

REPUBLIC OF ZAMBIA

THE EXTERMINATION OF MOSQUITOES ACT

CHAPTER 312 OF THE LAWS OF ZAMBIA

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ARRANGEMENT OF SECTIONS

Section

1. Short title and application
2. Interpretation
3. Power to prescribe measures for extermination of mosquitoes
4. Duties of occupiers
5. Right of entry
6. Prosecution of measures on lands
7. Compensation
8. Penalties

SCHEDULE-Form of summons

CHAPTER 312

EXTERMINATION OF MOSQUITOES

An Act to prescribe measures for the extermination of mosquitoes; and to provide for matters incidental thereto.

13 of 1944
2 of 1945
31 of 1949
55 of 1963
69 of 1965
24 of 1966
13 of 1994
Government Notices
291 of 1964
497 of 1964

[18th August, 1944]

1. This Act may be cited as the Extermination of Mosquitoes Act, and shall apply to every municipality, mine township and township and, if the Minister so directs, to any area within eight kilometres of the boundaries of a municipality or township and, if the Minister is satisfied that a source of infection to a populated area is situated outside such limit of eight kilometres, to the area in which such source is situated.

Short title and application

(As amended by No. 31 of 1949, G.N. No. 291 of 1964 and No. 69 of 1965)

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

Interpretation

"approved scheme" means a scheme approved by the Minister in pursuance of the provisions of section six;

"local authority" means-

- (a) in the area of a municipal council, township council, such council;
- (b) in any other area, the District Secretary for the District in which the area is situate;

"Medical Officer of Health" means any Government Medical Officer, any medical practitioner appointed by the Director of Medical Services to act as Medical Officer of Health in any area specified in such appointment, and the Medical Officer of Health of a municipal council or township council;

"occupier" means, with reference to the particular premises in respect of which the word is used, any person occupying or residing in such premises, and includes any tenant, lodger or licensee;

The Laws of Zambia

"owner" shall, as regards land or any interest therein, include any person, other than the President, receiving the rent or profits of any lands or premises from any tenant or occupier thereof or who would receive such rent or profits if such land or premises were let whether on his own account or as agent for any person, other than the President, entitled thereto or interested therein. The term includes any lessee or licensee from the President and any superintendent, overseer or manager of such lessee or licensee residing on the holding.

*(As amended by No. 2 of 1945, No. 55 of 1963,
G.N. No. 291 of 1964 and No. 69 of 1965)*

3. The Minister may, by statutory instrument, make rules prescribing the measures to be taken for the extermination of mosquitoes (in this Act referred to as the "prescribed measures") within any of the areas to which this Act applies.

Power to prescribe measures for extermination of mosquitoes

*(As amended by No. 31 of 1949
and G.N. No. 291 of 1964)*

4. (1) Every occupier or, in the absence of the occupier, every owner of a building or land within any of the areas to which this Act applies shall take all the prescribed measures and in addition all such other measures as are reasonably necessary to prevent the breeding of mosquitoes in or on such building or land which the local authority may by notice in writing order him to take, not involving in the case of buildings or lands outside municipalities or townships the expenditure of a sum exceeding three thousand penalty units on the same building or land during a period of twelve months:

Duties of occupiers

Provided that, where such occupier is a lodger merely, he shall not be required to take any of the measures mentioned in this subsection which necessarily involve any structural alteration of the premises occupied by him or any expenditure of money.

(2) In the case of two or more persons being joint occupiers or joint owners, each of them shall be deemed an occupier or owner for the purposes of this section.

(3) Where any such occupier or owner fails to take any of the measures which he is required to take under subsection (1), the local authority may, on giving not less than fourteen days' notice in writing of its intention so to do, cause such measures to be taken; and thereupon such occupier or owner shall, without prejudice to any penalty which he has incurred through such failure, be liable to pay all the costs of such undertaking not exceeding the limit of expenditure mentioned in subsection (1), which shall be recoverable as a debt by the local authority.

*(As amended by No. 69 of 1965 and No. 24 of 1966
and Act No. 13 of 1994)*

5. The Medical Officer of Health, and any person authorised by him in writing in that behalf, may, at any time between the hours of seven in the morning and six in the evening, enter upon any land or building within any of the areas to which this Act applies for all or any of the following purposes, that is to say:

Right of entry

- (a) of ascertaining whether the measures required to be taken under this Act are being taken;
- (b) of causing any measure to be taken in pursuance of the provisions of subsection (3) of section *four*;
- (c) of determining whether any measures for the extermination of mosquitoes on such land, other than those prescribed or ordered under this Act, are desirable in the interests of public health in the vicinity thereof; and
- (d) of preparing a scheme in pursuance of the provisions of subsection (1) of section *six*:

Provided that no entry shall be made into a dwelling-house without the consent of the occupier or an order of a magistrate who is hereby authorised to issue such an order.

6. (1) Where the Director of Medical Services is satisfied that any measures of the kind mentioned in paragraph (c) of section *five* are desirable in the interests of public health in the vicinity of the land on which such measures are to be taken, he shall cause a scheme to be prepared for the prosecution of such measures, and the plans and specifications incidental thereto, for the consideration of the Minister.

Prosecution of measures on lands

(2) The Minister may approve the scheme either in its entirety or with such modifications as he may consider necessary

(3) A copy of the approved scheme and the plans and specifications incidental thereto shall be deposited in such place as the Minister may direct, and shall be available for inspection without fee by the owner or occupier of any lands affected thereby; and notice shall be published in the *Gazette* to the effect that such a scheme has been approved and containing a short description of the locality in which such lands are situate.

(4) Notice shall be served upon the occupier or occupiers of the lands to which an approved scheme relates containing such particulars and accompanied by such plans, if any, as are necessary to furnish information as to the nature of the works authorised to be done on such land.

(5) On the expiration of twenty-eight days after service as provided in subsection (4), it shall be lawful for the Director of Medical Services and any persons authorised by him in that behalf to enter upon the said lands and to do thereon all such acts as are necessary for the execution of the works authorised by the approved scheme.

*(As amended by No. 55 of 1963
and G.N. No. 291 of 1964)*

The Laws of Zambia

7. (1) Where any person suffers injury by reason of the prosecution of an approved scheme and is unable to agree with the Director of Medical Services as to the amount of compensation to be paid in respect of such injury, the amount due, if any, shall be settled by the High Court, which shall have jurisdiction to hear and determine the same upon a summons taken out by the Attorney-General or the person affected in the form contained in the Schedule or to a like effect: Compensation

Provided that, in settling the amount of compensation, no regard shall be had to any injury occasioned by the acquisition of any land by the Government for the purposes of the approved scheme.

(2) Nothing in this Act shall be construed as enabling the Government to acquire any lands otherwise than in pursuance of the provisions of the Lands Acquisition Act, and where an approved scheme involves the acquisition of land, the approval of the Minister thereto shall be deemed to be a resolution of the President that such land is required for a public purpose within the meaning of section *five* of the said Act. Cap. 189

*(As amended by No. 55 of 1963
and G.N. No. 291 of 1964)*

8. (1) Any person who obstructs any officer empowered to carry out the provisions of this Act, in any act authorised by this Act, is guilty of an offence and is liable to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a term not exceeding three months. Penalties

(2) Any occupier or owner who contravenes any of the provisions of section *four* is guilty of an offence and is liable, in the case of a first offence, to a fine not exceeding one hundred and fifty penalty units or to imprisonment for a term not exceeding fifteen days, and, in the case of a second or subsequent offence, to a fine not exceeding four hundred and fifty penalty units or to imprisonment for a term not exceeding one month.

(As amended by Act No. 13 of 1994)

SCHEDULE

(Section 7 (1))

FORM OF SUMMONS

The Laws of Zambia

IN THE HIGH COURT FOR ZAMBIA

*In the matter of the Settlement of Compensation payable under
section 7 (1) of the Extermination of Mosquitoes Act*

Let all parties attend at
on the day of, 19
at 'clock in the noon on the hearing of an application
on the part of for the
determination of the amount of compensation payable to
in respect of injury suffered by him in consequence of the prosecution of the measures authorised to be taken on the lands
shown on the plan attached to the scheme approved by
the Minister on the day of, 19,
a copy of which is attached hereto.

When the summons is taken out by the Attorney-General, the following words shall be added:

The Attorney-General is willing to pay as compensation the sum of

N.B.-If the said is willing to
accept the compensation above mentioned, he shall notify his assent to the Attorney-
General on or before the day of, 19

If the said is unwilling
to accept such compensation, he shall on or before the said day inform the Attorney-General of the amount which he is
willing to accept.

If the said fail to comply
with these instructions, the Court may order him to pay the costs of the proceedings.

Dated day of, 19
This summons was taken out by:

.....
Registrar of the High Court

To: (Insert names of the parties interested in the question to be decided.)

(As amended by G.N. No. 291 of 1964)

SUBSIDIARY LEGISLATION

EXTERMINATION OF MOSQUITOES

SECTION 1-APPLICATION OF ACT

Notices by the Minister

The Act is hereby applied to-

- (a) The areas within eight kilometres of the boundaries of-
- City of Lusaka (No. 78 of 1950)
- City of Kitwe (No. 326 of 1953)

The Laws of Zambia

Kabwe Municipality (No. 78 of 1950)

Livingstone Municipality (No. 78 of 1950)

Mufulira Mine Township (No. 235 of 1954)

Mufulira Municipality (No. 235 of 1954)

(b) The area within a radius of 11.263 kilometres from the Post Office at Chingola.

(No. 190 of 1956)

(c) The area within eight kilometres of the boundaries of the City of Ndola, but excluding any part of a Reserve*(1) which may be within such area.

* Now referred to as "customary area"; see definition under section 2 of the Lands Act, Cap. 184.

(No. 252 of 1957)

SECTION 3-THE EXTERMINATION OF MOSQUITOES RULES

Rules by the Minister

Government Notices

45 of 1946

79 of 1950

124 of 1963

291 of 1964

PART I

PRELIMINARY

1. (1) These Rules may be cited as the Extermination of Mosquitoes Rules.

Title and application

(2) The Minister may, by statutory notice, declare that, on and after a date to be specified in such notice, the whole of these Rules, or only such provisions thereof as are mentioned in such notice, shall apply to the whole or such part of the area of any local authority as shall be defined in such notice.

(As amended by No. 291 of 1964)

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

Interpretation

The Laws of Zambia

"protected area" means an area of land which the Minister has declared, by statutory notice, to be a protected area for the purpose of the control of malaria or of the breeding of mosquitoes and may include any area in which anti-malaria works have already been completed or are in progress or are contemplated.

(As amended by No. 291 of 1964)

PART II

PROTECTED AREAS

- 3.** The following measures shall be taken by all owners and occupiers of land within a protected area:
- (a) no cattle shall be allowed to graze or to roam at large in the protected area;
 - (b) no road or path shall be made or established in the protected area except with the consent of the local authority and the concurrence of the Medical Officer of Health;
 - (c) the owner or occupier of land on which a road or path is situated or constructed shall take steps to ensure that such road or path does not interfere with the natural or artificial drainage of the protected area.
- 4.** The local authority shall have power to close any road or path in a protected area if such a course is rendered necessary for the purpose of mosquito control.
- 5.** Where any mining, quarrying, irrigation, water supply, railway or other works exist or are undertaken within a protected area, it shall be lawful for the Medical Officer of Health to require the person on whose land such works are situated to take such measures as may be necessary to link up with any anti-malaria works that are in existence or are being carried out or are contemplated.
- 6.** Where any works are in progress on land adjacent to the protected area which may interfere with or diminish the efficiency of anti-malaria or anti-mosquito works within the protected area, it shall be lawful for the Medical Officer of Health to require the owner or occupier of the land on which works are in progress to take such measures as are deemed necessary by the Medical Officer of Health to maintain the efficiency of the anti-malaria or anti-mosquito works in the protected area.

Measures to be taken by owners and occupiers in protected areas

Power to close roads

Mining, etc.

Work adjacent to protected area

PART III

GENERAL

The Laws of Zambia

7. Where any local authority or any Government Department has constructed or carried out, whether before or after the commencement of these Rules, or is constructing or carrying out any anti-malaria works on any land or premises, every person who uses the said land or premises or permits or authorises them to be used in such manner as to lessen the efficiency or to bring about the deterioration of such works shall be guilty of an offence.

Preservation of anti-malaria work

8. The local authority may give directions to any owner or occupier of land for the purpose of controlling farming and cultivation in any municipal or township area. Such directions may include the prohibition of farming or cultivation in any specified area.

Farming

(As amended by No. 124 of 1963)

9. (1) No person shall excavate or permit or authorise any person to excavate holes or pits for the purpose of the recovery of ballast, sand, gravel, clay or soil for road surfacing, brickmaking or for any other purpose, except in a zone or zones set aside for the purpose by the local authority with the concurrence of the Medical Officer of Health.

Excavations

(2) In any such zone the following provisions shall apply:

- (a) the work shall not be commenced until the permission in writing of the local authority has been obtained;
- (b) the work shall be carried out in such manner as to comply with the requirements of the Medical Officer of Health relating to mosquito control;
- (c) on the completion or cessation of any work carried out in any such zone, the person concerned shall take such measures as the Medical Officer of Health may direct for the purpose of mosquito control.

(As amended by No. 79 of 1950)

10. The local authority may require the owner or occupier of any land to fill in or drain, to the satisfaction of the Medical Officer of Health, any existing borrow-pits or holes or pits excavated for the purpose of the recovery of ballast, sand, gravel, clay or soil for road surfacing, brickmaking or for any other purpose.

Borrow-pits and holes

11. No existing mine, quarry, irrigation, water supply or other works shall be abandoned or discontinued after the commencement of these Rules until such steps for the purpose of mosquito control have been taken by the owner or occupier as the Medical Officer of Health shall require.

Abandonment of mines, etc.

12. All water tanks shall be so constructed as to prevent the entry and emergence of mosquitoes.

Water tanks

The Laws of Zambia

13. Every owner and occupier of land shall comply with all lawful directions given by a local authority and Medical Officer of Health under these Rules. Duties of owners and occupiers

14. Any person who fails to comply with any of the provisions of these Rules shall be liable to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a term not exceeding three months. Penalties

(As amended by Act No. 13 of 1994)

RULE 1 (2) OF THE EXTERMINATION OF MOSQUITOES RULES-APPLICATION

Notices by the Minister

1. The Rules shall apply as set out in the First Schedule to the protected areas in the Livingstone District defined in the Second Schedule.

(No. 93 of 1947)

2. The Rules shall apply to the City of Lusaka.

(No. 142 of 1947)

3. The Rules shall apply to the area within eight kilometres of the boundaries of the City of Lusaka.

(No. 80 of 1950)

4. The Rules shall apply to Kabwe Municipality.

(No. 210 of 1952)

5. The Rules shall apply to the City of Kitwe and to the area within eight kilometres of the boundaries of the City of Kitwe.

(No. 346 of 1953)

6. The Rules shall apply to Mufulira Municipality and to the area within eight kilometres of the boundaries of Mufulira Municipality, but excluding the area of the Kansuswa Township.

(No. 251 of 1954)

7. The Rules shall apply to Mufulira Municipality and to the area within eight kilometres of the boundaries of Mufulira Municipality.

(No. 251 of 1954)

The Laws of Zambia

8. The Rules shall apply to the area in the Chingola District defined in the Third Schedule.

(No. 191 of 1956)

9. The Rules shall apply to the City of Ndola and to the area within eight kilometres of the boundaries of the City of Ndola, but excluding any part of a Reserve*(2) which may be within such area.

* Now referred to as "customary area"; see definition under section 2 of the Lands Act, Cap. 184.

(No. 266 of 1957)

FIRST SCHEDULE

Area A	Area B	Area C	Area D
All Rules, except rule 3 (a) which shall not apply to Maramba Farms Plots 401-410 and 412-418.	All Rules.	All Rules except 9 (1) and 9 (2).	All Rules except 9 (1) and 9 (2).

(No. 93 of 1947)

SECOND SCHEDULE

(Paragraph 1)

PROTECTED AREAS, LIVINGSTONE DISTRICT

The Laws of Zambia

Area A.

Commencing at Beacon C.L.148 where the northern boundary of the Zambesi Saw Mills 91.44 metres Strip Reserve intersects the municipal boundary, the boundary runs in an easterly direction along the northern edge of the Strip and the Compound Reserve to its intersection with Plot 275; thence along the boundary with Maxwell Stuart Road to its junction with Jameson Road; thence in a southerly direction along the western edge of Jameson Road to a point opposite Beacon No. 0697, the south-western corner beacon of the Zambia Railways Station Reserve to Beacon No. 0706; thence in a north-easterly direction to Beacon Y.486 situated on the southern boundary of the Golf Course (Plot No. 440); thence eastwards along the southern boundary of Plot No. 440, Golf Course, to the inner edge of the Maramba River; thence following the municipal boundary along the Maramba and Zambezi Rivers to Beacon C.L.146; thence northwards along the municipal boundary to Beacon C.L. 148, the point of commencement.

Included in the boundaries defined above but excluded from Area A is that portion of the municipal area in use as an Aerodrome.

Area B.

Commencing at the south-eastern corner beacon of Plot No. 395, Abattoir Site, on the northern boundary of the Zambesi Saw Mills 91.44 metres Strip Reserve, the boundary follows the eastern side of Plot No. 395 to its north-eastern beacon; thence northwards along this line produced, to its intersection with the Katombora Road; thence along the southern edge of the Katombora Road in an easterly direction to its junction with the western edge of Williams Road; thence southwards along the western boundary of this road and this line produced to its intersection with the northern edge of Plot No. 275, subdivision; thence along the northern edge of this plot to its intersection with the Zambesi Saw Mills 91.44 metres Strip Reserve; thence westwards along the northern edge of this Strip Reserve and the Compound Reserve to the point of commencement.

Area C.

Commencing at a point on the western boundary of the Municipal Reserve 2,209.8 metres from Beacon No. C.L. 146, the boundary follows westwards along the left bank of the Zambezi River to a point opposite the western end of the large dambo lying inland; thence following the northern and western edges of the dambo to the point of commencement.

The above-described areas are shown upon a plan numbered 67A2 deposited in the office of the Director of Surveys and Land, signed by him, dated August, 1934, and thereon bordered red.

Area D.

Commencing at a point on the right bank of the Maramba River, half a mile upstream from the eastern boundary of the Zambia Railways 91.44 metres Strip Reserve, the boundary follows a line southwards and westwards parallel to, and 0.8045 kilometres from, the Zambia Railways 91.44 metres Strip Reserve to a point on the left bank of the Zambezi River; thence up the left bank of the Zambezi River to a point on the right bank of the Maramba River at its confluence with the former; thence up the right bank of the Maramba River to the point of commencement.

The above-described area, in extent approximately 849.87 hectares, is shown upon a plan numbered P.469 deposited in the office of the Director of Surveys and Land, signed by him, dated 6th September, 1946, and thereon bordered red.

Included within the above-described area but excluded from the provisions of rule 3 (a) of the Extermination of Mosquitoes Rules is that piece of land, approximately 34 acres in extent, bounded on the north and west by the left bank of the Maramba River, on the east by the western edge of the Livingstone-Victoria Falls Main Road Reserve, and on the south by the northern fence of the Livingstone Game Park produced on the west by a line to the left bank of the Maramba River and on the east by a line to the western edge of the Livingstone-Victoria Falls Main Road Reserve.

(No. 93 of 1947)

THIRD SCHEDULE

(Paragraph 8)

PROTECTED AREA, CHINGOLA DISTRICT

The Laws of Zambia

All that area lying within a radius of 11.263 kilometres from Chingola Post Office but excluding the area of Kasompe Township.

Included within the boundary defined above but excluded from the area for the purposes of the application of rule 3 (a) are-

Farms Nos. 2028, 2041, 2103, 2160, 2308, 2310, 2345, 2468, 2469, 2585; the Cattle Grazing Area and the Mine Garden.

The above-described area is shown bordered brown and the portions to which rule 3 (a) is not applied are coloured green on Plan No. P.163 deposited in the office of the Director of Surveys and Land, signed by him and dated 6th December, 1955.

(No. 191 of 1956)

SECTION 6 (3)-MOSQUITO CONTROL SCHEME FOR KABWE

*Government Notice
235 of 1947*

Scheme approved by the Minister

1. A Mosquito Control Scheme for Kabwe was approved by the Minister on the 5th August, 1947.
2. A copy of such scheme and the plans and specifications incidental thereto have been deposited with the District Secretary, Kabwe Urban District, and are available for inspection without fee by the owner or occupier of any lands affected thereby.
3. The locality to which such scheme applies is shortly described as "the North-East Dambo, Kabwe".

Endnotes

1 (Popup - Popup)

Now referred to as "customary area"; see definition under section 2 of the Lands Act, Cap. 184.

2 (Popup - Popup)

Now referred to as "customary area"; see definition under section 2 of the Lands Act, Cap. 184.