

CHAPTER 289

THE REGISTRATION AND DEVELOPMENT OF VILLAGES ACT

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CHAPTER 289

REGISTRATION AND DEVELOPMENT OF VILLAGES

30 of 1971

13 of 1994

An Act to provide for the registration of villages and of the inhabitants thereof; to provide for the establishment of Village Productivity Committees, Ward Councils and Ward Development Committees; and to provide for matters connected with or incidental to the foregoing.

[19th October, 1971]

PART I

PRELIMINARY

1. This Act may be cited as the Registration and Development of Villages Act. Short title

2. In this Act, unless the context otherwise requires- Interpretation

"Chief" shall have the meaning assigned to it in section *two* of the Chiefs Act, and shall include a Senior Chief; Cap. 287

"councillor" shall have the meaning assigned to it in section *two* of the Local Government Act; Cap. 281

"Headman" means a villager who is recognised as the Headman of a village in a rural area by all or a majority of the other villagers under their customary law to be their Headman and who is also recognised as such by their Chief;

"household" means an inhabitant including all members of his own immediate family;

"inhabitant" means a villager who has attained the age of fourteen years and who habitually and in fact resides in a village;

"prescribed" means prescribed by statutory instrument by the Minister;

"rural area" shall have the meaning assigned to it in section *two* of the Cap. 281 Local Government Act;

"village" means a settlement in a rural area of which there is a Headman recognised as such by all or a majority of the villagers and their Chief under their customary law, and "villager" shall be construed accordingly;

"ward" shall have the meaning assigned to it in section *two* of the Local Cap. 282 Government Elections Act;

PART II

REGISTRATION OF VILLAGES AND THEIR INHABITANTS

3. (1) A District Secretary in a rural area shall-

Registration of
villages and their
inhabitants

(a) supply to a Chief in his district-

(i) a prescribed form of register (hereinafter referred to as "the village register") for the purpose of recording therein the particulars mentioned in subsection (2) in respect of each village within his area; and

(ii) a prescribed form of master register (hereinafter referred to as "the master village register") for the purpose of recording therein all the particulars recorded in each village register in his area;

(b) assist a Headman in his district to prepare and maintain the village register;

(c) assist a Chief in his district to compile and maintain the master

village register.

(2) A Headman shall-

(a) prepare and maintain the village register for his village in which Cap. 126 shall be recorded, in so far as they can be ascertained, the following particulars in respect of such village and its inhabitants:

- (i) the name of the village;
- (ii) the name of the Headman;
- (iii) the name in full of every inhabitant;
- (iv) sex;
- (v) date or apparent year of birth;
- (vi) place of birth;
- (vii) race or declared national status;
- (viii) number of national registration card issued under section eight of the National Registration Act;
- (ix) date on which an inhabitant ceases to be an inhabitant in his village;
- (x) date of death of an inhabitant; and
- (xi) such other particulars as may be prescribed;

(b) whenever required by his Chief or by his District Secretary, permit his Chief or his District Secretary to inspect and to take a copy of the entries in the village register for the purpose of compiling and maintaining the master village register;

(c) in any event, at least once in every six months, furnish his Chief with the information relating to any inhabitant who, during the previous six months, has ceased to be an inhabitant for any reason whatsoever, and likewise furnish the necessary information to his Chief within the like period in respect of any new inhabitant in his village.

(3) A Chief shall in his area-

(a) ensure that every Headman duly performs the duties imposed upon him pursuant to subsection (2); and

(b) compile and maintain the master village register of all villages

in his area mentioned in paragraph (a) (ii) of subsection (1).

(4) Every inhabitant of a village shall furnish the particulars mentioned in subsection (2) when required by his Headman and shall attend before him at such place and time as the Headman may appoint and notify to him either individually or collectively with other inhabitants of the village.

4. Every person who, having been registered as an inhabitant of a village pursuant to subsection (2) of section *three*, ceases to be an inhabitant of that village, either by becoming an inhabitant of another village or otherwise, shall inform the Headman of his village that he has ceased to be an inhabitant of that village and, thereupon, the Headman of his village shall amend his village register accordingly; and, if he becomes an inhabitant of another village, he shall forthwith inform the Headman of the second-named village that he has become an inhabitant of such village and, thereupon, the Headman of the second-named village shall inform his Chief of such change of habitation in accordance with the aforementioned subsection (2). Change of village

5. (1) Notwithstanding the provisions contained in this Part, a Headman shall, on request made to him in writing by a citizen of Zambia, record in the village register the particulars, or such of the particulars as are furnished by him to the Headman mentioned in subsection (2) (a) of section *three*, if the person who makes such request satisfies the following conditions: Special provisions for registration of certain persons

(a) he has attained the age of at least fourteen years at the time of making such request;

(b) he, either of his parents, one of his grandparents or great grandparents was born in that village;

(c) he is not an inhabitant of that village or of any other village.

(2) Any person to whom the provisions of subsection (1) apply shall be entitled to reside in such village and, on his becoming an inhabitant of that village, the provisions of this Act shall apply to him in the same manner as they apply to any other inhabitant of that village.

PART III

PROVISIONS RELATING TO THE ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF A VILLAGE PRODUCTIVITY COMMITTEE

6. (1) There shall be established a Village Productivity Committee (hereinafter referred to as the "Productivity Committee") for each village within the Republic consisting of-

Provisions relating to the establishment and composition of a Village Productivity Committee

(a) not less than twenty households; or

(b) in the case of a village having less than twenty households, a combination of such villages provided that, in such a case, the number of such villages does not exceed five in number.

(2) Each Productivity Committee shall consist of not less than six and not more than ten inhabitants (who shall not be less than twenty-one years of age) including the Headman in the case of one village and the Headman from each village in the case of a combination of villages mentioned in subsection (1), and there shall be-

(a) a Chairman who shall be-

(i) in the case of the Productivity Committee representing one village, the village Headman;

(ii) in the case of the Productivity Committee representing more than one village, such person as the Productivity Committee may elect from among its members;

(b) a Secretary/Treasurer who shall be elected or appointed from among its members.

(3) The term of office of the Chairman of the Productivity Committee

shall be for a period of three years and he shall not be entitled to receive any remuneration in respect of such office.

(4) The Secretary/Treasurer shall be the chief administrative and finance officer of the Productivity Committee, and shall be responsible for the co-ordination of all the work of the Productivity Committee and for the keeping of all records relating to its proceedings and decisions, and for ensuring the implementation of such decisions.

(5) The term of office of the Secretary/Treasurer of the Productivity Committee shall be for a period of three years and he shall not be entitled to receive any remuneration in respect of such office.

7. (1) A Chief having jurisdiction in the area in which a Productivity Election of Committee is to be established shall summon the first meeting of the members of inhabitants of each village, or combination of villages as mentioned in Productivity subsection (1) of section *six*, within his jurisdiction for the purpose of Committee electing members of the Productivity Committee. Such meeting shall be held as soon as practicable after the commencement of this Act, and the result of the election at such meeting shall be determined by a majority of votes of the inhabitants present and voting at the meeting.

(2) The members of the Productivity Committee shall be elected every three years.

(3) In the event of any vacancy occurring in the membership of the Productivity Committee, either by reason of death of any member or for any reason whatsoever, an election shall be held to fill such vacancy in the manner prescribed in subsection (1).

(4) A person shall cease to be a member of the Productivity Committee-

(a) if he ceases to be an inhabitant of a village represented by the Productivity Committee;

(b) if he remains out of his village for more than three months; or

(c) if he fails to attend two consecutive meetings without the permission of the Chairman of the Productivity Committee.

(5) A meeting of the Productivity Committee shall be held as required by the Chairman or at the request of any member of the Productivity Committee made to the Chairman for that purpose and any such meeting may be adjourned from time to time and from place to place.

(6) At any meeting of the Productivity Committee a majority of its members shall form a quorum.

(7) Any question proposed for decision by the Productivity Committee shall be determined by a majority of votes of the members present and voting at that meeting.

(8) At any meeting of the Productivity Committee the members present shall have one vote each on a question proposed for decision and, in the event of an equality of votes, the person presiding at the meeting shall have a second vote.

8. The functions and duties of the Productivity Committee shall be as described in the First Schedule. Functions and duties of Productivity Committee

9. The funds of the Productivity Committee may consist of collections from the inhabitants of the village or villages, as the case may be, and it shall be the duty of the Secretary/Treasurer to ensure that such funds are kept in such bank or building society as he may be directed by the Productivity Committee and he shall keep and maintain a true record of all receipts and payments and he shall account for the same to the Productivity Committee when required so to do. Funds of Productivity Committee

10. The Chairman of the Productivity Committee- Powers and duties of Chairman of Productivity Committee

(a) shall be the chief executive of the Productivity Committee and shall be responsible for its overall organisation;

(b) shall preside at its meetings;

(c) shall report the proceedings and outcome of such meetings to the Ward Council mentioned in section *eleven*;

(d) shall report all decisions reached at each meeting of the Ward

Council mentioned in section *eleven* and of the Ward Development Committee mentioned in section *fourteen* (including a report of developments, economic and social, throughout Zambia, affecting the interests and development of the ward) to the Productivity Committee.

PART IV

PROVISIONS RELATING TO THE ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF A WARD COUNCIL

11. (1) There shall be established a Council (hereinafter referred to as the "Ward Council") in each ward of a rural area, consisting of the following members, namely:

Provisions relating to the establishment and composition of a Ward council

(a) the Chairman who shall be the councillor elected for the ward in accordance with the provisions of the Local Government Act, who shall hold such office so long as he continues to hold the office of a councillor for the same ward and who shall not be entitled to any remuneration in respect of such office;

(b) two representatives of each Productivity Committee within the area of the ward, one of whom shall be the Chairman of each such Productivity Committee.

(2) There shall be a Secretary/Treasurer of the Ward Council who shall be elected from among its members and appointed to hold a like office by the Ward Development Committee mentioned in section *fourteen*, and who shall not be entitled to any remuneration in respect of such office.

(3) The Secretary/Treasurer of the Ward Council shall hold his office until another person is elected and appointed in his place.

(4) The Secretary/Treasurer shall be the chief administrative and finance officer both of the Ward Council and the said Ward Development Committee and, in addition to his duties specified in

subsection (2) of section *sixteen*, he shall be responsible for the co-ordination of the work of the Ward Council and the said Ward Development Committee and for keeping the respective records of their proceedings and decisions, and for ensuring the implementation of such decisions.

(5) The members of the Ward Council except the Chairman shall be elected every three years.

(6) The councillor of each ward shall summon the first meeting of the Ward Council within a reasonable time after he is informed by the Chairman of each Productivity Committee within the area of his ward of the names of the members of the Productivity Committee elected in accordance with subsection (1) of section *seven*.

(7) A meeting of the Ward Council shall be held not less than twice in each year and it shall be the duty of the Chairman to convene a meeting once in each year to review the progress made in each ward during the previous year, and once later in the same year to approve the budgetary estimates of the Ward Development Committee for the succeeding year.

(8) The Chairman may at any time convene a special meeting of the Ward Council, and shall convene a special meeting at the request of the Chairmen of any three Productivity Committees in his ward to discuss any matter affecting the welfare of the ward.

(9) At any meeting of the Ward Council a majority of its members shall form a quorum.

(10) Any question proposed for decision of the Ward Council shall be determined by a majority of votes of the members present and voting at the meeting.

(11) At any meeting of the Ward Council the members present shall have one vote each on a question proposed for decision and, in the event of an equality of votes, the person presiding at the meeting shall have a second vote.

12. The functions and duties of the Ward Council shall be as described in the Second Schedule.

Functions and duties of Ward Council

13. The Chairman of the Ward Council-

Powers and duties of Chairman of Ward Council

(a) shall be the chief executive of the Ward Council and shall be responsible for its overall organisation;

(b) shall preside at its meetings;

(c) shall report the proceedings and outcome of each meeting of the Ward Council to-

(i) the Chairman of the rural council described in the Local Government Act, of which rural council he is a councillor; and

Cap. 281

(ii) the District Secretary under whose jurisdiction falls the rural area of which the Chairman of the Ward Council is a councillor; and

(iii) the Chief having jurisdiction in the area of the ward;

(d) shall report to the Ward Council all decisions reached by the said rural council or by the said District Governor on any matter or matters reported to them under paragraph (c), including a report of developments, economic and social, throughout Zambia, affecting the interests and development of the ward.

PART V

PROVISIONS RELATING TO THE ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF A WARD DEVELOPMENT COMMITTEE

14. (1) The Ward Council shall establish a Development Committee (hereinafter referred to as the "Ward Development Committee") in each ward of a rural area, comprising not more than ten members to be elected by the Ward Council from among its members.

Provisions relating to the establishment of a Ward Development Committee

(2) The Ward Development Committee shall consist of-

(a) the Chairman who shall be the Chairman of the Ward Council mentioned in section *thirteen*;

(b) other members not exceeding nine in number including the Secretary/Treasurer.

(3) The members of the Ward Development Committee except the Chairman shall be elected every three years.

(4) The Chairman may at any time convene a meeting of the Ward Development Committee.

(5) At any meeting of the Ward Development Committee a majority of its members shall form a quorum.

(6) Any question proposed for decision of the Ward Development Committee shall be determined by a majority of votes of the members present and voting at the meeting.

(7) At any meeting of the Ward Development Committee the members present shall have one vote each on a question proposed for decision and, in the event of an equality of votes, the person presiding at the meeting shall have a second vote.

15. The Ward Development Committee shall be the executive committee of the Ward Council mentioned in section *eleven*, and shall be responsible for the administration and development of the ward as a whole, and its functions and duties shall be as described in the Third Schedule. Functions and duties of Ward Development Committee

16. (1) The funds of the Ward Development Committee shall consist of- Funds of Ward Development Committee

(a) such sums as may be received by it by way of contributions from the inhabitants of the ward or from any Productivity Committees

in the ward; and

(b) such sums as it may receive by way of grants or donations.

(2) It shall be the duty of the Secretary/Treasurer to ensure that any funds received pursuant to subsection (1) are paid to the treasurer of the rural council of the rural area of which the Chairman of the Ward Development Committee is a councillor, and the said treasurer shall not make any payment out of such funds except upon production of a requisition for such payment duly signed by the Chairman of the Ward Development Committee, and the said treasurer shall keep and maintain a true record of all receipts and payments.

(3) The treasurer mentioned in subsection (2) shall direct the Secretary/Treasurer of the Ward Development Committee in the manner in which the Secretary/Treasurer shall keep records of all moneys received and payments made on behalf of the Ward Development Committee.

(4) The records mentioned in subsections (2) and (3) shall be audited Cap. 281 periodically by the auditor to the rural council more fully described in subsection (2) and appointed under section *fifty-six* of the Local Government Act.

PART VI

POWERS AND DUTIES OF A CHIEF

17. A Chief may, at any time, within his area attend a meeting of the Powers of a Chief Productivity Committee, the Ward Council or the Ward Development Committee and address the respective members thereof on any subject conducive to the well-being of the villagers in his area.

18. Under the provisions of this Act and in addition to the duties Duties of a Chief imposed upon him under subsection (3) of section *three*, the duties of a Chief in his area shall be-

(a) to ensure that the Productivity Committees are established and are functioning effectively;

- (b) to promote and foster the spirit of unity among his people;
- (c) to promote the spirit of self-reliance among his people by rendering all possible assistance in the projects relating to higher productivity in agriculture and industry;
- (d) to encourage such projects which may improve the standard of living of his people;
- (e) to encourage educational and economic growth and to assist in the improvement of all facilities necessary for the maintenance of health and sanitation in the villages;
- (f) to report to the Productivity Committees and Ward Development Committees the decisions reached in the House of Chiefs affecting or concerning his people; and
- (g) to report to the District Governor mentioned in section *thirteen* (c) (ii) on all activities of the Productivity Committees and Ward Development Committees.

PART VII

OFFENCES, PENALTIES AND GENERAL

19. Any inhabitant of a village who-

Offences and penalties

- (a) when required, fails to furnish the particulars and other information mentioned in and in accordance with section *three*; or
 - (b) on ceasing to be an inhabitant of a village, fails to inform forthwith the Headman of that village that he has so ceased to be an inhabitant of that village in accordance with section *four*; or
 - (c) on becoming an inhabitant of another village, fails to inform forthwith the Headman of that village that he has become an inhabitant of that village in accordance with section *four*; or
 - (d) wilfully obstructs a Chief or Headman or any other person assisting him in his duties under this Act; or
 - (e) in giving any information for the purposes of this Act, knowingly or recklessly makes any statement which is false in any material particular; or
 - (f) contravenes any of the provisions of this Act or any regulations made thereunder or, without lawful cause, fails to comply with any lawful demand or requirement under this Act or such regulations;
- shall be guilty of an offence and be liable to a fine not exceeding one

hundred and fifty penalty units or to imprisonment for a term not exceeding one month, or to both.

(As amended by Act No. 13 of 1994)

20. The Minister may, by statutory instrument, make regulations- Regulations

(a) prescribing anything to be prescribed or which may be prescribed under this Act;

(b) generally for the better carrying out of the provisions of this Act.

FIRST SCHEDULE

(Section 8)

FUNCTIONS AND DUTIES OF A PRODUCTIVITY COMMITTEE

1. To elect one of its members other than the Chairman to represent the Productivity Committee on the Ward Council.

2. To plan the growth and development of a village and to promote the well-being of the villagers, and in particular-

(a) to build, improve and maintain school buildings or buildings of other educational establishments, and to participate in all educational programmes;

(b) to provide and improve water supplies in the village;

(c) to build and improve village health centres and other like institutions with a view to ensuring the highest standard of sanitary conditions for the villagers;

(d) to build roads to service the village and neighbouring villages;

(e) to establish depots for serving the village;

(f) to build an administrative centre in the village;

(g) to provide facilities for the welfare, recreation and social enjoyment of the villagers;

(h) to plan and to effectuate the establishment and growth of new villages.

3. To make decisions on such matters as are referred to it by the villagers.

4. To promote the spirit of unity among the villagers.

5. To encourage greater production in agriculture.

6. To organise the marketing of village produce and animal products.

7. To establish co-operatives for the purposes of marketing village produce and animal products.

8. To promote and encourage family savings and investment.

9. To promote the establishment of small-scale village industries and encourage inter-village commerce.

10. To encourage advancement of education in a village.

11. Generally, to do all such things as may be necessary or desirable for the establishment, promotion and development of facilities for the betterment and happiness of the villagers socially, culturally, economically and politically and to create awareness among the villagers towards those ends.

SECOND SECHEDULE

(Section 12)

FUNCTIONS AND DUTIES OF A WARD COUNCIL

1. To elect the members of the Ward Development Committee.
2. To discuss in general problems of the ward and make decisions to guide the Ward Development Committee in the administration of the ward.
3. To review plans for the development of the ward and to approve programmes for its development.
4. To assist the Ward Development Committee in assessing the requirements of the villagers in the ward and in organising ways and means whereby the Ward Development Committee can assist in improving the economic and social conditions of the villagers.
5. Generally to help facilitate in every possible way the work of the Ward Development Committee.

THIRD SCHEDULE

(Section 15)

FUNCTIONS AND DUTIES OF A WARD DEVELOPMENT COMMITTEE

1. To provide an efficient and effective administrative machinery for the villagers in a ward.
2. To supervise the work of Productivity Committees.
3. To organise an efficient and effective utilisation of the ward's natural and human resources in order to increase the capacity of the villagers in the ward to raise their standards of living. The Ward Development Committee shall assess the total needs of the ward, working out priorities and harmonising them with overall Government priorities in order to achieve for the ward maximum advantage from the implementation of the projects under the management of the ward and those under Government control.
4. To create machinery through which the villagers can undertake increasing responsibilities to solve their individual, family, village and ward problems.
5. To assist the villagers in a ward to understand the role of individuals, families and villages in the Republic.
6. To support and facilitate regional planning through the rural council responsible for the area of a ward.
7. To provide efficient and modern techniques for raising productivity in the area of a ward and, in particular, the Ward Development Committee shall-
 - (a) determine the best crop for the area and ensure the highest level of productivity of that crop;
 - (b) give maximum attention to the rearing of animals best suited to the area to ensure maximum financial return;
 - (c) discourage the villagers from growing unproductive crops and from keeping animals purely for traditional prestige;
 - (d) ensure the highest standards of maintenance of paddocks and improvement in grazing;
 - (e) encourage the villagers to move from unproductive areas to areas with greater prospects for economic advancement and prosperity;
 - (f) make use of water where it is available for irrigation purposes so that the ward can grow more than one crop annually;
 - (g) participate in the construction and maintenance of water drainage systems.
8. To assist in the construction of road networks within the area of a ward.
9. To encourage the establishment of co-operative societies to engage in agricultural production, marketing, transportation and construction and also to establish consumer co-operatives.

10. To encourage individual and family savings and investment.
11. To encourage the growth of small-scale industries in the area of a ward.
12. To encourage inter-ward co-operation in schemes of communal interest.
13. To assist in the organisation and co-ordination of inter-village schemes for the construction and maintenance of school buildings in the area of a ward.
14. To ensure that there is proper cleanliness and sanitation in each village in the area of a ward.