

Law Society of Zimbabwe (Conveyancing Fees) By-laws, 2020

IT is hereby notified that the Minister of Justice, Legal and Parliamentary Affairs has, in terms of section 63 of the of the Legal Practitioners Act [*Chapter 27:07*], approved the following by-laws adopted by a majority of members present at a general meeting of the Law Society of Zimbabwe:

Title

1. These regulations may be cited as the Law Society of Zimbabwe (Conveyancing) By-laws, 2020.

Tariff of conveyancing fees

2. The scale of fees to be taken by legal practitioners in conveyancing matters shall be that set out in the Schedule.

Value added tax to be charged and separately itemised

3. When billing a client for a conveyancing service specified in the Schedule the legal practitioner shall add to the fee specified for that service and itemise separately, an amount representing the current rate of value added tax fixed in terms of Chapter IV of the Finance Act [*Chapter 23:04*] in respect of the service concerned.

Repeals

4. The Law Society of Zimbabwe (Conveyancing Fees) By-laws, 2013, published in Statutory Instrument 24 of 2013, are repealed.

SCHEDULE (*Section 2*)

TARIFF OF FEES FOR CONVEYANCING

Notes:—

1. The fees detailed in this tariff include such of the following work as may be necessary—
 - (a) taking instructions;
 - (b) drawing and preparation of deeds, powers of attorney, declarations, affidavits, resolutions and other necessary documents;
 - (c) perusals;
 - (d) attending to payment of rates;

- (e) obtaining clearance or other certificates save for capital gains tax clearance certificates;
 - (f) obtaining endorsements and additionally, or alternatively, copies of documents from the office of the Master or other public office;
 - (g) obtaining conversions of area;
 - (h) making financial arrangements, including guarantees and settlement in terms thereof, and bank certified cheques;
 - (i) correspondence;
 - (j) arranging simultaneous lodging and registration with other conveyancers;
 - (k) all attendances at the Deeds Registry;
- and all other work necessary for the registration and completion of the transaction concerned, but does not include work in connection with—
- (i) the drawing and execution of suretyships, agreements of sale, deeds of donation, agreements of exchange, preliminary partition agreements and documents of a similar nature; or
 - (ii) any separate act of registration required in connection with the matter; or
 - (iii) the application for obtaining capital gains tax clearance certificates from Zimbabwe Revenue Authority; or
 - (iv) any other work for which a separate charge is provided in this tariff.
1. Where a transfer, mortgage bond or other matter referred to in this tariff is not proceeded with before registration and all documents have been prepared and all work has been substantially carried out to the point of lodging, the fee to be charged shall be 80 *per centum* of the tariff fee.
 2. Where a power of attorney to pass bond has been prepared as security which incorporates the terms of the bond *in extenso* by annexure or otherwise, the fee to be charged shall be 30 *per centum* of the tariff fee. If a bond is subsequently registered on the authority of such power of attorney, the fee then to be charged shall be the tariff fee less 30 *per centum*.
 3. In any other uncompleted matter the fee to be charged shall be a fair and reasonable fee, regard being had to the general tariff of fees for legal practitioners, but shall not be less than 20 *per centum* and shall not exceed 30 *per centum* of the tariff fee.

SECTION 10

TABLE TO CONVEYANCING TARIFF

A	B
<i>Fee for conveyance of immovable property</i> 3% of the purchase price or value of the property, whichever is the greater.	<i>Fee for mortgage bond</i> 2.5% of the amount of the debt secured by the bond.

SECTION 8
MISCELLANEOUS

<i>Description</i>	ZWL
1. Endorsement of title under section 42 of the Deeds Registries Act [<i>Chapter 20:05</i>], or section 58 of the Administration of Estates Act [<i>Chapter 6:01</i>]	600,00
2. Endorsement of title under section 64 of the Deeds Registries Act [<i>Chapter 20:05</i>]	600,00
Where property is mortgaged, an additional fee of	300,00
Plus charges of copying the contract, if applicable in accordance with the tariff for non-litigious work	90 other than conveyancing
3. Attending the Deeds Registry noting any act of registration not otherwise provided for or making searches—	
4. Endorsement of change of name or other rectification in terms of the Deeds Registries Act [<i>Chapter 20:05</i>]	600 Plus ZWL30,00 for each consent required other than the applicant's
5. Application for issue of a certified copy of a lost deed	600,00
6. Obtaining certified copy of a deed where no advertising Required	300,00
7. Obtaining from Surveyor-General certified copy of approved diagram not yet annexed to a registered deed	450,00

SECTION 9

LODGING DEEDS OR DOCUMENTS ON BEHALF OF OTHER CONVEYANCERS

<i>Description</i>	ZWL
For attending to registration of any document referred to in this tariff	30% of the fees paid to the instructing conveyance

Note:—These charges include all charges for correspondence, co-lodging, attending to queries and other attendances relating to the matters. This charge is additional to the inclusive fee charged by the other conveyance and may be charged by him or her as a disbursement.

WORK NOT SPECIFIED ELSEWHERE OR THE WORK IS OF A COMPLEX NATURE

The fees for services not specified in this tariff or for services that are specified in this tariff but may include work of a sufficiently complex nature in a particular case shall be charged for under the general tariff of fees for legal practitioners, where appropriate, otherwise at the rate set out in the High Court tariff or, where neither is appropriate, at reasonable rates.

SECTION 1
TRANSFER OF IMMOVABLE PROPERTY

<i>Description</i>	ZWL
1. For obtaining registration of immovable property in any manner not specifically referred to elsewhere in this tariff, the fee charged by the conveyancer shall be the amount as set out in column A of the Table to this tariff.	
2. If more than one property is included in the same transfer an additional fee for each property of	300 or 10% of the fee provided in paragraph 1 above (whichever is greater).
3. If the documents have to be completely or substantially redrawn as a result of inaccurate instructions having been given to the conveyancer regarding the names and additionally, or alternatively, the personal particulars of the transferee or mortgagee, where he is a natural person, an Additional fee of	300 or 10% of the fee provided in paragraph 1 (whichever is greater)

Provided that a Deeds Registry search would not have provided the correct particulars.

SECTION 2

<i>Description</i>	ZWL
Transfer of immovable property by endorsement in terms of the Deeds Registries Act [<i>Chapter 20:05</i>] or any other Act, where there is no change of beneficial interest or where no valuable consideration passes, if no specific provision is made for the transactions elsewhere in this tariff	720,00.

SECTION 3
PARTITION OR RECTIFICATION TRANSFER

<i>Description</i>	ZWL
For each transfer	3,600 or 1,5% of the value of the property
If more than property is included in the same transfer, an additional fee for each property of whichever is greater.	300 or 10% of the original fee, whichever is greater

SECTION 4
CERTIFICATES OF TITLE

<i>Description</i>	ZWL
1. Certificates of title under sections 34, 35, 36, 38, 39 and 41 of the Deeds Registries Act [<i>Chapter 20:05</i>]	2,400 or 1.5% of the value of the property (whichever is greater)
Plus ZWL20,00, for each additional property after the first, where more than one property is included in the certificate.	
2. Certificate of consolidated title under section 40 of the Deeds Registries Act [<i>Chapter 20:05</i>]	2,400 or 1.5% of the value of the property (whichever is greater)
Plus ZWL20,00 for each additional constituent property after the first two properties.	

SECTION 5
BONDS

The fees charged for mortgage and notarial bonds shall be as set in column B of the Table to this tariff and shall be calculated on the amount of the debt secured by the bonds:

<i>Description</i>	ZWL
Provided that where, in respect of the same debt, a conveyancer draws a collateral or surety bond for simultaneous registration with a principal bond drawn by him, the fees for the collateral bond shall be one half of those for the principal bond with a minimum of	1,500 or half the principal fee (whichever is greater)
Except where the collateral bond is to be simultaneously registered in another registry, in which case the minimum fee shall be	1,800 or half the principal fee whichever is greater)
If more than one property is included in the same bond, an additional fee for each additional property of	300,00
If the documents have to be completely or substantially redrawn as a result of Inaccurate instructions having been given to the conveyancer regarding the names And additionally, or alternatively, the personal particulars for the transferee or Mortgagee, where he is a natural person, an additional fee of	240 or 10% of the initial fee (whichever is greater)

Provided that a Deeds Registry search would not have provided the correct particulars.

SECTION 6
CANCELLATIONS, CESSIONS, RELEASES, WAIVERS AND OTHER CONSENTS OF MORTGAGEES, LESSEES AND OTHERS

<i>Description</i>	ZWL
1. Cancellation of bonds, cancellations of cessions of bonds, reduction of capital or cover, releases of persons or property from a bond, waivers of preference, consents of mortgagees, usufructuary, lessees or other person required by law and not otherwise provided for in this tariff	450,00
Should more than one bond in favour of the same mortgagor be similarly dealt with at the same time, the fee for each Additional bond shall be	120,00
2. Cession of bonds	600,00
Should more than one bond in favour of the same mortgagor be similarly dealt with at the same time, the fee for each additional bond shall be	240,00
3. Where a bond has been lost and is to be cancelled ceded there shall for each bond be an additional charge over and above the cost of cancellation of	600,00
4. Agreement or consent to variation of terms of bond	720,00

SECTION 7

MISCELLANEOUS

<i>Description</i>	ZWL
Attendances on behalf of transferor or transferee, mortgagor or mortgagee, supervising registration when conveyancing attended to by another conveyancer, including instruction correspondence and other work relevant to such supervision	600,00
Save in relation to an endorsement of title under section 64 of the Deeds Registries Act [<i>Chapter 20:05</i>], when the fee shall be	450,00