

Presidential Powers (Temporary Measures) (Extension of State Liabilities Act to the Assets of Ruwa Local Board) Regulations, 2024

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WHEREAS the High Court, on the 18th of June, 2024, ordered that the sale of execution of moveable assets belonging to Ruwa Local Board should proceed without delay;

AND WHEREAS it is provided by section 2(1) of the Presidential Powers (Temporary Measures) Act [*Chapter 10:20*] that “When it appears to the President that a situation has arisen or is likely to arise which needs to be dealt with urgently in the interests [*inter alia*] of ...public safety....[and] public health...and the situation cannot adequately be dealt with in terms of any other law, and because of the urgency it is inexpedient to await the passage through Parliament of an Act dealing with the situation; the subject to the Constitution and this Act, the President may make such regulations as he considers will deal with the situation;

AND WHEREAS the attachment of the moveable assets of Ruwa Local Board includes critical service delivery equipment such as refuse compactors, graders, honey sucker, motor vehicles and sewer pumps essential for the delivery of basic services to the residents of the Local Authority;

AND WHEREAS the inability to provide the aforesaid services in consequence of the attachment is likely to expose residents of the Local Authority and its neighbours to catastrophic health risks resulting from uncollected refuse, no road works, sewer blockages and interrupted water supply from burst pipes;

AND WHEREAS it is estimated that the lives of over 300 000 residents are at the immediate risk of contracting diseases such as dysentery, typhoid and cholera unless immediate action be taken to restore the ability to the Local Authority to provide the necessary services to prevent any such outbreak:

NOW, THEREFORE, His Excellency the President, in terms of section 2 of the Presidential Powers (Temporary Measures) Act [*Chapter 10:20*], hereby makes the following regulations:—

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*Title*

1. These regulations may be cited as the Presidential Powers (Temporary Measures) (Extension of State Liabilities Act to the Assets of Ruwa Local Board) Regulations, 2024.

*Interpretation*

2. In these regulations, “Ruwa Local Board” or Local Authority means the Local Authority of that name duly constituted in terms of the Urban Councils Act [*Chapter 29:15*].

*Legal proceedings against Ruwa Local Board*

3. (1) The State Liabilities Act [*Chapter 22:13*] applies with necessary changes to legal proceedings against Ruwa Local Board.

(2) The legal proceedings referred to in subsection (1) include all legal proceedings against the Local Authority that were commenced or completed immediately before the date of commencement of these regulations.

(3) In particular, and for the avoidance of doubt, all assets of the Local Authority that were attached or are threatened with attachment and sale in execution by virtue of High Court order number HC 5365/22, are hereby released from attachment and revert to or remain in the possession of the Local Authority for the duration of these regulations.