any person has been selected to represent Zimbabwe in any youth event such person shall not be discharged from his employment solely on the ground that he is

required to be away from his place of employment for the purposes of such representation.

26 Regulations

(1) The Minister may by regulation provide for all matters which by this Act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be provided for in order to carry out or give effect to this Act.

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

- (a) the manner in which international youth activities shall be administered; and
- (b) the manner or conditions under which the Council or any provincial council, district council or registered association shall carry on any trading or marketing activities; and
- (c) the application, with such modifications as may be specified in the regulations, of sections twelve to thirteen B to the funds of provincial councils or district councils and the audit of their accounts.

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