



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON DELEGATED LEGISLATION

FOR THE

**FIRST SESSION OF THE TWELFTH NATIONAL ASSEMBLY
APPOINTED ON WEDNESDAY, 5TH OCTOBER, 2016**

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TABLE OF CONTENTS

No.	Paragraph	Page
1.	Composition of the Committee	1
2.	Functions of the Committee	1
3.	Meetings of the Committee	2

PART I – CONSIDERATION OF STATUTORY INSTRUMENTS

Electoral Commission of Zambia

4.	Statutory Instrument No. 33 of 2016 - The Electoral (Electoral Timetable Order, 2016	2
5.	Statutory Instrument No. 34 of 2016 – The Local Government Elections (Elections Dates and Times of Poll) Order, 2016	3
6.	Statutory Instrument No. 60 of 2016 – The Local Government Elections Tribunals Rules of 2016	3
7.	Statutory Instrument No. 62 of 2016 – The Electoral Process (Code of Conduct) (Enforcement) Regulations, 2016	3
8.	Statutory Instrument No. 63 of 2016 – The Electoral Process (General) Regulations, 2016	3
9.	Statutory Instrument No. 64 of 2016 – The Referendum Regulations 2016	3
10.	Statutory Instrument No. 18 of 2017 – The Local Government By-Election (Election Dates and Times of Poll) Order, 2017	4

Ministry of Health

11.	Statutory Instrument No. 10 of 2016 – The Medicines and Allied Substances (Agro-Veterinary Shops) Regulations, 2016	4
12.	Statutory Instrument No. 11 of 2016 - The Medicines and Allied Substances (Dispensing Certificates) Regulation, 2016	4
13.	Statutory Instrument No. 12 of 2016 - The Medicines and Allied Substances (Health Shops) Regulations, 2016	4
14.	Statutory Instrument No. 38 of 2016 - The Medicines and Allied Substances (Fees) Regulations, 2016	5

Ministry of Tourism and Arts

15.	Statutory Instrument No. 40 of 2016 – The Zambia Wildlife (Zambia Wildlife Police Uniforms and Badges) Regulations, 2016	5
16.	Statutory Instrument No. 41 of 2016 – The Zambia Wildlife (Game Animals) Order, 2016	5
17.	Statutory Instrument No. 42 of 2016 – The Zambia Wildlife (Protected	6

- Animals) Order, 2016
18. Statutory Instrument No. 43 of 2016 – The Zambia Wildlife (Exported Prohibition) Order, 2016 6
19. Statutory Instrument No. 51 of 2016 – The Tourism and Hospitality (Licensing) Regulation, 2016 6

Ministry of Transport and Communication

20. Statutory Instrument No. 31 of 2016 – The Postal Services (General) Regulations, 2016 7
21. Statutory Instrument No. 55 of 2016 – The Civil Aviation (Commencement) (Commencement) Order, 2016 7
22. Statutory Instrument No. 57 of 2016 – The Tolls (Victoria Falls Bridge) Regulations, 2016 7
23. Statutory Instrument No. 76 of 2016 - The Road Traffic (Public Service Vehicles) (Restriction on Night Driving) Regulations, 2016 7
24. Statutory Instrument No. 78 of 2016 – The Road Traffic (Public Service Vehicles) (Global Positioning System) Regulations, 2016 8
25. Statutory Instrument No. 79 of 2016 - The Road Traffic (Seat-Belt and Child Car Seat) Regulations, 2016 8
26. Statutory Instrument No. 80 of 2016 - The Road Traffic (Public Service Vehicles) (Driving Hours) Regulations, 2016 8
27. Statutory Instrument No. 81 of 2016 - The Road Traffic (Removal of Vehicles) Regulations, 2016 9
28. Statutory Instrument No. 82 of 2016 - The Road Traffic (Public Service Vehicles) (Exemption from Registration and Licensing) Regulations, 2016 9
29. Statutory Instrument No. 87 – The Road Traffic (Obligatory Test Certificate) Regulations, 2016 9
30. Statutory Instrument No. 83 of 2016 – The Road Traffic (City of Ndola) (Prohibition of Traffic) Regulations, 2016 10
31. Statutory Instrument No. 89 of 2016 – The Road Traffic (Protective Helmets) Regulations, 2016 10
32. Statutory Instrument No. 88 of 2016 – The Road Traffic (Obligatory Test Certificate) (Exemption) Regulations, 2016 10
33. Statutory Instrument No. 90 of 2016 – The Road Traffic (Speed Limits) Regulations, 2016 11
34. Statutory Instrument No. 91 of 2016 – The Road Traffic (Disposal of Impounded Motor Vehicles) Regulations, 2016 11

35. Statutory Instrument No. 92 of 2016 – The Road Traffic (Prohibition of Loading and Offloading in Kabwe Municipality) Regulations, 2016
12
36. Statutory Instrument No. 3 of 2017 – The Information and Communication Technologies (Telecommunications Traffic Monitoring) (Amendment) Regulations, 2017
12
37. Statutory Instrument No. 4 of 2017 – The Postal Services (Postcode) Regulations, 2017
12
38. Statutory Instrument No. 26 of 2016 – The Local Government Order, 2016
13 (Appointment of Local Government Administrator) (Ndola City Council)
39. Statutory Instrument No. 27 of 2016 – The Local Government Order, 2016
13 (Appointment of Local Government Administrator) (Livingstone City Council)
40. Statutory Instrument No. 28 of 2016 - The Local Government Order, 2016
13 (Appointment of Local Government Administrator) (Kitwe City Council)
41. Statutory Instrument No. 39 of 2016 – The Provincial and District Boundaries (Division) (Amendment) Order, 2016
13
42. Statutory Instrument No. 45 of 2016 – The Local Government Order, 2016
14 (Establishment of Council)
43. Statutory Instrument No. 61 of 2016 – The Provincial and District Boundaries (Division) (Amendment) (No. 2) Order, 2016
14
44. Statutory Instrument No. 16 of 2016 – The Local Government Order, 2016
14 (Fire Inspectors and Fire Officers)
45. Statutory Instrument No. 14 of 2017 – The Local Government Order, 2017
14 (Establishment of Councils)
46. Statutory Instrument No. 13 of 2017 – The City Council of Chipata Proclamation 2016
15

The Judiciary

47. Statutory Instrument No. 8 of 2016 – The Anti – Gender-Based Violence (Court) Rules, 2016
15
48. Statutory Instrument No. 65 of 2016 – The Court of Appeal Rules , 2016
15

The Law Association of Zambia

49. Statutory Instrument No. 97 of 2016 – The Legal Practitioners (High Court) 15
(Fixed Costs) Orders, 2016
50. Statutory Instrument No. 5 of 2017 – The Supreme Court (Amendment) 16
Rules, 2017
51. Statutory Instrument No. 6 of 2017 – The Legal Practitioners (Costs) Order, 16
2017
52. Statutory Instrument No. 7 of 2017 – The Legal Practitioners 16
(Conveyancing and Non-Contentious Matters) (Costs) Order, 2017
53. Statutory Instrument No. 101 of 2016 – The Laws of Zambia (Revised 16
Edition) Act (Specified Date) Notice, 2016

Ministry of Labour and Social Security

54. Statutory Instrument No. 86 of 2016 – The Workers’ Compensation 17
(Pneumoconiosis) (Charges and Fees) (Amendment) Regulations, 2016
55. Statutory Instrument No. 98 of 2016 – The National Pension Scheme 17
(Pensionable Earnings) (Amendments) Regulations, 2016
56. Statutory Instrument No. 19 of 2017 – The National Pension Scheme 17
(Investment) Regulations, 2017
57. Statutory Instrument No. 85 of 2016 – The Tolls Regulations, 2016 18
58. Statutory Instrument No. 23 of 2016 – The Customs and Excise (General) 18
(Amendment) Regulations, 2016
59. Statutory Instrument No. 84 of 2016 - The Customs and Excise 18
(General)(Amendment) (No. 2) Regulations, 2016
60. Statutory Instrument No. 2 of 2017 - The Customs and Excise (Fertiliser) 19
(Remission) Regulations, 2017
61. Statutory Instrument No. 12 of 2017 - The Customs and Excise (General) 19
(Amendment) Regulations, 2017
62. Statutory Instrument No. 102 of 2016 - The Income Tax (Pay As You Earn) 19

- (Amendment) Regulations, 2016
63. Statutory Instrument No. 103 of 2016 - The Value Added Tax (Exemption) 20
(Amendment) Order, 2016
64. The Ministerial and Parliamentary Offices (Emoluments) (Amendment)
20
Regulations, 2017

Ministry of Commerce, Trade and Industry

65. Statutory Instrument No. 11 of 2017 – The Companies (Fees) (Amendment)
20
Regulations, 2017

Ministry of Home Affairs

66. Statutory Instrument No. 15 of 2017 – The Immigration and Deportation 21
(General) (Amendment) Regulations, 2017

Ministry of Lands and Natural Resources

67. Statutory Instrument No. 106 of 2016 – The Lands (Ground Rent, Fees and 21
Charges) Amendment Regulations, 2016

Ministry of Fisheries and Livestock

68. Statutory Instrument No. 105 of 2016 – The Animal Health (Veterinary
21
Services Fees) |Regulation, 2016

PART II - LOCAL TOURS

The Judiciary

69. Statutory Instrument No. 8 of 2016 – The Anti-Gender-Based Violence
22
(Court) Rules, 2016

Ministry of Transport and Communication

70. Statutory Instrument No. 76 of 2016 – (Restriction on PSV Night Driving)
23
71. Statutory Instrument No. 79 of 2016 – (Seat-Belt and Child Car Seat)
25

- 72. Statutory Instrument No. 80 of 2016 – (PSV Drivers Driving Hours)
26
- 73. Statutory Instrument No. 90 of 2016 – (Speed Limits Regulations)
26

Ministry of Home Affairs

- 74. Statutory Instrument No. 44 of 2016 – (The Births and Deaths Registration
27
Rules)

Ministry of Local Government

- 75. Statutory Instrument No. 39 of 2016 – The Provincial and District
28
Boundaries (Division) (Amendment) Order (Kalumbila and Mushindano
Districts)

PART III – CONSIDERATION OF THE ACTION TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE FIFTH SESSION OF THE ELEVENTH NATIONAL ASSEMBLY

- 76. Statutory Instrument No. 80 of 2015 – The Information and
30
Communication 30
Technologies (Telecommunication Traffic Monitoring) Regulations, 2015 31
- 77. Statutory Instrument No. 73 of 2013 – The Tolls Regulations
31
Conclusion
31
- Appendix I - List of Official 32

REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION FOR THE FIRST SESSION OF THE TWELFTH NATIONAL ASSEMBLY APPOINTED ON 5TH OCTOBER, 2016

Consisting of:

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

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir,

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

Functions of the Committee

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

“The Committee shall scrutinise and report to the House, through Mr Speaker, whether the powers to make orders, regulations, rules, sub-rules and by-laws delegated by Parliament are being properly exercised by any person or authority within such delegation. As the machinery of delegated legislation is dealt with under the heading “Statutory Instruments”, these instruments must:

- (a) be in accordance with the Constitution or statute under which they are made;
- (b) not trespass unduly on personal rights and liberties;
- (c) not make the rights and liberties of citizens depend upon administrative decisions; and
- (d) be concerned only with administrative detail and not amount to substantive legislation which is a matter for parliamentary enactment.”

If your Committee is of the opinion that a Statutory Instrument should be revoked wholly or in part or should be amended in any respect, it reports that opinion and the ground thereof to the House. The consideration of the Report is through a motion in the House which if carried, becomes a decision of the House.

Meetings of the Committee

3. Your Committee held ten (10) meetings during the period under review and considered a total of sixty-four (64) Statutory Instruments. Your Committee also undertook its local tour and carried out public hearings to check on the ramifications of the implementation of selected instruments. The tour was conducted in Lusaka, Kabwe, Ndola, Kitwe, Solwezi, Kalumbila and Mushindamo districts.

PART 1

CONSIDERATION OF STATUTORY INSTRUMENTS

ELECTORAL COMMISSION OF ZAMBIA

1. Statutory Instrument No. 33 of 2016 – The Electoral (Electoral Timetable) Order, 2016

The Statutory Instrument was issued to stipulate the electoral timetable and provide for criteria applicable for a person supporting a presidential candidate during presidential nominations.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

2. Statutory Instrument No. 34 of 2016 – The Local Government Elections (Elections Dates and Times of Poll) Order, 2016

The Statutory Instrument was issued to provide for the election date and time of lodgement of nomination papers for the returning officer in districts and wards for the election of Mayors, Council Chairpersons and Councillors.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

3. Statutory Instrument No. 60 of 2016 – The Local Government Elections Tribunals Rules of 2016

The Statutory Instrument was issued to provide for the rules for Local Government Elections Tribunals with respect to the presentation and trial of petitions.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

4. Statutory Instrument No. 62 of 2016 – The Electoral Process (Code of Conduct) (Enforcement) Regulations, 2016

The Statutory Instrument was issued to provide for the registration of voters for the purposes of elections and for the procedure and manner of conducting elections. The Statutory Instrument also provided for the procedures for the notification of breach of the Electoral Code of conduct and enforcement of the code of conduct.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

5. Statutory Instrument No. 63 of 2016 – The Electoral Process (General) Regulations, 2016

The Statutory Instrument was issued to stipulate the practice and procedures for the conduct of General Elections. The Statutory Instrument also provided for issues regarding the function of the Chief Electoral Officer, that was, appointment and revocation of appointment of electoral Officers, notification of vacancy in a council or the National Assembly, allocation and registration of symbols and the determination of whether a candidate was supported by a political party.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

6. Statutory Instrument No. 64 of 2016 – The Referendum Regulations, 2016

The objective of the Statutory Instrument was to stipulate the practice and procedures for the conduct of a national referendum. The Statutory Instrument was issued against the background that in 2016, the Government of the Republic of Zambia amended the Constitution through the Constitution (Amendment) Act No.2 of 2016. However, to amend the Bill of Rights, it was required to hold a referendum, hence the issuance of the Statutory Instrument.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

7. Statutory Instrument No. 18 of 2017 – The Local Government By-Election (Election Dates and Times of Poll) Order, 2017

The objective of the Statutory Instrument was to stipulate the election dates and times of polls in respect of the district and wards contained in the schedule of the Statutory Instrument.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

MINISTRY OF HEALTH

8. Statutory Instrument No. 10 of 2016 – The Medicines and Allied Substances (Agro-Veterinary Shops) Regulations, 2016

The Statutory Instrument was issued to provide for the classes of agro-veterinary shops to ensure that appropriate regulatory measures were applied to shops located in urban, peri-urban and rural setting. The classification was made necessary because relevant veterinary professionals were required to manage agro-shops and a prescribed list of veterinary medicines and allied substances to be available in the various classes of agro-veterinary shop.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory instrument.

9. Statutory Instrument No. 11 of 2016 – The Medicines and Allied Substances (Dispensing Certificates) Regulations, 2016

The Statutory Instrument was issued to provide for appropriate regulatory requirements to be applied to facilities and health professionals requiring a dispensing certificate and for matters to be considered by the Authority when determining an application for a dispensing certificate.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

10. Statutory Instrument No. 12 of 2016 – The Medicines and Allied Substances (Health Shops) Regulations, 2016

The Statutory Instrument was issued to make regulations that sought to provide for appropriate regulatory requirements to be applied to persons applying for a permit to operate a Health Shop.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

11. Statutory Instrument No. 38 of 2016 – The Medicines and Allied Substances (Fees) Regulations, 2016

The Statutory Instrument was issued to review the medicines and allied substances fees. The new fee structure was necessitated because the one previously in force, which was introduced in 2008, following the enactment of the *Pharmaceutical Act No.14 of 2004* did not provide for all the areas provided in the Zambia Medicines Regulatory Authority mandate.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

MINISTRY OF TOURISM AND ARTS

12. Statutory Instrument No.40 of 2016 – The Zambia Wildlife (Zambia Wildlife Police Uniforms and Badges) Regulations, 2016

The objective of the Statutory Instrument was to provide for the introduction of badges and uniforms for the Zambia Wildlife Police and to allow them to use firearms.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

13. Statutory Instrument No. 41 of 2016 – The Zambia Wildlife (Game Animals) Order, 2016

The purpose of the Statutory Instrument which was issued in accordance with Section 146 of the *Zambia Wildlife Act No.14 of 2015* was to pass the Zambia Wildlife (Game Animals) Order, 2016, which repealed and replaced the Zambia Wildlife (Game Animals) Order, 2015 and to provide a current schedule of game animals.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

14. Statutory Instrument No. 42 of 2016 – The Zambia Wildlife (Protected Animals) Order, 2016

The objective of the Statutory Instrument was to pass the Zambia Wildlife (Protected Animals) Order, 2016. *The Zambia Wildlife Act* in Subsection (1) of Section 36 required the Minister to specify animals as either game or protected. Therefore, the Zambia Wildlife (Protected Animals) Order, 2016

repealed and replaced the Zambia Wildlife (Protected Animals) Order, 1993 and to provide a current schedule of protected animals.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

15. Statutory Instrument No. 43 of 2016 – The Zambia Wildlife (Export Prohibition) Order, 2016

The objective of the Statutory Instrument was to pass the Zambia Wildlife (Export Prohibition) Order, 2016. *The Zambia Wildlife Act* in Subsection 103 prohibits the exportation of wild animals or meat of wild animals without an export permit. Therefore, the export prohibition order sought to limit the categories of wild animals that could be exported.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

16. Statutory Instrument No. 51 of 2016 – The Tourism and Hospitality (Licensing) Regulations, 2016

The objective of the Statutory Instrument was to ensure that all tourism enterprises operated with a valid licence by specifying the terms and conditions under which a person may invest in, establish, maintain or operate a tourism enterprise and would be required to provide quarterly returns for the purpose of establishing the sector's contribution to GDP, poverty reduction and employment creation.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

MINISTRY OF TRANSPORT AND COMMUNICATION

17. Statutory Instrument No. 31 of 2016 – The Postal Services (General) Regulation, 2016

The Statutory Instrument was issued to operationalise the Postal Service Licence as it empowered the regulator, ZICTA to not only license the reserved and unreserved postal services operations, but also charge fees for the provision of postal and courier services. The regulation would enable the

Government to ensure that the sector remained sustainable and enhance the Authority's ability to exercise its mandate under the *Postal Service Act*.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

18. Statutory Instrument No. 55 of 2016 – The Civil Aviation (Commencement) Order, 2016

The Statutory Instrument was issued in order to ensure effective and efficient functioning of the Civil Aviation Authority and ensure that Zambia addressed its obligation as a signatory of the Chicago Convention.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

19. Statutory Instrument No. 57 of 2016 – The Tolls (Victoria Falls Bridge) Regulations, 2016

The objective of the Statutory Instrument, which was issued pursuant to Section 10 and 25 of the *Tolls Act, 2011*, was meant to raise funds for maintenance works to extend the life span of the Victoria Falls Bridge.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

20. Statutory Instrument No. 76 of 2016 – The Road Traffic (Public Service Vehicles) (Restriction on Night Driving) Regulations, 2016

The Statutory Instrument was issued in order to restrict the movement of public service vehicles and vehicles in transit between 21:00 hours and 05:00 hours on the roads of Zambia. The regulation did not apply to public service vehicles on a local route within a local authority area. A local route was defined as a route within a local authority area or within a radius of fifty kilometres from the main post office of the local authority.

Committee's Observations and Recommendations

Your Committee observed that following the issuance of the Statutory Instrument, there were mixed reactions from the stakeholders and the public in general. Your Committee, therefore, resolved to engage with the Ministry and the Road Transport and Safety Agency as well as to understudy the impact of the Statutory Instrument by engaging stakeholders in the public road transport sector, via public hearings.

21. Statutory Instrument No. 78 of 2016 – The Road Traffic (Public Service Vehicles) (Global Positioning System) Regulations, 2016

The objective of the Statutory Instrument was to introduce Global Positioning System (GPS) monitoring of vehicles in place of the obsolete technology of speed limiters. The GPS is a web based electronic system that is used to monitor the position and speed of vehicles. Through the use of the GPS system, the Road Transport and Safety Agency would be able to monitor the speed of Public Service Vehicles (PSVs) and take action against erring drivers.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

22. Statutory Instrument No. 79 of 2016 – The Road Traffic (Seat-Belt and Child Car Seat) Regulations, 2016

The objective of the Statutory Instrument was to make it mandatory for all vehicles that were not fitted with seat belts, to be fitted with seat belts and ensure that any person travelling with a child in a motor vehicle would strap the child securely in a child car seat.

Committee's Observations and Recommendations

Your Committee resolved to undertake further inquiry with the public before noting the issuance of the Statutory Instrument.

23. Statutory Instrument No. 80 of 2016 – The Road Traffic (Public Service Vehicle) (Driving Hours) Regulations, 2016

The Statutory Instrument was issued to prohibit drivers of PSVs from driving for a continuous period exceeding eight hours or an aggregate of forty-six hours in a period of seven days without resting. The Regulation requires the owner of a public service vehicle to cause to be kept in the public service vehicle a log book in the prescribed form where the drivers are expected to record their details when driving such vehicles for purposes of verification by the RTSA and Traffic Police officers.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

24. Statutory Instrument No. 81 of 2016 – The Road Traffic (Removal of Vehicles) Regulations, 2016

The Statutory Instrument was issued to regulate the removal of broken down vehicles by tow trucks from public roads and parking areas as well as the sale of vehicles that had not been claimed by their owners within a specified period.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

25. Statutory Instrument No. 82 of 2016 – The Road Traffic (Public Service Vehicle) (Exemption From Registration and Licensing) Regulations, 2016

The objective of the Statutory Instrument was to exempt public service vehicles that were registered and licensed in Zimbabwe, which were only used in Zambia within a radius not exceeding sixteen kilometres of the international border at the Victoria Falls Bridge, the Kariba Dam wall or the Chirundu Bridge, from registration and licensing under the Act in Zambia.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

26. Statutory Instrument No. 87 of 2016 – The Road Traffic (Obligatory Test Certificate) Regulations, 2016

The Statutory Instrument was issued to ensure that all vehicles that moved on the roads were roadworthy and not a hazard to other road users. It made it obligatory for all vehicles that were five years old or older from the date of manufacture to undergo a roadworthiness inspection test. Vehicles that were less than five years old from the date of manufacture, including construction vehicles, invalid carriages, motor cycles, or vehicles registered and licensed elsewhere than in Zambia and used in Zambia by visitors were excluded from the application of the regulation.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

27. Statutory Instrument No. 83 of 2016 – The Road Traffic (City of Ndola) (Prohibition of Traffic) Regulations, 2016

The purpose of the Statutory Instrument was to restrict vehicles that carried petroleum products in bulk from using certain specified roads in Ndola. The specified roads were mostly found in residential areas and the intention was to prevent fuel tankers from using those roads due to the highly flammable nature of the goods that they transport.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

28. Statutory Instrument No. 89 of 2016 – The Road Traffic (Protective Helmets) Regulations, 2016

The Statutory Instrument was issued to prescribe the standard of protective helmets for motorcyclists and sidecars and made it obligatory for a rider to ensure that a passenger who was below the age of ten years wore a protective helmet.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

29. Statutory Instrument No. 88 of 2016 – The Road Traffic (Obligatory Test Certificate) (Exemption) Regulations, 2016

The Statutory Instrument was issued to exempt reconditioned motor vehicles from undergoing an obligatory roadworthiness inspection test, upon an application being made by an importer, dealer or manufacturer of a reconditioned motor vehicle. The Regulations provide an exemption period of three years.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

30. Statutory Instrument No. 90 of 2016 – The Road Traffic (Speed Limits) Regulations, 2016

The Statutory Instrument was issued to prescribe speed limits for different categories of vehicles as set out hereunder.

	Within the area of a local authority	Built up area outside a local authority	In any other part of a local authority
Public service passenger vehicle whether drawing a trailer or not	40km/h	60km/h	100km/h
Public service goods vehicle, Heavy vehicle or trailer	40km/h	40km/h	80km/h

Motor vehicles other than a Public service vehicle or heavy vehicle or trailer	40km/h	60km/h	100km/h
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Committee's Observations and Recommendations

Your Committee observes that the speed limits were well intended to try and reduce the rate of road traffic accidents. Your Committee, however, notes that restricting speed limits to the extent suggested, of private motor vehicles, may lead to the increase of corruption in traffic related offences. Your Committee, therefore, resolved to collect public views on the matter before the Statutory Instrument could be duly noted.

31. Statutory Instrument No. 91 of 2016 – The Road Traffic (Disposal of Impounded Motor Vehicles) Regulations, 2016

The Statutory Instrument was issued to allow the RTSA or Zambia Police to sell an impounded vehicle by public auction if it was not claimed by the owner within thirty days from the date it is impounded.

Committee's Observations and Recommendations

Your Committee observes that the Statutory Instrument was well intended, but had reservations on the thirty days period within which the owner of an impounded motor vehicle could retrieve the vehicle. Your Committee observes that not only was the period short, but it would potentially lead to infringement on citizens' property rights. Your Committee, therefore, recommends that the proposed period be adjusted from thirty to ninety days.

32. Statutory Instrument No. 92 of 2016 – The Road Traffic (Prohibition of Loading and Offloading in Kabwe Municipality) Regulations, 2016

The objective of the Statutory Instrument was to restrict the loading and offloading of commercial goods from a vehicle, or the parking of a motor vehicle with a gross weight exceeding 3500 kilograms, on specified roads in Kabwe Municipality between the hours of 07:00 hours to 18:00 hours (Monday to Friday) and 07:00 hours to 14:00 hours (Saturday).

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

33. Statutory Instrument No. 3 of 2017 – The Information and Communication Technologies (Telecommunications Traffic Monitoring) (Amendment) Regulations, 2017

The Statutory Instrument was issued in order to empower the Commissioner General of the Zambia Revenue Authority to have access to the Monitoring System for purposes of verifying compliance with taxation measures.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

34. Statutory Instrument No. 4 of 2017 – The Postal Services (Postcode) Regulations, 2017

The Statutory Instrument was issued in order to regulate postal and courier services as well as the operation of postal banking and financial services.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

MINISTRY OF LOCAL GOVERNMENT

35. Statutory Instrument No. 26 of 2016 – Local Government (Appointment of Local Government Administrator) (Ndola City Council), Order 2016

The Statutory Instrument was issued in regard to the re-appointment of the Local Government Administrator for Ndola City Council following the extended suspension of the Ndola City Council.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

36. Statutory Instrument No. 27 of 2016 – Local Government (Appointment of Local Government Administrator) (Livingstone City Council) Order, 2016

The Statutory Instrument was issued in regard to the re-appointment of the Local Government Administrator for Livingstone following the extended suspension of the Livingstone City Council.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

37. Statutory Instrument No. 28 of 2016 – Local Government (Appointment of Local Government Administrator) (Kitwe City Council) Order, 2016

The Statutory Instrument was issued in regard to the re-appointment of the Local Government Administrator for Kitwe following the extended suspension of the Kitwe City Council.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

38. Statutory Instrument No. 39 of 2016 – The Provincial and District Boundaries (Division) (Amendment) Order, 2016

The objective of the Statutory Instrument was to amend the provincial and district boundaries of Solwezi and Mbala to reflect the newly created districts of Kalumbila, Mushindamo and Senga Hill. The Statutory Instrument sought to outline the schedule on the boundary narrative descriptions of the districts.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

39. Statutory Instrument No. 45 of 2016 – The Local Government (Establishment of Council) Order, 2016

The objective of the Statutory Instrument was to facilitate the establishment of Kalumbila, Mushindamo and Senga Hill town councils following the declaration of Kalumbila, Mushindamo and Senga Hill as districts.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

40. Statutory Instrument No. 61 of 2016 – The Provincial and District Boundaries (Division) (Amendment) (No.2) Order, 2016

The objective of the Statutory Instrument was to amend the boundary description of Mbala and Mpulungu districts.

Committee’s Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

41. Statutory Instrument No. 16 of 2016 – The Local Government (Fire Inspectors And Fire Officers) Order, 2016

The Statutory Instrument was issued to appoint the officers in the schedule attached to the Order as Fire Inspectors and Fire Officers in accordance with Section 107 of *the Local Government Act Cap 281 of the Laws of Zambia*.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

42. Statutory Instrument No. 14 of 2017 – The Local Government (Establishment of Councils) Order

The Statutory Instrument was issued to formalise the establishment of Chongwe Municipal Council in accordance with Section 3 of *the Local Government Act Cap 281 of the Laws of Zambia*.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

43. Statutory Instrument No. 13 of 2017 – The City of Chipata Proclamation

The Statutory Instrument was issued to formalise the proclamation of the City of Chipata in accordance with sections 3 and 4 of *the Local Government Act Cap 281 of the Laws of Zambia*.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

THE JUDICIARY

44. Statutory Instrument No. 8 of 2016 – The Anti-Gender-Based Violence (Court) Rules, 2016

The Statutory Instrument was issued to ease the accessibility of the victims of gender based violence to make an application through a complaint to a magistrate without going through the rigorous procedure when making that application. It was also meant to enhance fast tracking of cases considering the gravity of the violence suffered by the victim, thus the cases could be prosecuted over a specified period of time.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

45. Statutory Instrument No. 65 of 2016 – The Court of Appeal Rules, 2016

The Statutory Instrument was issued to provide a comprehensive list of fees to be charged in respect of proceedings in the Court of Appeal.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument

LAW ASSOCIATION OF ZAMBIA

46. Statutory Instrument No. 97 of 2016 – The Legal Practitioners (High Court) (Fixed Costs) Order, 2016

The Statutory Instrument was issued to govern the remuneration of practitioners in respect of matters handled by them in the High Court of Zambia and set limits on the costs that practitioners could claim in contentious matters handled in the High Court.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

47. Statutory Instrument No. 5 of 2017 – The Supreme Court (Amendment) Rules, 2017

The objective of the Statutory Instrument was to amend the second schedule to the Supreme Court Rules by the deletion and replacement of Part II, which was set out in the appendix to the Statutory Instrument.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

48. Statutory Instrument No. 6 of 2017 – The Legal Practitioners (Costs) Order, 2017

The Statutory Instrument was issued to restrict the claim for costs on the basis of the High Court scale of fees for a matter that could have been commenced in the Subordinate Court, but was commenced in the High Court. It also granted any Judge, discretion to allow such costs to be taxed on the basis of the High Court scale of fees, but on specific grounds.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

49. Statutory Instrument No. 7 of 2017 – The Legal Practitioners (Conveyancing and Non-Contentious Matters) (Costs) Order, 2017

The objective of the Statutory Instrument was to set the scale of costs in any conveyancing and non-contentious matters where costs were to be charged or allowed.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

MINISTRY OF JUSTICE

50. Statutory Instrument No. 101 of 2016 – The Laws of Zambia (Revised Edition) Act (Specified Date) Notice, 2016

The Laws of Zambia (Revised Edition) Act empowered the Minister by Statutory Notice, to specify a date for the purposes of the revision of the Laws of Zambia. The objective of the Statutory Instrument, therefore, was to specify 31st December, 2016, as the date for the purposes of the revision. This meant that all the Acts of Parliament and Statutory Instruments published up to that date would be included in the next edition of the Laws.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

MINISTRY OF LABOUR AND SOCIAL SECURITY

51. Statutory Instrument No. 86 of 2016 – The Workers' Compensation (Pneumoconiosis) (Charges and Fees) (Amendment) Regulations, 2016

The objective of the Statutory Instrument, which was issued according to Section 152 of *the Workers' Compensation Act*, was to enable the Minister of Labour and Social Security to revise the medical fees and charges by the appointed examiner for occupational health purposes. The adjustments had been necessitated in order to respond to the increasing general administrative and operational costs including medical equipment and requisites, reagents, and stationery.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

52. Statutory Instrument No. 98 of 2016 – The National Pension Scheme (Pensionable Earnings) (Amendment) Regulations, 2016

The objective of the Statutory Instrument was to necessitate the annual adjustment of the levels of pensionable earnings by an index based on national average earnings.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

53. Statutory Instrument No. 19 of 2017 – The National Pension Scheme (Investment) Regulations, 2017

The objective of the Statutory Instrument was to provide for investment guidelines to ensure that investments were managed prudently and were appropriate and in line with the market changes, ensured compliance with the regulatory requirements and had legal backing.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

MINISTRY OF HOUSING AND INFRASTRUCTURE DEVELOPMENT

54. Statutory Instrument No. 85 of 2016 – The Tolls Regulations, 2016

The Statutory Instrument was issued in order to correct some errors on the third schedule to the Tolls Regulations.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

MINISTRY OF FINANCE

55. Statutory Instrument No. 23 of 2016 – The Customs and Excise (General) (Amendment) Regulations, 2016

The objective of the Statutory Instrument was to extend the privilege of a rebate, refund or remission of duty in respect of goods procured by an implementing agency or third party organisation. The basis on which the privilege was extended was when the implementing agency or third party organisation was in receipt of financial assistance from an approved organisation that was engaged in developmental programmes in Zambia.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

56. Statutory Instrument No. 84 of 2016 – The Customs and Excise (General) (Amendment) (No. 2) Regulations, 2016

The objective of the Statutory Instrument was to include Investec Bank Plc on the list of approved organisations under the Third Schedule of the Customs and Excise (General) Regulations. The measure was intended to provide customs duty relief to the organisation as it was an approved donor that was undertaking developmental programmes in Zambia.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

57. Statutory Instrument No. 2 of 2017 – The Customs and Excise (Fertiliser) (Remission) Regulations, 2017

The objective of the Statutory Instrument was to suspend the recently introduced surtax on fertiliser and its inputs. Prior to its publication, the various stakeholders had identified essential inputs that had been subjected to the surtax, but were not produced in sufficient quantities to satisfy local demand. In view of this, a decision was made for the remission of the surtax on fertiliser and its inputs to further spur growth in the agriculture sector.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

58. Statutory Instrument No. 12 of 2017 – The Customs and Excise (General) (Amendment) Regulations, 2017

The objective of the Statutory Instrument was to amend the Customs and Excise (General) regulations as set out in the detailed provisions of the Statutory Instrument.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

59. Statutory Instrument No. 102 of 2016 – The Income Tax (Pay As You Earn) (Amendment) Regulations, 2016

The intention of the Statutory Instrument was to bring forward the date for which returns were submitted to Zambia Revenue Authority (ZRA) for purposes of payment of Pay As You Earn from the 14th to the 10th of every month.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

60. Statutory Instrument No. 103 of 2016 – The Value Added Tax (Exemption) (Amendment) Order, 2016

The objective of the Statutory Instrument was to change Group 5 – Transportation Services of the Value Added Tax Exemption Order - to clarify that the exemption of transportation services excluded supplies of a sporting or leisure character and that any sporting or leisure activities that did not constitute transportation services be taxed at 16 percent.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

61. The Ministerial and Parliamentary Offices (Emoluments) (Amendment) Regulations, 2017

The objective of the Statutory Instrument was to increase the annual emoluments of the Ministerial and Parliamentary Office holders who included the Vice President, the Speaker, Deputy Speaker and Cabinet Ministers, among others.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

MINISTRY OF COMMERCE, TRADE AND INDUSTRY

62. Statutory Instrument No. 11 of 2017 – The Companies (Fees) (Amendment) Regulations, 2017

The rationale for the Statutory Instrument was to propose an amendment which had been necessitated by the upward revision of the fee unit from K0.20 to K0.30 by Statutory Instrument No. 41 of 2015, under *the Fees and Fines Act Chapter 45 of the Laws of Zambia*.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

MINISTRY OF HOME AFFAIRS

63. Statutory Instrument No. 15 of 2017 – The Immigration and Deportation (General) (Amendment) Regulations, 2017

The Statutory Instrument was issued to make amendments to the various immigration permit fees which had not been adjusted since 2010.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

MINISTRY OF LANDS AND NATURAL RESOURCES

64. Statutory Instrument No. 106 of 2016 – The Lands (Ground Rent, Fees and Charges) Regulations, 2016

The Statutory Instrument was issued to enhance compliance to pay the market value of consideration fees and subsequently enhance revenue collection by the Ministry.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

MINISTRY OF FISHERIES AND LIVESTOCK

65. Statutory Instrument No. 105 of 2016 – The Animal Health (Veterinary Services Fees) Regulations, 2016

The Statutory Instrument was issued to stipulate the new cost reflective veterinary service fees as reflected in the schedule to the Statutory Instrument.

Committee's Observations and Recommendations

Your Committee notes the issuance of the Statutory Instrument.

PART II

LOCAL TOUR REPORT

In line with its oversight mandate, your Committee undertook local visits to selected Government institutions and departments, in order to appreciate the implementation of various Statutory Instruments and make recommendations thereon. Your Committee's findings and recommendations are set out hereunder.

THE JUDICIARY

Statutory Instrument No. 8 of 2016 – The Anti-Gender-Based Violence (Court) Rules, 2016

Your Committee visited the Subordinate Court, Magistrates Complex, where one of the Anti-Gender Based Violence Fast Track Courts was situated. Your Committee interacted with high ranking magistrates who acquainted your Committee on the application of the rules and the operations of the fast track court. Your Committee learnt that the Anti-GBV court rules were only applicable to civil proceedings under *the Anti-Gender-Based Violence Act, 2011* in the Subordinate Court and they made provision for injunctive relief in the form of protection orders and economic orders. Your Committee learnt that the majority of GBV cases were of a criminal nature, such as rape, defilement and sexual assault. These were handled in the normal way under the provisions of the Criminal Procedure Code. These matters were not fast tracked as was the case with civil proceedings and as a result they tended to take much longer to be disposed of. Your Committee further learnt that owing to the serious nature of GBV cases, there was need to come up with similar rules for criminal proceedings that hinged on gender based violence.

Your Committee was taken on a conducted tour of the facilities that were used in GBV cases to protect victims of GBV. The facilities included a court room, video link and public address systems.

Committee's Observations and Recommendations

Your Committee observes that the Anti-GBV rules only applied to civil proceedings which were normally fewer than GBV cases of a criminal nature. Your Committee recommends that the Judiciary should consider further law reforms to incorporate the fast tracking of gender or domestic violence cases.

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

Your Committee, therefore, recommends that the Judiciary should consider including in their budget, a budget line for the purchase of more video conferencing equipment to be placed in all the court rooms at the magistrates' complex and gradually in all provincial centres. To this end, your Committee urges the Government to allocate resources to enable the Judiciary to avert these challenges. In the short term, your Committee recommends that the television set that was currently being used in the video conferencing, be fixed or replaced so that it can be providing better quality picture and sound.

MINISTRY OF TRANSPORT AND COMMUNICATION

Your Committee conducted public hearings in Kabwe, Ndola, Kitwe and Solwezi to collect public views on selected Statutory Instruments in the road transport sector. The findings from the public hearings are set out hereunder.

Statutory Instrument No. 76 of 2016 (Restriction on PSV Night Driving)

Stakeholders who attended the public hearings submitted as set out below:

The RTSA did not carry out any consultations with the stakeholders before issuance of the Statutory Instrument. They were of the view that most night accidents were usually caused by truck drivers and not bus drivers. They submitted that the regulation caused untold inconvenience to the travelling public who had to put up with 'make shift' sleeping arrangements which were not convenient especially for women, children, the sick and the aged. They proposed that the regulation should, therefore, only apply to trucks because apart from being the major culprits of night accidents, most trucks had inbuilt sleepers for at least two people.

The stakeholders also submitted that following the issuance of the regulation, small scale entrepreneurs, particularly cross border traders, had suffered serious losses in their businesses. This was because now they had to spend more on accommodation and other logistics including spending more time away from their businesses as the buses were not allowed to move after 21:00 hours. Your Committee heard that to circumvent this challenge, traders were now loading their goods on the buses, but would then hike private motor vehicles that were operating as pirate vehicles. All these factors led to an escalation in the cost of doing business, which cost was unfortunately passed on to the consumers of goods and services.

The stakeholders further submitted that there was a proliferation of pirate vehicles, which were being used as 'de facto' PSVs because they were not affected by the regulation. Your Committee heard that the scenario was in fact much more dangerous to the travelling public because the private vehicles such as Toyota Noah and Town Ace were not designed to carry passengers and goods beyond a certain weight and were not equipped with fire extinguishers and first aid boxes as was the case with PSVs.

The stakeholders also submitted that banning night driving without sorting out the real issues which affected motorists would not sort out the problem of road

accidents. They were of the view that in the short term, the RTSA and Police should enhance highway patrols especially at night to warn PSVs of impending danger, such as broken down vehicles. They also proposed that road lighting and markings should be prioritised especially on busy highways. As a long term solution, they proposed the improvement of the railways so that heavy cargo could be transported by railway. They also proposed the expansion of main routes to dual carriage ways, particularly from Lusaka to Ndola.

The stakeholders also noted that despite the regulation giving an allowance to PSV drivers to drive and park after 21:00 hours at a destination within 50 Kilometres radius of a municipality or post office, some traffic police officers either ignored or did not know about the provision and thus wrongly impounded buses found moving after 21:00 hours. The stakeholders, particularly bus operators, appealed that the RTSA should liaise with traffic police so that the 50km radius was clearly communicated to the traffic officers, otherwise it would lead to corruption at traffic check points.

The stakeholders submitted that due to the fact that the night ban ended at 05:00 hours in the morning, it was observed that traffic was now unusually high in the morning as both trucks and buses were jostling to get back on the roads. This resulted in congestion especially in cities such as Lusaka, Ndola and Kitwe thereby inconveniencing both private citizens and the travelling public. Further, due to the congestion on the highways caused by the simultaneous departure of trucks and buses, it was observed that it led to trucks moving in long convoys which posed a challenge to smaller vehicles when attempting to over-take. This situation was also compounded by the fact that some of the PSV drivers resorted to over speeding so as to beat the traffic and the 21:00 hours deadline, thereby endangering the lives of passengers and other motorists.

Committee's Observations and Recommendations

Your Committee notes that the passing of the Statutory Instrument was well intended in view of the increasing number of night accidents involving buses and trucks. Your Committee also notes that the issuance of the Statutory Instrument was done as a 'stop gap' measure to circumvent the occurrence of night accidents, until such a time that the highways were expanded. That notwithstanding, your Committee observes that at the time of passing the Statutory Instrument, the RTSA neglected to carry out broad stakeholder consultations on the ramifications of the regulations. Had the RTSA cared to consult the stakeholders, they would have achieved consensus and an agreeable middle ground. Your Committee further observes that the Statutory Instrument has led to some other challenges that may also lead to fatal road accidents. These include; massive traffic congestion, heavy trucks moving in long convoys and over speeding among others.

In view of your Committee's observations and the stakeholders' submissions, your Committee recommends that the RTSA should forthwith embark on stakeholder consultations with a view to finding a more acceptable solution that would take into consideration the business challenges of operators and traders and most importantly the lives of travellers. Your Committee also recommends that the RTSA

should embark on sensitisation of both traffic police and bus operators on the interpretation of the regulation regarding the 50km radius which has caused some enforcement challenges and may potentially be a source of corruption.

Your Committee took note of the statistics which were provided by the RTSA regarding the reduction of night accidents involving PSVs, after the issuance of the Statutory Instrument. Your Committee, therefore, recommends that the ban as it relates to trucks should be lifted so as to allow trucks to move throughout and therefore ease congestion especially during day time. This is in view of the fact that buses carry more people than trucks whose lives could not be risked to travel at night.

While on tour, your Committee had the occasion of observing the presence of pirate vehicles operating from undesignated stations in Kitwe travelling to as far as Solwezi and Nakonde. Your Committee recommends that the Ministry of Transport and Communication through the RTSA and the Ministry of Home Affairs through Traffic Police, combine efforts to bring this dangerous practice to an immediate end. If left unchecked, the nation risks the needless loss of lives through road traffic accidents, which can otherwise be avoided.

In view of the increased volume of heavy duty trucks and buses on the roads during morning and day time, your Committee recommends that there should be increased highway patrols to help ease the passage of faster motor vehicles which normally contend with overtaking long convoys of trucks and in the process cause road accidents.

Statutory Instrument No. 79 of 2016 (Seat-Belt and Child Car Seat)

The stakeholders submitted that they welcomed the Statutory Instrument particularly as it relates to child car seats. The installation of seat belts in all motor vehicles was, however, received with mixed feelings. Most stakeholders expressed concern about the practicality of installing seat belts in Toyota Hiace mini buses, which were imported into the country as panel vans without passenger seats and seat belts. They submitted that the seats that the Hiace buses had were improvised locally and in the event of an accident the seats usually came off resulting in serious fatalities. If, therefore, they had seat belts, this would mean that in the event of an accident, the seats would come off, but the passengers would still be strapped in the seat belt and the consequences of such an accident would be too ghastly to contemplate. Other stakeholders submitted that while the installation of seat belts in all public service vehicles was a welcome move, there was no known manufacturer and installer of seat belts in Zambia. Therefore, the regulation would only serve as a means of harassment by the Police knowing fully well that such motor vehicles shall never be installed with seat belts. The stakeholders also submitted that in view of the difficulty associated with installation of seat belts especially in imported panel vans, the Government should have started by immediately banning the importation of such vehicles and in the long term phase them out gradually. To this end, the stakeholders suggested that the Government should assist those who operate with a loan facility to phase out their fleet and acquire new ones installed with seat belts.

Committee's Observations and Recommendations

Your Committee observes that the Statutory Instrument was well intended, but its objectives may never be realistically realised based on the above highlighted challenges. Your Committee agrees with the stakeholders and, therefore, recommends that the starting point would be to ban the importation of vehicles which are not fitted with seat belts. In order to find a lasting solution, your Committee recommends that the Government, through the RTSA, should institute a consultative process with the stakeholders aimed at finding an acceptable outcome in the context of the challenges stated above. Your Committee is alive to the huge cost implication that would be incurred by the State to phase out mini buses without seat belts. Your Committee, therefore, recommends that the amnesty granted to bus owners to install seat belts should continue until the consultative process is completed.

Statutory Instrument No. 80 of 2016 (PSV drivers driving hours)

On this Statutory Instrument, all the stakeholders were unanimous in welcoming its issuance as it was in line with employment laws which required employees to work for a maximum eight hours a day.

Committee's Observations and Recommendations

Your Committee in noting the issuance of the Statutory Instrument urges the Government to ensure that the Statutory Instrument is strictly enforced by RTSA and Traffic Police by checking each bus operator's log book at departure and arrival time, so that drivers are not subjected to long driving hours, which result in driver fatigue and could lead to accidents.

Statutory Instrument No. 90 of 2016 (Speed Limits Regulations)

The stakeholders submitted that the issuance of the Statutory Instrument negatively affected PSVs that were already restricted to moving only at night. They complained that in addition to night driving restriction, their situation was compounded further by speed limit restrictions during the allowed day time driving. They emphasised that this was another classic case of non consultation on the part of the RTSA. They further submitted that the regulation did not make business sense as they were barely breaking even in terms of their profits. They highlighted that instead of the imposed speed limits, the RTSA should institute other mechanisms such as placing speed humps in the dangerous spots, but maintain the status quo.

The stakeholders further submitted that the imposition of the speed limits would lead to corruption by law enforcement officers who were notorious for mounting 'secretive' speed traps, which had earned a negative public perception as places of solicitation of bribes.

Committee's Observations and Recommendations

Your Committee observes that the issuance of the Statutory Instrument was ill timed as it constricted the PSVs that were already under restriction not to move at night. Your Committee observes that since the passing of the regulation in 2016, there had been no visible activity to mount speed limit signs on the roads. Your Committee also notes that there is a public perception that speed traps that are mounted by traffic police have become notorious points for solicitation of bribes. To this end, your Committee recommends that the Statutory Instrument be amended so that private motor vehicles be allowed to move at 120km/h on the highways. Your Committee also recommends that the RTSA should enhance traffic patrols as well as put up permanent speed deterrents such as humps or speed cushions on selected parts of the roads especially those stretches notorious for accidents.

MINISTRY OF HOME AFFAIRS

Statutory Instrument No. 44 of 2016 (The Births and Deaths Registration Rules)

Your Committee visited the Copperbelt National Registration office in order to appreciate the implementation of the Statutory Instrument. Your Committee learnt that the Statutory Instrument was issued with the aim of making the capturing of vital civil statistics more effective and efficient through decentralising the points of registration. It was issued after a baseline study done by the Ministry of Home Affairs with the help of a cooperating partner, which had shown that there was a high rate of non registration of births and deaths mainly because there was hitherto a centralised system of registration. Following the issuance of the Statutory Instrument, the Ministry of Home Affairs had partnered with the Ministry of Health and created about 222 registration desks in selected health facilities. To this end, the Ministry had revised the birth registration form from five to one page in order to make it simple to complete and thereby improve on the time taken to attend to one client. The Ministry had also trained health personnel in data capturing skills.

Your Committee was then accompanied by officials from the Ministry to Chipulukusu Health Centre in Ndola to observe how the registration process was being done. Your Committee interacted with trained health personnel responsible for the capturing of vital statistics from clients. Your Committee was taken through the processes and procedures of birth registration and how the health centre linked up with the regional registration office in producing birth certificates. At the time of the visit, your Committee had sight of birth certificates that were ready and pending collection from the health centre.

Committee's Observations and Recommendations

Your Committee observes that the issuance of the Statutory Instrument has gone a long way in decentralising the registration process of vital statistics. Your Committee further observes that the decentralisation process is a long term project which will be rolled out to all districts of Zambia. Your Committee, therefore, recommends that in order for the Government to sustainably implement the project as envisaged,

sufficient funds should be allocated to it. The Government should prioritise rural health centres especially those located close to border areas where there is free movement of people and easy accessibility of health facilities by foreigners.

MINISTRY OF LOCAL GOVERNMENT

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

Following the issuance of the Statutory Instrument establishing Kalumbila and Mushindamo Districts of North Western Province, your Committee resolved to visit the two districts in order to appreciate the extent to which the Statutory Instrument was being implemented.

With regard to Kalumbila District, your Committee interacted with the District Commissioner (DC). Your Committee was hosted at an office block constructed by Lumwana Mine Company and used as the civic centre offices, where the DC was currently squatting. Your Committee was, however, informed that a site where the district administration would be constructed had been identified and developments would begin as soon as Title formalities were concluded by the Commissioner of Lands. Your Committee was also informed that several Government departments had moved to the district although they were operating elsewhere due to lack of office space. The district also had a staff establishment of about 200, but this was awaiting Treasury approval for it to be rolled out. The DC's office, therefore, remained with a lean staff complement, which was also beset by lack of accommodation and transport.

With regard to Mushindamo District, your Committee met with the DC in Solwezi because the district did not yet have decent office infrastructure to host your Committee. Nonetheless, your Committee still undertook the 180km journey to Mushindamo which took over five hours one way due to the poor state of the road. Your Committee found that apart from the DC's small office housed at the local clinic, there was nothing else in place in terms of infrastructure and administrative systems and staff to operate a district office. Your Committee was, however, informed that the proposed District Administration Office would be constructed at a place called Saint Dorothy, which was located very far from where the current 'make – shift' office was situated.

Committee's Observations and Recommendations

Your Committee observes that since the issuance of the Statutory Instrument, there was little progress made to develop the two districts. While appreciating that Kalumbila seemed to have a plan in place in terms of how it will be developed, there are no resources to realise the plan. Your Committee, therefore, recommends that the Government should allocate sufficient resources to ensure that development of the District would start as soon as possible. Your Committee also recommends that

Treasury authority be granted so that funds can be released for the actualisation of the staff establishment which is required to administer district plans and activities. With regard to Mushindamo, your Committee observes that the place is still undeveloped, particularly because the Solwezi – Kipushi Road along which the District is located was in a deplorable state. Your Committee observes that the said road is a very important economic road due to the high volume of trucks laden with goods and services moving between Zambia and the Democratic Republic of Congo. Your Committee recommends that the Government should prioritise the rehabilitation of the road in order to trigger socio – economic developments that will be beneficial to the development of the District. Your Committee also recommends for the sufficient allocation of funds to Mushindamo District in order to commence the construction of infrastructural and administrative facilities, which should be based at the place where the DC is currently housed and not at Saint Dorothy.

Committee's General Observations and Recommendations

Your Committee observes that there was usually a time lapse between the time a Statutory Instrument was issued by a Government Ministry or Agency and the time when it was scrutinised by your Committee on Delegated Legislation. Your Committee notes that this has in some instances created difficulties because implementation of the Statutory Instrument starts immediately upon its issuance and may invoke public outcry before your Committee has had a chance to consider it. To this end, your Committee recommends that Government ministries and agencies, should consider engaging with stakeholders including Parliament before a Statutory Instrument is issued, especially where it is perceived that it may receive resistance by the stakeholders.

Your Committee also observes that there is usually delay by issuing authorities to send explanatory memoranda to Parliament, which is required by your Committee to carry out its work. Your Committee recommends that the Secretary to Cabinet in liaison with the Parliamentary Business Division in the Office of the Vice President, should ensure that as soon as Statutory Instruments are issued, explanatory memoranda thereon should be sent to Parliament for the attention of your Committee.

PART 3

CONSIDERATION OF THE ACTION TAKEN REPORT (ATR) ON THE REPORT OF THE COMMITTEE FOR THE FIFTH SESSION OF THE ELEVENTH NATIONAL ASSEMBLY

Your Committee considered the ATR on the Report of your Committee for the Fifth Session of the Eleventh National Assembly as highlighted below.

Statutory Instrument No. 80 of 2015 - The Information and Communication Technologies (Telecommunication Traffic Monitoring) Regulations, 2015

The Statutory instrument was issued to facilitate for the monitoring of in-coming traffic in order to ensure revenue assurance, eliminate fraudulent traffic, monitor quality of service and implement a levy on the international and domestic traffic.

Your previous Committee had observed that the construction of cellular phone towers of lower capacity by mobile phone companies had continued which had resulted into certain communities, especially those in rural areas being unable to access some basic cellular phones. In that regard, your Committee had implored the Government to address the issue.

It was reported in the ATR that the Ministry of Transport and Communication in collaboration with the National ICT Regulatory Agency, the Zambia Information and Communication Authority provided for quality of service guidelines that all Mobile Network Operators were to adhere to in provision of services. The Ministry through ZICTA committed to ensuring enhancement of the monitoring of quality of service from the Mobile operators.

Committee's Observations and Recommendations

Your Committee resolves to await an update report regarding the role that ZICTA will play to ensure that Mobile Network operators improved their quality of service.

Statutory Instrument No. 73 of 2013- The Tolls Regulations

The Statutory Instrument was issued to facilitate the tolling of vehicles which as per provisions of *the Tolls Act No. 14 of 2011* was to form part of the Road Fund meant for financing maintenance and rehabilitating of public roads.

Your previous Committee had wished to know what system the Government was going to put in place to ensure that users who passed through a toll gate more than once a day in a day were not charged repetitively.

It was reported in the ATR that the Government through the implementing Agencies was working on introducing discounts for people who lived in the vicinity of the toll plazas and also for people who used the road frequently but did not necessarily stay within the vicinity of the toll plazas. The National Road Fund Agency (NRFA) was currently working on a software development and proposes to review the tolling legislation.

Committee's Observations and Recommendations

Your Committee resolves to await a progress report on the measures the NRFA has proposed.

Conclusion

Your Committee wishes to pay tribute to all the stakeholders who appeared before it and made both oral and written submissions. It also wishes to thank you, Mr Speaker, for your invaluable guidance throughout the Session. Your Committee also appreciates the services rendered to it by the Office of the Clerk of the National Assembly. Your Committee is confident that the observations and recommendations contained in this Report will be favourably considered and fully implemented by the Executive in the interest of the Zambian public.

B Kambita, MP
CHAIRPERSON

June, 2017
LUSAKA

APPENDIX I

List of Officials

Mr S C Kawimbe, Principal Clerk of Committees
Ms M K Sampa, Deputy Principal Clerk of Committees
Ms F Nabulyato, Senior Committee Clerk (SC)
Ms G Zulu, Committee Clerk
Mrs M H Mweele, Stenographer
Mr C Bulaya, Committee Assistant
Mr D Lupiya, Parliamentary Messenger