REPORT

OF THE

COMMITTEE ON DELEGATED LEGISLATION

FOR THE

SECOND SESSION OF THE TWELFTH NATIONAL ASSEMBLY APPOINTED ON
THURSDAY, 21ST SEPTEMBER, 2017
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Consisting of:

Mr A B Malama, MP (Chairperson); Ms C C Kasanda, MP (Vice Chairperson); Mr B Kambita, MP; Mr J Siwale, MP; Mr O S Mutaba, MP; Mr A Mandumbwa, MP; Mr T S Ngulube, MP; Mr M Mubika, MP; Mr S Miti, MP; and Mr K Mukosa, MP

Following the appointment of Mr K Mukosa, MP to serve on the Public Accounts Committee, Mr H Kalaba, MP was appointed to the Committee on 25th February, 2018.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir,

Your Committee has the honour to present its Report for the Second Session of the Twelfth National Assembly.

Functions of the Committee

2.0 Your Committee was guided in its deliberations by Standing Order No. 154 (3) which sets out the functions of your Committee as follows:

The Committee shall scrutinise and report to the House whether the powers to make orders, regulations, rules, sub rules and by-laws delegated by Parliament are being properly exercised by a person or authority within such delegation. As the machinery of delegated legislation is dealt with under the heading ‘Statutory Instrument’, these instruments must-

a) be in accordance with the Constitution or statute under which they are made;

b) not trespass unduly on personal rights and liberties;

c) not make the rights and liberties of citizens depend upon administrative decisions; and

d) be concerned only with administrative detail and not amount to substantive legislation, which is a matter for parliamentary enactment.
If your Committee is of the opinion that a Statutory Instrument should be revoked wholly or in part or should be amended in any respect, it reports that opinion and the ground thereof to the House.

Meetings of the Committee

3.0 Your Committee held fifteen meetings during the period under review, and considered a total of fifty three Statutory Instruments. Your Committee also undertook a local tour during which it held meetings to check on the ramifications of the implementation of selected instruments. The tour was conducted in Lusaka, Chongwe, Luangwa, Petauke, Katete, Chipata and Mambwe districts.

Arrangement of the Report

4.0 Your Committee’s Report is in three Parts: Part I deals with the consideration of Statutory Instruments; Part II presents the findings, observations and recommendations of your Committee during its local tour to Eastern and Lusaka Provinces; and Part III deals with your Committee’s consideration of the Action Taken Report on the Report of your previous Committee for the First Session of the Twelfth National Assembly.

PART I –

CONSIDERATION OF STATUTORY INSTRUMENTS

5.0 LAW ASSOSIATION OF ZAMBIA

5.1 Statutory Instrument No. 16 of 2017 - The Law Association of Zambia (Electoral) (Amendment) Rules, 2017

Submission by the Permanent Secretary

The Statutory Instrument was issued pursuant to section 24 of the Law Association of Zambia Act, Chapter 31 of the Laws of Zambia, in order to make certain amendments to the Law Association of Zambia (LAZ) (Electoral) Rules, 1996, Statutory Instrument No. 156 of 1996, which regulated the conduct of elections to the Council of LAZ.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument as being in conformity with the law.
5.2 Statutory Instrument No. 17 of 2017 - the Law Association of Zambia (General) (Amendment) Rules, 2017

Submission by the Permanent Secretary

The Statutory Instrument was issued in line with section 24 of the Law Association of Zambia Act, Chapter 31 of the Laws of Zambia, in order to make amendments to the Law Association of Zambia (General) Rules, 1996, Statutory Instrument No. 155 of 1996 which regulated, among other things, qualification for membership to Law Association of Zambia (LAZ); the conduct of meetings of LAZ and the Council of LAZ, its composition and tenure of office of its members.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

5.3 Statutory Instrument No. 23 of 2017– The Legal Practitioners’ (Publicity) Rules, 2017

Submission by the Permanent Secretary

Pursuant to the powers conferred on it by Section 90(b) of the Act, the Disciplinary Committee issued the Legal Practitioners’ (Publicity) Rules, 2017, Statutory Instrument No. 23 of 2017, which regulated the conduct of legal practitioners in relation to, among other things, advertising their practice within and outside Zambia; location of their practice; giving of interviews to the press; participation in seminars, conferences and other fora; and advertising of their practice through the electronic media, internet or websites.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.
6.0 MINISTRY OF COMMERCE, TRADE AND INDUSTRY

6.1 Statutory Instrument No. 36 of 2017 – The Patents Act (Commencement)

Order, 2017

Submission by the Permanent Secretary

This Statutory Instrument was issued to bring into force the Patents Act, No. 40 of 2016 which repealed the Patents Act, Chapter 400 of the Laws of Zambia. The Act made the Zambian patent law to be compliant with the Trade Related Aspects of intellectual Property Rights (TRIPS) Agreement and it also incorporated safeguards for the protection of public interest, national security and traditional knowledge. The Act further harmonised the patent granting procedures with international best practices and made the system user friendly. The Statutory Instrument was issued pursuant to Section 1 of the Act.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

6.2 Statutory Instrument No. 37 of 2017- The Layout Designs of Integrated Circuits Act (Commencement) Order, 2017

Submission by the Permanent Secretary

The Statutory Instrument was issued in order to operationalise the Layout Designs of Integrated Circuits Act, No. 6 of 2017 pursuant to Section 1 of the Act.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument as being in conformity with the law.
6.3 Statutory Instrument No. 38 of 2017-The Industrial Designs Act (Commencement) Order, 2017

Submission by the Permanent Secretary

The Statutory Instrument was issued in order to operationalise the Industrial Designs Act, No. 22 of 2016 in line with the provisions of section 1 of the Act.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

6.4 Statutory Instrument No. 39 of 2017-The Traditional Knowledge, Genetic Resources and Expression of Folklore Act (Commencement) Order, 2017

Submission by the Permanent Secretary

The Statutory Instrument was issued to operationalise the Traditional knowledge, Genetic Resources and Expression of Folklore Act, 2016 pursuant to Section 1 of the Act.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

6.5 Statutory Instrument No. 68 of 2017: The Standards (Compulsory Standards) (Declaration) Order, 2017

Submission by the Permanent Secretary

The issuance of the Statutory Instrument was to repeal and replace the Standards Act Chapter 416 which allowed for the provision of both voluntary and mandatory standards under one piece of legislation. With the issuance of the aforementioned Statutory Instrument, compulsory standards will exist under the Compulsory Standards Act No. 3 of 2017 which provides for public safety, health, consumer protection or environmental protection or otherwise in the public interest in relation to a commodity or service. The Statutory Instrument was issued in accordance with the provisions of section 7 of the Standards Act Chapter 416 of the Laws of Zambia.
Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

6.6 Statutory Instrument No. 84 of 2017 - The Compulsory Standards Act (Commencement) Order, 2017

Submission by the Permanent Secretary

In exercise of the powers contained in section 1 of the Compulsory Standards Act, No. 3 of 2017, this Statutory Instrument was issued to effect the commencement of the Act on 1st January, 2018.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

6.7 Statutory Instrument No. 85 of 2017: The Metrology Act (Commencement) Order, 2017

Submission by the Permanent Secretary

In exercise of the powers contained in section 1 of the Metrology Act, No. 6 of 2017, this Statutory Instrument was issued to effect the commencement of the Act, which would provide for the management of national metrology services under one institution, the Zambia Metrology Agency (ZMA). ZMA was created following the merging of the Zambia Weights and Measures Agency and the Metrology Department of the Zambia Bureau of Standards (ZABS).

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.


Submission by the Permanent Secretary

This Statutory Instrument was issued to effect the commencement of the National Technical Regulations Act, No. 5 of 2017, pursuant to section 1 of the Act, 2017 and the subsequent establishment of the Department of Technical Regulations in the Ministry of Commerce, Trade and Industry.
Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

6.9 Statutory Instrument No. 87 of 2017: The Standards Act (Commencement) Order, 2017

Submission by the Permanent Secretary

The Statutory Instrument was issued pursuant to section 1 of the Standards Act, No 4 of 2017 to effect the commencement of the Act. The Act was aimed at enabling Zambia Bureau of Standards (ZABS) to carry out its mandate of providing standardisation and quality assurance of products and services through the setting of national standards and provision of conformity assessment services for products and services.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument as being in conformity with the law.

7.0 MINISTRY OF FINANCE

7.1 Statutory Instrument No.10 of 2017 - The Ministerial and Parliamentary Offices (Emoluments) Regulations, 2017

Submission by the Permanent Secretary

The Statutory Instrument was issued pursuant to Section 2 (1) of the Ministerial and Parliamentary Offices (Emoluments) Act, Volume 15, Chapter 262, to revise the emoluments payable to Ministerial and Parliamentary Offices.

Committee’s Observations and Recommendations

While noting the issuance of the Statutory Instrument, your Committee is of the view that some titles of offices in the Instrument are not in conformity with the Constitution. Your Committee therefore recommends that an amendment be effected to ensure that the titles of “Deputy Speaker and Deputy Chairperson” be replaced with “First Deputy Speaker” and “Second Deputy Speaker” respectively.
7.2 Statutory Instrument No. 30 of 2017 - The Customs and Excise (Suspension) (Cobalt Concentrate) Regulation, 2017

Submission by the Permanent Secretary

The objective of Statutory Instrument No. 30 of 2017 was to suspend the 5% surtax on cobalt concentrates which was introduced under the 2017 national budget on a wide range of products. There were currently no mining operations involving the extraction of cobalt and its concentrates. In view of the above, a decision was made for the suspension of surtax on cobalt concentrates to encourage value addition and exports from Zambia. The Statutory Instrument was issued in accordance with the provisions of section 89 of the Customs and Excise Act, Chapter 322 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument as being in conformity with the law.

7.3 Statutory Instrument No. 34 of 2017 - The Customs and Excise (Suspension) (Electrical Energy) Regulations, 2017

Submission by the Permanent Secretary

The objective of this Statutory Instrument was to suspend customs and excise duty on imported electricity when the commodity was imported by ZESCO. It was issued pursuant to section 89 of the Customs and Excise Act, Chapter 322 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

7.4 Statutory Instrument No. 35 of 2017 - The Tourism and Hospitality (Tourism Levy) (Amendment) Regulations, 2017

Submission by the Permanent Secretary

Statutory Instrument No. 35 of 2017 was intended to clarify which activities under tourism and hospitality would attract the Tourism Levy. Pursuant to the Tourism and Hospitality (Tourism Levy) Regulations of 2016, the tourism levy was supposed to have been imposed on accommodation and conference services, including food and beverages. However, stakeholders in the sector were of the view that this would cause distortions in the way business was conducted.
Therefore, in order to maintain equity in the imposition of the levy, the regulations were amended to apply the levy on accommodation and events only (where “event” meant an organised occasion such as a meeting, conference, workshop, convention, exhibition, special occasion, party, gala dinner, or other similar related occurrence or function, whether undertaken as a single function or combined functions).

The Statutory Instrument also aimed to provide for the Commissioner General to waive the whole or part of any penalty should the Commissioner General be satisfied that there was cause to do so. This was a standard provision in the tax laws, which was intended to ensure that if penalties were imposed erroneously the Commissioner General could correct the situation. The Statutory Instrument further introduced a provision to allow the Commissioner General to refund any overpaid Tourism Levy. This was to ensure that payers were not unfairly charged. The Statutory Instrument was issued pursuant to Section 64 of the Tourism and Hospitality Act, No. 13 of 2015.

**Committee’s Observations and Recommendations**

Your Committee notes the issuance of the Statutory Instrument as being in conformity with the law.

**7.5 Statutory Instrument No. 40 of 2017- The Customs and Excise (Export Duty) (Suspension) Regulations, 2017**

**Submission by the Permanent Secretary**

The objective of this Statutory Instrument was to revise the rates on wood and wood products downwards as follows:

- from K10.00 to K1.50 for unprocessed wood and wood products;
- from K5.00 to K0.75 for semi-processed wood and wood products; and
- from K5.00 to K0.00 for goods such as parquet wood flooring which were finished products although they only went through the process of shaping and varnishing.

The Statutory Instrument was issued pursuant to Section 89 of the Customs and Exercise Act, Volume 18, Chapter 322 of the Laws of Zambia.
Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.


Submission by the Permanent Secretary

The Governments of Zambia and the United States signed an investment Incentive Agreement on 23rd June, 1999. The Agreement pertained to the operations of the overseas Private Investment Corporation (OPIC) in Zambia. OPIC is the United States Government’s development finance institution which helped U.S. business gain foothold in emerging markets. The underlying factor of the Agreement was that OPIC’s operations and activities in Zambia and all payments and proceeds of any nature, that were made, received or guaranteed by OPIC were exempted from all taxes and similar charges. The objective of the Statutory Instrument, therefore, was to approve OPIC for purposes of exemption from tax with respect to the Agreement. This Statutory Instrument was issued pursuant to the provisions of section 15 of the Income Tax Act, Chapter 323 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

7.7 Statutory Instrument No. 43 of 2017- The Income Tax (Suspension of tax On Payments to Non Resident Contractors) (Batoka Hydro-Electric Scheme and Kariba Dam Rehabilitation Projects) Regulations, 2017

Submission by the Permanent Secretary

The Zambian Government together with the Zimbabwean Government was undertaking a project to rehabilitate the Kariba Dam with financing from the World Bank. The objective of this Statutory Instrument was to exempt non-resident contractors from paying withholding tax on management and consultancy fees so as to reduce the cost of the project. The Statutory Instrument was issued pursuant to section 15 (a) of the Income Tax Act, Chapter 323 of the Laws of Zambia.
Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

7.8 Statutory Instrument No. 49 of 2017 - The Loans and Guarantees (Authorisation) (Exemption) Notice, 2017

Submission by the Permanent Secretary

In July 2017, ZESCO Limited and the Industrial and Commercial Bank of China signed a loan agreement in the sum of US$29,600,000 to facilitate the financing of the improvement of power supply in Mpika District. Section 14(4) of the Loans and Guarantees (Authorisation) Act, Chapter 366 of the Laws of Zambia required that ZESCO makes a payment of 2% of the loan amount. The objective of this Statutory Instrument was to waive the requirement for ZESCO to pay 2% of the total loan guaranteed. This Statutory Instrument was issued pursuant to section 14 of the Loans and Guarantees (Authorisation) Act, Chapter 366 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

7.9 Statutory Instrument No. 51 of 2017 - The Customs and Excise (Export Duty) (Suspension) (Maize Corn) Regulations, 2017

Submission by the Permanent Secretary

The objective of this Statutory Instrument was to remove the 10 percent export duty on maize corn, which became unsustainable after the regional bumper harvest which reduced the price of maize on the global market. This Statutory Instrument was issued in line with section 89 of the Customs and Excise Act, Chapter 322 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.
7.10 Statutory Instrument No. 52 of 2017 - The Loans and Guarantees (Authorisation) (Delegation of Functions) Notice, 2017

Submission by the Permanent Secretary

The Government of the Republic of Zambia through the Permanent Secretary (Budget and Economic Affairs) of the Ministry of Finance signed a loan agreement with the International Fund for Agriculture Development (IFAD) in the total amount of Special Drawing Rights SDR15,500,000 and a grant amounting to SDR 740,000 on the 6th July 2017, to finance the Enhanced-Small Holder Agribusiness Promotion Programme (E-SAPP) Project. The project would assist the Zambian Government in its endeavour to achieve full implementation of the agribusiness promotion in the programme targeted areas. The Statutory Instrument was, therefore, issued to enable the Permanent Secretary to sign the said loan agreement in the absence of the Minister of Finance pursuant to the provision of section 27 of the Loans and Guarantees (Authorisation) Act, Chapter 366 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument as being in conformity with the law.

7.11 Statutory Instrument No. 56 of 2017- The Loans and Guarantees (Authorisation) (Exemption) Notice, 2017

Submission by the Permanent Secretary

The African Development Bank and the Development Bank of Zambia signed a credit agreement for the provision of a dual currency line of credit in the sum of US$25,000,000 and ZMW248,535,000 to facilitate for the financing of the Technical Assistance Programme and for on-lending to eligible small and medium sized enterprises. Section 14(4) of the Loans and Guarantees (Authorisation) Act, Chapter 366 of the Laws of Zambia required that the Development Bank of Zambia makes payment of 2 percent of the loan amount. The objective of this Statutory Instrument was to waive the requirement for the Development Bank of Zambia to pay 2 percent of the total loan guaranteed. This Statutory Instrument was issued in accordance with the provisions of section 14 of the Loans and Guarantees (Authorisation) Act, Chapter 366 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.
7.12 Statutory Instrument No. 59 of 2017 - The Customs and Excise (Public Benefit Organisation) (Rebate, Refund and Remission) Regulations, 2017

Submission by the Permanent Secretary

The Statutory Instrument was intended to exclude vehicles principally designed for the transportation of persons, with a seating capacity of less than ten including the driver, from the duty free importation of closed saloon cars under the Public Benefit Organisation Scheme. The measure aimed to reduce the revenue risk that arose from abuse of the duty free provision due to the importation of motor vehicles for personal use. This Statutory Instrument was issued in line with section 89 of the Customs and Excise Act, Chapter 322 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

7.13 Statutory Instrument No. 65 of 2017 – The Value Added Tax (Exemption) (Amendment) Order, 2017

Submission by the Permanent Secretary

This Statutory Instrument was issued in exercise of the powers contained in sections 15 and 51 of the Value Added Tax Act, Chapter 331 of the Laws of Zambia. It aimed to exempt ZESCO from paying Value Added Tax on importation of electricity materials. The exemption had been necessitated by the fact that importation of electrical energy over the period 2015 – 2018 was a Government programme initiated in order to mitigate the negative impact of the power deficit in the country. Therefore, ZESCO Limited would not be obligated to account for import VAT on the power imports during the stated period.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.


Submission by the Permanent Secretary

In exercise of the powers contained in Section 15 of the Income Tax Act, this Order was made to provide for approval and exemption of African
Management Services Company from Income Tax. The purpose of the Statutory Instrument was to exempt income of the African Management Services Company (AMSCO) from income tax. This was because the African Management Services Company was a specialised company of the United Nations Development Programme (UNDP) which was created for the sole purpose of implementing the African Training and Management Services Project (ATMS Project).

Therefore, in accordance with Statutory Instrument No.355 of 1966 – the Diplomatic Immunities and Privileges (United Nations) Order, the United Nations Development Regional Project document and the agreement between the United Nations (United Nations Development Programme) and the Republic of Zambia, all income of AMSCO which was coming from the UNDP was exempted from taxation. This Statutory Instrument was issued in line with section 15 of the Income Tax Act, Chapter 323 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.


Submission by the Permanent Secretary

The Statutory Instrument was issued to provide withholding tax exemption on interest payments made by Maamba Collieries Limited to its overseas lenders in respect to the 300 megawatts power project. To assist the company get cheaper financing, the Government agreed to guarantee the loan used to establish the power plant. In addition, the Government agreed to exempt its overseas lenders from paying withholding taxes to Zambia Revenue Authority. This Statutory Instrument was issued in line with section 15 of the Income Tax Act, Chapter 323 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.
8.0 MINISTRY OF TOURISM AND ARTS

8.1 Statutory Instrument No. 20 of 2017 - The Tourism and Hospitality (Prepaid Package Tours)

Submission by the Permanent Secretary

The Tourism and Hospitality Act No. 13 of 2015 in section 36 (2) empowered the Minister, in consultation with the Minister of Finance, to make regulations in respect of prepaid package tours. The regulations applied to destination management companies, adventure activity companies, accommodation establishments, tour operators and travel agencies engaged in travel and tours services.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

8.2 Statutory Instrument No. 21 of 2017 - The Tourism and Hospitality (Service Charge)

Submission by the Permanent Secretary

Your Committee was informed that the Minister of Tourism and Arts, pursuant to the powers conferred on him under section 36 of the Tourism and Hospitality Act, No. 13 of 2015, was empowered to make regulations for the effective implementation of the Act. In furtherance of the provision, this Statutory Instrument was promulgated. The Statutory Instrument was critical to the operationalisation of the Act. The main objective was to regulate the provision of service charge in accommodation establishments and restaurants in order to ensure equity in the distribution of the benefits at an establishment level.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

8.3 Statutory Instrument No. 22 of 2017 - The Tourism and Hospitality (Casino)

Submission by the Permanent Secretary

The main objective of the Statutory Instrument was to make regulations that would provide for Casino operations. The Statutory Instrument was issued in line with sections 80 and 81 of the Tourism and Hospitality Act, No. 13 of 2015.
Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

8.4 Statutory Instrument No 71 of 2017 - The National Heritage Conservation Commission (Oliver Tambo House) (National Monument) (Declaration) Order, 2017

Submission by the Permanent Secretary

In exercise of the powers contained in section 27 of the National Heritage Conservation Commission Act, Chapter 173 of the Laws of Zambia, this Statutory Instrument was promulgated to provide for the declaration of Oliver Tambo House as a National Monument by National Heritage Conservation Commission. The Oliver Tambo House (O Phiri) is located at Plot No. F/609/A/15, Chelstone Green, along Great East Road, in the Lusaka City of the Lusaka Province.

Your Committee further learnt that the significance of the residence, known as Oliver Tambo House, was that it was for a long time occupied by the late Oliver Tambo, who was the President of the African National Congress (ANC), a leading liberation movement in South Africa. The late Oliver Tambo was renowned for leading the liberation struggle against the notorious apartheid regime from both inside and outside South Africa. The house was undoubtedly amongst Zambia’s symbols of Pan-Africanism. It was also a beacon and a reminder of Zambia as a peace loving nation.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument as being in accordance with the enabling legislation. Further, your Committee undertook a visit to the National Monument as part of its local tour. The findings, observations and recommendations of your Committee are outlined in Part II of this Report.
9.0 MINISTRY OF LOCAL GOVERNMENT

9.1 Statutory Instrument No. 44 of 2017 – the Local Government (Fire Services) Order, 2017

Submission by the Permanent Secretary

Your Committee learnt that the Statutory Instrument was issued with regard to the establishment of 48 fire authorities pursuant to section 107 of the Local Government Act, Chapter 281 of the Laws of Zambia where the Minister was empowered to establish fire authorities for firefighting and fire prevention purposes.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

9.2 Statutory Instrument No. 60 of 2017 – The Urban And Regional Planning (Designated Local Planning Authorities) Regulations, 2017

Submission by the Permanent Secretary

The Statutory Instrument was issued to designate five city and fourteen municipal councils as Local Planning Authorities, in their respective jurisdictions. Those councils had been Planning Authorities under the repealed Town and Country Planning Act, Chapter 283 of the Laws of Zambia, hence they had to be designated under the new Urban and Regional Planning Act, No. 3 of 2015. This Statutory Instrument was therefore, issued in line with section 13 of the Urban and Regional Planning Act, No 3 of 2015.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

9.3 Statutory No. 64 of 2017 - The Urban and Regional Planning (Designated Local Planning Authorities) (No. 2) Regulations, 2017

Submission by the Permanent Secretary

In exercise of the powers contained in section 13 of the Urban and Regional Planning Act, No 3 of 2015, the Statutory Instrument was promulgated to designate local authorities as Urban and Regional Planning Authorities, for the purpose of improving living conditions of
general Zambian citizenry, especially the poor, by enabling them to get access to land, security of tenure and provision of municipal services, supported by a harmonised legal framework in planning, development and housing provision.

**Committee’s Observations and Recommendations**

Your Committee notes the issuance of the Statutory Instrument.

**9.4 Statutory Instrument No. 77 of 2017 - The National Markets and Bus Stations Development Fund 2017**

**Submission by the Permanent Secretary**

In order to respond to challenges of inadequate funding, inadequate trading places and inappropriate market places to support a healthy environment for trading, the Ministry earmarked to establish a Fund. The Fund would assist markets and bus stations to raise sufficient funds for their development. Therefore, as provided for in section 32 of the Markets and Bus Stations Act, No. 7 of 2007, the Ministry established a National Markets and Bus Stations Development Fund.

**Committee’s Observations and Recommendations**

Your Committee notes the issuance of the Statutory Instrument.

**10.0 MINISTRY OF WATER DEVELOPMENT, SANITATION AND ENVIRONMENTAL PROTECTION**

**10.1 Statutory Instrument No. 8 of 2017 – The Water Supply and Sanitation (Transfer of Property) Order, 2017**

**Submission by the Permanent Secretary**

The Statutory Instrument was issued with regard to the transfer of property from local authorities to water utility companies pursuant to section 40 (2) of the Water Supply and Sanitation Act, No 28 of 1997. This was in line with the powers conferred on the Minister under the Act to transfer assets as well as liabilities incurred.

**Committee’s Observations and Recommendations**

Your Committee notes the issuance of the Statutory Instrument.
11.0 THE ELECTORAL COMMISSION OF ZAMBIA


Submission by the Permanent Secretary

The objective of the Regulation was to stipulate the election dates and times of polls in respect of the districts and wards contained in the schedule of the Statutory Instrument. The Statutory Instrument was issued in accordance with the provisions of section 125 of the Electoral Process Act, No. 35 of 2016.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

12.0 CABINET OFFICE

12.1 Statutory Instrument No. 1 of 2017 – The Citizens Economic Empowerment (Reservations Scheme) Regulations, 2017

Submission by the Permanent Secretary

The Statutory Instrument was issued pursuant to section 21(1) and (2) of the Citizens Economic Empowerment Act, No. 9 of 2006, to provide for the implementation of the reservation schemes in three sectors by reserving these sectors for citizens, citizen-influenced companies, empowered and citizen-owned companies. These sectors were block-making and quarrying; poultry and domestic haulage.

The specific measures in the Statutory Instrument were as follows:
(a) That the sale of live birds in a market or any other place designated under a written law is reserved for targeted citizens, citizen-influenced companies, citizen-empowered companies and citizen-owned companies; and

(b) That domestic haulage for all procurement works is reserved for targeted citizen and citizen-influenced, citizen empowered and citizen-owned companies and that non-targeted citizens and companies may continue to operate for private haulage transactions only.
Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument and awaits a progress report on what has been done to restrict foreigners from engaging in the reserved activities, and which citizens by province have been empowered by the Citizens Economic Empowerment Commission (CEEC) in the reserved categories.

12.2 Statutory Instrument No. 9 of 2017 - The Provincial and District Boundaries (Division) (Amendment) Order, 2017

Submission by the Permanent Secretary

Pursuant to section 2 of the Provincial and District Boundaries Act, Chapter 286 of the Laws of Zambia, the President of the Republic of Zambia made an Order which saw the creation and alteration to the existing boundaries and creation of the following districts:

(a) Muchinga Province
   • Kanchibiya District; and
   • Lavushimanda District;
(b) Northern Province
   • Lunte District.

The Second Schedule to the Principal Order was amended by:
(a) The deletion of the boundary description of Mporokoso and Mpika Districts and the substitution therefor of the new boundary descriptions; and
(b) The insertion, in the appropriate places under the Muchinga Province, of the boundary descriptions of the Kanchibiya District and the Lavushimanda District; and under the Northern Province, of the boundary description of the Lunte District.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

12.3 Statutory Instrument No. 33 of 2017 – The Inquiries Act (Amendment to the Commission of Inquiries)

Submission by the Permanent Secretary

Statutory Instrument No. 33 of 2017 was issued to extend the life of the Commission of Inquiry from the initial 120 days from the date of appointment to 30th November, 2017.
Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

12.4 Statutory Instrument No. 41 of 2017 – The Income Tax (Double Taxation Relief) (Taxes on Income) (Kingdom of Norway) Order, 2017

Submission by the Permanent Secretary

Statutory Instrument No. 41 of 2017 was issued to operationalise the Avoidance of Double Taxation Agreement that was signed on 17th December, 2015 between the Republic of Zambia and the Kingdom of Norway. The Agreement was renegotiated in order to replace the Agreement of 1971 which had become outdated in terms of international taxation. This Statutory Instrument was issued in accordance with the provisions of section 74 of the Income Tax Act, Chapter 323 of the Laws of Zambia.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

12.5 Statutory Instrument No. 53 of 2017 - Proclamation (Declaration of Threatened State of Public Emergency)

Submission by the Permanent Secretary

Your Committee was informed that on 3rd July 2017, pursuant to the provisions of Article 31 of the Constitution, Cabinet approved, in principle, pending approval by Parliament, the invocation of Article 31 of the Constitution by the President of the Republic of Zambia. To this end, this Statutory Instrument was issued and the Proclamation was published in the Gazette to declare that a situation existed which, if it was allowed to continue, could lead to a state of public emergency. This Statutory Instrument was issued pursuant to the Constitution of Zambia, Act No. 1 of 1991.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

Submission by the Permanent Secretary

On 3rd July 2017, pursuant to sections 21(1) and 21(2) of the Preservation of Public Security Act, Chapter 112 of the Laws of Zambia, Cabinet approved in principle, pending approval by Parliament, the invocation of Article 31 of the Constitution by the President of the Republic of Zambia. This Statutory Instrument was issued for the enhancement of the preservation of public security in the country following the declaration made under Article 31 of the Constitution. It was issued in accordance with the provisions of sections 3, 4 and 5 of the Preservation of Public Security Act, Chapter 112 of the Laws of Zambia.

Committee’s Observations and Recommendations
Your Committee notes the Statutory Instrument.


Submission by the Permanent Secretary

In exercise of the powers contained in section 17 of the Forests Act, No. 4 of 2015, the National Forest No. 58: Mbonge (Alteration of Boundaries) Order, 2017 was promulgated on 8th August, 2017 to alter the boundaries of the Mbonge National Forest No. 58 which was gazetted in 1955 under Government Notice No. 308 of 1995. The forest area was gazetted for protection and production purposes. Before the partial degazzetion (Excision) of Mbonge National Forest No.58, the total area of the forest was 6,373.22 hectares. Following the upsurge in economic activities in Solwezi District, there had been a lot of pressure for more land to facilitate further development and expansion of the District. Consequently, the Government decided to partially degazette Mbonge National Forest No.58. This had seen a total of 3,141 hectares being excised through this Statutory Instrument in line with section 17 of the Forests Act. The provision empowered the President, through a Statutory Instrument, to declare an area, a national forest, or declare that a national forest ceases to be a national forest, or that the boundaries of any national forest be altered or extended. The excision of Mbonge National Forest would allow Solwezi District to meet its growing human population and developmental needs. As a result of the partial degazzetion, a total of 3,232 hectares would remain as a forest reserve. The remaining forest
area would ensure that Mbonge National Forest No. 58 continued to perform its initial purpose of gazetted as a protection and production area.

**Committee’s Observations and Recommendations**

Your Committee notes the issuance of the Statutory Instrument.

12.8 **Statutory Instrument No. 62 of 2017 – The Local Forest No. 27: Lusaka East (Alteration of Boundaries) Order, 2017**

**Submission by the Permanent Secretary**

Statutory Instrument was issued in order to allow the partial degazettion (excision) of Lusaka East Local Forest No. 27, to allow Lusaka District to meet its growing development needs. In exercise of the powers contained in section 17 of *the Forests Act, 2015*, the Local Forest No. 27: Lusaka East (Alteration of Boundaries) Order, 2017 was promulgated and it came into operation on 8th August, 2017.

It was submitted that the Lusaka East Local Forest No. 27 was gazetted in 1936 under Government Notice No. 45 of 1936. The forest area was gazetted for protection and production purposes. In 1985 the forest ceased to be a forest. However, the Government decided to re-gazette it in 1996 to continue with its function of protection and production. Before the partial degazzetion (excision) of Lusaka East Forest No. 27, the total area of the forest was 1,764 hectares. However, the excision had been necessitated due to the increase in population within the district which had resulted in increased demand for various goods and services. The issuance of this Statutory Instrument resulted in the partial degazzetion (excision) of a total of 67 hectares, leaving a total of 1,697 hectares as a forest reserve. The excision of the 67 hectares would ensure that land was made available for Lusaka District to meet its development needs while the remaining 1,697 hectares of the Lusaka East Local Forest No. 27 would continue to perform its initial purpose of gazetion of serving as a protection and production area.

**Committee’s Observations and Recommendations**

Your Committee notes the issuance of the Statutory Instrument.
12.9 Statutory Instrument No. 63 of 2017 – The Local Forest No. 42: Kawena (Cessation) Order, 2017

Submission by the Permanent Secretary

Statutory Instrument No. 63 of 2017 was issued in exercise of the powers contained in section 17 of the Forests Act, No.4 of 2015. The Statutory Instrument came into operation on 8th August, 2017. The Kawena Local Forest No. 42 which covered 18,809 hectares ceased to be a Local Forest so as to avail land to the Shibuyunji District for developmental purposes.

It was submitted that the Kawena Forest No.42 was gazetted in 1954 under Government Notice No. 243 of 1954 for the purpose of protection and production. It covered a total area of 18,809 hectares. In the wake of the creation of Shibuyunji District, there had been increasing economic activity in the area which exerted pressure on the existing land. This necessitated that more land be made available for developmental purposes. Therefore, the Government found it prudent to degazette the entire Kawena Local Forest No.42 to facilitate the development of Shibuyunji District.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

12.10 Statutory Instrument No. 72 of 2017 – The National Forest No. 48: Choma West (Cessation) Order, 2017

Submission by the Permanent Secretary

Statutory Instrument No. 72 of 2017 was issued in line with section 10 of the Forest Act, No.4 of the 2015 and came into operation on 6th October, 2017. By operation of this Statutory Instrument, the entire Choma West National Forest No. 48, comprising 931 hectares, ceased to be a national forest. It was submitted that Choma West National Forest No.48 was gazetted in 1952 under Statutory Instrument No. 51 of 1952. The forest area was gazetted for protection and production. Before its cessation as a local forest area, the total area of Choma West National Forest No. 48 was 931 hectares. However, following the increase in the need for land for developmental purposes in Choma District, the Government thought it prudent to degazette the entire Choma West National Local Forest No. 48. That was done to enable the Choma District implement developmental projects.
Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

13.0 MINISTRY OF HOME AFFAIRS


Submission by the Permanent Secretary

In exercise of the powers contained in section 50 of the Anti-Terrorism Act, No. 21 of 2007 the Regulations were issued to provide for effective enforcement of anti-terrorist activities in the country. Further, this Statutory Instrument had strengthened the guidelines for combating terrorist activities and addressed the challenges which were being faced when implementing the Act.

The United Nations Security Council on 28 September, 2001, unanimously adopted Resolution 1373 as a global counter-terrorism measure. The resolution was adopted under Chapter VII of the United Nations Charter, and was therefore binding on all UN member states. It provided that all States should ensure that terrorist acts were established as serious criminal offences in domestic laws and regulations and that the seriousness of such acts was duly reflected in sentences served.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

14.0 MINISTRY OF ENERGY


Submission by the Permanent Secretary

In exercise of the powers contained in section 27 of the Energy Regulation Act, Chapter 436 of the Laws of Zambia, the Statutory Instrument was made to ensure the implementation of the Fuel Marking Programme. The operational and capital expenditure of the programme would be financed through a cost-line of 97 ngwee per litre in the fuel price of kerosene, diesel and petrol.
The Government of the Republic of Zambia through the Energy Regulation Board considered the implementation of the Fuel Marking Programme in order to curb fuel adulteration with domestic kerosene and other low grade fuels as well as dumping of tax – free transit or export fuels on the Zambian market, which posed serious threats to the revenues of the Government and compromised the quality of fuel for the general motoring populace.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the statutory Instrument as it was issued in accordance with the law. Your Committee however, urges the Government to continue exploring other methods of fuel marking such as colouring.

15.0 MINISTRY OF TRANSPORT AND COMMUNICATIONS

15.1 Statutory Instrument No. 67 of 2017- The Information and Communication Technologies (Fees) (Amendment) Regulations, 2017

Submission by the Permanent Secretary

In exercise of the powers contained in section 91 of the Information and Communication Technologies Act, No. 15 of 2009, these regulations were made in order to set out fees payable for spectrum assignments, network licence (facilities and service), service licence with a network and service licence without a network. Further, the Statutory Instrument revoked Statutory Instrument No. 34 of 2010 and amended Statutory Instrument No. 48, the Information and Communications Technologies (Fees) Regulations, 2010. The amendment was necessary because Statutory Instrument No. 48 had a number of errors that would have had negative implications for the new licensing framework.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.
15.2 Statutory Instrument No. 78 of 2017: The Road Traffic (Public Service Vehicles) (Restriction on Night Driving) (Amendment) Regulations, 2017

Submission by the Permanent Secretary

In exercise of the powers contained in section 233 of the Road Traffic Act, No. 11 of 2002, and on the recommendation of the Road Transport and Safety Agency, this Statutory Instrument was issued to revoke Statutory Instrument No. 76 of 2016: The Road Traffic (Public Service Vehicles) (Restriction on Night Driving) Regulations, 2016 which was issued in order to restrict the movement of public service vehicles and vehicles in transit between 21:00 hours and 05:00 hours on the roads of Zambia. The Regulations were amended with the insertion of two key terms, namely “Director” and “specified vehicle”. Therefore, this meant the Regulations applied only to public service vehicles and specified vehicles. They did not apply to public service vehicles on a local route within a local authority area. A local route was defined as a route within a local authority area or within a radius of fifty kilometers from the main post office or the local authority. This Statutory Instrument stipulated that a person or an owner of a public service vehicle or a specified vehicle shall not use the public service vehicle or specified vehicle to be used between 21:00 and 05:00 hours.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

16.0 MINISTRY OF AGRICULTURE

16.1 Statutory Instrument No. 73 of 2017: Food Reserve (Designated Commodities) Regulations, 2017

Submission by the Permanent Secretary

In exercise of the powers contained in section 6 and 27 of the Food Reserve Act, Chapter 225 of the Laws of Zambia, this Statutory Instrument was issued to designate commodities as required by the Food Reserve Act. The designated crops under the Statutory Instrument are as follows:

i. White maize;
ii. Orange maize;
iii. Rice;
iv. Sorghum;
v. Sunflower;
vi. Groundnuts;
vii. Soya beans; and
viii. Beans

Your Committee learnt that the designated commodities had been selected for the reasons set out below.
i. The designation of these crops was envisaged to spur the smallholder farmers to increase production of those crops in line with Government’s policy objective of promoting crop diversification.

ii. Small scale farmers produced over 80 percent of the food in Zambia. As those farmers were predominantly rural based, the designation of additional agriculture commodities and the Food Reserve Agency’s intervention in the markets was expected to provide market access to such farmers as most rural farmers were deprived of a reasonable market share due to private sector unresponsiveness.

iii. The FRA would in turn offload the purchased crops to the market through the private sector for value addition, community sales and relief food through the Disaster Management and Mitigation Unit.

Committee’s Observations and Recommendations

Your Committee notes that the issuance of the Statutory Instrument was in conformity with the law, and in the national interest. However, your Committee observes that cassava is not included amongst the designated crops. Your Committee, therefore, recommends that cassava be included on the list of designated crops.

17.0 MINISTRY OF HEALTH

17.1 Statutory Instrument No. 79 of 2017- The Public Health (Infected Areas) (Cholera) Regulations, 2017

Submission by the Permanent Secretary

In exercise of the powers contained in sections 28 and 30 of the Public Health Act, Chapter 295 of the Laws of Zambia, this Statutory Instrument was issued to allow for the cleaning up of public premises including markets, the central business district, food outlets and schools. It also provided for the rehabilitation of sanitary facilities and provision of clean and safe water in those facilities and affected communities. The Statutory Instrument also allowed for the temporary
conversion of Heroes’ Stadium into a cholera hospital, which enabled cost effective case management. The decreasing incidence of cholera from a peak of 164 cases per day towards the end of the year 2017 to around eighty-five cases per day in the first week of January, 2018 and forty-five cases per day in the second week was as a result of the escalated multi-sectoral intervention through the enforcement of this Statutory Instrument. The Statutory Instrument was also in compliance with the requirements indicated in the International Health Regulations (IHR) of 2005 in the case of an outbreak in subscribing countries.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

18.0 MINISTRY OF LABOUR AND SOCIAL SECURITY

18.1 Statutory Instrument No. 80 of 2017 - National Pension Scheme (Pensionable Earnings) (Amendment) Regulations, 2017

Submission by the Permanent Secretary

In exercise of the powers in sections 14 and 19 of the National Pension Scheme Act, Chapter 256 of the Laws of Zambia, the Minister of Labour and Social Security issued this Statutory Instrument to annually adjust the levels of pensionable earnings by an index based on national average earnings. The National Pension Scheme Authority determined the national average earnings annually by applying statistics and data compiled by the Central Statistical Office. The Statutory Instrument initiated for determination of pensionable earnings under which contribution tables used by employers to calculate the relevant contribution payments to the National Pension Scheme Authority were provided annually. Statutory Instrument No. 80 of 2017 had outlined a constant increase of 10.09 percent in national average monthly earnings, social security ceiling and maximum total monthly contribution from 2017 to 2018.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

PART II

19.0 LOCAL TOUR REPORT

In line with its oversight mandate, your Committee undertook local tours to selected institutions and Government departments in order to appreciate
what was obtaining on the implementation of selected Statutory Instruments promulgated in 2017. During the tours, your Committee visited institutions and projects in Lusaka and Eastern Provinces. The key findings, observations and recommendations of your Committee during its local tour to the institutions are summarised below.

19.1 Zambia Information and Communications Technology Authority (ZICTA)

In relation to Statutory Instrument No. 80 of 2015, your Committee was informed as set out below:

(i) ZICTA was an authority established and mandated to regulate all information and communication processes in the country.

(ii) The Authority carried out economic and technical regulations, which included the licensing, traffic monitoring and ensuring information and communication technology (ICT) standardisation, consumer protection and research and development.

(iii) The relevance of Statutory Instrument No. 80 of 2015 was to generate revenue for ZICTA and the Government of Zambia. The resources would be raised through charges on all international calls that were received.

(iv) The issuance of Statutory Instrument No. 80 of 2015 aimed to track and monitor traffic in order to raise revenue out of the international calls received.

(v) The issuance of the statutory instrument was aimed at ensuring that the provision of quality of service (QoS) and quality of experience (QoE) were enhanced by the mobile service providers in the country, which would in turn provide for an assured quality of service to the Zambian citizens.

(vi) ZICTA was responsible for the enforcement and implementation of the statutory instrument.

19.2 Airtel Head Office

During its visit to Airtel Head Office, your Committee was informed as set out below:

(i) Airtel was a major network service provider with 1,354 sites countrywide, and with about 5.3 million subscribers, representing 40.9% of the market share in Zambia.
(ii) Airtel operated in collaboration with its stakeholders who included customers, the Government, shareholders, regulators and industry associations.

(iii) Airtel had a number of products on the market that it created with the aim of providing a convenient service to every section of the market. Its products included the “Soche”, 4G data, Airtel money and many more which were aimed at offering a service to all.

(iv) Airtel provided a customer service through management of complaints, requests and queries. Airtel provided customer services such as customer first point of contact, after sales services and customer surveys.

19.3 MTN Head Office

During the visit to MTN Head Office, your Committee was informed as set out below.

(i) MTN aimed to connect the Zambian citizens using modern technology which could even facilitate financial inclusion.

(ii) Products offered by MTN included the release of hostages’ facility in which those subscribers who were not utilising certain MTN services but were either by default, or by choice at a time, subscribed to the services, MTN releases these subscribers from those subscriptions in order to free them from the attached costs. MTN money facility was one of the services that the mobile service provider renders to its consumers and the general public.

(iii) MTN had increased the number of its call attendant agents with the aim of serving its customers more effectively.

19.4 Zamtel Head Office

During the visit to Zamtel Head Office, your Committee was informed as set out below.

(i) Zamtel’s traditional business was buying and selling of traffic at the market rates.

(ii) For every in-bound call to a Zamtel number, Zamtel was paid a per minute price called a termination rate and the opposite applied for an out-bound call.
(iii) Statutory Instrument No. 80 of 2015 was aimed at regulating the international in-bound traffic price by imposing surtax on all in-bound international voice traffic on a per minute basis.

(iv) On every in-bound international call received on a Zamtel number, Zamtel charged 20 cents of United States dollar, where 9 cents went to tax and 11 cents was Zamtel’s share per minute call.

(v) The issuance of this Statutory Instrument was intended to generate additional revenue for the Treasury and for the mobile operators from existing traffic.

(vi) In line with regional pricing trends, most of the operators in the region charged between 20 cents and 35 cents termination rates.

(vii) There was a decline in international traffic due to interconnect bypass and SIM-box fraud activities. Due to the difference between the high termination rate and the local retail price for on-network calls, unscrupulous persons deployed SIM boxes (also called global system for mobile-communication (GSM) gateways) and terminated international calls as local calls to avoid paying the high termination rates being charged by the Zambian operators.

(viii) SIM box activity was usually manifested through an increase in on-net calls, an increase in customer acquisitions but with zero revenue generation and incoming calls without caller line identification.

(ix) While the cost of doing business with Zambia, where calling Zambia from abroad had become expensive, this had led to low quality of service. With the aim of increasing margins, some international partners had opted to re-route traffic to Zambia via cheap “grey” routes with very low quality of service instead of using direct or premium routes, causing a negative traffic imbalance.

(x) Since more outbound traffic was generated compared to inbound traffic, Zamtel had been converted from being a net recipient to a net payer.

19.5 Tour of Oliver Tambo Heritage Centre

Your Committee toured Oliver Tambo Heritage House in relation to Statutory Instrument No. 71 of 2017. During the tour your Committee was informed that Oliver Tambo House was a Heritage Centre where information about the former African National Congress (ANC) leader’s life history was to be found. It was declared as a National Monument upon the promulgation of Statutory Instrument No. 71 of 2017. However, the Heritage Centre did not have
enough information about Oliver Tambo, and the little information that was available on Oliver Tambo at the Heritage Centre was not accurate.

### 19.6 Tour of Chongwe Municipal Council

Your Committee toured Chongwe Municipal Council in order to appreciate the implementation of Statutory Instrument Nos 14 and 44 of 2017. The findings of your Committee during the tour are set out below.

(i) Chongwe township was growing, which increased the demand for housing and other development needs such as commercial and industrial activities.

(ii) Chongwe District had a population of approximately 172,827 according to the Central Statistical Office (CSO) 2010 Population Projection Report.

(iii) The district had a dual administrative structure with the Mayor heading the local authority while the District Commissioner headed the central Government administration. The district had several government departments which included Fisheries, Water Affairs, Chiefs and Traditional Affairs, Education, Health, Agriculture, Cultural Affairs, Community Development, Social Welfare, Co-operative Affairs and Buildings.

(iv) The civic centre had a number of modern buildings that accommodated the different departments of the local authority.

(v) A number of non-governmental organisations (NGOs) operated in the district. These included World Vision, Child Fund, Umodzi Women’s Association and Mitengo Women’s Association.

(vi) Chongwe District operated as a district council until 15th February, 2017 when the Minister of Local Government upgraded it to a municipal council through Statutory Instrument Number 14 of 2017, issued in exercise of powers contained under section 3 of the Local Government Act, Chapter 281 of the Laws of Zambia.

(vii) The district rateable properties had increased considerably with 35,000 properties as at the 2014 valuation roll and an additional supplementary valuation roll was under preparation which would capture more properties that were not on the main valuation roll.

(viii) The upgrading of Chongwe Town Council to Municipal Council status on 15th February, 2017 through Statutory Instrument No. 14 of 2017 had facilitated an improvement of staffing in the departments, which in turn had greatly contributed to enhanced performance of the local authority.
(ix) The municipality status had also brought about changes in standing committees consisting of councillors who were able to deliberate critically on specific issues.

(x) The Settlement Department of the Chongwe Municipal Council would oversee the effective upgrading of unplanned settlements in order to improve the living standards of the community.

(xi) Prior to upgrading of Chongwe Town Council to a municipality, the local authority did not have a town planner and all physical, spatial planning and land matters were handled by the District Planning Officer who was also responsible for the general administration of the Planning Department.

(xii) Chongwe was not designated as an urban and regional planning authority. Your Committee was informed that Chongwe Municipal Council made an application to the relevant authority to be designated as a planning authority, but the application was still pending approval.

(xiii) The non-designation of Chongwe as an Urban and Regional Planning Authority still limited the municipality in performing certain functions of a local planning authority such as regulatory, control and planning functions.

(xiv) Chongwe Council still had inadequate staffing level to befit a municipality.

In respect of Statutory Instrument No. 44 of 2017, your Committee was informed that the district was able to inspect trading premises in order to ensure conformity to minimum standards. The district conducted fire drills for institutions and was readily available to perform the task of preventing and extinguishing fires. Further, Chongwe district was implementing rescue operations in drowning cases and providing fire safety education to communities. Chongwe Council had two fire tender trucks and two utility vehicles as well as a set of marine rescue equipment. In addition, Airtel had donated a mobile handset which was used as a contact line for fire services. Your Committee learnt that Chongwe Council had a shortage of fire hydrants as only one was available out of the fifty required for the service. Your Committee, further heard that, Chongwe district still had a Class 1 Magistrate Court which was not befitting for a district with a municipal council status.

19.7 TOUR TO LUANGWA DISTRICT COUNCIL

Your Committee visited Luangwa District Council in relation to Statutory Instrument No. 80 of 2015 and Statutory Instrument No. 44 of 2017. Your Committee’s findings were as set out below.
Luangwa district had a population of 29,506 and the major source of livelihood for the local people was fishing. The district had a total of three existing communication masts which were erected at various localities. The district was serviced by all the three mobile service providers, namely Zamtel, MTN and Airtel. However, the network coverage was mainly along the 90km stretch of the D145 district road and the central business district and selected district sub-centres namely Chitope, Kaunga, Mankokwe and Mauzeka areas which were near the main junction of the D145 road and the Great East Road. Be that as it may, certain points along the road could not access the signal and had no network. Connectivity was very poor in the district as only 5km from the central business district along the Zambezi river to Kavalamanja area could access the network. Zimbabwean and Mozambican signals often interfered with the Zambian mobile networks, as the signals of these foreign networks were stronger than the Zambian networks, As a result, the residents of Luangwa district were subjected to roaming as their phones accessed the signals of the foreign networks, which proved to be expensive. In this regard, representations had been made by Government officials, traditional leadership and political leaders on the need for more towers that would improve network coverage in the affected areas. Your Committee was informed that three additional towers were being erected by the Government in the district. The Council collected K5,000 statutory fees per year as provided for under the law for each tower erected in the district.

**STATUTORY INSTRUMENT No. 44 - The Local Government (Fire Services) Order, 2017**

Your Committee heard that Luangwa Town Council was appointed as a Fire Authority by the Minister of Local Government. Luangwa Council submitted that the district had fourteen fire service staff while three vacancies still existed on the establishment. In addition, the district had one fire tender and one fire pump vehicle. The two fire tenders were not insured as the third one had its insurance cover deducted from the Equalisation Fund. The Council indicated that it had no capacity to sustainably insure its fire tenders. The district also had one non-equipped boat for rescue services. Further, the district had no marine rescue personnel, equipment and diving suits. Your Committee was further informed that Airtel had donated handsets that would be used as toll free lines for fire tender and rescue services but these had not been activated.

**19.8 TOUR TO KATETE DISTRICT COUNCIL**

Your Committee visited Katete District Council in relation to Statutory Instrument No. 80 of 2015 and Statutory Instrument No. 44 of 2017. The findings of your Committee were as set out below. Statutory Instrument No. 44 of 2017 established Katete District Council as a Fire Authority. The Fire Authority was functional and its fire services were also extended to its
neighbouring district, Sinda, which was not a Fire Authority. Katete District Council had two fire tenders and one rescue light truck. A dam was constructed in 2016 with funding from the Government, while four fire hydrants were handed over to the Council by the Eastern Water and Sewerage Company. Katete Fire Authority was promptly attending to accidents and fire incidences effectively. Your Committee however, noted that Katete District Council’s Fire Section had ten officers instead of the thirty officers recommended for a district fire authority.

With regard to Statutory Instrument No. 80 of 2015, the findings of your Committee were as set out below.

The district appreciated the efforts that the Government was making towards creation of an enabling environment such as the creation of information technology units for local authorities and also for the support rendered to enable them migrate towards a smart way of doing business. Before the computerisation of its operations, Katete District Council faced a number of challenges such as double allocation in terms of plots, inaccurate and delayed processing of bills and reports. Your Committee was informed that the Council had no database and all their activities were being processed manually.

It was reported to your Committee that the council had embarked on the computerisation of its operations; phase I involved planning and budgeting, payroll management, revenue management and land administration system within the district. The council had since updated employee records and other records. This would mean that computations would be done on time and also budgeting had been made easier.

19.9 TOUR TO CHIPATA CITY COUNCIL

Your Committee toured Chipata City Council in relation to Statutory Instrument Nos. 13 and 60 of 2017. Your Committee’s findings during the tour were as outlined below. Chipata district was founded in 1899 and it had a firm foundation of being a trade centre dating back to the colonial era, when it was called Fort Jameson. Since then, Chipata had remained the hub of Eastern Province by maintaining its position as a Provincial Headquarters. Chipata was the fifth city in Zambia after Lusaka, Ndola, Kitwe and Livingstone and had a projected population of 542,464 as of 2018. Your Committee also learnt that Chipata Council had operated as a Municipal Council since 1992 until it was declared a City Council in 2017 via Statutory Instrument No. 13 of 2017.

Your Committee was informed that the proclamation of Chipata Municipal Council as a city council necessitated that all the requisite departments that were supposed to be in existence in a city council be established. Your Committee also learnt that the Council had the following departments which
were already operational:

- Department of Human Resource and Administration;
- Department of Engineering Services;
- Department of City Planning; and
- Department of Finance.

The conferment of city status saw the establishment of new departments at the council, which included:

- Department of Public Health;
- Department of Legal Services; and
- Department of Housing and Social Services.

Your Committee was informed that Chipata City Council had a number of unfilled vacancies in its staff establishment, as outlined below.

In the Human Resources Department, the approved structure number is fifty-five, but only sixteen positions are filled, leaving a variance of thirty-nine vacancies. The approved structure for the Legal Department is fifteen positions and none are filled.

In the Finance and Accounting Department, thirty positions are approved, but only four are filled, giving a variance of twenty-six positions. In the Engineering department, 119 positions are approved, while thirty positions are filled, leaving a variance of eighty-nine positions.

The approved structure for Housing and Social Services is fifty-one, fourteen positions are filled and a variance of thirty-seven positions still exists. Under Public Health, twenty-six positions are approved, but only one is filled and twenty-five still remain vacant. Under Valuation and Real Estates Management, the approved structure is seventeen; one is filled while sixteen positions are still vacant.

Another finding of your Committee was that, Chipata City Council experienced increased pressure on acquiring land for expansion of social and economic activities, such as industrial, commercial, burial sites as well as waste disposal sites. As a result of the scarcity of land, cases of encroachments were on the increase. Some catchment areas meant for provision of public service such as water and sewerage was not spared from encroachments.

Resulting from recurring rural-urban migration, Chipata City had experienced a rapid increase in the sizes of unplanned settlements. This was exacerbated by the fact that there was a mismatch between the process of squatter upgrading and the rate at which settlements were increasing.
19.10 Statutory Instruments Number 60 of 2017 - The Urban and Regional Planning (Designated Local Planning Authorities) Regulations, 2017

With regard to Statutory Instrument No. 60 of 2017, your Committee was informed as set out below.

Chipata City Council was designated as a Planning Authority via Statutory Instrument No 60 of 2017. The designation of Chipata City Council as a Planning Authority entailed that the local authority would regulate, control and plan the development, use of land and building layout within the city. However, Chipata City had experienced low levels of compliance with planning procedures for the development, change of land use and others such as consolidations and subdivisions of plots. Geographically, Chipata was a hilly place, and some of the areas were treated as buffer zones. Some areas were very low and waterlogged. However, some residents had opted to erect buildings on such areas, hence blocking the flow of water. This was one of the results of the low levels of compliance with planning regulations. This situation was compounded by the fact that despite being declared a Planning Authority, Chipata City Council was in a weak bargaining position with regard to joint planning with traditional authorities as much of the land in Chipata was under customary tenure.

19.11 TOUR TO MAMBWE DISTRICT

Your Committee visited Mambwe District for the purpose of appreciating Statutory Instrument No. 80 of 2015. The findings of your Committee during the tour are set out below.

The district was serviced by three mobile service providers, namely Airtel, MTN and Zamtel. The communication signal in the district was so weak such that during certain days connectivity for both data and voice calls was virtually non-existent. The poor connectivity was due to the hilly terrain in Mambwe District. Your Committee was informed that, as a result of the poor connectivity, various activities such as the E-voucher Programme, the Social Cash transfer and services such as ZESCO unit’s sales, Zambia News and Information Services and tourism related activities in the district were severely hampered.

19.12 COMMITTEE’S OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations of your Committee arising from its tours are outlined below.
Statutory Instrument No. 80 of 2015

(i) Your Committee notes that Zambia Information and Communications Authority (ZICTA) is mandated to monitor and enforce quality of service standards across all segments of the information and communication technology segments. Your Committee also observes that there is poor connectivity in many areas in Zambia. Even worse, there are some areas where network is intercepted by stronger foreign networks’ signals resulting in roaming which is expensive for the Zambian citizens.

Your Committee, therefore, urges the Government to erect more towers in un-serviced and underserviced areas in order to improve connectivity. Your Committee, further, urges the Government to consider engaging the neighboring countries with strong networks that are interfering with the Zambian networks, by coming up with harmonized and negotiated roaming charges that will provide solution to the roaming cases being experienced in some border areas.

(ii) Your Committee observes that, despite the fact that a lot of products have been developed as value-added services for the consumers to enjoy, your Committee observes that there is inadequate sensitisation by the mobile service providers on the variety of products available on the market.

Your Committee, therefore, calls for increased sensitisation to the general public on the value added services offered by the mobile service providers so that the public can access them.

Statutory Instrument No. 13 of 2017

(iii) Your Committee observes that Chipata City Council does not have enough land for development as most of the land is held by the traditional leadership.

Your Committee, therefore, urges the Government to intervene in this matter as a matter of urgency and take measures to assist Chipata City Council to access land to enable it undertake various development activities.

(iv) Your Committee observes that Chipata City Council has low staffing levels in critical positions, which will negatively impact on service delivery. In light of the above, your Committee urges the Local Government Service Commission to urgently employ staff to fill the vacant positions so that Chipata City Council can effectively deliver services befitting its status as a city council to the public.

(v) Your Committee observes that quantum of the Equalisation Fund allocated to Chipata
City Council has remained at the level of a Municipal Council and that there is urgent need to increase this amount to that befitting its new status as a City Council.

Your Committee urges the Government, through the Ministry of Local Government to urgently consider increasing the amount of the Equalisation Fund to the Council in line with its status as a city council.

**Statutory Instrument No. 14 of 2017**

(vi) Your Committee observes that Chongwe Municipal Council is not a Local Planning Authority despite having been a Municipal Council for a long time now.

Your Committee recommends that the Ministry of Local Government should consider designating Chongwe Municipal Council as a Local Planning Authority.

(vii) Your Committee observes that Chongwe Municipal Council has remained without staff in many critical positions, which negatively affects service delivery.

Your Committee recommends that the Local Government Service Commission should employ more staff to fill the vacant positions at Chongwe Municipal Council to enable the council perform its functions effectively.

(viii) Your Committee observes that Chongwe Municipal Council does not have land for any development related activities as all the land belongs to the traditional leadership.

Your Committee urges the Government to take urgent measures to enable Chongwe Municipal Council to access land from the traditional leadership for development activities.

**Statutory Instrument No. 44 of 2017**

(ix) Your Committee observes that some fire authorities like Chongwe and Luangwa have no fire stations despite being designated as Fire Authorities.

Your Committee urges the Government to ensure that Chongwe and Luangwa fire authorities are urgently provided with funds to construct fire stations in their respective council areas.

(x) Your Committee observes that the fire authorities do not have adequate human resources.
to meet the demand for fire services; for instance Katete fire station has only one driver against three fire trucks.

Your Committee recommends that more staff be employed in the various councils designated as fire service authorities by the Ministry of Local Government so that they can operate effectively.

(xi) Your Committee observes that the cost of insurance for the fire tenders is being deducted from the Equalisation Fund by the Ministry of Local Government, which is unacceptable.

Your Committee urges the Ministry of Local Government, to set aside separate funds to meet the insurance costs of fire tenders in the councils, rather than deducting this cost from the overstretched Equalisation Fund.

(xii) Your Committee observes that the fire authorities do not have trained personnel in marine rescue services and there is no marine equipment at the fire service authorities.

Your Committee urges the Ministry of Local Government to provide fire authorities with trained personnel in marine service and ensure that marine equipment is procured.

**Statutory Instrument No. 60 of 2017**

(xiii) Your Committee observes that developers in Chipata are erecting buildings on buffer zones and waterlogged areas. This poses a danger of possible backflow of water which could flood the city.

Your Committee urges Chipata City Council to continue sensitising the general public on the dangers of building on the buffer zones, and ensure that laid down land allocation procedures are enforced by the council and adhered to by members of the public.

**Statutory Instrument No. 71 of 2017**

(xiv) Your Committee appreciates the declaration of Oliver Tambo National Heritage Centre but notes with regret that the Centre does not have much information to enrich it in order for it to attract visitors.

Your Committee further notes that the Centre does not have accurate information, thereby giving unclear information about the life of Oliver Tambo.

Your Committee recommends that the Government ensures that the Centre is equipped with more and accurate information so that the declaration of the
Centre as this national monument is appreciated by members of the public.

PART III

20.0 CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION FOR THE FIRST SESSION OF THE TWELFTH NATIONAL ASSEMBLY

THE JUDICIARY

20.1 STATUTORY INSTRUMENT No 8 of 2016 – The Anti-Gender-Based Violence (Court) Rules, 2016

Time line for the Disposal of GBV Cases and Reception of Evidence by Video Link

Your previous Committee had conducted a tour of the facilities that were used in GBV cases to protect victims of gender-based violence. The facilities included a court room, video link and public address systems. Your previous Committee observed that the Anti-GBV Rules only applied to civil proceedings which were normally fewer than GBV cases of a criminal nature.

Your previous Committee resolved to urge the Judiciary to consider further law reforms to incorporate the fast-tracking of gender or domestic violence cases.

Judiciary’s Responses

The Judiciary had acknowledged that there was need to amend the Anti-Gender-Based Violence (Court) Rules so that they could apply to criminal cases. This would introduce time lines for the disposal of gender-based violence cases before the Subordinate Courts. Further, the Judiciary indicated that it would, in due course, write to the Ministry of Justice to propose that the Criminal Procedure Code, Chapter 88 of the Laws of Zambia be amended to allow for the reception of evidence via video link.

Committee’s Observations and Recommendations

Your Committee resolves to request for an update report with regards to the suggested amendments to the law in order to provide for the time limits and time lines for the disposal of gender-based violence cases, as well as to allow for the admission of evidence via video link.
Inadequate Video Facilities

Your previous Committee had observed that the facilities used in GBV cases were donated by a cooperating partner and were only installed in one court room. Your previous Committee had also observed that the television set that was being used in the video link was not clear, and could compromise the quality of evidence, thereby affecting the trial.

Your previous Committee had, therefore, recommended that the Judiciary considers including a provision for the purchase of more video conferencing equipment to be placed in all the court rooms at the Magistrates’ Complex, and gradually in all provincial centres in its budget.

Judiciary’s Response

In response, the Judiciary indicated that its vision is to have a video link facility installed in all court rooms at the Magistrates’ Complex and eventually roll it out to all districts, and that the fulfilment of the vision was dependent on availability of funds.

Committee’s Observations and Recommendations

Your Committee resolves to await a progress report on the installation of video link facility in all Court rooms at Magistrates’ Complex and to all districts.

Need for Increased Funding to Improve Court Operations

Your previous Committee had urged the Government to allocate resources to enable the Judiciary to avert those challenges. In the short term, the Committee had recommended that the television set that was being used in the conferencing be fixed or replaced so that it could be providing better quality pictures and sound.

Judiciary’s Response

In response, the Judiciary indicated that their Information Communications Technology department had already made assessments on what needed to be done in order to resolve the challenges being faced by the Magistrates in the use of the video link in the Subordinate Court – Gender Based Violence Fast Track Court, and that the Judiciary would in due course engage the company that installed the video link system to resolve the issues that were identified by the Judiciary Information Communications Technology Department.
Committee’s Observations and Recommendations

Your Committee resolves to request a progress report on the engagement between the Judiciary and the Company that installed the video link system with regard to resolving the issues that are identified by the Judiciary’s Information Communications Technology Department.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

20.2 STATUTORY INSTRUMENT No. 79 of 2016 (Seat-Belt and Child Car Seat)
Your previous Committee had observed that the Statutory Instrument was well intended, but its objectives may never be realistically realised based on the highlighted challenges. Your previous Committee agreed with the stakeholders, and, therefore, recommended that the starting point would be to ban the importation of vehicles that were not fitted with seat belts.

In order to find a lasting solution, your previous Committee had recommended that the Government through the RTSA should institute a consultative process with the stakeholders aimed at finding an acceptable outcome in the context of the challenges stated above. The Government was alive to the huge cost implication that would be incurred by the state to phase out mini buses without seat belts.

Government’s Response

In response, the Executive stated that the Statutory Instrument was intended to reduce the loss of lives that could be avoided when passengers were strapped behind a seat belt. Accordingly, the importance of the Statutory Instrument could not be overstated. The Ministry took note of the concern on the cost of installing seat belts. As such, the Ministry of Transport and Communication had extended the grace period for vehicles that were not fitted with seat belts to be fitted with these devices with effect from 1st June, 2017 to 31st December, 2018. This was to allow vehicles that were not fitted with seat belts to have seat belts fitted. The Ministry of Transport and Communications and the RTSA would undertake consultations with the Ministry of Commerce on the Committee’s recommendation on importation of vehicles which were not fitted with seat belts for the possible issuance of an appropriate Statutory Instrument under the Control of Goods Act, Chapter 241 of the Laws of Zambia, which could prohibit importation of certain goods.
Committee’s Observations and Recommendations

Your Committee resolves to request for a progress report on the matter.

Amnesty on Installation of Seat Belts on Buses

Your previous Committee had recommended that the amnesty granted to the owners to install seat belts should continue until the consultative process is completed.

Government’s Response

In response, it was stated that the amnesty granted to bus owners to install seat belts would continue until the consultations with the Ministry of Finance and the Ministry of Commerce, Trade and Industry were concluded. Accordingly, the RTSA in liaison with the Zambia Bureau of Standards (ZABS) would develop standards for seats and seat belts suitable for panel vans whose seats were fabricated locally to ensure road safety through the enhanced use of seat belts.

Committee’s Observations and Recommendations

Your Committee resolves to await a progress report on the conclusion of the consultative process.

MINISTRY OF LOCAL GOVERNMENT

20.3 Statutory Instrument No 39 of 2016 – The Provincial and District Boundaries (Division) (Amendment) Order (Kalumbila and Mushindamo Districts)

Development of Kalumbila and Mushindamo Districts

Your previous Committee had observed that since the issuance of the Statutory Instrument, there had been little progress made to develop the two districts. While appreciating that Kalumbila seemed to have a plan in place in terms of how it would be developed, there were no resources to realise the plan.

Your previous Committee had, therefore, recommended that the Government should allocate sufficient resources to ensure that development of the district could start as soon as possible.
Government’s Response

In response, the Government stated that, while your previous Committee’s observation was appreciated, it must be noted that the development of new districts was happening in a gradual manner due to resource constraints. Nevertheless, the Government had continued to allocate funds to support the establishment of new districts in the country. Between 2015 and 2017, for example, a total of K665.4 million was allocated for development of new districts, recruitment of staff, and development of infrastructure such as district offices, civic centres, post offices, and housing units. Accordingly, in line with that commitment, the Government would over the medium term reach out to all the new districts that were recently created including Kalumbila and Mushindamo districts.

Committee’s Observations and Recommendations

Your Committee resolves to await a progress report on this matter. Your Committee observes that the response from the Government was not specific, but is more a general statement. Your Committee resolves to request the Government to state clearly what it has done in Kalumbila and Mushindamo districts to expedite development of the two districts.

Actualisation of Staff Establishment in Kalumbila and Mushindamo Districts

Your previous Committee had also recommended that Treasury authority be granted so that the funds can be released for the actualisation of the staff establishment which was required to administer district plans and activities.

Government’s Response

In response, it was indicated that Government had planned to implement the first phase of recruitment of staff in Kalumbila and Mushindamo in the first quarter of 2018. Full establishment would progressively be implemented over the medium term as infrastructure development was undertaken to support effective service delivery.

Committee’s Observations and Recommendations

The Committee resolves to request for a progress report the matter on the matter.
Rehabilitation of the Solwezi – Kipushi Road

With regard to Mushindamo, your Committee had observed that the place was still undeveloped, particularly because the Solwezi-Kipushi road, along which the district is located, was in a deplorable state. Your Committee had observed that the said road was a very important economic road due to the high volumes of trucks laden with goods and services moving between Zambia and the Democratic Republic of Congo.

Your previous Committee had, therefore, recommended that the Government should prioritise the rehabilitation of the road in order to trigger socio-economic developments that would be beneficial to the development of the district.

Government’s Response

In response, it was indicated that the Government recognised the Solwezi-Kipushi road as a vital economic route connecting Zambia and the Democratic Republic of Congo (DRC). Accordingly, the contract for the upgrading of the Solwezi-Kipushi road to bituminous standard was signed with Messrs Buildcon Investments Limited on 25th March, 2016 at a sum of K546, 877,969.51 VAT inclusive with a completion period of thirty months from the date of commencement. Accordingly, the project was intended to be financed using the Contractor Facilitated Initiative (CFI) model. However, negotiations between the Ministry of Finance and the proposed financier had not been concluded to date. Based on the foregoing, the Government, through the Ministry of Housing and Infrastructure Development was in the process of changing the financing model from CFI to GRZ owing to encumbrances encountered by the Ministry of Finance and the financiers of the project based on the provisions made available in the 2018 Road Sector Annual Work Plan (RSAWP).

Committee’s Observations and Recommendations

Your Committee resolves to await a progress report on the financing and subsequent construction of the Solwezi-Kipushi Road. Your Committee will await a progress report on the matter.

Construction of District Infrastructure in Mushindamo

Your Committee had also recommended for the allocation of sufficient funds to Mushindamo district in order to enable the commencement of construction of infrastructure and administrative facilities, which
should be based at the place where the District Commissioner was currently housed, and not at Saint Dorothy.

**Government’s Response**

In response, it was stated that the construction of Mushindamo and other recently created districts had been put on hold during the 2017 period due to financial constraints, and guidance given by the Ministry of Finance was that new projects be budgeted for and undertaken in 2018. However, planning and zoning of the site for construction of Government housing and office accommodation had commenced.

**Committee’s Observations and Recommendations**

Your Committee resolves to request for a progress report on the matter.

21.0 **Conclusion**

Your Committee wishes to express its gratitude to the Hon Mr Speaker and the Clerk of the National Assembly for the guidance and services rendered to it throughout its deliberations. Gratitude also goes to all the stakeholders who made oral and written submissions for their cooperation.

A B Malama, MP  
CHAIRPERSON  

June, 2018  
LUSAKA
APPENDIX 1

List of National Assembly Officials
Ms C Musonda, Principal Clerk of Committees
Mr F Nabulyato, Deputy Principal Clerk of Committees (SC)
Mr S Chiwota, Senior Committee Clerk (SC)
Mr G Zulu, Committee Clerk
Mr E Chilongu, Committee Clerk
Ms S Phiri, Typist
Mr M Chikome, Committee Assistant
Mr D Lupiya, Acting Committee Assistant