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

PART V

BANK ACCOUNTS AND CHEQUES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 47.** (1) The Treasurer shall prepare the receipts and payments account and a cash flow statement every month. Receipts and payments account and cash flow statements
- (2) The grant payable to a Council may be forfeited where the Council fails to prepare the receipts and payments account and a cash flow statement.
- 48.** Paid and cancelled cheques shall be held for audit. Audit of cheques
- 49.** All cheques drawn in payment for goods supplied or services rendered on Local Purchase Orders should be crossed "Account Payee Only" except in the case of a payee known to have no bank account. Security of cheques in payment for goods supplied on Local Purchase Orders

PART VI
RECEIPT BOOKS AND FORMS

- 50.** For the purposes of this Part the term "receipt form" includes all receipts, licences, permits, certificates, discs or tokens used in the collection of revenue or other moneys. Definition of "receipt form"
- 51.** (1) A receipt form for which payments are received shall be issued on or with prescribed forms. Issue of receipts
- (2) For the purposes of this Part the term a "general receipt" shall be used in cases where a special receipt form is not prescribed.
- 52.** (1) All receipt forms must be checked as soon as they are received to ensure that they are complete and correctly numbered. Checking of receipts received
- (2) Any forms which are defective must be returned to the source of supply.
- 53.** Every officer who holds receipt forms shall keep a register in which the receipt and issue of all receipt forms shall be promptly entered. Register of receipt forms
- 54.** Receipt forms shall be used in a consecutive order, or within the sequence of numbers of receipts held by one officer. Consecutive issues

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- 55.** (1) Complete unused books of obsolete receipts shall be destroyed at the office in which they are held. Destruction of obsolete receipts
- (2) The destruction of receipt books shall be carried out in the presence of the Treasurer and an auditor, except receipts of Government revenue which shall be sent to the Ministry of Finance.
- (3) The Ministry of Finance shall check that the unused receipt books are complete and are unused.
- (4) Certificates of destruction, listing the serial numbers of all receipt forms destroyed, shall be signed by both officers and the original of the certificate of destruction shall be filed by the officer responsible for the custody of the forms.
- 56.** There shall be recorded in the register surplus stocks of receipt books that have been returned to the Ministry responsible for finance and obsolete forms that have been destroyed. Recording of destruction of obsolete forms
- 57.** The holder of unused receipt forms shall, at least once a month, record in the register the date the receipts are checked and shall sign against the entry. Monthly check of unused receipt forms
- 58.** (1) Where one officer hands over to another officer, both officers shall sign a certificate for the receipt forms. Handing over certificates to record receipt forms
- (2) The officer taking over shall sign immediately below the last entry in the register.
- 59.** A printed notice, bringing to the attention of the public the need for them to obtain an official receipt for every payment made by them, shall be displayed in all offices where revenue is received. Notice to public about official receipt
- 60.** (1) Receipt forms must be completed either in ink or in indelible pencil. Completion of receipts
- (2) Counterfoils shall contain exactly the same details as appear on the original receipt form.
- (3) Receipt forms shall be date-stamped at the time of issue and shall not be altered in any way.
- 61.** Where a wrong entry is made on receipt, the form must be cancelled in the manner prescribed in regulation 62. Cancelled receipts
- 62.** (1) Where a receipt is cancelled, the original and all the copies shall be cancelled and signed by the holder of the book. Method of cancelling receipts
- (2) The duplicate shall be included with other duplicate receipts which accompany the revenue cash book.

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- 63.** Every receipt form and counterfoil shall be printed or stamped with the official stamp and shall be signed by the issuing officer. Office of issue of receipts
- 64.** (1) Officers who receive payments from collectors of revenue shall ensure that the numbers on the receipt form run consecutively. Consecutive receipts
- (2) Where there is no satisfactory explanation for any missing form, the matter shall be reported without delay to the Treasurer.
- 65.** No duplicate of a licence shall be issued unless approval is specifically provided in a written law or regulation. Duplicate licences
- 66.** (1) Any certified copy of a receipt form required shall be made on plain paper and headed "certified copy". Certified copies of receipt forms
- (2) No receipt form shall be used as a copy for an original receipt previously issued.
- 67.** No counterfoils or copies of used receipt forms shall be destroyed until they have been examined by the Auditor appointed by the Minister. Audit and destruction of receipt forms

PART VII
RECEIPT OF REVENUE

- 68.** No officer shall use Council revenue for any private purpose whatsoever. Private use of revenue prohibited
- 69.** (1) A receipt shall be issued by the receiving officer whenever a sum of Council money is received. Receipt to be issued
- (2) No Council moneys shall be paid out to any person other than the Treasurer except with the written authority of the Treasurer.
- 70.** All revenue shall be brought to account under the appropriate sub-head of the revenue estimates. Classification of revenue
- 71.** Collectors of revenue shall keep cash book sheets daily. Cash collection sheets
- 72.** The Treasurer shall ensure that collectors of revenue account for the amount of moneys collected by them on a daily basis. Bringing revenue to account

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- 73.** Where a collector of revenue has a surplus of cash, the cash shall be brought to account and credited to "Miscellaneous Revenue". Cash surplus
- 74.** An officer responsible for issuing receipts shall not open any mail or keep a register of incoming remittances. Revenue collectors not to open mail
- 75.** (1) The heads of departments shall furnish particulars of charges for work done, goods supplied or services rendered on behalf of the Council. Providing information for collection of revenue
- (2) Any amount accruing shall be promptly recorded by the Treasurer as money received by the Council.
- 76.** The Treasurer and heads of department who collect revenue shall refer for appropriate action, all debts they are unable to recover to the controlling officer without undue delay. Outstanding debts
- 77.** (1) Any irrecoverable debt may be written-off with the approval of the Council. Write-off by Council
- (2) Where any debt has been written off the controlling officer shall submit such a case to the Council giving the amount of the debts, the date on which it was due, the action taken to collect it and the reasons why it was not possible to collect it.
- (3) If the Council authorises that a debt be written-off, necessary accounting adjustments shall be made.

PART VIII

CONTROLLING OF EXPENDITURE AND PAYMENTS

- 78.** (1) No money shall be paid out unless a payment voucher is made. Payment vouchers
- (2) The payment voucher shall be made in the form prescribed by the Council.
- 79.** All vouchers must be complete and all details filled in, including coding allocations, dates, numbers, quantities, rates, distances and authorities. Details on payment vouchers
- 80.** Vouchers shall be legible, typewritten or made out in ink or indelible pencil. Preparation of vouchers

81. (1) Each payment shall be approved by the Council.

Authority for payments

(2) The Council may delegate the responsibility for approving payments to the Finance Committee which shall report to the Council on all payments made, before the next meeting of the Council.

(3) The Treasurer shall be authorised to make the payments set out below but shall report any such payments to the Council or Finance Committee at its next meeting according to the procedure laid down by the Council:

- (a) payments of water or electricity bills (where supply is normally disconnected if accounts are not settled promptly);
- (b) payments to the Postmaster-General for postal services and telephone accounts;
- (c) payments to a carrier for goods delivered on cash;
- (d) payments to traders where a discount is allowed for prompt payment;
- (e) payments of salaries, wages, subsistence and travelling allowances;
- (f) petty cash payments involving sums of K5,000 or less;
- (g) any emergency payments which can subsequently be justified as such by the Treasurer.

82. (1) The original payment voucher shall be signed by the controlling officer, Treasurer or any officer authorised by the Treasurer.

Signing of vouchers

(2) The name of the officer signing and his designation shall be printed below his signature.

(3) Copies of payment vouchers shall be initialled by the signing officer or stamped with his name stamp.

83. A list of officers authorised in writing to sign vouchers shall be kept by the Treasurer and which may be amended from time to time.

Panel of signing officers

84. The officer signing a voucher or document shall certify the accuracy and validity of the payment. He must therefore ensure that-

Responsibilities of officers signing vouchers

- (a) all deductions due to be made from salaries or wages have in fact been made;
- (b) the goods have been supplied or the services provided as certified by the receiving officer;
- (c) the prices charged are either according to contract or approved rates, or are fair and reasonable according to current local rates;
- (d) the payment is covered by proper authority and is a proper charge to Council funds.
- (e) the calculations are correct;
- (f) the persons named as payees are those entitled to receive payments; and
- (g) payment of the amount stated on the voucher shall not cause an excess over the amount allocated.

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- 85.** An officer signing vouchers related to payments which are recoverable shall be responsible for ensuring that proper arrangements exist for the recoveries to be made. Recoverable payments
- 86.** (1) Vouchers relating to purchases shall be supported by the suppliers' invoices. Suppliers' invoices to be attached
- (2) Payment shall not be made on statements of account only.
- (3) Requisitions for local supplies shall not be issued in arrears if goods have already been supplied.
- (4) The head of department or any other officer authorised shall certify the voucher giving reasons for the failure to issue a requisition.
- 87.** (1) Where an original invoice is lost, a duplicate shall be obtained from the supplier together with a certificate of non-payment on the original invoice. Duplicate invoices
- (2) A certificate that payment has not previously been made shall be recovered on the voucher by the officer making the payment after he has satisfied himself that payment on the account has not in fact been made.
- 88.** (1) A duplicate requisition form shall not be issued if an original has been lost. Duplicate requisition forms
- (2) Payment shall be made against the supplier's copy invoice endorsed with the serial number of the requisition form against which the supply of goods or services was made.
- (3) The certificate required by regulation 87 shall be recorded on the payment voucher.
- 89.** (1) Payment shall be made by cheque payable to those to whom payment is due. Methods of payment
- (2) Each cheque shall be crossed, except in the following circumstances:
- (a) Where there is a standing imprest for the net total of vouchers of wages to be paid in cash to employees, cheques shall be paid to the holder of the post held by the officer responsible for drawing the cash and paying the wages:
- Provided that the name of the responsible officer shall be added in brackets; and
- (b) open cheques paid to the payee may be issued for personal imprests and, on request, salaries, wages and other personal payments due to Council employees.
- 90.** (1) When an open cheque is issued, a receipt of acknowledgement of the cheque shall be obtained from the payee before the cheque is handed over. Security of open cheques
- (2) The cheque shall be sent by registered mail and the number of the registered slip recorded on the payment voucher.

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91. (1) Where there is no loss of discount for prompt payment, accounts for the same supplier may be grouped and paid at least once every month. Availing of discount

(2) An officer responsible for any discount lost, owing to the delay in the passing of accounts for payment, shall refund the amount to the Council.

92. All signatories of cheques shall ensure, when signing-

Responsibilities of cheque signatories

- (a) that original documents (invoices, salary sheets, claim forms, etc.) are attached;
- (b) that the original documents are all stamped "Paid" by means of a special stamp and that the cheque number is correctly shown within the "Paid" stamp;
- (c) that the relevant voucher is fully and properly completed;
- (d) that the cheques are correctly made out in every respect.

93. Payments shall be made to persons or firms to whom payment is due in the following circumstances:

Delivery of cash or cheques

- (a) on the written authority of the person or firm to whom the payment is due or on the production of a power of attorney or letter of administration;
- (b) where the timely payment of wages to an employee is impracticable and delay would cause hardship, a paying officer may make payment to an authorised third party who shall give a receipt for the payment; and
- (c) where payment is made to a duly appointed receiver, an official receiver, a trustee in bankruptcy or to a third person under a court order.

94. A paying officer shall request from the person claiming and receiving money a National Registration Card or other acceptable identity.

Identification of payees

95. All payments shall be entered into the books of account on the day the payments are made.

Daily accounting for payments

96. (1) An officer signing warrants, requisitions and local purchase orders may approve the expenditure of Council and shall be responsible for seeing that the authority exists for the expenditure thus incurred.

Responsibility of officers signing warrants, requisitions or local purchase orders

(2) Any excess expenditure incurred as a result of the failure to observe these Regulations may be surcharged against the officer who signed the warrant, requisition or local purchase order.

97. The Council shall approve payments not covered by normal regulations or procedures.

Extraordinary payments

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98. (1) All payment vouchers with supporting documents, and any other forms which support a charge entered in the accounts, shall be carefully filed, secured against loss, and be readily available for audit. Custody of original documents

(2) Reference to restricted documents shall be made by officers authorised by the Treasurer.

(3) No documents shall be removed from the files in which they are kept.

PART IX

PAYMENT OF SALARIES AND WAGES

99. Salaries and monthly wages shall be paid on the last working day of each month or any earlier date which the Council may determine. Day of payment

100. (1) Salaries are payable monthly calculated at one twelfth of the annual rate. Calculation of salary

(2) Salaries for a part of any month shall be calculated in proportion to the number of days in that particular month.

101. (1) Any contingency likely to affect an officer's salary such as death, suspension or dismissal shall be notified immediately, by the head of department, to the Treasurer. Adjustment of salary or other moneys due to death, etc.

(2) The Treasurer shall ensure that timely and correct adjustments are made to the officer's salary, pension or gratuity.

102. Any balance of salary or other moneys due to an officer who has been convicted of misappropriation of Council funds, thefts of Council property or has been dismissed, leaving sums owing to a Council including losses of cash or stores which are under investigation, shall not be paid without the authority of the Council. Salaries of convicted officers

103. (1) A separate salary record card for each officer in service shall be kept by the Treasurer. Method of payment and deductions for officers

(2) An officer shall make arrangements regarding the method of payment, and permissible voluntary deductions through the heads of department.

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104. (1) Payment of salary may be direct to the credit of an officer's account at any commercial bank or building society in Zambia, or by cheque. Method of payment

(2) Payment of the net amount due, after statutory and permissible deductions have been made, shall be made in one sum.

(3) There shall not be a part payment to the credit of a bank account with the balance paid by cheque or otherwise.

105. (1) All authorised deductions shall be entered on the payment vouchers in the appropriate column against the name of each employee concerned. Gross salary and deductions to be charged

(2) The gross emoluments shall be charged against the relevant sub-head and deductions be credited to the appropriate account.

106. (1) Where any employee does not draw his wages at the normal time of payment, the wages due to him shall be held for a period of three days. Unclaimed wages

(2) Where the employee does not claim the wages after the period referred to in sub-regulation (1), the cash shall be brought to account and general receipt shall be issued, crediting the unpaid wages to the expenditure vote from which the wages were drawn.

107. The Treasurer shall issue standing instructions in writing for security precautions to be taken in the handling of money for the payment of wages. Security precautions with regard to payment of wages

108. The Treasurer shall issue proper instructions to cover the internal check over preparations of wages sheets and the payment of wages and ensure that- Internal check over payment of wages

- (a) officers responsible for entries on the wages sheets, checking and paying, shall sign for their particular responsibilities on the faces of the wage sheets;
- (b) each operation in connection with the preparation of wage sheets shall be checked by an officer who carried out the original operation;
- (c) payment shall take place in the presence of an officer who knows the recipients and the paying officer shall, where possible, be an officer not concerned with the preparation and checking of wage sheets.

109. Heads of department shall- Attendance records

- (a) ensure that there is an adequate system of control over the employment of labour;
- (b) check the attendance of employees;
- (c) check that overtime is recorded separately showing the hours authorised and the hours actually worked; and
- (d) ensure that detailed instructions are issued according to the record.

PART X
IMPRESTS

- 110.** There shall be the following types of imprests: Types of imprest
- (a) standing imprest, which is normally issued to facilitate the payment of wages and enable minor local purchases to be made when it is not possible for payment to be made through an accounting unit; and
 - (b) special imprest, which is a temporary imprest, issued to provide officers with funds to meet expenses when travelling on duty or for some other duly authorised special purpose.
- 111.** Special imprests shall not be issued for tours outside Zambia without the authority of the Secretary to the Cabinet. Special imprests outside Zambia
- 112.** (1) Holders of standing imprests may, on their own authority, issue a part of their imprest to a subordinate to be used as a sub-imprest for the purpose for which the holder of the standing imprest would have used it. Sub-imprests
- (2) Sub-imprests shall be surrendered to the holder of the standing imprest and retired when the holder of the standing imprest hands over to another officer.
- 113.** The amount of a standing imprest shall be limited to the monthly requirements in each case but the imprest may be limited to more than the monthly requirements. Amount of standing imprest
- 114.** The amount of a special imprest issued to meet expenses while travelling on duty shall be limited to the amount an officer is eligible to claim for the period he is absent from his station. Amount of special imprest
- 115.** (1) No officer shall be issued with another special imprest when there is a special imprest outstanding in his name. Special imprests limitation
- (2) Any officer who authorises an imprest before the first one is retired is liable to be surcharged the whole amount of both imprests.
- 116.** An imprest shall be used only for the purpose for which it is issued and shall not be used for personal expenditure or for making advances of salary or wages. Restriction in use of imprests

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117. (1) A record of issued and retired imprests shall be kept in a register of imprests. Register of imprests

(2) All instructions contained in the provisions of regulations 110, 115, 116, 119 and 120 shall be printed on the front of the register and shall be complied with by all officers authorised to issue imprests.

(3) The register shall contain columns showing the officer's full name, amount of imprest, date issued, date retired, how the imprest was recovered, the purpose for which the imprest was issued, the signature and date on which the imprest was checked.

(4) The last column shall be signed and dated by a senior officer other than the officer who maintains the register, stating that he is satisfied that the imprest was issued for duly authorised purposes only and that it is being retired in accordance with the provisions of these Regulations and that is not overdue.

(5) Separate registers may be maintained for special and standing imprests.

118. (1) Holders of standing imprests shall record all payments and reimbursement in a cash book each time a reimbursement is requested. Cash book for imprests

(2) The total expenditure of the last reimbursement and balance of cash on hand shall be recorded.

(3) The amount of the total expenditure and the balance of cash in hand shall equal the total of the original imprest issued.

(4) Revenue receipts shall not be recorded in the cash book.

119. (1) A special imprest shall be retired immediately the purpose for which they are issued has been fulfilled. Retirement of special imprests

(2) Where the imprest is not cleared within forty-eight hours of the holder's return, the issuing officer shall, in writing, instruct the officer-in-charge of the salaries section to deduct the amount outstanding from the salary of that holder, in the following month.

120. (1) Any outstanding imprest shall be retired at the end of the financial year, unless authority for its retention for the following financial year has been obtained. Retirement of standing imprests

(2) The imprest holder shall produce proof of his imprest as at the close of business of the last working day of the financial year.

PART XI

HANDING AND TAKING OVER

121. The following procedures shall be followed each time an accounting officer hands over to another accounting officer: Handing-over procedure

- (a) any cash books and stamp registers for which the handing over officer is responsible shall be ruled off and balanced with cash and stamps on hand, and the balance of the cash book or stamp register shall be entered, dated and signed by both officers;
- (b) all cash should be banked by the handing over officer before the hand-over if possible;
- (c) the two officers concerned shall check that the balance of unused receipt books recorded in the receipt book register is on hand and both officers shall sign and date the register to this effect;
- (d) both officers shall make a note of all unused receipts on issue to collectors of revenue which are not available for examination at the time of handing and taking-over;
- (e) both officers shall rule off stores records and shall check that these agree with the physical stocks on hand and shall date and sign individual stock sheets; and
- (f) the officer handing over shall ensure that the expenditure and commitment records in his control are up to date and these records shall be dated and signed by both officers.

122. The key to each safe shall be handed to the officer taking over as soon as the contents have been verified. Safe keys

123. Any discrepancies revealed in the course of handing over shall be acknowledged in writing by the officer handing over and the officer taking over shall make a report to his head of department. Discrepancies on handing over

124. (1) On completion of the hand-over, a certificate shall be signed to the effect that the requirements of this part have been fulfilled. Handing-over certificate

(2) One copy of the certificate shall be kept by the officer taking over, the others shall be retained by the officer who has handed over.

PART XII

LOSSES OF COUNCIL MONEY AND STORES

125. For the purpose of this Part, losses of Council money shall be deemed to have occurred where an officer, through wilful default or gross neglect of duty-

Definition of "losses"

- (a) fails to collect any money, whether revenue or other payment, due to the Council;
- (b) makes, causes or permits unauthorised, or incorrect payments of Council money through fraud, forgery, misappropriation, or causes its loss through burglary or theft if he is responsible for that money by virtue of his office;
- (c) causes, or permits damage to or destruction or loss of any Council building, equipment, vehicles, stores, fittings or furniture;
- (d) causes, or permits personal injury or damage to property in circumstances which render a Council liable to third parties in respect of such injury or damage.

126. Where a loss is discovered, the officer in charge of the office in which the loss occurred shall immediately-

Report of losses

- (a) advise his immediate supervising officer, by the quickest means, of the nature, extent and date of the loss and the immediate supervising officer shall confirm this in writing;
- (b) institute investigation on the spot; and
- (c) report the loss to the local police.

127. (1) Except in the case of cash loss or shortage which is immediately made good by the officer responsible for the loss or shortage, the supervising officer shall carry out investigations.

Investigation of losses

(2) The supervising officer shall at the conclusion of the investigations, report the loss to the Treasurer, attaching a police report where necessary.

(3) The report shall be made even if police investigations or proceedings are not complete and where necessary the Treasurer shall report the matter to the insurer.

128. (1) Where the loss amounts to two thousand kwacha or less, the Treasurer, in consultation with the controlling officer, may authorise any loss in the supervisor's report, to stand as a charge against the Council's funds if he considers that there is no case for a charge of wilful default or gross neglect of duty against the officer responsible for the loss.

Write-off by Treasurer

(2) The case file shall be retained by the Treasurer for inspection by the Auditor.

129. If the loss amounts to over two thousand kwacha or if the Treasurer, after consultation with the controlling officer, considers that the loss was due to the wilful default or gross neglect of duty of any officer, he shall submit his recommendations to the Council whether, in his opinion, the amount of the loss should be recovered from the officer or officers concerned.

Report by the Treasurer

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130. The Council may, if it is considered that there is no wilful default or gross neglect of duty by an officer, authorise the loss or part thereof, to be charged to the Council funds. Write-off by Council

131. Where the Council decides that the loss was due to wilful or gross neglect of duty, the amount of loss which is attributed to the default or negligence of any officer shall be assessed and recovered from the officer concerned. Assessment of claim against defaulting officer

132. (1) The Council shall take every possible action to ensure that the loss is made good by the officer held responsible for it. Action for recovery

(2) The fact that a person has been convicted on a criminal charge arising from the loss shall not mean that he may not also be made to face a civil action for the recovery of the loss.

PART XIII

PURCHASES, TENDERS AND CONTRACTS

133. The procurement of supplies, works or services required by the Council shall be governed by the Standing Orders. Regulations governing all purchases

134. Payment for contractors for the execution of works shall be authorised only on a certificate signed by the head of department concerned which certificate shall show the total amount of the contract, value of the work executed, date, retention money, amount paid to date and the amount being certified. Payment for execution of works

135. The final certificate on a contract shall not be issued by the head of department concerned until he has produced a detailed statement of account together with such vouchers or documents as the Treasurer may require and approve as the amount certified. Final certificate on contract

136. Claims received from contractors in respect of matters clearly not within the terms of the appropriate contract shall be referred to the controlling officer for consideration of the Council's legal liability and to the Treasurer for financial consideration, before any settlement is reached. Unusual claim of contractor

PART XIV

BORROWINGS AND INVESTMENTS

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- 137.** (1) All borrowings shall be effected in the name of the Council. Borrowings
- (2) The borrowing or re-borrowing of moneys authorised by the Council and all other matters in connection with the raising or repayment of loans shall be subject to the supervision and control of the Treasurer who shall periodically report to the Council.
- 138.** The Council's moneys which are not required for immediate use may be invested in- Form of investments
- (a) stocks, securities or debentures issued by or on behalf of the Government of the Republic of Zambia or in stocks, securities or debentures guaranteed by the Government;
 - (b) deposits with the Zambia National Building Society;
 - (c) the Post Office Savings Bank;
 - (d) savings accounts or fixed deposit accounts with the Zambia National Commercial Bank;
 - (e) the stocks, bonds or debentures of any public body in Zambia.
- 139.** All investments shall be in the name of the Council and shall be authorised by a resolution of the Council. Investment
- 140.** (1) The Treasurer shall keep a register of investments. Register of investments
- (2) The register shall be maintained for the proper control over the Council's investments and the interest received in respect of those investments.

PART XV
STOCKS AND STORES

- 141.** Each head of department shall be responsible for the care and custody of the stocks and stores in his department and shall arrange for periodic stock-taking at least twice per annum or at such other intervals as the Treasurer may stipulate. Custody of stocks and stores
- 142.** (1) Stocks shall not be in excess of normal requirements except with the approval of the committee concerned. Stock limit
- (2) A periodic review of turnover and stock levels of all items shall be undertaken to dispose of excessive or obsolete stocks.
- 143.** Heads of department shall supply information to the Treasurer relating to stocks and stores as he may require. Providing information

The Laws of Zambia

144. Any surplus or shortage revealed at any stock-taking shall be reported to the appropriate committee for authority to make necessary adjustments. Stocktaking

145. A Treasurer shall keep proper records of receipts and issue of stocks and stores. Record of stocks and stores

PART XVI

SECURITY AND DISPOSAL OF ASSETS

146. Every head of department shall be responsible for maintaining proper security at all times for buildings, stocks, stores, furniture, equipment, cash and any other asset under him. Physical verification

147. Safes must be securely locked and the keys to safes and similar receptacles shall be carried by authorised key holders at all times and the loss of such keys shall be reported to the Treasurer immediately. Care of safes and keys

148. If several officers use the same safe, each officer shall use separate lockable cash boxes when depositing money in it. Custody of cash boxes

149. Surplus materials, stores or equipment shall be disposed of by competitive tender or public auction unless the committee concerned decides otherwise in a particular case. Disposal of surplus material

PART XVII

INVENTORIES

150. An inventory shall be maintained by all departments in which shall be recorded an adequate description of furniture, fittings and equipment, plant and machinery. Inventories

151. Every head of department shall be responsible for arranging an annual physical check of all items on the inventory and for the taking of any action in relation to surplus or shortages. Physical check

The Laws of Zambia

152. (1) The Council's property shall not be removed except in accordance with the ordinary course of Council business or for the use of the Council. Council property to be used for Council purposes

(2) Where specific directions are issued by the head of department concerned, property may be removed for some other purpose.

153. The Controlling Officer shall have custody of all contracts under seal, leases, deeds, agreements and similar legal documents. Legal documents

PART XVIII
INSURANCE

154. The Treasurer shall take out insurance cover against losses, damages, risks and liabilities which the Council may incur and shall regularly review such cover in consultation with head of department. Insurance covers

155. The Treasurer shall notify the heads of departments of any change in insurance policies. Changes in policies

156. The District Councils' (Financial) Regulations, 1984, are hereby repealed. Repeal of S.I. No. 38 of 1984

SCHEDULE
(Regulation 40)

CERTIFICATE OF INDEMNITY

In consideration of the issue to me of a replacement Cheque No.
..... for the sum of K in payment of
..... which I have lost (or which has been stolen), I hereby indemnify the Council
against any loss whatsoever in connection therewith and I agree to refund the sum of
K in the event of the original Cheque No.
being negotiated.

Signed
Name in Block Capitals
Date
Address
.....

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 102-THE LOCAL ADMINISTRATION (FIRE SERVICES) REGULATIONS

Statutory Instrument
121 of 1991

Regulations by the Minister

Act 13 of 1994

The Laws of Zambia

PART I
GENERAL

1. These Regulations may be cited as the Local Administration (Fire Services) Regulations.* Title

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

2. In these Regulations, unless the context otherwise requires- Interpretation
Cap. 464

"area" means the area under the jurisdiction of a fire authority;

"designated premises" means premises referred to in sub-regulation (2) of regulation 4;

"equipment" includes engines, vehicles, appliances, apparatus, uniforms and badges of rank;

"explosive" means a substance liable to explode spontaneously or by proximity to an ignition source;

"fire authority" means a District Council declared as such under regulation 3;

"fire certificate" means a certificate issued under sub-regulation (2) of regulation 6;

"fire-fighting purposes" includes the extinction of fires, protection of life or property from fire;

"fire inspector" means an officer appointed under sub-regulation (1) of regulation 6;

"inflammable material" means a gaseous, liquid, or solid material having a flash point, below 23 degrees celsius;

"means of escape" means any structure or physical means attached to or forming an integral part of a building through which persons can escape from fire by unaided effort to a place of safety;

"plant" means an erection or assembly of any mechanical contrivance used for the manufacture, adaption or alteration of any commercial or industrial substances or process;

"premises" includes a building, part of a building or plant;

"public place" shall have the meaning assigned to it by section two of the Roads and Road Traffic Act.

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

3. (1) Every district council is hereby declared to be a fire authority for its respective area for fire-fighting purposes. Declaration of fire
authorities

(2) Every fire authority shall establish and maintain a fire brigade in the area:

Provided that any organisation or institution operating in the area may, with the approval of the Minister, establish and maintain a fire brigade.

4. (1) No person shall occupy or use any designated premises in respect of which there is no fire certificate.

No occupation of designated premises without fire certificate

(2) Premises used for the following purposes are designated premises:

- (a) provision of medical treatment or care;
- (b) provision of sleeping accommodation;
- (c) entertainment, recreation or for club, society or association activities;
- (d) teaching, training, instruction or research;
- (e) access to the premises by members of the public whether on payment of a fee or otherwise; and
- (f) premises used as office premises or shop premises where more than ten persons are employed to work either within or outside the buildings or plant.

(3) A fire authority may permit the occupation or use of any premises pending the completion or alterations or improvements required for the issue of a certificate where it is necessary to do so.

(4) The provisions of this regulation shall not apply to any private premises used solely as a residence in the occupation of a single family.

5. (1) An application for a fire certificate in respect of any designated premises shall be made by the occupier or intended occupier to the fire authority in the form prescribed in Part I of the Schedule.

Application for fire certificate

(2) On receipt of the application for a fire certificate, the fire authority shall require the applicant-

- (a) to furnish the authority with the appropriate plans of the premises;
- (b) where the premises consists of part of a building, plant or part of the premises, to furnish the authority with the appropriate plans of other parts of the building, plant or premises.

(3) The authority may specify the time within which the applicant may furnish the authority with the plans referred to in sub-regulation (2) and failure to furnish the authority with the plans shall render the application void.

6. (1) When the applicant furnishes the authority with all such plans as are required for the purposes of a fire certificate, the fire authority shall appoint an inspector to carry out an inspection of the premises to which the plans relate, and shall satisfy itself that-

Inspection of premises before issue of fire certificate

- (a) the means of escape in case of fire with which the premises are provided are suitable;
- (b) the existing means of escape in case of fire can be safely and effectively used at all material times;
- (c) adequate means for fire fighting on the premises have been provided by the occupier; and
- (d) the means provided for giving to the persons in the premises warning in case of fire are such as may reasonably be required in the circumstances of the case.

(2) Where the fire authority is satisfied with the results of an inspection referred to in sub-regulation (1) it shall issue a fire certificate in respect of the premises in the form set out in Part II of the Schedule.

(3) A fire certificate may be issued subject to such conditions as the authority deems fit.

(4) Where the authority is not satisfied with the result of the inspection carried out pursuant to sub-regulation (1) it shall refuse to issue a fire certificate for the premises, pending-

- (a) the making of any alterations to any part of the premises; or
- (b) the provision of the premises with appropriate and adequate fire equipment.

7. Where the conditions under which a fire certificate was issued have changed materially or where the occupier of a building has made alterations to the building in contravention of these Regulations the fire certificate issued in respect thereof shall lapse:

Lapse of certificate on change of conditions

Provided that the fire authority may issue a fire certificate to the occupier if it deems it fit in the circumstances.

8. (1) A fire authority may cause to be inspected any designated premises-

Inspection of designated premises

- (a) to ascertain whether there is a fire certificate in force in respect of those premises; and
- (b) where there is a fire certificate in force, to ascertain whether the use of the premises conform to the certificate:

Provided that where a building or part of a building is used as a dwelling building no inspection shall be carried out unless the occupier has been given a notice of not less than twenty-four hours.

(2) Any person having responsibility for any premises as a leaseholder, occupier or an employee in respect of those premises, shall give such assistance to the inspector as is within his responsibility, so as to enable the inspector to discharge his duties in respect of those premises.

PART II
FIRE-FIGHTING EQUIPMENT

9. (1) There shall be provided and maintained in respect of every designated building appropriate fire-fighting equipment adequate for the protection of the building in respect of which it is provided, and-

Fire-fighting
equipment

- (a) such equipment shall be placed in such a way that it shall be available for use; and
- (b) such provision shall be made by the occupier to the satisfaction of the fire authority.

(2) The fire-fighting equipment required to be provided by the occupier under sub-regulation (1) shall include one or more of the following:

- (a) hydrants, hose, hose reels and rising mains;
- (b) portable fire-fighting equipment;
- (c) automatic fixed fire-fighting installations to deliver water, gas, foam or dry powder;

(3) All fire-fighting equipment provided under this regulation shall be of a make approved by the fire authority and the leaseholder or occupier of the building concerned shall be responsible for the inspection and maintenance of such equipment to the satisfaction of the fire authority.

10. (1) The fire authority may require that any designated premises shall be provided with effective means, capable of being operated without exposing any person to undue risk, of giving warning in case of fire.

Fire alarm

(2) The fire authority may, by order in writing, require all means of giving warning in case of fire with which any designated premises are provided in pursuance of sub-regulation (1) to be tested or examined at such place as may be specified in the order.

PART III
STAIRCASES, ETC., AND MEANS OF ESCAPE IN CASE OF FIRE

11. In this Part, unless the context otherwise requires-

Interpretation

"exit" means a route by way of a room, doorway, corridor, staircase or other means of passage not being a lift, escalator or doorway containing a revolving door and by means of which a person may reach a place of safety, and in relating to-

- (a) any point on a storey of a building means a route from that point;
- (b) any room means a route from a doorway of the room;
- (c) any storey of a building, means a route from a point of exit from the storey;
- (d) any flat, means a route from an entrance to the flat;

"place of safety" means-

- (a) an open space in the open air at ground level; or
- (b) an enclosed space at ground level which has a means of access to such an enclosed space by means of an exit or exits having a width or aggregate width of the exits leading from the building to the unenclosed space.

12. (1) Every building shall be provided with adequate and safe means of escape in case of fire or accident in accordance with the provisions of these Regulations.

Provision of means of escape

(2) Emergency means of escape shall be provided in the case of-

- (a) new building of two storeys if the fire authority so requires;
or
- (b) new buildings of over two storeys in which case the means of escape shall be sufficient in number in order to ensure that no part of the building is more than twenty-five metres from such means of escape.

(3) All emergency means of escape in case of fire or accident provided under the provisions of sub-regulation (2) shall be properly spaced from each other and shall each lead to a place of safety.

(4) The fire authority may modify or waive any or all of the requirements for an emergency means of escape in case of fire or accident in respect of domestic building if-

- (a) the staircase, walls and floors of the building are wholly non-combustible;
- (b) the main staircase is separated from the building by smoke stop door;
- (c) the main stair wall has at least one external wall with sufficient unglazed openings for disposal of smoke and fumes; and
- (d) every separate dwelling or suite of offices is provided with adequate and unglazed balconies.

13. (1) Where in the opinion of a fire authority the means of escape in the case of any building existing immediately before the commencement of these Regulations is considered inadequate or is in such a state or condition as to require repairs or replacement, the fire authority may, by written notice, require the leaseholder or occupier of such building to improve, repair, or replace the existing means of escape in case of fire or accident, and such owner shall comply with the notice within such time as may be stipulated in the notice.

Means of escape in existing building

(2) In the event of a failure on the part of a person on whom a written notice has been served in terms of sub-regulation (1), the fire authority may execute the improvements, repairs or replacements of such means of escape and shall be entitled to recover the cost from such person as a civil debt.

14. (1) All means of escape in case of fire or accident, including emergency means of escape and any arrangements provided in connection with the means of escape under regulation 12, shall be kept and maintained in good condition and repair by the leaseholder or occupier of the building, and no person shall do or permit or suffer to be done any thing to impair the efficiency of any such means of escape including the emergency means of escape or any arrangements connected with it.

Maintenance of means of escape

(2) In relation to any building or part of a building, the fire authority may dispense with any requirement of this Part as respects any arrangements for lessening danger from fire or any means of escape in case of fire or any arrangements in connection therewith in the event of any circumstances in or affecting that building or part of a building or the use of which that building is part rendering unnecessary the keeping and maintenance of such arrangements safeguards or means of escape.

15. (1) Where in pursuance of sub-regulation (2) of regulation 12, staircases are provided as emergency means of escape in case of fire, such staircases shall- Emergency staircases

- (a) be constructed and situated in a building to the satisfaction of the fire authority;
- (b) be constructed of steel, wrought iron or other suitable fire-resisting material throughout;
- (c) be at least one metre in width;
- (d) extend from the lowest storey to the highest storey or flat roof of the building;
- (e) be provided at all times with direct and unobstructed access to a place of safety;
- (f) be provided throughout their length with strong handrails at least three quarters of a metre in height measured at the nosing of steps and treads and one metre in height measured at landings;
- (g) be provided with landings or balconies at least two metres by one metre in dimension at each floor level;
- (h) be provided with means of direct access to each floor by a door which shall be so constructed as to open outwards in such a way that it shall not cause obstruction to the staircase and shall be fitted with panic bolts which may be fitted with a key to open from outside, but in no case shall a key to open from inside;
- (k) be maintained in a satisfactory condition at a time;
- (j) be protected against heat and smoke by the provision of fire resisting and smoke stop doors and windows on all openings within two metres of such staircase.

(2) All exits from a building to an emergency staircase shall, where required by a fire authority be provided with notices indicating the position of such exits.

(3) In case of a public building there shall be exhibited immediately above the inside of every emergency exit door a painted and lighted notice displaying the words "EXIT" or "WAYOUT" and such notice be kept uncovered and unconcealed by any obstruction whatsoever during the time when the public building is open to the public or when in use.

16. (1) Every building of five or more storeys shall be provided with a lift and no lift shall be provided in any building except in accordance with the provisions of these regulations. Provision of lifts

(2) The lift cage shall-

- (a) be equipped with means of proper ventilation, but otherwise it shall be a fully enclosed structure;
- (b) be equipped with means of artificial lighting, available both in normal operation and on the failure of the main power supply to the lift;
- (c) have displayed conspicuously therein a notice stating the maximum working load and the maximum number of passengers who can safely be permitted to be carried in the cage;
- (d) be fitted with self-closing doors and where required by a fire authority suitable smoke-stop doors shall be provided;
and
- (e) be fitted with a suitable device for making an alarm signal capable of being heard outside the lift shaft.

(3) Each landing door shall be self-closing and shall be constructed in such a way that it will open by sliding or by sliding and folding.

(4) Each lift shall be constructed in a way that shall ensure that there is no greater gap than twenty-five millimetres between the cage and the lift shaft on the landing door side of the lift.

(5) In every building of three or more storeys where a lift is provided, the lift shall be protected by doors and shutters having a fire resistance of not less than half an hour.

(6) Each lift shall be fitted with such control devices as may be necessary to prevent-

- (a) the movement of the lift cage in the shaft unless all the landing doors by which access to that lift shaft is obtained and the doors of the lift cage are closed; and
- (b) the opening of a cage or landing door unless the lift cage is at rest opposite to a landing:

Provided that nothing in this sub-regulation shall be so construed as to prevent the incorporation of safety devices which will subject to suitable safeguards, permit the opening of a lift door or landing door in an emergency.

(7) All lifts shall be provided with manual winding gear and a means of obtaining access to the lift shaft from any floor in the event of an emergency, and the keys to the winding room and the lift doors shall be kept in a readily accessible place.

(8) This regulation shall not be deemed to prohibit the construction of lifts with open metal grillage, suitably protected, situated in the well of the staircase, provided the lift shaft is surrounded by a wall as required in the foregoing sub-regulations.

(9) A fire authority may use its fire brigade or equipment for any purpose other than fire-fighting purposes, on such terms as appear proper in the circumstances.

17. Every staircase, ramp or escalator shall be provided with adequate natural or artificial lighting to ensure clear visibility at all times to the satisfaction of the authority. Lighting of staircases

PART IV
MISCELLANEOUS

- 18.** A fire authority may enter into any scheme for mutual assistance with any other fire authority or organisation which maintain a fire brigade. Mutual assistance schemes
- 19.** No person shall disclose to an unauthorised person any information obtained by him from any premises in the course of discharging his duties. No disclosure of information to unauthorised person
- 20.** Any person aggrieved or adversely affected by any decision of a fire authority may appeal to the Minister. Appeals from decisions of a fire authority
- 21.** (1) Any person who contravenes any of the provisions of these Regulations shall be guilty of an offence and liable, upon conviction-
- (a) in the case of a first offence, to a fine not exceeding two hundred and forty penalty units or to imprisonment for a period not exceeding one month; and
 - (b) in the case of a second or subsequent offence to a fine not exceeding three hundred and twenty penalty units or to imprisonment for a period not exceeding two months, or to both.
- (2) In addition to or in substitution for the penalty prescribed in sub-regulation (1), the court may order that any expenses incurred by the fire authority in consequence of such contravention be paid by the convicted person.

(As amended by Act No. 13 of 1994)

SCHEDULE
(Regulations (5) and (6))

FSR FORM 1

The Laws of Zambia
PART I

APPLICATION FOR FIRE CERTIFICATE

1. Full name of applicant.....
Postal Address.....
 2. Premises in respect of which a fire certificate is required:
Stand No.....
Name of Street.....
District.....
 3. Name of leaseholder.....
 4. Use of premises.....
.....
.....
 5. (a) If premises consists of a single building state the number of floors in the building
.....
(b) If the premises consist of a number of buildings state:
(i)
(ii)
 6. Maximum number of persons likely to be on the premises at any one time:
(a) Staff.....
(b) Other persons.....
 7. Approximate date of completion of construction of premises.....
.....
.....
 8. Explosives and inflammable materials kept on the premises:
(a) Explosives
(i) type.....
(ii) quantity.....
(b) Inflammable materials
(i) type.....
(ii) quantity.....
 9. Fire Inspector's report (in detail).....
.....
.....
 10. (a) Premises inspected by.....
(b) Name of Fire Authority.....
- Date..... Serial No.

PART II
FIRE CERTIFICATE

FSR FORM 2

The Laws of Zambia

I certify that the premises described herein are suitable for occupation:

Description of premises.....
.....
Stand No.
Name of Street.....
District.....
Name of leaseholder.....
Postal address.....
Signature.....
Designation.....
Fire Authority.....
Date.....

Conditions, if any, should be attached to this certificate.

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 107-THE LOCAL GOVERNMENT (FIRE INSPECTORS) ORDER

Statutory Instrument
84 of 1993

Order by the Minister

1. This Order may be cited as the Local Government (Fire Inspectors) Order. Title

2. (1) The persons listed in the Schedule hereto are hereby appointed Fire Inspectors for each Council established under the Act. Appointment of Fire Inspectors

(2) The Fire Inspectors appointed under paragraph (1) shall have power at any reasonable time, to enter any public premises in their respective Council areas for the purpose of carrying out fire prevention inspections.

SCHEDULE
(Paragraph 2)

Lusaka Province

Lusaka City Council

Mr Peter Mongela
Mr Stephen Njovu
Mr Davison Ndawa
Mr Hazi J. Tembo
Mr Phillip K. Jere
Mr Sianga J. Mubita
Mr Gabriel Mutambo
Mr Boswell Chizinguka
Mr Beenwell Simwinga

Kafue District Council

Central Province

Kabwe Municipal Council

Mr Danny Banda
Mr Peter Chipwanya
Mr Clement Zulu
Mr Goodson Ngoma
Mr Robby Chungwa

Kapiri Mposhi District Council

Copperbelt Province

Ndola City Council

Mr Phillip Syakutela
Mr Robert Samukoko
Mr Vernatius Chanda
Mr Wilson Daka

Kitwe City Council

Mr Peter Sakala
Mr Joseph Mwape
Mr Gibson Makalu
Mr Stanley Sichivula

The Laws of Zambia

Mufulira Municipal Council	Mr Donald Kateule Mr Dickson Banda Mr Safelino Kabwe
Luanshya Municipal Council	Mr Baldwin K. Mukeya Mr B. Maabwe Mr Abby C. Banda Mr Rodgers Kakunta
<i>Southern Province</i> Livingstone Municipal Council	Mr Renny Shindelele Mr Benard Cheelo Mr Joseph Lifumbo Mr Ignatius Simaata Mr Misheck Ngoma Mr Michael Kalamba
Choma District Council Monze District Council Mazabuka District Council	Mr Bryson Hakayobe Mr George Chikale Mr Funny Kasunda Mr Albert Kampengele
<i>Eastern Province</i> Chipata Municipal Council	Mr Mutale S. Kaziya

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTION 94-THE LOCAL ADMINISTRATION (PROVINCIAL SERVICE BOARD'S MEMBERS' ALLOWANCES) REGULATIONS

Statutory Instrument
122 of 1991

Regulations by the Minister

1. These Regulations may be cited as the Local Administration (Provincial Service Board's Members' Allowances) Regulations.*(4) Title

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

2. The members of a Provincial Service Board shall be paid the allowances set out in the Schedule to these Regulations. Allowances for Board Members

SCHEDULE
(Regulation 2)

<i>Nature of Allowance:</i>	<i>Rate</i>
1. Sitting Allowance where member resides-	
(i) within 15 km from Headquarters of the Province	K400.00
(ii) beyond 1 km but within 30 km from the Provincial Headquarters	K450.00
(iii) beyond 30 km from the Provincial Headquarters	K550.00
2. Daily subsistence allowance for expenses incurred while on duty in Zambia	K1,050.00

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTIONS 56 AND 59-THE KITWE DISTRICT COUNCIL (PUBLIC LIBRARY) BY-LAWS

Statutory Instrument
58 of 1983

By-laws made by the Council and confirmed by the Prime Minister

Act 13 of 1994

PART I

PRELIMINARY

1. These By-laws may be cited as the Kitwe District Council (Public Library) By-laws. Title
2. In these By-laws, unless the context otherwise requires- Interpretation
- "book" means a book, chart, deed, engraving, etching, gramophone record, magazine, map, music score, newspaper, pamphlet, periodical, photograph, picture, print and every other article of a like nature forming part of the contents of the Library;
- "Council" means the Kitwe District Council;
- "lending department" means the department of the Library from which books may be borrowed for reading outside the Library;
- "Librarian" means the Librarian appointed by the Council;
- "Library" means the collection of books under the control of the Librarian made available by the Council for the use of the public;
- "resident" means any person who is either living in, or employed in, the area under the jurisdiction of the Council;
- "ticket" means a card pocket issued in respect of each ticket holder and includes a special ticket.

PART II

USE OF LIBRARY BUILDINGS

3. The Library shall be open to the public during such days and hours as shall be prescribed by the Council. Hours of opening and closing
4. Admission to the lending department of the Library shall be restricted to ticket holders but their representatives may be admitted at the discretion of the Librarian. Admission to lending department

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

The Laws of Zambia

5. No person shall enter the Library building with any basket, case, shopping bag and other similar carrier. Carrier. etc., to be surrendered

PART III

MEMBERSHIP OF LENDING DEPARTMENT

6. Membership of the lending department of the Library shall be open to any resident who has reached the age of sixteen years. Qualification for membership

7. On becoming a member of the lending department a person shall be entitled to receive a maximum of four ordinary tickets from the Librarian. Issue of tickets

8. Any person who does not qualify for membership of the lending department under by-law 6 may borrow books on payment of a deposit at the rate of two kwacha per book. Persons not coming within specified categories

9. The Librarian shall issue the borrower with a special ticket on receipt of the two kwacha deposit. Special tickets

10. Additional special tickets up to a maximum of three may be obtained from the Librarian on further payment of a deposit of one kwacha for each special ticket. Additional special tickets

11. A ticket shall remain valid, unless previously cancelled, for a period of two years from the date of issue. Validity of ticket

12. For the purposes of by-laws 6 and 8, the spouse of a ticket holder shall be deemed to have the same qualification as the ticket holder whenever such qualification is more favourable. Provisions as to spouses

13. A lost ticket may be replaced by the Librarian upon payment of the sum of twenty-five ngwee or one kwacha in respect of an ordinary or special ticket respectively. Replacement of lost tickets

14. A ticket holder shall be liable for any loss or damage under these By-laws arising from the use of a ticket issued to such ticket holder by any person other than the ticket holder or his representative. Liability of ticket holders

15. Ticket holders shall immediately notify the Librarian of any change of residential or postal address. Notification of change of address

PART IV

USE OF LENDING DEPARTMENT

16. Borrowers shall leave with the Librarian a ticket in respect of each book borrowed. Tickets to be left with Librarian

17. The Librarian shall not be responsible for the safe keeping of tickets other than those left in accordance with by-law 16. Responsibility of Librarian

18. Borrowers shall return books borrowed within fifteen days of the date of issue: Limited period of borrowing
Provided that the loan of any book which is not required by another borrower may be renewed for a further period of fifteen days upon request to the Librarian.

19. Borrowers shall not retain any book issued after receiving a written demand from the Librarian to return such book. Such written demand may either be delivered by hand or by post to the last registered postal address of the borrower. Written demand for return of books

20. Borrowers shall pay a fine of one penalty unit per day or portion of a day for each day a book is kept by the borrower beyond the date on which it should have been returned. Such fine shall be paid irrespective of whether the borrower was using all his tickets at the time the book was overdue. Fines when books overdue

(As amended by Act No. 13 of 1994)

21. Should any book be lost, the borrower to whom it was issued shall pay to the Librarian, in addition to any fines or other charges which may be due in respect of such book, the value of the lost book or alternatively he shall replace it with another copy of equal value. If a person who has replaced a lost book subsequently recovers the book deemed to have been lost, he shall be entitled to retain the book so recovered. Replacement of lost books

22. Any book not returned to the Library within a period of two months from the date of issue shall be deemed to be lost unless the loan of it has been renewed from time to time to cover the period during which it has been in the possession of the person to whom it was issued. When books deemed to be lost

23. Should any book be found when returned to the Library to be damaged, the borrower to whom it was issued shall replace such book with another copy of equal value or pay to the Librarian the value of such book unless the borrower can prove that the book was so damaged when issued to him. In the event of any person replacing a damaged book as aforesaid, he shall be entitled to retain the damaged book. Replacement of damaged books

The Laws of Zambia

24. If an infectious disease occurs in any house containing books borrowed from the Library, the borrower shall hand over such books to the Council's Medical Officer of Health or any Health Inspector acting on his behalf. Until such infected house is declared free of disease by the Council's Medical Officer of Health, no books shall be issued from the Library to any person or persons residing therein.

Provisions in case of infectious disease

PART V

USE OF REFERENCE AND READING ROOMS

25. Persons may consult and read books in the reference room or reading room of the Library and may extract information from any book used:

Reference and reading rooms

Provided that no person shall bring ink bottles or ink pots for use in such room.

26. Any book except works of prose fiction in any other department of the Library if not in use may be had on application to the Librarian for consultation in the reference room or reading room.

Books available for reference

27. Books shall not be borrowed from the reference department:

Books may not be borrowed except as provided

Provided that where it is not possible for a person to use a book in the reference room during normal opening hours of the Library, he may apply to the Librarian to borrow a book from the reference department from the time the Library closes until it reopens on the following day.

28. Tickets shall be left with the Librarian for each book borrowed from the reference department:

Requirements as to tickets and deposits

Provided that the Librarian may demand the payment of a deposit not exceeding ten kwacha for any reference book so borrowed.

PART VI

LIABILITY OF BORROWERS

29. Any borrower to whom a book has been issued shall be liable for any loss, fine or other charge incurred in respect of the issue of such book to him, notwithstanding the fact that such loss, fine or other charge was not due to his own default or neglect, and no person who has lost or damaged any book or who has incurred any fine or other charge shall be permitted to borrow any further books until such lost or damaged books shall have been replaced or the amount of the damage caused thereto or the fine or other charge has been paid to the Librarian, as the case may be.

Liability of borrowers

PART VII
OFFENCES AND PENALTIES

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| <p>30. No person shall be in possession of or remove from any part of the Library any book which has not been issued to him in accordance with these By-laws.</p> | Unauthorised removal of books generally |
| <p>31. A person shall not take any book from the reference or reading room of the Library except as authorised by these By-laws.</p> | Unauthorised removal of books from reference or reading rooms |
| <p>32. A person shall not engage in audible conversation in any reference or reading room of the Library after having been requested not to do so by the Librarian.</p> | Conversation |
| <p>33. A person shall not maliciously or wilfully obstruct the Librarian in the execution of his duty or wilfully disturb, interrupt or annoy any other person in the proper use of the Library.</p> | Obstruction and annoyance |
| <p>34. A person shall not cause or allow any dog or other animal belonging to him or under his control to enter or remain in the Library, or bring into any part of the Library a bicycle or other wheeled vehicle or conveyance, other than a hand-propelled invalid chair.</p> | Animals and vehicles |
| <p>35. A person shall not enter or remain in any part of the Library not set apart for use of the public.</p> | Trespass |
| <p>36. A person shall not smoke, strike a light or spit in any part of the Library.</p> | Smoking and spitting |
| <p>37. A person shall not carelessly or negligently soil, tear, cut, deface, damage, injure or destroy any book forming part of the contents of the Library.</p> | Damage and negligence |
| <p>38. No person other than the Librarian shall affix or post any bill, placard or notice to or upon any part of the Library.</p> | Bills, notices and placards |
| <p>39. A person who is offensively unclean in person or in dress or who is suffering from an offensive or infectious disease shall not enter or use the Library.</p> | Uncleanliness and infectious disease |
| <p>40. A person shall not lie on the benches, chairs, tables or floor of the Library.</p> | Misuse of furniture and premises |

The Laws of Zambia

- 41.** A person shall not partake of refreshment in the Library. Refreshment
- 42.** A person shall not give a false name or address for the purpose of entering any part of the Library or obtaining any privilege therefrom. False names and addresses
- 43.** A person shall not make a tracing of any portion of a book without the permission of the Librarian. No person shall mark any leaf in a book, turn down or stain the leaves. Misuse of books
- 44.** A person shall not behave in a disorderly manner, use abusive, blasphemous or obscene language or gamble in any part of the Library. Behaviour in premises
- 45.** Any person guilty of an offence, contravention of or default in complying with any of these By-laws shall be liable on conviction to a fine not exceeding twenty five penalty units. Penalties

(As amended by Act No. 13 of 1994)

- 46.** Any person guilty of an offence against these By-laws shall be suspended from membership of the lending department by the Librarian and shall not be permitted to borrow books or use the reading or reference rooms: Suspension of membership

Provided that such person shall have a right of appeal to the Council.

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTIONS 69 AND 76-THE KATETE DISTRICT COUNCIL (MEAT, ABATTOIR AND BUTCHERIES) BY-LAWS

Statutory Instrument
139 of 1994

By-laws made by the Council and confirmed by the Prime Minister

PART I

PRELIMINARY

- 1.** These By-laws may be cited as the Katete District Council (Meat, Abattoir and Butcheries) By-laws. Title

2. In these By-laws, unless the context otherwise requires-

Interpretation
Cap. 283

- "abattoir" means the place provided by the Council for the slaughter of animals intended for sale for the food of humans and include buildings, lairs, stalls and spaces within the abattoir site;
- "animal" means bull, ox bullock, cow heifer, steer, calf, sheep, lamb, goat or other quadruped commonly used for the food of humans;
- "area" means the area under the jurisdiction of the Council;
- "butcher" includes the owner, occupier and Manager of a butchery;
- "butchery" means any premises in which the selling, storage or preparation of meat or meat products is carried on, for the use of persons other than those residing on the premises;
- "Council" means the Katete District Council;
- "meat" means the flesh, offal or other parts used or intended to be used as food for humans derived from any animal as defined above, but does not include canned meat, bacon or ham;
- "meat inspector" means a person employed by the Council to act as meat inspector or any other qualified person authorised by the Council to act in that behalf;
- "prescribed township area" means the area within the demarcated boundaries of the township development plan in accordance under the Development Plans Regulations;
- "veterinary officer" means a veterinary surgeon in the employment of Government.

PART II

MEAT AND ABATTOIR

3. A person shall not expose, offer, deposit, accept or have in his possession for resale any meat unless such meat has been examined and stamped or otherwise marked, as may be approved by the Council, as having been passed by the meat Inspector as fit for human consumption.

No meat to be sold unless marked as fit for consumption

4. A person shall not directly or indirectly obstruct any medical officer, any veterinary officer, meat inspector, health inspector or other duly authorised official in the lawful execution of the provisions of these By-laws.

Obstruction of authorised official prohibited

The Laws of Zambia

5. (1) A person shall not slaughter or skin any animal except at such place and subject to such condition as the Council may direct. Slaughter of animals

(2) A person shall not slaughter or cause to be slaughtered at any place within the township boundary, other than the abattoir, any animal the flesh of which is intended for sale as food for human consumption.

(3) Any person who slaughters or skins any animal shall-

- (a) dispose of or destroy all waste or refuse resulting from such slaughter or skinning in such place and in such manner as the Council may direct; and
- (b) maintain in a clean and sanitary condition to the satisfaction of the Council as its authorised agent, the abattoir or place appointed for such slaughter.

6. No person shall bring any dead or dying animal into any abattoir without first obtaining the written consent of the veterinary officer or meat inspector. Dead or dying animal

7. The owner of an animal brought into the abattoir shall be responsible for such animal and shall make good any damage caused by him or his animals. Owner of animal responsible for damages

8. (1) The Council shall charge a fee for slaughtering, examination, stamping, branding, marking re-examination or re-stamping of any animal, meat or carcass, for each animal, meat or carcass. Fee

(2) The fee shall be due and payable by the owner of such animal or meat or carcass upon the rendering by the Council of an account therefore.

9. Any person who contravenes any provisions of the By-laws contained in this Part shall be liable upon conviction- Offence and penalties

- (a) to a fine not exceeding two thousand penalty units; and
- (b) in a continuing or subsequent to same offence, a fine not exceeding eight hundred kwacha for each day during which the offence continues.

PART III
BUTCHERIES

The Laws of Zambia

10. (1) A person shall not carry on the business of a butchery unless he needs a valid certificate in writing from the Council that such butchery conforms with these By-laws. Butcheries to be approved by the Council

(2) The certificate shall not be granted unless the health inspector is satisfied that the butchery in respect of which such certificate is issued conforms with these By-laws and is suitable for the purpose for which it is intended to be used.

(3) Every certificate shall be clearly exhibited at all times in the butchery to which it relates.

(4) The Council may revoke the certificate at any time, if the butchery ceases to conform with the provisions of these By-laws.

11. Every butchery shall comply with the provisions of Public Health (Meat, Abattoir and Butcheries) Regulations. Conditions to be complied with by butcheries
Cap. 295

12. A person shall not spit in the butchery. Prohibition of spitting

13. A person shall not at any time keep or cause to be kept in a butchery any live animal or bird. Prohibition of animals in the butchery

14. Any person engaged in handling of meat or meat product shall submit themselves to medical examination every six months and when called upon to do so by the medical officer of health. Examinations

15. (1) Any person who contravenes any provision of the By-laws contained in this part shall be liable, on conviction- Penalties

- (a) to a fine not exceeding one thousand penalty units or for imprisonment for a period not exceeding three months or to both;
- (b) in the case of continuing offence, to a fine not exceeding five hundred kwacha for every day during which the offence continues; and
- (c) in addition to any penalty prescribed in sub-paragraph (a) and (b) the Council may cancel or suspend any licence or certificate issued.

PART IV

16. A person-

Straying animals
within the township

- (a) who owns or is in charge of any cattle, horse, mule, donkey, sheep, pig, goat or poultry, shall not allow such animals to be at large in any street or public place or on any unoccupied premises or to trespass on any garden or pleasure ground within the prescribed township boundary;
- (b) who owns or is in charge of any wild, ferocious or dangerous dog, monkey or other animal or any bitch on heat shall not allow such animal to be at large in any street or public place within the prescribed township boundary;
- (c) who owns or is in charge of any animal affected with infectious or contagious disease, shall not let such animal loose except in a place that may be set aside for such purpose by the Council; and
- (d) not keep any cattle, kraal or pigsty or any pig or other animals, that are likely to be injurious to health within the township, except under a written permit from the Council. Which permit shall be renewed at yearly intervals.

17. Any person who contravenes any provision of the By-laws in this part shall be liable, on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a period not exceeding three months or to both.

Penalties

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTIONS 76-THE KATETE DISTRICT COUNCIL (VILLAGE CLEANLINESS) BY-LAWS

Statutory Instrument
46 of 1994

By-laws made by the Council and confirmed by the Prime Minister

Act 13 of 1994

1. These By-laws may be cited as the Katete District Council (Village Cleanliness) By-laws.

Title

2. In these By-laws, unless the context otherwise requires-

Interpretation
Cap. 289

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

"Council" means Katete District Council;

"village" means a community of households established under the Registration and Development of Village Act within the Council Boundaries;

"cleanliness" means the maintenance of stipulated health standards for prevention of communicable diseases;

The Laws of Zambia

"nuisance" means a condition liable to be injurious and dangerous to health as defined under section sixty-seven of the Public Health Act; Cap. 295

"domestic dwelling" means any form of building in human use, or intended for human use, whether for purposes of business, residence or amusement;

"refuse pit" means a pit dug for disposal of domestic household refuse;

"latrine" includes a privy, urinal, pail closet, pit closet, earth closet, chemical closet, water closet;

"latrine accommodation" includes a receptacle for human excreta, together with the structure containing and including such receptacle and the fittings and apparatus connected therewith;

"occupier" includes any person in actual occupation of land or premises without regard to the title under which he occupies.

3. (1) Every person shall take all lawful, necessary and practicable measures for maintaining his village or area at all times in a clean and sanitary condition and for preventing the occurrence of or for remedying any nuisance or condition liable to be injurious or dangerous to health. Community to maintain cleanliness and prevent nuisances

(2) The occupier of any domestic dwelling shall provide a refuse pit situated at least twenty metres away from the dwelling house for disposal of refuse.

4. (1) Any person who fails to obey an order of the Council to comply with the requirements of By-law 3 within the time specified by the Council, or otherwise to remove the nuisance, shall, unless he satisfies the Court that he has used all diligence to carry out such order, be guilty of an offence. Failure to comply with order

(2) The Council may enter the premises to which any such order relates and remove the nuisance and do whatever may be necessary in the execution of such order and recover, as a civil debt, the expenses incurred from the person against whom the order is made.

5. (1) The Council may order the demolition of any domestic dwelling where it is satisfied that such dwelling is so dilapidated or so defectively constructed as to make it unfit for human habitation and may recover from the owner, as a civil debt, the expenses incurred therein. Demolition of dilapidated or defective dwelling

(2) Any person who wilfully fails to comply with any order for demolition, shall be guilty of an offence.

(3) No compensation shall be paid by the Council to the owner or occupier of any such dwelling or other structure which may be damaged in respect of a demolition order.

(4) From the date of the demolition order no rent shall be due or payable by or on behalf of the occupier in respect of such dwelling or structure.

The Laws of Zambia

6. (1) Every dwelling house must be provided with a separate latrine accommodation: Provision of latrine accommodation to dwelling houses

Provided that, notwithstanding anything contained in these By-laws, a separate latrine may not be provided where, in the opinion of the Council, sufficient latrine accommodation is so conveniently situated that it may be safely used in common by the households in that community.

(2) Any person who damages or makes improper use of any public latrine or a latrine provided in connection with any school, church or place of public worship, theatre, markets, clinics, public hall or other public place shall be guilty of the offence.

7. Where any owner or occupier who is in receipt of a written notice, shall fail to comply with the requirements of such notice within the period specified in the notice the Council may, after the expiration of the period specified, do the work or direct any person to do the work required to be done, and recover, as a civil debt from the owner or occupier the expenses incurred by it in so doing. The Council to enforce provision of latrine accommodation

8. Any person who causes any existing domestic dwelling or public building to be erected or who occupies, or being the owner, permits to be occupied any such domestic building or public building in contravention of the provisions of these By-laws shall be guilty of an offence. Provisions of accommodation to domestic and public building

9. (1) Any person who contravenes any provision of these By-laws, shall be guilty of an offence and shall be liable- Offences and Penalties

(a) in the case of a first offence to a fine not exceeding ten penalty units or imprisonment for a period of six months, or to both;

(b) in the case of continuing offence, to a fine not exceeding five penalty units for every day during which the offence continues.

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

(As amended by Act No. 13 of 1994)

THE LOCAL GOVERNMENT ACT

CAP. 281

SECTIONS 61 AND 76-THE KATETE DISTRICT COUNCIL (ESTABLISHMENT OF WASTE DISPOSAL SITES) BY-LAWS

Statutory Instrument
143 of 1994

By-laws made by the Council and confirmed by the Prime Minister

1. These By-laws may be cited as the Katete District Council (Establishment of Waste Disposal Sites) By-laws. Title

The Laws of Zambia

- 2.** In these By-laws, unless the context otherwise requires-
- "area" means the area under the jurisdiction of the Council;
- "commercial wastes" means the wastes discharged from industrial activities;
- "Council" means the Katete District Council;
- "refuse" means wastes as defined under the Environmental Protection and Pollution Control Act, and includes hazardous wastes.
- 3.** The places described in the Schedule hereto are hereby established as waste disposal sites for the area.
- 4.** Any person who disposes of commercial waste at a waste disposal site established by the Council under these By-laws shall pay to the Council a fee of fifty kwacha per kilogramme before disposal.
- 5.** Any person who disposes of wastes at any other place other than that established under these By-laws shall be guilty of an offence and shall be liable upon conviction-
- (a) in the case of a first offence, to a fine not exceeding one thousand penalty units or to imprisonment for a period not exceeding six months, or to both;
- (b) in the case of a second offence, or subsequent offence, to a fine not exceeding two hundred kwacha for every day during which the contravention continues.
- Interpretation
Cap. 204
- Establishment of
disposal sites
- Commercial waste
disposal site levy
- Offences and
penalties

Endnotes

1 (Popup - Popup)

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

2 (Popup - Popup)

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

3 (Popup - Popup)

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

4 (Popup - Popup)

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