

CHAPTER 465

THE TOLLS ACT

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CHAPTER 465

An Act to provide for the establishment of the Tolls Board; to define the functions and powers of the Board; to provide for the charging and the collection of toll charges; to provide for the charging and the collection of entry fees in respect of certain vehicles entering Zambia; to provide for the procedure for the purchase of fuel and lubricants in respect of heavy goods vehicles not registered in Zambia; and to provide for matters connected with or incidental to the foregoing.

13 of 1994
Statutory
Instrument
128 of 1983

[15th April, 1983

PART I PRELIMINARY

1. This Act may be cited as the Tolls Act.

Short title

2. (1) In this Act, unless the context otherwise requires-

Interpretation

"Board" means the Tolls Board established by section *three*;

"Chairman" means the person designated Chairman of the Board in section *five*;

"Director" means the Director of the Board appointed under section *twelve*;

"entry fee" means the fee referred to in Part V;

"fuel" includes petrol, diesel, kerosene, and any other fuel used for the propulsion of a heavy goods vehicle;

"inspector" means an inspector of the Board appointed under section *fourteen*;

"lubricant" includes any oil, grease, hydraulic fluid, or any other lubricant used in connection with a heavy goods vehicle;

"member" means a member of the Board;

"Secretary" means the person appointed under section *thirteen* to be Secretary to the Board;

"toll charges" means the charges referred to in Part IV;

"Vice-Chairman" means the Vice-Chairman of the Board elected in accordance with subsection (2) of section *five*.

(2) Unless the context otherwise requires, words and expressions not defined in this Act but defined in the Roads and Road Traffic Act shall, in this Act, have the meaning assigned thereto in the Roads and Road

Cap. 464
Cap. 464

Traffic Act.

PART II

TOLLS BOARD

3. There is hereby established the Tolls Board which shall be a body Establishment of corporate with perpetual succession and a common seal, capable of Board suing and of being sued in its corporate name, and with power, subject to the other provisions of this Act, to do all such acts and things as a body corporate may by law do or perform.

4. (1) The seal of the Board shall be such device as may be Seal of Board determined by the Board and shall be kept by the Secretary.

(2) The Board may use a wafer or rubber stamp *in lieu* of the seal.

(3) The affixing of the seal of the Board shall be authenticated by the Chairman and the Secretary or by the Chairman and one other person authorised in that behalf by a resolution of the Board.

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed without seal on behalf of the Board by the Secretary or any other person authorised in that behalf by a resolution of the Board.

(5) Any document purporting to be a document under the seal of the Board or issued on behalf of the Board shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

5. (1) The Board shall consist of the following members: Composition of Board

(a) the Minister responsible for finance, who shall be Chairman of

the Board, and Ministers responsible for transport, works and home affairs;

(b) the Controller of Customs and Excise and the Road Traffic Commissioner; and

(c) two other members appointed by the Minister.

(2) The Board shall elect a Vice-Chairman from amongst the members referred to in paragraph (a) of subsection (1).

(3) The Chairman may, by directions in writing and subject to such terms and conditions as he thinks fit, delegate to the Vice-Chairman any of his functions under this Act.

6. (1) The provisions of this section shall apply to such members as are referred to in paragraph (c) of subsection (1) of section *five*. Tenure of office
and vacancies

(2) Subject to the other provisions of this section, a member shall hold office for a period of two years.

(3) Upon the expiry of the period for which a member is appointed, he may be re-appointed.

(4) Upon the expiry of the period for which a member is appointed, he shall continue to hold office until his successor has been appointed, but in no case shall such further period exceed three months.

(5) The office of a member shall become vacant-

(a) subject to subsection (4), upon the expiry of the period for which he is appointed or re-appointed;

(b) if he is adjudged or otherwise declared to be of unsound mind;

(c) if he is adjudged or otherwise declared to be bankrupt;

- (d) if he is lawfully detained or his freedom of movement is restricted under any law in force in Zambia;
- (e) if he is sentenced to a term of imprisonment exceeding six months;
- (f) if he is absent from three consecutive meetings of the Board without reasonable cause;
- (g) upon the expiry of not less than one month's notice in writing of his intention to resign given by him to the Chairman;
- (h) if he is removed by the Minister.

7. (1) The functions of the Board shall be to do all such things as are necessary for, or connected with, the charging and collection of toll charges and entry fees, and controlling the sale of fuel and lubricants to heavy goods vehicles not registered in Zambia. Functions of Board

(2) Without prejudice to the generality of subsection (1), the Board may-

- (a) erect and maintain such structures as are necessary for operating toll points; and
- (b) operate fuel and lubricant depots, supply points or fuel stations.

(3) The Board may, by directions in writing and subject to such terms and conditions as it thinks fit, delegate to the Director any of its functions under this Act.

(4) The Minister may give to the Board such general or specific directions with respect to the discharge of its functions as he may consider necessary and the Board shall give effect to such directions.

8. (1) Subject to the other provisions of this Act, the Board may regulate its own procedure.

Proceedings of Board

(2) The Board shall meet for the transaction of business at least once every six months at such places and at such times as the Chairman may determine.

(3) Upon giving notice of not less than fourteen days, a meeting of the Board may be called by the Chairman and shall be called if not less than three members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(4) Three members shall form a quorum at any meeting of the Board.

(5) There shall preside at any meeting of the Board-

(a) the Chairman; or

(b) in the absence of the Chairman, the Vice-Chairman; or

(c) in the absence of the Chairman and the Vice-Chairman, such member as the members present may elect for the purpose of that meeting.

(6) A decision of the Board on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(7) Notwithstanding the provisions of subsection (6), a decision may be made by the Board on any urgent matter by the circulation of the relevant papers among the members, and by the expression in writing of the views of the majority thereof:

Provided that any member shall be entitled to require that any decision shall be deferred until the matter is considered at a meeting of the Board.

(8) Where any member is for any reasonable cause unable to attend any meeting of the Board, he may, in writing, nominate another person to attend such meeting in his stead and such person shall be deemed to be a member for the purpose of such meeting.

(9) The Board may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Board but such person shall have no vote.

(10) The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of any member or by reason that any person not entitled so to do took part in the proceedings.

(11) The Board shall cause minutes to be kept of the proceedings of every meeting of the Board and of every meeting of any committee established by the Board.

9. (1) The Board may, for the purpose of performing its functions under this Act, establish committees and delegate to any such committee such of its functions as it thinks fit. Committees of Board

(2) The Board may appoint as members of a committee established under subsection (1), persons who are or are not members of the Board and such persons shall hold office for such period as the Board may determine.

(3) Subject to any specific or general direction of the Board any committee established under subsection (1) may regulate its own procedure.

10. (1) If a person is present at a meeting of the Board or any committee of the Board at which any matter is the subject of consideration and in which matter the person or his spouse is directly or indirectly interested in a private capacity, he shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter. Disclosure of interest

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

11. No action or other proceedings shall lie or be instituted against any member for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act. Immunity of members

PART III ADMINISTRATION

12. (1) The Board shall appoint, on such terms and conditions as it may determine, a Director who shall be the chief executive officer of the Board and who, subject to the control of the Board, shall be responsible for the administration of the affairs of the Board: Director and Deputy Director

(2) The Board may appoint, on such terms and conditions as it may determine, a Deputy Director to assist the Director.

(3) The Director, or in his absence the Deputy Director, shall attend meetings of the Board and may address such meetings, but shall not vote on any matter:

Provided that the person presiding at any meeting of the Board may, for good cause, require the Director or Deputy Director, as the case may be, to withdraw from such meeting.

(4) The provisions of section *ten* shall apply, *mutatis mutandis*, to the Director and the Deputy Director.

(5) The Director may, by directions in writing and subject to such terms and conditions as he thinks fit, delegate to the Deputy Director any of his functions under this Act.

13. (1) There shall be a Secretary to the Board who shall be appointed by the Board on such terms and conditions as the Board may determine. Secretary and other staff

(2) The Secretary shall be responsible for the administration of the day-to-day affairs of the Board under the general supervision of the Director.

(3) The Board may appoint, on such terms and conditions as it may determine, such other staff as it considers necessary for the performance of its functions under this Act.

14. (1) In order to ensure due compliance with the provisions of this Act, the Board may establish under the general supervision of the Director an inspectorate unit and may appoint such inspectors to the inspectorate unit as may be necessary for the performance of its functions under this Act.

(2) Every inspector shall be provided with a certificate of appointment, which shall be *prima facie* evidence of the inspector's appointment as such.

(3) Any inspector carrying out any function under this Act shall, on demand by any person affected thereby, produce for inspection the certificate referred to in subsection (2).

15. (1) In the performance of his duties under this Act, an inspector shall have- Powers of inspectors

(a) power, at any reasonable time, to enter upon and inspect any premises or heavy goods vehicle to ensure that the provisions of this Act or any regulations made under this Act are not being contravened; and

(b) access to all books, records, returns, reports and other documents relating to any sale of fuel or lubricants.

(2) If an inspector has reasonable grounds for believing that any provision of this Act or of any regulations made under this Act is being contravened on any premises or by any person travelling with any heavy goods vehicle, he may order that such premises be closed down or in the case of a heavy goods vehicle or a person travelling therewith

that the same be seized and detained pending prosecution.

16. (1) No person shall, without the consent in writing given by or on behalf of the Board, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of, his duties under this Act. Prohibition of publication or disclosure of information to unauthorised persons

(2) Any person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding twelve thousand five hundred penalty units or to imprisonment for a term not exceeding three years, 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 liable, upon conviction, to a fine not exceeding twelve thousand five hundred penalty units or to imprisonment for a term not exceeding three years, or to both.

(As amended by Act No. 13 of 1994)

PART IV

TOLL CHARGES

17. (1) The Board may, on any road, bridge, pontoon or other place, operate toll points. Toll charges

(2) Any vehicle passing through a toll point shall pay the appropriate toll charge as set out in Part I of the Schedule.

(3) The Minister may exempt any person or class of vehicles from the payment of toll charges, and such exemption may be general or restricted to any particular toll points or hours, and may be on such conditions as the Minister may impose.

(4) Any person who, being liable to pay toll charges, refuses to do so

or unreasonably obstructs the operation of any toll point, or who contravenes any of the provisions of any regulations made in relation to this Part, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(As amended by Act No. 13 of 1994)

PART V ENTRY FEES, ETC.

18. (1) Every heavy goods vehicle entering Zambia, if it is registered in any country other than Zambia or bears dual registration numbers even where one is of Zambia, shall at the time of such entry pay an entry fee set out in Part II of the Schedule.

(2) The Minister may exempt any person or class of vehicle from the payment of the entry fees, and such exemption may be on such conditions as the Minister may impose.

(As amended by Act No. 2 of 1988)

19. The person in charge of a heavy goods vehicle to which section *eighteen* applies shall, upon entry into and before exit from Zambia, make such declaration as to fuel or other matters as the Minister may prescribe.

20. (1) No person travelling with a heavy goods vehicle to which section *eighteen* applies shall, while in Zambia, purchase any fuel or lubricants except in accordance with the regulations made under this Part by the Minister.

Purchase of fuel and lubricants by certain vehicles

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding twenty five thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(As amended by Act No. 13 of 1994)

21. Any person who, in contravention of any regulations made under this Part, supplies any fuel or lubricants to any heavy goods

Supply of fuel or lubricants to

vehicle to which section *eighteen* applies, or to any person travelling certain vehicles therewith, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding twenty five thousand penalty units, or to imprisonment for a term not exceeding three years, or to both.

(As amended by Act No. 13 of 1994)

22. Upon the conviction of an offender under this Part, if the court Forfeiture of is satisfied that the owner of the heavy goods vehicle was a party to the certain vehicles offence, or that the offence was committed with his knowledge, the court may, in addition to any other sentence, order the forfeiture of such heavy goods vehicle to the State:

Provided that no forfeiture shall be ordered without first giving the owner an opportunity to be heard on the issue.

PART VI FINANCIAL PROVISIONS AND REGULATIONS

23. (1) The funds of the Board shall consist of such moneys as may- Funds of Board

(a) be appropriated by Parliament for the purposes of the Board;

(b) be paid to the Board by way of fees, charges, grants or donations; or

(c) vest in or accrue to the Board.

(2) The Board may-

(a) accept moneys by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia; and

(b) subject to the approval of the Minister, raise by way of loans or otherwise, such moneys as it may require for the performance of its functions.

(3) There shall be paid from the funds of the Board-

- (a) the salaries, allowances and loans of the staff of the Board;
- (b) such reasonable travelling, transport and subsistence allowances for members or members of any committee of the Board when engaged on the business of the Board at such rates as the Minister may determine; and
- (c) any other expenses incurred by the Board in the performance of its functions.

(4) The Board may invest in such manner as it thinks fit such of its funds as it does not immediately require for the performance of its functions.

(5) The Minister may, from time to time, direct the Board to pay, for such purposes related to the maintenance of roads, such portion of its surplus funds as the Minister shall determine.

24. (1) The Board shall maintain such accounts with the Bank of Zambia as may be necessary to keep separate its funds denominated in kwacha from those denominated in other currencies. Bank accounts

(2) The Board shall deposit all receipts into the appropriate accounts maintained under subsection (1); and all payments shall be made therefrom by means of cheques drawn in accordance with procedures approved by the Board.

(3) The Board may, with the approval of the Minister, transfer funds from any of its accounts to another, as necessary.

25. The Board shall cause to be kept proper books of accounts and other records relating to its accounts. Accounts

26. The financial year of the Board shall be the period of twelve months ending on the 31st December in each year. Financial year

27. (1) As soon as practicable, but not later than six months after the expiry of each financial year, the Board shall submit to the Minister a Annual report

report concerning its activities during such financial year.

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Board and there shall be appended thereto-

- (a) a balance sheet;
- (b) an audited statement of income and expenditure; and
- (c) such other information as the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1), lay it before the National Assembly.

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

- (a) prescribing the matters required or permitted by this Act to be prescribed; and
- (b) for the better carrying out of the purposes of this Act.

SCHEDULE

(Sections 17 and 18)

PART I

TOLL CHARGES

Regardless of the distance travelled between two toll points the toll charge for each vehicle shall be:

Passenger Cars	3 fee units
Taxis	3 fee units
Mini Buses (Private).	6 fee units
Mini Buses (Public)	5 fee units
Heavy Buses (Private).	8 fee units
Heavy Lorries with two axles	8 fee units
Heavy Lorries with three axles.	10 fee units

Heavy Lorries with traile. 15 fee units

PART II

ENTRY FEES

The entry fee shall be-

- (a) US \$60.00 or such other entry fee as the Minister may be statutory instrument prescribe or
- (b) such entry fee as the Minister may by statutory instrument prescribe in the case of heavy goods vehicles in transit through Zambia to another country.

The entry fee shall be paid in US dollars or the equivalent in any convertible currency prescribed by the Minister by statutory instrument.

Notwithstanding anything in this Part, the fee payable shall not, in any case, be less than the amount payable in the country in which the vehicle is registered, in respect of a heavy goods vehicle registered in Zambia and similar to the vehicle in respect of which the entry fee is under this Act.

(As amended by Acts No. 2 of 1988 and No. 13 of 1994)

SUBSIDIARY LEGISLATION

SECTION 28-THE TOLLS (ENTRY FEES, ETC.) REGULATIONS

Statutory Instrument
129 of 1983
44 of 1988
75 of 1992

1. These Regulations may be cited as the Tolls (Entry Fees, etc.) Regulations. Title

2. (1) The entry fee for heavy goods vehicles as provided for in section *eighteen* of the Act- Purchase of fuel and lubricants

(a) for vehicles registered outside Zambia without a valid PTA licence issued in a country where the carrier is resident or established, shall be one hundred and twenty United States dollars or the equivalent of such other currency as the Minister may prescribe;

(b) for vehicles registered outside Zambia with a valid PTA licence issued in a country where the carrier, shall be such fees as are according to the class of heavy vehicle set out in the Schedule payable in United States dollars or such other currency as the Minister may prescribe;

(c) for vehicles registered in Zambia shall be such fees as are according to the class of heavy vehicle as are set out in the Schedule payable in kwacha at the rate of one hundred and twenty-five kwacha per United States dollar;

(3) The Board may, by notice in the *Gazette*, notify the procedures for making payments under these Regulations.

3. (1) No person to whom section *twenty* of the Act applies shall purchase any fuel or lubricants otherwise than in accordance with this regulation.

(2) A person to whom section *twenty* of the Act applies shall-

(a) purchase fuel or lubricants only from an appointed dealer;

(b) make payments for such fuel or lubricants in a prescribed currency in accordance with regulation 2.

(3) The price of any fuel or lubricants sold under this regulation shall not differ from the price ordinarily paid by customers to whom this regulation does not apply:

Provided that if the Government has allowed any particular subsidy or rebate to any class of users in Zambia (e.g. for agricultural use) then the benefit of such subsidy or rebate shall not be available to a purchaser to whom this regulation applies.

(4) Where the Board is satisfied that due to circumstances beyond the control of the person to whom this regulation applies, a heavy goods vehicle was stranded for want of fuel or lubricants and to mobilise such heavy goods vehicle and enable it to reach the nearest appointed dealer such person purchased a reasonable amount of fuel or lubricants in contravention of this regulation, and that the matter was brought to the attention of the Board or the nearest appointed dealer as soon as practicable, the Board shall issue a certificate in that behalf, and such certificate shall be deemed, in respect of such purchase, to have exempted such person, and any person who sold such fuel or lubricant, from the application of this regulation.

(5) For the purposes of this regulation, "appointed dealer" means a dealer in fuel or lubricants who has been appointed by the Board for the purposes of these Regulations and whose appointment, name and address have been notified in the *Gazette*.

SCHEDULE

(Regulation 2)

Route	Distance in kilometres	Rigid Vehicle	
		Distance in kilometres with up to 3 Axles	Vehicle with Multiple Axles
		US\$	US\$
1. CHIRUNDU-KAFUE	90	3.00	8.00
2. CHIRUNDU-LUSAKA	136	4.00	11.00
3. KAZUNGULA-SESHEKE	136	4.00	11.00
4. KAZUNGULA-LIVINGSTONE	60	2.00	5.00
5. SESHEKE-LIVINGSTONE	190	6.00	15.00
6. KAZUNGULA-MONGU	440	13.00	35.00
7. LIVINGSTONE-KALOMO	126	4.00	10.00
8. LIVINGSTONE-CHOMA	188	6.00	15.00
9. LIVINGSTONE-MONZE	250	8.00	20.00
10. LIVINGSTONE-MAZABUKA	350	11.00	28.00
11. LIVINGSTONE-KAFUE	430	13.00	34.00
12. LIVINGSTONE-LUSAKA	470	14.00	38.00
13. CHIRUNDU-KABWE	270	8.00	22.00
14. LUSAKA-KABWE	138	4.00	11.00
15. LUSAKA-KAPIRI MPOSHI	200	6.00	16.00
16. LUSAKA-NDOLA	320	10.00	26.00
17. LUSAKA-KITWE	358	11.00	29.00
18. LUSAKA-LUANSHYA	330	10.00	26.00
19. LUSAKA-MUFULIRA	400	12.00	32.00
20. LUSAKA-CHINGOLA	410	12.00	33.00
21. CHIRUNDU-KASUMBALESA	578	17.00	46.00
22. CHIRUNDU-MWAMI	745	22.00	60.00
23. CHIRUNDU-NAKONDE	1150	35.00	92.00

24.	LUSAKA-KASAMA	852	26.00	68.00	
25.	LUSAKA-MBALA	1015	30.00	81.00	
26.	LUSAKA-MANSA	590	18.00	47.00	
27.	KASUMBALESA-NAKONDE	1014		30.00	81.00
28.	KASUMBALESA-MWAMI	1035		31.00	83.00
29.	NDOLA-LUANSHYA	32	1.00	3.00	
30.	NDOLA-CHINGOLA	110	3.00	9.00	
31.	NDOLA-MONGU	800	24.00	64.00	
32.	NDOLA-MPULUNGU	960	29.00	77.00	
33.	LUSAKA-LUNDAZI	780	23.00	62.00	
34.	LUSAKA-MPULUNGU	1050	32.00	84.00	
35.	CHIPATA-MPULUNGU	1657	50.00	133.00	
36.	VICTORIA FALLS-LUSAKA	480		14.00	38.00
37.	VICTORIA FALLS-SESHEKE	200		6.00	16.00
38.	KABWE-NAKONDE	878	26.00	70.00	
39.	KABWE-MWAMI	740	22.00	59.00	
40.	KITWE-CHIRUNDU	495	15.00	40.00	
41.	MUFULIRA-KAZUNGULA	818		25.00	65.00
42.	MUFULIRA-CHIRUNDU	520	16.00	42.00	
43.	KITWE-KAZUNGULA	890	27.00	71.00	
44.	NDOLA-KAZUNGULA	850	26.00	68.00	
45.	NDOLA-MWAMI	920	28.00	74.00	
46.	MWAMI-KAZUNGULA	1135	34.00	91.00	
47.	LUSAKA-NYIMBA	320	10.00	26.00	
48.	LUSAKA-MWINILUNGA	945		28.00	76.00
49.	NDOLA-MWINILUNGA	570	17.00	46.00	
50.	KASAMA-LUSAKA	850	26.00	68.00	

NOTE: The rates shown in this Schedule are for a single journey.