

DMH LEGAL PRACTITIONERS

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FREQUENTLY ASKED QUESTIONS

PROTECTING YOUR PROPERTY INTERESTS: TITLE DEED VALIDATION PILOT PROGRAM

DASHBOARD

DMH is pleased to advise that the title deed validation process is currently underway, with the Firm having been identified as one of the law firms participating in the pilot project for the validation of unencumbered title deeds.

BACKGROUND

The Deeds Registries Regulations, Statutory Instrument 76 of 2026 (the "*Regulations*"), provide for validation and issuance of digitised title deeds. The validation process entails verification of the authenticity of each title deed and ensuring that it complies with the requirements of the law. Upon successful verification of the old title deeds, the Registrar of Deeds issues to the respective owners, new title deeds in a digital electronic format, duly authenticated and recorded in the digital registry system. The holder is required to surrender the old title deed upon collection of the new title deed.

Why digitisation?

The digitisation of title deeds is a regulatory requirement aimed at ensuring that there are fewer incidents of fraud in respect of title deeds, as digital title deeds are harder to manipulate. It is envisaged that property transactions should be processed faster and that digital title deeds should ultimately be more dependable. Digital records may further afford more protection against damage and loss of physical deeds.

How much does the process cost?

The Regulator has fixed the fees and expenses applicable to title deed validation. The total cost for the validation process is **US$216.00 per property,** inclusive of VAT and disbursements, assuming that the title deeds are in order and no complications arise requiring any additional legal work. The cost includes $100 payable to the Registrar of Deeds for the registration and $100 for the lodging and conveyancing work.

$100
Registrar of Deeds

+

$100
Lodging & conveyancing

plus 15.5% VAT

TOTAL = US$216

What does the process entail?

The process requires the physical attendance of the owner, authorised representative, or company representative as applicable at our offices. This is necessary in order to facilitate the biometric verification process, including capture of the applicant's or title deed holder's facial details, or those of the authorised company representative. The process involving external property holders has currently been paused as the Deeds Registry considers the practical exigencies of validation.

PROTECTING YOUR PROPERTY INTERESTS: TITLE DEED VALIDATION PILOT PROGRAM (continued)

What is required?

Properties registered in the names of entities (e.g. companies, trusts and other institutions)

1. A board resolution authorising validation of the title deed(s) and appointing a representative to act on behalf of an entity (DMH has prepared a boilerplate of the required board resolution);
2. The original title deed;
3. The original National Identification card of the authorised representative;
4. Two passport-sized photographs of the authorised representative; and
5. Certified company documents, including the Certificate of Incorporation, CR5 and CR6

Properties registered in the names of individuals

1. The original title deed;
2. The original National Identification card of the title deed holder; and
3. Two passport-sized photographs of the title deed holder.

What are the timelines?

We have successfully assisted with the validation and issuance of a score of digital title deeds and continue to work on others as part of an ongoing pipeline.
In our experience, the process generally takes between 2 and 4 weeks from the date of filing. However, extended timelines may apply in more complex cases.

2–4 weeks from the date of filing

"We continue to work on others as part of an ongoing pipeline."

DMH has set up a dedicated team to assist you. Please contact us to get the process in motion. Our dedicated contact person is **R. Matambo** (rmatambo@dmh.co.zw). Rumbidzai Matambo is our Managing Partner and heads the Conveyancing and Securitisation Group within the Firm. She is the immediate past President of the Law Society of Zimbabwe and presently, a Commissioner of the Judicial Service Commission. Rumbidzai is a long serving member of the Ad-hoc Conveyancing Sub-Committee of the Law Society of Zimbabwe.

LEGAL & POLITICAL LANDSCAPE

CONSTITUTION AMENDMENT ACT 3 OF 2026: AN EVOLVING LEGAL AND POLITICAL LANDSCAPE

Overview

It is common cause that on the 7th of July 2026, the President of the Republic of Zimbabwe signed into law the Constitution of Zimbabwe Amendment Act 3 of 2026. The amendment introduces several changes of significance to Zimbabwe's legal and political landscape, including in respect of presidential terms and elections, judicial restructuring, and the jurisdiction of the Constitutional Court of Zimbabwe. This snapshot considers a few of the key developments.

Presidential Terms and Election

The first significant amendment to the Constitution provides that the President shall no longer be elected by direct popular vote, but rather by members of Parliament in a joint sitting of the Senate and National Assembly. Additionally, the terms of office of the President and Vice-President have been extended from five years to seven years. Where a person elected as President dies, resigns or is removed from office, the Vice-President shall act as the President until a new President assumes office in terms of section 92 of the Constitution.

s.95

5 → 7
years: extended terms of office for President and Vice-President

s.92(1)

Parliament elects the President in a joint sitting

s.101

Vice-President acts until a new President assumes office

The term limit amendments remain subject to outstanding constitutional challenges, with a matter argued on the 30th of September 2026, wherein judgment was reserved. There are additional matters set down for hearing on the 11th and 25th of November 2026. We will continue to monitor the progress of these cases and provide an update on the outcomes of the judgments once pronounced.

30 September 2026
Argued; judgment reserved

11 November 2026
Set down for hearing

25 November 2026
Set down for hearing

CONSTITUTION AMENDMENT ACT 3 OF 2026: AN EVOLVING LEGAL AND POLITICAL LANDSCAPE (continued)

01

Extended Jurisdiction of the Constitutional Court of Zimbabwe

Section 18 of the Constitution Amendment Act amends section 167 of the Constitution by expanding the jurisdiction of the Constitutional Court. Previously, the Constitutional Court had jurisdiction to decide on only constitutional matters. Properly construed, the amendment now allows the Court to grant leave to appeal to the Constitutional Court on the grounds that a matter raises an arguable point of law of general public importance which ought to be considered by the Constitutional Court. Litigants may now be granted leave to appeal judgments of lower courts, including the Supreme Court even in circumstances where their matter does not engage constitutional issues *per se*, but falls within other realms of the law, including commercial law matters of a public interest nature.

THE NEW LEAVE-TO-APPEAL TEST

"...an arguable point of law of general public importance which ought to be considered by the Constitutional Court."

02

Appointment of Judges

The Constitution Amendment Act now provides that the President shall appoint all judges in consultation with the Judicial Service Commission. There is no longer a requirement for publication of judicial interviews prior to the appointment of judges. Further, the amendment creates the role of a Judge President within the Supreme Court, a position which did not previously exist.

03

Appointment of Senators

Section 9 of the Constitution Amendment Act amends section 120 of the Constitution and provides that 10 senators may be appointed by the President chosen for their professional skills and other competencies after consultation with the National Assembly.

On Wednesday the 4th of November 2026 the Constitutional Court will hear a challenge on the 10 additional Presidential appointees.

CASE NOTE · EMPLOYMENT LAW

THE CHOICE DILEMMA: DELTA BEVERAGES (PRIVATE) LIMITED V MUFARO MUCHETU

Overview

We recently acted on behalf of Delta Beverages (Private) Limited in an appeal in the Supreme Court on whether a litigant could approach the Labour Court directly upon conclusion of internal disciplinary hearing processes. The legal issue emanated from the fact that the Labour Amendment Act 11 of 2023 introduced section 101(5), which allows a litigant to approach the Labour Officer on appeal. The previous law was that a litigant could approach the Labour Court directly in terms of section 92D enacted in 2005.

Section 92D

Approach the Labour Court directly (2005)

Section 101(5)

Approach the Labour Officer (Act 11 of 2023)

COURT'S FINDINGS

The Supreme Court found that the old position enunciated in section 92D prevails. The court reiterated that a litigant can still approach the Labour Court directly, despite promulgation of section 101(5). The court reasoned that section 101(5) does not provide a proper appeal mechanism, as the process starts off at conciliation. Finally, the court stated that a litigant has a right to either approach the Labour Court directly in terms of section 92D or to approach the Labour Officer in terms of section 101(5).

> The court's finding, with respect, to the effect that an aggrieved litigant can approach whichever forum it deems fit, encourages forum shopping. It is not beyond contemplation that a litigant may elect to approach both forums. This may cause some problems in prosecuting employment matters.
>
> Lastly, the findings of the court seem to ignore the fact that once you approach the Labour Officer through conciliation, the process would lead to arbitration and thereafter, one would still have the right to approach the Labour Court on appeal.

Labour Officer → **Conciliation** → **Arbitration** → **Labour Court (appeal)**



Your compass is set. Your bearings are taken. But the journey has just begun.

Our next issue of Compass Points lands on the 18th of December 2026, where we will be charting new territory:

Zimbabwe's 2027 National Budget;

Fiscal Policy and Planning; and

Macroeconomic stability.

Until then, we would love to hear where your compass is pointing. What questions are you navigating? What would you like us to explore?

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Your questions and feedback may shape our next edition.

