

Chapter 13:21

PREVIOUS CHAPTER**METEOROLOGICAL SERVICES ACT**

Act 8/2003

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

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ACT

To provide for the functions, powers and administration of the Meteorological Services Department, and the legal framework for the levying of commercial rates for the Department's services to allow it to operate on a cost recovery basis; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 2nd April 2004]

ENACTED by the President and Parliament of Zimbabwe.

1. Short title and date of commencement

(1) This Act may be cited as the Meteorological Services Act [Chapter 13:21].

(2) This Act shall come into operation on a date to be fixed by the President by statutory instrument.

[S.I. 78A of 2004 – Editor]

2. Interpretation

In this Act—

“Director” means director of the Department;

“Department” means the Meteorological Services Department;

“fixed date” means the date fixed in terms of subsection (2) of section one as the date on which this Act comes into operation;

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

“World Meteorological Organisation” is a United Nations specialised agency responsible for global standardisation of meteorological observation, uniform publication of weather statistics and co-ordination of the rapid, unrestricted and free exchange of meteorological and related information.

3. Meteorological Services Department

The Meteorological Services Department in the Ministry of Transport and

Communications which existed before the date of commencement of this Act shall continue to operate in accordance with this Act.

4. Functions of the Department

(1) Subject to this Act, the functions of the Department shall be to—

- (a) construct, establish, acquire, maintain and operate seismological and meteorological undertakings;
- (b) issue weather and climate forecasts, and advance warnings on weather conditions likely to endanger life and property;
- (c) collect, process, disseminate, control and quality of and archive national, regional and international data sets;
- (d) maintain a climatological database and provide a history of past weather and climatic conditions;
- (e) provide specific operational meteorological services to major users such as the aviation, agriculture, energy, defence, tourism and water resources industries;
- (f) provide and operate meteorological telecommunication systems in compliance with Resolution 40 of the World Meteorological Organisation;
- (g) plan, implement, operate, maintain and repair surface and upper air meteorological observing networks;
- (h) sell by-products produced in the course of its operations;
- (i) train meteorological personnel;
- (j) carry out meteorological research and investigation.

(2) The Department shall have the power to—

- (a) enter into agreements with other weather services at the regional and international level;
- (b) do or cause to be done, with the approval of the Minister and the Minister responsible for finance, either by itself or through its agents, any of the things specified in the First Schedule.

5. Director and staff of the Department

(1) The operations of the Department shall, subject to this Act, be controlled and managed by the Director of Meteorological Services, whose office shall be a public office and shall form part of the Public Service.

(2) The Director shall be responsible for ensuring that the functions of the Department and any directions of the Minister issued in terms of section eight are carried out.

(3) In addition to the Director, there shall be such members of staff as are needed for the exercise of the functions of the Department, whose offices shall be public offices and shall form part of the Public Service.

6. Charges, levies and fees

(1) The Director shall have power, subject to any directions of the Minister and in consultation with the Minister responsible for finance, to charge and levy fees for the services specified in Part I of the Second Schedule.

(2) No charges or fees shall be levied for the services specified in Part II of the Second Schedule.

(3) The Director shall, subject to the approval of the Minister, enter into financial arrangements with other State departments for payment in respect of specialised services provided to them by the Department.

(4) The Minister, with the approval of the Minister responsible for finance and in consultation with the Director, may by statutory instrument prescribe the amounts of levy to be paid by persons or associations who obtain for their own or collective use, meteorological products and services provided by the Department.

7. Meteorological Services Fund

(1) The Director shall, subject to the constitution drawn up for the regulation of the fund in terms of section 30 of the Audit and Exchequer Act [Chapter 22:03], establish and administer the Meteorological Services Fund.

(2) The Meteorological Services Fund shall be applied for the purpose of enabling the Department to fulfil its functions in terms of section four.

(3) The Meteorological Services Fund shall consist of—

(a) such moneys as may be appropriated by Act of Parliament for the Department; and

(b) all moneys received by the Department in terms of paragraph (h) of subsection (1) of section four and the fees and charges payable for services and facilities provided by the Department levied in terms of section six; and

(c) any licence or other fees for any things, services or information in respect of which the Department may claim an intellectual property right in terms of section nine; and

(d) any donation or grant permitted by the Minister to be accepted by the Department and paid into the Fund; and

(e) any income derived from the investment of the surplus moneys of the Fund.

8. Minister may give policy directions

(1) The Minister may give to the Director such general directions relating to the policy the Department is to observe in the exercise of its functions as the Minister considers to be necessary in the national interest.

(2) The Director shall take necessary steps to comply with any direction given to him or her in terms of subsection (1).

9. Intellectual property rights of Department

(1) In accordance with the law governing intellectual property rights, the Department shall retain intellectual property rights over any data, meteorological information, computer programmes, inventions, discoveries and improvements generated by the Department in the fulfilment of its functions.

(2) Any of the things or information specified in subsection (1) that are provided to a client of the Department shall not be provided to any other person without a written licence or other authority of the Director.

(3) Any publication not authored by the Department which uses information specified in subsection (1) must acknowledge the Department as the source of the information.

10. Regulatory powers of the Minister

The Minister may, in consultation with the Director, make regulations prescribing matters that by this Act are required or permitted to be prescribed or that in the opinion of the Minister are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

11. Amendment of Schedules

The Minister may by notice in a statutory instrument amend the First and Second Schedules as and when he or she deems it necessary or desirable for giving effect to the purposes of this Act.

First Schedule (Section 4(2)(b))

ANCILLARY POWERS OF THE DEPARTMENT

1 To acquire by lease, purchase or otherwise, immovable property, and to construct buildings thereon.

2 To enter into agreements and to modify or rescind such agreements:

Provided that the Department shall not enter into agreements of

suretyship or guarantee without the approval of the Minister and the Minister responsible for finance.

3 To invest moneys not immediately required.

4 To accept a grant, donation or bequest of movable property, including money, made to the Department:

Provided that if a grant, donation or bequest referred to in this paragraph—

(a) is made subject to any conditions; or

(b) would involve additional or recurrent expenditures on the part of the Department;

the Department shall not accept the grant, donation or bequest without the consent of the Minister.

5. To do anything for the purpose of improving the skill, knowledge or usefulness of its employees, and in that connection to provide or assist other persons in providing facilities for training, education and research and to pay for the aforesaid, where necessary.

6. To provide such services as the Department considers could properly be provided by the Department.

Generally, to do all such things as are incidental or conducive to the exercise of the functions or the performance of the duties of the Department or which are incidental to the powers specified in this Schedule, or which are calculated, directly or indirectly, to enhance the value of, or develop, the services provided by the Department.

Second Schedule (Section 6)

SERVICES OFFERED BY THE DEPARTMENT

PART I

SERVICES OFFERED ON A COST RECOVERY BASIS

1. Aeronautical services to the aviation industry at all airports.

2. Special weather and climate-related publications for specific users.

3. Consultancy and specialist services to commerce and industry, including the legal, agricultural, tourism and insurance industries.

4. Manufacturing, selling, repairing and calibration of meteorological equipment for users.

5. Special meteorological forecasts and information to the press and other mass media.

6. Research for commercial use.

PART II

FREE SERVICES

1. Meteorological observation data for Zimbabwe supplied to the World Meteorological Organisation in accordance with Zimbabwe's international obligations.

2. Public weather forecasts for the benefit of the population.

3. General weather outlook services for subsistence agricultural purposes, and for social purposes in connection with the provision of water resources and health services.

4. Adverse weather and climate early warning services and advisories.

5. Cloud seeding operations.

6. Support for search and rescue activities under disaster management auspices.

7. Educational programmes, awareness campaigns, and the facilitation of tours and visits by members of the public to any of the Department's premises

countrywide.

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