

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE LOCAL GOVERNMENT ACT

CHAPTER 281 OF THE LAWS OF ZAMBIA

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THE LOCAL GOVERNMENT ACT

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CHAPTER 281

LOCAL GOVERNMENT ACT

An Act to provide for an integrated three tier local administration system; to define the functions of local authorities; to repeal the Local Administration Act and certain related laws; and to provide for matters connected with or incidental to the foregoing.

Act No.
22 of 1991
Act No.
19 of 1992
30 of 1993
13 of 1994
30 of 1995
22 of 1995

[6th September, 1991]

ENACTED by the Parliament of Zambia.

Enactment

PART I PRELIMINARYPART I

PRELIMINARY

1. (1) This Act may be cited as the Local Government Act. Short title
2. In this Act, unless the context otherwise requires- Interpretation
- "area", in relation to a council, means the District for which the council has been established under this Act;
- "Board" means a Provincial Local Government Appeals Board established under section *ninety-three*.
- "building" includes any structure, whether of a permanent or temporary nature, and a part of a building or structure;
- "city" means a District for which a city is established under this Act;
- "city council" means a city council established under this Act;
- "committee" means a committee of a council;
- "control" includes, regulate, inspect, supervise and licence;
- "council" means a city council, municipal council, or district council;
- "councilor" means a person elected under the Local Government Elections Act as a councillor;
- "district council" means a district council established under this Act;
- "District" means a District declared under the Provincial and District Boundaries Act; Cap. 286
- "employee" in relation to a council, means a person employed by a local authority other than an officer;
- "erection" in relation to a building, includes the alteration or enlargement of a building;

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"establish" when used relating to the functions of a council, includes acquire, erect, build, construct, name, hire, equip and furnish;

"financial regulations" means regulations made under section *forty-six* of this Act;

"land" shall have the meaning assigned thereto by the Land Act;

Cap. 184

"levy" means a levy imposed under this Act;

"maintain," when used in relation to the functions of a council, includes carry on, manage, operate and keep in repair;

"member" means a member of the Board;

"municipal council" means a municipal council established under this Act;

"municipality" means a District for which a municipal council is established under this Act;

"officer", in relation to a council, means a person employed in the permanent establishment of a council, and includes a person appointed on probation in such establishment;

"principal officer" means of the Chief Executive Officer of a council and includes any person for the time being discharging the functions of the Chief Executive Officer;

"private street" means any street other than a public street;

"property" includes all property, movable and immovable, and all estates, interest, easements and rights whether equitable or legal;

"the public", when used in relation to meetings of a council or committee, includes representatives of the Press;

"public street" means-

- (a) any street entered in a register of streets and roads compiled and maintained by a council; and
- (b) any street which is taken over by a council and designated as a public street;

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"Secretary" means the Secretary of a Board holding office in accordance with section *ninety-six*;

"street" includes any bridge, road, avenue, lane, sanitary lane, footway or causeway and any pavement of footwalk forming part thereof;

"transfer and vesting order" means a statutory order made under section *five* or section *one hundred and twenty*;

"treasurer", in relation to any council for which no treasurer has been appointed, means the principal officer of the council;

"water-course" includes a canal and a canoe channel;

"water main" includes conduits, pipelines, valves, valve chambers, meters, meter-houses, break-pressure tanks, scour chambers, scour pipes, culverts, cuts, bridges, tunnels and all other things necessary in connection with any water main;

"waterworks" includes streams, springs, weirs, boreholes, dams, pumping stations, reservoirs, tanks, sluices, machinery, buildings, lands and all other works and things necessary for taking, impounding, discharging, storing, treating and filtering water.

(As amended by Act No. 19 of 1992 and Act No. 30 of 1995)

PART II ESTABLISHMENT OF COUNCILSPART II

ESTABLISHMENT OF COUNCILS

3. For the purposes of local government, the Minister may, by statutory order, establish for any District, a city council, municipal council, district council, township council or management board as the case may be, and the name of the council or management board shall include the name of the District:

Establishment of
councils and
management boards

Provided that a township council or management board shall be established under this section only on the recommendation of the appropriate city council, municipal council or district council.

As amended by Act No. 19 of 1992

4. (1) The President, may by statutory proclamation, confer on any municipal council established therefor the status respectively of a city and a city council and shall determine the name by which such city and city council shall be known.

Cities

(2) On and after the date on which a proclamation under this section has effect, any reference in any written law, contract or other instrument or document to the name of the municipality or municipal council to which the proclamation relates shall be constructed as a reference to the name of the city or city council, as the case may be, as determined by the proclamation.

5. (1) Whenever as a consequence of any statutory order made by the President under the Provincial and District Boundaries Act-

Changes affecting
Districts
Cap. 286

- (a) a new District is established;
- (b) the area of any District is altered;
- (c) a District ceases to exist;

the Minister may, by statutory order (in this Act referred to as a transfer and vesting order), make any such provisions as may be in accordance with the First Schedule for such changes as are necessary or appropriate as regards the constitution, property, rights, obligation and staff of, and any other matter relating to, any council affected by a change in its area, any new council or any council established for a District which ceases to exist.

(2) Where a District ceases to exist, a transfer and vesting order made in respect of the council established for that District shall include provision for the disestablishment of the council.

(3) Where the name of any District is changed, the name of the council established for that District shall be changed to conform with that of the District.

PART III CONSTITUTION OF COUNCILPART III

CONSTITUTION OF COUNCIL

Councils

6. Every council shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power, subject to the provisions of this Act and of any other written law, to do all such other acts and things as a body corporate may do by law and as are necessary for, or incidental to, the carrying out of its functions and powers as set out in this Act.

Incorporation of
councils

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7. (1) Subject to the provisions of subsections (1) and (2) of section *four*, the corporate name of a council shall be such name as may be assigned thereto in the statutory order establishing the council. Corporate name of council

(2) The Minister may, subject to the provisions of subsection (1) by statutory order and after consultation with the Council, alter the corporate name of a council.

8. (1) The common seal of a council shall be such device as may be prescribed by the Minister by statutory order after consultation with the council. Seal

(2) A council may use such rubber stamp in lieu of a common seal as the Minister may approve until such time as a common seal can be procured.

9. (1) A council shall consist of- Composition of council

- (a) the members of Parliament in the district;
- (b) two representatives of the Chiefs, appointed by all the Chiefs in the district; and
- (c) all the elected councillors in the district.

(2) After consultation with a council, the Minister may, by statutory order, alter the number of councillors of which the council consists.

(As amended by Act No. 19 of 1992 and Act No. 30 of 1995)

10. *Repealed by Act No. 30 of 1995.*

11. No person shall be qualified for election as a councillor who is disqualified from election to a council under the Local Government Elections Act. Disqualification of councillor

12. (1) The councillors of a council who are required to be elected shall be elected in accordance with the provisions of the Local Government Elections Act. Election of Councillors Cap. 282

(2) A representative of the Chief shall be appointed to hold office under paragraph (b) of subsection (1) of section *nine* in such manner, and for such term, not exceeding three years, as the chiefs in the district shall determine.

(As amended by Act No. 30 of 1995)

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13. Subject to sections *fourteen* and *fifteen*, the councillors of a council shall hold office for the duration of the period prescribed under the Local Government Elections Act. Tenure of office of Councillors

14. (1) The office of a councillor shall become vacant- Vacation of office by councillor

- (a) if the holder of the office dies or resigns from his office by notice in writing addressed to the council; or
- (b) if the circumstances arise that, if the holder of the office were not a councillor would disqualify him for election as such; or
- (c) if the holder of the office accepts any remuneration for or on account of anything done as a councillor, other than a fee or allowance authorised by or under this Act; or
- (d) if, having been elected to office as the endorsed candidate of a political party, the holder of the office ceases to be a member of that party; or
- (e) if the holder of the office-
 - (i) being a member of a political party joins a political party other than the one of which he was an authorised candidate when he was elected;
 - (ii) resigns from a political party to become an independent; or
 - (iii) being an independent, joins a political party;
- (f) If the holder of the office is, without leave given at any meeting by resolution of the council of which he is a councillor absents himself from three consecutive ordinary meetings of the council.

(2) The resignation of any councillor from his office shall take effect when the notice signifying the resignation is received by the principal officer of the council.

(3) Every vacancy occurring in accordance with the preceeding provisions of this section shall be a casual vacancy in the membership of a council and the principal officer of the council shall give public notice thereof.

(4) When a member of Parliament in the district ceases to be a member of Parliament, his office as a councillor shall be vacant until the corresponding vacancy in the National Assembly is filled.

(As ammended by Act No. 30 of 1993 and Act No. 30 of 1995)

15. (1) A casual vacancy occurring in the membership of a council shall be filled in accordance with the provisions of the Local Government Elections Act. Filling of casual vacancies

(2) A councillor elected to fill a casual vacancy in the membership of a council shall subject to the provisions of the subsection (1) of section fourteen hold office until the expiration of the period during which the councillor whose place he fills would, but for his office becoming vacant, have continued in office.

Mayor, Deputy Mayor, Chairman and Vice-Chairman

16. (1) There shall be-

Election of mayor, deputy mayor, Chairman and Vice Chairman

- (a) for every city or municipal council, a mayor and a deputy mayor;
- (b) for every township or district council, a chairman and vice chairman; who shall be elected by the council from among persons who are Councillors.

Provided that a councillor who is a member of Parliament or a chief shall not be eligible for the office of Mayor, Deputy Mayor, Chairman or Vice-Chairman of the council.

(2) The mayor, deputy mayor, chairman or vice-chairman of a council shall be elected annually at the first ordinary meeting of council held after the 1st September in that year.

(3) No person shall hold office as mayor, deputy mayor, chairman or vice-chairman of a council for more than two consecutive terms and where a person has held any such office for two consecutive terms he may not be elected to that office again until after the expiration of two years from the date on which he last held such office.

(As amended by Act No. 19 of 1992 and Act No. 30 of 1995)

17. The mayor, deputy mayor, chairman and vice chairman of a council shall, subject to the provisions of this Act, hold office until his successor is elected. Tenure of office of Mayor, deputy mayor, chairman and vice-chairman

18. (1) The office of the mayor, deputy mayor, chairman or vice-chairman of a council shall become vacant- Vacation of office

- (a) if the holder of the office dies, resigns from his office by notice in writing addressed to the principal officer of the council; or

- (b) if the holder of the office ceases to be a councillor; or
- (c) if the holder of the office is removed from office by a resolution of the council supported by the votes of not less than two-thirds of the whole number of councillors of which the council consists; or
- (d) if the holder of the office is, without the leave of the council, continuously absent from the area of the council for a period of more than two months; or
- (e) in the case of the office of deputy mayor or vice-chairman, if the holder of the office is elected to the office of mayor or chairman, as the case may be.

(2) The resignation of any person from the office of mayor, deputy, mayor chairman or vice-chairman of a council shall take effect when the notice signifying the resignation is received by the principal officer of the council.

(3) Every vacancy occurring in accordance with the provisions of this section shall be a casual vacancy in the office of mayor, deputy mayor, chairman or vice-chairman, as the case may be of a council and the principal officer of the council shall give notice thereof to the council.

19. (1) On a causal vacancy occurring in the office of a mayor, deputy mayor, chairman or vice-chairman of a council, a successor shall be elected to fill the vacancy not later than the next ordinary meeting of the council held after the date on which the vacancy, or, if that meeting is held within seven days after that date, then not later than the next following ordinary meeting of the council.

Filling of casual vacancies of mayor or chairman during vacancy or absence

(2) A person elected to fill a causal vacancy in the office of mayor, deputy mayor, chairman or vice-chairman of a council shall, subject to the provisions of this Act, hold office until the expiration of the period during which the person whose place he fills would, but for his office becoming vacant, have continued in office.

20. Whenever the office of mayor or chairman of a council is vacant or the mayor or chairman is absent or is for any other cause prevented from or incapable of discharging the functions of his office-

Discharge of functions of mayor or chairman during vacancy or absence

- (a) the deputy or vice-chairman of the council; or
- (b) if the office of deputy mayor or vice-chairman is vacant or the deputy mayor or vice-chairman is absent or is for any other cause prevented from or incapable of discharging the functions of his office, a councillor elected by the council;

shall discharge the functions of the office of the mayor or chairman of the council.

21. Any functions discharged by a person purporting to hold or discharge the functions of the office of mayor, deputy mayor, chairman or vice-chairman of a council shall not be invalidated only by reason of a defect afterwards discovered in the election or qualifications of such person.

Validity of discharge of functions

PART IV PROCEEDINGS OF COUNCILPART IV

PROCEEDINGS OF COUNCIL

22. (1) A council shall hold an ordinary meeting for the transaction of business not less often than once in every three months at such place, on such day and at such time as the council may appoint:

Ordinary and special meetings

Provided that the first ordinary meeting of a council newly established under this Act shall be held at such place, on such day and at such time as the Minister may appoint.

(2) The mayor or chairman of a council may convene a special meeting of the council at any time, and shall convene a special meeting within twenty-one days, or such lesser period as may be prescribed by the standing orders of the council, after he receives a written request therefor signed by not less than one-third of the whole number of councillors of which the council consists and stating clearly the purposes for which the special meeting is to be convened.

23. (1) The principal officer of a council shall, not less than twenty-four hours before the time appointed for the holding of a meeting of a council, notify every councillor in writing of the place, day and time of the meeting and of the business proposed to be transacted at the meeting.

Notice of meetings

(2) No business shall be transacted at a special meeting of a council other than that specified in the notice relating thereto.

24. (1) Subject to the provisions of this section-

Quorum

- (a) at an ordinary meeting of a council, one-half of the whole number of councillors of which the council consists shall form a quorum etc.
- (b) at a special meeting of a council, two-thirds of the whole number of councillors of which the council consists shall form a quorum.

(2) Where, owing to-

- (a) vacancies in the membership of a council; or
- (b) the disablement of councillors under section *twenty-seven*; or
- (c) a combination of the circumstances referred to in paragraphs (a) and (b);

less than two-thirds of the whole number of councillors of which a council consists are at the same time able to take part in the consideration or discussion of, or to vote on, any question, the quorum of the council in any proceedings relating to that question shall be determined by reference to the number of councillors who actually hold office on the council and who are not under a disablement imposed by section *twenty-seven* instead of by reference to the whole number of councillors of which the council consists.

25. There shall preside at any meeting of a council-

Presiding in council

- (a) the mayor or chairman.
- (b) in the absence of the mayor or chairman, the deputy mayor or vice-chairman; or
- (c) in the absence of the mayor and the deputy mayor or the chairman and the vice-chairman, such councillor as the council may elect for that meeting.

26. (1) Save as otherwise provided by this Act or any other written law, any question proposed for decision by a council shall be determined by a majority of the votes of the councillors present and voting at a meeting of the council at which a quorum is present.

Voting in council

(2) At all meetings of a council, each councillor present shall have one vote on a question proposed for decision by the council and, in the event of any equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

27. (1) If a councillor has any pecuniary interest, direct or indirect, in any contract, proposed contract or of other matter, and is present at a meeting of the council at which the contract or other matter is the subject of consideration, he shall, at the meeting, as soon as is practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or other matter.

Disability voting on account of interest in contracts

Provided that this section shall not apply to an interest in a contract or other matter which a councillor may have as an occupier of a house owned by the council or as a rate payer or inhabitant of the area of the council or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(2) For the purposes of this section, a person shall be treated as having indirectly a pecuniary interest in a contract or other matter, if-

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- (a) he or any nominee of his is a member or director of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the matter under consideration; or
- (b) he is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration:

Provided that-

- (i) this subsection shall not apply to membership of, or employment under, any statutory corporation;
- (ii) a member or director of a company or body shall not, by reason only of his membership or directorship, be treated as being so interested if he is not beneficially interested in any shares of that company or other body.

(3) Where a councillor has indirectly a pecuniary interest in a contract or other matter and would not fall to be treated as having such an interest but for the fact that he has a beneficial interest in shares of a company or other body then, if the total nominal value of these shares does not exceed one-hundredth of the total nominal value of the issued share capital of the company or body, so much of subsection (1) as prohibits him from taking part in the consideration or discussion of, and from voting on any question with respect to, the contract or other matter shall not apply to him, without prejudice, however, to the duty of disclosure imposed by subsection (1):

Provided that where the share of the company or other body is of more than one class, this subsection shall not apply if the total nominal value of all the shares of any one class in which he has a beneficial interest exceeds one-hundredth part of the total issued share capital of that class of the company or other body.

(4) In the case of married persons living together, the interest of one spouse shall, if known to the other be deemed for the purpose of this section to be also an interest of that other spouse.

(5) A general notice given in writing to the principal officer of a council by a councillor to the effect that he or his spouse is a member or director or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient closure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(6) The principal officer of a council shall record in a book to be kept for that purpose, particulars of any disclosure made under subsection (1), and of any notice given under sub-section (5), and the book shall be open at all reasonable times to the inspection of any councillor.

(7) If any person fails to comply with the provisions of subsection (1), he shall for each offence be liable on conviction to a fine not exceeding four hundred penalty units, unless he proves that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(8) No prosecution shall be instituted against any person for an offence under this section except by or on behalf of the Director of Public Prosecutions.

(9) The Minister may, subject to such conditions as he may think fit to impose, remove any disability imposed by this section in any case in which the number of councillors so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the interests of the inhabitants of the area of council that the disability should be removed.

(10) In this section, the expression "shares" includes stock and debentures and the expression "share capital" shall be construed accordingly.

(As amended by Act No. 13 of 1994)

28. (1) A council may adjourn any meeting of the council from time to time and from place to place.

Adjournment of meetings

(2) If at any meeting of a council a quorum is not present, the councillors present or, if there are no councillors present, the principal officer of the council shall adjourn the meeting and may appoint for the adjourned meeting such place, day and time as may be considered suitable.

29. (1) Subject to the provisions of subsection (2), all meetings of a council shall be open to the public.

Admission of public to meetings

(2) A council may, by resolution, exclude the public from a meeting (whether during the whole or any part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings.

(3) The provision of this section shall be without prejudice to any power of exclusion conferred by the standing orders of a council for preserving order at meetings of the council; and nothing in this section contained shall be construed as requiring a council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later) or the making of any oral report on any proceedings as they take place.

30. (1) A council shall cause minutes to be kept in the English language of the proceedings at every meeting of the council and shall cause to be recorded therein the names of the councillors present at that meeting. Minutes

(2) The minutes of the proceedings of a council shall, after amendment if necessary, be confirmed by the council as a true record of the proceedings and signed by the person presiding at the same or the next meeting of the council.

(3) Within one month after the minutes of any proceedings of a council have been confirmed and signed, there shall be furnished to the Minister such number of copies thereof as the Minister may determine.

(4) The minutes of the proceedings of a council, other than proceedings from which the public have been excluded in pursuance of a resolution adopted under subsection (2) of section *twenty-nine*, shall, at all reasonable times, be open to the inspection of any interested person.

PART V COMMITTEESPART V

COMMITTEES

31. (1) A council may establish standing and occasional committees consisting of such number of members as the council may determine, for the purpose of examining and reporting on any matter and of discharging any functions of the council delegated to them under this Act. Standing and occasional committee

(2) A council consisting of more than six councillors shall in the exercise of the powers conferred by subsection (1), establish a standing committee (hereinafter referred to as the Finance Committee) for the purpose of-

- (a) advising the council on financial matters; and
- (b) discharging such functions of the council relating to finance as may be delegated to it under this Act or as may be conferred or imposed upon it by or under any other written law.

(3) A council may abolish any committee, other than the Finance Committee, established by it under this section.

32. (1) The members of a committee shall be appointed by the council from amongst persons who are councillors or are qualified for election as councillors. Membership of committees

Provided that-

- (i) no person other than a councillor shall be a member of the Finance Committee;
- (ii) not less than two-thirds of the members of a committee, other than the Finance Committee, shall be councillors.

(2) A person shall cease to be a member of a committee if-

- (a) being a councillor at the time of his appointment, he ceases to be a councillor; or
- (b) not being a councillor at the time of his appointment, he ceases to be qualified for election as a councillor; or
- (c) his appointment is revoked by the council.

(3) There shall be a chairman of every committee, who shall be elected by the committee from amongst the members of the committee who are councillors and who shall hold office until such time as-

- (a) he ceases to be a member of the committee; or
- (b) he is removed from office by the committee:

Provided that, in the exercise of its powers under this subsection, a committee shall act in accordance with any directions of the council.

33. (1) Meetings of a committee shall be held as required and may be adjourned from time to time and from place to place.

Proceedings of committees

(2) Meetings of a committee shall not be open to the public.

The quorum at a meeting of a committee shall be such number of members as may be prescribed by the Standing orders of the council or, if no quorum is so prescribed, two members.

(4) There shall preside at any meeting of a committee-

- (a) the chairman; or
- (b) in the absence of the chairman, such member of the committee as the committee may elect for that meeting.

(5) Any question proposed for decision by a committee shall be determined by a majority of the votes of the members present and voting at a meeting of the committee at which a quorum is present.

(6) At all meetings of a committee, each member present shall have one vote on a question proposed for decision by the committee and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

(7) Section *twenty-seven* shall apply in respect of members of a committee as it applies in respect of councillors, subject to the following modifications:

- (a) references to meetings of the committee shall be substituted for references to meetings of the council;
- (b) the right of persons who are members of the committee but not councillors to inspect the book to be kept under subsection (6) of the said section shall be limited to an inspection of the entries in the book relating to members of the committee.

34. (1) A committee shall cause minutes to be kept in the English language of the proceedings at every meeting of the committee and shall cause to be recorded therein the names of the members of the committee present at that meeting. Minutes

(2) The minutes of the proceedings of a committee shall, after amendment if necessary, be confirmed by the committee as a true record of the proceedings and signed by the person presiding at the same or the next ensuing meeting of the committee.

(3) Within one month after the minutes of any proceedings of a committee have been confirmed and signed, there shall be furnished to the Minister such number of copies thereof as the Minister may determine.

(4) The minutes of such proceedings at a meeting of a committee as relate to the discharge of functions delegated to it by the council shall, at all reasonable times, be open to the inspection of any interested person:

Provided that the provisions of this subsection shall not apply to the minutes of any proceedings the disclosure of which is deemed by the committee to be prejudicial to the public interest.

35. (1) Subject to the other provisions of this section, a council may delegate, either absolutely or conditionally, to a committee or to any officer of the council the power to discharge any function of the council on behalf of the council.

Delegation of meetings of councils to committee.

(2) A council shall not-

- (a) delegate the power to discharge any functions of the council to a committee which includes persons who are not councillors; or
- (b) delegate to any committee the power-
 - (i) to make and levy a rate; or
 - (ii) to adopt estimates of the revenues and expenditure of the council; or
 - (iii) to borrow money; or
 - (iv) to impose fees and charges; or
 - (iv) to make by-laws; or
 - (vi) in the case of a city council or municipal council, to make appointments to the dignity of alderman or to admit or annul the admission of a person to the status of honorary freeman of the city or municipality.

(3) A council may withdraw or alter any delegation to a committee, but no such withdrawal or alteration shall affect anything done in pursuance of any decision lawfully taken by the committee.

(4) Any function discharged by a committee in the exercise of powers delegated to it under this section shall be deemed to have been discharged by the council.

(As amended by Act No. 19 of 1992)

36. At one of the next two ordinary meetings of a council held after a meeting of a committee, the proceedings at the meeting of the committee shall be reported to the council for its consideration or, in the case of proceedings which relate to the discharge of functions delegated to the committee, for its information.

Reports by committees

37. (1) A committee may, from amongst its members, appoint sub-committees for the purpose of examining and reporting on any matter.

Sub-committees

(2) Subject to the provisions of the standing orders of a council, a sub-committee shall determine its own procedure.

(3) A sub-committee shall not discharge any functions of the council which have been delegated to the committee by which it was appointed.

PART VI FINANCEPART VI

FINANCE

General

38. The financial year of a council shall be the period of twelve months ending on the 31st December in each year. Financial year

39. (1) A council shall cause to be prepared and shall adopt estimates (to be called annual estimates) of revenues and expenditure of the council and shall, at least sixty days before the commencement of a financial year, submit such annual estimates for the approval of the Minister. Estimates of revenues and expenditure

(2) Where in any financial year it appears to a council that expenditure for a special purpose is desirable and that no provision or insufficient provision has been made for it in annual estimates for that year, the council may cause to be prepared and adopt supplementary estimates in respect thereof for the approval of the Minister.

(3) All annual and supplementary estimates of a council shall be prepared in such form and contain such information as may be prescribed by financial regulations.

(4) A council shall not incur any expenditure which is not included in the annual estimates of the council:

Provided that if the annual estimates of the council have not been approved by the Minister, the council may continue to incur expenditure on charges which become due in respect of inescapable commitments.

(5) The annual estimates of a council shall, at all reasonable times, be open to the inspection of any interested person.

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40. (1) All receipts of a council shall be carried to a general fund and all liabilities falling to be discharged by the council shall be discharged out of that fund. General and special funds

(2) A council may, in accordance with financial regulations, establish special funds as part of the general fund, and shall establish any such fund if required by or under financial regulations to do so.

41. Subject to the provisions of financial regulations, a council shall make safe and efficient arrangements for the receipt of moneys paid to it and the issue of moneys payable by it and those arrangements shall be carried out under the supervision of the treasurer of the council. Arrangements for handling receipts and payments

42. (1) A council shall open and keep in its name a banking account and may, by resolution open and keep such additional banking accounts as may be necessary. Banking accounts

(2) Save as otherwise provided by financial regulations, all receipts of a council shall be paid into the banking account or accounts kept by the council and all amounts payable by a council shall be paid therefrom.

(3) A cheque drawn upon any banking account kept by a council shall be signed by such officers of the council, not being less than two in number, as may be authorised in that behalf by resolution of the council.

(As amended by Act no. 19 of 1992)

43. (1) A council shall cause true accounts of its revenues and expenditure to be kept. Accounts

(2) The accounts of a council, together with all books, deeds, contracts, vouchers, receipts and other documents relating thereto, shall at all reasonable times be open to the inspection of any councillor and of any interested person.

(3) The accounts of a council shall be made up and balanced for each financial year of the council and a summarised statement thereof certified under the hand of the treasurer of the council shall be presented to the council at a meeting to be held within six months after the end of the financial year of the council, or within such longer period as the Minister may determine.

44. A council may invest any moneys not required for immediate use in such securities as it may by resolution determine and may, as occasion requires, realise any investment so made: Investment

Provided that no council resolution shall be required for any investment where maturity period shall not be more than ninety days from the date of investment.

45. (1) The Minister may, on such terms and conditions as he may determine, make constituency development grants or loans of money to a council for the purposes of the discharge by the council of any of its functions. Government grants and loans

(2) Any constituency development grant or loan made by the Minister under this section shall be paid out of moneys appropriated by Parliament for the purpose.

(3) The Government shall make specific grants to the council concerned for-

- (a) water and sanitation;
- (b) health services;
- (c) fire services;
- (d) road services;
- (e) police services;
- (f) primary education;
- (g) agricultural services;

(As amended by Act No. 19 of 1992 and Act No. 30 of 1995)

46. The Minister shall, by statutory instrument, make regulations for the control and management of the finances of councils and in particular, for- Financial regulations

- (a) the keeping of the accounts of councils, including separate accounts of any undertaking or service established and maintained by the council, and the form of, and information to be included in, the account of councils and the summarised statements thereof;
- (b) the payment of moneys into and from banking accounts;
- (c) the form of, and information to be included in, the annual and supplementary estimates of councils;

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- (d) the establishment of special funds and the payment of moneys into and the withdrawal of moneys from such funds;
- (e) the composition or remission of debts due to councils.

(As amended by Act No. 19 of 1992 and Act No. 30 of 1995)

Borrowing

- 47.** A council may, borrow such sums of money as may be required for the purpose of discharging its functions in all or any of the following ways:
- (a) by loan under section *forty-five*;
 - (b) by the issue of stock or bonds;
 - (c) by mortgage;
 - (d) by temporary loan or overdraft from a bank or other source;
 - (e) by loan from any other source.
- 48.** Notwithstanding the provisions of section *forty-seven*, no council shall borrow money or receive any grant of money from a foreign government or foreign organisation.
- 49.** (1) All moneys borrowed by a council shall be charged on the general fund of the council and all securities therefor shall rank equally without any priority.
- (2) Nothing in this section shall affect any priority existing at, or any right to priority conferred by a security created before, the commencement of this Act.
- (3) The interests for the time being payable in respect of any moneys borrowed by a council shall be a first charge on the general fund of the council.
- 50.** Where any sum of money is borrowed by a council, it shall be lawful for any annual provision required to be made by the council for the repayment of the sum so borrowed to be suspended, with the consent of the lender, for such period (not exceeding five years) as the Minister may determine.
- 51.** A person lending money to a council shall not be bound to inquire whether the borrowing of the money is or was legal or regular, or whether the money raised was properly applied, and shall not be prejudiced by an illegality or irregularity in the matters aforesaid or by the misapplication of any such money.

Authority to borrow and modes of borrowing

Foreign borrowing prohibited

Security for borrowing and priorities of securities

Suspension of repayment of sums borrowed

Lenders relieved from certain inquiries

Audit

52. (1) The Minister shall, in respect of each financial year of a council, appoint a public officer or other person to be the auditor to the council.

Appointment and remuneration of auditor

(2) There shall be payable by a council in respect of the services of the auditor to the council such fee as the Minister may determine and that fee shall be paid into the general revenues of the Republic or, if the auditor is not a public officer, to the auditor.

53. It shall be the duty of the auditor to a council-

Functions of auditor

- (a) to audit the accounts of the council for the financial year in respect of which he is appointed;
- (b) to investigate such specific matters, if any, relating to the accounts of the council for that financial year as the Minister or the council may direct;
- (c) to report to the council on his audit and investigations;
- (d) to report to the council any case in which it appears to him that-
 - (i) any expenditure has been incurred contrary to law;
 - (ii) any sum has not been duly brought into account;
 - (iii) any loss or deficiency has been incurred.

54. (1) The auditor to a council may, for the purpose of discharging his functions-

Production of documents and taking of evidence

- (a) by summons under his hand, require all such persons as he may think necessary to appear personally before him for examination at a time and place to be specified in the summons and to produce all such books, deeds, contracts, vouchers, receipts and other documents relating to the accounts of the council as may be specified in the summons; and
- (b) hear and receive evidence and examine witnesses upon oath or affirmation, which he is hereby empowered to administer.

(2) Any person summoned to appear before the auditor to a council who, without sufficient cause-

- (a) refuses or fails to comply with the summons; or
- (b) having appeared before the auditor, refuses to be examined on oath or affirmation or to take such oath or affirmation; or

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- (c) having taken such oath or affirmation, refuses to answer such questions pertaining to the accounts of the council as are put to him;

shall be guilty of an offence and liable on conviction for every such refusal or failure, to a fine not exceeding one hundred and sixty penalty units or to imprisonment for a period not exceeding six months or to both.

(As amended by Act No. 13 of 1994)

55. (1) Before completing his audit of the accounts of a council, the auditor to the council shall, by notice in writing to the principal officer of the council, fix a period commencing at least thirty days thereafter and extending for not less than seven days during which representations regarding the accounts of the council may be made to him.

Deposit of accounts and representations thereon.

(2) During the period fixed under subsection (1) for the making of representations and for seven clear days preceding the commencement of such period, the accounts of the council, together with all books, deeds, contracts, vouchers, receipts and other documents relating to the accounts of the council, shall be deposited at all the offices of the council and shall at all reasonable times be open to the inspection of any interested person.

(3) The principal officer of a council shall, not less than fourteen days before the deposit of the accounts of the council, give public notice of-

- (a) the deposit of the accounts of the council required by this section and the right to inspect such accounts;
- (b) the period during which representations regarding the accounts of the council may be made to the auditor to the council; and
- (c) the name and address of the auditor to the council.

(4) During the period fixed under subsection (1), any interested person may make representations regarding the accounts of the council to the auditor to the council-

- (a) in writing; or
- (b) by arrangement with the auditor, in person or by his representative.

56. (1) After completing his audit of the accounts of a council and his investigations, if any, the auditor to the council shall make his report to the council in pursuance of paragraphs (c) and (d) of section *fifty-three*.

Report of auditor

(2) Within sixty days after the receipt by a council of the report of the auditor, the council shall take the report into consideration and shall transmit to the Minister-

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- (a) a copy of such report, together with the comments of the council thereon; and
- (b) a copy of the audited summarised statement of accounts of the council.

(3) The report of the auditor and the audited summarised statement of accounts of a council shall, at all reasonable times after copies thereof have been transmitted to the Minister, be open to the inspection of any interested person.

(4) The Minister may give to a council such directions as he thinks necessary to ensure that the council acts in conformity with any recommendations contained in the report of the auditor.

(5) Without limiting the operation of section *eighty-eight*, where a council fails to transmit to the Minister, within the time allowed under subsection (2), the report and statement of accounts referred to in that subsection, the Minister may, for as long thereafter as the council continues to fail to transmit them, suspend or withhold grants due to the council

(As amended by Act No. 30 of 1995)

57. (1) The Minister shall cause any part of the report of the auditor to a council made in pursuance of paragraph (a) of section *fifty-three* to be brought to the notice of any councillor or officer or employee of the council who may be affected thereby and shall afford to every such person an opportunity of furnishing an explanation to the Minister.

Powers of
disallowances and
surcharges

(2) After considering any explanation furnished to him under subsection (1), the Minister shall-

- (a) disallow any expenditure which has been incurred contrary to law;
- (b) surcharge the amount of any expenditure disallowed upon the person or persons responsible for incurring or authorising the expenditure;
- (c) surcharge any sum which has not been duly brought into account upon the person or persons by whom that sum ought to have been brought into account;
- (d) surcharge the amount of any loss or deficiency upon any person or persons whose negligence or misconduct the loss or deficiency has been incurred;
- (e) certify the amount due from any person upon whom he has made a surcharge and cause a copy of the certificate to be furnished to such a person:

Provided that, if the Minister is satisfied that-

- (i) any person upon whom a surcharge might be made under this subsection acted reasonably by or in the belief that his action was authorised by law; or
- (ii) the act or omission which might have involved the making of a surcharge under this subsection took place in such circumstances as to make it fair and equitable that a disallowance or surcharge should not be made;

the Minister may abstain from making a disallowance or surcharge or make any such reduction in such disallowance or surcharge as he deems equitable.

(3) The Minister may direct a council to make such adjustments to its accounts arising from any disallowances made in pursuance of paragraph (a) of subsection (2) as he thinks necessary.

58. Any person who is aggrieved by a disallowance or surcharge made by the Minister, where the disallowance or surcharge relates to an amount exceeding twenty thousand kwacha, may appeal to the High Court, and may in any other case appeal to the High Court or to a subordinate court of competent jurisdiction.

Appeals against disallowances and surcharges

(2) The High Court or subordinate court, as the case may be, may, on such an appeal-

- (a) confirm, vary or quash the decision of the Minister;
- (b) remit the case to the Minister with such directions as it thinks fit for giving effect to the decision on appeal;
- (c) make such other order as to costs or otherwise as may to it seem just.

(3) The Chief Justice may, by statutory instrument, make rules providing for the period within which appeals under this section may be brought and otherwise regulating such appeals.

59. (1) Subject to the provisions of subsection (2), the amount of every surcharge certified by the Minister to be due from any person shall be paid by that person to the council within thirty days after a copy of the certificate has been furnished to him, or, if an appeal with respect to the surcharge has been made, within thirty days after the appeal is finally disposed of or abandoned or fails by non-prosecution thereof.

Payment and recovery of surcharges

(2) The Minister may authorise the payment of a surcharge in instalment:

Provided that if default is made in the payment of any instalment the balance of the surcharge outstanding shall thereupon become payable.

(3) The amount of any surcharge which is not paid shall be recoverable by the council as a civil debt.

(4) In any proceedings for the recovery of the amount of a surcharge, a certificate signed by the Minister shall be conclusive evidence of the facts certified and a certificate signed by the treasurer of the council that the sum certified to be due has not been paid to him shall be conclusive evidence of nonpayment unless it is proved that the sum certified to be due has been paid since the date of the certificate.

60. (1) In addition to the ordinary audit of the accounts of a council required by the foregoing provisions of this part, the Minister may at any time direct that an extraordinary audit of all or any of the accounts of a council be conducted and for that purpose may appoint a public officer to be the auditor to the council.

Inspections and
extraordinary audits

(2) The provisions of-

(a) sections *fifty-three* and *fifty-four*; and

(b) sections *fifty-seven*, *fifty-eight* and *fifty-nine*;

shall, with the necessary modifications, and subject to the provisions of this section apply in relation to an extraordinary audit of the accounts of a council conducted under this section as they apply in relation to an ordinary audit of such accounts

(3) An auditor shall, after completing an extraordinary audit of the accounts of a council and his investigations, if any, make his report to the Minister and shall submit a copy of the report to the council.

(4) The Minister shall, within sixty days of the receipt of the report under subsection (3), consider the report and shall thereafter take such action as he may consider appropriate in the circumstances.

(5) The Minister may, at any time, appoint a person to inspect all or any of the accounts of a council and the provisions of subsection (4) shall apply accordingly.

(As amended by Act No. 30 of 1995)

PART VII FUNCTIONS PART VII

FUNCTIONS

61. Subject to the provisions of this Act, a council may discharge all or any of the functions set out in the Second Schedule. Power to discharge schedule functions

62. (1) A council may discharge any functions conferred on it by or under this Act within the area of the council and unless the context otherwise requires, a council may, with the approval of the Minister discharge any such function outside the area of the council. General provision with respect to discharge of functions

(2) A council may do anything necessary for or incidental to the discharge of any function conferred on it by or under this Act.

(3) Whenever by or under this Act power is conferred on a council to establish and maintain an undertaking, service or facility, the council may-

- (a) control the undertaking, service or facility and prohibit use of it by the public or any class of the public;
- (b) join with the Government, another council or any other person or authority in establishing and maintaining the undertaking, service or facility;
- (c) abolish or discontinue the undertaking, service or facility.

(4) Save as otherwise expressly provided by this Act, a council shall discharge any function conferred on it by or under this Act subject to and in accordance with the provisions of any other written law relating to the discharge of that function by the council.

63. (1) A council may enter into contracts necessary for the discharge of any of its functions. Contracts

(2) All contracts made by a council shall be made in accordance with the standing orders of the council and, in the case of contracts for the execution of works or the supply of goods or materials, the standing orders shall-

- (a) require that, except as otherwise provided by or under the standing orders, notice of the intention of the council to enter into the contract shall be published and tenders invited; and
- (b) regulate the manner in which such notice shall be published and tenders invited.

(3) A person entering into a contract with a council shall not be bound to inquire whether the standing orders of the council which apply to the contract have been complied with, and all contracts entered into by a council, if otherwise valid, shall have full force and effect notwithstanding that the standing orders applicable thereto have not been complied with.

64. (1) Subject to the provisions of this Act, a council may make standing orders- Standing orders

- (a) for regulating the proceedings and business, and for preserving order, at meetings of the council, a committee or a sub-committee;
- (b) for regulating the entering into of contracts by the council.

(2) Standing orders under this section may make provision for the exclusion of a councillor or member of a committee or sub-committee from a meeting of the council, committee or sub-committee-

- (a) if it is necessary for preserving order at the meeting; or
- (b) whilst any contract, proposed contract or other matter in which the councillor or member has any pecuniary interest, direct or indirect, is under consideration.

65. (1) A council may acquire any land by agreement whether by way of purchase, lease, exchange or gift. Acquisition of land

(2) Where the acquisition by a council of any land under the powers conferred by subsection (1) is being hindered by reason of the inability of the parties to agree on the terms thereof or any other cause, the President may, on application by the council and on being satisfied that the land is land to which the Lands Acquisition Act applies and that its acquisition by the council is necessary or expedient- Cap. 189

- (a) in the interests of public safety, public order, public morality, public health or town and country planning; or
- (b) in order to secure the development or utilisation of that or other land for a purpose beneficial to the inhabitants of the area of the council acquire the land under the powers conferred by that Act. All expenses and compensation thereby incurred shall be paid by the council into the general revenues of the Republic and, upon such payment being made, the estate of any land so acquired by the President shall be transferred to the council at the cost of the council.

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66. (1) A council may accept, hold and administer any gift of property for any local public purpose, or for the benefit of the inhabitants of the area or any part of the area of the council, and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

Acceptance of gifts of property

(2) Where the purposes of the gift are purposes for which the council is empowered to expend money raised from a rate, the council may, subject to any condition or restriction attaching to the exercise of that power defray expenditure incurred in the exercise of the powers conferred by subsection (1) out of money so raised.

67. (1) Subject to the provisions of this section, a council may sell, let or otherwise dispose of any property of the council.

Disposal of property

Provided that, where the council intends to sell a council asset, the council shall, before conducting the sale, cause a valuation of the asset to be carried out by the department of the Government responsible for property valuations or by a valuer approved by the Minister.

(2) A council shall not sell, let for a period of fourteen years or more, or otherwise dispose of, any land or building except with the approval of the Minister.

(As amended by Act No. 30 of 1995)

68. (1) A council may, with the approval of the Minister, make grants or loans of money-

Grants and loans by councils

- (a) towards the establishment or maintenance of the institutions hereinafter mentioned, not being of a private character, that is to say:
 - (i) hospitals, libraries, art galleries, museums and musical or scientific institutions;
 - (ii) universities, colleges and schools;
 - (iii) institutions providing accommodation for the aged, destitute or infirm, or for orphans;
 - (iv) such other institutions as the council may determine;
- (b) to persons for educational purposes;
- (c) to officers or employees of the council for such purposes as the Minister may determine.

(2) A council may make grants of money to any association of local authorities formed for the purposes of consultations as to the common interest of those authorities.

(3) A council may, with the approval of the Minister, make loans of money-

- (a) to another council;
- (b) to any person or authority for the erection purchase and maintenance of buildings for use as dwellings or clubs and, where it is in the public interest, for use for business or professional purposes.

69. (1) A council may, make by-laws imposing all or any of the following levies: Imposition of levies

- (a) a levy on leviable persons owning or occupying property or premises situated within the area of the council;
- (b) a levy on leviable persons carrying on a business, trade or occupation within the area of the council;
- (c) a levy on the purchase or sale of a commodity within the area of the council.

(2) By-laws imposing a levy may-

- (a) make different provision with respect to different classes of property or premises, different classes of businesses, trade or occupations and different classes of commodities;
- (b) make provision for-
 - (i) specifying the manner and times at which and the persons by whom a levy shall be paid and collected;
 - (ii) exemptions from a levy;
 - (iii) suspending a levy, in whole or in part.

(3) The proceeds of a levy shall accrue to the council.

(4) The amount of any levy which is not paid shall be recoverable by the council as a civil debt.

(5) For the purpose of this section, "leviable person" means-

- (a) any person apparently of or above the age of eighteen years; and

(b) any body of persons, corporate or unincorporate.

70. (1) A council may impose fees or charges payable to the council-

Imposition of other fees and charges

- (a) for any licence or permit issued under any by-law or regulation made under this Act;
- (b) for any service or facility provided or goods or documents supplied by the council in pursuance of or in connection with the discharge of any function of the council.

(2) All fees and charges imposed by a council under the section shall be regulated by by-law or, if not so regulated, may be imposed by resolution of the Council:

Provided that a council shall not impose any fees or charges in respect of owners rates and personal levy without the prior approval of the Minister.

(As amended by Act no 19 of 1992)

71. (1) A council may, with the approval of the Minister-

Power to pay certain fees, allowances and expenses

- (a) pay fees to councillors;
- (b) pay allowances to councillors, officers and employees of the council in respect of travelling, subsistence and out-of pocket expenses incurred by them on the business of the Council.
- (c) pay allowances to the spouse of the mayor or chairman and of the principal officer of the council in respect of travelling, subsistence and out-of pocket expenses incurred by the spouse in attending, by invitation, a conference or function of national or local importance;
- (d) pay expenses incurred in undertaking public hospitality.

(2) A council may, with the approval of the Minister, pay to the mayor or chairman of the council during his year of office such allowance as it thinks reasonable.

Provided that whenever the functions of the mayor or chairman of the council are discharged in any continuous period not being less than thirty days, by the deputy mayor or the vice-chairman of the council a proportionate part of the allowance under this section shall be paid for such period to the deputy mayor or vice-chairman of the council.

72. (1) A council may, with the approval of the Minister establish, maintain, control and contribute to any pension, provident or benevolent fund intended for the benefit of its officers and their dependants and may, from any such fund, grant, pensions and gratuities to its officers on their retirement from the service of the council and to the dependants of deceased officers.

Pensions and gratuities for officers, employees and dependants

(2) Where no fund referred to in subsection (1) has been established or in cases where no benefit accrues from any such fund which has been established, a council may, with the approval of the Minister, grant from its general fund pensions and gratuities to officers on their retirement from the service of the council and to the dependants of deceased officers.

(3) Where any officer or dependant of a deceased officer is in receipt of a pension from a fund referred to in subsection (1), a council may, with the approval of the Minister, from its general fund grant to such officer or dependant an additional or increased pension or gratuity in respect of any service of the officer or deceased officer in relation to which no pension or gratuity is payable from the fund:

Provided that the aggregate of the pension payable from the fund and the additional or increased pension or gratuity payable under this subsection shall not exceed the amount which would have been payable had the whole service of the officer or deceased officer been service in relation to which a pension or gratuity was payable from the fund.

(4) For the purpose of this section "officer" means an officer or employee of council.

73. (1) Subject to the provisions of this section, a city council or municipal council may-

Aldermen

(a) appoint to the dignity of alderman any person who has held office as a councillor of that council for a period or periods amounting in the aggregate to not less than ten years;

(b) if it considers that a person appointed to the dignity of alderman has subsequently ceased to be worthy of the dignity, revoke the appointment.

(2) During any time when the number of councillors who are aldermen equals or exceeds one third of the whole number of councillors of which a council consists, no further appointment of aldermen may be made from persons who are councillors.

(3) An alderman shall be entitled whether or not he is a councillor, to retain the title of alderman.

(4) Every person who immediately before the first of January, 1981, was an alderman of a city council or municipal council shall be deemed to have been appointed to that dignity under this Act.

74. (1) Subject to the provisions of this section a city council or a municipal council may-

Freeman

- (a) admit to the status of honorary freeman of the city or municipality persons of distinction and persons who have rendered eminent services to the city or municipality;
- (b) if it considers that a person admitted to the status of honorary freeman of the city or municipality has subsequently ceased to be worthy thereof, annul the admission of the person to such status.

(2) The power of admitting or annulling the admission of a person to the status of honorary freeman of a city or municipality shall not be exercised except by resolution of the city or municipal council supported by the votes of not less than two-thirds of the whole number of councillors.

(3) The principal officer of a municipal council shall keep a list, to be styled the honorary freemen's roll, in which shall be inscribed the names of all persons admitted to the status of honorary freeman of the municipality and from which shall be removed the name of any person whose admission to that status has been annulled.

75. The Minister may, by statutory order confer upon any council power not otherwise conferred upon such council by this Act or any other written law, which the Minister considers necessary or desirable, in the interests or for the well-being of the inhabitants in, or for the good rule and government of, the area of such council, for such council to have.

Power of minister to confer additional functions on council

PART VIII BY-LAWS AND REGULATIONS

BY-LAWS AND REGULATIONS

Power to make by-laws

76. (1) Subject to the provisions of this Act, a council may make by-laws for the good rule and government of its area and, more particularly-

Power to make by-laws

The Laws of Zambia

- (a) for controlling any of the things which, and any of the persons whom, it is empowered by or under this Act to control;
- (b) for prohibiting any of the things which it is empowered by or under this Act to prohibit;
- (c) for requiring or compelling the doing of any of the things which it is empowered by or under this Act to require or compel;
- (d) for providing for the issue or supply of licences permits, certificates and other instruments and documents.

(2) A by-law made by a council under this Act may make different provisions with respect to different parts of the area of of the council, different classes of persons, different classes of things and different circumstances.

77. Every by-law made by a council under this Act shall be in the English language: Language of by-laws

Provided that nothing in this section shall be construed as precluding the use of another language as well as English to bring the content of any such by-law to the notice of any person concerned.

78. A by-law made by a council under this Act may-

- (a) require acts or things to be performed or done to the satisfaction of an officer or agent of the council and may empower an officer or agent of the council to issue directions to any person requiring acts or things to be performed or done, imposing conditions and prescribing periods and dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled; and
- (b) confer on the officers and agents of the council such powers of entry, inspection, inquiry and execution of works as may be reasonably necessary for the proper carrying out or enforcement thereof.

Conferring of powers on officers and agents of council

79. (1) A by-law made by a council under this Act may prescribe penalties for any contravention of such by-law, not exceeding- Penalties

- (a) a fine of eighty penalty units or imprisonment for a period of six months, or both; and
- (b) in the case of a continuing contravention of such by-law, a fine of sixteen penalty units for every day during which the contravention continues.

(2) A by-law made by a council under this Act may provide that in addition to or in substitution for any penalty prescribed for a contravention of such by-law, any expenses incurred by the council in consequence of such contravention or in the execution of any work directed by or under such by-law to be executed by any person and not executed by him, shall be paid by the person committing the contravention or failing to execute the work.

(3) Where any person is convicted of contravening any condition subject to which a licence or permit has been issued to him under any by-law or regulation made under this Act, the court which convicts him may in addition to or in substitution for any penalty prescribed for a contravention of such by-law or regulation, revoke the licence or permit in respect of which the offence was committed.

(As amended by Act No. 13 of 1994)

80. Nothing in this Act contained shall be construed as empowering a council to make any by-law which is in conflict with or derogates from the provisions of any other written law; and to the extent that any by-law conflicts with or derogates from the provisions of any other written law, it shall be void.

By-laws not to conflict with other written laws

Procedure for Making By-laws and Powers of Minister

81. (1) For at least thirty days before application is made to the Minister for confirmation of a by-law, a copy of the by-law shall be deposited at the offices of the council and shall, at all reasonable times, be open to the inspection of any interested person.

Notice of by-laws and objection thereto

(2) The principal officer of a council shall, at least thirty days before application is made for confirmation of a by-law, give public notice of-

- (a) the intention to apply for confirmation of the by-law;
- (b) the deposit of the by-law required by this section and the right to inspect such by-law;
- (c) the procedure for lodging objections to the by-law.

(3) Any interested person may, at any time before application is made for confirmation of the by-law, lodge an objection in writing to the by-law with the principal officer of the council and shall furnish a copy of his objection to the Minister.

82. (1) No by-law made by a council under this Act shall have the force of law until it has been confirmed by the Minister.

Confirmation of by-laws

(2) An application by a council for the confirmation of any by-law by the Minister shall be accompanied by-

- (a) three authenticated copies of the by-law;
- (b) an authenticated copy of the minutes of the meeting of the council at which the by-law was made;
- (c) a certificate, signed by the principal officer of the council, that the provisions of section *eighty-one* have been complied with; and
- (d) the comments of the council on any objections lodged.

(3) Before confirming any by-law made by a council, the Minister shall take into consideration any objections lodged and the comments of the council thereon.

(4) The Minister may refuse to confirm any by-law submitted to him or may confirm the by-law in whole or in part, or with such modifications as appear to him to be advisable and not opposed to the true spirit and intent of the by-law.

83. (1) Subject to the provisions of this section, the Minister may, by statutory order, amend or revoke any by-law by a council under this Act.

Power of Minister to amend or revoke by-laws

(2) Before exercising the powers conferred by subsection (1), the Minister shall give the council reasonable notice of his intentions and shall afford the council an opportunity of making representations to him thereon.

Regulations

84. (1) The Minister may, by statutory instrument, make regulations for any purpose for which, and to the same extent to which a council is empowered by or under this Act to make by-laws or standing orders.

Power to make regulations

(2) Regulations made under subsection (1) shall have the force of law only in the areas to which they are applied in pursuance of section *eighty-five* and, if any regulations so applied to any area are amended or revoked by subsequent regulations made under subsection (1), the subsequent regulations shall have the force of law in that area only to the extent that they are applied thereto in pursuance of section *eighty-five*.

- 85.** After consultation with a council, the Minister may, by statutory order-
- (a) apply all or any regulations made under section *eighty-four* to the whole or any part of the area of the council;
 - (b) withdraw the application of any regulations so applied.
- Application of regulations

86. In so far as regulations made under section *eighty-four* which apply in the area of a council conflict with or derogate from the provisions of any by-laws or standing orders made by the council under this Act, the regulations shall prevail.

Regulations to prevail over by-laws or standing orders

87. Any reference in any other written law to by-laws or standing orders made by a council under this Act shall, unless the context otherwise requires, be construed as including a reference to regulations made under section *eighty-four* which apply in the area of the council.

Reference in other written law

PART IX LOCAL GOVERNMENT ADMINISTRATORPART IX

LOCAL GOVERNMENT ADMINISTRATOR

88. (1) Whenever, by reason of the refusal, failure or inability of a council adequately to discharge all or any of its functions, the Minister considers it necessary or expedient in the interest of local administration to do so, he may, by statutory order-

Appointment of Local Government Administrator and discharge by him of functions of council

- (a) appoint a public officer to be the Local Government Administrator for that council; and
- (b) notwithstanding anything contained in this Act-
 - (i) suspend all councillors of the council from performing all of their functions as councillors and empower the Local Government Administrator to discharge all the functions of the council; and
 - (ii) after due inquiry held under section *one-hundred and twenty*, dissolve the council after receiving prior approval of the President, and direct the holding of elections within ninety days from the date of the dissolution.

(2) Any functions of the council discharged by a Local Government Administrator under subsection (1) shall be deemed to have been discharged by the council in accordance with this Act.

(3) The Local Government Administrator shall relinquish office upon the lifting of the suspension or the election of a new council, as the case may be.

(As amended by Act No. 30 of 1995)

89. (1) An order made under section *eighty-eight* shall, unless sooner revoked, expire after ninety days from the date of making thereof: Revocation of appointment order

Provided that the Minister may, if he considers it desirable in the interest of local administration, extend the order for further periods of ninety days at a time.

(2) On the revocation of the order appointing the Local Government Administrator made under section *eighty-eight* the Local Government Administrator shall cease to discharge the functions of the council, and such functions shall be invested in and discharged by the council as constituted in accordance with section *nine*.

PART X SERVICE WITH COUNCILS AND PROVINCIAL LOCAL GOVERNMENT APPEALS BOARDSPART X

SERVICE WITH COUNCILS AND PROVINCIAL LOCAL GOVERNMENT APPEALS BOARDS

90. Subject to regulations made under this Part, a council shall have power to- Councils may appoint staff

- (a) appoint officers and other employees for the purpose of assisting the council in carrying out its functions;
- (b) discipline any officer or employee.

(As amended by Act No. 30 of 1995)

91. (1) A council may, upon receiving a request from another council, second an officer to that council for such period and on such terms and conditions as may be agreed between the council and the council requesting the secondment. Secondment to another council

(2) A council may, in accordance with regulations issued by the Minister, make arrangements with any Ministry or statutory corporation for the secondment to the council of an officer of the civil service or of any such corporation.

(As amended by Act No. 30 of 1995)

92. (1) The Minister may, by statutory instrument, make regulations governing service with a council and the powers and duties of councils with regard to their officers and employees. Regulations

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(2) Without prejudice to the generality of subsection (1), regulations made under this section may provide for-

- (a) the creation or abolition of any post in a council;
- (b) the terms and conditions of appointment, promotion, transfer, dismissal, discharge and discipline of officers and employees;
- (c) the qualifications for appointment to any post in a council;
- (d) a right of appeal to a provincial local government appeals board by an officer or employee and the procedures to be followed for such appeals;
- (e) the establishment of a council secretariat under the supervision of the principal officer of the council, the other members of the secretariat, and their functions; or
- (f) the training of employees and officials of a council and the standards for promotion.

(3) Regulations under this section may make different provisions for different categories of councils and different categories of officers or employees.

(As amended by Act No. 30 of 1995)

93. (1) The Minister may, by statutory order, establish a provincial local government appeals board in each Province which shall consist of a Chairman and not less than three nor more than seven other members.

Establishment of provincial local government appeals boards

(2) The members of a board shall be appointed by the Minister and shall serve on a part-time basis.

(3) A person shall not be qualified for appointment as a member of a board if-

- (a) he holds the office of President of the Republic;
- (b) he is a member of the National Assembly;
- (c) he is a councillor;

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- (d) he is employed in any council;
- (e) he is a member of any staff association of a council, a trade union or any other similar organisation;
- (f) he is, under any law in force in Zambia, adjudged or otherwise declared to be of unsound mind;
- (g) he has been sentenced to a term of imprisonment exceeding six months; or
- (h) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt, under any law in force in Zambia.

(4) One of the members of the board shall be appointed by the Minister as Chairman of the board.

(As amended by Act No. 30 of 1995)

94. (1) Subject to the other provisions of this section-

Provisions relating to
the office of member

- (a) a member of a board shall hold office for a term of two years and shall be eligible for re-appointment for such term, and shall serve on such terms and conditions, as the Minister may determine;
- (b) the office of a member shall become vacant-
 - (i) at the expiry of the term for which he was appointed or re-appointed;
 - (ii) if any circumstances arise that, if he were not a member, would cause him to be disqualified for appointment as such;
 - (iii) if he dies; or
 - (iv) if he resigns his office as such.

(2) A member may be removed from office by the Minister only for inability to discharge the functions of his office, arising from infirmity of body or mind or any other cause, or for misbehaviour.

(3) If the office of the Chairman is vacant or if the person holding that office is for any reason unable to perform the functions of that office, then, until a person has been appointed to, and has assumed the functions of, that office or until the person holding that office has resumed those functions, as the case may be, those functions shall be performed by such one of the other members as may be designated in that behalf by the Minister.

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(4) A member shall not be eligible for appointment to any post in the service of a council for a period of twelve months after he has ceased to be a member.

(5) A member may resign from office by notice in writing addressed to the Minister, and the resignation shall take effect when it is accepted by the Minister.

(As amended by Act No. 30 of 1995)

95. A member shall be paid such allowances as the Minister may determine. Allowances

(As amended by Act No. 30 of 1995)

96. The Provincial Local Government Officer shall be the secretary of the provincial local government appeals board. Secretary

(As amended by Act No. 30 of 1995)

97. No action or other proceedings shall be brought against any member of a board for or in respect of any act done or omitted to be done in good faith in the exercise or purported exercise of his powers under this Act or any regulation or rule made thereunder. Immunity of members

(As amended by Act No. 30 of 1995)

98. (1) Every member of a board shall, on appointment but before assuming office, take an oath in the form set out in the Third Schedule. Oath of office

(2) Where any person is required to take an oath under this section and-

(a) he has no religious belief; or

(b) the taking of an oath is contrary to his religious belief;

he may take and subscribe a solemn affirmation in the form prescribed by subsection (1) substituting the words "solemnly and sincerely declare and affirm" for the word "swear" and omitting the words "SO HELP ME GOD".

(As amended by Act No. 30 of 1995)

99. (1) The functions of a board shall be to- Powers of boards

(a) hear grievances from officers relating to promotions or demotions;

(b) review disciplinary cases from the council relating to officers and employees of that council; and

- (c) hear appeals on disciplinary matters from officers and employees of such councils.

(2) The decision of a board shall be binding upon the council and the officer or employee, subject to an appeal to a court of competent jurisdiction.

(As amended by Act No. 30 of 1995)

100. (1) Any decision of a board shall require the support of a majority vote of all the members present at that meeting of the board:

Performance of functions of boards

Provided that-

- (a) if upon any question the votes of the members are equally divided, the Chairman shall have a casting vote;
- (b) whenever it considers it expedient for the proper discharge of its functions, a board may invite any person to advise the board upon any matter being considered by the board, but the board shall not be bound to accept such advice.

(2) The quorum of a board shall be not less than one-half of all the members.

101. Any person who, in connection with the exercise of any function of a board, wilfully gives to a board or any member thereof, any information which he knows to be false or misleading in any material particular shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding six thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Offence of supplying false information

(As amended by Act No. 30 of 1995)

102. Notwithstanding anything to the contrary in any other written law, no person shall in any legal proceedings be permitted or compelled to produce or disclose any communication, written or oral, which has taken place between a board or any member of a board or officer of the board, or any council or any person employed by a council, or between the members or officers or employees of the council in exercise of, or in connection with the exercise of, any of the functions of a board, unless the Minister has consented in writing to such production or disclosure.

Certain communications to be privileged

(As amended by Act No. 30 of 1995)

103. (1) No person shall, without the consent in writing given by or on behalf of a council or a board, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, communication or information which relates to and which has come to his knowledge in the course of his duties under this Act.

Unauthorised disclosure of information

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(2) Any person who knowingly contravenes subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding six thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

(3) If any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates any such information to any other person, he shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding six thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

(As amended by Act No. 30 of 1995)

104. Any person who otherwise than in the course of his duties directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of a board shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding two years, or to both:

Offence to influence or attempt to influence board

Provided that nothing in this section shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for any office or prohibit any person from supplying any information or assistance upon formal request made by a board.

(As amended by Act No. 30 of 1995)

105. *Repealed by Act No. 30 of 1995.*

106. No prosecution shall be instituted in respect of any offence under section *one hundred and four* or section *one-hundred and five* except by, or with the consent of, the Director of Public Prosecutions.

Fiat of Director of Public Prosecutions

PART XI FIRE SERVICESPART XI

FIRE SERVICES

- 107.** The Minister may, by statutory instrument- Fire services
- (a) establish a fire authority for any area;
 - (b) alter the area of any fire authority;
 - (c) require a council to carry out the functions of a fire authority;
 - (d) require a fire authority to enter into arrangements with other fire authorities or other organisations for mutual co-operation and assistance;
 - (e) prescribe the powers and functions of a fire authority;
 - (f) regulate the operations of any fire brigade;
 - (g) regulate the standards for providing, maintaining and operating by any person of-
 - (i) adequate fire-fighting equipment;
 - (ii) fire-prevention equipment or service;
 - (iii) fire-escape facilities in any premises;
 - (h) provide for the inspection of any premises by fire inspectors or fire officers;
 - (j) provide for the qualifications for appointment, powers and functions of fire inspectors or fire officers, and for their names to be notified in the *Gazette*; and
 - (i) provide for such matters as to him appear necessary for the purposes of ensuring adequate fire services in any area.

PART XII MISCELLANEOUS PROVISIONSPART XII

MISCELLANEOUS PROVISIONS

108. (1) A document requiring authentication by a council shall be sufficiently authenticated if signed by the principal officer of the council or any other officer of the council authorised in that behalf by resolution of the council. Authentication of documents and execution of deeds

(2) A deed shall be deemed to have been duly executed by the council if the common seal of the council be affixed thereto in the presence of, and attested by, one councillor and either the principal officer of the council or any other officer of the council authorised in that behalf by resolution of the council.

(3) Any document purporting to be a document duly authenticated or executed by or on behalf of a council shall, unless the contrary is proved, be deemed to be a document so executed or authenticated.

109. (1) Whenever, by or under this Act, it is provided that a document shall be open to the inspection by any person or class of persons. Inspection of documents

The Laws of Zambia

- (a) any such person may, without payment, take copies thereof or make extracts therefrom;
- (b) the council may supply a copy thereof or any extract therefrom to any such person on payment of such charge, if any, as may be imposed under this Act.

(2) A document shall be deemed to be open to the inspection of any person or class of persons at all reasonable times if it is open to such inspection at the offices of a council during the normal office hours of the council.

110. A public notice required to be given by a council or by an officer of a council shall be given by publication of the notice in a newspaper circulating in the area of the council or in such other manner as the Minister may approve. Public notice

111. (1) Where this Act or any other written law authorises or requires any document to be served upon a council, such document shall be deemed to have been effectively served if served- Service of documents

- (a) personally upon the principal officer of the council or any other person empowered by the principal officer of the council to accept service on behalf of the council; or
- (b) by post addressed to the principal officer of the council.

(2) Where this Act or any other written law authorises or requires a council to serve any document on any person such document shall be deemed to have been effectively served if served-

- (a) personally upon such person, any agent of such person empowered to accept service on his behalf or any adult of the family of such person;
- (b) by post addressed to the person at the last address known to the council; or
- (c) by affixing a copy of the document on some conspicuous part of any premises or land to which it relates or in connection with which it is authorised or required to be served; or
- (d) where for any reason it is not possible to effect service of the document in any of the manners described in paragraphs (a), (b) and (c) by publication of a copy of the document in the *Gazette* and in at least one newspaper circulating in the area of the council.

112. (1) A council may institute criminal proceedings against any person before a subordinate court in respect of a contravention of this Act within its area, or any by-law of the council, alleged to have been committed by that person. Legal proceedings

(2) Where a council deems it expedient for the promotion or protection of the interests of the inhabitants of its area, it may institute or defend any civil proceedings.

(3) A council may by resolution authorise any officer of the council, either generally or in respect of any particular matter, to institute or defend on its behalf proceedings before any subordinate court or to appear on its behalf before a subordinate court in any proceedings instituted by it or on its behalf or against it; and any officer so authorised shall be entitled to institute or defend any such proceedings and to conduct any such proceedings although he is not a legal practitioner.

(4) For the purposes of this section "subordinate court" means any court established or recognised under the Subordinate Courts Act or the Local Courts Act. Cap. 28
Cap. 29

113. (1) The minutes of a meeting of a council or committee purporting to be signed as provided by this Act, and any copy of or extract therefrom duly authenticated shall be *prima facie* evidence in any proceedings of the facts set out therein without proof of- Evidence

- (a) the signature of the person presiding at the meeting; or
- (b) the meeting to which the minutes refer having been duly convened or held; or
- (c) the person attending such meetings having been councillors or members of the committee as the case may be.

(2) The books and registers of a council and any copy of or extract therefrom duly authenticated shall, in any proceedings for the recovery of any amount alleged to be due to the council, be *prima facie* evidence of the amounts so due.

- 114.** Any person who-
- (a) wilfully obstructs any officer, employee or agent of a council in the discharge of his functions; or
 - (b) being the occupier of any premises, prevents the owner of such premises from executing any work which he is required by or under this Act to execute, or otherwise prevents the owner of such premises from complying with any of the lawful requirements of a council or of an officer, employee or agent of a council; or
 - (c) being the occupier of any premises, on demand made by an officer, employee or agent of a council, refuses or wilfully mistakes the name of the owner of such premises;

Penalties for obstruction

shall be guilty of an offence and liable, on conviction, to a fine not exceeding eighty penalty units or to imprisonment for a period not exceeding six months, or to both.

(As amended by Act No. 13 of 1994)

115. (1) Any police officer may arrest without warrant any person upon reasonable suspicion of his having committed a contravention of this Act.

Power of arrest

(2) Any officer of a council who is authorised thereto by the council with the approval of the Inspector General of Police, may, when wearing such uniform or bearing such visible badge of office as the council may determine, arrest without warrant any person upon reasonable suspicion of his having committed a contravention of this Act within the area of the Council and may detain such person until he can be delivered into the custody of a police officer to be dealt with according to law.

(3) No person shall be arrested or detained without warrant under this section unless reasonable grounds exist for believing that, except by the arrest of the person, he could not be found or made answerable to justice without undue delay.

116. An officer or employee of a council shall not be personally liable in respect of any act done by him in the execution or purported execution of this Act or any other written law and within the scope of his employment, if he did that act in the honest belief that his duty under this Act or that written law required or entitled him to do it:

Protection for officers and employees of council acting in good faith

Provided that nothing in this section shall be construed as relieving a council from any liability in respect of acts of its officers or employees.

117. Any function discharged by a person purporting to be an officer or employee of a council shall not be invalidated only by reason of a defect afterwards discovered in the appointment or qualifications of such officer or employee.

Validity of discharge of functions by officers and employees of council

118. (1) There shall be appointed for each Province a public officer styled the Provincial Local Government Officer and there may be appointed for any District a public officer styled the District Local Government Officer.

Provincial and District Local Government Officers

(2) A Provincial Local Government Officer and a District Local Government Officer shall within the Province or District for which he is appointed-

- (a) discharge such functions of the Minister under Statutory Functions Act and this Act as may be delegated to him; and
- (b) discharge such other functions as may be conferred or imposed upon him by or under any written law.

119. (1) Whenever the Minister is authorised to approve, confirm or determine any matter for the purposes of this Act, then unless the context otherwise requires, the Minister may-

Powers of Minister to approve, confirm or determine matters

- (a) approve, confirm or determine the matter generally or specially and subject to such conditions and limitations as may be specified in the approval, confirmation or determination;
- (b) withdraw or alter any approval, confirmation or determination so given or made;

Provided that no such withdrawal or alteration shall affect anything lawfully done in pursuance of the approval, confirmation or determination.

(2) Any approval, confirmation or determination of the Minister for the purposes of this Act shall be signified-

- (a) by statutory order; or
- (b) by notice in writing addressed to the principal officer of the council concerned;

and the withdrawal or alteration of any such approval, confirmation or determination shall be signified in like manner.

120. (1) The Minister may, for the better discharge of any of his functions under this Act, appoint a person or persons to inquire into any matter relating to the discharge of those functions and, on the completion of the inquiry, to report and make recommendations thereon to the Minister.

Inquiries

(2) The provisions of the Inquiries Act shall apply in relation to any person appointed under this section as if those persons were commissioners appointed by a commission issued under that Act and references in that Act to commissioners and a commission shall be construed accordingly.

(3) Nothing in this section shall be construed as requiring the Minister, in the discharge of his functions under this Act, to give effect to any recommendations made to him under subsection (1).

PART XIII REPEAL, SAVINGS AND TRANSITIONALPART XIII

REPEAL, SAVINGS AND TRANSITIONAL

121. (1) Parts IX, X, XI, XII and XIII of the Local Administration Act are hereby repealed.

Repeal and
transitional provisions
Act No. 15 of 1980

(2) On the establishment of a council for a District under this Act the remaining provisions of the Local Administration Act shall cease to have effect in or in relation to that District as if they had been repealed in relation thereto; and when a council has been established under this Act for every District in Zambia the Minister shall, by statutory order declare the remaining provisions of the Local Administration Act to have expired.

(3) Where a council is established for a District under this Act, the Minister shall, by a transfer and vesting order, make such provisions as may be, made in accordance with the First Schedule as is necessary and appropriate for the vesting in the new council the property, rights and obligations of the council established for that District by the Local Administration Act, for the transfer of staff and for any other matter as may be necessary or expedient for winding up the affairs of the council established under the Local Administration Act and its succession as the local government authority of the council established by this Act.

(4) A transfer and vesting order under this section may be made in respect of any one council established by this Act or in respect of any class or classes of such councils.

(5) Where as a consequence of any statutory order made by the President under Provincial and District Boundaries Act-

- (a) a new District is established;
- (b) the area of any District is altered;
- (c) a District ceased to exist, the Minister may, by statutory order (in this Act referred to as a transfer and vesting order), make any such provision as may be made in accordance with the First Schedule for such changes as are necessary or appropriate as regards the constitution, property, rights, obligations and staff of and any other matter relating to, any council affected by a change in its area, any new council or any council established for a District which ceases to exist.

(6) Where a District ceases to exist, a transfer and vesting order made in respect of the council established for that District shall include provision for the disestablishment of the council.

(7) Where the name of any District is changed, the name of the council established for that District shall be changed to conform with name of the of the District.

122. Notwithstanding that the Local Administration Act shall have ceased to have effect in, or in relation to a District, or its repeal- Savings

- (a) any regulations, by-laws, rules or orders made or deemed to have been made under the said Act and having force and effect immediately before the commencement of this Act or, as the case may be, before the establishment of a council under this Act for the relevant District, shall, in so far as they are not inconsistent with this Act and subject to their amendment or revocation by a comparable authority under this Act, continue in force and effect within the same territorial limits, and shall be deemed to have been made by the successor, or a comparable, authority under this Act;
- (b) any standing orders regulating the duties and procedure of a council established under the Local Administration Act or the staff of such a council and having force and effect as provided in paragraph (a), shall subject to their amendment or revocation by a council established under this Act for the same District council established under this Act for the same District, be deemed to the standing orders of the council established under this Act;
- (c) any licence or permit issued by, or any registration affected by, a council established under the Local Administration Act under any written law and having force and affect as provided in paragraph (a), shall be deemed to have been issued, or affected by the council for the same District established under this Act.

123. (1) The amendment of section *nine* by the Local Government (Amendment) Act, 1995, shall not discontinue or otherwise affect the existence of any council, or affect the tenure of any councillor holding office immediately before that Act came into operation; and any such councillor shall, on the commencement of that Act, be deemed to hold office under paragraph (c) of subsection (1) of that section, as amended by that Act.

Savings and transitional provisions consequent on the enactment of Act No. 30 of 1995

(2) The abolition of the Local Government Service Commission by the Local Government (Amendment) Act, 1995 shall not affect, in any manner, the employment of any person with a council.

(As amended by Act No. 30 of 1995)

The Laws of Zambia
FIRST SCHEDULE

(Section 5 and 121)

TRANSFER AND VESTING ORDERS

1. In this Schedule- "predecessor" means, as the case may require, a council established under the Local Administration Act, or a council established under this Act for a District which has ceased to exist or whose area has been decreased by changes in the area of the District, and

"Successor" means, as the case may require, a council established under this Act for the same District as a council established under the Local Administration Act or for a District which has ceased to exist or whose areas has been increased by changes in the area of the District.

2. A transfer and vesting order may make provisions for-

(a) the transfer to the successor of the funds, accounts investments and other property of the predecessor;

(b) the transfer to the successor of any rights, liabilities and obligations of the predecessor;

Provided that in any case where an order is made as a result of a change in the areas of the predecessor and the successor, any transfer of the kind mentioned in paragraph (a) or (b) shall be commensurate with the changes involved;

(c) the substitution of the successor for the predecessor in any legal proceedings;

(d) in any case in which both predecessor and successor are continuing councils, the payment of compensation, or of any contribution, by the successor to the predecessor, or the giving of guarantees by the one to the other;

(e) the transfer of staff and provisions for the transfer of superannuation benefits:-

(f) the preservation and transfer into proper custody of the record of a council.

3. In the case of a transfer and vesting order made under section five the order may also-

(a) provide for the alteration of the constitutions of councils concerned; and

(b) where any council ceases to exist, make the like provision as is made in section *one hundred and twenty-two*.

The Laws of Zambia
SECOND SCHEDULE

(Section 61)

FUNCTIONS OF A COUNCIL

1. To establish and maintain offices and buildings for the purpose of transacting the business of the council and for public meetings and assemblies. General
admini:
2. To insure against losses, damages, risks and liabilities which the council may incur.
3. To maintain law and order and ensure national security and the good administration of the council.
4. To prohibit and control the erection and display of advertisements and advertising devices in, or in view of, streets and other public places. Adverti

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Agricul

5. To establish and maintain farms and allotment gardens.
6. To take and require the taking of measures for the-
 - (a) storage, market and preservation of agricultural produce;
 - (b) conservation of natural resources, and
 - (c) prevention of soil erosion, including the prohibition and control of cultivation.
7. To take and require the taking of measures for control of grass weeds and wild vegetation and for the suppression and control of plant and insect pests and diseases.
8. To maintain, protect and control local forests and woodlands.
9. To control the keeping and movement of livestock.
10. To establish and maintain ponds.
11. To establish and maintain grazing grounds.
12. To take measures for the destruction and control of bees and of dangerous animals and reptiles.
13. To control the slaughtering of animals the meat of which is intended for human consumption; to control the sale of such meat; and to require the disposal of diseased animals and carcasses and of meat which is unfit for human consumption.
14. To establish and maintain abattoirs, cold storage facilities and plans for the processing of by-products from abattoirs.
15. To control the movement of the carcasses of animals.
16.
 - (a) to establish and maintain roads;
 - (b) to exercise general control, care and maintenance of all public roads, streets, avenues, lanes, sanitary lanes and footwalks forming part thereof, bridges, squares, ferries and water courses and to remove all obstacles therefrom;
 - (c) to close or divert any public road street or throughfare;
 - (d) to close or divert ferries and water courses;
 - (e) to declare a street or road to be a public street or road;
 - (f) to compile and maintain a register of all public streets and roads;
 - (g) to make up to tarmacadamised standard any private street and to charge the statutory leaseholders or occupiers of the land abutting on such streets in proportion to frontage and to recover the costs as a civil debt; and
17. To prohibit and control the erection and laying in, under or over, and the removal from, streets and other public places of-
 - (a) posts, wires, pipes, conduits, cable and other apparatus;
 - (b) temporary platforms, seats and other structures;
 - (b) street decorations.
18. To control traffic and the parking of vehicles and, for that purpose to establish and maintain parking meters and premises for the parking of vehicles.
19. To take measures for the promotion of road safety.

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20. To prepare and administer schemes for the encouragement of and participation in, community development. Comm
develo
21. To establish and maintain a system of lighting in streets and other public places.
22. To establish and maintain firefighting and prevention services, and to take and require the taking of measures for the protection of life, property and natural resources from damage by fire.
23. To control persons and premises engaged in or used for the manufacture, preparation, storage, handling, sale or distribution of items of food or drink.
24. To brew beer.
25. To establish and maintain premises for the sale, of and to sell therefrom, items of food and drink (including beer and other intoxicating liquor) for consumption on or off the premises.
26. To establish and maintain catering services.
27. To erect, purchase and maintain buildings used as dwellings or clubs and, where it is in the public interest, for use for business or professional purposes.
28. To erect, purchase and maintain buildings and facilities and encourage the erection of dwellings needed for the accommodation of persons residing within the area of the council
29. To prohibit and control the development and use of land and buildings and the erection of buildings, in the interests of public health, public safety, and the proper and orderly development of the area of the council.
30. To control the demolition and removal of building and to require the altering demolition and removal of buildings which-
- (a) do not conform to plans and specifications in respect thereof approved by the council; and or
- (b) are a danger to public health or public safety.
31. (1) To require the statutory leaseholder or occupier of land to do any of the following acts-
- (a) to remove, lower or trim to the satisfaction of the council any tree shrub or hedge over-hanging or interfering with traffic in any street or with any wires, or with works of the council.
- (b) to remove any dilapidated fence or structure abutting on any public street or place.
- (c) to paint, distemper, whitewash or colourwash the outside walls or roof of any building forming part of the premises;
- (d) to tidy the premises; and
- (e) to remove from the premises any unsightly debris, including derelict vehicles.
- (2) To provide space no which debris and derelict vehicles may be deposited.
- (3) To prohibit, control and require the fencing of land to control the use of barbed wire and other dangerous materials for fencing.
- (4) In the event of the statutory leaseholder or occupier failing to comply with a notice from the council requiring him to perform any of the acts specified in sub-paragraph (1), to undertake the work and charge the statutory leaseholder or occupier with the cost thereof.
32. To assign names to localities and numbers to premises and to require the number assigned to any premises to be displayed thereon.
33. To establish and maintain parks, zoos, gardens, pleasure grounds, camping grounds, caravan sites and open spaces. Public
amenit
34. To plant, trim and remove trees, shrubs and plants in streets and other public places; and to prohibit and control the planting, camping, destruction and removal of trees, shrubs, and plants in streets and other public places.
35. To establish and maintain swimming baths and bathing places.
36. To establish and maintain art galleries, libraries, museum and film services.
37. To establish and maintain social and recreational facilities and public entertainments.
38. To establish and maintain a public transport service. Educat
39. To establish and maintain colleges, schools and day nurseries.
40. To establish and maintain environmental health services. Public
Health

(As amended by Act No. 22 of 1995)

The Laws of Zambia

41. To establish and maintain cremeteries, cremetoria and mortuaries and otherwise to provide for and control the burial of the dead, and destitute persons who die in the area of the council.

42. To control the manufacture, storage, sale and use of petroleum, fireworks, gas and other combustible or dangerous substances; and to establish and maintain magazines and other facilities for the storage thereof.

43. To take and require the taking of measures for the preservation and improvement of public health and the prevention and abatement of nuisances including measures for the extermination of mosquitoes and other insects rats, mice and other vermin.

44. To control persons, premises and land engaged in or used for the holding of any fair, circus, fete or other entertainment, recreation or assembly to which the public are entitled or permitted to have access, whether on payment or otherwise. Public Order

45. To prohibit or control the collection of money from door to door and in streets and other public places.

46. To preserve public decency.

47. To prevent damage and trespass to property, whether public or private.

48. To establish and maintain public information services; and to advertise and give publicity to the advantages and amenities of the area of the council.

49. To provide for and maintain-

Regist

(a) the enumeration and registration of persons or property for any purpose connected with the administration of the area of the council;

(b) the registration of births, marriages and deaths;

(c) the registration of clubs; and

(d) the registration of such transactions in connections with land charges as may be prescribed in any written law relating to land charges.

50. To establish and maintain sanitary convenience and ablution facilities, and to require, whenever necessary, the establishment and maintenance of such facilities. Sanitat
drainag

51. To establish and maintain sanitary services for the removal and destruction of, or otherwise dealing with, all kinds of refuse and effluent, and compel the use of such services.

52. To establish and maintain drains, sewers and works for the disposal of sewerage and refuse.

53. To take and require the taking of measures for the drainage of water.

54. To require and control the provision of drains and sewers and to compel the connection of any drains and sewers established by the council.

55. To prohibit and control the carrying on of offensive, unhealthy or dangerous trade.

56. To establish and maintain weighing machines.

57. To sell products and by-products resulting from the carrying on of any of the undertakings or services of the council.

58. To establish and maintain the business of-

(a) manufacture;

(b) wholesale; and

(c) retailer.

59. To undertake mining operations.

60. To provide and maintain supplies of water and, for that purpose, to establish and maintain waterworks and water mains.

61. To take and require the taking of measures for the conservation and the prevention of the pollution of supplies of water.

62. With the consent of the Directors of Postal and Telecommunication Services, and subject to such conditions as they may impose, to establish and maintain postal services.

63. To establish and maintain twin-town contacts.

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THIRD SCHEDULE

(Section 98(1))

OATH OF MEMBERS OF BOARD

I,
having been appointed as Chairman\member of the Provincial Local Government Appeals Board do swear that I will, without fear or favour, affection or ill will, discharge the functions of the office of Chairman\member of the Provincial Local Government Appeals Board, and that I will not, directly or indirectly reveal any matters relating to such functions to any unauthorised person or otherwise than in the course of my duties.

SO HELP ME GOD

Sworn\Declared before me this day of
.....19.....

.....
Judge

SUBSIDIARY LEGISLATION

THE LOCAL GOVERNMENT ACT	<i>Statutory Instruments</i>
SECTIONS 3 AND 121(3)-THE LOCAL GOVERNMENT (ESTABLISHMENT OF COUNCILS) AND (TRANSFER AND VESTING) ORDER	138 of 1991
	104 of 1992
	51 of 1993
	154 of 1996
	164 of 1996
<i>Order by the Minister</i>	30 of 1997
	62 of 1997

PART I

ESTABLISHMENT OF COUNCILS

- | | |
|--|---------------------------|
| 1. This Order may be cited as the Local Government (Establishment of Councils) and (Transfer and Vesting) Order. | Title |
| 2. The city councils, municipal councils and district councils set out in the Schedule to this Order are hereby established for the respective Districts specified in that Schedule. | Establishment of Councils |

PART II

TRANSFER AND VESTING OF PROPERTY RIGHTS AND OBLIGATIONS

- | | |
|---|--|
| 3. In this part unless the context otherwise requires- | Interpretation |
| "Predecessor" means a council established under the Local Administration Act, 1980; | Act No. 15 of 1980 |
| | Act No. 15 of 1980 |
| "Successor" means a council established under the Local Government Act for the same district as a council established under the Local Administration Act, 1980, which councils are set out in the Schedule to this Order. | |
| 4. (1) From the commencement of this Order there shall be transferred to and vest in the Successor by virtue of this Order and without further assurance- | Transfer and vesting of assets and liabilities |

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- (a) the undertaking of the Predecessor including the funds, accounts and investments of the Predecessor;
- (b) subject to this Order, all property rights, liabilities and obligations which immediately before the publication of this Order were property, rights, liabilities and obligations of the Predecessor.

(2) Subject to the approval of the Successor and as hereinafter provided, every bond, deed and agreement for personal service to which the Predecessor was a party before the publication of this Order, whether in writing or not, and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall, unless its subject matter or terms make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the date of the assignment thereof as if-

- (a) the Successor had been a party thereto;
- (b) for any reference to the Predecessor there were substituted, as respects anything falling to be done on or after the date of publication of this Order, a reference to the Successor;
- (c) for any reference to any other officer of the Predecessor not being a party thereto and beneficially interested therein, there were substituted, as respects anything falling to be done on or after the date of publication of this Order, a reference to such officer of the Successor as the Successor shall designate.

(3) Subject to subsection (2) documents other than those referred to therein, which refer specifically or generally to the Predecessor shall be construed in accordance with the said subsection as far as applicable.

5. (1) Every former council employee who before the date of publication is in the service of the Predecessor shall be deemed to be an employee of the Successor, unless within six months of that date he gives a written notice to the Local Government Service Commission with a copy thereof to the Successor stating his intention not to transfer to the service of the Successor and any person who has given such notice shall be retired in the public interest and shall be entitled to be paid all his terminal benefits.

Transfer of employees
of Predecessor

(2) Where any person who was in the service of the Predecessor transfers to the service of the Successor under sub-paragraph (1), his terms and conditions of service with the Successor shall be no less favourable than those he enjoyed while in the service of the Predecessor, and his previous service with the Predecessor shall be treated as service under the Successor for the purposes of determining his rights, or eligibility, leave or service under the Successor for the purposes of determining his rights, or eligibility, leave or other benefits.

6. (1) Whenever in pursuance of this Act, any property, rights, liabilities or obligations of the Predecessor are deemed transferred in respect of which transfer of any written law provides for registration, the Successor shall make an application in writing to the proper officer of the appropriate registration authority for the registration of the transfer.

Registration of
property to be
transferred to
Successor

(2) The officer referred to in subsection (1) shall make such entries in the appropriate register as shall give effect to such transfer and, where appropriate, issue to the transferee concerned a certificate of title in respect of the said property or make necessary amendments to the register, as the case may be, and if presented therefore, make endorsement on the deeds relating to the title, right or obligation concerned; and no registration fees, stamp duty or other duties shall be payable in respect thereof.

7. (1) Without prejudice to the other provisions of this Act where any right, liability or obligation vests in the Successor by virtue of this Order the Successor and all other persons shall as from the date of publication of this Order have the same rights, powers and remedies (and in particular the same rights as to the instituting or defending of legal proceedings or the making or resisting of applications to any authority or for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it has at all times been a right, liability or obligation of the Successor. Legal proceedings

(2) Any legal proceedings or application to any authority pending immediately before the date of publication of this Order by or against the Predecessor may be continued by or against the Successor.

(3) After the date of publication of this Order proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the Predecessor may be instituted by or against the Successor.

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<i>District</i>	<i>Council</i>
<i>A City Councils</i>	
1. Lusaka Urban	Lusaka City Council
2. Ndola Urban	Ndola City Council
3. Kitwe	Kitwe City Council
4. Livingstone	Livingstone City Council
<i>B Municipal Councils</i>	
5. Chingola	Chingola Municipal Council
6. Mufulira	Mufulira Municipal Council
7. Luanshya	Luanshya Municipal Council
8. Kalulushi	Kalulushi Municipal Council
9. Kabwe Urban	Kabwe Municipal Council
10. Chililabombwe	Chililabombwe Municipal Council
11. Kasama	Kasama Municipal Council
12. Chipata	Chipata Municipal Council
13. Mongu	Mongu Municipal Council
14. Solwezi	Solwezi Municipal Council
15. Mansa	Mansa Municipal Council
16. Choma	Choma Municipal Council
17. Mazabuka	Mazabuka Municipal Council
18. Mbala	Mbala Municipal Council
<i>C District Councils</i>	
19. Gwembe	Gwembe District Council
20. Kalomo	Kalomo District Council
21. Namwala	Namwala District Council
22. Monze	Monze District Council
23. Luangwa	Luangwa District Council
24. Sesheke	Sesheke District Council
25. Senanga	Senanga District Council
26. Kalabo	Kalabo District Council
27. Lukulu	Lukulu District Council
28. Kaoma	Kaoma District Council
29. Mumbwa	Mumbwa District Council
30. Chibombo	Chibombo District Council
31. Mkushi	Mkushi District Council

<i>District</i>	<i>Council</i>
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<i>C District Councils-(continueo)</i>	
32. Serenje	Serenje District Council
33. Petauke	Petauke District Council
34. Katete	Katete District Council
35. Chadiza	Chadiza District Council
36. Lundazi	Lundazi District Council
37. Chama	Chama District Council
38. Isoka	Isoka District Council
39. Chinsali	Chinsali District Council
40. Mpika	Mpika District Council
41. Mporokoso	Mporokoso District Council
42. Kaputa	Kaputa District Council
43. Luwingu	Luwingu District Council
44. Chilubi	Chilubi District Council
45. Samfya	Samfya District Council
46. Mwense	Mwense District Council
47. Kawambwa	Kawambwa District Council
48. Nchelenge	Nchelenge District Council
49. Mwinilunga	Mwinilunga District Council
50. Kabompo	Kabompo District Council
51. Kasempa	Kasempa District Council
52. Mufumbwe	Mufumbwe District Council

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53.	Zambezi	Zambezi District Council
54.	Ndola Rural	Ndola Rural District Council
55.	Kafue	Kafue District Council
56.	Kapiri Mposhi	Kapiri Mposhi District Council
57.	Nakonde	Nakonde District Council
58.	Nyimba	Nyimba District Council
59.	Siavonga	Siavonga District Council
60.	Sinazongwe	Sinazongwe District Council
61.	Masaiti	Masaiti District Council
62.	Lufwanyama	Lufwanyama District Council
63.	Mpongwe	Mpongwe District Council
64.	Mungwi	Mungwi District Council
65.	Chienge	Chienge District Council

(As amended by S.I. Nos. 104 of 1992, 51 of 1993, 154 and 164 of 1996, and 30 and 62 of 1997)

THE LOCAL GOVERNMENT SERVICE ACT

THE LOCAL GOVERNMENT SERVICE REGULATIONS

ARRANGEMENT OF REGULATIONS

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THE LOCAL GOVERNMENT ACT
SECTION 93-LOCAL GOVERNMENT SERVICE REGULATIONS

Statutory Instrument
94 of 1992

Regulations by the Minister

PART I
PRELIMINARY

1. These Regulations may be cited as the Local Government Service Regulations. Title

2. In these Regulations, unless the context otherwise requires-

Interpretation

"appointing authority" means the Commission and includes any person to whom the Commission may have delegated its powers under subsection (3) of section six of the Act;

"basic salary" means salary exclusive of all allowances (including any inducement allowance) and of any direct payment made under any assistance scheme;

"chief officer" means a Director of Administration, Director of Finance, Director of Engineering Services, Director of Housing and Social Services, Director of Legal Services and Director of Public Health or such other person as the Minister may, by Gazette notice declare to be a chief officer;

"Commission" means the Local Government Service Commission established under section ninety-four;

"local government employee" means a person employed in the local government service;

"local government service" means the unified service of the local government covering all persons employed by and receiving salary or wages from a local authority;

"officer" in relation to any local authority means a person appointed to an office in the permanent establishment and includes a person appointed on probation to such office;

"permanent establishment" means the list of offices laid down from time to time by the Commission, with the approval of the Minister, as being the permanent establishment of the local government service;

"principal officer" means in relation to a city or municipal council, the Town Clerk, and in relation to a township or district council, the Township or District Manager.

"secretary" means the person appointed secretary to the Commission under section ninety-six.

3. These Regulations shall apply to all local government employees except the classes of persons specified in the Schedule to these Regulations.

Application

4. With effect from the 6th September, 1991, any contract of service entered into prior to that date between a local government employee and a local authority shall be deemed to have been made between such employee and the Commission and the provisions of these Regulations shall apply to such contracts:

Contracts of service

Provided that any such local government employee shall not be subject to any condition of service which is less favourable to him than any corresponding conditions which applied to him immediately before the said date.

PART II

ADMINISTRATION AND APPOINTMENTS TO THE LOCAL GOVERNMENT SERVICE

5. A person shall not be appointed to any of the following posts unless he holds the qualifications set out against such post.

Qualifications

<i>Post</i>	<i>Qualifications</i>
(i) Principal Officer (Town Clerk, Township Manager or District Manager)	<ul style="list-style-type: none"> (a) He is a fellow or associate of the Institute of Local Government Administrators of Zambia; (b) He is admitted or, is qualified to be admitted as an advocate of the High Court for Zambia; (c) He is a holder of a university degree in economics, political science, public administration or disciplines acceptable to the Commission, with at least three years' experience in general administration of a local authority or a comparable organisation; or (d) He holds such qualifications as the commission may in any particular case approve.
(ii) Director of Administration	He is a holder of a university degree in economics, political science, public administration or disciplines acceptable to the Commission, with at least three years' experience in general administration of a local authority or a comparable organisation.
(iii) Director of Finance	<ul style="list-style-type: none"> (a) He is a member of the Chartered Institute of Public Finance and Accountancy; (b) He is a member of the Zambia Association of Accountants; (c) He is a member of the Chartered Institute of Secretaries and Administrators with at least three years' experience in a supervisory capacity in a local authority treasury department or other comparable organisation; or (d) He is a holder of such other qualifications as the Commission may, in a particular case, approve.
(iv) Director of Public Health	<ul style="list-style-type: none"> (a) He is duly registered as a medical practitioner in accordance with the provisions of the Medical and Allied Professions Act; or (b) He is a holder of a diploma in public health or such other qualifications as the Commission, after consultation with the Minister responsible for health, may by statutory order, prescribe.
(v) Deputies	He is a holder of such qualifications as those stipulated for each position under these Regulations.
(vi) Director of Housing and Social Services	<ul style="list-style-type: none"> (a) He is a holder of a University degree in one of the Social Sciences with at least three years' experience in a supervisory capacity in a housing and social services department of a local authority or other comparable organisation.
(vii) Director of Legal Services	<ul style="list-style-type: none"> (b) He is admitted or is qualified to be admitted as an advocate of the High Court for Zambia.

Cap. 2

6. Once in every year, the Commission shall, with the approval of the Minister, publish a list of all local government offices. Notification of local government offices

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7. An application for the constitution of a local government office shall be made to the Commission by a principal officer and every such application shall state- Constitution of local government office

- (a) the title of the office;
- (b) the salary or salary scale to be attached to such office;
- (c) whether the proposed office is to be permanent;
- (d) the reason why the constitution of such office is considered desirable;
- (e) the qualifications which will be required for any holder of the proposed office and the duties which any such holder will be required to perform;
- (f) whether or not funds to service the post are available; and
- (g) such other details as the Commission may require.

8. An application for the abolition of any local government office shall be made to the Commission by the principal officer and every such application shall state- Abolition of local government office

- (a) the reason why it is considered desirable that the office should be abolished; and
- (b) such other details as the Commission may require.

9. (1) Where a vacancy occurs or it is expected that a vacancy will occur in any local government office the principal officer shall notify the Secretary and shall state whether, in his opinion the vacancy should be filled by the promotion of an officer serving in the local authority in which such office exists. Notification of vacancies

(2) Where a principal officer recommends the promotion or transfer of an officer serving in the local authority in which the office exists, he shall furnish the Secretary with the record of service in Zambia of the officer recommended.

(3) Where the principal officer is unable to recommend the promotion or transfer of an officer serving in the local authority to fill any vacant office, he shall report to the Secretary the names of the officers serving in the cadre or grade from which promotion or transfer would normally be made, together with his reasons for not recommending any of those officers for promotion or transfer.

10. (1) Subject to sub-regulation (2), applications for appointment to vacant offices shall be invited by public advertisement in Zambia, or with the approval of the Minister, outside Zambia, in such manner as may be determined by the Commission. Advertisement

(2) A vacant office shall not be advertised-

- (a) where the Commission is satisfied that the office should be filled by the promotion, or re-engagement of an officer serving in the local authority in which the vacancy exists or the continued employment of an officer on temporary terms; or
- (b) in Zambia, where the Commission is satisfied that, in response to advertisements in Zambia, there is no reasonable likelihood of any application being received from a candidate who is qualified and suitable for the office.

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11. (1) The Commission shall determine the procedure to be followed in dealing with applications for appointment to the local government service and shall also determine the forms to be used in connection with the discharge of its functions. Procedure and forms

(2) The Commission in exercising its powers under the Act and these Regulations may-

- (a) consult with any other person or persons or organisation; or
- (b) invite any person considered by the Commission to be an expert on any subject on which it wishes to be advised, and to sit together with it in considering the subject in question.

12. In exercising its powers in connection with the appointment, promotion or transfer of officers in the service, the Commission shall primarily have regard to the necessity of maintaining a high standard of professional conduct and efficiency in the local government service and in so far as it is compatible with that objective shall- Selection of candidates

- (a) give the consideration to qualified officers currently in the service of a local authority and to citizens of Zambia; or
- (b) in the case of officers in the service, take into account their qualifications, experience and merit.

13. Where it appears to the Commission that it is not feasible to recruit a suitable candidate from within Zambia for any office, the Commission may cause to be prepared, a relevant indent on the appropriate form, which will be transmitted to such Missions of Zambia in foreign countries as the Commission considers fit, for publication in any newspapers of these countries, prior to the actual selection of candidates for appointment. Recruitment outside Zambia

14. (1) In selecting candidates for appointment, an appointing authority shall have regard primarily to the efficiency of the local government service. Criterion for appointments

(2) Where any office in the local government service is vacant only persons satisfying any scheme of service which lays down the qualification for any such office shall be qualified for appointment to such office.

(3) Notwithstanding sub-regulation (2), the Minister, may, in consultation with the Commission waive the requirements to a scheme of service, if it is in the interests of the local government service to do so.

15. (1) No person who has been convicted of an offence involving moral turpitude or any other offence which affect the integrity of the local government service, or who has been dismissed from the civil service or the local government service shall be appointed to an office in the local government service except with the prior approval, in writing, of the Minister.

Disqualification for appointment

(2) No person shall be appointed to an office in the local government service unless he holds such qualifications as have been prescribed for appointment to that office.

(3) No person who is not a citizen of Zambia shall be appointed to any office in the local government service, unless the appointing authority is satisfied that it is not feasible to fill the office by the appointment of a citizen of Zambia who is qualified and suitable to hold that office.

(4) Any person who, having a family relationship with either a member of the Commission or any of its staff, fails to disclose such relationship at the time of making any application to the Commission, shall be disqualified from any office in the local government service.

16. (1) Where any person is appointed to any office in the local government, otherwise than by promotion or transfer, on permanent terms he shall before being confirmed in such office, serve on probation for a period of two years or for such other period as the Minister may determine for a particular office.

Probation

(2) Where any person who is required to serve on probation under sub-regulation (1) has previously been employed in the service of Government or a local authority or in such other service as the Commission may determine, the period of such previous service may, in the discretion of the appointing authority, be regarded as service on probation for the purposes of sub-regulation (1).

(3) Notwithstanding anything contained in sub-regulation (1) or (2), a local government officer shall remain on probation until he is informed in writing by the appointing authority that-

- (a) he is confirmed in his office; or
- (b) his appointment is terminated.

17. (1) Where any local government officer is appointed to any local government office on promotion, the effective date of his promotion to such office shall, subject to the provisions of sub-regulation (2), be determined by the appointing authority.

Date of promotion

(2) The appointing authority shall not fix as a date of promotion a date which is earlier than the last of the following dates:

- (a) the date on which the vacancy occurred;
- (b) the date upon which the officer became qualified for promotion; or
- (c) the date upon which the officer assumes the functions of the office:

Provided that the appointing authority may, having regard to the special circumstances of any particular case, fix a date earlier than the date mentioned in paragraph (c), as the date of promotion.

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18. (1) The principal officer, shall, six months before the expiry of any officer's contract of service, inform the Secretary accordingly stating in particular as to whether the officer in question has indicated in writing, his willingness to renew his contract. Renewal of contract

(2) Where the serving officer in question has indicated in writing his willingness to renew his contract, the renewal shall be treated as an application for re-appointment.

(3) The procedure for appointment or re-appointment in this case shall be the same as is provided for in these Regulations.

19. (1) Where the Commission proposes to retire any local government officer from service on any of the grounds provided for in the Local Authorities Superannuation Fund Act, it shall inform the officer that- Retirement of officers
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(a) it intends to retire him compulsorily from the service; and

(b) that the officer is entitled to make a representation to the commission through his principal officer, within such period as may be specified by the Commission against his proposed retirement.

(2) Where any such representation is made the principal officer shall forward the same to the Secretary together with his own comments thereon.

20. (1) Every local government officer shall faithfully serve, aid and assist the local authority under which he holds an office or which he is attached, posted or transferred, to carry out and obey all lawful orders of that authority and perform the functions of his office impartially, efficiently and expeditiously so as to serve the public and promote their welfare and lawful interests.

Duties and responsibilities of local government officer

(2) An officer shall at all times conduct himself in a manner respectful to superior officers.

(3) An officer shall report to the principal officer any misconduct or negligence of a subordinate employee which may come to his notice.

(4) An officer shall report to the Chief Officer any misconduct liable to disciplinary action committed by another officer as soon as he becomes aware of it.

(5) An officer may accept and retain any fees duly authorised and lawfully payable to him by a local authority in respect of any services performed by him in connection with elections or other services for which fees are lawfully payable, if he has been duly appointed or authorised by the Commission to render those services in addition to his normal duties.

(6) A candidate before his being appointed, or an officer before his being posted, to the service of a local authority shall disclose to the Commission the particulars of any investment, or shareholding which he owns or any other direct or indirect interest which he has in any business or industrial concern or in any local occupation or undertaking.

(7) If, on the basis of any facts disclosed to it, the Commission is of the view that the private interests of an officer or candidate might conflict with his public duties or in any way influence him in the discharge of such duties, the Commission may require the candidate or officer to divest himself of all or any part of those investments, shareholdings or interest.

(8) No officer shall, without the authority of the Commission have access to records relating personally to himself, nor shall he without special permission of the Commission or local authority, as the case may be, take copies of any such records, or of minutes or correspondence concerning the Commission or local authority, even though such records, minutes or correspondence pass through his hands in the course of his duties.

21. (1) A local authority shall keep and maintain in respect of local government officers such registers and records, furnish the Commission with such returns or reports relating to such officers as may be prescribed by the Commission, and shall communicate to the Commission such information as it may from time to time require.

Duties of local authorities

(2) A local authority shall permit any member or officer of the Commission authorised by the Commission in that behalf to enter its office and to inspect and take copies of any books, accounts, records or other documents kept therein.

(3) A local authority shall cause and permit every person who is appointed or transferred under these Regulations to any post in the service of such local authority to perform and discharge the functions and duties of that post and shall, out of its funds, pay the salary and allowances of such officer.

22. The transfer of a local government officer involving increase of salary or promotion to a higher grade or class or, owing to exigencies of the service shall be directed by the Commission, provided that the Commission reserves the right to transfer any officer in any other circumstances from one local authority to another. Transfers

PART III
DISCIPLINE

23. Where disciplinary proceedings are to be taken or may be taken against an officer, the appropriate procedure shall be commenced as soon as possible. Disciplinary control to be prompt

24. (1) Whenever a principal officer has reason to believe that an officer has been guilty of any such misconduct as may warrant disciplinary proceedings, he shall inform the Commission forthwith. Disciplinary proceedings in appropriate cases

(2) Where the Commission is informed under sub-regulation (1) or otherwise that an officer has been guilty of misconduct, it shall, after considering the circumstances of the case, decide whether or not disciplinary proceedings shall be instituted against the officer and direct accordingly:

Provided that where such misconduct amounts to a criminal offence, the Commission shall ascertain from the Director of Public Prosecutions whether any criminal proceedings in respect of such offence have been or, are likely to be instituted, and the Commission shall not direct the institution of any disciplinary proceedings until the result of the criminal proceedings becomes known.

(3) Whenever criminal proceedings are instituted against an officer, the principal officer shall forthwith submit a report to the Secretary, setting out the facts of the case.

25. (1) A principal officer may interdict a chief officer and a chief officer may interdict an officer directly falling under him, from the exercise of the powers and functions of his office, if he is satisfied that public interest so requires, and-

Interdiction of an officer

- (a) if criminal proceedings have been or, are about to be, instituted against such officer; or
- (b) if disciplinary proceedings entailing dismissal have been instituted or, are about to be instituted, against such officer.

(2) Whenever a principal officer or a chief officer interdicts an officer, under these Regulations, he shall notify such officer in writing of the reasons therefore and shall deliver a copy of such notice to the Secretary.

(3) Any officer who is interdicted under sub-regulation (1) shall, during the period of his interdiction, receive such proportion of his salary, not being less than half of his salary as the Commission may direct.

(4) Where criminal proceedings or disciplinary proceedings have been instituted against such an officer under interdiction and such officer-

- (a) is not convicted as a result of such criminal proceedings, if any; and
- (b) is not subjected to any punishment under these Regulations as a result of such disciplinary proceedings; the whole amount of his salary withheld under sub-regulation (3) shall upon the expiry of the period of his interdiction, be paid to him.

(5) Where criminal proceedings or disciplinary proceedings have been instituted against an officer under interdiction and such officer-

- (a) is or is not convicted as a result of such criminal proceedings, if any; and
- (b) is subjected to any punishment under these Regulations other than dismissal, as a result of such disciplinary proceedings, he shall, upon the expiry of the period of his interdiction, be paid such proportion of his salary withheld under sub-regulation (3) as the Commission may direct.

(6) Subject to the provisions of sub-regulation (3), the interdiction of an officer shall have effect during such period and in accordance with such conditions, as the Commission shall specify in writing to such officer, but where it appears expedient the Commission may at any time during such period abridge or extend such period by further notice in writing to any such officer.

(7) Any officer who is interdicted under this regulation shall not leave Zambia without the permission of the Commission, during the period of his interdiction.

(8) For the purpose of this regulation "salary" includes any personal allowance, inducement allowance and direct payments made under assistance schemes.

26. Where any criminal proceedings are instituted against any officer, no disciplinary proceedings shall be instituted against him upon any ground which is the subject of such criminal proceedings, and where disciplinary proceedings have already been commenced the same shall be suspended on the institution of criminal proceedings and shall remain suspended until the conclusion of such criminal proceedings and the determination of any appeal arising therefrom.

Suspension of disciplinary proceedings

27. (1) Where an officer is convicted of an offence such as would warrant disciplinary proceedings for his dismissal, the principal officer shall, by notice in writing, to the officer, suspend him from the exercise of the powers and functions of his office, and shall cause a copy of such notice to be delivered to the Secretary.

Suspension after conviction

(2) Where disciplinary proceedings are instituted against an officer suspended under sub-regulation (1), the principal officer shall direct that the salary of such officer be withheld, as from the date of his suspension, pending the determination of such disciplinary proceedings.

(3) Where disciplinary proceedings instituted against any officer suspended under sub-regulation (1) do not result in his dismissal, he shall be paid such proportion of his salary withheld under sub-regulation (2) as the Commission may direct.

(4) Subject to the provisions of this regulation, the suspension of an officer shall have effect for such period, and in accordance with such conditions as the Commission may specify by notice, in writing, to such officer, but where it so appears expedient, the Commission may, at any time during such period, reduce or extend such period by a like notice.

28. (1) This regulation applies to a chief officer and a deputy chief officer.

Disciplinary proceedings after conviction

(2) Where an officer to whom this regulation applies is convicted of an offence such as would warrant disciplinary proceedings against him, such disciplinary proceedings shall, subject to the provisions of regulation 26, be instituted and determined in accordance with this regulation.

(3) Upon the conviction of an officer to whom this regulation applies, the principal officer shall obtain-

- (a) a true copy of the charge;
- (b) a true copy of the judgement of the court by whom such officer was convicted;
- (c) in the case of any appeal, a true copy of the judgement of any court by whom such appeal was determined; and
- (d) a true record of the proceedings of any such court if available.

(4) The principal shall institute proceedings against an officer, under this regulation, by delivering to such officer a written statement setting out particulars of the charge or charges and the grounds upon which such disciplinary proceedings are instituted, together with a notice requiring such officer to submit to him within such period as the principal officer shall specify, an exculpatory statement, in writing, of the grounds on which such an officer relies to exculpate himself.

(5) The principal officer shall submit to the Secretary the documents obtained under sub-regulation (3), with the statement of the charge or charges and the exculpatory statement, if any, referred to in sub-regulation (4), together with his written comments.

(6) Notwithstanding the provisions of regulations 30, 31 and 32, the Commission may consider any disciplinary proceedings instituted against an officer under such regulation upon perusal of the documents referred to in sub-regulation (5) and may, in like manner, determine whether such officer is to be dismissed or subjected to some other punishment on account of the offence of which he is convicted.

29. An officer acquitted of a criminal charge in any court shall not be dismissed or otherwise punished for any charge upon which he has been so acquitted, but nothing in this regulation shall prevent him from being dismissed otherwise punished or any other charge arising out of his conduct in the matter.

Procedure after
acquittal

30. (1) Subject to regulations 24 and 28 disciplinary proceedings under these regulations may be instituted by-

Institution of
disciplinary
proceedings

- (a) the principal officers; or
- (b) a chief officer, in relation to an officer serving within his jurisdiction, unless the misconduct is such that it calls for a punishment greater than that which a chief officer is competent to impose under regulation 33 (3):

Provided that the principal officer may institute disciplinary proceedings even in cases where a chief officer is competent to do so.

(2) Except as provided in regulation 28-

- (a) any disciplinary proceedings shall be formal disciplinary proceedings to be conducted in accordance with the provisions of regulation 31-
 - (i) if the officer affected by the proceedings (hereinafter referred to as "the concerned officer") is a chief officer; or
 - (ii) if, as a result of such proceedings, the concerned officer is likely to be awarded the punishment of dismissal, discharge, reduction of rank or reduction in salary; and
- (b) all other disciplinary proceedings shall be summary disciplinary proceedings to be conducted in accordance with the provisions of regulation 32.

31. (1) Where any formal disciplinary proceedings are to be instituted against an officer, the principal officer shall do so, after such investigations and such consultation with the Director of Public Prosecutions as he considers necessary, by delivering or causing to be delivered to the concerned officer a written statement setting out the particulars of the charge or charges and the grounds upon which such disciplinary proceedings are instituted, together with a notice requiring the concerned officer to submit to the principal officer within such period, not being less than five days, as the principal officer shall specify, an exculpatory statement giving therein the grounds on which the concerned officer relies to exculpate himself.

(2) Upon the expiry of the period specified in the notice under sub-regulation (1), the principal officer shall consider the exculpatory statement, if any, of the concerned officer and may-

- (a) either exculpate the concerned officer and inform him accordingly in writing;
- (b) subject to regulation 33, impose such punishment on the concerned officer as may be proper, having regard to all the circumstances of the case; or
- (c) submit the case to the Commission, together with a statement of the charge or charges, the exculpatory statement, if any, of the concerned officer, and the written comments of the principal officer.

(3) The Commission shall consider any case submitted to it under paragraph (c) of sub-regulation (2), and the documents referred to therein and may-

- (a) either exculpate the concerned officer and direct the principal officer to inform the concerned officer accordingly; or
- (b) subject to the provisions of regulation 33, impose such punishment on the concerned officer as may be proper, having regard to all the circumstances of the case.

(4) Where it appears to the Commission, upon consideration of the report of the principal officer and the exculpatory statement, if any, of the accused officer, and all other documents submitted to it under sub-regulation (4), that further investigation of the case is necessary, the commission shall, subject to the provisions of sub-regulation (5), appoint a committee to carry out such further investigation as the commission may direct.

(5) A committee appointed under sub-regulation (4) (hereinafter referred to as "the committee") shall consist of not less than three members-

- (a) one of whom shall be a person possessing legal qualifications; and
- (b) the other two shall be appointed having due regard to the rank and responsibilities of the concerned officer.

(6) The committee shall, as soon as may be practicable and before it takes any further step in carrying out an investigation under this regulation, give notice, in writing, to the concerned officer stating that, at a date, and at a place and time, specified in such notice, it intends to investigate such matters as shall be specified in such notice and that the concerned officer is required or, as the case may be, permitted to appear before the committee during such investigation.

(7) Whenever any person other than the concerned officer is questioned by the committee in the course of an investigation under this regulation, the concerned officer shall be given the opportunity of being present and of putting questions on his behalf to such person, and any document used by the committee in the course of its investigation shall be made available for scrutiny of the concerned officer at his request.

(8) If the concerned officer so requests, the committee may permit the concerned officer to be represented by a legal practitioner or by a public officer nominated by the concerned officer or, with the consent of the concerned officer, by the committee, and the provisions of sub-regulation (7) shall apply in relation to such legal practitioner or such

32. (1) Where any summary disciplinary proceedings are to be instituted against an officer, the principal officer shall do so, after such investigations as he considers necessary, by delivering or causing to be delivered to the concerned officer a written statement setting out the particulars of the charge or charges and, the grounds upon which such disciplinary proceedings are instituted, together with a notice requiring the concerned officer to submit to the principal officer, within such period as the principal officer shall specify, an exculpatory statement in writing of the grounds on which the concerned officer relies to exculpate himself.

Summary disciplinary proceedings

(2) Upon the expiry of the period specified in the notice delivered to the concerned officer under sub-regulation (i) the principal officer shall consider the exculpatory statement, if any, of the concerned officer and shall-

- (a) subject to the provisions of regulation 33, impose such punishment on the concerned officer as may be proper having regard to all the circumstances of the case; or
- (b) exculpate the concerned officer and inform him accordingly in writing.

(3) Notwithstanding sub-regulation (1), where it appears to the principal, after such investigations as he considers necessary, that disciplinary proceedings instituted under this regulation would warrant a punishment not more severe than a reprimand, the principal officer may institute such disciplinary proceedings by conveying a reprimand to the concerned officer without a written statement of the charge or of the grounds upon which such disciplinary proceedings are instituted, and it shall be sufficient compliance with this regulation if the principal officer, by notice in writing given to the concerned officer, thereafter, confirms such reprimand and specifies the reasons therefor.

(4) Except in the case of a reprimand imposed under sub-regulation (3), the principal officer shall by notice in writing communicate to the concerned officer any punishment imposed on him under this regulation.

(5) Except in the case of a severe reprimand or a reprimand the principal officer shall also inform the concerned officer of his right to appeal under regulation 35.

(6) The provisions of this regulation shall apply to any disciplinary proceedings instituted by a chief officer, and in its application to such proceedings, this regulation shall be read as if the words "chief officer" were substituted for the words "principal officer", wherever they occur.

33. (1) The Commission may impose any one or more of the following Punishments
punishments under these regulations:

- (a) dismissal;
- (b) discharge, by due notice or by payment of salary in lieu thereof;
- (c) reduction in salary;
- (d) reduction in rank;
- (e) reduction in seniority;
- (f) deferment of increment;
- (g) stoppage of increment;
- (h) withholding of increment;
- (k) severe reprimand; or
- (j) reprimand.

(2) A principal officer may impose any one or more of the following punishments
under these Regulations-

- (a) deferment of increment;
- (b) stoppage of increment;
- (c) withholding of increment;
- (d) temporary reduction in salary, which may be to a lower salary scale, but
which in no case, shall be a point lower than the point at which the officer
concerned was appointed and which shall only be a specific point in a
recognised salary scale;
- (e) severe reprimand; or
- (f) reprimand.

(3) A chief officer may impose any one or more of the following punishments under
these Regulations, on an officer other than a chief officer or a deputy chief officer-

- (a) deferment of increment;
- (b) stoppage of increment;
- (c) withholding of increment;
- (d) severe reprimand; or
- (e) reprimand.

34. (1) A chief officer shall submit a report to the principal officer of all disciplinary proceedings instituted and determined by him including disciplinary proceedings where no punishment was imposed.

Reports and records of disciplinary proceedings

(2) The principal officer shall review all disciplinary proceedings reported to him under sub-regulation (1) and he may, if he considers that the punishment imposed is too severe or too lenient, or that no punishment should have been imposed, or that a punishment should have been imposed where no punishment was imposed, refer the matter to the chief officer for such further report as the principal officer may direct.

(3) The principal officer shall make a report to the Secretary, from time to time, as the Commission may direct, of every case where disciplinary proceedings are determined by him or by the chief officer, and shall submit therewith any report made to him under the foregoing provisions of this regulation together with the copy of the relevant exculpatory statement, if any, and a copy of any notice required to be given under regulation 31 or 32 of the result of such disciplinary proceedings.

35. (1) Except in the case of a punishment imposed by the Commission, an officer may appeal to the Commission against any punishment other than severe reprimand or reprimand imposed on him under these Regulations.

Appeals

(2) Every appeal under this regulation shall be addressed to the Secretary and set out clearly the grounds of appeal, and shall be delivered to the principal officer or chief officer who conducted the disciplinary proceedings, not later than twenty-one days of the receipt by the concerned officer of the notice informing him of the punishment imposed on him.

(3) Every appeal received by a chief officer shall be submitted by him to the principal officer, who shall without undue delay transmit the same as well as every appeal received by him directly from a concerned officer to the Secretary for consideration and determination by the Commission.

(4) In considering any appeal under this regulation, the Commission may give such directions as it may deem necessary for the purpose of determining the appeal.

(5) Every determination of the Commission under this regulation shall have effect in accordance with the directions of the Commission and notice in writing thereof shall be given to the appellant by the principal officer.

36. The provisions of this Part shall apply to every officer including an officer serving on contract or agreement, whether on temporary basis or otherwise, and any term or condition in such contract or agreement, providing for the termination of the services of such officer shall be construed to be in addition to, and not in derogation of the provisions of this Part.

Application of Part III to officers serving on contract or agreement

PART IV MEETINGS OF THE COMMISSION

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- 37.** Every meeting of the Commission shall be presided over by the Chairman and in the absence of the Chairman, by one of the members elected by the members present at the meeting. Presiding at meetings
- 38.** A record shall be kept of the members present and the business transacted at every meeting of the Commission. Record of meetings
- 39.** Decisions by the Commission shall be taken at a meeting, by majority of votes of the members present and voting. Decisions by the Commission
- 40.** A member shall be entitled to dissent from a decision of the Commission and to have his dissent and the reason therefor set out in the records of the Commission. Dissent
- 41.** Two-thirds of the total number of members of the Commission will constitute a quorum for a meeting of the Commission. Quorum

PART V
MISCELLANEOUS

- 42.** Any officer who submits any matter for the consideration of the Commission shall ensure that not less than seven fair copies of all relevant documents and papers are made available to the Commission and the Commission may require the production of any document or information relevant to the matter under consideration. Production of relevant documents, etc.
- 43.** All correspondence for the Commission shall be addressed to the Secretary, unless otherwise Commission. Correspondence
- 44.** The Commission may authorise such reviews or investigations into the local government service staff complements and gradings and manpower utilisations it considers necessary for the better administration of local government's personnel policies and the Commission, may accept, respect, or modify the recommendations contained in staff inspection reports and determine the extent to which such reports are made available for consideration by it. Power to review staff complements and gradings

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45. (1) The Commission shall conduct written examinations as provided for in approved schemes of service and for other purposes of the local government service. Examinations and training

(2) The procedure laid down in these Regulations for making appointments shall, as far as may be, be followed in selecting an officer for any special course of study or training which on completion will qualify the officer for promotion or appointment to a higher post.

(3) The Commission shall in consultation with the Government decide on training policies and programmes for the local government officers.

46. Subject to the provisions of these Regulations, the Commission may from time to time issue general orders with regard to application and interpretation of these Regulations, or to lay down the procedure to be followed in any particular matter or class of matters falling within the jurisdiction of the Commission, but not provided for in these Regulations. Standing Orders

47. Where under the provisions of these Regulations-

(a) it is necessary

(i) to deliver, or serve any notice, charge or other document to or upon any officer; or

(ii) to communicate any information to any officer by reason of such officer having absented himself from duty; and

(b) it is not possible to effect such service, or to communicate such information to such officer personally, it shall be sufficient if such notice, charge or other document or a letter showing such information, is served upon such officer by post to his last known address.

Service by post in certain cases

48. Any case not covered by these Regulations shall be reported to the Secretary, and the Commission shall determine the procedure to be adopted in relation thereto. Cases not otherwise provided for

SCHEDULE

CLASSES OF PERSONS NOT SUBJECT TO THESE REGULATIONS

1. National Joint Council employees

2. Part time junior employees

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 71-THE LOCAL GOVERNMENT (COUNCILLORS' ALLOWANCES) ORDER

Statutory Instrument
34 of 1993

Order by the Minister

The Laws of Zambia

1. This Order may be cited as the Local Government (Councillors' Allowances) Order. Title
2. The allowances payable to councillors shall be as set out in the Schedule hereto. Allowances payable to councillors
3. The Local Government (Councillors' Allowances) Order 1992, is hereby revoked. Revocation of
S.I. No.
161 of 1992

SCHEDULE

(Paragraph 2)

<i>Person Entitled</i>	<i>Nature of Allowance</i>	<i>Rate</i> K
Mayor, City Council	1. Annual Allowance	300,000.00
	2. Subsistence Allowance (per night)	25,000.00
	3. Sitting Allowance (per day)	15,000.00
Mayor, Municipal Council	1. Annual Allowance	240,000.00
	2. Subsistence Allowance (per night)	20,000.00
	3. Sitting Allowance (per day)	10,000.00
Chairman, District Council	1. Annual Allowance	120,000.00
	2. Subsistence Allowance (per night)	15,000.00
	3. Sitting Allowance (per day)	7,500.00
Chairman, Township Council	1. Annual Allowance	60,000.00
	2. Subsistence Allowance (per night)	10,000.00
	3. Sitting Allowance (per day)	5,000.00
Chairman, Management Board	1. Annual Allowance	30,000.00
	2. Subsistence Allowance (per night)	10,000.00
	3. Sitting Allowance (per day)	2,500.00
Councillor, City and Municipal	1. Subsistence Allowance (per night)	10,000.00
	2. Sitting Allowance (per day)	5,000.00
Councillor, District and Township	1. Subsistence Allowance (per night)	10,000.00
	2. Sitting Allowance (per day)	5,000.00
	3. Transport Allowance (per session)	1,500.00
Councillor, Management Board	1. Subsistence Allowance (per night)	5,000.00
	2. Sitting Allowance (per day)	2,000.00

TRAVELLING OUTSIDE ZAMBIA

Councillor, City Municipal, District or Township Council and Management Board 1. Subsistence Allowance while travelling on duty outside Zambia to:

- (a) North America, South America, New Zealand, Australia, Europe, West Africa and Japan (per night) US\$240

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- (b) Eastern and Southern Africa, India, Pakistan and the rest (per night) US\$225

Explanatory Notes

- (a) Annual allowance for Mayor and Chairman shall be paid in arrears on a monthly basis.
- (b) Subsistence allowance is payable where a councillor is required to stay for one or more nights in any place other than his usual place of abode on civic functions.
- (c) The number of nights to be spent by a councillor who is on duty outside the Council area shall be determined by the Principal Officer in consultation with the Provincial Local Government Officer.
- (d) Depending upon the local distances and transport situation in the District, a Council in a rural area shall in consultation with the Provincial Local Government Officer fix, in respect of each councillor resident outside 32 kilometres radius from the civic centre or Council Chamber, the number of nights for which the councillor can claim subsistence allowance per session.
- (e) A councillor who stays at a Council Rest house or Motel shall be paid subsistence allowance less the cost of boarding and lodging. If the charges are higher than the rate of subsistence allowance payable, the Councillor shall be required to immediately make good any shortfall.
- (f) Sitting Allowance shall cover out of pocket expenses while attending any Council meeting and it shall be payable on a daily basis during the session. A session shall not exceed three working days and shall exclude weekends and public holidays.

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 84-THE LOCAL GOVERNMENT (COUNCILLORS) (CONDUCT AND MODE OF DRESSING AT MEETINGS) REGULATIONS

Statutory Instrument
140 of 1995

Regulations by the Minister

1. These Regulations may be cited as the Local Government (Councillors) (Conduct and Mode of Dressing at Meetings) Regulations. Title
2. These Regulations shall apply to all councillors in Zambia. Application
3. In these Regulations, unless the context otherwise requires- Interpretation
Cap. 281
- "allowances" means councillors' allowances determined by the Minister as provided for under the Local Government Act, 1991, by Statutory Instrument;
- "meeting" means an ordinary or special meeting of a council of a committee;
- "principal officer" in relation to a city or a municipal council means the Town Clerk; and in relation to a district or a township council, the Council Secretary;
- "special meeting" means a meeting of the council authorised to be held under subsection (2) of section twenty-two of the Act.

4. (1) A councillor shall not, at any meeting of the council or committee-

- (a) misconduct himself by persistently disregarding the ruling of the Chair, or behaving irregularly or offensively; or
- (b) use abusive language or, in any way, disturb the business of the council.

Misconduct, use of abusive language etc. at meetings of council or committee

(2) Where a councillor moves a motion "that the councillor named do leave the meeting", the chairman shall ask the councillor moving the motion to state his reasons and the Chairman shall put the question to the councillors as to whether that councillor should be removed from the meeting and the councillors shall have a secret vote on it.

(3) Where the majority of the councillors vote that the councillor in question be removed from that meeting, the Chairman shall order that the councillor do leave the meeting.

(4) Where a councillor has been ordered to leave, and does not leave the meeting, the council shall pass a resolution that the councillor so ordered shall miss two full consecutive council meetings and all committee meetings held during the civic year in which the councillor is so removed.

(5) Once a councillor has been removed from a council meeting for breach of these Regulations he shall not be paid sitting allowance for that meeting but shall be paid subsistence allowance for one night, where applicable.

5. (1) A councillor shall, by resolution of the council, be suspended for a period of six months if he-

- (a) misconducts himself so as to create the lack of confidence of the public in, or lower the integrity of, the council; or
- (b) behaves in such a way as to create, in the mind of the ordinary citizen, lack of confidence in the performance of his duties.

Suspension of councillor

(2) A councillor suspended under sub-regulation (1) shall not during the period of suspension, attend any council or committee meetings held during the civic year in which the councillor is suspended and shall not receive any allowance.

(3) Upon expiry of the period during which the councillor is suspended, the council shall, through the principal officer or any other officer assigned to do so by resolution of the council, inform the suspended councillor of that fact and shall inform him of the date when he is to resume his duties.

- 6. (1)** A councillor shall not-
- (a) use confidential information obtained as a result of his duties as a councillor for his personal gain or for the personal gain of others;
 - (b) disclose any confidential information concerning any property of the council, or affairs of the council; or
 - (c) make any public statement to the press regarding the affairs of the council, and particularly negotiations which may operate to the detriment of the council.
- (2) A councillor who contravenes sub-regulation (1) shall be guilty of an offence and shall by resolution of the Council be suspended for six months.
- (2) Where a councillor is suspended under sub-regulation (2), sub-regulations (2) and (3) of regulation 5 shall apply.
- 7. (1)** A councillor shall declare interest in a matter involving contracts or other transactions with the Council if he or his spouse has a direct or indirect pecuniary interest in it.
- (2) If a councillor does not declare interest under sub-regulation (1) the contract or transaction shall be nullified.
- (3) Where a contract or transaction is nullified under sub-regulation (2), payment shall be made for work so far done by the contractor or person transacting with the council.
- 8. (1)** If a councillor arrives twenty minutes after the commencement of a council or committee meeting, the Chairman shall not allow him into the meeting and that councillor shall not receive any subsistence or sitting allowance for that meeting.
- (2) A councillor who does not attend a full session of a council or committee meeting shall not be entitled to any sitting and subsistence allowance for that meeting.
- 9. (1)** Subject to sub-regulation (2) a councillor shall, when attending a council meeting, dress in a black robe and a wig.
- (2) Notwithstanding subsection (1) a councillor in a district council may not wear a robe and a wig, but shall be decently dressed when attending a council or a committee meeting.
- (3) A councillor who contravenes sub-regulations (1) and (2) shall be suspended from attending the council or committee meeting for which he is not properly dressed and shall not receive any sitting allowance for that meeting.
- 10. (1)** A councillor who is aggrieved by any resolution of the council made under these Regulations may, within fourteen days from the date of the resolution, appeal to the Minister.
- (2) The councillor referred to in sub-regulation (1) shall send a copy of the appeal to the principal officer of the council who shall forward it to the Minister.

Use or disclosure of information

Declaration of interest

Arrival and attendance at meetings

Dress for councillors

Appeal

The Laws of Zambia

11. The Minister shall determine the appeal within thirty days of receipt of the appeal. Determination of appeal

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 88-THE LOCAL GOVERNMENT (APPOINTMENT OF LOCAL GOVERNMENT ADMINISTRATORS) ORDER

Statutory Instrument
135 of 1992

Order by the Minister

1. This Order may be cited as the Local Government (Appointment of Local Government Administrators) Order. Title

2. (1) The Officers listed in the Schedule set out in the Appendix hereto are hereby appointed Local Government Administrators for each Council established under Statutory Instrument No. 138 of 1991 as indicated therein. Appointment of District Administrators and their functions

- (2) The Local Government Administrators appointed under paragraph (1) shall discharge all the functions of their respective Councils.

3. The Councillors for each Council established under Statutory Instrument No. 138 of 1991, are hereby suspended from performing their functions as Councillors. Suspension of Councillors

4. The Local Government (Appointment of District Administrators) Order, 1992, is hereby revoked. Revocation of S.I. No. 55 of 1992

APPENDIX
(Paragraph 2)

SCHEDULE
(Paragraph 2)

LUSAKA PROVINCE

Lusaka City Council	Mr W. M. Kabimba
Luangwa District Council	Mr C. K. Chisunka
Lusaka Rural Council	Mr R. N. Shangobeka

CENTRAL PROVINCE

Kabwe Municipal Council	Mr. D. Machai
Serenje District Council	Mr D. H. Mulemwa
Kabwe Rural Council	Mr J. B. Mumbi
Mumbwa District council	Mr H. C. Kaimba
Mkushi District Council	Mr C. H. Sambondu

COPPERBELT PROVINCE

Ndola City Council	Mr E. T. Chenda
Kitwe City Council	Mr A. D. Simwinga

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Mufulira Municipal Council
Chingola Municipal Council
Kalulushi Municipal Council
Ndola Rural District Council
Chililabombwe District Council
Luanshya Municipal Council

Mr S. R. Mwewa
Mr D. Longwe
Mr S. E. A. Mathotho
Mr E. S. Musonda
Mr S. C. Namachila
Mr S. S. Msichili

NORTH-WESTERN PROVINCE

Solwezi District Council
Kasempa District Council
Kabompo District Council
Mwinilunga District Council
Zambezi District Council
Mufumbwe District Council

Miss R. M. C. Musonda
Mr W. M. Matenda
Mr B. Akende
Mr B. K. Manjimela
Mr J. S. Mbunda
Mr D. J. Sikazwe

LUAPULA PROVINCE

Mansa District Council
Kawambwa District Council
Mwense District Council
Nchelenge District Council
Samfya District Council

Mr R. K. Mwape
Mr F. B. Sichone
Mr G. A. Mudolo
Mr C. F. Kabaso
Mr P. M. Mwenya

EASTERN PROVINCE

Lundazi District Council
Chama District Council
Chipata Municipal Council
Petauke District Council
Chadiza District Council
Katete District Council

Mr F. E. Mwanza
Mr B. E. Mwanza
Mr C. C. Chibbonta
Mr L. M. Luchinde
Mr B. M. Tembo
Mr. G. Ngozo

NORTHERN PROVINCE

Mbala Municipal Council
Mpika District Council
Chinsali District Council
Mporokoso District
Luwingu District Council
Isoka District Council
Kaputa District Council
Chilubi District Council

Mr E. M. M. Ng'ambi
Mr A. B. Mwasile
Mr A. Mwanakulanga
Mr J. D. Muyabala
Mr G. M. K. Kayombo
Mr F. D. Simasiku
Mr E. M. Chishala
Mr M. R. Mumpa

WESTERN PROVINCE

Mongu District Council
Kaoma District Council
Senanga District Council
Kalabo District Council
Lukulu District Council
Sesheke District Council

Mr G. M. Mukongolwa
Mr A. K. Mubanga
Mr E. W. Lungowe
Mr P. J. Banda
Mr I. M. Simatele
Mr G. S. P. Mbinji

SOUTHERN PROVINCE

Livingstone Municipal Council
Kalomo District Council
Choma District Council
Namwala District Council
Monze District Council
Mazabuka District Council
Gwembe District Council

Miss I. E. Suba
Mr R. J. Mwananyina
Mr P. Matibini
Mr P. F. K. Lubaya
Mr S. S. Chinyanika
Mr J. M. Bwembelo
Miss L. Mwale

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THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 85-THE LOCAL GOVERNMENT (STREET VENDING AND NUISANCES)
(APPLICATION) ORDER

Statutory Instrument
57 of 1992

Order by the Minister

1. This Order may be cited as the Local Government (Street Vending and Nuisances) (Application) Order. Title

2. The Local Government (Street Vending and Nuisances) Regulations shall apply to the whole area of all councils. Application of Regulations

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 93-THE LOCAL GOVERNMENT (COUNCIL SECRETARIAT) (MEMBER'S
FUNCTIONS) ORDER

Statutory Instrument
56 of 1992

Order by the Minister

1. This Order may be cited as the Local Government (Council Secretariat) (Member's Functions) Order. Title

2. The functions of each member of the Secretariat shall be as set out in the Schedule. Functions of members of secretariat

SCHEDULE
(Paragraph 2)

<i>Post</i>	<i>Functions</i>
1. Town Clerk or Secretary	The Town Clerk or Secretary as the case may be, shall be the chief executive of the Council and shall have the general responsibility of co-ordinating and supervising the discharge of all the functions of the Council by the Council Secretariat and may perform any or all the functions of the District Secretariat if deemed necessary.
2. Director of Administration or Deputy Secretary	The Director of Administration or Deputy Secretary as the case may be, shall have the general responsibility for all personnel and administrative matters of the Council and shall be responsible for matters relating to elections, registry, records, transport and public relations.
3. Director of Finance or Treasurer	The Director of Finance or Treasurer, as the case may be, shall be the chief financial controller and shall have general responsibility for all matters relating to finance accounts and commercial ventures of the Council.

	The Laws of Zambia
4. Director of Engineering Services or Director of Works	The Director of Engineering Services or Director of Works, as the case may be, shall have the general responsibility for all engineering works and services of the Council (except where the Council shall have made separate contractual arrangements) including the maintenance of services for which the Council is responsible and for such other matters as are normally performed by an engineer.
5. Director of Housing and Social services	The Director of Housing and Social services shall have general responsibility for all housing and community development, social welfare and public amenities of the Council and shall be responsible for all matters relating to such social and welfare services.
6. Director of Legal Services	The Director of Legal Services shall be the chief legal advisor to the Council and shall be responsible for all legal matters relating to the functions and operations of the Council.
7. Director of Public Health	The Director of Public Health shall have the general responsibility for all public health services and facilities provided by the Council.

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 84-THE LOCAL GOVERNMENT (STREET VENDING AND NUISANCES) (NO. 2)
REGULATIONS

Statutory Instrument
134 of 1992
Act No.
13 of 1994

Regulations by the Minister

- | | |
|--|--|
| <p>1. These Regulations may be cited as the Local Government (Street Vending and Nuisances) (No. 2) Regulations.</p> | <p>Title</p> |
| <p>2. Subject to Regulation 3 any person who does any act specified in the First Schedule shall be guilty of an offence and shall, in respect of that offence, be liable, on conviction, to a fine set out in that Schedule.</p> | <p>Offences and penalties</p> |
| <p>3. (1) Where any person is summoned under these Regulations to appear before a subordinate court or is arrested or informed by a police officer that proceedings will be instituted against him, in respect of any offence committed under these Regulations, but who does not wish to appear in court, he may, before appearing in court to answer the charge against him, sign and deliver to the prescribed officer an Admission of Guilt form set out in the Second Schedule.</p> <p>(2) Where any person admits in accordance with sub-regulation (1), that he is guilty of the offence charged the procedure set out in section one hundred and twenty-one of the Criminal Procedure Code shall apply, with the necessary modifications, and he shall pay, in respect of that offence, the fine set out in the First Schedule.</p> <p>(3) For the purposes of this regulation "prescribed officer" means any police officer of or above the rank of Sub-Inspector.</p> | <p>Admission of guilt
Cap. 88</p> |
| <p>4. The Local Government (Street Vending and Nuisances) Regulations, 1992, are hereby revoked.</p> | <p>Revocation of S.I. No. 54 of 1992</p> |

FIRST SCHEDULE
(Paragraph 2)

The Laws of Zambia

	<i>Penalty units</i>
1. Spitting or vomiting on, or along, a street or prescribed road	2
2. Throwing litter on, or along, a street or prescribed road	2
3. Passing urine in any unauthorised place	8
4. Defecating in any unauthorised place	20
5. Singing an obscene song or saying obscene word/words in a street or public place	2
6. Writing an obscene word or drawing an indecent figure or representation or, defacing a permanent structure	40
7. Wilfully or negligently extinguishing or damaging a street lamp, damaging a lamp-post, telephone or electric light wire, cable, insulator or bracket or standard supporting any such cable or, causing an interruption in the supply of electric current by any means whatsoever, without the permission of the Council or its authorised agent	40 per day
8. Plying trade by any licensed hawker within an area on more than five days in a calendar month, in the same place for more than thirty consecutive minutes or plying on two or more occasions during twenty-four consecutive hours in the same place.	40
For the purpose of this By-law "place" means a square having sides 91.4 metres in length the centre of which is the piece of ground actually occupied for the time being by the hawker in plying his trade.	
9. Sale of local produce in any street or in any public place, other than a market established by the Council, except with the permission of the Council:	
(a) Food	20 per day
(b) Any other item or produce	28 per day
10. Depositing or allowing to accumulate or keeping upon any premises any dirt, filth, refuse, rubbish or, any offensive matter or matter likely to become offensive	40 per day
11. Offering or exposing for sale or depositing in any place for the purpose of sale or preparation for sale and intended for the consumption of man, any animals, carcass, meat, poultry, game, fresh fish, fruit, vegetables, corn, bread flour, milk, butter, eggs or other food which is diseased or unsound or unwholesome or unfit for human consumption	40 per day
12. Keeping any of the products in item 11 on one's premises or, owing any such products	20 per day
13. Exposing for sale, meat, bread, cakes, cheese, dried fruits, fish, butter or other perishable food-stuffs other than in fly-proof and dust-proof containers or in such other manner as the Council, on advice of the Medical Officer of Health may approve	40 per day
14. Occupying any brickyard, quarry, market, garden or other land without any title, lease or licence	20 per day
15. Sale, other than sale negotiated between the parties privately, exposure of goods for sale by auction or otherwise within the area, or placing wares, merchandise, awnings or packages or materials of any description in any part of the area used by persons in common without the previous written permission of the Council	40 per day
16. Exposing for sale unwrapped bread or unpackaged sugar, salt or any consumable foodstuff	40 per day
17. Omitting to do or, doing a thing which is, or may be offensive, dangerous to life, or injurious to health	20 per day
18. Unauthorised tyre mending along a street or premises	20 per day
19. Operating an unlicensed taxi	40 per day
20. Heavy vehicle parking in any unauthorised place	40 per day
21. Unlicensed tailoring business along a street or premises	40 per day
22. Selling unwrapped bread	1 per loaf

(As amended by Act No. 13 of 1994)

SECOND SCHEDULE
(Paragraph 3)

ADMISSION OF GUILT FORM

The Laws of Zambia

THE PEOPLE versus.....
WITH REFERENCE to the charge of.....

.....
in answer to which I have been required to appear before the Subordinate Court (Class).....
on the.....19..... I hereby admit that I am guilty
of the offence charged and request that sentence may be passed in my absence. I deposit herewith-

- (a) the sum of.....penalty units being the maximum amount of the fine which may be imposed by the court (or as the case may be, the amount fixed by the prescribed officer);
- (b)as security for the payment within one month, of any fine which may be imposed on me by the court.

I have received a notice and statement of facts relating to the charge referred to above (which has been interpreted and explained to me).

Signature.....
(or thumb print).....

INTERPRETER'S CERTIFICATE

(where applicable)

I certify that I have interpreted the foregoing to the accused person whose signature appears above, and to the best of my knowledge he has understood its meaning.

Signature

DEPOSIT RECEIPT

RECEIVED:

- (a) the sum of.....penalty units; or
- (b)the above mentioned security.

Signature

(Prescribed Officer)

Witness.....

NOTES-(a) In no circumstances whatsoever is a member of the Zambia Police Force other than a prescribed officer to accept any sum of money the subject of this receipt;
(b) A receipt for the sum deposited, or any portion thereof, which is subsequently refunded should be obtained whenever practicable on the reverse of the triplicate copy of this form.

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 93-THE LOCAL GOVERNMENT (CREATION AND ABOLITION OF POSTS) REGULATIONS

Statutory Instrument
53 of 1992
104 of 1992
146 of 1993

Regulations by the Minister

1. These Regulations may be cited as the Local Government (Creation and Abolition of Posts) Regulations. Title

2. The posts set out in the First Schedule are hereby abolished. Abolition of posts

The Laws of Zambia

3. The posts set out in Part I of the Second Schedule are hereby created.

Creation of posts

4. Any person who was holding a post in the First Schedule before the abolition of these posts shall be deemed to hold a corresponding post set out in Column B of Part II of the Second Schedule.

Person holding post in First Schedule to hold post in Second Schedule

(As amended by 146 of 1993)

FIRST SCHEDULE
(Paragraph 2)

- (a) District Executive Secretary
- (b) Political Secretary
- (c) Administrative Secretary
- (d) Development Secretary
- (e) Financial Secretary
- (f) Commercial and Industrial Secretary
- (g) Security Secretary
- (h) Social Secretary
- (k) Legal Secretary

SECOND SCHEDULE
(Paragraph 2)

PART I

City Council and Municipal Council:

- (a) Town Clerk
- (b) Director of Administration
- (c) Director of Finance
- (d) Director of Legal Services
- (e) Director of Engineering Services
- (f) Director of Housing and Social Services
- (g) Director of Public Health

District Council:

- (a) Secretary
- (b) Deputy Secretary
- (c) District Treasurer
- (d) Director of Works

PART II

<i>Column A</i>	<i>Column B</i>
District Executive Secretary	Town Clerk or Secretary, as the case may be.
Administrative Secretary	Director of Administration or Deputy Secretary, as the case may be.
Development Secretary	Director of Engineering Services, Township Engineer or Director of Works, as the case may be.
Financial Secretary	Director of Finance or Treasurer, as the case may be.

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Social Secretary
Legal Secretary

Director of Housing and Social Services.
Director of Legal Services.

(As amended by 104 of 1992)

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 64-THE LOCAL ADMINISTRATION (TRADE EFFLUENT) REGULATIONS

Statutory Instrument
161 of 1985
Act
13 of 1994

Regulations by the Minister

1. These Regulations may be cited as the Local Administration (Trade Effluent) Regulations.*⁽¹⁾ Title

*These Regulations are continued in operation by virtue of section 15 of the Interpretation and General Provisions Act Cap. 2.

2. In these Regulations, unless the context otherwise requires- Interpretation

"area" means the area under the jurisdiction of the Council;

"average sewage strength" means all sewage, domestic and trade effluent received at the Council's sewage purification works;

"chemical parameters" means the group of substances listed in items 7 to 53 of the First Schedule;

"Council" means any council to which these Regulations have been applied in accordance with section sixty-five of the Act;

"operating day" means the period of twenty-four hours commencing at midnight and ending the following mid-night;

"physical parameters" means the physical characteristics listed in items 1 to 6 of the First Schedule;

"public sewer" means a sewer belonging to the Council;

"trade effluent" means water or any other liquid which has been used for medical, trade or industrial purposes and as a result of such use has been polluted within or beyond the legally enforceable limiting values with respect to physical, chemical and microbiological characteristics and so requires treatment before discharge into the environment.

3. (1) No person shall, without the written permission of the Council, discharge any trade effluent in any water course or on any land in the area. Consent to discharge trade effluent

(2) In granting permission under sub-regulation (1), the Council may impose such conditions as it considers necessary, and may at any time vary such conditions or revoke such permission.

(3) The point at or through which trade effluent is to be discharged shall be subject to the prior written permission of the Council; and where appropriate, such discharge shall be made through such approved connection to the sewer as is maintained by the Council.

*These Regulations are continued in operation by virtue of section 15 of the Interpretation and General Provisions Act Cap. 2.

4. (1) Any discharge of trade effluent into a public sewer shall conform to the conditions and standards for chemical and physical parameters set out in column 2 of the First Schedule. Conditions and standards for trade effluent and public sewage discharge

(2) Any discharge from any sewage works or any discharge other than as provided for in sub-regulation (1) shall conform to the conditions and standards for chemical and physical parameters set out in column 3 of the First Schedule.

5. The Council may prescribe-

Regulating discharge of trade effluent

- (a) the hours during which trade effluent may be discharged into a sewer;
- (b) the maximum hourly rate at which trade effluent may be discharged into a sewer; and
- (c) the total volume of trade effluent which may be discharged into a sewer during an operating day.

6. (1) A composite sample shall be obtained by collecting effluent discharged from a plant during an operating day either-

Methods and frequency of sampling and analysis

- (a) continually during a sampling period of twenty-four hours at a rate in proportion to the flow rate of the effluent discharged; or
- (b) in such manner that equal volumes of effluent are delivered into a receptacle at equal intervals of not longer than one hour during a sampling method of twenty-four hours.

(2) The frequency of sampling and analysis of the composite samples shall be done on a regular basis to be determined by the Council.

(3) The concentration in milligrammes per litre of any substance described in any item of the First Schedule in each composite sample shall be determined by the method set out therein.

(4) The procedures pertaining to sampling, preservation, storage and analysis of samples as outlined in the publication Standard Methods for the Examination of Water and Waste Water, (15th Edition, 1980) or any other method approved in writing by the Minister, shall be adhered to.

7. (1) The occupier of any trade premises from which any trade effluent is proposed to be discharged shall provide and maintain at his own expense on such premises and to the satisfaction of the Council-

Measuring devices and inspection chambers

- (a) an inspection chamber or manhole in a position and of dimensions to be approved by the Council on each pipe or channel through which trade effluent is proposed to be discharged; and
- (b) at such inspection chamber or manhole, either a notch gauge and continuous recorder, or similar apparatus suitable and adequate for measuring and adequately recording or calculating the volume of trade effluent proposed to be discharged;
- (c) such other apparatus as may be reasonably necessary for obtaining samples and for measuring and controlling the volume and rate of flow:

Provided that if the Council is satisfied in the case of any premises that the occupier has some other means available to the Council for measuring, recording, sampling, controlling, calculating or otherwise determining the volume of trade effluent proposed to be discharged into a sewer, it may, in writing exempt such trade premises from all or any provisions of this regulation.

(2) Any duly authorised officer of the Council shall at all times have a right of access to any trade premises from which any trade effluent is discharged into a sewer to inspect, examine and test any inspection chamber or manhole or apparatus for measuring and recording or calculating or otherwise determining the volume of trade effluent discharged, and to take samples of such trade effluent for determining its nature and composition and for the taking of official samples.

8. The Council or its authorised officer may take samples of trade effluent at any time and at any trade premises from which any trade effluent is discharged.

Sampling of trade effluent

9. The occupier of any trade premises from which trade effluent is discharged shall notify the Council forthwith of-

Alteration and cessation of trade

- (a) any change in the process of manufacture, or in the raw materials used, or of any other circumstances which are likely to alter the nature or composition of such trade effluent; and
- (b) any circumstances which may result in the permanent cessation of such discharge.

10. If at any time the apparatus provided for the purpose of measuring and recording or calculating or otherwise determining the volume of trade effluent discharged ceases properly to measure, record, calculate, or otherwise determine, or is suspected by the Council of not properly measuring, recording, calculating, or otherwise determining, then the volume of the trade effluent discharged into a sewer during the period from the date when the apparatus was last accepted by the Council as being correct up to the date when the apparatus is again accepted by the Council as being correct shall be pro rated according to the volume when the apparatus was last accepted by the Council as being correct.

Accuracy in data recording and measuring devices

The Laws of Zambia

11. Any person who discharges trade effluent into the public sewer shall pay to the Council a trade effluent charge which shall be calculated in accordance with the formula set out in the Second Schedule: Charges for disposal of trade effluent

Provided that the minimum charge for the disposal of any trade effluent, not exceeding one cubic metre per day, shall be one hundred and twenty-five thousand fee units per calendar year.

(As amended by Act No. 13 of 1994)

12. Any person aggrieved or adversely affected by any decision of a Council may appeal to the Minister. Appeals from decisions of Councils

13. (1) Any person who contravenes any provision of these Regulations shall be guilty of an offence and shall be liable, upon conviction- Offences and penalties

- (a) in the case of a first offence, to a fine not exceeding seven hundred and fifty penalty units; and
- (b) in the case of a second or subsequent offence to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

(2) In addition to or in substitution for the penalty prescribed in sub-regulation (1), the court may order that any expenses incurred by the Council in consequence of such contravention be paid by the convicted person.

(As amended by Act No. 13 of 1994)

14. (1) In any order made under section sixty-five of the Act applying these Regulations to any area, a period of not less than twelve months shall be specified during which undertakings situated in the area are required to start complying with these Regulations, and if no such period is specified, a period of twelve months shall be deemed to have been specified. Period for compliance

(2) No person shall be convicted of an offence under regulation 13 if such offence was committed during the period specified under sub-regulation (1).

FIRST SCHEDULE

(Regulation 4)

TABLE OF STANDARDS FOR TRADE AND OTHER EFFLUENTS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
SUBSTANCE	TRADE EFFLUENT INTO PUBLIC SEWER	SEWAGE AND OTHER EFFLUENT
A. PHYSICAL		
1. Temperature (Thermometer)	60°C. After mixing of the waters, the temperature should not exceed 40°C	40°C at the point of entry
2. Colour Hazen (Spectrophotometer)	The treatment plant ensure discolouration dyestuffs in the waste water	Must not cause any colouration of the receiving water

The Laws of Zambia

3.Odour and Taste (Threshold odour Number)	The odour must not cause any nuisance	Must not cause any deterioration in taste or odour as compared with the natural state
4.Total suspended solids (Gravimetric method)	1,200 mg/L (Avoid blockage of sewer, effect free flow)	50 mg/L. Must not cause formation of sludge or scum in receiving waters
5.Settleable matter sedimentation ml/L (Imhoff funnel)	1.0 ml/L in 2 hours (Avoid blockage of sewer, effect free flow)	0.5 ml/L in 2 hours. Must not cause formation of sludge in receiving water
6.Salinity/Residue mg/L (Evaporation and Gravimetric method)	7,500 mg/L. The salinity must not affect the discharge and treatment or installations or their functioning	3,000 mg/L. The salinity of waste water must not adversely affect surface water

B. CHEMICAL

7.pH (0-14 scale) (Electrometric method)	6-10	6-9
8.Dissolved Oxygen mg oxygen/L (Modified Winkler method and Membrane-electrode method)	No requirements	After complete mixing, the oxygen content must not be less than 5 mg/L. Extreme temperature may result in lower values
9.Chemical Oxygen Demand (COD) (Dichromate method)	1,800 mg/L	COD based on the limiting values for organic carbon 60-90 mg O ₂ /L average for 24 hours
10.Biochemical Oxygen Demand (BOD) (Modified Winkler method and Membrane Electrode method)	1,200 mg/L	50 mg O ₂ /L (mean value over a 24 hours period). According to circumstances in relation to the self-cleaning capacity of the waters
11.Nitrates (NO ₃ as nitrogen (Spectrophotometric method and Electrometric method)	80 mg/L	The nitrates burden must be reduced as far as possible according to circumstances: Watercourses <50 mg/L; Lakes <20 mg/L
12.Nitrite (NO ₂ as nitrogen/L) (Spectrophotometric sulfanilamide)	10.0 mg NO ₂ as N/L	1.0 mg NO ₂ as N/L

Column 1

Column 2

Column 3

SUBSTANCE

TRADE EFFLUENT INTO PUBLIC SEWER

SEWAGE AND OTHER EFFLUENT

C. METALS

13.Organic Nitrogen (Spectrophotometric method N-Kjeldhal) (*the % of nutrient elements for degradation of BOD should be 0.4-1% for phosphorous (different for processes using algae))	300 mg N/L*	5.0 mg/L mean*
14.Ammonia and Ammonium (Total) (NH ₃ as N/L) Nesslerization method and Electrometric method)	50 mg/L	The burden of ammonium salts must be reduced as far as 10 mg/L (depending upon temperature, pH and salinity)
15.Cyanides (Spectrophotometric method)	0.5 mg/L	0.1 mg/L
16.Phosphorous (Total) (PO ₄ as P/L) (Colorimetric method)	45 mg/L	Treatment installation located in the catchment area of lakes: 1 mg/L; located outside the catchment area: reduce the load of P as low as possible (PO ₄ <6 mg/L)
17.Sulphates (Turbidimetric method)	500 mg/L	The sulphate burden must be reduced as low as possible
18.Sulfite (Iodometric method)	10 mg/L	1 mg/L (presence of oxygen changes SO ₃ to SO ₄)
19.Sulphide (Iodometric and Electrometric method)	1 mg/L	0.1 mg/L (depending on temperature, pH and dissolved O ₂)
20.Chlorides Cl/L (Silver nitrate and Mercuric nitrate)	1,000 mg/L	Chloride levels must be as low as possible as < (800 mg/L)

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21.Active chloride Cl ₂ /L (Iodometric method)	(0.5-3.0 mg/L)	0.5 mg/L
22.Active Bromine (Br ₂ /L) (Iodometric method)	(0.5-3.0 mg/L)	0.1 mg/L
23.Fluorides F/L (Electrometric method and Colorimetric method with distillation)	(<30 mg/L)	10 mg/L
24.Aluminium compounds (Atomic Absorption method)	<20 mg/L	<10 mg/L
25.Antimony (Atomic Absorption method)	0.5 mg/L (inhibition of oxidation)	0.5 mg/L
26.Arsenic compounds (Atomic Absorption method)	1.0 mg/L	1.0 mg/L
27.Barium compounds (water soluble concentration) (Atomic Absorption method)	1.0 mg/L	0.5 mg/L
28.Beryllium salts and compounds (Atomic Absorption method)	0.5 mg/L (inhibition of oxidation)	0.1-0.5 mg/L (according to circumstances)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
SUBSTANCE	TRADE EFFLUENT INTO PUBLIC SEWER	SEWAGE AND OTHER EFFLUENT
29.Boron compounds (Spectrophotometric method-Curcumin method)	<50 mg/L	<10 mg/L
30.Cadmium compounds (Atomic Absorption method)	1.5 mg/L	0.5 mg/L
31.Chromium Hexavalent Trivalent (Atomic Absorption method)	5.0 mg/L	0.1 mg/L
32.Cobalt compounds (Atomic Absorption method)	0.5 mg/L	0.5 mg/L
33.Copper compounds (Atomic Absorption method)	3.0 mg/L	1.0 mg/L
34.Iron compounds (Atomic Absorption method)	15.0 mg/L	<2 mg/L
35.Lead compounds (Atomic Absorption method)	1.5 mg/L	1.5 mg/L
36.Magnesium (Atomic Absorption method and Flame photometric method)	<1,000 mg/L	<500.0 mg/L
37.Manganese (Atomic Absorption method)	10.0 mg/L	<3.0 mg/L
38.Mercury (Atomic Absorption method)	0.01 mg/L	0.001 mg/L
39.Molybdenum (Atomic Absorption method)	5.0 mg/L	0.5-5.0 mg/L
40.Nickel (Atomic Absorption method)	2.0 mg/L	2.0 mg/L
41.Selenium (Atomic Absorption method)	<1.0 mg/L	<0.05 mg/L
42.Silver (Atomic Absorption method)	0.1 (inhibition of oxidation)	0.1 mg/L
43.Thallium mg (Atomic Absorption method)	1.0 mg/L	<0.5 mg/L
44.Tin compounds (Atomic Absorption method)	2.0 mg/L	2.0 mg/L
45.Vanadium compounds (Atomic Absorption method)	1.0 mg/L	1.0 mg/L

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46. Zinc compounds (Atomic Absorption method) 25.0 mg/L 10.0 mg/L

D. ORGANICS

47. Total hydrocarbons (Chromatographic method) 10.0 mg/L 20.0 mg/L

48. Oils (Mineral and Crude) (Chromatographic method and Gravimetric method) 100.0 mg/L (after installation of oil separators) 20.0 mg/L (after installation of demulsifier) 1-2 mg/L

49. Phenols (steam distillable) (Non-steam distilled) (Colorimetric method) 5.0 mg/L 1.0 mg/L 0.2 mg/L 0.05 mg/L

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
SUBSTANCE	TRADE EFFLUENT INTO PUBLIC SEWER	SEWAGE AND OTHER EFFLUENT
50. Fats and saponifiable oils (Gravimetric method and Chromatographic method)	No requirement but installation of oil and fat separators	20.0 mg/L
51. Detergents (Anionic) (Atomic Absorption Spectrophotometric)	10.0 mg/L Alkybenzene sulfonate not permitted	2.0 mg/L (Detergents should contain at least biodegradable compounds)
52. *Pesticides and PCBs (Total) (Chromatographic method)	1.0 mg/L	0.5 mg/L (Reduce to a minimum)
53. Trihaloforms (Chromatographic method)	1.0 mg/L	0.5 mg/L (Reduce to a minimum)

E. RADIOACTIVE MATERIALS

54. Radioactive materials as specified by IAEA No discharge accepted Not permitted

* There are approximately 4,000 pesticides, herbicides and PCBs. The normal practices as per the works of reference hereinafter mentioned shall be used in respect thereof.

References:

1. Environmental Protection Agency-Code of Federal Regulations-Protection of Environment Parts 1 to 399. US Government Printing Office, Washington USA (1979).
2. Environment Canada-Environmental Protection Service (EPS-1) Water Pollution Control Directorate Regulations, Codes and Protocols.
3. Kratel, R., Draft Water Pollution Control Act, Lusaka, Zambia (1981).
4. Lund, H. F., "Industrial Pollution Control Handbook" McGraw-Hill Book Company (1971).
5. APHA, AWWA, WPCF, "Standard Methods for the Examination of Water and Wastewater 15th Edition (1980)"

SECOND SCHEDULE
(Regulation 11)
CHARGE FOR THE DISPOSAL OF TRADE EFFLUENTS

The formula for working out the charges shall be as follows:

$$C = V + \left(\frac{X}{W} + \frac{Y}{20} + \frac{Z}{7} \right) B + \left(\frac{Q}{R} \right) S$$

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Where,

C = the charge, in fee units per 1,000 litres for the disposal of trade effluent;

V = the volume charge in fee units per 1,000 litres for conveyance, reception and preliminary treatment of average sewage received at the works;

X = the COD in milligram per litre of the trade effluent;

Y = the concentration in milligram per litre of total toxic metals in the trade effluent;

Z = the concentration in milligram per litre of cyanogen compounds (as CN⁻), which on acidification liberate HCN, in the trade effluent;

W = the COD in milligram per litre of settled sewage;

B = the cost in fee units per 1,000 litres of biological purification of settled average sewage;

Q = the suspended solids in milligram per litre of the trade effluent;

R = the suspended solids in milligram per litre of average sewage treated at the works;

S = the cost of sludge disposal expressed in ngwee per 1,000 litres of average sewage received at the works.

Explanatory Notes on Formula

(i) The cost in fee units per 1,000 litres for V, B and S are to be determined by the Council at the commencement of each financial year and are to be based on the annual costs ascertained for the purpose of the rate levy for sewers and sewage disposal for that year.

(ii) The values of X, Y, Z and Q are the means of the results from the analysis of samples taken during the preceding financial year.

(iii) The values for W and R are the means from the analysis of hourly samples taken over a series of 24-hour periods during the previous financial year.

(iv) The factors of 20 and 7 in relation to Y and Z arise from the limits of toxic materials which may be discharged under the conditions of the consent.

(v) COD means the chemical oxygen demand of a sample of trade effluent measured in accordance with the methods used at the Water Pollution Research Laboratory, Stevenage (WPL Procedure No. 17, February, 1969).

(vi) Suspended solids means those solids retained on a Whatman GF/C glass fibre filter paper when a shaken sample is filtered.

(vii) The determination of chromium compounds is done by using Atomic Absorption Spectrophotometer.

(viii) Cyanogen compound is determined by distillation and titrimetric method using Rhodamine as indicator as described in "American Standard Methods for the Examination of Water and Waste Water 14th edition".

(ix) The toxic metals, copper, cadmium, nickel, zinc and tin are determined by using Atomic Absorption Spectrophotometer.

(x) The volume of effluent discharged shall be based on figures obtained during the year from meters or flow recording apparatus as assessed and certified by a Council officer authorised by the Council for the purpose or as otherwise agreed, assessed and certified by the said Council officer. In assessing the volume of trade effluent discharged, records of the water consumed at the premises shall be taken into account and due allowance made for use for domestic and other purposes not related to trade effluent.

The minimum quarterly charge for the disposal of any trade effluent shall be fifty fee units.

THE LOCAL GOVERNMENT ACT

CAP. 281

THE LOCAL ADMINISTRATION (TRADE EFFLUENT) REGULATIONS

Statutory Instrument
85 of 1987

SECTIONS 64 AND 65-THE MUFULIRA DISTRICT COUNCIL (TRADE EFFLUENT)
REGULATIONS (APPLICATION) ORDER

Order by the Minister

1. This Order may be cited as the Mufulira District Council (Trade Effluent) Title Regulations (Application) Order.*

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2. The provisions of the Local Administration (Trade Effluent) Regulations, 1985, shall as from 1st May, 1988, apply to the whole area of the Mufulira District Council. Application of S.I. No. 161 of 1985

*This Order is continued in operation by virtue of section 15 of the Interpretation and General Provisions Act Cap. 2.

THE LOCAL GOVERNMENT ACT

CAP. 281

THE LOCAL ADMINISTRATION (TRADE EFFLUENT) REGULATIONS

Statutory Instrument
37 of 1988

SECTIONS 64 AND 65-THE KABWE URBAN DISTRICT COUNCIL (TRADE EFFLUENT) REGULATIONS (APPLICATION) ORDER

Order by the Minister

1. This Order may be cited as the Kabwe Urban District Council (Trade Effluent) Regulations (Application) Order.*(2) Title

2. The provisions of the Local Administration (Trade Effluent) Regulations, 1985, shall as from 1st May, 1989, apply to the whole area of the Kabwe Urban District Council. Application of S.I. No. 161 of 1985

*This Order is continued in operation by virtue of section 15 of the Interpretation and General Provisions Act Cap. 2.

THE LOCAL AUTHORITIES (FINANCIAL) REGULATIONS

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SECTION 46-THE LOCAL AUTHORITIES (FINANCIAL) REGULATIONS

*Statutory Instrument
125 of 1992*

Regulations by the Minister

PART I
PRELIMINARY

- 1. These Regulations may be cited as the Local Authorities (Financial) Regulations. Title

- 2. These Regulations shall apply to a Council which has not made financial regulations under subsection (1) of section forty-six of the Local Government Act or which has not adopted these Regulations as specified in subsection (2) of section forty-six of the Act. Application

3. In these Regulations, unless the context otherwise requires-

Interpretation

- "accounting unit" means the Treasurer's Department of the Council;
- "advance" means any recoverable sum of money issued to any person where such advance is in the Council's interest and is repayable at some future date;
- "collector of revenue" means an officer of the Council who is charged with the duty of collecting any type of Council revenue;
- "controlling officer" means the chief executive of the Council;
- "Council" means a district council established or deemed to have been established under section three of the Act;
- "head of department" means an officer responsible for the administration of a separate department of the Council;
- "internal auditor" means any person assigned the duties of internal auditor, for the time being, by the Council or any person designated as internal auditor by the Local Government Service Commission;
- "inescapable commitments" means-
- i) salaries and wages;
 - ii) petrol and oils;
 - iii) electricity and telephone bills;
 - iv) stationery; or
 - v) emergencies;
- "purchasing officer" means any officer whose responsibility is to sign an order for the purchase of any goods or the rendering of any service;
- "Treasurer" includes a Director of Finance.

PART II
ESTIMATES

4. (1) The estimates of capital and recurrent expenditure submitted to the Minister for approval in accordance with section thirty-nine of the Act shall be set out as follows:

Forms of estimates

- (a) the total estimated expenditure shall be shown in respect of each capital project;
- (b) the total estimated expenditure on all capital projects shall be shown;
- (c) the total estimated expenditure shall be shown under each head of recurrent expenditure;
- (d) sub-heads shall be shown under each head of recurrent expenditure;
- (e) the first sub-head under each head of recurrent expenditure shall be estimated expenditure on employees in respect of such head of recurrent expenditure; and
- (f) items of expenditure shall be shown in respect of each sub-head of recurrent expenditure.

(2) The detailed form of capital and recurrent estimates shall be for all Councils as advised by the Minister.

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- 5. (1)** The annual estimates of revenue and expenditure shall be prepared by the heads of department in consultation with the Treasurer, in accordance with the guidelines, if any, issued by the Minister. Preparation of estimates
- (2)** The Treasurer shall collate the estimates approved by the Committees and report to the Finance Committee.
- 6.** The final capital estimates should include projects for which finance has been agreed with the Government or lending institutions, as the case may be, or which are decided to be financed from the Council's own resources. Final capital estimates
- 7.** The annual estimates, as adopted by the Council shall, at least sixty days before the commencement of a financial year, be submitted for the approval of the Minister. Approval of estimates by Minister
- 8.** The controlling officer may not incur any expenditure, until the estimates have been approved by the Minister: No expenditure before approval of estimates
- Provided that where the annual estimates have not been approved by the Minister before the commencement of the relevant financial year, the Council may continue to incur expenditure on charges which become due in respect of inescapable commitments.
- 9.** Where there is expenditure which is not approved in the estimates or there is excess expenditure on an item which appears in the estimates, the head of department shall after consultation with the Treasurer as the case may be, inform the Committee concerned explaining the reasons for the excess expenditure. Procedures if no provision or inadequate provision
- 10. (1)** Where the expenditure is not envisaged when the estimates are prepared, or where the excess expenditure on an item cannot be met from savings on another item under the same sub-head, the controlling officer shall submit to the Minister an application for supplementary provision as adopted by the Council, in accordance with subsection (2) of section thirty-nine. Supplementary estimates of expenditure
- (2)** An application made under sub-regulation (1) shall show corresponding savings from any other head of expenditure or evidence that the additional expenditure will be met from an overall additional income or fund balances.
- 11. (1)** Where the amount of the approved income is not reached, the head of department concerned, shall after consultation with the Treasurer inform the Council, through the committee concerned explaining the reasons for the shortfall. Procedure if shortfall in income
- (2)** Where there is an overall shortfall in income the Council shall review and restrict the expenditure so that adequate surplus balances meet the excess over income.

PART III

GENERAL ACCOUNTING RESPONSIBILITIES

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12. The functions of the Treasurer, who is the principal adviser to the Council in matters relating to the general finances of the Council, shall be to-

Responsibilities of
Treasurer

- (a) make safe and efficient arrangements for the receipt of moneys paid to the Council and the issue of moneys payable by the Council;
- (b) keep accounts in accordance with the orders or directives issued by the Council; and to ensure accuracy of these accounts;
- (c) ensure that officers accounting for revenue and expenditure for which they are responsible comply with the provisions of these Regulations and supplementary instructions issued by the Council from time to time;
- (d) report to the controlling officer if it appears that any head, sub-head or item is likely to be overspent;
- (e) draw the attention of any officer to delays and shortages in the collection of revenue, any advance or imprest which they are unable to clear at the time that it should be cleared, any deposit account which has become dormant and to any weakness in the accounting system employed, or in the internal checks applied to accounting transactions;
- (f) account for receipts and disbursements of Council moneys in accordance with these Regulations;
- (g) see that proper arrangements are made for the safe-keeping of Council moneys, securities, stamps, stamp duties, revenue counterfoil receipts, licences, warrants and all forms of requisition;
- (h) collect punctually all revenue and other Council moneys which become due and payable to the Council;
- (k) bring to account promptly under the correct head and sub-head all Council moneys he collects or which is paid to him;
- (j) check regularly all cash and stamps in his charge and verify the balance shown in the cash book or stamp register;
- (k) bring to account promptly any revenue in cash or stamps found in his charge in excess of the balances shown in the cash book or stamp register;
- (l) make good any shortage in cash or stamps for which he is responsible;
- (m) ensure that all disbursements made or incurred by the issue of payment vouchers, orders, warrants, requisitions or any other documents are properly authorised;
- (n) charge in the accounts, under the proper heads of accounting, all expenditure when it occurs;
- (o) ensure satisfactory control of the expenditure by maintaining a record of commitments incurred by the heads of departments;
- (p) prepare promptly all financial statements, budget estimates, annual accounts and returns in the form and manner prescribed;
- (q) see that the books of account are correctly posted and kept up to date;
- (r) bring to the notice of officers in writing any apparent defect in the procedure of revenue collection, wastage and any extravagant expenditure which comes to his notice in the course of his accounting duties;
- (s) produce when required by the Council or by the external auditor all books and records or accounting documents in his charge;
- (t) reply promptly and fully to any observations or queries received from the external auditor or the Council;
- (u) exercise strict supervision over all officers under his authority, to ensure efficient checks and precautions against fraud;
- (v) bring to the notice of heads of departments any wastage, incompetence.

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- 13.** (1) No erasures shall be made in accounts. Erasures in accounts
- (2) Corrections must be made by striking out the incorrect figures and writing the correct figures above them.
- (3) The corrections must be made in such a way that the original figures are still legible and initialled by the officer who makes them.
- (4) No alterations shall be made on figures already audited.
- 14.** Officers dealing with incoming mail containing money shall keep a register of such incoming cheques and cash for the purposes of recording details of remittances received. Register of cheques and cash
- 15.** The Treasurer shall approve any form, document or system of finance or costing dealing with inventories, stocks or stores. Approval of accounting system and forms
- 16.** A register of all official accounting documents shall be kept by the Financial Secretary. Register of accounting documents
- 17.** A head of department shall be personally responsible for the observance of all financial and accounting instructions issued by the Treasurer. Observance of instructions
- 18.** Any financial duty delegated to an officer shall be clear, specific and in writing. Delegation of responsibility
- 19.** (1) All cheques and cash received shall be banked as soon as possible, but not later than two days after the day of receipt. Banking of cheques and cash
- (2) No funds shall be allowed to accumulate in cash collection units.
- 20.** The Treasurer shall, each month, reconcile the balance shown in any bank account which his Council operates and the balance shown in the summarised cash accounts or cash book. Reconciliation of bank account
- 21.** The Treasurer shall once a month check cash held in the Council. Checking of cash

- 22.** The procedures to be followed by the accounting unit at the close of the financial year shall be as follows: Procedures at the end of financial year
- (a) at the close of the business on the last day of the financial year, all cash books shall be ruled off, signed and dated by the responsible officers;
 - (b) the accounts shall be closed in the normal manner, as for an ordinary month end, but supplementary accounts shall be opened by the accounting unit for the adjusting of misallocations, for the transfer of revenue and expenditure codes and for final entries on the closing of accounts; and
 - (c) the accounts shall be finally closed, balanced and presented to the Council in the form approved by the Council not later than six months after the last day of the financial year to which they relate.
- 23.** The Treasurer shall maintain an adequate and effective internal audit of the Council's accounts or activities in accordance with section forty-one of the Act. Internal audit
- 24.** The Treasurer or his authorised representative shall have authority to enter all offices and establishments of the Council and have access to all records and documents and shall be entitled to require such explanations as he considers necessary to satisfy himself of the correctness of any matter under examination and to require for verification purposes the production of cash and other assets. Access to records
- 25.** The functions of an internal auditor shall be laid down by the Treasurer and shall cover all accounting procedures and documentation shall ensure that- Functions of internal auditor
- (a) the receipt and payment of Council money has been properly carried out under proper supervision;
 - (b) the safeguards for the prevention or prompt detection of fraud or loss of stores, cash or other Council assets, are adequate;
 - (c) accounting forms are properly protected, recorded and regularly checked;
 - (d) the system for the control of the receipt, issue and use of stores is adequate;
 - (e) the recording of the assets is up to date and correct; and
 - (f) the returns of revenue or expenditure required by the Treasurer or the Council are correctly prepared and promptly submitted.
- 26.** The existence of an internal audit system shall not relieve heads of departments or any other accounting officer of their individual responsibilities, nor shall it remove the need for normal checks within departments. Heads of departments not relieved of responsibility
- 27.** Whenever any matter arises which involves, or is thought to involve, irregularity in financial stores or accounting transaction in any department of the Council, the head of the department concerned shall forthwith notify the Treasurer who shall, after consultation with the controlling officer where necessary, take such steps as are considered necessary by way of investigation and report. Irregularities

- 28.** (1) The following accounting records shall be preserved for the periods shown-
- (a) main cash books and ledgers-ten years.
 - (b) receipts of all types-ten years.
 - (c) payment and journal vouchers-six years.
 - (d) establishment and salary records required for superannuation purposes-twelve years from the date on which a permanent officer leaves service; and
 - (e) contract documents-twelve years from the date of final payment.
- (2) Notwithstanding the periods specified in subsection (1), the records shall be kept until they are audited or until a court case relating thereto, if any, is settled.
- Preservation of accounting records

PART IV

SAFES, STRONG BOXES, CASH BOXES AND SPECIE BOXES

- 29.** In this part, unless the context otherwise requires "safes" includes strongboxes, cash boxes, specie boxes issued for the safe custody of cash, and similar forms of secure containers issued by Council.
- Definition of "safes"
- 30.** The Treasurer shall be responsible for obtaining safes for use in their offices and branches.
- Responsibility for obtaining safes
- 31.** The following conditions shall cover the care and maintenance of safes and keys:
- (a) officers shall be personally responsible for keys of safes in their charge;
 - (b) where a safe or vault door is fitted with two or more locks, no officer shall hold all the keys;
 - (c) where there are two or more officers at the office in which the safe is installed, more than one key shall be issued;
 - (d) where the key-holder departs before his relief arrives, the officer leaving the station shall hand over the contents of the safe or vault to a person temporarily appointed by the head of department concerned to take over from the departing key-holder in accordance with regulation 121;
 - (e) a key will not be handed to a person who is not the official key-holder and a safe will not be opened except by the officer responsible for it. He must be present for the whole period during which it remains open;
 - (f) only original keys issued by the Treasurer shall be held and in no circumstances may any officer have a duplicate made; and
 - (g) except as may be otherwise authorised, all duplicate keys of safes shall be held by the Council's bank.
- Care of safes and keys

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- 32.** When the key to a safe is lost- Loss of keys
- (a) the loss will be reported immediately to the head of department concerned, the Treasurer and the local police;
 - (b) the safe shall be sealed and the room in which it is kept, shall be locked at all times; and if an exceptionally large sum is in the safe, arrangements must be made for the posting of a guard;
 - (c) the officer responsible for the safe custody of the key shall make good the cost of repairs and replacement of the key.
- 33.** No private money or articles shall be kept in a safe provided for the safe-keeping of Council moneys. Private money not to be kept in Council safe
- 34.** A register must be kept of articles other than cash, account books and receipt forms deposited in a safe and shall be signed by the depositing officer other than the key-holder when depositing or withdrawing any such articles. Register
- 35.** Officers responsible for safes must verify the contents at least once each week and the register shall be initialled each time the contents are verified. Weekly check
- 36.** Where cash is taken to or collected from a bank or another office, the officer charged with conveying the cash to or from such bank or office shall be responsible for the safe custody of the cash in transit. Cash in transit

PART V

BANK ACCOUNTS AND CHEQUES

- 37.** The Council shall be solely responsible for authorising the opening of, or changing of any signatory of, a Council bank account; and the purpose for which the bank account is required shall be stated in a resolution of the Council. Bank accounts and signatories
- 38.** No Council money be credited to a private bank or savings account. Use of private accounts prohibited
- 39.** (1) Cheque books and cheque forms shall be kept secure under lock and key when not in use. Security of unused cheques
- (2) An officer responsible for the custody and control of the stock of unused cheque forms shall maintain a record of receipts, open a register, and ensure that all unused cheques are retained, in his custody.

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40. (1) Where a cheque which is unused or has already been issued is lost, the Treasurer shall notify the Council's Bankers. Lost cheques

(2) Where a cheque which has been issued is lost, a "stop order" shall be sent to the bank on which it was drawn.

(3) Before a replacement cheque is issued for a lost or stolen cheque, the payee shall sign an indemnity in the form set out in the Schedule.

41. (1) Council bank accounts shall not be overdrawn. Overdraft

(2) No temporary advance shall be obtained from a bank without the prior approval of the Council.

42. (1) Two persons who have been authorised by the Treasurer shall be signatories to cheques drawn against bank accounts. Signing of cheques

(2) The Treasurer shall advise the Council's bankers on who are the Council's authorised signatories to cheques.

43. (1) The Treasurer may accept cheques in payment of licences, fees, rents, levies, charges and other payments, due to the Council. Acceptance of cheques

(2) An officer shall before acceptance of a cheque identify the person presenting the cheque and ensure that-

- (a) the cheque is not post-dated or out of date;
- (b) the amount in words and figures agree;
- (c) alterations of any kind are signed by every signatory to the cheque; and
- (d) the cheque is correctly signed and dated by the drawer.

44. Cheques received shall be made payable to the Council in name and crossed "Account Payee Only". Security of cheques received

45. Collectors of revenue or other officers who receive Council money shall not cash cheques from Council money held by them, or give change in respect of cheques drawn for an amount in excess of the sum owing to the Council. Cashing of cheques from public money

46. (1) The Treasurer shall arrange for statements to be provided regularly by the bank and shall obtain bank statements made up to the close of business on the last day of every month. Bank statements

(2) All entries on the bank statements shall be checked with all entries in the cash books and, at the end of each month, a return shall be prepared in the form prescribed giving a reconciliation of the balance of the bank account with the balance shown in the cash book.

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47. (1) The Treasurer shall prepare the receipts and payments account and a cash flow statement every month. Receipts and payments account and cash flow statements

(2) The grant payable to a Council may be forfeited where the Council fails to prepare the receipts and payments account and a cash flow statement.

48. Paid and cancelled cheques shall be held for audit. Audit of cheques

49. All cheques drawn in payment for goods supplied or services rendered on Local Purchase Orders should be crossed "Account Payee Only" except in the case of a payee known to have no bank account. Security of cheques in payment for goods supplied on Local Purchase Orders

PART VI
RECEIPT BOOKS AND FORMS

50. For the purposes of this Part the term "receipt form" includes all receipts, licences, permits, certificates, discs or tokens used in the collection of revenue or other moneys. Definition of "receipt form"

51. (1) A receipt form for which payments are received shall be issued on or with prescribed forms. Issue of receipts

(2) For the purposes of this Part the term a "general receipt" shall be used in cases where a special receipt form is not prescribed.

52. (1) All receipt forms must be checked as soon as they are received to ensure that they are complete and correctly numbered. Checking of receipts received

(2) Any forms which are defective must be returned to the source of supply.

53. Every officer who holds receipt forms shall keep a register in which the receipt and issue of all receipt forms shall be promptly entered. Register of receipt forms

54. Receipt forms shall be used in a consecutive order, or within the sequence of numbers of receipts held by one officer. Consecutive issues

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- 55.** (1) Complete unused books of obsolete receipts shall be destroyed at the office in which they are held. Destruction of obsolete receipts
- (2) The destruction of receipt books shall be carried out in the presence of the Treasurer and an auditor, except receipts of Government revenue which shall be sent to the Ministry of Finance.
- (3) The Ministry of Finance shall check that the unused receipt books are complete and are unused.
- (4) Certificates of destruction, listing the serial numbers of all receipt forms destroyed, shall be signed by both officers and the original of the certificate of destruction shall be filed by the officer responsible for the custody of the forms.
- 56.** There shall be recorded in the register surplus stocks of receipt books that have been returned to the Ministry responsible for finance and obsolete forms that have been destroyed. Recording of destruction of obsolete forms
- 57.** The holder of unused receipt forms shall, at least once a month, record in the register the date the receipts are checked and shall sign against the entry. Monthly check of unused receipt forms
- 58.** (1) Where one officer hands over to another officer, both officers shall sign a certificate for the receipt forms. Handing over certificates to record receipt forms
- (2) The officer taking over shall sign immediately below the last entry in the register.
- 59.** A printed notice, bringing to the attention of the public the need for them to obtain an official receipt for every payment made by them, shall be displayed in all offices where revenue is received. Notice to public about official receipt
- 60.** (1) Receipt forms must be completed either in ink or in indelible pencil. Completion of receipts
- (2) Counterfoils shall contain exactly the same details as appear on the original receipt form.
- (3) Receipt forms shall be date-stamped at the time of issue and shall not be altered in any way.
- 61.** Where a wrong entry is made on receipt, the form must be cancelled in the manner prescribed in regulation 62. Cancelled receipts
- 62.** (1) Where a receipt is cancelled, the original and all the copies shall be cancelled and signed by the holder of the book. Method of cancelling receipts
- (2) The duplicate shall be included with other duplicate receipts which accompany the revenue cash book.

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- 63.** Every receipt form and counterfoil shall be printed or stamped with the official stamp and shall be signed by the issuing officer. Office of issue of receipts
- 64.** (1) Officers who receive payments from collectors of revenue shall ensure that the numbers on the receipt form run consecutively. Consecutive receipts
- (2) Where there is no satisfactory explanation for any missing form, the matter shall be reported without delay to the Treasurer.
- 65.** No duplicate of a licence shall be issued unless approval is specifically provided in a written law or regulation. Duplicate licences
- 66.** (1) Any certified copy of a receipt form required shall be made on plain paper and headed "certified copy". Certified copies of receipt forms
- (2) No receipt form shall be used as a copy for an original receipt previously issued.
- 67.** No counterfoils or copies of used receipt forms shall be destroyed until they have been examined by the Auditor appointed by the Minister. Audit and destruction of receipt forms

PART VII
RECEIPT OF REVENUE

- 68.** No officer shall use Council revenue for any private purpose whatsoever. Private use of revenue prohibited
- 69.** (1) A receipt shall be issued by the receiving officer whenever a sum of Council money is received. Receipt to be issued
- (2) No Council moneys shall be paid out to any person other than the Treasurer except with the written authority of the Treasurer.
- 70.** All revenue shall be brought to account under the appropriate sub-head of the revenue estimates. Classification of revenue
- 71.** Collectors of revenue shall keep cash book sheets daily. Cash collection sheets
- 72.** The Treasurer shall ensure that collectors of revenue account for the amount of moneys collected by them on a daily basis. Bringing revenue to account

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- 73.** Where a collector of revenue has a surplus of cash, the cash shall be brought to account and credited to "Miscellaneous Revenue". Cash surplus
- 74.** An officer responsible for issuing receipts shall not open any mail or keep a register of incoming remittances. Revenue collectors not to open mail
- 75.** (1) The heads of departments shall furnish particulars of charges for work done, goods supplied or services rendered on behalf of the Council. Providing information for collection of revenue
- (2) Any amount accruing shall be promptly recorded by the Treasurer as money received by the Council.
- 76.** The Treasurer and heads of department who collect revenue shall refer for appropriate action, all debts they are unable to recover to the controlling officer without undue delay. Outstanding debts
- 77.** (1) Any irrecoverable debt may be written-off with the approval of the Council. Write-off by Council
- (2) Where any debt has been written off the controlling officer shall submit such a case to the Council giving the amount of the debts, the date on which it was due, the action taken to collect it and the reasons why it was not possible to collect it.
- (3) If the Council authorises that a debt be written-off, necessary accounting adjustments shall be made.

PART VIII

CONTROLLING OF EXPENDITURE AND PAYMENTS

- 78.** (1) No money shall be paid out unless a payment voucher is made. Payment vouchers
- (2) The payment voucher shall be made in the form prescribed by the Council.
- 79.** All vouchers must be complete and all details filled in, including coding allocations, dates, numbers, quantities, rates, distances and authorities. Details on payment vouchers
- 80.** Vouchers shall be legible, typewritten or made out in ink or indelible pencil. Preparation of vouchers

81. (1) Each payment shall be approved by the Council.

Authority for payments

(2) The Council may delegate the responsibility for approving payments to the Finance Committee which shall report to the Council on all payments made, before the next meeting of the Council.

(3) The Treasurer shall be authorised to make the payments set out below but shall report any such payments to the Council or Finance Committee at its next meeting according to the procedure laid down by the Council:

- (a) payments of water or electricity bills (where supply is normally disconnected if accounts are not settled promptly);
- (b) payments to the Postmaster-General for postal services and telephone accounts;
- (c) payments to a carrier for goods delivered on cash;
- (d) payments to traders where a discount is allowed for prompt payment;
- (e) payments of salaries, wages, subsistence and travelling allowances;
- (f) petty cash payments involving sums of K5,000 or less;
- (g) any emergency payments which can subsequently be justified as such by the Treasurer.

82. (1) The original payment voucher shall be signed by the controlling officer, Treasurer or any officer authorised by the Treasurer.

Signing of vouchers

(2) The name of the officer signing and his designation shall be printed below his signature.

(3) Copies of payment vouchers shall be initialled by the signing officer or stamped with his name stamp.

83. A list of officers authorised in writing to sign vouchers shall be kept by the Treasurer and which may be amended from time to time.

Panel of signing officers

84. The officer signing a voucher or document shall certify the accuracy and validity of the payment. He must therefore ensure that-

Responsibilities of officers signing vouchers

- (a) all deductions due to be made from salaries or wages have in fact been made;
- (b) the goods have been supplied or the services provided as certified by the receiving officer;
- (c) the prices charged are either according to contract or approved rates, or are fair and reasonable according to current local rates;
- (d) the payment is covered by proper authority and is a proper charge to Council funds.
- (e) the calculations are correct;
- (f) the persons named as payees are those entitled to receive payments; and
- (g) payment of the amount stated on the voucher shall not cause an excess over the amount allocated.

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- 85.** An officer signing vouchers related to payments which are recoverable shall be responsible for ensuring that proper arrangements exist for the recoveries to be made. Recoverable payments
- 86.** (1) Vouchers relating to purchases shall be supported by the suppliers' invoices. Suppliers' invoices to be attached
- (2) Payment shall not be made on statements of account only.
- (3) Requisitions for local supplies shall not be issued in arrears if goods have already been supplied.
- (4) The head of department or any other officer authorised shall certify the voucher giving reasons for the failure to issue a requisition.
- 87.** (1) Where an original invoice is lost, a duplicate shall be obtained from the supplier together with a certificate of non-payment on the original invoice. Duplicate invoices
- (2) A certificate that payment has not previously been made shall be recovered on the voucher by the officer making the payment after he has satisfied himself that payment on the account has not in fact been made.
- 88.** (1) A duplicate requisition form shall not be issued if an original has been lost. Duplicate requisition forms
- (2) Payment shall be made against the supplier's copy invoice endorsed with the serial number of the requisition form against which the supply of goods or services was made.
- (3) The certificate required by regulation 87 shall be recorded on the payment voucher.
- 89.** (1) Payment shall be made by cheque payable to those to whom payment is due. Methods of payment
- (2) Each cheque shall be crossed, except in the following circumstances:
- (a) Where there is a standing imprest for the net total of vouchers of wages to be paid in cash to employees, cheques shall be paid to the holder of the post held by the officer responsible for drawing the cash and paying the wages:
- Provided that the name of the responsible officer shall be added in brackets; and
- (b) open cheques paid to the payee may be issued for personal imprests and, on request, salaries, wages and other personal payments due to Council employees.
- 90.** (1) When an open cheque is issued, a receipt of acknowledgement of the cheque shall be obtained from the payee before the cheque is handed over. Security of open cheques
- (2) The cheque shall be sent by registered mail and the number of the registered slip recorded on the payment voucher.

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91. (1) Where there is no loss of discount for prompt payment, accounts for the same supplier may be grouped and paid at least once every month. Availing of discount

(2) An officer responsible for any discount lost, owing to the delay in the passing of accounts for payment, shall refund the amount to the Council.

92. All signatories of cheques shall ensure, when signing-

Responsibilities of cheque signatories

- (a) that original documents (invoices, salary sheets, claim forms, etc.) are attached;
- (b) that the original documents are all stamped "Paid" by means of a special stamp and that the cheque number is correctly shown within the "Paid" stamp;
- (c) that the relevant voucher is fully and properly completed;
- (d) that the cheques are correctly made out in every respect.

93. Payments shall be made to persons or firms to whom payment is due in the following circumstances:

Delivery of cash or cheques

- (a) on the written authority of the person or firm to whom the payment is due or on the production of a power of attorney or letter of administration;
- (b) where the timely payment of wages to an employee is impracticable and delay would cause hardship, a paying officer may make payment to an authorised third party who shall give a receipt for the payment; and
- (c) where payment is made to a duly appointed receiver, an official receiver, a trustee in bankruptcy or to a third person under a court order.

94. A paying officer shall request from the person claiming and receiving money a National Registration Card or other acceptable identity.

Identification of payees

95. All payments shall be entered into the books of account on the day the payments are made.

Daily accounting for payments

96. (1) An officer signing warrants, requisitions and local purchase orders may approve the expenditure of Council and shall be responsible for seeing that the authority exists for the expenditure thus incurred.

Responsibility of officers signing warrants, requisitions or local purchase orders

(2) Any excess expenditure incurred as a result of the failure to observe these Regulations may be surcharged against the officer who signed the warrant, requisition or local purchase order.

97. The Council shall approve payments not covered by normal regulations or procedures.

Extraordinary payments

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98. (1) All payment vouchers with supporting documents, and any other forms which support a charge entered in the accounts, shall be carefully filed, secured against loss, and be readily available for audit. Custody of original documents

(2) Reference to restricted documents shall be made by officers authorised by the Treasurer.

(3) No documents shall be removed from the files in which they are kept.

PART IX

PAYMENT OF SALARIES AND WAGES

99. Salaries and monthly wages shall be paid on the last working day of each month or any earlier date which the Council may determine. Day of payment

100. (1) Salaries are payable monthly calculated at one twelfth of the annual rate. Calculation of salary

(2) Salaries for a part of any month shall be calculated in proportion to the number of days in that particular month.

101. (1) Any contingency likely to affect an officer's salary such as death, suspension or dismissal shall be notified immediately, by the head of department, to the Treasurer. Adjustment of salary or other moneys due to death, etc.

(2) The Treasurer shall ensure that timely and correct adjustments are made to the officer's salary, pension or gratuity.

102. Any balance of salary or other moneys due to an officer who has been convicted of misappropriation of Council funds, thefts of Council property or has been dismissed, leaving sums owing to a Council including losses of cash or stores which are under investigation, shall not be paid without the authority of the Council. Salaries of convicted officers

103. (1) A separate salary record card for each officer in service shall be kept by the Treasurer. Method of payment and deductions for officers

(2) An officer shall make arrangements regarding the method of payment, and permissible voluntary deductions through the heads of department.

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104. (1) Payment of salary may be direct to the credit of an officer's account at any commercial bank or building society in Zambia, or by cheque. Method of payment

(2) Payment of the net amount due, after statutory and permissible deductions have been made, shall be made in one sum.

(3) There shall not be a part payment to the credit of a bank account with the balance paid by cheque or otherwise.

105. (1) All authorised deductions shall be entered on the payment vouchers in the appropriate column against the name of each employee concerned. Gross salary and deductions to be charged

(2) The gross emoluments shall be charged against the relevant sub-head and deductions be credited to the appropriate account.

106. (1) Where any employee does not draw his wages at the normal time of payment, the wages due to him shall be held for a period of three days. Unclaimed wages

(2) Where the employee does not claim the wages after the period referred to in sub-regulation (1), the cash shall be brought to account and general receipt shall be issued, crediting the unpaid wages to the expenditure vote from which the wages were drawn.

107. The Treasurer shall issue standing instructions in writing for security precautions to be taken in the handling of money for the payment of wages. Security precautions with regard to payment of wages

108. The Treasurer shall issue proper instructions to cover the internal check over preparations of wages sheets and the payment of wages and ensure that- Internal check over payment of wages

- (a) officers responsible for entries on the wages sheets, checking and paying, shall sign for their particular responsibilities on the faces of the wage sheets;
- (b) each operation in connection with the preparation of wage sheets shall be checked by an officer who carried out the original operation;
- (c) payment shall take place in the presence of an officer who knows the recipients and the paying officer shall, where possible, be an officer not concerned with the preparation and checking of wage sheets.

109. Heads of department shall- Attendance records

- (a) ensure that there is an adequate system of control over the employment of labour;
- (b) check the attendance of employees;
- (c) check that overtime is recorded separately showing the hours authorised and the hours actually worked; and
- (d) ensure that detailed instructions are issued according to the record.

PART X
IMPRESTS

- 110.** There shall be the following types of imprests: Types of imprest
- (a) standing imprest, which is normally issued to facilitate the payment of wages and enable minor local purchases to be made when it is not possible for payment to be made through an accounting unit; and
 - (b) special imprest, which is a temporary imprest, issued to provide officers with funds to meet expenses when travelling on duty or for some other duly authorised special purpose.
- 111.** Special imprests shall not be issued for tours outside Zambia without the authority of the Secretary to the Cabinet. Special imprests outside Zambia
- 112.** (1) Holders of standing imprests may, on their own authority, issue a part of their imprest to a subordinate to be used as a sub-imprest for the purpose for which the holder of the standing imprest would have used it. Sub-imprests
- (2) Sub-imprests shall be surrendered to the holder of the standing imprest and retired when the holder of the standing imprest hands over to another officer.
- 113.** The amount of a standing imprest shall be limited to the monthly requirements in each case but the imprest may be limited to more than the monthly requirements. Amount of standing imprest
- 114.** The amount of a special imprest issued to meet expenses while travelling on duty shall be limited to the amount an officer is eligible to claim for the period he is absent from his station. Amount of special imprest
- 115.** (1) No officer shall be issued with another special imprest when there is a special imprest outstanding in his name. Special imprests limitation
- (2) Any officer who authorises an imprest before the first one is retired is liable to be surcharged the whole amount of both imprests.
- 116.** An imprest shall be used only for the purpose for which it is issued and shall not be used for personal expenditure or for making advances of salary or wages. Restriction in use of imprests

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117. (1) A record of issued and retired imprests shall be kept in a register of imprests. Register of imprests

(2) All instructions contained in the provisions of regulations 110, 115, 116, 119 and 120 shall be printed on the front of the register and shall be complied with by all officers authorised to issue imprests.

(3) The register shall contain columns showing the officer's full name, amount of imprest, date issued, date retired, how the imprest was recovered, the purpose for which the imprest was issued, the signature and date on which the imprest was checked.

(4) The last column shall be signed and dated by a senior officer other than the officer who maintains the register, stating that he is satisfied that the imprest was issued for duly authorised purposes only and that it is being retired in accordance with the provisions of these Regulations and that is not overdue.

(5) Separate registers may be maintained for special and standing imprests.

118. (1) Holders of standing imprests shall record all payments and reimbursement in a cash book each time a reimbursement is requested. Cash book for imprests

(2) The total expenditure of the last reimbursement and balance of cash on hand shall be recorded.

(3) The amount of the total expenditure and the balance of cash in hand shall equal the total of the original imprest issued.

(4) Revenue receipts shall not be recorded in the cash book.

119. (1) A special imprest shall be retired immediately the purpose for which they are issued has been fulfilled. Retirement of special imprests

(2) Where the imprest is not cleared within forty-eight hours of the holder's return, the issuing officer shall, in writing, instruct the officer-in-charge of the salaries section to deduct the amount outstanding from the salary of that holder, in the following month.

120. (1) Any outstanding imprest shall be retired at the end of the financial year, unless authority for its retention for the following financial year has been obtained. Retirement of standing imprests

(2) The imprest holder shall produce proof of his imprest as at the close of business of the last working day of the financial year.

PART XI

HANDING AND TAKING OVER

121. The following procedures shall be followed each time an accounting officer hands over to another accounting officer: Handing-over procedure

- (a) any cash books and stamp registers for which the handing over officer is responsible shall be ruled off and balanced with cash and stamps on hand, and the balance of the cash book or stamp register shall be entered, dated and signed by both officers;
- (b) all cash should be banked by the handing over officer before the hand-over if possible;
- (c) the two officers concerned shall check that the balance of unused receipt books recorded in the receipt book register is on hand and both officers shall sign and date the register to this effect;
- (d) both officers shall make a note of all unused receipts on issue to collectors of revenue which are not available for examination at the time of handing and taking-over;
- (e) both officers shall rule off stores records and shall check that these agree with the physical stocks on hand and shall date and sign individual stock sheets; and
- (f) the officer handing over shall ensure that the expenditure and commitment records in his control are up to date and these records shall be dated and signed by both officers.

122. The key to each safe shall be handed to the officer taking over as soon as the contents have been verified. Safe keys

123. Any discrepancies revealed in the course of handing over shall be acknowledged in writing by the officer handing over and the officer taking over shall make a report to his head of department. Discrepancies on handing over

124. (1) On completion of the hand-over, a certificate shall be signed to the effect that the requirements of this part have been fulfilled. Handing-over certificate

(2) One copy of the certificate shall be kept by the officer taking over, the others shall be retained by the officer who has handed over.

PART XII

LOSSES OF COUNCIL MONEY AND STORES

125. For the purpose of this Part, losses of Council money shall be deemed to have occurred where an officer, through wilful default or gross neglect of duty-

Definition of "losses"

- (a) fails to collect any money, whether revenue or other payment, due to the Council;
- (b) makes, causes or permits unauthorised, or incorrect payments of Council money through fraud, forgery, misappropriation, or causes its loss through burglary or theft if he is responsible for that money by virtue of his office;
- (c) causes, or permits damage to or destruction or loss of any Council building, equipment, vehicles, stores, fittings or furniture;
- (d) causes, or permits personal injury or damage to property in circumstances which render a Council liable to third parties in respect of such injury or damage.

126. Where a loss is discovered, the officer in charge of the office in which the loss occurred shall immediately-

Report of losses

- (a) advise his immediate supervising officer, by the quickest means, of the nature, extent and date of the loss and the immediate supervising officer shall confirm this in writing;
- (b) institute investigation on the spot; and
- (c) report the loss to the local police.

127. (1) Except in the case of cash loss or shortage which is immediately made good by the officer responsible for the loss or shortage, the supervising officer shall carry out investigations.

Investigation of losses

(2) The supervising officer shall at the conclusion of the investigations, report the loss to the Treasurer, attaching a police report where necessary.

(3) The report shall be made even if police investigations or proceedings are not complete and where necessary the Treasurer shall report the matter to the insurer.

128. (1) Where the loss amounts to two thousand kwacha or less, the Treasurer, in consultation with the controlling officer, may authorise any loss in the supervisor's report, to stand as a charge against the Council's funds if he considers that there is no case for a charge of wilful default or gross neglect of duty against the officer responsible for the loss.

Write-off by Treasurer

(2) The case file shall be retained by the Treasurer for inspection by the Auditor.

129. If the loss amounts to over two thousand kwacha or if the Treasurer, after consultation with the controlling officer, considers that the loss was due to the wilful default or gross neglect of duty of any officer, he shall submit his recommendations to the Council whether, in his opinion, the amount of the loss should be recovered from the officer or officers concerned.

Report by the Treasurer

The Laws of Zambia

130. The Council may, if it is considered that there is no wilful default or gross neglect of duty by an officer, authorise the loss or part thereof, to be charged to the Council funds. Write-off by Council

131. Where the Council decides that the loss was due to wilful or gross neglect of duty, the amount of loss which is attributed to the default or negligence of any officer shall be assessed and recovered from the officer concerned. Assessment of claim against defaulting officer

132. (1) The Council shall take every possible action to ensure that the loss is made good by the officer held responsible for it. Action for recovery

(2) The fact that a person has been convicted on a criminal charge arising from the loss shall not mean that he may not also be made to face a civil action for the recovery of the loss.

PART XIII

PURCHASES, TENDERS AND CONTRACTS

133. The procurement of supplies, works or services required by the Council shall be governed by the Standing Orders. Regulations governing all purchases

134. Payment for contractors for the execution of works shall be authorised only on a certificate signed by the head of department concerned which certificate shall show the total amount of the contract, value of the work executed, date, retention money, amount paid to date and the amount being certified. Payment for execution of works

135. The final certificate on a contract shall not be issued by the head of department concerned until he has produced a detailed statement of account together with such vouchers or documents as the Treasurer may require and approve as the amount certified. Final certificate on contract

136. Claims received from contractors in respect of matters clearly not within the terms of the appropriate contract shall be referred to the controlling officer for consideration of the Council's legal liability and to the Treasurer for financial consideration, before any settlement is reached. Unusual claim of contractor

PART XIV

BORROWINGS AND INVESTMENTS

The Laws of Zambia

- 137.** (1) All borrowings shall be effected in the name of the Council. Borrowings
- (2) The borrowing or re-borrowing of moneys authorised by the Council and all other matters in connection with the raising or repayment of loans shall be subject to the supervision and control of the Treasurer who shall periodically report to the Council.
- 138.** The Council's moneys which are not required for immediate use may be invested in- Form of investments
- (a) stocks, securities or debentures issued by or on behalf of the Government of the Republic of Zambia or in stocks, securities or debentures guaranteed by the Government;
 - (b) deposits with the Zambia National Building Society;
 - (c) the Post Office Savings Bank;
 - (d) savings accounts or fixed deposit accounts with the Zambia National Commercial Bank;
 - (e) the stocks, bonds or debentures of any public body in Zambia.
- 139.** All investments shall be in the name of the Council and shall be authorised by a resolution of the Council. Investment
- 140.** (1) The Treasurer shall keep a register of investments. Register of investments
- (2) The register shall be maintained for the proper control over the Council's investments and the interest received in respect of those investments.

PART XV
STOCKS AND STORES

- 141.** Each head of department shall be responsible for the care and custody of the stocks and stores in his department and shall arrange for periodic stock-taking at least twice per annum or at such other intervals as the Treasurer may stipulate. Custody of stocks and stores
- 142.** (1) Stocks shall not be in excess of normal requirements except with the approval of the committee concerned. Stock limit
- (2) A periodic review of turnover and stock levels of all items shall be undertaken to dispose of excessive or obsolete stocks.
- 143.** Heads of department shall supply information to the Treasurer relating to stocks and stores as he may require. Providing information

The Laws of Zambia

144. Any surplus or shortage revealed at any stock-taking shall be reported to the appropriate committee for authority to make necessary adjustments. Stocktaking

145. A Treasurer shall keep proper records of receipts and issue of stocks and stores. Record of stocks and stores

PART XVI

SECURITY AND DISPOSAL OF ASSETS

146. Every head of department shall be responsible for maintaining proper security at all times for buildings, stocks, stores, furniture, equipment, cash and any other asset under him. Physical verification

147. Safes must be securely locked and the keys to safes and similar receptacles shall be carried by authorised key holders at all times and the loss of such keys shall be reported to the Treasurer immediately. Care of safes and keys

148. If several officers use the same safe, each officer shall use separate lockable cash boxes when depositing money in it. Custody of cash boxes

149. Surplus materials, stores or equipment shall be disposed of by competitive tender or public auction unless the committee concerned decides otherwise in a particular case. Disposal of surplus material

PART XVII

INVENTORIES

150. An inventory shall be maintained by all departments in which shall be recorded an adequate description of furniture, fittings and equipment, plant and machinery. Inventories

151. Every head of department shall be responsible for arranging an annual physical check of all items on the inventory and for the taking of any action in relation to surplus or shortages. Physical check

The Laws of Zambia

152. (1) The Council's property shall not be removed except in accordance with the ordinary course of Council business or for the use of the Council. Council property to be used for Council purposes

(2) Where specific directions are issued by the head of department concerned, property may be removed for some other purpose.

153. The Controlling Officer shall have custody of all contracts under seal, leases, deeds, agreements and similar legal documents. Legal documents

PART XVIII
INSURANCE

154. The Treasurer shall take out insurance cover against losses, damages, risks and liabilities which the Council may incur and shall regularly review such cover in consultation with head of department. Insurance covers

155. The Treasurer shall notify the heads of departments of any change in insurance policies. Changes in policies

156. The District Councils' (Financial) Regulations, 1984, are hereby repealed. Repeal of S.I. No. 38 of 1984

SCHEDULE
(Regulation 40)

CERTIFICATE OF INDEMNITY

In consideration of the issue to me of a replacement Cheque No.
..... for the sum of K in payment of
..... which I have lost (or which has been stolen), I hereby indemnify the Council
against any loss whatsoever in connection therewith and I agree to refund the sum of
K in the event of the original Cheque No.
being negotiated.

Signed
Name in Block Capitals
Date
Address
.....

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 102-THE LOCAL ADMINISTRATION (FIRE SERVICES) REGULATIONS

Statutory Instrument
121 of 1991

Regulations by the Minister

Act 13 of 1994

The Laws of Zambia

PART I
GENERAL

1. These Regulations may be cited as the Local Administration (Fire Services) Regulations.* Title

(3)* These Regulations are continued in operation by virtue of section 15 of the Interpretation and General Provisions Act Cap. 2.

2. In these Regulations, unless the context otherwise requires- Interpretation
Cap. 464

"area" means the area under the jurisdiction of a fire authority;

"designated premises" means premises referred to in sub-regulation (2) of regulation 4;

"equipment" includes engines, vehicles, appliances, apparatus, uniforms and badges of rank;

"explosive" means a substance liable to explode spontaneously or by proximity to an ignition source;

"fire authority" means a District Council declared as such under regulation 3;

"fire certificate" means a certificate issued under sub-regulation (2) of regulation 6;

"fire-fighting purposes" includes the extinction of fires, protection of life or property from fire;

"fire inspector" means an officer appointed under sub-regulation (1) of regulation 6;

"inflammable material" means a gaseous, liquid, or solid material having a flash point, below 23 degrees celsius;

"means of escape" means any structure or physical means attached to or forming an integral part of a building through which persons can escape from fire by unaided effort to a place of safety;

"plant" means an erection or assembly of any mechanical contrivance used for the manufacture, adaption or alteration of any commercial or industrial substances or process;

"premises" includes a building, part of a building or plant;

"public place" shall have the meaning assigned to it by section two of the Roads and Road Traffic Act.

* These Regulations are continued in operation by virtue of section 15 of the Interpretation and General Provisions Act Cap. 2.

3. (1) Every district council is hereby declared to be a fire authority for its respective area for fire-fighting purposes. Declaration of fire
authorities

(2) Every fire authority shall establish and maintain a fire brigade in the area:

Provided that any organisation or institution operating in the area may, with the approval of the Minister, establish and maintain a fire brigade.

4. (1) No person shall occupy or use any designated premises in respect of which there is no fire certificate.

No occupation of designated premises without fire certificate

(2) Premises used for the following purposes are designated premises:

- (a) provision of medical treatment or care;
- (b) provision of sleeping accommodation;
- (c) entertainment, recreation or for club, society or association activities;
- (d) teaching, training, instruction or research;
- (e) access to the premises by members of the public whether on payment of a fee or otherwise; and
- (f) premises used as office premises or shop premises where more than ten persons are employed to work either within or outside the buildings or plant.

(3) A fire authority may permit the occupation or use of any premises pending the completion or alterations or improvements required for the issue of a certificate where it is necessary to do so.

(4) The provisions of this regulation shall not apply to any private premises used solely as a residence in the occupation of a single family.

5. (1) An application for a fire certificate in respect of any designated premises shall be made by the occupier or intended occupier to the fire authority in the form prescribed in Part I of the Schedule.

Application for fire certificate

(2) On receipt of the application for a fire certificate, the fire authority shall require the applicant-

- (a) to furnish the authority with the appropriate plans of the premises;
- (b) where the premises consists of part of a building, plant or part of the premises, to furnish the authority with the appropriate plans of other parts of the building, plant or premises.

(3) The authority may specify the time within which the applicant may furnish the authority with the plans referred to in sub-regulation (2) and failure to furnish the authority with the plans shall render the application void.

6. (1) When the applicant furnishes the authority with all such plans as are required for the purposes of a fire certificate, the fire authority shall appoint an inspector to carry out an inspection of the premises to which the plans relate, and shall satisfy itself that-

Inspection of premises before issue of fire certificate

- (a) the means of escape in case of fire with which the premises are provided are suitable;
- (b) the existing means of escape in case of fire can be safely and effectively used at all material times;
- (c) adequate means for fire fighting on the premises have been provided by the occupier; and
- (d) the means provided for giving to the persons in the premises warning in case of fire are such as may reasonably be required in the circumstances of the case.

(2) Where the fire authority is satisfied with the results of an inspection referred to in sub-regulation (1) it shall issue a fire certificate in respect of the premises in the form set out in Part II of the Schedule.

(3) A fire certificate may be issued subject to such conditions as the authority deems fit.

(4) Where the authority is not satisfied with the result of the inspection carried out pursuant to sub-regulation (1) it shall refuse to issue a fire certificate for the premises, pending-

- (a) the making of any alterations to any part of the premises; or
- (b) the provision of the premises with appropriate and adequate fire equipment.

7. Where the conditions under which a fire certificate was issued have changed materially or where the occupier of a building has made alterations to the building in contravention of these Regulations the fire certificate issued in respect thereof shall lapse:

Lapse of certificate on change of conditions

Provided that the fire authority may issue a fire certificate to the occupier if it deems it fit in the circumstances.

8. (1) A fire authority may cause to be inspected any designated premises-

Inspection of designated premises

- (a) to ascertain whether there is a fire certificate in force in respect of those premises; and
- (b) where there is a fire certificate in force, to ascertain whether the use of the premises conform to the certificate:

Provided that where a building or part of a building is used as a dwelling building no inspection shall be carried out unless the occupier has been given a notice of not less than twenty-four hours.

(2) Any person having responsibility for any premises as a leaseholder, occupier or an employee in respect of those premises, shall give such assistance to the inspector as is within his responsibility, so as to enable the inspector to discharge his duties in respect of those premises.

PART II
FIRE-FIGHTING EQUIPMENT

9. (1) There shall be provided and maintained in respect of every designated building appropriate fire-fighting equipment adequate for the protection of the building in respect of which it is provided, and-

Fire-fighting equipment

- (a) such equipment shall be placed in such a way that it shall be available for use; and
- (b) such provision shall be made by the occupier to the satisfaction of the fire authority.

(2) The fire-fighting equipment required to be provided by the occupier under sub-regulation (1) shall include one or more of the following:

- (a) hydrants, hose, hose reels and rising mains;
- (b) portable fire-fighting equipment;
- (c) automatic fixed fire-fighting installations to deliver water, gas, foam or dry powder;

(3) All fire-fighting equipment provided under this regulation shall be of a make approved by the fire authority and the leaseholder or occupier of the building concerned shall be responsible for the inspection and maintenance of such equipment to the satisfaction of the fire authority.

10. (1) The fire authority may require that any designated premises shall be provided with effective means, capable of being operated without exposing any person to undue risk, of giving warning in case of fire.

Fire alarm

(2) The fire authority may, by order in writing, require all means of giving warning in case of fire with which any designated premises are provided in pursuance of sub-regulation (1) to be tested or examined at such place as may be specified in the order.

PART III
STAIRCASES, ETC., AND MEANS OF ESCAPE IN CASE OF FIRE

11. In this Part, unless the context otherwise requires-

Interpretation

"exit" means a route by way of a room, doorway, corridor, staircase or other means of passage not being a lift, escalator or doorway containing a revolving door and by means of which a person may reach a place of safety, and in relating to-

- (a) any point on a storey of a building means a route from that point;
- (b) any room means a route from a doorway of the room;
- (c) any storey of a building, means a route from a point of exit from the storey;
- (d) any flat, means a route from an entrance to the flat;

"place of safety" means-

- (a) an open space in the open air at ground level; or
- (b) an enclosed space at ground level which has a means of access to such an enclosed space by means of an exit or exits having a width or aggregate width of the exits leading from the building to the unenclosed space.

12. (1) Every building shall be provided with adequate and safe means of escape in case of fire or accident in accordance with the provisions of these Regulations.

Provision of means of escape

(2) Emergency means of escape shall be provided in the case of-

- (a) new building of two storeys if the fire authority so requires;
or
- (b) new buildings of over two storeys in which case the means of escape shall be sufficient in number in order to ensure that no part of the building is more than twenty-five metres from such means of escape.

(3) All emergency means of escape in case of fire or accident provided under the provisions of sub-regulation (2) shall be properly spaced from each other and shall each lead to a place of safety.

(4) The fire authority may modify or waive any or all of the requirements for an emergency means of escape in case of fire or accident in respect of domestic building if-

- (a) the staircase, walls and floors of the building are wholly non-combustible;
- (b) the main staircase is separated from the building by smoke stop door;
- (c) the main stair wall has at least one external wall with sufficient unglazed openings for disposal of smoke and fumes; and
- (d) every separate dwelling or suite of offices is provided with adequate and unglazed balconies.

13. (1) Where in the opinion of a fire authority the means of escape in the case of any building existing immediately before the commencement of these Regulations is considered inadequate or is in such a state or condition as to require repairs or replacement, the fire authority may, by written notice, require the leaseholder or occupier of such building to improve, repair, or replace the existing means of escape in case of fire or accident, and such owner shall comply with the notice within such time as may be stipulated in the notice.

Means of escape in existing building

(2) In the event of a failure on the part of a person on whom a written notice has been served in terms of sub-regulation (1), the fire authority may execute the improvements, repairs or replacements of such means of escape and shall be entitled to recover the cost from such person as a civil debt.

14. (1) All means of escape in case of fire or accident, including emergency means of escape and any arrangements provided in connection with the means of escape under regulation 12, shall be kept and maintained in good condition and repair by the leaseholder or occupier of the building, and no person shall do or permit or suffer to be done any thing to impair the efficiency of any such means of escape including the emergency means of escape or any arrangements connected with it.

Maintenance of means of escape

(2) In relation to any building or part of a building, the fire authority may dispense with any requirement of this Part as respects any arrangements for lessening danger from fire or any means of escape in case of fire or any arrangements in connection therewith in the event of any circumstances in or affecting that building or part of a building or the use of which that building is part rendering unnecessary the keeping and maintenance of such arrangements safeguards or means of escape.

15. (1) Where in pursuance of sub-regulation (2) of regulation 12, staircases are provided as emergency means of escape in case of fire, such staircases shall- Emergency staircases

- (a) be constructed and situated in a building to the satisfaction of the fire authority;
- (b) be constructed of steel, wrought iron or other suitable fire-resisting material throughout;
- (c) be at least one metre in width;
- (d) extend from the lowest storey to the highest storey or flat roof of the building;
- (e) be provided at all times with direct and unobstructed access to a place of safety;
- (f) be provided throughout their length with strong handrails at least three quarters of a metre in height measured at the nosing of steps and treads and one metre in height measured at landings;
- (g) be provided with landings or balconies at least two metres by one metre in dimension at each floor level;
- (h) be provided with means of direct access to each floor by a door which shall be so constructed as to open outwards in such a way that it shall not cause obstruction to the staircase and shall be fitted with panic bolts which may be fitted with a key to open from outside, but in no case shall a key to open from inside;
- (k) be maintained in a satisfactory condition at a time;
- (j) be protected against heat and smoke by the provision of fire resisting and smoke stop doors and windows on all openings within two metres of such staircase.

(2) All exits from a building to an emergency staircase shall, where required by a fire authority be provided with notices indicating the position of such exits.

(3) In case of a public building there shall be exhibited immediately above the inside of every emergency exit door a painted and lighted notice displaying the words "EXIT" or "WAYOUT" and such notice be kept uncovered and unconcealed by any obstruction whatsoever during the time when the public building is open to the public or when in use.

16. (1) Every building of five or more storeys shall be provided with a lift and no lift shall be provided in any building except in accordance with the provisions of these regulations. Provision of lifts

(2) The lift cage shall-

- (a) be equipped with means of proper ventilation, but otherwise it shall be a fully enclosed structure;
- (b) be equipped with means of artificial lighting, available both in normal operation and on the failure of the main power supply to the lift;
- (c) have displayed conspicuously therein a notice stating the maximum working load and the maximum number of passengers who can safely be permitted to be carried in the cage;
- (d) be fitted with self-closing doors and where required by a fire authority suitable smoke-stop doors shall be provided;
and
- (e) be fitted with a suitable device for making an alarm signal capable of being heard outside the lift shaft.

(3) Each landing door shall be self-closing and shall be constructed in such a way that it will open by sliding or by sliding and folding.

(4) Each lift shall be constructed in a way that shall ensure that there is no greater gap than twenty-five millimetres between the cage and the lift shaft on the landing door side of the lift.

(5) In every building of three or more storeys where a lift is provided, the lift shall be protected by doors and shutters having a fire resistance of not less than half an hour.

(6) Each lift shall be fitted with such control devices as may be necessary to prevent-

- (a) the movement of the lift cage in the shaft unless all the landing doors by which access to that lift shaft is obtained and the doors of the lift cage are closed; and
- (b) the opening of a cage or landing door unless the lift cage is at rest opposite to a landing:

Provided that nothing in this sub-regulation shall be so construed as to prevent the incorporation of safety devices which will subject to suitable safeguards, permit the opening of a lift door or landing door in an emergency.

(7) All lifts shall be provided with manual winding gear and a means of obtaining access to the lift shaft from any floor in the event of an emergency, and the keys to the winding room and the lift doors shall be kept in a readily accessible place.

(8) This regulation shall not be deemed to prohibit the construction of lifts with open metal grillage, suitably protected, situated in the well of the staircase, provided the lift shaft is surrounded by a wall as required in the foregoing sub-regulations.

(9) A fire authority may use its fire brigade or equipment for any purpose other than fire-fighting purposes, on such terms as appear proper in the circumstances.

17. Every staircase, ramp or escalator shall be provided with adequate natural or artificial lighting to ensure clear visibility at all times to the satisfaction of the authority. Lighting of staircases

PART IV
MISCELLANEOUS

- 18.** A fire authority may enter into any scheme for mutual assistance with any other fire authority or organisation which maintain a fire brigade. Mutual assistance schemes
- 19.** No person shall disclose to an unauthorised person any information obtained by him from any premises in the course of discharging his duties. No disclosure of information to unauthorised person
- 20.** Any person aggrieved or adversely affected by any decision of a fire authority may appeal to the Minister. Appeals from decisions of a fire authority
- 21.** (1) Any person who contravenes any of the provisions of these Regulations shall be guilty of an offence and liable, upon conviction-
- (a) in the case of a first offence, to a fine not exceeding two hundred and forty penalty units or to imprisonment for a period not exceeding one month; and
 - (b) in the case of a second or subsequent offence to a fine not exceeding three hundred and twenty penalty units or to imprisonment for a period not exceeding two months, or to both.
- (2) In addition to or in substitution for the penalty prescribed in sub-regulation (1), the court may order that any expenses incurred by the fire authority in consequence of such contravention be paid by the convicted person.

(As amended by Act No. 13 of 1994)

SCHEDULE
(Regulations (5) and (6))

FSR FORM 1

The Laws of Zambia
PART I

APPLICATION FOR FIRE CERTIFICATE

1. Full name of applicant.....
Postal Address.....
 2. Premises in respect of which a fire certificate is required:
Stand No.....
Name of Street.....
District.....
 3. Name of leaseholder.....
 4. Use of premises.....
.....
 5. (a) If premises consists of a single building state the number of floors in the building
.....
(b) If the premises consist of a number of buildings state:
(i)
(ii)
 6. Maximum number of persons likely to be on the premises at any one time:
(a) Staff.....
(b) Other persons.....
 7. Approximate date of completion of construction of premises.....
.....
 8. Explosives and inflammable materials kept on the premises:
(a) Explosives
(i) type.....
(ii) quantity.....
(b) Inflammable materials
(i) type.....
(ii) quantity.....
 9. Fire Inspector's report (in detail).....
.....
 10. (a) Premises inspected by.....
(b) Name of Fire Authority.....
- Date..... Serial No.

PART II
FIRE CERTIFICATE

FSR FORM 2

The Laws of Zambia

I certify that the premises described herein are suitable for occupation:

Description of premises.....
.....
Stand No.
Name of Street.....
District.....
Name of leaseholder.....
Postal address.....
Signature.....
Designation.....
Fire Authority.....
Date.....

Conditions, if any, should be attached to this certificate.

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 107-THE LOCAL GOVERNMENT (FIRE INSPECTORS) ORDER

Statutory Instrument
84 of 1993

Order by the Minister

1. This Order may be cited as the Local Government (Fire Inspectors) Order. Title

2. (1) The persons listed in the Schedule hereto are hereby appointed Fire Inspectors for each Council established under the Act. Appointment of Fire Inspectors

(2) The Fire Inspectors appointed under paragraph (1) shall have power at any reasonable time, to enter any public premises in their respective Council areas for the purpose of carrying out fire prevention inspections.

SCHEDULE
(Paragraph 2)

Lusaka Province

Lusaka City Council

Mr Peter Mongela
Mr Stephen Njovu
Mr Davison Ndawa
Mr Hazi J. Tembo
Mr Phillip K. Jere
Mr Sianga J. Mubita
Mr Gabriel Mutambo
Mr Boswell Chizinguka
Mr Beenwell Simwinga

Kafue District Council

Central Province

Kabwe Municipal Council

Mr Danny Banda
Mr Peter Chipwanya
Mr Clement Zulu
Mr Goodson Ngoma
Mr Robby Chungwa

Kapiri Mposhi District Council

Copperbelt Province

Ndola City Council

Mr Phillip Syakutela
Mr Robert Samukoko
Mr Vernatius Chanda
Mr Wilson Daka

Kitwe City Council

Mr Peter Sakala
Mr Joseph Mwape
Mr Gibson Makalu
Mr Stanley Sichivula

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Mufulira Municipal Council	Mr Donald Kateule Mr Dickson Banda Mr Safelino Kabwe
Luanshya Municipal Council	Mr Baldwin K. Mukeya Mr B. Maabwe Mr Abby C. Banda Mr Rodgers Kakunta
<i>Southern Province</i> Livingstone Municipal Council	Mr Renny Shindelele Mr Benard Cheelo Mr Joseph Lifumbo Mr Ignatius Simaata Mr Misheck Ngoma Mr Michael Kalamba
Choma District Council Monze District Council Mazabuka District Council	Mr Bryson Hakayobe Mr George Chikale Mr Funny Kasunda Mr Albert Kampengele
<i>Eastern Province</i> Chipata Municipal Council	Mr Mutale S. Kaziya

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 94-THE LOCAL ADMINISTRATION (PROVINCIAL SERVICE BOARD'S MEMBERS' ALLOWANCES) REGULATIONS

Statutory Instrument
122 of 1991

Regulations by the Minister

1. These Regulations may be cited as the Local Administration (Provincial Service Board's Members' Allowances) Regulations.*(4) Title

*These Regulations are continued in operation by virtue of section 15 of the Interpretation and General Provisions Act Cap. 2.

2. The members of a Provincial Service Board shall be paid the allowances set out in the Schedule to these Regulations. Allowances for Board Members

SCHEDULE
(Regulation 2)

<i>Nature of Allowance:</i>	<i>Rate</i>
1. Sitting Allowance where member resides-	
(i) within 15 km from Headquarters of the Province	K400.00
(ii) beyond 1 km but within 30 km from the Provincial Headquarters	K450.00
(iii) beyond 30 km from the Provincial Headquarters	K550.00
2. Daily subsistence allowance for expenses incurred while on duty in Zambia	K1,050.00

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTIONS 56 AND 59-THE KITWE DISTRICT COUNCIL (PUBLIC LIBRARY) BY-LAWS

Statutory Instrument
58 of 1983

By-laws made by the Council and confirmed by the Prime Minister

Act 13 of 1994

PART I

PRELIMINARY

1. These By-laws may be cited as the Kitwe District Council (Public Library) By-laws. Title
2. In these By-laws, unless the context otherwise requires- Interpretation
- "book" means a book, chart, deed, engraving, etching, gramophone record, magazine, map, music score, newspaper, pamphlet, periodical, photograph, picture, print and every other article of a like nature forming part of the contents of the Library;
- "Council" means the Kitwe District Council;
- "lending department" means the department of the Library from which books may be borrowed for reading outside the Library;
- "Librarian" means the Librarian appointed by the Council;
- "Library" means the collection of books under the control of the Librarian made available by the Council for the use of the public;
- "resident" means any person who is either living in, or employed in, the area under the jurisdiction of the Council;
- "ticket" means a card pocket issued in respect of each ticket holder and includes a special ticket.

PART II

USE OF LIBRARY BUILDINGS

3. The Library shall be open to the public during such days and hours as shall be prescribed by the Council. Hours of opening and closing
4. Admission to the lending department of the Library shall be restricted to ticket holders but their representatives may be admitted at the discretion of the Librarian. Admission to lending department

*These By-laws are continued in operation by virtue of section 15 of the Interpretation and General Provisions Act Cap. 2.

The Laws of Zambia

5. No person shall enter the Library building with any basket, case, shopping bag and other similar carrier. Carrier. etc., to be surrendered

PART III

MEMBERSHIP OF LENDING DEPARTMENT

6. Membership of the lending department of the Library shall be open to any resident who has reached the age of sixteen years. Qualification for membership

7. On becoming a member of the lending department a person shall be entitled to receive a maximum of four ordinary tickets from the Librarian. Issue of tickets

8. Any person who does not qualify for membership of the lending department under by-law 6 may borrow books on payment of a deposit at the rate of two kwacha per book. Persons not coming within specified categories

9. The Librarian shall issue the borrower with a special ticket on receipt of the two kwacha deposit. Special tickets

10. Additional special tickets up to a maximum of three may be obtained from the Librarian on further payment of a deposit of one kwacha for each special ticket. Additional special tickets

11. A ticket shall remain valid, unless previously cancelled, for a period of two years from the date of issue. Validity of ticket

12. For the purposes of by-laws 6 and 8, the spouse of a ticket holder shall be deemed to have the same qualification as the ticket holder whenever such qualification is more favourable. Provisions as to spouses

13. A lost ticket may be replaced by the Librarian upon payment of the sum of twenty-five ngwee or one kwacha in respect of an ordinary or special ticket respectively. Replacement of lost tickets

14. A ticket holder shall be liable for any loss or damage under these By-laws arising from the use of a ticket issued to such ticket holder by any person other than the ticket holder or his representative. Liability of ticket holders

15. Ticket holders shall immediately notify the Librarian of any change of residential or postal address. Notification of change of address

PART IV
USE OF LENDING DEPARTMENT

16. Borrowers shall leave with the Librarian a ticket in respect of each book borrowed. Tickets to be left with Librarian

17. The Librarian shall not be responsible for the safe keeping of tickets other than those left in accordance with by-law 16. Responsibility of Librarian

18. Borrowers shall return books borrowed within fifteen days of the date of issue: Limited period of borrowing
Provided that the loan of any book which is not required by another borrower may be renewed for a further period of fifteen days upon request to the Librarian.

19. Borrowers shall not retain any book issued after receiving a written demand from the Librarian to return such book. Such written demand may either be delivered by hand or by post to the last registered postal address of the borrower. Written demand for return of books

20. Borrowers shall pay a fine of one penalty unit per day or portion of a day for each day a book is kept by the borrower beyond the date on which it should have been returned. Such fine shall be paid irrespective of whether the borrower was using all his tickets at the time the book was overdue. Fines when books overdue

(As amended by Act No. 13 of 1994)

21. Should any book be lost, the borrower to whom it was issued shall pay to the Librarian, in addition to any fines or other charges which may be due in respect of such book, the value of the lost book or alternatively he shall replace it with another copy of equal value. If a person who has replaced a lost book subsequently recovers the book deemed to have been lost, he shall be entitled to retain the book so recovered. Replacement of lost books

22. Any book not returned to the Library within a period of two months from the date of issue shall be deemed to be lost unless the loan of it has been renewed from time to time to cover the period during which it has been in the possession of the person to whom it was issued. When books deemed to be lost

23. Should any book be found when returned to the Library to be damaged, the borrower to whom it was issued shall replace such book with another copy of equal value or pay to the Librarian the value of such book unless the borrower can prove that the book was so damaged when issued to him. In the event of any person replacing a damaged book as aforesaid, he shall be entitled to retain the damaged book. Replacement of damaged books

The Laws of Zambia

24. If an infectious disease occurs in any house containing books borrowed from the Library, the borrower shall hand over such books to the Council's Medical Officer of Health or any Health Inspector acting on his behalf. Until such infected house is declared free of disease by the Council's Medical Officer of Health, no books shall be issued from the Library to any person or persons residing therein.

Provisions in case of infectious disease

PART V

USE OF REFERENCE AND READING ROOMS

25. Persons may consult and read books in the reference room or reading room of the Library and may extract information from any book used:

Reference and reading rooms

Provided that no person shall bring ink bottles or ink pots for use in such room.

26. Any book except works of prose fiction in any other department of the Library if not in use may be had on application to the Librarian for consultation in the reference room or reading room.

Books available for reference

27. Books shall not be borrowed from the reference department:

Books may not be borrowed except as provided

Provided that where it is not possible for a person to use a book in the reference room during normal opening hours of the Library, he may apply to the Librarian to borrow a book from the reference department from the time the Library closes until it reopens on the following day.

28. Tickets shall be left with the Librarian for each book borrowed from the reference department:

Requirements as to tickets and deposits

Provided that the Librarian may demand the payment of a deposit not exceeding ten kwacha for any reference book so borrowed.

PART VI

LIABILITY OF BORROWERS

29. Any borrower to whom a book has been issued shall be liable for any loss, fine or other charge incurred in respect of the issue of such book to him, notwithstanding the fact that such loss, fine or other charge was not due to his own default or neglect, and no person who has lost or damaged any book or who has incurred any fine or other charge shall be permitted to borrow any further books until such lost or damaged books shall have been replaced or the amount of the damage caused thereto or the fine or other charge has been paid to the Librarian, as the case may be.

Liability of borrowers

PART VII
OFFENCES AND PENALTIES

- 30.** No person shall be in possession of or remove from any part of the Library any book which has not been issued to him in accordance with these By-laws. Unauthorised removal of books generally
- 31.** A person shall not take any book from the reference or reading room of the Library except as authorised by these By-laws. Unauthorised removal of books from reference or reading rooms
- 32.** A person shall not engage in audible conversation in any reference or reading room of the Library after having been requested not to do so by the Librarian. Conversation
- 33.** A person shall not maliciously or wilfully obstruct the Librarian in the execution of his duty or wilfully disturb, interrupt or annoy any other person in the proper use of the Library. Obstruction and annoyance
- 34.** A person shall not cause or allow any dog or other animal belonging to him or under his control to enter or remain in the Library, or bring into any part of the Library a bicycle or other wheeled vehicle or conveyance, other than a hand-propelled invalid chair. Animals and vehicles
- 35.** A person shall not enter or remain in any part of the Library not set apart for use of the public. Trespass
- 36.** A person shall not smoke, strike a light or spit in any part of the Library. Smoking and spitting
- 37.** A person shall not carelessly or negligently soil, tear, cut, deface, damage, injure or destroy any book forming part of the contents of the Library. Damage and negligence
- 38.** No person other than the Librarian shall affix or post any bill, placard or notice to or upon any part of the Library. Bills, notices and placards
- 39.** A person who is offensively unclean in person or in dress or who is suffering from an offensive or infectious disease shall not enter or use the Library. Uncleanliness and infectious disease
- 40.** A person shall not lie on the benches, chairs, tables or floor of the Library. Misuse of furniture and premises

The Laws of Zambia

- 41.** A person shall not partake of refreshment in the Library. Refreshment
- 42.** A person shall not give a false name or address for the purpose of entering any part of the Library or obtaining any privilege therefrom. False names and addresses
- 43.** A person shall not make a tracing of any portion of a book without the permission of the Librarian. No person shall mark any leaf in a book, turn down or stain the leaves. Misuse of books
- 44.** A person shall not behave in a disorderly manner, use abusive, blasphemous or obscene language or gamble in any part of the Library. Behaviour in premises
- 45.** Any person guilty of an offence, contravention of or default in complying with any of these By-laws shall be liable on conviction to a fine not exceeding twenty five penalty units. Penalties

(As amended by Act No. 13 of 1994)

- 46.** Any person guilty of an offence against these By-laws shall be suspended from membership of the lending department by the Librarian and shall not be permitted to borrow books or use the reading or reference rooms: Suspension of membership

Provided that such person shall have a right of appeal to the Council.

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTIONS 69 AND 76-THE KATETE DISTRICT COUNCIL (MEAT, ABATTOIR AND BUTCHERIES) BY-LAWS

Statutory Instrument
139 of 1994

By-laws made by the Council and confirmed by the Prime Minister

PART I

PRELIMINARY

- 1.** These By-laws may be cited as the Katete District Council (Meat, Abattoir and Butcheries) By-laws. Title

2. In these By-laws, unless the context otherwise requires-

Interpretation
Cap. 283

"abattoir" means the place provided by the Council for the slaughter of animals intended for sale for the food of humans and include buildings, lairs, stalls and spaces within the abattoir site;

"animal" means bull, ox bullock, cow heifer, steer, calf, sheep, lamb, goat or other quadruped commonly used for the food of humans;

"area" means the area under the jurisdiction of the Council;

"butcher" includes the owner, occupier and Manager of a butchery;

"butchery" means any premises in which the selling, storage or preparation of meat or meat products is carried on, for the use of persons other than those residing on the premises;

"Council" means the Katete District Council;

"meat" means the flesh, offal or other parts used or intended to be used as food for humans derived from any animal as defined above, but does not include canned meat, bacon or ham;

"meat inspector" means a person employed by the Council to act as meat inspector or any other qualified person authorised by the Council to act in that behalf;

"prescribed township area" means the area within the demarcated boundaries of the township development plan in accordance under the Development Plans Regulations;

"veterinary officer" means a veterinary surgeon in the employment of Government.

PART II

MEAT AND ABATTOIR

3. A person shall not expose, offer, deposit, accept or have in his possession for resale any meat unless such meat has been examined and stamped or otherwise marked, as may be approved by the Council, as having been passed by the meat Inspector as fit for human consumption.

No meat to be sold
unless marked as fit
for consumption

4. A person shall not directly or indirectly obstruct any medical officer, any veterinary officer, meat inspector, health inspector or other duly authorised official in the lawful execution of the provisions of these By-laws.

Obstruction of
authorised official
prohibited

The Laws of Zambia

5. (1) A person shall not slaughter or skin any animal except at such place and subject to such condition as the Council may direct. Slaughter of animals

(2) A person shall not slaughter or cause to be slaughtered at any place within the township boundary, other than the abattoir, any animal the flesh of which is intended for sale as food for human consumption.

(3) Any person who slaughters or skins any animal shall-

- (a) dispose of or destroy all waste or refuse resulting from such slaughter or skinning in such place and in such manner as the Council may direct; and
- (b) maintain in a clean and sanitary condition to the satisfaction of the Council as its authorised agent, the abattoir or place appointed for such slaughter.

6. No person shall bring any dead or dying animal into any abattoir without first obtaining the written consent of the veterinary officer or meat inspector. Dead or dying animal

7. The owner of an animal brought into the abattoir shall be responsible for such animal and shall make good any damage caused by him or his animals. Owner of animal responsible for damages

8. (1) The Council shall charge a fee for slaughtering, examination, stamping, branding, marking re-examination or re-stamping of any animal, meat or carcass, for each animal, meat or carcass. Fee

(2) The fee shall be due and payable by the owner of such animal or meat or carcass upon the rendering by the Council of an account therefore.

9. Any person who contravenes any provisions of the By-laws contained in this Part shall be liable upon conviction- Offence and penalties

- (a) to a fine not exceeding two thousand penalty units; and
- (b) in a continuing or subsequent to same offence, a fine not exceeding eight hundred kwacha for each day during which the offence continues.

PART III
BUTCHERIES

The Laws of Zambia

10. (1) A person shall not carry on the business of a butchery unless he needs a valid certificate in writing from the Council that such butchery conforms with these By-laws. Butcheries to be approved by the Council

(2) The certificate shall not be granted unless the health inspector is satisfied that the butchery in respect of which such certificate is issued conforms with these By-laws and is suitable for the purpose for which it is intended to be used.

(3) Every certificate shall be clearly exhibited at all times in the butchery to which it relates.

(4) The Council may revoke the certificate at any time, if the butchery ceases to conform with the provisions of these By-laws.

11. Every butchery shall comply with the provisions of Public Health (Meat, Abattoir and Butcheries) Regulations. Conditions to be complied with by butcheries
Cap. 295

12. A person shall not spit in the butchery. Prohibition of spitting

13. A person shall not at any time keep or cause to be kept in a butchery any live animal or bird. Prohibition of animals in the butchery

14. Any person engaged in handling of meat or meat product shall submit themselves to medical examination every six months and when called upon to do so by the medical officer of health. Examinations

15. (1) Any person who contravenes any provision of the By-laws contained in this part shall be liable, on conviction- Penalties

- (a) to a fine not exceeding one thousand penalty units or for imprisonment for a period not exceeding three months or to both;
- (b) in the case of continuing offence, to a fine not exceeding five hundred kwacha for every day during which the offence continues; and
- (c) in addition to any penalty prescribed in sub-paragraph (a) and (b) the Council may cancel or suspend any licence or certificate issued.

PART IV

16. A person-

Straying animals
within the township

- (a) who owns or is in charge of any cattle, horse, mule, donkey, sheep, pig, goat or poultry, shall not allow such animals to be at large in any street or public place or on any unoccupied premises or to trespass on any garden or pleasure ground within the prescribed township boundary;
- (b) who owns or is in charge of any wild, ferocious or dangerous dog, monkey or other animal or any bitch on heat shall not allow such animal to be at large in any street or public place within the prescribed township boundary;
- (c) who owns or is in charge of any animal affected with infectious or contagious disease, shall not let such animal loose except in a place that may be set aside for such purpose by the Council; and
- (d) not keep any cattle, kraal or pigsty or any pig or other animals, that are likely to be injurious to health within the township, except under a written permit from the Council. Which permit shall be renewed at yearly intervals.

17. Any person who contravenes any provision of the By-laws in this part shall be liable, on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a period not exceeding three months or to both.

Penalties

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTIONS 76-THE KATETE DISTRICT COUNCIL (VILLAGE CLEANLINESS) BY-LAWS

Statutory Instrument
46 of 1994

By-laws made by the Council and confirmed by the Prime Minister

Act 13 of 1994

1. These By-laws may be cited as the Katete District Council (Village Cleanliness) By-laws.

Title

2. In these By-laws, unless the context otherwise requires-

Interpretation
Cap. 289

"area" means the area under the jurisdiction of the Katete District Council;

"Council" means Katete District Council;

"village" means a community of households established under the Registration and Development of Village Act within the Council Boundaries;

"cleanliness" means the maintenance of stipulated health standards for prevention of communicable diseases;

The Laws of Zambia

"nuisance" means a condition liable to be injurious and dangerous to health as defined under section sixty-seven of the Public Health Act; Cap. 295

"domestic dwelling" means any form of building in human use, or intended for human use, whether for purposes of business, residence or amusement;

"refuse pit" means a pit dug for disposal of domestic household refuse;

"latrine" includes a privy, urinal, pail closet, pit closet, earth closet, chemical closet, water closet;

"latrine accommodation" includes a receptacle for human excreta, together with the structure containing and including such receptacle and the fittings and apparatus connected therewith;

"occupier" includes any person in actual occupation of land or premises without regard to the title under which he occupies.

3. (1) Every person shall take all lawful, necessary and practicable measures for maintaining his village or area at all times in a clean and sanitary condition and for preventing the occurrence of or for remedying any nuisance or condition liable to be injurious or dangerous to health. Community to maintain cleanliness and prevent nuisances

(2) The occupier of any domestic dwelling shall provide a refuse pit situated at least twenty metres away from the dwelling house for disposal of refuse.

4. (1) Any person who fails to obey an order of the Council to comply with the requirements of By-law 3 within the time specified by the Council, or otherwise to remove the nuisance, shall, unless he satisfies the Court that he has used all diligence to carry out such order, be guilty of an offence. Failure to comply with order

(2) The Council may enter the premises to which any such order relates and remove the nuisance and do whatever may be necessary in the execution of such order and recover, as a civil debt, the expenses incurred from the person against whom the order is made.

5. (1) The Council may order the demolition of any domestic dwelling where it is satisfied that such dwelling is so dilapidated or so defectively constructed as to make it unfit for human habitation and may recover from the owner, as a civil debt, the expenses incurred therein. Demolition of dilapidated or defective dwelling

(2) Any person who wilfully fails to comply with any order for demolition, shall be guilty of an offence.

(3) No compensation shall be paid by the Council to the owner or occupier of any such dwelling or other structure which may be damaged in respect of a demolition order.

(4) From the date of the demolition order no rent shall be due or payable by or on behalf of the occupier in respect of such dwelling or structure.

The Laws of Zambia

6. (1) Every dwelling house must be provided with a separate latrine accommodation: Provision of latrine accommodation to dwelling houses

Provided that, notwithstanding anything contained in these By-laws, a separate latrine may not be provided where, in the opinion of the Council, sufficient latrine accommodation is so conveniently situated that it may be safely used in common by the households in that community.

(2) Any person who damages or makes improper use of any public latrine or a latrine provided in connection with any school, church or place of public worship, theatre, markets, clinics, public hall or other public place shall be guilty of the offence.

7. Where any owner or occupier who is in receipt of a written notice, shall fail to comply with the requirements of such notice within the period specified in the notice the Council may, after the expiration of the period specified, do the work or direct any person to do the work required to be done, and recover, as a civil debt from the owner or occupier the expenses incurred by it in so doing. The Council to enforce provision of latrine accommodation

8. Any person who causes any existing domestic dwelling or public building to be erected or who occupies, or being the owner, permits to be occupied any such domestic building or public building in contravention of the provisions of these By-laws shall be guilty of an offence. Provisions of accommodation to domestic and public building

9. (1) Any person who contravenes any provision of these By-laws, shall be guilty of an offence and shall be liable- Offences and Penalties

(a) in the case of a first offence to a fine not exceeding ten penalty units or imprisonment for a period of six months, or to both;

(b) in the case of continuing offence, to a fine not exceeding five penalty units for every day during which the offence continues.

(2) In addition to any penalty prescribed by sub-by-law (1), the court may order that any expenses incurred by the Council in consequence of such contravention be paid by the person committing the contravention.

(As amended by Act No. 13 of 1994)

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTIONS 61 AND 76-THE KATETE DISTRICT COUNCIL (ESTABLISHMENT OF WASTE DISPOSAL SITES) BY-LAWS

Statutory Instrument
143 of 1994

By-laws made by the Council and confirmed by the Prime Minister

1. These By-laws may be cited as the Katete District Council (Establishment of Waste Disposal Sites) By-laws. Title

The Laws of Zambia

- 2.** In these By-laws, unless the context otherwise requires-
- "area" means the area under the jurisdiction of the Council;
- "commercial wastes" means the wastes discharged from industrial activities;
- "Council" means the Katete District Council;
- "refuse" means wastes as defined under the Environmental Protection and Pollution Control Act, and includes hazardous wastes.
- 3.** The places described in the Schedule hereto are hereby established as waste disposal sites for the area.
- 4.** Any person who disposes of commercial waste at a waste disposal site established by the Council under these By-laws shall pay to the Council a fee of fifty kwacha per kilogramme before disposal.
- 5.** Any person who disposes of wastes at any other place other than that established under these By-laws shall be guilty of an offence and shall be liable upon conviction-
- (a) in the case of a first offence, to a fine not exceeding one thousand penalty units or to imprisonment for a period not exceeding six months, or to both;
- (b) in the case of a second offence, or subsequent offence, to a fine not exceeding two hundred kwacha for every day during which the contravention continues.
- Interpretation
Cap. 204
- Establishment of
disposal sites
- Commercial waste
disposal site levy
- Offences and
penalties

Endnotes

1 (Popup - Popup)

*These Regulations are continued in operation by virtue of section 15 of the Interpretation and General Provisions Act Cap. 2.

2 (Popup - Popup)

*This Order is continued in operation by virtue of section 15 of the Interpretation and General Provisions Act Cap. 2.

3 (Popup - Popup)

* These Regulations are continued in operation by virtue of section 15 of the Interpretation and General Provisions Act Cap. 2.

4 (Popup - Popup)

*These Regulations are continued in operation by virtue of section 15 of the Interpretation and General Provisions Act Cap. 2.