

Attorney General's Office (General Conditions of Service)  
Regulations, 2025

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IT is hereby notified that the Attorney General's Office has in terms of section 24 of the Attorney General's Office Act [*Chapter 7:19*], made the following regulations with the concurrence of the Minister of Justice, Legal and Parliamentary Affairs: —

PART I

PRELIMINARY

*Title*

1. These regulations may be cited as the Attorney General's Office (General Conditions of Service) Regulations, 2025.

*Interpretation*

2. In these regulations—

“advancement” means progression of a member within the grade or from one grade to another after having satisfied conditions laid down in the relevant advancement procedures;

“appointing authority”, in relation to any appointment to the Attorney General's Office, means the Board or a head of department to whom it has delegated the power of appointment to any specified post;

“approved service” means service with a government, body or institution approved by the Board;

“Board” means the Attorney General's Office Board established in terms of section 4 of the Attorney General's Office Act [*Chapter 7:19*];

“confirmed member” means a member who is confirmed in his appointment after a period of probation;

“contract member” means a member of the Office employed on contract for a specified period of service;

“delegated authority” means any authority to which the Board has, in terms of these regulations, delegated any of its functions;

“department” means any division of the Attorney General's Office for which a head of department has been designated by the Board;

“disciplinary authority” means a disciplinary authority referred to in section 49;

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- “disciplinary committee” means a disciplinary committee appointed in terms of section 50;
- “grade” means the position or grade which has been allocated to a post;
- “grievance” means any dissatisfaction or feeling of injustice on the part of a member which is connected with the member’s work or the member’s contact with other persons at the workplace;
- “head of department” means such other member as the Board may designate as a head of department for the purpose of these regulations;
- “head of office” means the person in charge of the office or station or section or institution in which a member is employed, or such other person as may be designated by the Board to be a head of office for the purpose of these regulations;
- “higher professional qualification” means a qualification which enables a member to be more professionally competent in his or her field of employment;
- “junior grade” refers to every member other than one in a middle or senior grade;
- “member” means any person in the employ of the Attorney General’s Office;
- “middle grade” means a Principal Law Officer, a Principal Human Resources or Administration Officer, or other member of equivalent grade by whatever title designated to be a middle grade by the Board;
- “misconduct” means any act or omission by a member which constitutes an act of misconduct specified in the Third Schedule;
- “Office” means the Attorney-General’s Office;
- “part time member” means any member of the Office employed on a temporary basis to fill a casual vacancy or supernumerary post;

- “pensionable emoluments” shall have the meaning assigned to that term by the pensions regulations;
- “pensions regulations” means any regulations in force governing the terminal benefits of members;
- “performance award” means any award of additional remuneration in cash or in kind to a member, including any bonus or increment, made in accordance with the Board’s determination of the level of performance attained by that member;
- “probation” means the period of employment before a member is confirmed in his appointment;
- “promotion” means appointment to a vacant post to which is attached a great responsibility and higher salary or higher salary scale than that attached to the post to which a member was last substantively appointed, after he or she has undergone competitive selection procedures;
- “senior grade” means the Executive Secretary, State Advocate, State Attorney I, State Attorney II, Director, Deputy Director or other member of equivalent Grade, or means a grade of or above the level of a Principal Law Officer or an equivalent level.

## PART II

### APPOINTMENT, PERFORMANCE APPRAISAL AND CAREER MOBILITY

#### *General principles applicable to appointment, advancement, promotion and grading of members*

3. (1) In order to promote efficiency and effectiveness in the provision of services to the public, the Board shall, subject to subsection (2), appoint, advance, promote or grade those members who, in relation to the post in question, are the most suitable as regards—
- (a) knowledge about the task to be performed and ability to perform it; and
  - (b) relevant experience; and
  - (c) the requisite qualifications and qualities; and

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- (d) where applicable, potential for training and development.
- (2) A person may be employed by the Office as—
  - (a) a pensionable conditions of service member; or
  - (b) a contract member; or
  - (c) a part time member.

*Entrance examinations*

4. (1) The Board may with a view to ensuring that persons appointed as members meet the requirements of their posts, set Attorney General's Office entrance examinations for any administrative, professional, clerical and technical post.

(2) The Board may set pre-confirmation promotion examinations for any administrative, professional, clerical or technical post or grade:

Provided that success in a pre-confirmation or promotion examination shall not on its own entitle a member to confirmation or promotion, as the case may be.

(3) The Board may issue notices or circulars governing the content and conduct of entrance examinations.

*Appointment*

5. (1) Appointment as a member shall be on—
- (a) pensionable conditions of service; or
  - (b) temporary terms to fill a casual vacancy or supernumerary post; or
  - (c) contract basis for a specified period of service.

(2) The Board may, from time to time, issue notices or circulars governing appointments to any post or grade, including notices or circulars specifying qualifications with respect to knowledge, ability, professional attainment, aptitude and potential.

(3) Every appointment shall be made by the Board.

(4) The procedure governing appointments to the Office shall be guided by the following principles—



- (a) any vacancy to be filled in and the conditions of service attaching to it shall be advertised for a reasonable period; and
- (b) eligible candidates shall be considered equally on merit by fair competition under procedures which safeguard against individual bias; and
- (c) the selection criteria and techniques to be applied shall be reliable, valid and relevant to the post concerned.

(5) Before making an offer of appointment the Board shall complete to its satisfaction all the checks necessary to confirm that the candidate is eligible for appointment.

(6) Every notice or advertisement inviting applications for appointment to a vacancy in the Office shall set out as clearly and concisely as possible the job description and job specification applicable to the vacancy.

(7) A candidate shall not be appointed to the Office—

- (a) unless he or she has been examined by a Medical Practitioner and has furnished a medical certificate to the Director for Administration; certified by the Secretary for Health, to be free from any mental or physical deficiency or infirmity likely to interfere with the efficient performance of his or her duties or render necessary his or her retirement before pensionable age:

Provided that, a candidate having a mental or physical deficiency or infirmity which is not likely to interfere with the efficient performance of his or her duties but which may render necessary his or her retirement before reaching pensionable age, may be appointed or promoted to such posts in the Attorney General's Office and subject to such conditions as the Board may determine.

- (b) unless he or she has attained the age of eighteen years:

Provided that a candidate below that age may be appointed as an apprentice or intern;

- (b1) on pensionable conditions of service if he or she is fifty years of age or above:

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Provided that any such person may be appointed on contract for a specified period of service.

- (c) unless he or she has completed, in a form provided by the Board, a declaration prohibiting the unauthorised disclosure of information connected with his official duties;
- (d) who—
  - (i) has benefited from a voluntary retirement scheme implemented by the Board;
  - (ii) has been dismissed or called upon to resign from the Office, within a period of two years preceding his or her proposed appointment; or
  - (iii) has been discharged for misconduct, not earlier than two years after the date of his or her discharge;
  - (iv) has resigned from the Office for personal reasons within a period of one year preceding his or her proposed appointment.

(8) Upon appointment of a member on pensionable conditions of service or, (i) of paragraph (b) on contract for a specified period of service, the appointing authority shall issue to the member the appropriate letter of appointment.

(9) Members appointed on—

- (a) pensionable conditions of service shall—
  - (i) place the whole of their time at the disposal of the Board; and
  - (ii) be liable to be transferred to any part of the country at any time; and
  - (iii) comply with all the conditions applicable to such service, as fixed from time to time by the Board;
- (b) contract for a specified period of service shall—
  - (i) not be appointed before the contract relating to them has been signed by them and by the appointing authority;
  - (ii) be governed as to their conditions of service entirely by the terms of their contract.

*Probationary period*

6. (1) A member shall serve a probationary period of up to one year.

(2) The period of probation may be extended only once for a period of six months.

(3) A member who by his or her qualifications, performance and conduct has demonstrated suitability and shown that he or she meets the requisite standard of efficiency, competency and integrity may, at the expiry of the probationary period, be confirmed to his or her position.

(4) Whilst on probation, a person shall be a probationer and may be a member upon confirmation at the expiry of probation period.

(5) The department responsible for personnel issues together with the supervisor of a member on probation shall, immediately before the expiry of a member's probation period, recommend to the Board or delegated authority that—

- (a) the member concerned be confirmed; or
- (b) the member's probationary period be extended by a period not exceeding six months; or
- (c) a recommendation be made to the Board in terms of section 7(3) (b), (c) or (h).

*Performance appraisal*

7. (1) The Board may issue circulars or notices governing the content and conduct of performance appraisals for the purpose of evaluating the performance of members.

(2) In evaluating the performance of members, the Board shall endeavour to do so in accordance with equitable and realistic standards of performance.

(3) At the conclusion of every performance appraisal, the Board shall decide on what action, if any, is to be taken on the basis of the appraisal, including—

- (a) advancement or promotion;

- (b) transfer to a post more in keeping with the competence of the member concerned;
- (c) participation in a skills development course to enhance the efficiency and effectiveness of the member concerned;
- (d) the granting or withholding of any performance award;
- (e) review of performance on a three months basis for under performance;
- (f) retirement in terms of section 17;
- (g) reduction in the member's grade in terms of paragraph 3 of the First Schedule and,
- (h) the discharge of a member on probation during the duration of such probation period or before the member's confirmation.

#### *Regrading*

8. (1) A member is regraded when he or she moves from one category or group of functions within the organisation.

(2) Upon regrading the member shall be required to serve a period of not less than one year on trial, after which—

- (a) if the member's performance is appraised to be satisfactory, such member shall, subject to subsection (3), be deemed to have been confirmed in that grade; or
- (b) if the member's performance is not appraised to be satisfactory, the Board may take such action as it deems necessary.

(3) A member referred to in subsection (2) (a) shall not be confirmed in a grade unless previously confirmed as a member under section 6.

#### *Advancement*

9.(1)A member is advanced when, having satisfied the conditions laid down in the relevant advancement procedures and subject to satisfactory performance appraisal, he is advanced within the grade or from one grade to another.

(2) A member who is not advanced when first eligible may be considered for such advancement at a later date in terms of the relevant advancement procedures.

(3) The Board may issue circulars or notices governing advancement procedures.

*Promotion*

10. (1) A member is promoted when, having undergone a competitive selection procedure, he or she is appointed to a vacant post to which is attached a greater responsibility and a higher salary or higher salary scale than that attached to the post to which he or she was last substantively appointed.

(2) Selection for promotion shall be undertaken by—

- (a) a committee appointed by the Board in the case of promotion posts delegated by the Board to the Executive Secretary; or
- (b) the Board in other cases;
- (c) subject to satisfactory performance appraisal and in accordance with the relevant promotion procedures.

(3) A member may be promoted without his consent at any time from the post which he or she occupies to any other post in the Office:

Provided that the member concerned shall be afforded a reasonable opportunity to make representations on the matter in writing to the Board, which shall consider such representations before deciding on whether or not to act in terms of this subsection.

(4) Section 12 shall apply to the promotion of a member referred to in paragraph (a) of subsection (2).

(5) No member shall be entitled as of right to promotion.

*Promotion procedures*

11. (1) In this section, “eligible member” means any member—

- (a) who meets the requirements of the post as specified in any notice, circular or advertisement and whose name has been submitted for consideration;

(b) whom the Board, in its discretion, regards as eligible for promotion to such vacant post.

(2) A committee appointed by the Board shall make recommendations to the Board on promotions to such posts within the organisation.

(3) Whenever a recommendation from a committee is required, the committee shall investigate the suitability of persons it considers eligible for promotion, for which purpose it shall furnish a list of such persons for endorsement by the Board.

(4) When making a recommendation as to the person to be promoted, the committee shall submit to the Board through the Accounting Officer the following—

- (a) minutes of all its meetings and any other relevant documents relating to the recommendation; and
- (b) a summary of its findings; and
- (c) the grounds upon which its recommendation is based.

(5) In determining which member should be promoted, the Board shall comply with the principles set out in the First Schedule.

### *Transfer*

12. (1) A member may at any time be transferred without his consent by the Board or a delegated authority from the post which he or she occupies to any other post in the Office:

Provided that—

- (i) the member shall not suffer a reduction in his pensionable emoluments without his or her consent;
- (ii) a member who has been transferred to or is employed in a post which is of a higher or lower grade than his or her own grade without a change in pensionable emoluments shall be transferred to a post to which his or her pensionable emoluments are appropriate as soon as a vacancy occurs for which he or she is considered suitable;

(iii) a member who has been transferred to or is employed in a post which is of a higher grade than his or her own grade or which is re-graded or converted to a post of a higher grade than his or her own grade shall not, by reason only of such transfer or employment, be entitled to the higher pensionable emoluments applicable to the post.

(2) A member may be transferred either permanently or for a temporary period not exceeding three years.

(3) Every transfer shall—

- (a) be planned to minimise discomfort on the part of the member concerned and his or her family; and
- (b) be notified timeously to the member concerned, who shall be provided with all necessary information relating to the transfer.

(4) No transfer shall be used as a punitive measure except pursuant to disciplinary procedures.

(5) Failure of a member to obey a lawful instruction regarding transfer shall be treated as an act of misconduct.

(6) A transferred member shall make an undertaking in writing that he or she shall agree to the conditions of service of the service he or she is transferred and shall not claim for loss of benefits.

(7) A member of the Office who wishes to join another approved service may be required to tender his or her resignation and may opt to continue with his or her pension contributions.

#### *Secondment*

13. (1) A member may at any time, with his or her consent and at the invitation of the Board, be seconded by the Board for a period not exceeding two years to a post in an approved service.

(2) The terms and conditions of service of a member while on secondment shall, subject to any policy directive issued by the Board, be governed by contract between the member and the approved service concerned.

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(3) A member who, having been seconded from the Office to an approved service—

- (a) resigns there from; or
- (b) is discharged on account of misconduct or on the grounds that he or she is unfit or incapable of performing efficiently the duties of his or her post;

shall be deemed to have resigned, retired or been discharged from the Office in similar circumstances with effect from the date that he or she resigned or was discharged from the approved service unless the Board reinstates that person in the Office with effect from the day following the said date.

(4) In the event that the Board approves the extension of a member's secondment, his or her post shall not be filled.

(5) The Board shall authorise the secondment of personnel from other services for periods determined by it from time when such personnel are required and expected to carry out certain duties within the Office.

(6) The seconded personnel shall be entitled to allowances and other benefits determined by the board from time to time.

### PART III

#### RESIGNATION, TERMINATION AND RETIREMENT OF SERVICES OF MEMBERS

##### *Resignation*

14. (1) A member appointed on pensionable conditions of service or, under contract, may resign from the Office upon giving the appropriate notice in writing to the Board or delegated authority of the Board in accordance with this section.

(2) Unless the Board waives all or part of such notice, the period of notice for—

- (a) a member serving a probationary period shall be twenty-four hours;
- (b) a confirmed member shall be three calendar months.

(3) The Board or delegated authority may, during the period of notice, permit a member to withdraw his or her notice of resignation.



(4) During a period of notice given in terms of this section a member shall not be permitted to take any amount of accrued vacation leave or reserved vacation leave standing to the credit of the member in terms of section 39.

(5) A member who leaves the Office without having given the appropriate period of notice in terms of this section shall, in respect of his or her failure to do so, pay to the Office such sum, not exceeding three months' salary, as the Office may fix.

(6) If, after the initiation of disciplinary proceedings against a member, the member resigns, such member shall, unless the Board is satisfied to the contrary, be deemed for the purposes of pension regulations to have been dismissed.

*Termination of contract or temporary employment*

15. Where a member is appointed under a contract which provides for the termination of the contract before the expiry of the period of service stipulated therein, the Board or appointing authority under the contract shall, if it is of the opinion that the contract should be terminated, inform the member in writing of its decision to terminate the contract in terms of the conditions laid down in the contract.

*Pensionable age and retirement*

16. A member appointed on pensionable terms of service shall have a pensionable age of seventy years:

(2) A member's pensionable age shall be recorded on the member's record of employment for pension purposes.

(3) The Paymaster shall, on the 1st June each year, provide the Board with a list of members who will reach the age of sixty, sixty-five or seventy years during the ensuing year.

(4) The Board may, when it is in the interest of the Office to do so, permit a member whose pensionable age is seventy to continue to serve beyond the age of seventy for periods not exceeding one year at a time, provided that such member shall retire at the age of seventy-five years.

*Retirement before reaching pensionable age*

17. (1) A member may, on giving three months' notice of retirement, be permitted by the Board to retire before pensionable age at any time after attaining the age of sixty.

(2) The Board may, on giving the equivalent appropriate period of notice prescribed under section 14(2) for the resignation of a member, require a member to retire on or after the date on which such member attains the age of sixty.

(3) The Board may require a member to retire if, after having undergone a medical examination by a medical board appointed by the Secretary for Health, such member is found permanently unfit to carry out the duties of his or her post.

(4) Subject to these regulations, the Board may require a confirmed member to retire—

- (a) if he or she becomes inefficient or incapable, for a reason other than mental or physical deficiency or infirmity, of efficiently performing his duties; or
- (b) if he or she is not suitable for the post he occupies or any other post to which he could be promoted or transferred without his consent; or
- (c) if the member has been employed for continuous period of not less than 12 months in a post of a lower grade than his or her own grade and the Board is satisfied that it is unable to transfer him or her within a reasonable period; or
- (d) owing to the abolition of the member's post; or the reduction in or adjustment of the organisation of the Board; or
- (e) if, at the termination of a period of secondment, the member has not been transferred to an approved service or appointed to a post in the Office.
- (f) if, in the opinion of the Board, his retirement is in the interests of the Office.

(5) A member whom it is intended to retire in terms of subsection (2), (3) or (4) shall—

- (a) be given notice of such intention by the Board, the Board or delegated authority of the Board or delegated authority; and
- (b) be afforded an opportunity to make representations in writing concerning such intention to the Board, which shall consider such representations before deciding on whether or not to retire the member.

#### PART IV

##### SALARIES, SALARY ADVANCE AND LOANS DUTIES AND EMOLUMENTS

###### *Hours and days of attendance*

18. (1) The normal hours of attendance for any member shall be from 0745hours to 1645 hours every day except for weekends and public holiday.

(2) Any member may be required by the Board or a delegated authority to attend or be on duty on a working or non-working day at hours other than normal hours specified in subsection (1).

(3) Any member who is required to be on duty on a day other than the working hours in terms of subsection (2) may be paid such overtime allowance as the Board or delegated authority may determine.

###### *Duties and conduct of member*

19. No member shall, without the consent of the Board or delegated authority engage in any occupation or undertaking or do an act which might in any way conflict with the proper performance of his or her duties as a member or be inconsistent with his or her duties as a member.

###### *Salary*

20. (1) The grades, salaries, salary scales, and entry salary steps for all posts and grades in the Office shall be fixed by the Board.

(2) The commencing salary of a member shall be determined by one or more of the following factors—

- (a) academic, professional or technical qualifications;

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- (b) training and relevant experience;
- (c) the attributes necessary to the efficient and execution of tasks attached to the post; and
- (d) the grading of the job.

(3) Every member including those on probation shall at the end of each month receive a written statement of salary paid and deductions made therefrom.

(4) Nothing in these regulations shall be construed as authorising a reduction in the fixed scale applicable to any member except where the member has consented to such reduction or where he or she has been found guilty of misconduct.

*Salary advance*

21. (1) Salary advance may be granted to cover periods of approved leave or official travel if the member is expected to be away from his or her base station.

(2) In exceptional and compelling circumstances, the Board may authorise an advance of one month's salary calculated on the basis of net basic salary excluding all allowances and such advances shall be deducted from a member's salary.

*Loans*

22. (1) A member may, after serving for a period of not less than 2 years from the date of appointment, be considered for the following loans—

- (a) housing loan for the acquisition of personal accommodation;
- (b) motor vehicle loan for the acquisition of a personal motor vehicle.
- (c) training loan for the payment of personal tuition and other fees at an educational institution;
- (d) a loan to cover funeral and other expenses incidental to a bereavement.

(2) The Board may set up a revolving fund for the disbursement of loans established in terms of subsection (1).

PART V

ALLOWANCES AND OTHER BENEFITS

*Transport*

23. (1) The Board shall determine which appropriate level of members shall be issued with personal issue vehicles, official vehicles and pool vehicles.

(2) All, other than those with personal issue vehicles, members may be paid a transport allowance at rates determined by the Board.

*Housing*

24. All members shall be paid a housing allowance at rates determined by the Board.

*Travel expenses*

25. (1) The Office shall meet travel expenses for the following types of official travel—

- (a) travel on duty;
- (b) travel on transfer in the interest of the Office.

(2) Travel shall be by the most efficient and economic means and the mode and frequency of travel shall be determined by the Board from time to time.

(3) Travel within Zimbabwe may be by Office vehicles, transport on hire or the member's own vehicle.

*Official travel*

26. (1) Where a member is authorised by the Board or delegated authority to use his own vehicle on official duty, he or she shall claim distance rates approved, from time to time, by the Board.

(2) Where a member is authorised by the Board or delegated authority to hire a vehicle or travel by air for the purposes outlined in section 25(1) he or she shall be issued with a requisition for payment only to the operator of the transport service concerned.

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(3) The class of travel by air on official assignment shall be as determined by the Board from time to time.

*Transportation of dependants, personal goods or both*

27. (1) The Office shall not be responsible for costs incurred when spouses, children or dependants are travelling with the member on official duty.

(2) A member authorised to use an Office vehicle for official duty shall not, except with the express permission of the Board or delegated authority, carry unauthorised passengers, including members of his or her family, and, where such permission is given, the Office shall not be liable in the case of a road traffic accident leading to the death or injury of any passenger.

(3) The Board shall pay the expenses of conveying the immediate family and household goods of a member travelling on transfer.

*Subsistence allowance*

28. (1) The Office shall authorise the payment to members who travel on duty of such travelling and subsistence allowances and out-of-pocket expenses at rates prescribed by the Office.

(2) A mileage allowance shall be paid at the end of each month for motor vehicle travel on approval at business to any member who utilises his or her vehicle for this purpose at a rate consistent with Automobile Association of Zimbabwe rates or CMED full mileage rates, whichever is greater at the time of travel.

(3) A subsistence allowance shall cover the cost of meals, accommodation and out of pocket allowance when a member is away from home station.

(4) A member may, on application, be paid a subsistence allowance in advance for a period not exceeding one month or such longer period in advance as the Board or the Board or delegated authority for the Board or department may authorise.

(5) Where a subsistence allowance is paid in advance in terms of subsection (4)—

- (a) it may be for the full amount of the allowance or such lesser amount as the member requires;
- (b) it shall be used for the purpose for which it has been made and be adjusted as soon as possible after the date on which the member returns to home station; and
- (c) no new advance shall be made before the existing one is cleared, unless otherwise authorised by the Board or delegated authority.

*Proved and unproved expenses*

29. (1) Expenses requiring documentary proof shall be the cost of accommodation where the Office accommodation is not provided, which proof shall be provided by receipts for accommodation in the hotel or other rented housing in which the member was accommodated.

(2) The amounts reimbursable under subsection (1) shall not exceed the rates prescribed by the Board.

(3) The cost of breakfast, lunch and dinner when a member is out of station on official duty shall not require submission of documentary proof but be reimbursed on daily rates determined and reviewed by the Board from time to time.

*Transfer expenses*

30. (1) The following expenses shall be reimbursed to a member who is required to transfer in the interest of the Office—

- (a) where accommodation is not provided on transfer and the member, his or her family or both are required to live in a hotel or any rented accommodation temporarily, proved meals and accommodation shall be at the full rate for the first thirty days, at half rate for the next thirty days, and thereafter at the member's expense unless otherwise directed by the Office;
- (b) where accommodation is not provided on transfer and the member, his or her family or both make private arrangements in this regard, the cost of meals shall be at unproved transfer rates as from time to time determined by the Board;

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- (c) where the member is obliged to move with his or her household effects there shall be paid in accordance with such rules governing such movement as are approved by the Board, and at different rates depending on the marital status of the member—
- (i) the cost of moving such effects; and
  - (ii) a disturbance allowance; and
  - (iii) the cost of storage of the member's belongings for periods of up to thirty days before and thirty days after the transfer.

(2) The Board shall pay the expenses of conveying the immediate family and all household goods of a member travelling on transfer.

*Acting allowance*

31. (1) In this section—

“act” means act for a member in a higher grade or vacant post;

“acting allowance” means the additional remuneration payable to a member appointed to act for another member or in a vacant post.

(2) Notwithstanding anything contained in this section, no member who acts shall be entitled as of right to claim an acting allowance.

(3) Subject to this section, the Board may grant to any member who acts acting allowance of such amount as the Board may fix:

Provided that the aggregate of any acting allowance payable in terms of this section and the salary of the member who acts shall not exceed the salary to which such member would be entitled were he or she to be promoted to the post in which he or she acts.

(4) No acting allowance shall be paid to a member who acts for a continuous period of less than thirty days.



(5) A member who acts in a higher post or grade for a continuous period of at least 15 days but less than 30 days may be entitled to time off:

Provided that the taking of such time off shall be agreed upon between the member and the supervisor.

(6) An acting allowance shall be payable with effect from the date on which a member who is appointed to act officially assumes the duties of the post until the day prior to the date on which such member officially ceases to fulfill such duties.

(7) Except in special circumstances and on the authority of the Board, not more than one acting allowance shall be paid in respect of the absence of any one member from duty or in respect of any one vacant post.

#### *Special responsibility allowance*

32. (1) Responsibility allowance shall be payable to member who acts for a continuous period of at least thirty days where a member undertakes some of the duties of a post which is at least two levels higher than his or her present grade.

(2) Responsibility Allowance shall be calculated as 70% of the normal acting allowance.

(3) A member who acts in a higher post or grade for a continuous period of fifteen days or more but less than thirty days may be entitled to time off:

Provided that the taking of such time off shall be agreed upon between the member and the supervisor.

(4) If any member who is being paid a responsibility allowance is absent from duty on leave or for any other reason for a continuous period of thirty days or more, such allowance shall not be paid to him for the period during which he or she is absent from duty.

#### *Provision for performance awards and other allowances*

33. The Office may by notice or circular fix the conditions applicable to the payment of performance awards and such other

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allowances as the Office , may fix, and may in like manner modify or withdraw the payment of such performance awards and allowances.

*Other allowances*

34. (1) Any member performing duties outside Zimbabwe may be paid such external allowances as the Office may fix having regard to—

- (a) the salary paid to the member;
- (b) the cost of living in the country in which the member is performing his or her duties;
- (c) the standard of living to be maintained by the member in view of the nature of his or her level of grade.

(2) Representation, clothing, telephone (residence) and cell phone allowances may be payable to eligible grades as determined by the Office.

PART VI

INDEMNIFICATION OF DRIVERS

*Interpretation in Part VI*

35. In this Part:

“authorised passenger” means any person—

- (a) whom a member in charge of a vehicle is required to carry in or upon such vehicle in the normal course of the member's official duties; or
- (b) whom a member in charge of a vehicle is authorised by the Office or the Board or delegated authority to carry in or upon such vehicle in the course of the member's official duties; or
- (c) involved in an accident or other emergency whom a member in charge of a vehicle may carry in or upon such vehicle for the purpose of obtaining medical or other assistance for such person;

“driver” means any person—

- (a) who is appointed as such by the Office;
- (b) who is issued with a vehicle by the Office which is driven by him or her; and whom authority over the use of a vehicle is given;

“third party” means any person or association of persons, but does not include the Office;

“traffic accident” means any event or occurrence—

- (a) caused by or arising out of the use of a vehicle; and
- (b) which renders a member liable to pay any sum in relation to any of the matters referred to in section 37(1)(a) or (b);

“vehicle” means any vehicle which is propelled by mechanical or electrical power and intended or adapted for use or capable of being used on roads,—

- (a) and includes any vehicle incorporating water-boring machinery or construction machinery such as a tracked tractor, crane, grader, shovel, scraper, pipe layer or similar vehicle;
- (b) but does not include a vehicle sold by the Office to a member under an agreement by virtue of which ownership of the vehicle does not pass from the Office to the member until the total purchase price due under the agreement has been paid.

*Indemnification of drivers*

36. (1) Subject to this Part, where a member is involved in a traffic accident while driving a vehicle which he or she has been authorised by the Board or a delegated authority to use for the purposes of the Office, the Office shall indemnify such member in respect of all sums which he or she may become legally liable to pay arising out of or in connection with the use of such vehicle for the purposes of the Office in relation to—

- (a) the death of or bodily injury to any person, other than the member himself, including any authorised passenger

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who was being carried in or upon such vehicle or was entering or getting onto or alighting from such vehicle at the time of the traffic accident; or

- (b) any destruction of or damage to property, excluding property belonging to Office or to the member.

(2) The Office shall indemnify a member in terms of subsection (1) notwithstanding that no contract of indemnity has been entered into between the member and the Office.

*Costs of legal representation*

37. (1) Subject to this Part, the Office shall at the direction of the Attorney-General pay any costs which in its opinion have been reasonably incurred by a member who is indemnified in terms of section 36 in respect of—

- (a) legal representation at an inquest in respect of any death; or
- (b) defending in any court any civil proceedings in respect of any accident;

which is the subject of such indemnity.

(2) The Office shall not pay any costs in terms of subsection (1) unless the member concerned—

- (a) permits the Office to have the whole conduct of the case, including the power to settle or compromise any claim or action; and
- (b) allows the Office to nominate a person to represent him or her:

Provided that if the member concerned refuses the services of a person nominated by the Office, the Office shall pay such portion of the costs of legal representation of the member as it may determine may be determined by Board.

(3) Where a member institutes proceedings for the recovery of damages caused by or arising out of any occurrence or event involving a vehicle used by him or her for the purposes of the Office, the Office may pay the whole or any part of the costs incurred by such member in conducting the proceedings.

(4) If a member whose costs the Office pays in terms of subsection (1) or paragraph (b) of subsection (2) succeeds in recovering part or all of his or her costs from another party to the proceedings concerned, the member shall reimburse the Office to the extent of the costs it paid.

*Limitations of indemnification*

38. (1) The Office shall not indemnify a member in terms of section 36 or pay any costs in terms of section 37—

- (a) in respect of any liability or proceedings arising from the death of or bodily injury to or damage to the property of any person who at the time of the accident was being carried in or upon the vehicle concerned and was not an authorised passenger; or
- (b) if at the time of the traffic accident from which the member's liability arises the member did not hold a valid driver's licence for the class of vehicle being driven; or if the member knew or had reason to know that the vehicle was not in a roadworthy condition or was overloaded; or
  - (i) if the member was not complying with any instruction given to him by the Office his head of office, head of department or delegated authority concerning the route he or she was to follow; or
  - (ii) if the member was driving the vehicle while under the influence of intoxicating liquor or drugs.

(2) If a member incurs any liability or costs arising out of the use by him or her of a vehicle for the purposes of the Office and there is in existence a valid policy of insurance covering the use of that vehicle by the member for purposes of the Office, the Office shall not pay any sums to or on behalf of such member in respect of any liability or costs which are covered by such policy of insurance.

(3) No payments in terms of this Part shall be made by the Office to or on behalf of any member—

- (a) in respect of any fine or other penalty of a criminal nature imposed upon the member by any court;

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- (b) if a member fails to give notice to the Office immediately after—
  - (i) the occurrence of any traffic accident; or
  - (ii) the receipt by him of any letter, claim, summons, writ or process relating to any accident; or
  - (iii) he or she receives knowledge of any pending prosecution, inquest or other proceedings arising out of any accident; or
  - (iv) he or she is convicted of any offence mentioned in subparagraph (iii).

(4) If any member, without the written consent of the Office, makes any admission, offer, promise or payment to any person in respect of any traffic accident in which a third party is involved, the Office may not make any payment in terms of this Part to or on behalf of such member in respect of such accident.

*Right to recover*

39. This Part shall not in any way compromise the rights the Office may have under any other law to recover from any member—

- (a) the amount of any payment made by the Office in respect of any death, injury or damage in pursuance of any order of court made against the Office or such member or pursuant to any settlement effected with any third party; and
- (b) the amount of any legal costs incurred by the Office in any proceedings relating to any claims by a third party against the Office or such member;

when such damages, payments or costs are not legally claimable by Office from any third party and have been sustained or incurred as a result of the negligence or conduct of the member.

PART VII

LEAVE

*Vacation leave*

40. (1) A member shall accrue vacation leave at the rate of three days per month.

(2) A member shall be eligible to take vacation leave with full pay after serving for a continuous period of twelve months.

(3) A member leaving the service of the Office shall be entitled to cash-in-lieu of accrued leave up to a maximum of one hundred and twenty days.

(4) A member who has given or received notice to terminate employment shall not take vacation leave during the period of such notice.

(5) Accrued vacation leave may be commuted for cash at any time provided that an equivalent amount of leave days is taken.

(6) All Saturdays, Sundays and gazetted public holidays falling within a period of vacation leave shall be counted as part of vacation leave.

(7) Vacation leave shall not be granted to any member for any period which is less than three days in duration.

(8) A member who falls sick during period of vacation leave may cancel his vacation leave and apply for sick leave.

(9) A cash equivalent of any vacation leave accrued to a member or reserved vacation leave standing to his credit shall be payable to a member or his estate in the event of the member's death or retirement, resignation, or discharge from the Office.

*Annual leave*

41. (1) An annual leave may be granted by the head of department or head of office during the calendar year in which it is accrued up to a maximum of twelve days to enable members to take short breaks from work to attend to personal matters.

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(2) Annual leave may be granted at the discretion of the Office or delegated authority in conjunction with any other type of leave.

(3) All Saturdays, Sundays and gazetted public holidays falling within a period of annual leave shall not count as part of such leave unless—

- (a) such leave is taken in conjunction with vacation leave;  
or
- (b) such leave exceeds a period of five working days.

*Sick leave*

42. (1) Sick leave may be granted to a member who is prevented from attending his or her duties because he or she is ill or injured or undergoes medical treatment which was not occasioned by his or her failure to take reasonable precautions.

(2) During any one year period of service a member may be granted a maximum of ninety days' sick leave on full pay and ninety days' sick leave on half pay.

(3) A head of department may grant sick leave not exceeding three days to a member without the production of a medical certificate: Provided that the member shall notify the Head of Department or Head of Office on the first day of illness or at the earliest possible moment.

(4) A head of department may grant sick leave with pay for a continuous period not exceeding ninety days on production of a certificate in the prescribed form signed by a registered medical practitioner:

Provided that if, in the opinion of the head of department, the illness is likely to exceed ninety days, the head of department concerned shall report the matter to the Board or delegated authority twenty-one days before the expiry of the leave in order to facilitate the convening of a medical board.

(5) Sick leave on half pay which extends beyond the period of sick leave on full pay may only be granted by the head of department if recommended by a medical board appointed by the Board or



delegated authority for Health if, in the opinion of the medical board, it is probable that the member concerned will be able to resume duty after such further period of sick leave.

(6) If a medical board has established that a member will be unable to resume duty because of illness or injury, the head of department shall take steps to have the member retired on the grounds of ill health.

(7) If, when a medical board has been convened to examine a member who has been notified accordingly, such member fails without adequate excuse to attend that medical board, the Office or the delegated authority may proceed to charge the member with misconduct.

(8) The Board or delegated authority may grant a member who is not eligible for sick leave on full pay or half pay, sick leave without pay for a period not exceeding forty-five days.

(9) A head of department may grant an additional period of sick leave to a member to cover the period between the hearing of a Medical Board which recommends the member's retirement on ill health and the effective date of such retirement.

(10) A member who so wishes may be granted accrued vacation leave or annual leave instead of sick leave on half pay or without pay.

(11) A member who is injured on duty shall not be granted sick leave but may be granted compensatory sick leave in terms of the State Service (Disability Benefits) Act [*Chapter 16:05*].

(12) A member who has been granted sick leave in terms of subsection (1) and who intends to seek medical treatment in or outside the country shall—

- (a) be required to appear before a Medical Board within fourteen days immediately before the expiry of ninety days to determine whether or not the member should be retired on medical grounds; or
- (b) submit within fourteen days, a medical affidavit by a registered medical practitioner detailing the nature and the extent of the illness or injury preventing the member

from appearing before a Medical Board or attending to his or her duties.

(13) A Medical Board shall be convened to consider any medical affidavit submitted in terms of subsection 12(a) and make recommendations—

- (a) to the Secretary responsible for on whether the member should be discharged on medical grounds; or
- (b) in terms of subsections (5) and (9) be granted further sick leave on half pay.

*Maternity leave*

43. (1) Maternity leave shall be granted for a period not exceeding ninety-eight days on full pay to a female member who has served at least one year.

(2) On production of a medical certificate from a medical officer certifying that she is pregnant, a member may proceed on maternity leave not earlier than the forty-fifth day and not later than the twenty-first day prior to the expected date of delivery.

(3) Three periods of maternity leave shall be granted on full pay and an additional two periods of maternity leave on half pay shall also be granted to a member in respect of her total service with the Office:

Provided that only one period is granted within any period of 24 months calculated from the last maternity leave period.

(4) A member who does not qualify for maternity leave in terms of subsections (1), (2) and (3) may be granted 90 days' vacation leave without pay or utilise her accrued vacation leave.

(5) Where a member becomes eligible for paid maternity leave during the period of unpaid leave she may opt to be paid her full salary for the remainder of the leave and this shall count as one of the three permissible periods.

(6) Subject to the approval of the Board or delegated authority, a member on maternity leave may extend her maternity leave for a period not exceeding thirty days from her accrued leave days.

(7) Sick leave shall not be granted during the period of maternity leave.

(8) A member who is the mother of suckling child shall, during each working day, for period of 6 months from birth of a child, be granted two hours a day breast feeding time. Such a member may combine the portion or portions of the time to which she is entitled with other normal breaks so as to constitute longer periods that she may find necessary or convenient for purpose of nursing her child.

(9) A member who proceeds on maternity leave shall not lose her eligibility for advancement or promotion.

(10) During the period of maternity leave the maternity leave shall be cancelled in the event of still birth or miscarriage or death within the period of maternity leave and this shall not count as one of the three permissible periods.

#### *Special leave*

44. (1) Special leave on full pay not exceeding twelve days in a calendar year may be granted by a head of department to a member—

- (a) to prepare for and sit an examination required for his advancement in the service or which his or her head of department considers will increase his value to the department;
- (b) who is required to be absent from duty on the instructions of a medical practitioner because of contact with an infectious disease;
- (c) who is subpoenaed to attend any court in Zimbabwe as a witness;
- (d) who is required to attend as a delegate or office bearer at a conference of a recognised association representing members;
- (e) who is detained for questioning by the police;
- (f) on the death of a spouse, parent, child or legal dependant;
- (g) on any justifiable compassionate ground.

*Death in service*

45. The Office shall grant financial assistance towards the funeral expenses of any deceased members, and such financial assistance may include among other things—

- (a) the purchase of a casket;
- (b) dressing of the body;
- (c) the provision of transport and from the place of burial or cremation; and
- (d) an amount of money determined by the Office for expenditure on food for the mourners attending the funeral ceremonies of the deceased member.

PART VIII

TRAINING AND DEVELOPMENT POLICY

*Training*

46. The Office may train and develop its members in order to—

- (a) impart knowledge and skills;
- (b) enhance existing skills;
- (c) inculcate appropriate values and attitudes;
- (d) motivate members;
- (e) increase organisation productivity;
- (f) develop the organisation.

*Conditions governing staff development*

47. (1) The Heads of Departments shall submit their training plans to the Accounting Officer who shall produce and submit a composite plan for approval by the Office taking into account the Office's needs.

(2) Manpower development leave may be granted to a member to engage in a study or training programme through the medium of any of the following—

- (a) work exchange programmes;
- (b) work attachments;

- (c) any relevant courses short courses;
- (d) professional training;
- (e) training and development seminars, workshops and conferences;
- (f) academic courses and examination above the secondary level of education;

for the purpose of enhancing the efficiency and effectiveness and motivation of such members in order to enhance the productivity of the Office.

(3) Preference shall be given to training programmes initiated by the Office.

(4) A Head of Department shall make recommendations to the Board or delegated authority of the Board on any application for training.

(5) The Board or delegated authority may approve any application for training including the following—

- (a) courses at Doctorate level;
- (b) courses at Masters level;
- (c) courses at Degree level;
- (d) courses of study or training of more than three months' duration undertaken outside Zimbabwe.

(6) The following factors may be taken into consideration when determining an application for manpower development leave—

- (a) manpower development leave applications submitted by heads of departments are in line with the Office training plan;
- (b) an acceptance letter from the training institution is available;
- (c) there is proof of sponsorship;
- (d) proper completion of forms has been done;
- (e) the course is relevant to the functions of the member and needs of the Office;

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- (f) the course addresses the member's deficiencies as revealed through performance appraisals;
- (g) the rate of pay has been determined depending on course duration;
- (h) the bonding period has been determined;
- (i) a submission is prepared for the Office's consideration.

(7) The Heads of Departments shall submit their training plans to the Accounting Officer indicating their respective training needs for the following year not later than October each year.

(8) Subject to subsection (9), a member who goes on manpower development leave shall be paid full salary during the period of study.

(9) A member, who due to circumstances beyond his or her own control, does not successfully complete a course of study or training undertaken in connection with manpower development leave, may be granted a further period of manpower development leave without pay.

(10) A member who, due to inadequate performance, does not successfully complete a course of study or training undertaken in connection with manpower development leave, may be granted a further period of manpower development leave without pay.

(11) A member whose application for extension of manpower development leave is not approved shall be required to report for duty.

(12) No change of programme or institution shall be made without the approval of the Office.

(13) A member may, at the discretion of the Office, apply for and be granted unpaid manpower development leave.

(14) A member who goes on paid manpower development leave, whether continuously or on part-time basis, for a period of three months or less shall not be bonded unless the Office, considers it necessary in the circumstances.

(15) A member who goes on paid manpower development leave on full-time basis for a period exceeding three months shall be bonded for a period that is equivalent to the duration of the course.

(16) A member who goes on manpower development leave on part-time basis shall be bonded for a period which is equal to the cumulative period of block release.

(17) A member on full time manpower development leave may not accrue vacation leave during the period of manpower development leave.

(18) Manpower development leave shall be granted in accordance with the criteria for eligibility as set out in the Second Schedule.

(19) A member granted financial assistance only to undertake studies shall be bonded in accordance with the terms and conditions set out in the bonding agreement.

(20) The Office, shall recover from a member all amounts or part thereof paid to the member who fails to serve his bonding period or part thereof.

## PART IX

### GRIEVANCE PROCEDURE

#### *Grievance procedure*

48. (1) A member who has a grievance in which he or she is directly concerned shall raise it in writing with his or her immediate supervisor, who shall grant the member an interview within three working days:

Provided that where the grievance involves the member's immediate supervisor the aggrieved member may request that the grievance is referred to the supervisor's superior in terms of subsection (5).

(2) A member attached to a Constitutional Appointee shall direct his or her grievance to the Board or delegated authority.

(3) During interview, a member shall clearly state the nature of his or her grievance, and the immediate supervisor shall attempt to resolve the issue within three working days.

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(4) If the supervisor fails to settle the issue to the satisfaction of the member, the supervisor shall bring the grievance to the attention of the next supervisor within three working days.

(5) Within three working days after the grievance has been brought to his or her attention, the next supervisor shall—

- (a) call a meeting with the immediate supervisor and the member to attempt to resolve the grievance; and
- (b) if the grievance remain unresolved, the next supervisor shall bring it to the attention of the head of department within three working days:

Provided that where the next supervisor is the head of department he or she shall have the discretion to invoke subsection (6) or to proceed first in terms of this subsection.

(6) Within five working days after a grievance has been directed to the head of department, the head of department shall call a meeting with the head of office, the immediate supervisor (if he is not the head of office), the member concerned and the representative of Administration Department at which the Head of Department shall—

- (a) present the grievance and ask every person attending the meeting to give their views on the grievance;
- (b) attempt to reach an agreement on what action is to be taken to resolve the grievance;
- (c) record in writing the grievance and the action agreed for the purpose of resolving it or, if not such action is agreed, the reasons for failing to reach such agreement; and
- (d) forward a copy of the record to the Board or delegated authority.

(7) In the case of disagreement at a meeting called in terms of subsection (6), the Office, shall make a decision on the grievance and communicate his or her decision to all parties concerned within a period of seven days.

(8) A party aggrieved by the decision of the Board or delegated authority shall appeal to the Office, within fourteen days.



(9) The Office's decision shall be communicated in writing to the parties concerned within fourteen days.

(10) Any party aggrieved by the Office's decision may apply to the Labour Court for review of the Office's decision within fourteen days of receiving the Office's decision.

(11) At any interview or meeting held in connection with a grievance to which this procedure applies, the member may be accompanied by a registered legal practitioner of his or her choice.

## PART X

### DISCIPLINARY PROCEDURE

#### *Disciplinary authorities*

49. The disciplinary authority for determining any allegations of misconduct outlined in the Third Schedule shall be—

- (a) in the case of a member in the senior grade, the Board;
- (b) in the case of a member in the middle grade, the Accounting Officer;
- (c) in the case of a member in the junior grade, the head of department:

Provided that the Board, may determine that it shall be the disciplinary authority in any particular case.

#### *Disciplinary committees*

50. (1) A disciplinary authority shall appoint a disciplinary committee to hear allegations of misconduct against a member.

(2) A disciplinary committee appointed by—

- (a) the Board, shall consist of—
  - (i) a chairperson who shall be of a grade senior to that of the member; and
  - (ii) two other senior grade members from within the Office;

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- (b) the Board or delegated authority shall consist of—
    - (i) a chairperson who shall be anyone of a grade senior to that of the member;
    - (ii) two other members;
  - (c) the head of department shall consist of—
    - (i) a chairperson who shall be a grade senior to the member; and
    - (ii) two other members.
- (3) The functions of a disciplinary Committee shall, *inter-alia*, be to—
- (a) inform a member of the nature and substance of the allegations of misconduct against him or her before any witnesses are called to give evidence against the member;
  - (b) permit a member to outline the grounds upon which he or she denies the allegations of misconduct;
  - (c) put questions to any witness or member;
  - (d) permit member to cross examine any witness;
  - (e) at the conclusion of the case—
    - (i) make the necessary findings based on the adequacy of the evidence presented to determine the guilty or otherwise of the member;
    - (ii) make recommendations to the disciplinary authority.

*Procedure before and immediately following allegation of  
misconduct*

51. (1) Where a member is suspected of misconduct, the disciplinary authority shall conduct or cause to be conducted full and proper investigations to determine whether or not there is the basis to prefer misconduct charges against the member.

(2) If, on completion of the investigations referred to in subsection (1), it is found that—

- (a) proper and thorough investigations have not been carried out or certain documents have not been availed to the member for his or her perusal, the disciplinary authority shall within seven days direct that—
    - (i) further investigations as may be necessary be carried out; or
    - (ii) certain documents be availed to the member for perusal and that the member be allowed to comment on or respond to the new evidence.
  - (b) an allegation of misconduct be preferred against the member, the disciplinary authority shall, within fourteen days after completion of investigations—
    - (i) inform the member, in writing, of the nature of the allegation against him, and call upon him to submit a written response to the allegation within fourteen days;
    - (ii) where, necessary, furnish to the member copies of material documentary evidence, if any, relating to the allegation of misconduct, or afford the member an opportunity to peruse any such documentary evidence.
  - (c) The member has no case to answer, the disciplinary authority shall, within five days of receipt of the investigation report, advise the member in writing, that he or she has been cleared of the suspected misconduct.
- (3) The disciplinary authority shall, within seven days of receiving the member's response or, if no such response has been received within the period referred to in subsection 2(b)(i), refer the matter to a disciplinary committee for hearing.

*Hearing before a disciplinary committee*

52. (1) Where there is no material dispute of fact and the member concerned so consents in writing, the disciplinary authority may proceed to determine the allegation in terms of section 53 without a hearing:

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Provided that such a member shall not be deemed to have waived his right to appeal against any determination and, or penalty imposed.

(2) The disciplinary committee appointed in terms of section 50(1) shall, at least seven days prior to hearing, notify the member in writing—

- (a) of the date, time and venue for the hearing; and
- (b) of his or her right to legal representation and to call witnesses in his or her defence.

(3) No documentary evidence shall be used against a member charged with misconduct unless the member has been provided with a copy or unless he or she has been given access to such evidence before the day of the hearing.

(4) The hearing shall be conducted without the need to observe all of the rules of procedure and evidence ordinarily applicable in criminal and civil proceedings:

Provided that—

- (a) any member who has taken part in the investigation of the case or has an interest in the case which may affect his or her partiality shall not be entitled to hear the case;
- (b) the member be given the opportunity to outline the grounds upon which he or she denies the allegations of misconduct;
- (c) witnesses give their evidence in the presence of the member;
- (d) the member is given the opportunity to put questions to or cross-examine each witness; and
- (e) the member is allowed to call witnesses to testify in his or her defence.

(5) At the hearing the member and the disciplinary committee may, if either so wishes, be advised and, in case of the member, represented by a legal practitioner:

Provided a legal practitioner representing the member or the disciplinary committee shall not be a member of the disciplinary committee.

(6) The disciplinary committee may proceed to consider the allegation of misconduct in the absence of the member concerned if the member fails to attend the hearing without reasonable cause after having been duly notified.

(7) The chairperson of the disciplinary committee shall keep or causes to be kept an accurate record of the substance of the evidence led at the hearing and where possible, ensure that proceedings of the hearing are mechanically recorded.

(8) Within 14 days of the completion of the hearing, the chairperson of the disciplinary committee shall submit to the disciplinary authority—

- (a) a notification in writing of its findings and recommendations thereon, including a recommendation as to the penalty to be imposed upon the member where it finds the member guilty of misconduct; and
- (b) the original record of the evidence led at the hearing.

*Determination of allegation of misconduct*

53. (1) On receiving the documents referred to in section 52(7) the disciplinary authority may—

- (a) refer the matter back to the disciplinary committee for further hearing; or
- (b) proceed to determine whether or not the member concerned is guilty of misconduct as alleged.

(2) Where the disciplinary authority determines that the member is not guilty of misconduct, the disciplinary authority shall forthwith notify the member.

(3) Where the disciplinary authority determines that a member is guilty of misconduct, the disciplinary authority may request the member in writing to make representations in mitigation within a period of seven days before the disciplinary authority proceed to impose a penalty.

(4) On receipt of the member's representations or where no representations are made within the period referred to in subsection

(3), the disciplinary authority shall impose a penalty and advise the member within seven days in writing.

(5) It shall be competent for the disciplinary authority to find a member guilty of an act of misconduct other than the act which the member was originally alleged to have committed if the facts disclose such other act of misconduct, provided that, the disciplinary authority shall comply with subsection (3) before imposing penalty.

*Member convicted of a criminal offence*

54. Where a member is convicted of a criminal offence which may constitute an act of misconduct, the disciplinary authority shall endeavour to obtain a copy of the court record relating to the conviction of the member from the registrar or clerk of the court concerned, and sections 51, 52 and 53 shall thereafter apply.

*Imposition of suspension order*

55. (1) A disciplinary authority may at any time, by written notice, suspend from service a member who is suspected of misconduct or is subject to criminal investigation or prosecution if his or her continued attendance at work or continued performance of his or her duties or service, as the case may be, would—

- (a) be conducive to unbecoming or indecorous behaviour or further instances of misconduct; or
  - (b) seriously impair the proper administration or functioning of the Office, or department concerned; or
  - (c) occasion prejudice to any moneys or property likely to be handled by the member in the course of his work; or
  - (d) enable the member to hinder or interfere with any investigation or evidence relating to any alleged misconduct; or
  - (e) be undesirable in the public interest or likely to lead to a loss of public confidence in the Office.
- (2) Where a suspension order is imposed upon a member—
- (a) the order shall specify the reasons for and the period of suspension;

(b) disciplinary proceedings shall be instituted forthwith in terms of sections 51, 52 and 53.

(3) A member who is under suspension may not leave Zimbabwe without the permission of the disciplinary authority and shall inform the disciplinary authority of any change of address.

*Effect and cancellation of suspension order*

56. (1) Where a member is suspended from service, he or she shall—

- (a) not attend at his or her place of work or carry out any duty unless directed to do so by the disciplinary authority, in which case he or she shall carry out such duties as directed;
- (b) be entitled, upon notifying the disciplinary authority, to take up other employment for the duration of his or her suspension from service unless ordered to carry out other duties, and shall furnish such further particulars as may be required from him or her of such employment and the remuneration received by him or her.

(2) Where the nature of the allegation of misconduct does not involve financial prejudice to the Office, and the member is not directed to carry out other duties, the member under suspension shall, pending the determination of the allegation, be entitled to an allowance equal to half his or her gross salary per month for up to three months.

(3) A suspension order—

- (a) may be cancelled at any time by the disciplinary authority;
- (b) shall be deemed to be cancelled—
  - (i) where the member is found not guilty of misconduct; or
  - (ii) after three months from the date of its imposition unless it is extended by the disciplinary authority which issued it;

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- (c) shall not terminate disciplinary proceedings instituted against a member by virtue of its cancellation;
  - (d) shall cancel any leave granted to a member.
- (4) Where a member—
- (a) is found guilty of misconduct, a disciplinary authority may direct the recovery from the member, the whole or any part of an allowance paid to the member in terms of subsection (2);
  - (b) found not guilty of misconduct, the member shall be entitled to all his or her salary and benefits during the period of suspension less the allowances he or she was paid in terms of subsection (2):

Provided that where such a member was employed during the period of suspension or part thereof, the Office, shall determine the amount of allowance or salary and benefits to be paid to the member, as the case may be.

*Imposition of penalty by disciplinary authority*

57. Where a disciplinary authority determines that a member is guilty of misconduct the disciplinary authority may impose any one or more of the following penalties—

- (a) discharge the member from the Office;
- (b) call upon the member to resign with effect from a specified date, failing which the member shall be deemed to have been discharged as from that date;
- (c) reduce the salary or the grade or the salary and the grade of the member;
- (d) direct that the member not be considered for promotion for a specified period;
- (e) fine the member an amount not exceeding the equivalent of two months of his or her salary, which fine may be recovered by deductions from the salary of the member;
- (f) direct that the member's performance award be withheld for a specified period;



- (g) direct that the full amount of any remuneration paid to the member since the misconduct, or such part of that amount as the disciplinary authority may determine, be recovered from him or her;
- (h) direct that the full amount of any allowance paid to the member in terms of section 56(2), or such part of that amount as the disciplinary authority may determine, be recovered from him or her;
- (i) transfer the member to another department within the Office, at such grade and on such salary as the disciplinary authority may determine;
- (j) if the member was responsible for any deficiency in or improper payment from or loss or destruction of public property or moneys, raise a surcharge against the member in respect of such deficiency, improper payment, loss or destruction as may be fixed by the disciplinary authority; or
- (k) if the member was responsible for any deficiency in or destruction of or damage to Office, property, make an order against the member requiring him to pay an amount equal to the cost of replacement of or repairs to the property concerned, as the case may be, or such portion of that cost as the disciplinary authority considers to be equitable in the circumstances;
- (l) reprimand the member.

*Appeals and application for review to the Labour Court*

58. (1) A member of the middle or senior grade who is aggrieved by a determination or penalty or both made by the Office, may, within twenty-one days from the date the decision of the Office, is served on him—

- (a) appeal to the Labour Court; or
- (b) apply for a review in the Labour Court.

(2) The noting of such an appeal or application for review shall not, pending the determination of appeal or application for

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review, suspend the determination made or penalty imposed by the Disciplinary Authority, or both.

(3) A member in the junior grade aggrieved by the determination or penalty or both made by the disciplinary authority may, within twenty-one days from the date on which he or she is served or informed of the decision—

- (a) request the Office, in writing to review the determination or penalty or both through his or her disciplinary authority; or
- (b) appeal to the Labour Court.

(4) The disciplinary authority shall forward the request for review and all the relevant papers to the Board, within fourteen days of receiving the request.

(5) On reviewing the determination or penalty or both, the Board, may—

- (a) refer the matter back to the disciplinary authority for further hearing and determination of the matter afresh; or
- (b) confirm the determination and penalty; or
- (c) confirm the determination but vary the penalty as it deems fit; or
- (d) set aside the determination and penalty.

(6) A request for a review made to the Board, or an appeal or application for review made to the Labour Court in terms subsection (1) or subsection (5), shall not have the effect of suspending the determination or penalty or both.

(7) A member who is aggrieved by the decision of the Board, on review in terms of subsection (3) may apply for review to the Labour Court within twenty-one days from the date of the decision of the Office, is served on him or her.

PART XI

GENERAL

*Discharge of members on the grounds of abscondment,  
imprisonment, detention, restriction or deportation*

59. The Board or delegated authority may discharge from the Office, with effect from the date of abscondment, imprisonment, detention, restriction, deportation, as the case may be, a member who—

- (a) has been absent from duty for a continuous period in excess of thirty days without having been granted leave of absence; or
- (b) has been sentenced to a term of imprisonment without the option of a fine, whether or not the execution of such sentence is suspended, with effect from the date of sentence; or
- (c) has been detained for a period of more than three months in terms of any enactment providing for the detention of person in time of emergency or for the preventive detention of persons; or
- (d) has been subject, for a period of three months or more, to an order in terms of any enactment whereby he or she is required to remain within, is prohibited from entering a specified area in Zimbabwe; or
- (e) is deported or extradited from Zimbabwe.

*Suspension of salary of member who is imprisoned,  
detained, restricted or deported*

60. (1) A member shall not be entitled to receive any salary in respect of any period during which he or she is—

- (a) absent from duty for a continuous period in excess of thirty days without having been granted leave of absence with effect from the date of abscondment; or
- (b) sentenced to a term of imprisonment without the option of a fine with effect from the date of sentence;

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- (c) detained pending trial, deportation or extradition; or
- (d) detained in terms of any enactment providing for the detention of persons in time of emergency or for the preventive detention of persons; or
- (e) unable to perform his or her duties because—
  - (i) he or she is subject to an order made in terms of any enactment whereby he is required to remain within or is prohibited from entering a specified area in Zimbabwe; or
  - (ii) he or she is absent from Zimbabwe following the execution of a deportation or extradition order.

(2) Notwithstanding subsection (1), the Office, may direct that a member referred to in subsection (1) shall be paid such allowance, not exceeding the amount of his or her salary, as the Office, may determine, during the period that the member is not entitled to receive his or her salary in terms of that subsection.

(3) Upon the release of a member from prison, the lifting or expiry of any detention or restriction order or the return of a member to Zimbabwe—

- (a) a member shall not be entitled to the salary which was withheld from him or her in terms of subsection (1) unless the Office, determines otherwise;
- (b) the Office, may direct that the full amount of any allowance paid to him or her in terms of subsection (2) or such part of that amount as the Office, may determine be recovered from him.

*Departures from Parts IX and X in certain circumstances*

61. Notwithstanding anything to the contrary contained in Part IX or X, the Office may at any time—

- (a) depart from or authorise the departure from any provision of Part IX or X; or
- (b) condone any irregularity or departure from any provision of Part IX or X; where the departure or irregularity has not resulted or will not result in a substantial miscarriage of justice.

SCHEDULES

FIRST SCHEDULE (*Section 11(5)*)

PROMOTION: PRINCIPLES AND CONDITIONS

*Principles relating to promotion*

1. When considering candidates for promotion, the Board shall have regard to the principle that preference should be given to the person who, in its opinion, is the most efficient and suitable for appointment to the post or vacancy and for the purpose of giving effect to such principle, the Board shall have regard to the disparity in rank between the different members and, in considering this factor, the Board shall be guided by the principle that the greater the disparity the more exceptional must be efficiency and suitability of any candidate having less seniority.

2. In cases where, subject to the consideration of the factors referred to in paragraph 1, two or more members are found to be equally efficient and suitable, the decision of the Board shall be determined by reference to the seniority of the members concerned.

*Conditions attaching to promotion*

3. If, within six months immediately following the promotion of a member, the member concerned gives notice of—

- (a) resignation from the Office; or
- (b) retirement from the Office in terms of the Pensions and Other Benefits Act [*Chapter 16:01*], or without having been required to retire by the Office, or in terms of any other conditions of service; his salary and allowances shall be reduced, with effect from 30 days before the date on which he or she resigns or retires from the Office, to the level at which they would have been had he or she not been so promoted.

4. If the promotion is revoked in terms of paragraph 5, the Office may reduce the member's salary and allowances to the level at which they would have been had he or she not been so promoted.

5. The six months immediately following the promotion of any member to any post or grade shall be probationary, and, subject to this paragraph, the Office may at any time during that period revoke the promotion of that member if the Office considers that the member, whether for reasons beyond the member's control or otherwise:

- (a) is unable to perform efficiently, or has not performed efficiently, the functions of the post or grade to which he or she has been promoted; or

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(b) is for any other reason unsuited to the post or grade to which he or she has been promoted.

6. Before revoking any promotion in terms of paragraph 5, the Office shall—

(a) notify the member concerned, in writing, that it is considering the revocation of his promotion; and

(b) invite the member concerned to make written representations to the Office within such reasonable period as the Office shall specify; and

(c) consider any representations made to it in terms of subparagraph (b).

7. Whenever the Office revokes the promotion of a member, it shall forthwith notify the member concerned, in writing.

8. A member whose promotion has been revoked in terms of paragraph 5 shall, subject to paragraph 9, be placed in such post or grade as the Office may determine.

9. If the Office has revoked the promotion of any member, the Office may place the member on such lower step in the appropriate salary scale as it thinks fit:

Provided that such a step shall not be lower than the step on which the person would have been had he or she not been so promoted.

10. If a member, within six months immediately following his promotion to any post or grade, gives notice of his resignation or retirement from the Office he or she shall, with effect from 30 days before the date of resignation or retirement, revert to such lower step in the appropriate salary scale on which he or she would have been had he or she not been so promoted.

11. Before the expiry of the period of probation referred to in paragraph 3, the Office may, on written notice to the member concerned, extend the period of probation for a further period not exceeding six months and the member shall be informed of the reasons for such extension.

12. A member on manpower development leave for a period in excess of three months shall not be considered for promotion during the period of such leave.

SECOND SCHEDULE (*Section 47*)

ELIGIBILITY FOR MANPOWER DEVELOPMENT LEAVE

1. Save in exceptional circumstances approved by the Office, only members who have been employed in the Office for more than two years are eligible for leave.
2. If the leave is of less than twelve months' duration, a member must have served for not less than one year.
3. If the leave sought exceeds twelve months duration, members must have served for not less than two years.
4. Save in exceptional circumstances approved by the Office, a member with an existing bonding commitment may not be granted manpower development leave.
5. A member may not be granted manpower development leave if the member leaves his or her stations prior to approval of such leave.
6. A member shall be entitled to make representation to the Board or delegated authority in cases of delay in the approval of manpower development leave.

THIRD SCHEDULE (*Section 49*)

ACTS OF MISCONDUCT

1. Absence from duty without good cause, including any abuse of sick leave.
2. Proceeding on any type of leave without authority.
3. Failure to perform any duties related to one's work or improper or negligent, inefficient or incompetent performance of duties.
4. Failure to obey lawful instructions, including circulars, instructions or standing orders issued by the Office, the Treasury or the Board or delegated authority or delegated authority.
5. Improper, threatening, insubordinate or discourteous behaviour, including sexual harassment, during the course of duty towards any member of the Office or any member of the public.
6. Unbecoming or indecorous behaviour, including the consumption of intoxicating liquor or dangerous or prohibited drugs during the course of duty.
7. Unbecoming or indecorous behaviour at any time or place in any manner or circumstances likely to bring the Office or any part thereof into disrespect or disrepute.

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8. Theft of, or making improper or unauthorized use of, possession or removal of public moneys or the moneys of any statutory body, statutory fund or local authority or the Office.
9. Failure to account for or take reasonable care of, or adequate steps to ensure that reasonable care is taken of any public moneys or property of any statutory body, statutory fund or local authority or the Office or failure to report at the earliest opportunity any loss thereof or damage thereto.
10. Failure to repay, within the stipulated period of repayment any moneys advanced by the Office or by any statutory body, statutory fund or local authority.
11. Wilful damage to any Office property or the property of any statutory body, statutory fund or local authority.
12. Unauthorized or improper disclosure or use of classified or confidential information.
13. Any act involving corruption or dishonesty, including:
  - (a) any contravention of Part IX of the Criminal Law (Codification and Reform) Act [*Chapter 9:23*];
  - (b) making a false report, accusation, or statement against any member;
  - (c) wilfully giving false or incorrect evidence or information or failing to disclose material evidence or information in relation to any inspection, examination, investigation or inquiry in terms of these or other regulations made in terms of the Act;
  - (d) falsifying or attempting to falsify any document with fraudulent intent or uttering a forged document;
  - (e) making any false claim or return, including any claim for travel or subsistence;
  - (f) failing to disclose material information, whether personal or otherwise, in any application for employment by the Office, or giving false information for the purpose of gaining employment in the Office.
14. Failure to report improper conduct on the part of any member of the Office.
15. Hindering or obstructing any member of the Office in the discharge of his or her duty.
16. Failure to disclose to a superior any conflict of interest or other personal information relevant to any matter connected with the discharge of the member's duties.



17. Being a member of the Office found ceding the whole or any part of his salary, allowances or other remuneration without the written consent of the Office or the Board or delegated authority, and any purported cession without such consent shall be void
18. Practising nepotism or any other form of favouritism in making or recommending any appointment or promotion to any post or office.
19. Being a member who holds office in a political party or addresses any political party, organisation or movement.
20. Any act or omission which is inconsistent with or prejudicial to the discharge of official duties, including the abuse of authority.
21. Except as a member, director or manager of any statutory body (not being a successor company to a statutory body), the control, direction or management, whether directly or indirectly of any business or, other income earning activity including appointment as a company director, without the written consent of the Office.
22. In respect to lawyers, any violation of the code of ethics for Legal Practitioners shall constitute judicial misconduct.
23. Engaging in illegal collective job action including—
  - (a) incitement of members to engage in such action;
  - (b) damaging Office property.
  - (c) forcibility disruption Office business in furtherance of such action;
  - (d) calling for meetings of members at the work place or during working hours in furtherance of such action.
24. Issuing any press statement or giving information to the media without the authority of the Board or delegated authority.

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FOURTH SCHEDULE (*Section 49*)

MISCONDUCT REPORT BY DISCIPLINARY AUTHORITY

PARTICULARS OF MEMBER:

Nam: .....

Date of birth: .....

E.C No.: .....

Address: .....

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Telephone Home: .....

Office: .....

DETAILS OF ALLEGED MISCONDUCT .....

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DETAILS OF ANY SUSPENSION

*(Include reference to relevant paragraph(s) of the First Schedule)*

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Date: .....

Signature: .....

S.I. 21 of 2025

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COMMENTS WHERE APPROPRIATE OF HEAD OF OFFICE, HEAD OF DEPARTMENT OR BOARD OR DELEGATED AUTHORITY

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Date: .....

Head of Office: .....

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Signature: .....

Date: .....

Head of Department .....

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Signature: .....

Date: .....

Board or delegated authority .....

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Signature: .....

Date: .....

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MEMBER'S REPLY TO ALLEGATION

*(Attach separately)*

Date received: .....

Signature: .....

RELEVANT DOCUMENTS AND STATEMENTS

*(List and attach separately)*

Date: .....

Signature: .....