

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE NATIONAL HOUSING AUTHORITY ACT

CHAPTER 195 OF THE LAWS OF ZAMBIA

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THE NATIONAL HOUSING AUTHORITY ACT

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CHAPTER 195

NATIONAL HOUSING AUTHORITY

16 of 1971
10 of 1972
13 of 1994

An Act to make better provisions for the development and control of housing throughout the Republic; to provide for the establishment of a body corporate entitled the National Housing Authority; to provide for its membership; to specify its powers and duties; and to provide for matters connected with or incidental to the foregoing.

[2nd April, 1971]

PART I

PRELIMINARY

1. This Act may be cited as the National Housing Authority Act. Short title

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

"apparatus" includes sewers, drains, culverts, watercourses, mains, pipes, valves, tubes, cables, wires, transformers and other apparatus laid down or used for or in connection with the carrying, conveying or supplying to any premises of a supply of water, water for hydraulic power, gas or electricity, and the standards and brackets carrying street lamps;

"approved" means approved by the Authority;

"Authority" means the National Housing Authority established pursuant to section *three*;

"building" includes any structure, whether of a permanent or temporary nature, and a part of a building or structure;

"Chief Executive" means the chief executive officer of the Authority appointed pursuant to section *fourteen*;

"city council", "municipal council", "township council" and "district council" have the meanings assigned respectively thereto in section *two* of the Local Government Act;

"control" includes regulate, inspect and supervise;

"erect", in relation to a building, includes the alteration or enlargement of a building;

"house" means any building or part of a building that is so designed and constructed as to be suitable for use as a human habitation, and is so used or intended so to be used, and includes-

- (a) any part of a building which is used or intended to be used as a separate dwelling; and
- (b) any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith;

"housing estate" means two or more houses erected or maintained under one management or control on land developed specifically for the siting of such houses in accordance with a comprehensive plan which provides for the laying-out of roads and the furnishing and availability of services essential or ancillary to the use of such buildings as houses; and includes the land on which any housing estate has been or is to be developed;

"land" includes any estate or interest in land and any easement or right in, to or over land;

"local authority" means-

- (a) a City Council
- (b) a Municipal Council; or
- (c) a Township Council; or
- (d) a District Council;

"manage", when used in relation to the functions of the Authority, includes carry on, maintain, operate, allocate and keep in repair;

"member" includes the chairman of the Authority;

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"person"-

- (a) includes any company or association or body of persons, corporate or unincorporate;
- (b) does not include a local authority;

"prescribed organisation" means an organisation prescribed by the Minister under the provisions of section *nineteen*;

"property" includes all property, real and personal, and all estates, interests, easements and rights, whether equitable or legal, in, to, and out of property, real and personal;

"Register" means the appropriate register established under the provisions of the Lands and Deeds Registry Act; Cap. 185

"Registrar" has the meaning assigned to it in the Lands and Deeds Registry Act; Cap. 185

"scheme" means any proposal which is required to be submitted to the Authority pursuant to this Act and which provides-

- (a) for the construction, alteration or extension of more than one house; or
- (b) for the laying-out, replanning, subdivision or development of land as a housing estate; or
- (c) for roads, drains, open spaces, places of worship places of recreation, facilities for trading or any other service ancillary to the provision and servicing of houses; or
- (d) for any combination of the foregoing.

PART II

ESTABLISHMENT OF NATIONAL HOUSING AUTHORITY

3. There is hereby established the National Housing Authority (hereinafter referred to as "the Authority") which shall by that name be a body corporate with perpetual succession and a common seal and shall be capable of suing and being sued and, subject to the provisions of this Act, of performing all such acts as a body may incorporate by law perform.

Establishment of
National Housing
Authority

4. (1) The members of the Authority shall be appointed by the Minister responsible for housing (hereinafter referred to as "the Minister") and shall be-

Composition of the Authority

- (a) the Commissioner for Town and Country Planning;
- (b) two members from the Local Government Association of Zambia;
- (c) one member representing the Ministry responsible for local government;
- (d) two District Secretaries;
- (e) one member representing the Zambia National Building Society;
- (f) one member representing the University of Zambia;
- (g) one member representing the National Council for Scientific Research;
- (h) one member from the Zambia Federation of Building Co-operatives; and
- (i) one other member who is not a public officer.

(2) The Minister shall designate one member as chairman, and one member as vice-chairman, of the Authority.

(3) The office of the chairman shall be full time and the chairman shall receive such remuneration from the funds of the Authority as the Minister may determine.

(4) The Authority may exercise its powers and discharge its functions notwithstanding any vacancy in the membership thereof.

(5) A retiring member shall, unless disqualified, be eligible for reappointment.

(6) No person shall be appointed to be a member of the Authority-

- (a) while he is an undischarged bankrupt; or

- (b) while he is serving a sentence of imprisonment.

5. (1) Subject to the provisions of this Act, a member of the Authority-

Tenure of office of
members

- (a) shall hold office on such terms and conditions and for such period; and

- (b) shall be paid out of the funds of the Authority such remuneration and allowances, if any;

as the Minister in his case may determine at the time of appointment.

(2) Where no period of appointment is determined under paragraph (a) of subsection (1), a member shall hold office until such time as his appointment is terminated under paragraph (h) of subsection (4).

(3) No remuneration or allowance shall be paid under this section to a member who is a public officer.

(4) The office a member shall become vacant-

- (a) upon his death;

- (b) if he is adjudged bankrupt;

- (c) if he is convicted of an offence and sentenced to imprisonment without the option of a fine;

- (d) if the Minister, who is hereby empowered so to do, removes him from office for improper conduct as a member or for failure to comply with the terms and conditions of his office or to perform efficiently the functions of his office, whether due to infirmity of body or mind or any other cause;

- (e) if he is absent without the permission of the Authority from three consecutive meetings of the Authority of which he has had notice;

- (f) if the Minister is satisfied at any time that the private interests of the member conflict with his duties as a member and he is so notified in writing by the Minister;

- (g) upon the expiry of one month's notice in writing of his intention to resign his office given by him to the Minister; or

(h) upon the expiry of one month's notice in writing given to him by the Minister.

6. If the chairman, vice-chairman or any other member of the Authority is unable to exercise or perform the functions of his office by reason of illness, absence from Zambia or any other cause, the Minister may appoint a member or any person who is not disqualified for appointment as a member to act in the place of the chairman, vice-chairman or other member, as the case may be; and the member or person so appointed shall, subject to the provisions of section *five*, exercise and perform the functions of the person for whom he is appointed to act until that person resumes the exercise and performance of his functions.

Acting appointments

7. When the office of a member becomes vacant, the Minister may appoint another person to fill the vacancy.

Filling of vacancy

8. (1) The Authority shall hold its first meeting on such date and at such place as the Minister may specify, and thereafter meetings of the Authority shall be held at such places and times as the chairman of the Authority may determine.

Procedure and meetings of the Authority

(2) Subject to the provisions of this Act and to any directions given to the Authority by the Minister, the Authority shall meet for the despatch of business and otherwise regulate its meetings and procedure as it may determine.

(3) The chairman of the Authority may at any time and shall, at the request in writing of two members, convene a special meetings of the Authority.

(4) A notice convening a special meeting of the Authority shall state the purpose for which the meetings is to be convened.

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

(a) the chairman; or

(b) in the absence of the chairman, the vice-chairman; or

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

(6) Not less than five members shall form a quorum at a meeting of the Authority.

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(7) Any question proposed for a decision by the Authority shall be determined by a majority of the votes of the members present and voting at a meeting of the Authority at which a quorum is present; each member present shall have one vote on a question proposed for decision by the Authority and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a second vote.

(8) As soon as practicable after each meeting of the Authority, a copy of the minutes of such meeting shall be forwarded to the Minister.

(9) All documents, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the chairman.

9. Any instrument may be entered into or executed on behalf of the Authority by any person generally or specially authorised by the Authority for the purpose. Instruments of the Authority

10. (1) Contracts on behalf of the Authority may be made in the manner following: Contracts of the Authority

(a) a contract which, if made between private persons, would, by law, be required to be in writing and signed by the parties to be charged therewith, may be made on behalf of the Authority in writing, signed by any person acting under its authority, express or implied; and

(b) a contract which, if made between private persons, would, by law, be required to be made in writing and under seal may be made on behalf of the Authority under the common seal of the Authority.

(2) A contract made under subsection (1) shall be effectual in law and shall bind the Authority and its successors and all other parties thereto.

(3) A contract made under the provisions of this section may be varied or discharged in the same manner in which it is authorised in this section to be made.

11. The application of the seal of the Authority shall be authenticated by the signatures of the chairman of the Authority or some other member of the Authority authorised by it in that behalf, and of the Chief Executive or some other person authorised by the Authority to act in his stead in that behalf. Application of seal of the Authority

12. A decision or an act of the Authority shall not be rendered invalid by reason only that there is a vacancy in the membership of the Authority or that a disqualified person acted as a member at the time the decision was taken or the act was done or authorised. Validity of the Authority's acts and decisions

13. (1) If a member of the Authority or his spouse or any company of which he or she is a director or shareholder has any private interest, direct or indirect, in any contract or proposed contract, or in any other matter which is the subject of consideration by the Authority and whereby his private interest may conflict with his duties as a member, he shall disclose the same to the Authority and the Minister.

Members to declare interest in matters before the Authority

(2) A member referred to in subsection (1) shall not take part in the consideration of, or vote on, any question relating to a contract, proposed contract or other matter mentioned in that subsection.

PART III

THE CHIEF EXECUTIVE AND STAFF

14. (1) Subject to the provisions of subsection (3), the Authority shall appoint a person nominated by the Minister to hold the office of Chief Executive (in this Act referred to as "the Chief Executive").

Appointment of the Chief Executive

(2) The remuneration of the Chief Executive shall be paid by the Authority and he shall hold office for such period and upon such terms and conditions of service as the Authority may, with the prior consent and approval of the Minister, fix at the time of his appointment.

(3) The Authority shall not terminate the services of the Chief Executive without the prior consent and approval of the Minister.

15. (1) The Chief Executive shall be the chief executive officer of the Authority and it shall be his duty-

Duties of the Chief Executive

- (a) to assist the Authority in all respects and in such manner as the Authority may from time to time require in the discharge of its functions and the carrying out of its activities under this Act and, subject to the provisions of subsection (2) or (3), he shall, as agent of the Authority, exercise such functions of the Authority as may from time to time be delegated to him by the Authority with the prior consent and approval of the Minister;
- (b) to prepare and submit from time to time to the Authority proposals for the construction, acquisition, management of houses and other buildings for the better carrying out of the provisions of this Act.

(2) The Chief Executive shall not, without the prior approval of the Authority, exercise any powers under this Act in respect of-

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- (a) any matter in respect of which the Authority may not exercise its powers under this Act without the prior consent and approval of the Minister;
- (b) any purchase, sale, disposal or writing off of any property or assets of the Authority, the value of which exceeds ten thousand kwacha;
- (c) any variation of the salary scales, wages, conditions of service or allowances of persons employed by the Authority;
- (d) any acceptance of any tender for goods or services, the cost or value of which exceeds ten thousand kwacha.

(3) The Chief Executive shall not, without the concurrence of the chairman, exercise his powers in respect of-

- (a) the purchase, sale, disposal or writing off of any property or assets of the Authority, the value of which is less than ten thousand kwacha; or
- (b) the acceptance of any tender for goods or services, the cost or value of which is less than ten thousand Kwacha.

16. (1) Subject to the provisions of this Act and any general or special direction of the Minister given in that behalf, the Authority may employ all such persons as it may appear to the Authority requisite or expedient to employ for any of the purposes of the Authority, and such persons shall be employed upon such terms and conditions as may be determined by the Authority.

Employment of staff

(2) Public officers may be transferred or seconded to the Authority.

(3) If an officer receiving a pensionable emolument in the public service is transferred or seconded to the Authority, the period during which he serves with the Authority shall, for the purpose of computation of time and amount of pension payable to him in respect of his service as a public officer, be deemed to be service in a pensionable office.

17. (1) An officer or employee of the Authority shall not be personally liable in respect of anything done or omitted by him in the performance of his duty under this Act, if the said act or omission arose from an honest belief that he was entitled to do or to omit what he did or omitted to do.

Protection for officers and employees of the Authority acting in good faith

(2) Nothing contained in subsection (1) shall be construed as relieving the Authority from any liability in respect of acts or omissions of its officers or employees.

PART IV

FUNCTIONS OF THE AUTHORITY

18. Subject to any direction given by the Minister, the Authority shall have the sole management and control of the property, income and funds of the Authority and of the affairs and business thereof.

Management and control

19. (1) It shall, subject to the provisions of this Act, be the object and general duty of the Authority to keep under continuous review housing conditions in the Republic and the needs of the Republic with respect to the provision of further housing accommodation and to provide, or to secure and promote the provision of, such housing accommodation for the Republic and to take all such steps as it may appear to the Authority requisite or expedient in those respects.

General functions of the Authority

(2) Without prejudice to the generality of the provisions of subsection (1), the functions of the Authority shall be-

- (a) to make recommendations and proposals to the Minister, from time to time, with regard to the formulation and implementation of Government policy on housing and matters incidental thereto, whether in respect of the whole of the Republic or any part thereof;
- (b) to carry out surveys of housing requirements of any place, district or local authority area or of any part of such place, district or local authority area, and to advise the Minister or local authorities or persons thereon;
- (c) to submit to the Minister before the 30th June in each year a report on current and future requirements of housing accommodation throughout the Republic, the extent to which such requirements are being met, programmes of construction of houses and the estimated cost of such programmes;
- (d) to clear squatter areas and to plan improvement and redevelopment of such areas;
- (e) to advise the Minister as to any changes or amendments to the law relating to housing which the Authority considers to be appropriate or desirable;
- (f) to undertake, support and encourage research, either by itself or in conjunction with a local authority or person, into all housing aspects, including suitability, adaptability and methods of building and development with particular reference to the construction of low cost housing, and all matters connected therewith;

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- (g) to undertake and encourage the collation and dissemination of scientific, economic, social and other data concerning housing and matters connected therewith;
- (h) to advise and make recommendations to the Minister, local authorities and persons on standards of construction of houses desirable and feasible in any place, district or local authority area;
- (i) to advise and assist any local authority or person in the preparation of proposals and programmes for the construction of houses and to assist in the carrying out of such proposals and programmes;
- (j) to provide, manage and control housing accommodation for public officers and employees of the Government and of prescribed organisations;
- (k) to establish a national housing revolving fund to provide finance for housing throughout the Republic;
- (l) to purchase, manufacture, process or otherwise acquire building materials on its own behalf or on behalf of a local authority or person and to sell at reasonable price such building materials; and to ensure that there is a sufficient supply of building materials available to meet the needs of the building industry in the Republic;
- (m) to provide town planning, consultancy and other services in relation to housing programmes of a local authority, Government or a person;
- (n) to examine, approve, vary or disallow plans and designs of buildings intended to be used as houses or as a part of a housing estate or scheme and examine and approve existing buildings for such use;
- (o) with the approval of the Minister, to acquire, take over, manage and control on efficient and economic bases houses belonging to the Government;
- (p) with the consent of a prescribed organisation, to acquire, take over, manage and control on efficient bases houses and other buildings belonging to it;
- (q) to allocate houses referred to in paragraphs (o) and (p) to approved persons;
- (r) to introduce a system of economic rentals in respect of houses under its control;
- (s) to devise and promote home-ownership by the introduction of house-purchase schemes;

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- (i) to establish a national building organisation capable of undertaking development of housing estates on efficient and economic bases;
- (u) to form a company under the provisions of the Companies Act for the purpose of carrying out any of its functions; Cap. 388
- (v) to combine with, join in or participate in any other way in the business of any other person for the purpose of carrying out any of its functions;
- (w) to undertake such other functions in connection with housing as the Minister may require.

(3) The Minister may, by writing under his hand, prescribe any company or association or body of persons, corporate or unincorporate, in which the Government holds shares or any other interest as a "prescribed organisation" for the purpose of this Act.

20. The Authority shall, subject to the provisions of this Act and to any general or special directions of the Minister, have power to-

Functions of the Authority *re* schemes

- (a) examine and approve, disapprove or vary any schemes proposed to be carried out by any local authority or person;
- (b) prepare any scheme at the request and on behalf of, any local authority or person;
- (c) enter into a contract, at the request of, and on behalf of, a local authority or person to implement a scheme on its or his behalf and at its or his expense, as the case may be;
- (d) initiate a scheme:
Provided that, where the Authority decides to initiate a scheme in a local authority area, the local authority concerned may, within thirty days of such decision, appeal to the Minister whose decision in the matter shall be final;
- (e) execute a scheme.

21. (1) The Authority shall, subject to the provisions of this Act, have power to-

Functions of the Authority *re* housing estates

- (a) develop, build or manage and control housing estates, or undertake the development, building or management of a housing estate, whether already developed or in the course of development at the commencement of this Act, whenever requested so to do by the person or local authority for the time being responsible for the development, building or management of such estate;

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- (b) sell to any person a house or housing estate either upon terms of deferred payment of the whole or any part of the purchase price, within any period not exceeding thirty years, or otherwise, as the Minister may direct, or both sell or let a house on lease or otherwise; or to enter into any agreement for such purposes;
- (c) erect, or to permit or assist the erection, on any land owned, leased or controlled by the Authority, of buildings other than houses, where such buildings are considered by the Authority to be necessary to the development or improvement of a housing estate;
- (d) enter into contracts for the erection of buildings for the Authority on any housing estates to be developed or managed by the Authority and to sell on terms of deferred payment or otherwise, or to let, any buildings so erected;
- (e) enter into contracts with contractors or agents for the maintenance or supervision of buildings on housing estates;
- (f) undertake the management and control of such Government-owned houses, classes of houses and housing estates as the Minister may, from time to time, prescribe;
- (g) undertake the management and control of such houses of a prescribed organisation as may be agreed upon between it and such prescribed organisation.

(2) The Authority may, subject to the prior approval of the Minister, delegate on such terms as may be mutually agreed, the management and control of a housing estate which has been developed and built by the Authority to a local authority which is willing to undertake such management and control.

22. A local authority or person shall not, within the area of a municipal council or township council, initiate detailed planning of any scheme until a preliminary plan of the site of the scheme, showing the proposed development, and a written memorandum explaining the nature of the proposed development, have been submitted to and approved by the Authority.

Preliminary plan

23. The Authority may provide housing accommodation-

Mode of provision of accommodation

- (a) by the erection of houses on any land acquired;
- (b) by the conversion of any buildings into houses;
- (c) by acquiring houses;
- (d) by altering, enlarging, repairing or improving any houses or buildings which have, or an estate or interest in which has, been acquired by the Authority;
- (e) by agreements providing for the management and control of houses owned by any person; or
- (f) by clearing squatter areas and thereafter making necessary improvement and redevelopment of such areas.

24. (1) Whenever the Authority is of opinion that in any area of a local authority, or in any part of such area, the provision for the housing of persons employed within such area, or such part of such area, is inadequate or unsuitable, the Authority may, after consultation with the Minister, by notice in writing, require that the local authority concerned shall, within such time as may be specified in such notice, make such provision in respect of such housing as the Authority may specify.

Inadequacy of housing in area of local authority

(2) The Authority may, at any date prior to the expiry of the time specified pursuant to subsection (1), extend such time in such manner as it thinks fit.

25. (1) If any local authority fails to comply with any requirement notified pursuant to section *twenty-four*, or fails to carry out within reasonable time a scheme approved by the Authority pursuant to section *twenty*, the Authority may, after giving written notice of its intention to the local authority concerned, carry out such works and do all such things as may be necessary to give effect to such requirement, or to carry out such scheme, and for any such purpose the Authority is hereby authorised to exercise all such rights, powers and authorities as might have been exercised by the said local authority in that behalf.

Powers of the Authority in respect of section 24

(2) Any expenditure reasonably incurred by the Authority under the provisions of this section may be recovered from the local authority as a civil debt and shall be a charge on the general fund of the local authority.

26. (1) Any authorised person may at all reasonable times enter upon any land or building in respect of which approval has been applied for, or in respect of which a grant or loan has been, or is proposed to be, made pursuant to this Act, to make any inspection or to perform any work or to do anything which he is required or empowered to do under this Act.

Powers of entry and inspection

(2) Any person who fails or refuses to give to any authorised person access to any such land or building or who obstructs or hinders such authorised person in the performance of his duties shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding two years, or to both

(3) For the purposes of this section, the term "authorised person" means-

- (a) any employee of the Authority, or any employee of any local authority which is generally or specially authorised by the Authority to act on its behalf; or
- (b) any employee of any local authority when acting on behalf of such local authority in relation to any land or building in respect of which a loan has been made by such local authority pursuant to section *forty-nine*.

(As amended by Act No. 13 of 1994)

27. (1) The Authority may, with the approval of the Minister, purchase or otherwise acquire, take on lease or in exchange or receive by way of gift any land in Zambia. Acquisition of land

(2) When any land is acquired under the provisions of the Lands Acquisition Act or any other written law from time to time amending or repealing and replacing the same, and transferred to the Authority, all expenses and compensation payable in respect of such acquisition shall be paid by the Authority into the general revenues of the Republic. Cap. 189

28. In addition to any other power otherwise expressly or impliedly conferred by this Act the Authority shall, subject to the provisions of this Act, have power to do either by itself or through or jointly with others all or any of the things specified in the Schedule. Powers of the Authority

PART V

FINANCIAL PROVISIONS

29. It shall be the object of the Authority so to exercise and perform its functions as to ensure that all its revenues are sufficient to meet all its outgoings properly chargeable to revenue account, taking one year with another; and in general the Authority shall conduct its business on sound commercial lines. Conduct of financial affairs of the Authority

30. The funds of the Authority shall consist of- Funds of the Authority

- (a) such sums of money as may be payable to the Authority from moneys appropriate by Parliament for the Authority;
- (b) such other moneys or assets as may vest in or accrue to the Authority, whether in the course of its operations or otherwise.

31. (1) Subject to the provisions of section *thirty-three*, the Authority shall submit to the Minister for his approval- Budget of revenue and expenditure

- (a) not later than three months prior to the commencement of each financial year, revenue and expenditure estimates, in such detail as the Minister may require, relating to the programme planned for that financial year of the operation of the Authority;

- (b) as soon as may be, any subsequent proposal to amend such estimates;

and the estimates, together with any amendments, upon being approved by the Minister, with the concurrence of the Minister responsible for finance, shall be deemed to be the budget for the financial year to which it relates.

(2) The Minister may, for good cause shown, exempt the Authority in respect of the provision relating to the period prescribed by paragraph (a) of subsection (1).

32. (1) Subject to the provisions of section *thirty-three*, the Authority shall, before the commencement of each financial year, submit to the Minister for his approval estimates showing the capital expenditure to be incurred by the Authority during the financial year to which it relates and the amounts of the expenditure intended to be met from the resources of the Authority and from other sources; and such estimates shall include an estimate of the unexpended provision carried forward from a previous approved budget of capital expenditure.

Budget of capital
expenditure

(2) The estimates referred to in subsection (1), upon being approved by the Minister, shall be deemed to be the approved budget of capital expenditure for the financial year to which it relates.

(3) Subject to any direction given by the Minister, the Authority may subsequently amend any budget so approved by the Minister but it shall not exceed the total capital expenditure so approved, except with the approval of the Minister.

(4) Notwithstanding that a project involving capital expenditure for which provision has been made in an approved budget in accordance with subsection (2), or by an amendment of an approved budget in accordance with subsection (3), was not commenced or completed during the financial year for which it was approved, that project may be commenced or continued in a subsequent financial year without the further approval of the Minister, to the extent that it has been approved.

33. Sections *thirty-one* and *thirty-two* shall not apply in respect of the first financial year of the Authority, that is to say, the period commencing on the date of the coming into operation of this Act and ending on the 31st December, 1971, except to the extent that the Minister may otherwise direct, and in that event the said sections shall have effect as if the provisions thereof requiring the estimates therein mentioned to be submitted to the Minister before the commencement of each year were omitted therefrom.

Special provision for
budget in respect of
the Authority's first
financial year

34. If in any financial year the revenues of the Authority, together with any surplus revenue brought forward from any preceding financial year, are found to be insufficient to meet fully any lawful current indebtedness of the Authority or any lawful expenditure incurred by the Authority, the amount of the insufficiency so arising may be met by way of loan or grant made by the Minister out of moneys appropriated for the purpose by Parliament.

Deficits

35. In the event of the Authority seeking a capital contribution from the Government, the amount sought to be contributed shall be determined by the Minister, with the concurrence of the Minister responsible for finance, and shall be paid out of moneys appropriated for the purpose by Parliament.

Additional capital may
be provided by
Government

36. (1) Subject to any direction given by the Minister, the Authority shall establish a general reserve and a capital reserve to which, subject to the provisions of this Part, may be appropriated such sums as the Authority may decide from a surplus of revenue over expenditure.

Establishment and operation of general reserve, capital reserve and other accounts of the Authority

(2) The capital reserve shall be used for defraying expenditure to which capital is properly applicable.

(3) Subject to the provisions of this Part, sums appropriated to a reserve in terms of subsection (1) may, with the approval of the Minister, be used for such purposes as the Authority may consider expedient for the proper exercise and performance of its functions.

(4) Subject to any direction given by the Minister, the Authority may keep such other accounts as it considers expedient for the proper exercise and performance of its functions.

37. Any moneys set aside by the Authority for a purpose shall, until such time as they are used for the purpose for which they were set aside, be invested in such manner as the Minister, with the concurrence of the Minister responsible for finance, may approve.

Investments

38. (1) The Authority shall not, without the prior approval of the Minister, borrow otherwise than by bank overdraft for temporary accommodation.

Borrowings

(2) The Authority may, with the approval of the Minister and with the concurrence of the Minister responsible for finance, borrow such sums of money as may be required for the purpose of the discharge of its functions in all or any of the following ways:

(a) by loan;

(b) by the issue of stock or bonds;

(c) by mortgage.

(3) If the Authority has borrowed money by the issue of stock or bonds or by mortgage it may, if the money becomes due for repayment before the end of the period for which the approval of the Minister was given, borrow further sums of money in the same way for the purpose of repaying the amount of its original loan on condition that the further sums so borrowed are repaid before the end of the period for which the approval of the Minister was given.

39. (1) All moneys borrowed by the Authority shall be charged on the revenues of the Authority and all securities therefor shall rank equally without any priority.

Securities for borrowings

(2) Nothing in this section shall affect any priority existing at, or any priority conferred by a security created by, the Zambia Housing Board established pursuant to section *three* of the Housing Act, Chapter 426 of the Revised Edition.

(3) The interest payable in respect of any moneys borrowed by the Authority shall be a first charge on the revenues of the Authority.

40. (1) For the purpose of enabling the Authority to defray expenditure properly chargeable to capital account, including defraying initial expenses and provision for working capital, grants may be made to the Authority up to an aggregate amount of two million kwacha from moneys appropriated by Parliament.

Grants in respect of capital expenditure and guarantees by Government

(2) The Government may guarantee, by the undertaking of the Minister responsible for finance, in such manner and on such conditions as he thinks fit, the payment of the principal and interest on any authorised borrowings of the Authority made otherwise than by way of grant under subsection (1).

41. (1) The Authority shall make at such times and in such manner as the Minister may, with the concurrence of the Minister responsible for finance, direct-

Repayment by the Authority

- (a) payments of such amounts in or towards repayment of loans made to the Authority pursuant to subsection (2) of section *thirty-eight*;
- (b) payments of any sums issued in fulfilment of any guarantee made under the provisions of subsection (2) of section *forty*;
- (c) payments of interest on any amount outstanding for the time being in respect of such loans or sums.

(2) The Minister shall lay before the National Assembly a statement of any payment due from the Authority pursuant to this section which is not duly paid as required by this section.

42. The Authority shall make safe and efficient arrangements for the receipt of moneys paid to it and the issue of moneys payable by it and those arrangements shall be carried out under the supervision of the Chief Executive.

Arrangements for receipts and payments

43. (1) The Authority shall open and keep in its name a banking account and may, with the approval of the Minister, open and keep such additional banking accounts as may be necessary. Banking accounts

(2) Save as otherwise provided by financial regulations of the Authority, all receipts of the Authority shall be paid into the banking account or accounts kept by the Authority and all amounts payable by the Authority shall be paid therefrom.

(3) A cheque upon any banking account kept by the Authority shall be signed by such officers of the Authority, not being less than two in number, as may be authorised in that behalf by resolution of the Authority.

44. In addition to the annual report mentioned in section *fifty-six*, the Authority- Report of the Authority

(a) may submit to the Minister such other reports as the Authority may deem advisable; and

(b) shall submit to the Minister such other reports as the Minister may require; in regard to the activities, work, operation and property of the Authority.

PART VI

LOANS AND GRANTS

45. (1) The Authority may, from time to time, on such terms and conditions as it may determine- Loans and grants by the Authority

(a) make grants or loans of money to a local authority for the purpose of enabling such local authority to discharge any of the functions conferred upon it by this Act;

(b) lend money to any person for the purpose of enabling such person to acquire land and to construct thereon approved houses or to carry out approved housing estates or schemes.

(2) A loan made by the Authority under the provisions of this Act shall bear interest at such rate or rates as may be approved by the Minister responsible for finance.

(3) The Authority, in considering the propriety of lending money to any person, shall have regard to the financial position of such person and to the sufficiency of the security proposed for the repayment of any such loan.

46. All loans made by the Authority to a local authority pursuant to this Act shall be charged on the general fund of the local authority.

Loans charged on general fund

47. (1) A loan made by the Authority to a local authority or person pursuant to this Part shall be repayable by such local authority or person to the Authority by such instalments as the Authority shall specify, so that the amount of the said loan with interest thereon shall be repaid in full to the Authority within a period not exceeding forty years in the case of a loan to a local authority and thirty years in any other case.

Repayment of loans to the Authority by a local authority or person

(2) Where any loan has been expressed to be repayable to the Authority within a period less than the full period allowed under subsection (1), the Authority may, if the repayment of the said loan with interest thereon is, in its opinion, adequately secured, extend the period of repayment thereof to a period not exceeding the said full period from the date of the making of the said loan.

48. (1) A local authority may-

Powers of local authorities

- (a) out of the loans or grants made to it by the Authority pursuant to this Act-
 - (i) acquire land, construct approved houses or carry out approved housing estates or schemes within the area of its jurisdiction;
 - (ii) with the consent of the Authority, acquire land, construct approved houses or carry out approved housing estates or schemes outside the area of its jurisdiction;
- (b) sell or let on such conditions as may be specified by the Authority any approved houses constructed by such local authority pursuant to, or housing estate or approved scheme carried out by such local authority pursuant to, the provisions of paragraph (a).

(2) Any moneys received by a local authority from the sale or letting under the powers conferred by paragraph (b) of subsection (1) of any property shall be appropriated by the local authority to the reduction or extinction of any existing debt to the Authority incurred for, or attributable to, the construction of such approved houses or the carrying out of such approved housing estates or schemes.

49. (1) A local authority may, out of any loan or grant made to it by the Authority, lend money to any person for the purpose of enabling such person-

Loans by local authorities

- (a) to acquire land within the jurisdiction of such local authority and to construct thereon approved houses; or
- (b) to purchase approved houses within the area of jurisdiction of such local authority; or

(c) to carry out any approved housing estate or scheme.

(2) Any loan made pursuant to subsection (1) shall not exceed such portion of-

(a) the estimated cost of the acquisition of land and construction thereon of the approved houses pursuant to paragraph (a) of subsection (1); or

(b) the purchase price of the approved houses purchased pursuant to paragraph (b) of subsection (1); or

(c) the estimated cost of the carrying out of any approved housing estate or scheme pursuant to paragraph (c) of subsection (1);

as the local authority may determine generally or in respect of any particular case.

50. (1) Any loan made by a local authority to any person pursuant to this Part shall be repayable to the local authority by such instalments as the local authority shall specify so that the amount of the said loan with interest thereon shall be repaid in full to the local authority within a period not exceeding thirty years.

Repayment to a local authority

(2) Where any such loan has been expressed to be repayable to a local authority within a period less than the full period allowed under subsection (1), the local authority may, if the repayment of the said loan with interest thereon is, in its opinion, adequately secured, extend the period of repayment thereof to a period not exceeding the full period allowed under subsection (1) from the date of the making of the loan.

51. Every loan made pursuant to this Part to a person shall be secured by a first mortgage or charge on the land upon which the house, housing estate or scheme is situate or is to be constructed, together with such further or other security as may be required by the Authority or the local authority, as the case may be.

Security for loans

52. (1) Upon all moneys due on any loan made pursuant to this Act being repaid, the Authority or the local authority, as the case may be, shall give to the person to whom the loan was made, or to his successor in interest, as the case may be, a receipt in writing for the same and such further sufficient discharge, if any, as may be necessary in order to effect a release of the land or other property from the mortgage or charge given as a security for the said loan.

Discharge of security

(2) Upon a receipt being given by the Authority to a local authority on the repayment in full of a loan made to the local authority pursuant to this Act, the general fund of the local authority shall be released from the charge created in respect of the said loan by section *forty-six*.

PART VII

ACCOUNTS AND AUDIT

53. (1) The financial year of the Authority shall be from the 1st January in any one year to the 31st December in the same year. Financial year

(2) Notwithstanding the provisions of subsection (1), the first financial year of the Authority shall be the period extending from the commencement of this Act to the 31st December, 1971.

54. (1) The Authority shall keep proper books of accounts and other records in relation thereto. Accounts

(2) Subject to any directions of the Minister, the Authority shall prepare in respect of each financial year, a statement of account which shall include-

- (a) a balance sheet and a profit and loss account; and
- (b) such other accounts and information in respect of the financial affairs of the Authority as the Minister may from time to time require.

55. (1) The audit of the Authority shall from a date to be determined by the Minister responsible for finance be undertaken by the Auditor-General. Appointment and remuneration of the auditor

(2) Pending the determination of the date under subsection (1), the audit of the Authority shall be undertaken by an auditor appointed by the Minister.

(3) The Auditor-General may, after consultation with the auditor appointed under subsection (2), give directions regarding the exercise and performance of the functions of the auditor and the auditor shall give effect to such directions.

(4) The auditor appointed under subsection (2) shall afford to the Auditor-General facilities for obtaining information regarding the activities of the Authority and shall furnish him with returns, accounts, reports and other information in respect thereof and facilities for verification of the documents and information submitted in such manner and at such time as the Auditor-General may require.

(5) The Auditor-General shall determine the remuneration payable to an auditor appointed under the provisions of this section.

56. (1) The Authority shall, as soon as is practicable, and in any case not later than six months after the termination of each financial year, submit an annual report to the Minister on the activities of the Authority.

Annual report

(2) The annual report shall include the balance sheet, the profit and loss account and the report of the auditor.

(3) The Minister shall, not later than twenty-one days after the first sitting of the National Assembly next after the receipt of the annual report of the Authority, lay such report before the National Assembly.

57. The provisions of sections *eleven*, *twelve* and *thirteen* of the Finance (Control and Management) Act shall apply, *mutatis mutandis*, to any employee of the Authority alleged to be guilty of any act of wilful default or gross neglect of duty as they apply to any public officer, subject to the following modifications:

Application of sections 11, 12 and 13 of the Finance (Control and Management) Act to employees of the Authority.
Cap. 347

- (a) for references to "officer", "Government", "Permanent Secretary" and "Attorney-General" there shall respectively be substituted references to "employee of the Authority", "Authority", "Chief Executive" and "chairman of the Authority";
- (b) for references to "Republic" there shall be substituted references to "Authority";
- (c) for references to "public money" there shall be substituted references to "moneys of the Authority including-
 - (i) revenues and all moneys raised or received for the purposes or benefit of the Authority; and
 - (ii) all bonds, debentures and other securities raised or received by or on behalf of or for the benefit of the Authority";
- (d) for references to "public stores" there shall be substituted references to "all chattels of whatsoever nature belonging to or in the possession of or under the control of the Authority".

PART VIII

MISCELLANEOUS

58. (1) The Minister may give to the Authority directions as to the exercise and performance by the Authority of any of its functions in relation to matters which appear to him to affect the public interest, and the Authority shall give effect to any such directions.

Powers of Minister to give directions to the Authority

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(2) It shall be the duty of the Minister to give directions to the Authority from time to time on all matters in respect of which the Authority requires the prior consent and approval of the Minister under this Act.

59. (1) Save as provided in subsection (3), the provisions of the Town and Country Planning Act, other than those contained in Part VIII of that Act, shall not apply to any land developed or proposed to be developed by, or at the instance of, the Authority.

Non-application of the Town and Country Planning Act.
Cap. 283

(2) For the purpose of subsection (1), "development" has the meaning assigned thereto by section *twenty-two* of the Town and Country Planning Act and "develop" has a corresponding meaning.

Cap. 283

(3) The Authority shall comply with the requirements of a development plan approved by the Minister under section *seventeen* of the Town and Country Planning Act in so far as those requirements relate to any of the matters mentioned in Part IV of the Second Schedule to the said Act.

Cap. 283

60. (1) Where, at the time a house, a housing estate or scheme is approved by the Authority, a resolution or by-law of the local authority, in whose area of jurisdiction the said house, housing estate or scheme is situate, is in force in the said area, and the said resolution or by-law is inconsistent with any of the conditions of approval specified by the Authority in respect of such house, housing estate or scheme, such house, housing estate or scheme shall, with the agreement of the local authority concerned, be exempt from the provisions of the said resolution or by-law to the extent that such provisions are inconsistent with the said conditions of approval.

Exemption from local by-laws, etc., of approved house, housing estate and scheme

(2) Where, at any time after the approval of a house, housing estate or scheme pursuant to this Act, the local authority within whose area of jurisdiction the said house, housing estate or scheme is situate, passes any resolution or enacts any by-law which are inconsistent with any of the conditions of approval specified by the Authority in respect of such house, housing estate or scheme, such house, housing estate or scheme shall, with the agreement of the local authority concerned, be exempt from the provisions of the said resolution or by-law to the extent that such provisions are inconsistent with the said conditions of approval.

61. The Authority shall be exempt from the payment of income tax or any similar tax on profits or capital accretions earned or gained in the course of the discharge of its functions under this Act.

Exemption from income tax

62. (*Repealed by No. 10 of 1972*)

63. (1) The President may transfer to the Authority any land vested in him which has been reserved for the purpose of housing public officers or for the purpose of any other housing required by the Government.

Transfer of Government houses to the Authority

(2) The Minister responsible for finance may transfer to the Authority any lands which have been acquired by, or vested in him on behalf of the Government for the purpose of housing public officers or for the purpose of any other housing required by the Government.

(3) The Authority may make application to the Registrar for the registration of the transfers referred to in subsections (1) and (2) in such form as may be prescribed by the Minister.

(4) Notwithstanding anything to the contrary contained in any other written law, the Registrar shall, if satisfied that the application under subsection (3) is properly made in the form prescribed under that subsection, register the application in the appropriate Register and make an entry in the Register recording the transfer and, where appropriate, issue a Provisional Certificate or a Certificate of Title.

(5) When an entry is made in the Register pursuant to subsection (4) in respect of a transfer of land under the provisions of this section, the land, the subject of such transfer, shall, by virtue of this section, and without further assurance, be transferred to and vested in the Authority to the extent of the title therein of the President or the Minister responsible for finance, as the case may be, subject however to any mortgages, charges, leaseholds and tenancies or other rights legal or equitable subsisting in any other person in or over the land at the date of the transfer.

(6) The Minister may, by statutory instrument, prescribe the form of application for a transfer under the provisions of this Act.

(7) No registration or other fees, or other duties shall be payable in respect of a transfer under the provisions of this section.

PART IX

REGULATIONS AND RULES

64. (1) The Minister may, by regulations made by statutory instrument, make provision for the better carrying out of this Act, and, without prejudice to the generality of the foregoing, such regulations may make provision for-

Regulations

- (a) the delegation to the Authority of the management and control of Government-owned houses; or

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- (b) the fees to be charged by the Authority for services rendered in respect of any Government-owned houses being managed or controlled by the Authority under a delegation from the Minister or the basis upon which such fees are to be charged;
- (c) the fees to be charged by the Authority for services rendered in respect of houses owned by a prescribed organisation which are being managed and controlled by the Authority or the basis upon which such fees are to be charged;
- (d) the form of specified accounts and returns to be kept or submitted by the Authority under this Act;
- (e) the form of estimates of revenue and expenditure to be submitted by the Authority pursuant to sections *thirty-one* and *thirty-two*;
- (f) the submission of returns by local authorities and other persons and Government Departments to the Authority or the Minister, as the case may be, and the forms in which such returns shall be made;
- (g) forms of application for the approval of houses, housing estates or schemes;
- (h) prescribing anything required to be prescribed under this Act where no other prescribing authority is herein appointed.

(2) Regulations under this section may provide in respect of any contravention thereof that the offender shall be guilty of an offence and shall be liable to a fine not exceeding five thousand penalty units or to a term of imprisonment not exceeding two years, or to both.

(As amended by Act No. 13 of 1994)

65. (1) The Authority may, with the prior consent of the Minister, by statutory instrument, make rules consistent with the provisions of this Act, regulating the conduct of the business of the Authority, and, without derogating from the generality of the foregoing, such rules may make provision for-

Rules of the Authority

- (a) the keeping of books and accounts in respect of such business;
- (b) the procedure governing the allocation of houses and other buildings under the control of the Authority;
- (c) the rates of interest, charges and conditions to be contained in agreements made by the Authority in respect of premises sold upon terms of deferred payment;

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- (d) the rates of interest, charges and conditions attaching to loans to a local authority or person, whether by the Authority or by any local authority, as the case may be, pursuant to this Act, for the construction of houses;
- (e) minimum and maximum rents to be charged by the Authority in respect of any approved house or premises under the control of the Authority;
- (f) management, use, regulation and control in respect of houses under its control.

(2) Rules made under this section may provide, in respect of any contravention thereof, that the offender shall be guilty of an offence and shall be liable to a fine not exceeding five thousand penalty units or to a term of imprisonment not exceeding two years, or to both.

(As amended by Act No. 13 of 1994)

PART X

TRANSITIONAL PROVISIONS

66. The Housing Act, Chapter 426 of the Revised Edition, is hereby repealed with effect from such date as the ⁽¹⁾Minister may, by statutory order, appoint.

* 1st November, 1972, appointed by S.I. No. 223 of 1972.

Repeal of the Housing Act

67. The ⁽²⁾Minister, at any time after the commencement of this Act, but prior to the making of an order pursuant to section *sixty-six*, may, by statutory order, dissolve the Zambia Housing Board established pursuant to section *three* of the Housing Act, Chapter 426 of the Revised Edition (hereinafter referred to as "the Board" in this Part).

Power of Minister to dissolve Housing Board

* See the Zambia Housing Board (Dissolution) Order (S.I. No. 147 of 1971)

68. Upon the making of an order pursuant to section *sixty-seven*, the Board shall be dissolved and shall cease to exist for all purposes except for the purpose of performing any act or executing any transfer or document necessary to implement any of the provisions of this Part, and for such purpose the Minister may, by statutory order, nominate any person to perform any such act or to execute any such transfer or document on behalf of and in the name of the Board, and such act, transfer or document so performed or so executed by such person shall be deemed to be the act, transfer or document of the Board.

Dissolution of the Board

69. Upon the dissolution of the Board pursuant to section *sixty-eight*-

Vesting of lands and personal property in, and transfer of contractual and other rights and liabilities to, the Authority

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- (a) all lands, and all leaseholds, estates tenancies, interests or rights in, over or arising out of the ownership, possession or occupation of lands which were subsisting immediately prior to the said dissolution and were vested in, held or enjoyed by the Board shall, by virtue of this section and without further assurance, be transferred to and vested in the Authority to the extent of the title of the Board therein, subject however to any mortgages, charges, leaseholds, tenancies or other rights, legal or equitable, subsisting in any other person in or over the said lands at the date of the said dissolution;
- (b) all personal property and all rights in, to, over or arising out of the ownership or possession of such property which were subsisting immediately prior to such dissolution and were vested in, held or enjoyed by the Board shall, by virtue of this section and without further act, be transferred to and vested in the Authority to the extent of the title of the Board therein, subject however to any rights or interests, legal or equitable, subsisting in any other person in, to or over such personal property on the date of the said dissolution;
- (c) the benefit of all deeds, contracts (other than contracts for personal services), bonds, shares, securities, or things in action which were subsisting immediately prior to such dissolution and were vested in the Board, shall, by virtue of this section and without further act, endorsement or document of transfer, be transferred to and vested in, and shall enure for the benefit of, the Authority in the same manner as if the Authority had been a party to such deeds, contracts, bonds, shares or securities instead of the Board, and in the same manner as if the Authority at all times had been entitled to the benefit of all such things in action instead of the Board, subject however to any rights, interests or claims, legal or equitable, subsisting in any other person in, over, arising out of, or in respect of any such deeds, contracts, bonds, shares, securities, or things in action on the date of the said dissolution;
- (d) all subsisting or future liabilities or obligations arising out of any deed, contract (other than a contract for personal services), bond, share, security, or thing in action, and all such liabilities in tort, imposed upon, suffered or incurred by the Board shall, by virtue of this section, be transferred to, imposed upon, suffered and incurred by the Authority, in the same manner as if the Authority had been a party to each such deed, contract, bond, share or other security instead of the Board, and in the same manner as if the Authority at all times had been the party bound or obliged by or under each such thing in action, or liable by reason of each such tort instead of the Board.

70. In the case of any property, real or personal, transferred to and vested in the Authority under the provisions of this Part in respect of the transfer of which any written law provides for registration, the Authority shall, within one year from the date of the dissolution of the Board pursuant to section *sixty-eight*, make written application to the proper officer of the appropriate registration authority for the registration of each such transfer, and it shall be the duty of that officer to make such entries in the appropriate register as shall give effect to such transfer and, where appropriate, to issue to the Authority a Certificate of Title in respect of the said property or to make the necessary amendments to the Register, as the case may be, and, if presented therefor, to make endorsements on the deeds relating to the title, right or obligation concerned; and no registration or other fees or other duties shall be payable in respect thereof.

Registration upon
transfer of registered
interests

71. Where, upon the dissolution of the Board pursuant to section *sixty-eight*, any legal proceeding is pending to which the Board is a party, the Authority shall be substituted in each such proceeding for the Board, and such proceeding shall not abate by reason of such substitution.

Proceedings not to
abate

72. Where anything has been commenced by or under the authority of the Board prior to the date of its dissolution pursuant to section *sixty-eight* and such thing was done in relation to any of the lands, personal property, deeds or other rights or liabilities transferred by virtue of this Part to the Authority, such thing may be carried on and completed by the Authority instead of the Board in like manner and to the same extent as such thing might have been carried on and completed, but for the provisions of this Part, by the Board.

Completion of acts

73. (1) Where any person who was in the service of the Board immediately before the date of its dissolution pursuant to section *sixty-eight* agrees to transfer from that service to the service of the Authority he shall, so long as he continues in such employment and until he is served by the Authority with a statement in writing offering new terms and conditions, enjoy such terms and conditions of employment with the Authority as are, in the aggregate, not less favourable than he enjoyed immediately before the date of the dissolution of the Board pursuant to section *sixty-eight*, and his service with the Board shall be treated as service with the Authority for the purposes of determining rights to or eligibility for pension, gratuity, leave pay and travel fare in respect of his service.

Terms of service of employees of the Board

(2) The new terms and conditions offered under the provisions of subsection (1) to a person who is required to perform duties reasonably comparable to the duties performed by him immediately before he transferred his service to the Authority shall be no less favourable than those enjoyed by him while in the service of the Board.

74. (1) Any acts done and expenses incurred, before the date of the establishment of the Authority, by the Minister or any person or body authorised by the Minister to do so on behalf of the Authority (which they or any of them are hereby empowered and shall be deemed always to have been empowered so to do) in connection with the establishment of the Authority shall be deemed to have the same effect and validity as if the Authority had been in existence when the acts were done or expenses were incurred and such acts had been done and such expenses incurred by the Authority.

Validation of acts done and contracts made before the establishment of the Authority

(2) Where, before the establishment of the Authority, any contract has been entered into by the Minister or any person or body authorised by the Minister so to do for the benefit, use or purposes of the Authority (which they or any of them are hereby empowered and shall be deemed always to have been empowered so to do) and any other person-

- (a) for the employment of that person in any capacity relating to the exercise and performance of the functions of the Authority; or
- (b) for the provision of machinery, equipment, plant, buildings, housing or services to be used for the purposes of the Authority; or
- (c) relating to the exercise or performance of the functions of the Authority;

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then any such contract shall have effect and be enforceable in the same manner as if the Authority had been in existence at the date of the contract and had been a party thereto in the place of the Minister or person or body who entered into the contract in the circumstances mentioned in this section.

(3) As from the date of the establishment of the Authority, any such contract as is mentioned in subsection (2) shall not be enforceable against the Minister or person or body who entered into the contract on behalf of the Authority and the Minister, person or body is hereby, as from the said date, released from all liability under the contract.

(4) This section shall have effect notwithstanding any other provisions of this Act and notwithstanding that this Act had not been enacted at the time the acts were done or the expenses were incurred or the contracts were entered into.

SCHEDULE

(Section 28)

POWERS OF THE AUTHORITY

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1. To acquire, establish and construct workshops, offices and other premises necessary or expedient for the exercise or performance of the functions of the Authority.
2. To buy, take on lease or in exchange, hire or otherwise acquire land necessary or expedient for the exercise or performance of the functions of the Authority.
3. To acquire, take on lease or in exchange or invest in all or part of the business undertaking, property and liabilities of any company, society, partnership or person formed to carry on or carrying on building or housing activities or matters connected therewith.
4. To buy, take in exchange, hire or otherwise acquire property including vehicles, furniture, fittings, machinery, plant and apparatus necessary or expedient for the exercise of the functions of the Authority.
5. To maintain, alter and improve property acquired by the Authority.
6. To apply for, buy or otherwise acquire patents, licences, concessions or the like conferring an exclusive or non-exclusive or limited right to use information or a process which may seem to the Authority capable of being used for the purpose of the Authority or the acquisition of which may seem to the Authority calculated, directly or indirectly, to benefit the Authority and to use, exercise, develop and grant licences in respect of or otherwise turn to account rights, information and processes so acquired.
7. To sell, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with assets of the Authority or any part thereof for such consideration as the Authority may determine.
8. To draw, make, accept, endorse, discount, execute and issue for the purpose of the business of the Authority promissory notes, bills of exchange, bills of lading, securities and other negotiable and transferable instruments.
9. To insure against losses, damages, risks and liabilities which the Authority may incur.
10. To enter into contracts to carry out work in connection with the construction of houses on its own behalf or on behalf of local authorities or persons, or to carry out other works which the Authority is, under this Act, empowered to undertake.
11. To enter into contracts or suretyships or give guarantees in connection with the exercise or performance of the functions of the Authority and to modify or rescind such contracts, suretyships or guarantees.
12. To invest moneys of the Authority and to vary or realise investments made.
13. To borrow moneys for the purpose of carrying out any of the functions of the Authority in such amounts and from such sources as may be approved by the Minister, and, if security be required for such borrowing, to grant such security in respect thereof, whether by way of mortgage or otherwise, as may be approved by the Minister.
14. To receive and recover moneys due to the Authority from any person or local authority.
15. To appoint committees of its members and to delegate to such committees such of its functions as the Authority considers necessary or expedient and to co-opt on to any committee any person with particular skill or knowledge.
16. To lend money to any person or local authority.
17. To lend money to employees of the Authority for the purpose of purchasing vehicles, household furniture or refrigerators for their own use.
18. To provide pecuniary benefits for employees of the Authority on their retirement, resignation, discharge or other termination of service or in the event of their sickness or injury and for their dependants, and for that purpose to effect policies of insurance, establish pension or provident funds or make such other provision as may be necessary to secure for such employees and their dependants any or all of the pecuniary benefits to which the provisions of this paragraph relate.
19. To purchase, take on lease or in exchange or otherwise acquire houses for occupation by employees of the Authority.
20. To purchase land and construct thereon houses for occupation by employees of the Authority.
21. To sell or lease houses and land for residential purposes of the employees of the Authority.
22. To do anything for the purpose of improving the skill, knowledge or usefulness of persons employed in the building industry and, in that connection, to provide or assist other persons or local authorities in providing facilities for training, education and research.
23. To make rules for the management, use, regulation and control of houses under the control of the Authority.
24. Generally to do all such things as are incidental or conducive to the exercise or performance of the functions of the Authority or are incidental to the powers specified in this Act or which are calculated, directly or indirectly, to enhance the value of or to develop services, work, operations or property of the Authority.

The Laws of Zambia

Endnotes

1 (Popup - Popup)

1st November, 1972, appointed by S.I. No. 223 of 1972.

2 (Popup - Popup)

See the Zambia Housing Board (Dissolution) Order (S.I. No. 147 of 1971)